

WEST COAST DISTRICT MUNICIPALITY

BY-LAWS RELATING TO THE CONTROL OF BOATS AND BOATING ON THE BULSHOEK DAM

1.0 Definitions

In this by-law, unless the context otherwise indicates

- 1.1 “authorised officer” means any person authorised by the municipality to perform the functions of an authorised officer under this by-law or a member of the South African Police Service;
- 1.2 “boat” or “vessel” means any conveyance shorter than 7,62 metres capable of floating on or in water or designed to navigate on or in water and includes, but is not restricted to a motor boat, sailing boat, rowing boat, canoe, paddle ski, power boat, fishing boat, flat-bottomed boats, jet-driven boat, jet-ski, ferry, houseboat, water cycle and raft;
- 1.3 “bow” means the front part of a vessel;
- 1.4 “canoe” means a vessel excluding a rowing boat designed to be propelled by means of paddles without any mechanical assistance;
- 1.5 “municipality” means the West Coast District Municipality;
- 1.6 “dam” means a water work owned or controlled by the Minister and includes the land on which it is situated and which control have been delegated to the West Coast District Municipality;
- 1.7 “due date” means 30 June of every year or such other date as may be determined by the Municipality;
- 1.8 ‘DWAF’ the Department of Water Affairs and Forestry
- 1.9 Flags
- 1.9.1 “red flag” an international recognized flag with a minimum size of 300mm x 300mm that must be held up and kept up when a boat has an emergency situation onboard. Other boats must assist. Extreme caution should be taken when approaching a red flag boat. There might be people in the water around such a boat;
- 1.9.2 “red flag” an international recognized flag with a minimum size of 300 mm x 300 mm that must be held up and kept up until a skier boards the boat or resumes skiing. Other boats must keep their distance even in passing;

- 1.10 “helmsman” means a person who steers or controls a vessel;
- 1.11 “houseboat” includes any vessel, irrespective of whether or not it is propelled under its own power, upon which facilities for day or night accommodation or for any kind of food preparation have been provided, or a vessel upon which any kind of toilet or washing facilities have been provided;
- 1.12 “inland waters” water or water surface of a government water work;
- “kill switch” means a mechanism which is attached to the skipper or operator of a small vessel and which stops the engines should that person lose their footing or become otherwise incapacitated;
- 1.13 “neighbourhood of dam” land associated and adjacent to the government water work which includes State land and private land;
- 1.14 “operate” or “control” in relation to a boat, means to launch, use, sail, navigate or moor a boat;
- 1.15 “permission” means the written permission of the municipality;
- 1.16 “pollution” means the direct or indirect alteration of the physical, chemical or biological properties of a water resource so as to make it less fit for any beneficial purpose for which it may reasonably be expected to be used; or
- 1.16.1 harmful or potentially harmful -
- a. to the welfare, health or safety of human beings;
 - b. to any aquatic or non-aquatic organisms;
 - c. to the resource quality;
 - d. to property;
- 1.17 “Port” means the left side of the boat as seen from the stern;
- 1.18 “power-boat” means a vessel propelled by means of an engine or other mechanical apparatus, either in- or outboard, irrespective of whether or not such engine or apparatus is the main source of power;
- 1.19 “recreation activities” means any activity practised in or on the water of the dam with or without the use of a boat or vessel;
- 1.20 “registered boat” a boat issued with an identification number according to section 6 of the by-law;
- 1.21 “rowing boat” means a vessel excluding a canoe designed to be propelled by means of oars without any mechanical assistance;

- 1.22 "sail" or "under way" means a vessel, which is moving on or in the water under its own normal power;
- 1.23 "sailing board" a surfboard of any size, which is propelled exclusively by means of a sail;
- 1.24 "sailing boat" includes every boat that is under sail and is not propelled by mechanical power;
- 1.25 "side zone" first 20 metres water from the sides of the dam, including islands;
- 1.26 "starboard" means the right side of the boat as seen from the stern;
- 1.27 "stern" means the back part of a vessel;
- 1.28 "user" a person issued with a licence and an identification number according to section 6 of these by-laws, who needs to inform himself of the by-laws;
- 1.29 "visible" means visible by somebody with reasonable eyesight during a dark night when the atmosphere is clear;
- 1.30 "water area" the surface water of the Bulshoek Dam;
- 1.31 "water cycle" a vessel that is propelled by means of a step pedal mechanism;
- 1.32 "water ski" means to ski or skate on or in the water with or without the assistance of any kind of skating apparatus and where the water skier is towed by a vessel by means of a towing-rope;
- 1.33 "water skier" or "skier" a person water skiing;
- 1.34 "zoning map" means the map of the surface area of the Bulshoek Dam which has been divided into a number of specific sectors or zones for the exercising of a particular activity(s) or for the prohibition of any activity and which may possibly be zoned for conservation purposes;
- 1.35 "zones" various sectors or zones demarcated with coloured buoys;
- 1.36 "him" should be read as { him or her };
- 1.37 "he" should be read as { he or she }.

