

The Administrator has approved the subjoined by-law framed by the Municipal Council of Milnerton.

MILNERTON MUNICIPALITY: BY-LAW RELATING TO THE USE AND CONTROL OF THE RIETVLEI WATER AREA

Definitions

1. In this by-law, unless the context indicates otherwise -

"Council" means the Municipal Council of Milnerton, and includes any employee of the Council exercising powers or performing duties or functions delegated to him by the Council, and

"Rietvlei Water Area" means the area of land and water comprising approximately 173,5 ha, being erf 8611 Milnerton and erf 10085 Milnerton abutting Otto du Plessis Marine Drive within Milnerton Municipality.

Applicability of by-law

2. This by-law shall apply to the Rietvlei Water Area.

Offences relating to safety and nature conservation

3. No person shall, whilst within the Rietvlei Water Area -

(a) dump, deposit, leave, spill, drop or place in or upon the Rietvlei Water Area any fruit, fruit peels, bottles, broken bottles or glass, litter or any matter or thing likely to affect the cleanliness of the said area or in any way to affect the safety, comfort or rights of the other users of such area;

(b) use the water area for swimming;

(c) use a radio, tape recorder, record player or other device so as to cause a nuisance or disturbance to other users of the area;

(d) light a fire except in specified areas;

(e) damage or destroy any vegetation;

(f) destroy or disturb any animal or insect life nor bring into the area any firearm, trap or snare;

(g) undertake the netting of fish;

(h) use a motor vehicle except on specified roads and parking areas and then only at a speed not exceeding 10 km/h;

(i) allow any child under his or her care to play within 10 m of the slipway or launching ramps, and

(j) bring or allow any dog under his or her control into the Rietvlei Water Area.

Rules to be observed in the Rietvlei Water Area

4. The following rules shall be observed by any person bringing into or operating any power boat or sailing boat, or water ski-ing or aquaplaning within the Rietvlei Water Area and any person who fails to comply with such rules shall be guilty of an offence: -

(1) Rules relating to power boats

(a) Area of operation. All boating shall be confined to the dredged deep water area forming the two lakes.

(b) Restriction. The operating of power boats may, at the discretion of the Council, be restricted to fixed times and the Council shall have the right to restrict the number of vessels which may operate on the water area at any one time.

(c) Control of individual boats. No person under the age of sixteen years may be in control of a power boat in the Rietvlei Water Area.

(d) Launching. Power boats shall be launched only from the concrete ramp.

(e) Size. No power boat operating in the Rietvlei Water Area may exceed 5,48 m in length.

(f) Speed. No power boat may be driven at a speed in excess of 20 km/h within 20 m of the shore and in the southern lake no power boat may be driven in excess of 5 km/h.

(g) Right of way. At all times power boats shall give way to sail boats and shall keep at least 20 m clear of any stationary craft.

(h) Mooring. No boats may be moored overnight except with special written permission of the Council.

(i) Safety measures. All power boats shall have robust steering mechanism, properly secured seating, properly secured fuel tanks, properly secured engine mountings and properly secured batteries.

(j) Second means of propulsion. All power boats shall be provided with paddles which shall be kept on board the boat.

(k) Life jackets. All boats shall be provided with a sufficient number of life jackets for all persons on board the boat and life jackets shall be worn at all times by persons under the age of ten years.

(l) Flotation. All craft shall have adequate flotation so as to be maintained above the water.

(m) Identification. Every craft shall have, as a means of identification, a number or name displayed on its side in letters or figures not less than 100 mm in height, and a register of such identifications shall be maintained by the Council.

(n) Seating. The number of persons permitted on board any power boat shall not exceed the seating accommodation provided in such boat.

(o) *Bow riding.* Riding on the bows of any power boat is prohibited unless such boat is fitted with a pulpit of a design approved by the Council.

(p) *Gunwale sitting.* No person shall sit upon the gunwale of any power boat whilst such boat is in motion.

(q) *Silencers.* All power boats shall be fitted with adequate approved silencer systems.

(r) *Engine covers.* Engine covers shall be fixed on power boats using the Rietvlei Water Area at all times.

(s) *Pollution.* No petrol or petroleum products may be disposed of into the water of the Rietvlei Water Area.

(t) *Walkie-talkies.* No radio sets of the "Walkie-talkie" type may be used in the Rietvlei Water Area except on the days of special events organised by the Council (in which event prior contact will have been made, where necessary, with the Cape Radio Fliers).

