



Bergrivier Municipality

BERG RIVER ESTUARY Boating Guide

Bergrivier Municipality has approved a By-Law for the Control of Vessels and Boating Activities on the Berg River Estuary situated in Velddrif / Laaiplek. Important aspects addressed within this By-Law include the following:

- Operation of vessels on the river;
- Prohibited behavior;
- Rules for boating; and
- Water-skiing where permitted.

(For full details of the By-Law, please visit Bergrivier Municipality's Website: www.bergmun.org.za)

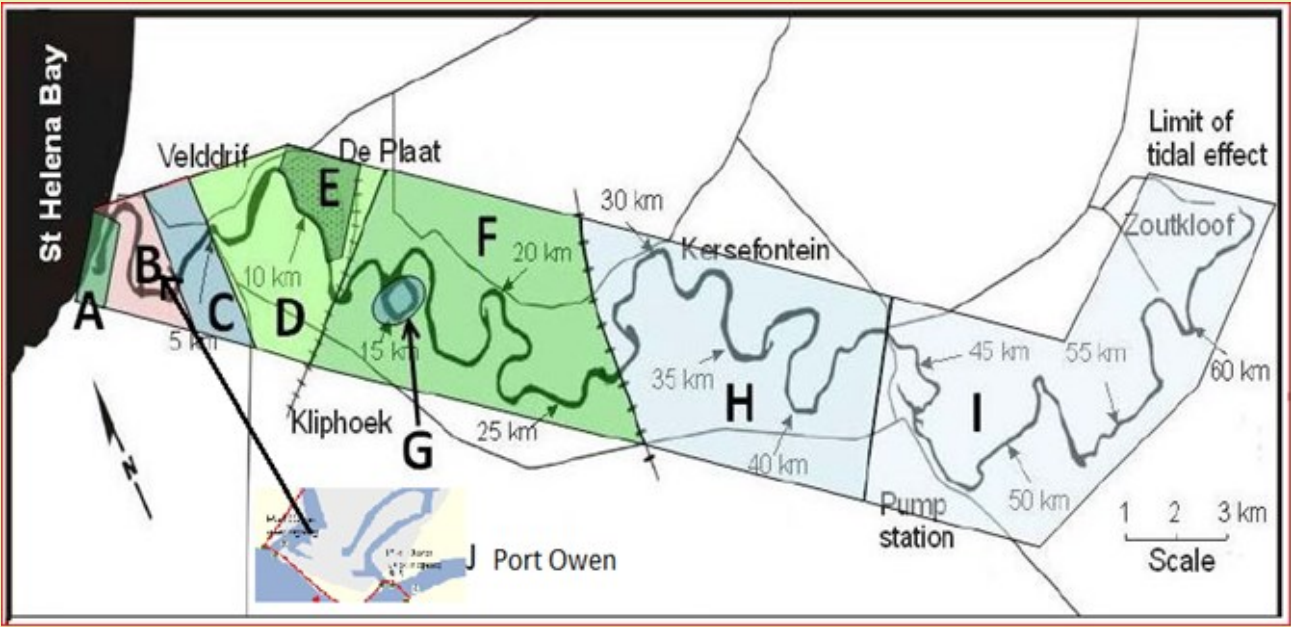
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Zones of the Berg River Estuary



Zone A (Old Mouth Lagoon): Prohibited entry area.

Zone B (Fishing Harbour): Zone where fishing and bait collection is permitted; water skiing is not permitted; scuba diving is only allowed with permission from the harbour master.

Zone C (Carinus Multipurpose Recreation Area): An area where all forms of water sport, fishing and bait collection are permitted; scuba diving is only allowed with permission from the harbour master.

Zone D (Conservation Area that includes Bokkomlaan): A zone where only sailing, canoeing, board sailing, swimming and fishing is permitted. Specifically prohibited in this area are kite boarding and water skiing as well as access to salt marshes and intertidal mudflats. Scuba diving is only allowed with permission from the harbour master.