2.0 Operation or control of boats on the dam

- 2.1 No person shall operate or control any boat or vessel on the dam of 10 hp {4.5kw} or more excluding a canoe, unless the boat has been registered and licensed by the Municipality in terms of this by-law and the identification number allocated by the Municipality is displayed according to the provisions of this by-law.
- 2.2 No person under the age of (16) sixteen years shall operate a boat equipped with a motor of 10 hp (4.5kw) or more, unless such person is accompanied by a person over the age of sixteen years. Where any licensee of a boat allows any person who, in the opinion of an authorised officer, is not competent to operate or control such a boat efficiently the authorised officer(s) may direct the incompetent person not to operate or control the boat. If he then continues, the licensee shall be guilty of an offence.
- 2.3 No person shall launch a boat on the dam except from an approved launch area. It is recommended that each launch area have at its disposal a facility where boat owners can sign their boats in and out. Boats must be launched at the zone where the boat is registered except when there is, for some practical reason, an agreement between the riparian owner.
- 2.3.1 Approved Launch Areas
- a. Rondeberg
 - b. Nardouw
 - c. Riviera
 - d. Thys Louw
 - e. Hennie Joubert
 - f. Francois van Heerden
 - g. Braam Compion
 - h. Hilda Compion
- 2.4 No person shall operate a boat on the dam:
- 2.4.1 in a reckless, annoying or negligent manner;
 - 2.4.2 while he is under the influence of liquor or a narcotic drug, or while the percentage of alcohol in his blood is 0,05 or more, expressed in grams per hundred millilitres of blood;
 - 2.4.3 while he is suffering from an infirmity that renders him unfit to do so;
 - 2.4.4 in a manner dangerous to the public or to the occupants of the boat or in a manner to endanger or damage any property or facility;
 - 2.4.5 in a manner, which constitutes a nuisance;
 - 2.4.6 without reasonable consideration for the rights of other persons using the dam;
 - 2.4.7 while it is leaking oil, petrol or any toxic or noxious substance;

- 2.4.8 if it has more persons on board than the vessel was designed or built to carry or stated on the licence;
- 2.4.9 if the boat is not registered and licensed with the Municipality and the identification number issued in respect of the boat is not affixed and the number is not clearly visible;
- 2.4.10 No boat races are permitted on the dam except with the permission of the Municipality.
- 2.4.11 Boats may only cruise in the side zones if done at idle speed. Beware of swimmers. The 20 metres around all the islands are considered side zones.

3.0 Equipment of vessels

- 3.1 No person shall use any vessel excluding a canoe, paddle ski or sailing board on the dam unless the following equipment is on board;
- 3.1.1 an effective life belt, life buoy or other floating device for each person on board;
 - 3.1.2 sufficient and suitable oars, paddles or a pole to land the vessel;
 - 3.1.3 a pump or other suitable bailer, unless the vessel has been designed to float with the maximum permissible number of persons on board even if it is waterlogged;
 - 3.1.4 in the case of a powerboat a suitable waterskiing rear mirror. This is only a recommendation;
 - 3.1.5 in the case of a powerboat, an effective whistle or siren, which can be used to prevent collisions and also as a warning after an accident;
 - 3.1.6 in the case of a power-boat, an effective fire extinguisher;
 - 3.1.7 an efficient flame-arrester for each carburettor of any inboard petrol engine on the vessel;
 - 3.1.8 an efficient silencer on the exhaust of an engine-driven vessel;
 - 3.1.9 the following navigational lights must be visible at a distance of at least 200 meters, when the vessel is used between sunset and sunrise, {the vessel must not exceed idle speed}:
 - (a) in the case of a powerboat a white light visible from all sides of the boat and as seen from the bow {front of boat} a green light on the starboard side and a red light on the stern;
 - b) in the case of vessels such as a sailing boat, canoe, sailing board and a paddle ski, a lantern or flash light which may be shown in order to prevent collisions;
 - 3.1.10 a suitable container for refuse;
 - 3.1.11 a suitable anchor with a sufficient anchor line;
 - 3.1.12 all life-saving equipment on board a vessel in the water must be in good working condition and within easy reach for immediate and effective use;
 - 3.1.13 a red flag in case of powerboats, which is a sign of an emergency. Other boats must assist;
 - 3.1.14 a yellow flag in case of powerboats, which is a sign of caution for instance when a skier is down. Other boats must keep their distance especially when overtaking;
 - 3.1.15 an operational kill switch which is attached to the operator.