(u) *Fire.* Adequately charged fire extinguishers shall be provided and maintained on all power driven boats.

(v) *Inspection.* The Council may at any time inspect any power boat which, in the opinion of the Council, is not suitable to be used at the Rietvlei Water Area and the Council may require the person in charge of such power boat to remove such power boat.

(w) *Fishing area.* The Council may, at its discretion, place buoys to indicate a fishing area, in which event no power boat shall enter such area.

(2) *Rules relating to water ski-ing and aquaplaning*

(a) *Area of operation.* Water ski-ing shall be permitted only in the northern (larger) lake.

(b) *Restriction.* Water ski-ing and aquaplaning may, at the discretion of the Council, be restricted to fixed times and the Council shall have the right to restrict the number of people water ski-ing or aquaplaning at any one time.

(c) *Life jackets.* All persons water ski-ing or aquaplaning shall wear life jackets.

(d) *Rotation, starting and beaching.* All persons water ski-ing shall move in an anti-clockwise direction outside the yachting buoys.

(e) *Right of way.* No person shall manoeuvre a boat in such a way that the boat or the water skier towed by such a boat shall travel within 20 m of any other person boating, water ski-ing, aquaplaning or fishing.

(f) *Observer.* Every boat towing a water skier shall have on board, in addition to the driver, a competent person over the age of sixteen years, as an observer.

(g) *Fallen skier.* In the event of a skier falling, the towing boat shall stop immediately and retrieve the ski rope before proceeding to collect the skier.

(h) *Beaching skier.* After beaching a skier the towing boat shall maintain its speed to an outward position in the lake to the retrieve the ski rope.

(i) *Towline.* A towline shall be of a floating line type and shall be not more than 23 m in length.

(j) *Kite flying.* No person shall indulge in kite flying or para-sailing except with the special permission of the Council or during a regatta.

(k) *Hovercraft.* No person shall operate a hovercraft or airscrew-driven craft except with the special permission of Council.

(l) *Fishing area.* The Council may, at its discretion, place buoys to indicate a fishing area in which event no water ski-ing or aquaplaning may be undertaken in such area.

(3) *Rules relating to sailing*

(a) *Area of operation.* All sailing shall be confined to the dredged deep water area forming the two lakes.

(b) *Restriction.* Sailing may, at the discretion of the Council, be restricted to fixed times and the Council shall have the right to restrict the number of vessels which may operate on the water area at any one time.

(c) *Size.* No fixed keel yachts shall be permitted to operate with the Rietvlei Water Area.

(d) *Right of way.* Sailing boats shall have right of way over power boats.

(e) *Identification.* Every sailing boat shall have, as a means of identification, a number or a name displayed on its side or on its sail in letter or figures or not less than 100 mm in height, and a register of such identifications shall be maintained by the Council.

(f) *Launching.* Sailing boats may be launched only from approved sites.

(g) *Life jackets.* Every sailing boat shall contain a sufficient number of life jackets for every person on board and every person under the age of 10 years shall wear a life jacket at all times.

(h) *Flotation.* Every sailing boat shall be of a seaworthy condition and shall have adequate flotation.

(i) *Second means of propulsion.* Every sailing boat shall contain paddles which shall be kept on board.

(j) *Fishing area.* The Council may, at its discretion, place buoys to indicate a fishing area in which event no sailing boat shall enter such area.

(4) *Rules relating to angling*

(a) Angling shall be permitted in the Rietvlei Water Area only as a sport and no fish caught in the said area may be sold. The only method of angling which shall be permitted shall be with a rod

and reel. No angler shall use more than two rods at a time with not more than two single pronged hooks per line. The use of handlines is hereby prohibited.

(b) Trolling from boats under way is prohibited.

(c) Anglers shall restrict their catches to the number, species and size limits specified by the Council. All fish not kept by the angler shall be immediately returned unharmed to the water.

(d) Anglers shall be in possession of an angling licence issued in terms of section 53 of the Nature Conservation Ordinance, 1974.

"Penalty

5. Any person contravening any provision of this by-law shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or imprisonment for a period not exceeding 6 months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and, in the case of a continuing offence, to an additional fine not exceeding R10 or additional imprisonment for a period not exceeding 10 days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued."