

tion opposite to that in which he is proceeding; provided that where no pedestrian signals are in operation at an intersection, but such intersection is controlled by a robot (or traffic control light signal), no pedestrian shall commence to cross the roadway in any pedestrian crossing at such intersection while the red light of such robot, or traffic control light signal is displayed in the direction opposite to that in which he is proceeding.

- 11.3 Wherever a robot (or traffic control light signal) embodying pedestrian signals is in operation at a pedestrian crossing elsewhere than at an intersection, no pedestrian shall commence to cross the roadway in such pedestrian crossing when the red light of a pedestrian signal is displayed in the direction opposite to that in which he is proceeding.
- 11.4 A pedestrian crossing the roadway within a demarcated pedestrian crossing, whether at an intersection or otherwise, shall walk on the left of such pedestrian crossing.
- 11.5 No person or persons shall sit or lie on any sidewalk, footpath or public road, neither shall any persons stand, congregate or walk so as to obstruct the movement of traffic or to the annoyance or inconvenience of the public after being requested by a law enforcement officer to move on or disperse.
- 11.6 No pedestrians, when in or upon a public road, shall carelessly, negligently or recklessly disregard or endanger his own safety or the safety of any person or vehicle using the public road.

12. Motor Vehicle Attendants

- 12.1 No person shall act as motor vehicle attendant within the Municipality, except under authority of a written permit granted by the Chief Traffic Officer, which permit the Chief Traffic Officer may grant, subject to such conditions as he may determine, or refuse.
- 12.2 Every permit granted in terms of section 12.1 shall, unless cancelled or suspended in terms of subsection 12.6, be valid until the 31st December of the year of issue.
- 12.3 No person authorised in terms of this Bylaw to act as a motor vehicle attendant shall charge an amount more than that determined by the Council from time to time for his services in connection with any one motor vehicle.
- 12.4 Every motor vehicle attendant shall, upon demand by a law enforcement officer or a member of the public who engages or proposes to engage his services, produce the permit issued to him in terms of subsection 12.1.
- 12.5 A permit granted in terms of subsection 12.1 hereof may be revoked or suspended by the Chief Traffic Officer if the holder thereof —
 - 12.5.1 commits a breach of this Bylaw or of any condition subject to which the permit was granted;
 - 12.5.2 leaves unattended any motor vehicle left in his care;
 - 12.5.2.1 while performing his duties as a motor vehicle attendant, is or becomes intoxicated;
 - 12.5.2.2 directs the driver of any motor vehicle into an area in which the parking or stopping of vehicles is prohibited;
 - 12.5.3 fails to observe or carry out the lawful instructions of any law enforcement officer.
- 12.6 With the exception of a person holding a permit issued in terms of section 12.1 hereof who has been authorised by the Chief Traffic Officer in writing specifically or generally to do so, or who is acting on the authority or under the control a law enforcement officer, no person shall —
 - 12.6.1 on more than one occasion within any period of 30 minutes direct or offer to direct the driver of any motor vehicle into any area on a public street or public place; or
 - 12.6.2 in a public street or public place make an offer to provide care for or supervision of a motor vehicle whilst it is parked in such street or place.
- 12.7 No person shall in a public street or public place —
 - 12.7.1 clean or wash any motor vehicle; or
 - 12.7.2 offer to clean or to wash any motor vehicle.
- 12.8 No person shall in a public street or public place inform or threaten the driver or person in charge of a motor vehicle that such vehicle will or may suffer damage or be stolen unless it is left in his care or under his supervision.
- 12.9 If on a charge of contravening any of the provisions of this section the accused person avers that the driver or person in charge of a motor vehicle made a request of him concerning the motor vehicle, the onus of proof in respect thereof shall rest upon the accused person.

13. Penalties

Any person who contravenes any of the provisions of these Bylaws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R200 in the case of a first conviction, or in the case of a second or subsequent conviction, for the same offence, a fine not exceeding R400, or in default of payment of any fine imposed in either case, imprisonment for any period not exceeding three months.