3.1.15 It is strongly recommended that a cell phone is taken on board in case of an emergency.

4.0 Rules for boat traffic

- 4.1 Boat traffic is allowed from 30 minutes before sunrise to 30 minutes after sunset. { also see 3.1.9 }
- 4.2 Jet ski's must be handled like powerboats. They may be used between 08.00 and 13.00 and 15.00 and 17.00. If jet ski's want to perform tricks, they have to use the northern part of the dam, north of Rondeberg up to the buoys before the dam wall.
- 4.3 No person shall leave a vessel unattended in the dam area, unless it has been properly anchored, moored or removed to dry land at a safe height above the water level.
- 4.4 No vessel shall be launched at any place other than approved by Municipality. Authorised officers may move any vessel or moor it at any other place without the consent of the owner if he deems this to be in the public interest.
- 4.5 No vessel shall be moored to any other vessel or to a marker, buoy or other navigational aid;
- 4.6 The helmsman of any vessel must ensure that he can at all times exercise full control over the vessel while it is under way.
- 4.7 The helmsman of any vessel towing a line, cable or rope for any purpose whatsoever, must ensure that he does not endanger any other person or cause any inconvenience,
- 4.8 No person shall handle a vessel or allow it to be handled in such a manner that it endangers or creates a nuisance to any other vessel or the occupants thereof or to other persons or property or installations in the water or at the water's edge.
- 4.9 No power-boat which is under way and no person practising water skiing in the water area, shall approach closer than 20 metres from the shoreline or 20 metres to any spot where people are swimming or closer than 10 metres from any other vessel, unless-
 - 4.9.1 circumstances are such that the said distances cannot be maintained;
 - 4.9.2 assistance is being given in an emergency situation; or
 - 4.9.3 a powerboat or a water skier landing or leaving the shore.
- 4.10 In all cases when the prescribed distances cannot be maintained, as set out in 4.9 the powerboat must immediately reduce its speed to less than 10 km per hour.
- 4.11 No person shall be on the bow, forward deck or gunwale of any powerboat, which is under way, unless sufficient safety rails or guardrails have been installed.
- 4.12 No person shall jump or dive from any powerboat which is under way, except when help is being given in an emergency or when it is necessary to moor or to land the powerboat.

- 4.13 Where it is possible a vessel shall be piloted in such a manner that the median line of the sailing area shall always be on the port side of the vessel, in other words all powerboats must move in an **anticlockwise** direction.
- 4.14 Whenever two vessels approach each other head-on or approximately head-on, each must be piloted in such a manner that it passes the other on its own Port side and subject to the provisions of subsection (4.9) at such a distance and at such speed that the wake of either of the vessels shall not endanger the other.
- 4.15 No vessel shall pass another vessel which is proceeding in the same direction, unless it is safe and when it does, the other vessel should be passed on its Port side and subject to the provisions of subsection (4.9) and at such a distance and at such a speed that its wake shall not endanger the other vessel;
- 4.16 a vessel that is passed shall maintain its speed and direction until the passing vessel is safely past.
- 4.17 Whenever two vessels approach each other in a manner other than referred to in subsections (4.14), (4.15) and (4.16) the vessel that finds the other on its port side shall maintain its speed and direction. The vessel that finds the other on its starboard side shall stay out of the way of the other vessel by changing its direction to starboard to be able to pass the other vessel from the stern and shall if necessary stop or reverse to avoid a collision.
- 4.17.1 Whenever two sailing boats are approaching one another in such a way as to involve risk of collision, notwithstanding the provisions of subsections (4.14), (4.15), (4.16) and (4.17) they shall keep out of each another's way as follows:
- (a) when each has the wind on a different side, the vessel that has the wind on the Port side shall keep out of the way of the other;
 - (b) when both have the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel that is to leeward. For the purpose of this subsection, the windward side shall be deemed to be the side opposite to that on which the mainsail is carried.
- 4.18 To avoid a collision between vessels, a powerboat shall give way to all other vessels. A rowing boat and a canoe shall give way to a sailing boat. when circumstances require it, notwithstanding the provisions of subsection (4.13), (4.14), (4.15), (4.16) and (4.17), provided that this by-law shall not give the right to the helmsman of any vessel to unnecessarily obstruct or interfere with the course of any other vessel.
- 4.19 The helmsman of any vessel shall maintain a safe and cautious speed in the area where vessels are moored, where angling is taking place or where buoys are placed and whenever visibility is obstructed due to fog or other causes, he shall pilot the vessel in such a manner that people, other vessels or other property are not endangered.
- 4.20 No vessel shall follow closer than 50 metres in the wake of a water skier. Boats and especially jet ski's must pay special attention when they are following a boat, which is