Zone E (De Plaat Conservation Area): Prohibited entry area.

Zone F (Kruispad Area): An area where all forms of water sport and fishing, except for scuba diving as defined, is permitted.

Zone G (Kliphoek multipurpose recreation area): An area where all forms of water sport, fishing and bait collection, except for scuba diving, are permitted.

Zone H (Kersefontein/Langrietvlei recreation area): Fishing is only allowed with a permit from a registered licensed vessel and if from shore, with permission of the land owner.

Zone I: This Zone is no longer within the Bergrivier Municipality boundary and is therefore excluded from this By-law.

Zone J (Port Owen Marina): Is subject to POMA rules and regulations.

Tidal Zones: Access from all zones to the tidal zone that includes mud flats, salt marshes and sand banks is prohibited. Further detail within Section 6 (4) within the By-law

OPERATION OF VESSELS ON THE RIVER

No person shall operate or control any vessel with a motor of more than 15 horse power or exceeding seven meters in length, on the estuary/ river, unless:-

- such vessel has been registered by the Municipality, with a permit;
- the permit disc issued must be permanently displayed in a manner determined by the Municipality;
- the person who operates that vessel is in possession of a valid skipper's ticket (Certificate of Competence (COC) as issued by SAMSA;
- in case of a commercial vessel, have in possession the Local General Safety Certificate (LGSC) issued by SAMSA;
- in case of a pleasure vessel, have in possession the Certificate of Fitness (COF) issued by SAMSA; and
- the vessel must be operated and controlled in compliance with the provisions concerning the safe operation of vessels on sheltered waters in terms of the Merchant Shipping Act (57/1951): Merchant-Shipping (National Small Vessels Safety) Regulations, 2007 and the usage requirements applicable to the zone in which the vessel is being operated.

The threshold for vessels exempted from registration with a permit from the Municipality are: Power-driven vessels not exceeding fifteen (15) horsepower (hp), sailing vessels of less than seven (7) metres in overall length and rowing or paddling vessels, but must-

- have sufficient buoyancy to keep the vessel afloat when completely swamped; and
- carry the safety equipment provided for in the applicable table in Annexure 2 (2) of the Merchant-Shipping (National Small Vessels Safety) Regulations, 2007.

It should be noted that all foreign vessels are to be cleared through a Port of Entry (Cape Town) before entering Berg River Harbour and Berg River Estuary. Applicable section within the Merchant-Shipping (National Small Vessels Safety) Regulations, 2007 is; stated below:

A skipper of a pleasure vessel who is not a permanent resident in the Republic and who holds or carries a certificate of competence or licence issued by or under the authority of a foreign government which, in terms of such government certificate or licence, authorises the skipper to operate the type of vessel is deemed, for three months after arrival in the Republic, to hold a certificate of competence in terms of

these regulations, provided he or she carries such certificate with him or her (If the vessel is being operated here for more than 3 months then the vessel owner would need to comply with all the requirements of the National Small Vessel Safety Regulations, 2007.)

Commercial trawlers and local fishing vessels traveling in and out to sea only, identified as vessels issued with fishing quotas or utilised by local residents for subsistence fishing traveling in and out to sea, the following will be applicable:

- will be verified as a permanent local resident by the Municipality by means of a Municipal account; and
- once verified as mentioned above, a Transit Sticker will be applicable.

No person under the age of sixteen (16) years may operate or control a vessel equipped with a motor of fifteen (15) horse power (hp) or less, unless accompanied by a person who is in possession of a valid certificate of competence. Where any permit holder of a vessel allows any other person who does not possess a certificate, or who, in the opinion of an authorised officer, is not competent to operate or control such vessel safely or with due regard to the environment, such officer may direct the permit holder not to allow such person to operate or control such vessel.