CHAPTER 11: SEASHORE AND PUBLIC AMENITIES BYLAWS

1. Applicability Of By Laws

These bylaws shall apply, save where the context otherwise requires, to the sea-shore and the sea along the whole of the coast of the Umdoni Municipality; to any beach area as defined; to any Admiralty Reserve and to any bathing pool constructed on the sea- and all public amenities within these areas.

2. Offences Relating, Nuisances, And Offensive Behaviour

- 2.1 Any person shall be guilty of an offence who —
 - 2.1.1 deposits or discharges upon the sea-shore, beach area or in the sea or in any bathing pool, any offal, rubbish or anything liable to be a nuisance or a danger to public safety or public health; or
 - 2.1.2 whilst suffering from any infectious or contagious disease enters or remains on the sea-shore or in the sea or in any bathing pool; or
 - 2.1.3 whilst upon or in the sea-shore, beach area or in the sea or in any bathing pool —
 - 2.1.3.1 uses any obscene, offensive or indecent language; or
 - 2.1.3.2 behaves in an offensive, improper or disorderly manner; or
 - 2.1.3.3 wilfully or negligently does any act which causes discomfort to other users of the sea-shore or the sea or any bathing pool, or is likely to cause a breach of the peace.
- 2.2 No person shall in or at a public amenity —
 - 2.2.1 dump, drop or place any refuse, rubble, material or any object or permit it to be done, except in a container provided for that purpose in or at the amenity;

2.2.2 pollute or contaminate in any way the water in any water feature, swimming bath, dam, river or water-course;

2.2.3 perform any act that may detrimentally affect the health or safety of any visitors to a public amenity.

2.3 No person shall, without the written consent of the Council having first been obtained erect or establish in or on a public amenity any structure, shelter or any thing else, except a caravan or tent erected for camping purposes on a site specifically set aside therefor by notice.

3. Prohibition Of Bathing Within Areas Considered Unsafe

3.1 Bathing within any part of the sea may be prohibited either as a permanent or as a temporary measure on the grounds that it is unsafe.

3.2 Bathing within any part of the sea may be prohibited by a lifesaver on duty, for so long as he may consider the condition of the sea unsafe.

3.3 Any permanent prohibition under this regulation shall be indicated by notice on the spot and any temporary prohibition by any other recognisable and intelligible marker at both ends of the prohibited area.

4. Offences Relating To Bathing

Any person shall be guilty of an offence who —

4.1 bathes in or from any area in which bathing has been prohibited in terms of section 3;

4.2 hangs onto, sits upon or causes to sink any safety ropes provided for the protection of bathers, or in any way interferes with such safety ropes or other appliances provided for the assistance of bathers in distress;

4.3 mounts, climbs upon, sits upon, hangs onto or in any way interferes with any shark preventive netting or appliance and/or any poles, uprights, structures, frames, barriers, cables and winch or winches all being ancillaries to such shark preventive netting or appliances.

4.4 enters or remains in any bathing pool contrary to a reasonable prohibition by the person having authority over or placed in charge of such bathing pool as evidenced by a notice on the spot.

5. Damage To Property

Any person who interferes with, misuses or damages any building, closet, shelter, changing booth, or other amenity provided for the use of the public, or who disregards, or, in contravention of directions as to the use to which the same may be put, fails to observe the terms of notices in any of the official languages, affixed to any such building, structure or amenity by this municipality or any person having authority to maintain such building, structure or amenity on the sea-shore or public amenity, shall be guilty of an offence.

6. Animals In A Beach Area

6.1 Any person who, within a designated beach area of the municipality, causes or allows any dog or other animal belonging to him or her or in his or her charge to enter or remain within such area or in the sea or in any bathing pool whereon or wherein the Council has by notice on the spot prohibited the presence of dogs or animals shall be guilty of an offence.

6.2 Any dog not under control or apparently not under control of any person may, if found within a designated beach area of municipality contrary to section 6.1 hereof, may be impounded by any member, employee or servant of the municipality and may be removed to a pound, there to be dealt with in accordance with the by-laws or regulations relating to the keeping of dogs at such pound.