pulling a water skier. Their following distance behind the skier must always allow for any emergency or sudden actions of the skier and or the boat. Allow enough distance for a skier to fall or to move from side to side over the wake of the boat and for the boat to turn once a skier is down. Follow paragraphs 4.13 to 4.18 or stop.

- 4.21 No vessel or vehicle that is propelled by means of a propeller above the water, shall be used on or in the water area.
- 4.22 Except in the case of an emergency, no aeroplane shall land on or take off from the water area.
- 4.23 No boats should be left on the launch areas.
- 4.24 No racing boats are allowed.
- 4.25 No boats, except those on official business, may proceed beyond the buoys strung across the surface of the dam in front of the dam wall.

5.0 Water skiing

- 5.1 No person shall practice water skiing on the dam unless an effective life belt or other floating device is attached to his body.
- 5.2 No steel or metal cable or steel wire shall be used to tow a water skier.
- 5.3 The helmsman of any vessel that tows a water skier shall, before such skier is taken in tow, ensure that the helmsman and skier is familiar with the **Waterskiing Hand Communication and Signals**.
- 5.4 No water skiing shall be practised between 30 minutes after sunset and 30 minutes before sunrise. The Municipality may also prohibit water skiing at other times.
- 5.5 No vessel shall tow a water skier unless a second person { observer } not younger than 7 years , is present at all times in the vessel to observe the water skier. The observer must be positioned in such a way that he can keep an eye on the skier at all times. The observer must be familiar with the **Waterskiing Hand Communication and Signals**.
- 5.6 No water skier shall drop a water ski except at a spot where the discarded water ski does not constitute a danger to any other water skier or vessel.
- 5.7 As soon as a water skier drops the towing-line or when the skier falls or if the water skier has dropped the towing line by accident, the helmsman must immediately turn the boat around to support the skier and supervise the following actions by the observer:
 - 5.7.1 raise the yellow flag and keep it up until the skier is on board or resumes skiing;
 - 5.7.2 pull the towing-line on board
- 5.8 Water skiing shall only be permitted within the zones or sectors (if applicable) designated for water skiing on the zoning map.
- 5.9 **Waterskiing Hand Communication and Signals.**

The helmsman must make sure, before going on to the water for a skiing session , that the observer and the skier knows , understand and can execute the content of this manual.