PROHIBITED BEHAVIOUR

No person shall operate a vessel on the river:

- in a reckless or negligent manner;
- while under the influence of intoxicating liquor or a narcotic drug, or while the percentage of alcohol in his blood is 0,04 or more, expressed in grams per hundred millilitres of blood;
- while suffering from an infirmity which renders him unfit to do so;
- in a manner which the authorised officer regards as dangerous to the public or to the occupants of such vessel or in a manner calculated to endanger or damage any property or facility, regard being had to all the circumstances of the case;
- in a manner which in the authorized officer's opinion constitutes a nuisance;
- without reasonable consideration for the rights of other persons using such estuary;
- while it is leaking oil, fuel (petrol or diesel) or any toxic or noxious substance, but excluding the reasonable amount of 2 stroke smoke;

- if the load or number of persons on board exceeds the carrying capacity as stated on the vessel's registration certificate or stated on the permit;

- If the vessel is not permitted by the Municipality as required in terms of this By-law, and the identification number issued in respect thereof is not permanently fixed in a manner determined by the Municipality; or

- in contravention of any use zone or management plan on a river as determined by the Municipality.

No person shall in the water area without the prior written consent of the Municipality:-

- offer for reward or profit any show or entertainment or conduct any business or trade;

- keep or use any houseboat;

- keep or use any vessel for the transport of passengers or



goods for payment or reward;

- hold or arrange any fishing competition; or
- hold or arrange any race, meeting or regatta.

When the Municipality grants any authority, it may set the conditions which it sees fit in the circumstances in any particular case, to ensure the safety of the public.

Any form of organised power boat race on the water area of the estuary is prohibited.

No person may, while in the water area:-

- use indecent, offensive or improper language;
- behave in an offensive, improper or disorderly manner; or
- wilfully or negligently do anything which will cause inconvenience to any other person using the water area, or which may disturb the peace.

No person may:-

- fish from a vessel on a river while that vessel is under motorized power, except when trolling;
- swim within fifteen (15) meters of either side of a slipway or boating active zone within the river;
- leave a vessel unattended in the water area unless it has been properly anchored, moored or removed to dry land at a safe height above the water level;
- use a vessel on the river as a place of permanent abode;
- launch a vessel at a launch site that is not a launch site approved by the applicable authority responsible for approval of launch sites;
- moor a vessel at any place other than a private jetty or a place indicated by the Municipality and an authorised officer or the Municipality may move such vessel or moor it at any other place without the consent of the owner if he deems it to be in the public interest;
- moor , tie up, or made fast a vessel to another vessel or to a marker, buoy or other aid to navigation;
- be towed behind a vessel on any apparatus where in the opinion of an authorised officer, the towing poses a danger to the user or any other river users;
- place any form of obstruction on or near the surface of the river;
- be on the bow, forward deck or gunwale of the vessel which is under way unless sufficient safety rails or guard rails have been installed;
- sit on the bow of the vessel when underway with their legs dangling over the water; except when assistance is being given in an emergency or when it is necessary to moor, recover or land the vessel;
- dive or jump from any part the of structure of a bridge crossing the river;
- fish from any bridge or within fifteen (15) meters either side of a slipway;

- scuba dive or spearfish in the river, except where scuba diving has been approved by the harbour master;
- leave a fishing line in the river unattended in or near a navigational channel;
- catch fish with a gillnet;
- catch fish without a license; or
- via the river access land in the river or the river bank unless such area is designated a recreational area by the Municipality;
- Damage, destroy, remove, fouls, reduce in or limits the effectiveness of an aid to navigation.

RULES FOR BOATING

Only a person sixteen (16) years or older are allowed to operate a power –driven vessel and such person must be in possession of a valid skippers license, except for those ves-



sels which fall under regulation 37.

No person shall leave a vessel unattended in the water ar-
ea, unless it has been properly anchored or moored, or re-
moved to dry land at a safe height above the water level
and the area be approved by the Municipality.

