

Abbreviated Summary of Kouga Municipality by-law 284-2006 – Specific provisions relating to Rivers and the St Francis Bay Canals

Definitions

Agents	St Francis Bay Riparian Home Owners Association or Kromme Joint River Committee
Canals	St Francis Bay Canals
COF	Certificate of Fitness issued in terms of the Merchant Shipping Act (National Small Vessel) Regulations
Municipality	Kouga Municipality
River	Kouga Rivers including the Kromme, Geelhout and Gamtoos rivers
Skiing	Water skiing, wake boarding and towing of boards, tubes, water sleds and similar
Vessel	Boat, power-driven boat, jet boat, jet ski, sailing boat, sail board, SUP board, canoe, paddle-ski and similar

Registration of vessels

1. No person may operate on the river or canals any power-driven vessel, or other vessel with an overall length of 4 metres (13ft) or more, excluding sailboards, canoes and paddle-ski's unless such vessel has been registered with the municipality and has displayed thereon in the manner provided by this by-law, the identification number allotted by the municipality or its agents.
2. The registration of a vessel is not transferable from one person to another or from one vessel to another except where an owner of a registered vessel transfers his registration to another vessel belonging to him with the written permission of the municipality or its agents.
3. To obtain registration, all fields of the registration form must be completed.
4. A valid COF is required for registration of vessels with an engine size over 15hp (11kw).
5. All registered vessels must at all times during the currency of the registration have the identification number permanently affixed to the vessel so that the number is clearly visible from each side of the vessel. All expired identification numbers must be removed from the vessel.
6. All registered vessels must display their official registration numbers.
7. The owner of a registered vessel must at all times during the currency of the registration of the vessel have the registration documents available for inspection.
8. A vessel registration permit may be refused if the conditions of a previously issued vessel registration permit had not been adhered to.

Rules of travel

1. The skipper of a vessel must adhere to a general safety rule of "keep right" while under way.
2. Power-driven vessels must steer clear of and give right of way to sailing vessels and

vessels propelled by oars or paddles.

3. When two power-driven vessels are meeting head on or nearly head on so as to involve risk of collision, the operator of each vessel must alter course to star-board (right) so that each shall pass on the port (left) side of the other.
4. The operator of a vessel overtaking another vessel must overtake the vessel on the port (left) side and must keep his vessel out of the way of the overtaken vessel.

Operation of vessels and prohibitions

1. The owner of a registered power-driven vessel may not allow any person under the age of 16 years to control or operate the vessel.

Notwithstanding this provision every owner of a power-driven vessel must ensure that no person is permitted to control or operate such vessel regardless of engine power if such person is not competent to handle it efficiently. A certificate of competence is required for all operators of power-driven vessels with an engine size in excess of 15hp (11kw).

2. No person may operate a vessel if his vision both ahead and astern is obscured either by passengers or any other object.
3. No person in charge of or steering a vessel or an occupant thereof, may use such vessel in a negligent or reckless manner or cause injury or damage or endanger any person or property.
4. No commercially registered vessels or vessels used for commercial purposes or vessels exceeding 6.6 metres (21.65ft) in overall length will be allowed on the river or canals without the written permission of the municipality or its agents.
5. No power-driven vessel may travel faster than a "no-wake speed" when on the Canals and no power-driven vessel may travel faster than a "no-wake speed" when it passes closer than 10 metres to any other moving or stationary vessel, jetty, slipway or person.
6. The skipper of a vessel must ensure that the number of persons on board the vessel shall at no time exceed the maximum number stipulated by the COF for the vessel.
7. No vessel shall disturb or endanger the safety of another vessel with its wake.
8. After sunset and before sunrise no person shall:
 - a: operate a vessel on the river and canals without forward facing red port light forward facing green starboard light and white navigation light being switched on;
 - b: anchor a vessel on the river without at least having a single white light visible for 360 degrees, switched on;
 - c: operate a canoe, paddle-ski, SUP board or sailboard on the river without a light visible for 360 degrees switched on, carried by a person aboard the canoe, paddle-ski, SUP board or sailboard;
 - d: operate a vessel on the river and canals above a no-wake speed.
9. Owners or users of registered vessels must ensure that children under five years of age and anyone on the vessel who cannot swim, wear a suitable buoyancy aid.
10. All power-driven vessels operated on the river and canals must be suitably silenced.
11. No person may operate a vessel providing living accommodation on the river without the

prior written permission of the municipality.