6.0 Registration and licensing of boats

- 6.1 Any person intending to operate a boat on the dam shall apply in writing on the prescribed form to the Municipality for a registration and license for such boat.
- 6.2 Any such application shall be accompanied by the fees, as determined from time to time by special resolution of the Municipality.
- 6.3 If the application is not approved the fees shall be refundable.
- 6.4 A boat in respect of which an application for a licence has been made, shall on request be submitted for examination by an authorised officer of the Municipality on a mutually agreed place, time and date.
- 6.5 When applications for licenses are being considered the Municipality can make a distinction between riparians and non-riparian, landowners, house-owners and residents or members of a registered club who have permission to be on the dam and boats belonging to non-landowners, non-house-owners, non-residents and non-members to restrict the number of boats that can be licensed
- 6.6 The Municipality may approve or deny an application and may, in approving it, impose conditions as to the manner of operation of, or repairs, or alterations to such a boat as it may deem necessary in the interests of safety, or to ensure compliance with this by-law.
- 6.7 The Municipality may refuse to approve an application if it is satisfied that the operation of a boat;
- 6.7.1 is a source of pollution of the dam or the vicinity of the dam;
 - 6.7.2 cause a nuisance;
 - 6.7.3 constitute a danger to persons using it, to the public or any section of the public;
 - 6.7.4 has been denied or rejected at other dams;
 - 6.7.5 has been issued with too many warnings.
- 6.8 The annual registration of a boat is only transferable from riparian owner to user and from one boat to another as long as the licence(s) are the property of the relevant riparian owner in whose name the licence(s) are registered. The relevant riparian owner must ensure that the user(s) complete the prescribed application form and familiarise himself with the by-laws relating to the control of boats and boating on the Bulshoek Dam.
- 6.9 The registration shall specify the name of the person/riparian owner to whom it is issued, the maximum number of persons permitted to be carried in the boat, the type and overall length of the boat, the maximum power of the engine and the identification number allocated to the boat.

- 6.10 Registration and licensing of the maximum number of boats (determined by the Municipality) will solely be at the discretion of the Municipality and reasons will be given if it refuses to register or license a boat.
- 6.11 The Municipality reserves the right to limit the number of registrations issued per person/riparian owner.
- 6.12 Every user who is operating a boat on the dam, is responsible to become familiar with the by-laws and is responsible for his own actions.
- 6.13 If a boat is transferred, sold or disposed of, the onus rests with the seller to remove his identification number (boat licence) from his boat.
- 6.14 The riparian {licensee } is always responsible for his boat while it is on the water even if it is used by somebody else.
- 7.15 No boat longer than 7.62 meter will be registered.

7.0 Validity of licenses and displaying of tokens

- 7.1 The licence(s) of the riparian owner(s) expires on the 30th of June every year and is valid for a period of twelve months, or a period as may be determined by the Municipality.
- 7.2 The licensee of a boat shall affix the identification number to the boat in a manner prescribed by the Municipality. The license must be fixed to the outside starboard side in line with the helmsman. Although it is difficult for jet ski's , the I D Number must be visible from the bank of the dam on the starboard side of the jet ski.
- 7.3 The identification number is standard for all boats. The standard template is specified by the Municipality.
- 7.4 A licence shall lapse automatically if a boat has been removed by or on the authority of the Municipality.
- 7.5 If the Municipality is of the opinion that a boat no longer qualifies for licensing in terms of these by-laws, or in terms of any condition(s) on which the licence was issued, the licence may be cancelled after notice of thirty days.
- 7.6 The Municipality may cancel any licence if;
- 7.6.1 it is satisfied that the boat in respect of which such licence was issued is no longer safe or seaworthy, or is a source of pollution in the vicinity of the dam, or is operated in a manner which constitutes a nuisance or danger to other boats, or to the public or any section of the public;
- 7.6.2 the licensee has been convicted or repeatedly convicted of an offence relating to the operation or control of a boat in terms of this by-law.
- 7.7 If the Municipality cancels any licence in terms of this by-law, the authorised officer shall immediately notify the licensee of the cancellation, at the address as specified on the licence.

8.0 Fixing of tariffs, fees and levies

- 8.1 The Municipality may by special resolution determine tariffs, fees and levies for the licensing of boats, the provisions of discs and tokens.
- 8.2 In fixing tariffs, fees and levies the Municipality may distinguish between various classes of boats making use of the dam or any facilities, or in respect of their size, method of propulsion or use, or may make any other distinctions which in the opinion of the Municipality are relevant in fixing such tariffs or fees.

9.0 Fouling and pollution of the dam

- 9.1 No person shall, while he is in the water area;
 - 9.1.1 use indecent, offensive or improper language;
 - 9.1.2 behave in an offensive, improper or disorderly manner;
 - 9.1.3 stay, bathe or sunbathe in the nude or not properly clothed, whether on a vessel or not;
 - 9.1.4 wilfully or negligently do anything which will cause any other person using the water area inconvenience, or which may disturb the peace.
 - 9.1.5 shall allow any sewer pipe or tank to discharge into the dam or allow any other wastewater from any other source to drain into the dam.
 - 9.1.6 deposit or dispose petrol, oil, toxic or noxious substance into the dam.
 - 9.1.7 use any weed killers on or around the dam.
 - 9.1.8 throw any bottles, cans, garbage or refuse of any kind whatsoever into the dam or onto abutting land or any facility except in receptacles furnished for that purpose.
 - 9.1.9 by any act or omission, whether directly or indirectly, allow a nuisance or the creation or continuation of a source of danger, or allow any interference with the convenience or comfort of persons in the vicinity of the dam.
 - 9.1.10 foul or pollute the dam or land adjacent thereto or any facility in connection therewith.