No vessel may be moored or launched at any place other
than that indicated or approved by the Municipality and an
authorised officer or the Municipality may move any vessel
or moor it at any other place without the consent of the
owner if he deems it to be in the public interest. Such move-
ment shall be at the sole risk of the owner of the vessel.

No vessel shall be moored, tied up, or made fast to another
vessel or to a marker, buoy or other aid to navigation.

The helmsman of any vessel must ensure that he or she can
at all times exercise full control over the vessel while it is un-
der way.

The helmsman of any vessel towing a line, cable or rope for
any purpose whatsoever, must ensure that he or she does
not thereby endanger any other person or cause any
inconvenience.

The helmsman of any vessel must maintain a safe and
cautious speed in any area where people are swimming,
vessels are moored, where angling is taking place or where
buoys are placed and must at all times, and especially
whenever visibility is obstructed due to fog or other causes,
operate the vessel under his control in such a manner that
people, other vessels or other property are not endangered.

No vessel may follow closer than hundred (100) meters in the
wake of a water-skier and the same applies to a vessel
towing a skier.

Vessels leaving a slipway or jetty must give way to incoming
or passing vessels.

Jet skis will only be permitted in the transition corridor
between the Western (Downstream) Port Owen entrance
and the sea and may travel at the minimum planing speed
in a straight line only. No jet skis or water propelled craft may
operate above the Westerly Port Owen entrance unless
being used by a law enforcement body, the NSRI, or in an
emergency.

Except in the case of an emergency, no airplane may land
in or take off from the water area.

No person may use any slipway for any purpose other than
launching or retrieving a vessel, unless with permission, e.g.
triathlon or swimming event.

No person may operate a vessel or allow it to be operated
in such a manner that generates wave action that exacer-
bates and worsens bankside erosion.

No person may operate a vessel or allow it to be operated
in such a manner that excessively large waves are generat-
ed. Wave action from boats accelerates bankside erosion
and sedimentation of the estuary. In addition, estuaries are
breeding grounds for fish and marine species and speeding
causes large wave action.

No person may operate or control a vessel between the
hours of one hour after sunset and one hour before sunrise
up-river of Die Slot; unless in an emergency if livestock must
be retrieved when they end up in the river; notwithstanding
this rule, navigation lights shall at all times be on and visible,
in low light, misty or dark conditions;

No person may be towed behind a vessel on any apparatus
where in the opinion of an authorised officer, the towing of
such apparatus poses a danger to the user or any other river
users.

No person may operate a vessel or allow it to be operated
in such a manner that it endangers or creates a nuisance to
any other vessel or the occupants thereof or other persons
or property or installations in the water or at the water's
edge including any vessels moored to any jetty.

No power boat, which is under way and no person who is
water-skiing in the water area, may approach closer than
ten (10) meters from any spot where people are swimming
or closer than ten (10) meters from the side of the river bank
or closer than ten (10) meters from any vessel or any such
other distance as determined by the Municipality unless:-

- circumstances are such that the said distances cannot be maintained;
- assistance is being given in an emergency situation; or
- the power boat is fishing or any water-skier towed by it is landing or leaving the shore;

Provided that when the prescribed distances are not
maintained, the powerboat must immediately reduce its
speed to less than ten (10) kilometres per hour;

Provided that under circumstances where the prescribed
distances cannot be maintained, the powerboat must
immediately reduce its speed to less than ten (10)
kilometres per hour;

No person shall be on the bow, forward deck or gunwale of
any powerboat which is under way unless adequate safety
rails or guard rails have been installed, and no person shall
jump or dive from any powerboat which is under way, ex-
cept when help is being given in an emergency or when it is
necessary to moor or to land the powerboat.

Where it is possible, a vessel shall be piloted in such a man-
ner that the median line of the water area shall always be
on the port side of the vessel. Powerboats must move in an
anticlockwise direction.