6.3 Any person who causes or allows any horse, pony or other animal belonging to him or her or in his or her charge to enter or remain within a designated beach area or the sea-shore or in the sea within the area of jurisdiction of the municipality, except with permission given in writing and subject to such terms and conditions as the Council may deem fit to impose, shall be guilty of an offence.

7. Firearms

Any person who discharges a firearm from the seashore, any beach area or the sea shall be guilty of an offence: provided that it shall not be an offence if a firearm is used —

7.1 by a member, employee or servant of this municipality or a lifesaver to kill or repel sharks;

7.2 in the vicinity of any bathing amenity, provided by any person on the sea-shore, by such person or his deputy to kill or repel sharks;

7.3 during competitions organised by lifesavers or during sport meetings on the sea-shore or in the beach area and firing of blank cartridges;

7.4 for the collection of specimen of marine life or birds or animals for scientific purposes;

8. Interference With Notice Boards

Any person, other than a lifesaver or a person authorised to do so by the Council, who moves, defaces or otherwise interferes with any notice board, notice or marker erected, posted or placed on the sea-shore or beach area by the Council, or by its direction, or by any life-saver, in terms of these bylaws shall be guilty of an offence.

9. Prohibition Of Entertainment And Trade

Any person who, for reward or gain conducts an entertainment or business or trade of any sort on the seashore, beach area or in the sea, without the written permission given by the Council on such terms and conditions as in each case may by the Council be deemed fit, shall be guilty of an offence.

10. Vehicles On The Sea-Shore

10.1 Any person shall be guilty of an offence that, within the area of jurisdiction of this municipality and without the written consent of the Council introduces into or rides or drives any motor vehicle, animal-drawn vehicle or bicycle onto the seashore or any beach areas

10.2 Section 10.1 shall not apply in respect of the person in charge of any ambulance whilst lawfully in use as such, or in respect of any vehicle used in lieu of an ambulance in time of emergency, or of any vehicle used by any organ of state, the National Sea Rescue Institute; the KwaZuluNatal Sharks Board or service utility in pursuance of official duties.

11. Life-Saving Devices

11.1 Any person, other than a lifesaver or, a member, employee or servant of the municipality, who, save in time of emergency, touches, handles or in any way makes use of or damages any life-line, lifebuoy, or any other life-saving appliance, installed or maintained upon the sea-shore, any beach area or in the sea, shall be guilty of an offence.

11.2 Any person who impairs or impedes the operation of any life-saving appliance or device while it is in use on the seashore any beach area or in the sea shall be guilty of an offence.

12. Control Of Boats

12.1 The Council may within the municipal area —

- 12.1.1 set aside by notice on the spot, a place or places on the sea-shore and any beach area for the launching, landing, beaching, keeping, letting or hiring of boats, jet skis or craft;
- 12.1.2 set aside by notice on the spot, a place or places for the exclusive use of different types of boats or craft or for the use only of boats or craft belonging to members of boat clubs;
- 12.1.3 prohibit the use or operation of any boat, jet ski or craft, or type thereof, from certain parts of the sea-shore, and may differentiate between boats, jet skis or craft belonging to or used by members of boat clubs and those belonging to or used by non-members of such clubs;
- 12.1.4 make the operation or use of boats, jet skis or craft or certain types thereof, within or from any part of the sea-shore, the sea or any tidal lagoon, subject to its written permission granted on such terms and conditions as it may deem fit to impose; and
- 12.1.5 authorise any lifesaver or person appointed in terms of bylaw 19 to prohibit the use of any boat, jet ski or craft within or on any part of the sea for so long as he/she may consider the condition of the sea unsafe or that the use of such boat, jet ski or craft is likely to cause discomfort or injury to other users of the sea or sea-shore, or is likely to lead to a breach of the peace.
- 12.2 Any person who launches, lands, beaches, keeps, lets or hires or otherwise uses any boat, jet ski or craft contrary to bylaw 13.1 hereof shall be guilty of an offence unless such act is done in an emergency or in order to save life.