12. No vessel regattas shall be permitted on the river or canals without the prior written permission of the municipality or its agents.
13. The skipper of a vessel may not leave or enter the river mouth without the occupants of the vessel wearing suitable life jackets bearing the mark of the S.A.N.S.
14. No person may operate a vessel in a "no-wake zone" at a speed which exceeds a "no-wake speed".
15. No person may operate a vessel while their blood alcohol level is more than 0.05grams per 100millilitres of blood or while under the influence of drugs.

Jet propelled craft

1. No person may use or operate a personal watercraft, jet-ski or wet-bike on the river.
2. No person may operate a jet boat on any section of the river other than the sections that have been demarcated for such activity.
3. No person may operate a personal watercraft or any other jet propelled craft in the river mouth other than for the express purpose of gaining access to and from the sea.
4. The owner of a personal watercraft or any other jet-propelled craft may not allow any person under the age of 16 years to operate his personal watercraft unless the person is under the personal supervision of an adult who must be the owner of such personal watercraft.
5. No person may operate a personal watercraft unless wearing a suitable life jacket, helmet and kill switch which must be attached to the operator.
6. The owner of a registered personal watercraft or any other jet propelled craft may not operate or allow any other person to operate his watercraft in a reckless, negligent or inconsiderate manner.
7. No person may operate a personal watercraft or any other jet propelled craft on any mud banks, salt marshes or other ecologically sensitive areas.
8. No person may operate a personal watercraft or any other jet-propelled craft in water shallower than 0.5 metre's except at designated launching sites.

Environment conservation

1. No person may camp, picnic or light a fire below the high-water mark of a river.
2. No person may within the area defined as the river disturb or attempt to disturb any bird or the nest thereof nor remove eggs from nests, nor disturb or attempt to disturb any animal or plant.
3. No person may willfully or negligently pollute or foul the river or canals with fuel, oil, garbage, offal, bilge, sewerage, refuse or rubble of any kind whatsoever.
4. The municipality or its agents have the right to indicate by means of notice boards erected on the shore those areas of the river or canals where activities shall be limited, allowed, controlled or prohibited and no person, other than an authorised officer, may move, deface or otherwise interfere with such notice board, notice or marker placed by the municipality or its agents in terms of this by-law.

Skiing and Towing

1. No person may ski or tow in on the river after sunset or before sunrise.
2. No vessel towing a skier may pass closer than 10 metres to any other vessel stationary or moving, a jetty or slipway except when dropping a skier.
3. The skipper of a vessel may not follow closer than 100 metres in the wake of another vessel towing a water skier.
4. No person may use a metal cable or steel wire to tow a skier behind a vessel.
5. No skier may purposely drop or kick out a water ski, unless it is totally safe to do so and it does not constitute a danger to any other vessel or person.
6. When a skier falls, the skipper of the vessel must insure that a red flag of 300 mm x 300 mm is held up in the vessel which was towing the skier and kept up until the skier boards the vessel, or resumes skiing.
7. No person may pull a ski rope behind a vessel on the river when it is not being used for skiing activities.
8. When skiing, the towing vessel must keep to the right and follow a circuit in an anti-clockwise direction and in a position halfway between the shore and the midpoint of the river.
9. The skipper of the vessel may not allow any person to water-ski from the vessel unless such person is wearing suitable personal buoyancy.
10. Every person who operates a power-driven vessel, while towing a person on water-ski's, surfboards, water sled or similar object, must during the period 15 December to 15 January, the Easter week-end and all public holidays have on-board another responsible person of at least 15 years of age who must keep a proper look-out, and who must be conversant with recognized hand signals.
11. No Water skiing, wake boarding, towing of boards, tubes, water sleds and similar in the canals or outside of the demarcated skiing zones on the river.

Angling

No person may

- a: fish from any bridge over the river or canals;
- b: impede any navigational channel in the river or canals with a vessel or fishing line;
- c: leave a fishing line in a river unattended in or near a navigation channel;
- d: scuba dive, spear fish or use fish nets other than a landing net or throw net in a river.

General conduct on rivers and canals

No person may

- a: use obscene, offensive or indecent language;
- b: behave in an offensive, improper or disorderly manner;
- c: willfully or negligently cause discomfort or inconvenience to others;

d: disturb the peace or cause undue noise;

e: behave in a dangerous or reckless manner;