10.0 Power of authorised officers

- 10.1 Any person who operates a licensed boat on the dam and contravenes any provision of this by-law may be ordered by an authorised officer to remove his boat immediately from the dam or to cease such contravention.
- 10.2 Any authorised officer shall have the right to board a boat at any time and to inspect it for the purposes of ensuring compliance with the provisions of this by-law.
- 10.3 Any authorised officer or person who is authorised in writing by the Municipality may in the water area:
 - 10.3.1 investigate and test any vessel or part thereof or any equipment thereon in order to determine whether the vessel is suitable for navigation on, or in the water and whether any particular provision of this by-law has been complied with;
 - 10.3.2 call for any information regarding the vessel from the helmsman and may, if the helmsman is unable to furnish the information, order him to remove the vessel from the water area until such time as the request may be complied with;
 - 10.3.3 require the helmsman to furnish his name and address and the name and address of the owner of the vessel and any other information required for identification purposes;
 - 10.3.4 require any other person in the vessel, other than the helmsman, to furnish his name and address as well as any other information required for identification;
 - 10.3.5 if it appears to him that the helmsman of any vessel, owing to his physical or mental condition irrespective of how this originated is not capable of steering the vessel, or to be in control of it, forbid the helmsman temporarily from continuing to steer or being in control of the vessel and may make any arrangements which in his opinion are necessary or advisable for the safe disposal of the vessel;
 - 10.3.6 if it appears to him that the load or number of persons transported in any vessel is more than the vessel was designed or built to carry or more than can be transported in reasonable safety under prevailing conditions, forbid the helmsman of such a vessel to proceed until the load or the number of persons has been reduced in the manner he considers necessary or advisable;
 - 10.3.7 if it appears to him that any vessel or part thereof is not navigable in or on the water, order the helmsman to remove the vessel immediately from the water area until such time as the vessel or part thereof has been made navigable in or on the water;
 - 10.3.8 if it appears to him that any of the equipment prescribed by this by-law is not on board the vessel, or in a good working condition, or not easily available for immediate use on board, order the helmsman to remove the vessel immediately from the water area until such time as all the provisions of this by-law regarding equipment have been complied with;

- 10.3.9 remove from the dam any fishing rod or line that has been left unattended if the rod or line constitutes a threat to the safety of others.
- 10.4 No person shall obstruct or interfere with an authorised officer whilst he is engaged in the execution of his duties or refuse to supply relevant and honest information.
- 10.5 The Municipality may subject to its Inland Waters Reservist Policy appoint any person it considers suitable as an Inland waters reservist for the carrying out of the provisions of this by-law. Each reservist shall, subject to the Municipality's Inland Waters Reservist Policy, have all the powers of an Environmental Officer and may exercise such powers within the area of jurisdiction of the Municipality for which he was appointed.

11.0 Removal of boats from the dam

- 11.1 If the owner of an unlicensed boat fails to remove his boat from the dam after having been requested to do so by any authorised officer, the Municipality may have the boat removed immediately.
- 11.2 In the event of the Municipality, cancelling any licence or if any licence expires or lapses in terms of this by-law, the owner of the boat, shall immediately remove the boat from the dam.
- 11.3 Any boat in or on the dam for which the fees as prescribed by the Municipality are in arrears for more than thirty days {30} , may be removed from the dam by the Municipality after written notice of the Municipality's intention has been given to the owner or the licensee.
- 11.4 If in the opinion of the Municipality, any boat constitutes a danger on the dam or causes pollution, the boat will be removed by the Municipality.
- 11.5 Where the Municipality is entitled to remove a boat, an authorised officer may make any arrangements considered necessary by him to ensure the removal of the boat, and the Municipality may recover the cost of the removal from the owner.
- 11.6 If a boat is removed from the dam in terms of the provisions in section 11.0 and the boat is not claimed within ninety days after the removal or within ninety days (90) after a written notice has been given and all fees in arrears have not been paid, the Municipality may confiscate the boat by court order to claim fees in arrears.