13. Control Of Surf-Riding And Wind-Surfing

- 13.1 Surf-riding or wind-surfing in any part of the sea adjacent to the municipal area may be prohibited by the Council
 - 13.1.1 either temporarily or permanently, or
 - 13.1.2 temporarily by a lifesaver or a Law enforcement officer,
 - 13.1.3 on the grounds that it is unsafe or is likely to cause discomfort or injury to other users of the sea-shore or the sea or a breach of the peace.
- 13.2 Any permanent prohibition shall be indicated by notice on the spot at both ends of the prohibited area and any temporary prohibition shall periodically be brought to attention by the use of a public address system or by personal warning.
- 13.3 Any person who surf-rides or windsurfs in contravention of any prohibition contemplated by section 13.1 hereof shall be guilty of an offence.

14. Control Of Camping

- 14.1 The Council may, by notice on the spot, prohibit camping on any part of the seashore or any beach area
- 14.2 Any person who erects a tent or camps on the seashore, or any beach area without the written permission of the Council, shall be guilty of an offence.

15. Control Of Anglers

- 15.1 No person shall fish or angle from any part of the seashore within the municipal area that the Council, by notice on the spot, declares to be an area in which fishing or angling is prohibited. Where fishing or angling is not so prohibited no person shall throw, cast or swing any line or gear in such a manner as to cause danger or annoyance to any other person.
- 15.2 No person shall leave any bait, fishhook or refuse on the seashore.
- 15.3 Any person failing to abide by or comply with the foregoing shall be guilty of an offence.

16. Control Of Fires

Any person who kindles a fire on the sea-shore or any beach area without obtaining the prior written permission of the Council, which permission may be given subject to such terms and conditions as the Council may deem fit to impose, shall be guilty of an offence.

17. Control Of Piers, Groynes, Etc.

Any person, other than a member, employee, or servant of this municipality whilst on duty, who enters upon any pier, groyne or other structure erected for the protection of the sea-shore within the municipal area, except with the written permission of the Council first had and obtained shall be guilty of an offence.

18. Promenade

- 18.1 No person may bring onto or drive or ride on any promenade any bicycle, skateboard, roller skate, motor cycle, vehicle or transport device provided that this is not applicable to people confined to a wheelchair or in the case of bicycles, to children under the age of 10 years.

19. Penalty

- 19.1 Any person who —
 - 19.1.1 contravenes or fails to comply with any provisions of these bylaws;
 - 19.1.2 fails to comply any lawful direction of a law enforcement officer given to him or her in terms of these bylaws;
 shall be guilty of an offence and on conviction liable to a fine or imprisonment as set out below.
- 19.2 The fines and penalties applicable to offences in terms of these bylaws are;
 - 19.2.1 Upon conviction of a first offence, the guilty party shall be liable to a fine not exceeding R500, as adjusted from time to time in terms of the Adjustment of Fines Act 1991, (Act No. 101 of 1991), or in default of payment, to imprisonment for a period not exceeding 14 days.
 - 19.2.2 In the case of a continuing offence, the guilty party shall be liable to a further fine not exceeding R100 as adjusted from time to time in terms of the Adjustment of Fines Act 1991, (Act No. 101 of 1991);
 - 19.2.3 Upon conviction of a second or subsequent offence, the guilty party shall be liable to a fine not exceeding R1000, as adjusted from time to time in terms of the Adjustment of Fines Act, (Act No. 101 of 1991) or in default of payment to imprisonment for a period not exceeding 30 days.
- 19.3 A Court convicting a person of an offence in terms of these bylaws may impose an alternative sentence in lieu of a fine or imprisonment.

CHAPTER 12: JURISDICTION

Notwithstanding anything to the contrary contained in any law relating to Magistrates Courts, a Magistrate shall have jurisdiction, on application my the Council, to make an Order for the enforcement of any of the provisions of the bylaws contained in this code or of any approval.