A powerboat must keep clear of sailing vessels and vessels
propelled by oars or paddles.

In the case of powerboats, whenever two vessels approach
each other head-on or approximately head-on, each must
alter course to starboard in such a manner that it passes the
other on its port side and, subject to the provisions of the
By-law at such a distance and at such a speed that the
wake of either of the vessels shall not endanger the other.

WATER-SKIING WHERE PERMITTED

Water-skiing is only permitted as per the zone allocation
demarcated areas as mentioned in Section 6 of the By-law

No person shall practice water-skiing on water unless an
effective life-belt or other floating device is attached to his
or her body.

The skipper shall ensure that the vessel towing the skier is
operated and controlled in compliance with Regulation 36
of the Regulations.

The skier shall at all times comply with the provision of
Regulation 36.

No steel or metal cable or steel wire shall be used to tow a
water-skier.

The helmsman of any vessel which tows a water-skier shall,
before such water-skier is taken in tow, ensure that the
water- skier is familiar with the distress signal for water-skiers,
namely drawing the hand across the throat.

No water-skiing is permitted between sunset and sunrise and
the Municipality may also prohibit water-skiing at other
times.

No vessel shall tow a water-skier unless a second person
older than sixteen (16) years is present in the vessel to ob-
serve the water-skier.

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.

As soon as a water-skier has dropped the towline, the tow-
ing of a vessel must stop until the observer or other passen-
ger has taken the towline on board. The vessel must then
travel at slow speed to reach the place where the tow will
be resumed, or to take the skier on board, or to return
to the place where the skier has gone ashore, as the case
may be.

The operator of a vessel towing a skier must display a red
flag measuring a minimum of five hundred (500) millimetres
by five hundred (500) millimetres to indicate any of the fol-
lowing conditions:-

- a skier down in the water, or preparing to ski;
- a tow line extended from the vessel; and
- a ski in the water in the vicinity of the vessel.

Any prohibition or instruction in terms of the By-law or any
management plan may be indicated by means of a sign,
which may also specify the times and hours during which
such activity shall be prohibited.

And with the above on water skiing, also read Regulations
36 of the Merchant Shipping (National Small Vessel Safety
Regulations, 2007.

In the case of powerboats, no vessel may pass another
vessel which is proceeding in the same direction, unless it is
safe to do so. Such vessel must, when it does so, pass the
other vessel on the port side unless it is clearly unsafe to do
so or there is insufficient room to manoeuvre, and, subject to
the provisions of the by-law, at such a distance and at such
a speed that its wake shall not endanger the other vessel or
any towed skier. Slower traffic should thus operate closer to
the right hand side of the water area to allow as much room
as possible on their port side.

A vessel which is being passed shall maintain its speed and
direction until the passing vessel is safely past.

In the case of powerboats, whenever two vessels approach
each other in a manner other than referred to in the By-law,
the vessel which has the other on its port side must maintain
its speed and direction and the vessel which has the other
on its starboard side must keep clear and alter course to
starboard so as to pass behind the other vessel and must, if
necessary, stop or reverse to avoid a collision.

Whenever two sailing vessels are approaching one another
in such a way as to involve risk of collision, the following right-
of-way rules apply:-

- when each has the wind on a different side, the sailing vessel which has the wind on the port side, shall keep clear by altering course to pass behind the other, or by going about, or by stopping; and
- when both have the wind on the same side, the sailing vessel which is to windward (upwind) must keep clear of the vessel which is to leeward (downwind);

the windward side is the side opposite which the mainsail is
carried.

To avoid collisions, a powerboat must give way to other
classes of vessels, and a rowing vessel or canoe must give
way to a sailing vessel when circumstances require it,
notwithstanding the provisions made in the By-law provided
that the 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. It is the duty of every user of the
water area to take all possible steps to avoid an accident,
irrespective of whether they have right-of-way as provided
for in the By-law.