12.0 General

- 12.1 No person shall, in the water area, without the prior written consent of the Municipality.
 - 12.1.1 offer for reward or profit any show, entertainment or conduct any business or trade;
 - 12.1.2 keep or use any vessel for the transport of passengers or goods for payment or reward;
 - 12.1.3 hold any fishing competition; or
 - 12.1.4 hold any race, meeting or regatta.
- 12.2 boats or any person can only in the case of an emergency or with the permission of the riparian owner encroach or camp on his property.
- 12.3 House Boats
 - 12.3.1 Before a riparian wants to acquire or build a houseboat he must get permission from the WCDM. The application must include plans, configuration and reason;
 - 12.3.2 It must not be used as accommodation;
 - 12.3.3 It must only be used in side zones;
 - 12.3.4 It must always return to the zone where it is registered;
 - 12.3.5 Only one house boat per riparian is allowed;
 - 12.3.6 It must be licensed. The licence fee might be different to normal boats and will be determined by the Municipality every year.
 - 12.3.7 It must be in good style;
 - 12.3.8 Engine and power will be limited taking into account weight and speed;
 - 12.3.9 All rules for boating apply.
- 12.4 Erect any structure in or on the water area.
- 12.5 When the Municipality grants its authority in terms of section (12), the Municipality may set the conditions which it sees fit in the circumstances in any particular case, to ensure the safety of the public.

13.0 Ecology

- 13.1 No person is allowed;
 - 13.1.1 to fish from a bridge or dam wall;
 - 13.1.2 to scuba dive, spearfish or use fish nets other than a landing net without a permit; or
 - 13.1.3 to engage in angling activities without a licence;
 - 13.1.4 to discharge a fire arm in the water area, except an authorised officer in the performance of his duties or for the firing of blank cartridges during authorised organised events or to signal distress;
 - 13.1.5 to overnight in the water area or on any island within the water area except in an emergency or with written permission of the Municipality;
 - 13.1.6 to deface or otherwise interfere with any notice board, notice, sign, buoy or marker erected, posted or placed in the water area by the Municipality;
 - 13.1.7 to disturb, injure, or feed any waterfowl or other wild animal in the water area;
 - 13.1.8 to pick, uproot, fell or damage in any way plants or trees growing in the dam area.

14.0 Swimmers

- 14.1 Must keep within the 20 metre side zones and always be visible and recognisable by wearing something bright.
- 14.2 If somebody wants to swim outside the 20-meter zone, for example swimming across the dam, a boat must always accompany the swimmer flying the yellow flag.

15.0 Exception from liability

- 15.1 The Municipality shall not be liable for any injury, which is sustained by any person using the dam or any facility, or for damage to any property thereon whatever the cause may be.
- 15.2 The Municipality as a whole, individual Municipalityors, any person or independent contractor in the service of the Municipality or any authorised officer , shall not, except in the event of any wilful act or omission on the part of the Municipality or the said persons, be liable for any loss or damage to property which is caused by or arises out of, or in connection with anything which is done or performed in good faith in the exercise or performance of a power or duty conferred or imposed in terms of this by-law.
- 15.3 If any question arises as to the good faith of any such person, his good faith shall be presumed unless the contrary is proved.

16.0 Penalty

16. Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to—
 - 16.1 a fine or imprisonment, or either such fine or such imprisonment or both such fine and such imprisonment;
 - 16.2 in the case of a continuing offence, an additional fine or an additional period of imprisonment or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and
 - 16.3 a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention.
 - 16.4 All fees and fines recovered under this by-law shall accrue to the municipality and shall be used expressly for the implementation and application of this by-law.

17.0 Delegation of power

The Municipality may delegate and/or transfer any powers conferred on it under this by-law, with the exception of the power to levy or determine fees, to any person or persons or organisation. and such person or persons or organisation shall after such delegation or transfer have the same power as the Municipality would have had in terms of the provisions of this by-law.

18.0 Waiver of by-law

The Municipality may, if it deems it desirable to do so, waive compliance with any provision of this by-law, or permit deviations, exceptions and exemptions in respect of any provisions of this by-law, subject to such conditions as it may deem fit.