

By-Law No.25, 2010

MUNICIPAL NATURE RESERVE BY-LAW, 2010

**BY- LAW**

**TO PROVIDE FOR THE REGULATION OF NATURE RESERVE**

**BE ENACTED by the Ubuntu Municipality as follows:**

**Definitions**

1. In this by-law, unless inconsistent with the context means '**authorised**' officer an officer appointed in terms of section 4:

Council of UBUNTU Local Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal System Act (Act 32 of 2000);

'**nature reserve**' the Municipal Nature Reserve

'**vehicle**' and '**motor vehicle**' have the meanings assigned thereto in the National Road Traffic Act, 1996.

**Contravention**

2. No person shall enter the nature reserve unless he is the holder of a permit issued by the council authorizing him/her to do so.
- 2.1. Any person who:
- (a) introduces into, or is in possession of any flora, fauna, weapon, trap, explosive or poison within the nature reserve;
  - (b) removes from the nature reserve any flora, fauna, nests, objects of historical archaeological or scientific interest, or any property therein belonging to the Council;
  - (c) damages, injures or destroys any flora, fauna or nests within the nature reserve;
  - (d) damages, destroy or defaces in any manner any natural object or any property in the Council, with the nature reserve;
  - (e) without authority within the nature reserve lights or assists in lighting or uses, rekindles or adds fuel to any fire;
  - (f) with authority, fails to control properly or after use fails to extinguish a fire;
  - (g) throws down or drops in the nature reserve any burning match or other burning material capable of spontaneous combustion or self-ignition;

- (h) introduces, into, operates or uses, or causes to be operated or used, within the nature reserve, any vehicle except upon such roads as are specifically open vehicular traffic;
- (i) discards any refuse whatsoever within the nature reserve except by it in receptacles provided for that purpose;
- (j) in any way pollutes or throws anything into water within the nature reserve;
- (k) allows any unattended dog or live-stock to stray or trespass in or into nature reserve;
- (l) damages or climbs over or through any wire fences or any other fences within or enclosing the nature reserve;
- (m) walks anywhere except upon the roads or footpaths provided within the nature reserve (where no footpaths exist, access over the veld shall be permitted);
- (n) creates any disturbance, nuisance, impediment or hindrance which may give offence to any person within the nature reserve, and
- (o) fails to comply, or complies in any manner intended to deceive, with an instruction or direction given by an authorised officer in the exercise of his/her powers or duties under this by-law; shall be guilty of an offence.

### **Enforcement**

- 3. The Council may appoint such officers as it may deem necessary for the supervision. And control of the nature reserve. Every officer appointed in terms of this section shall be furnished with a certificate of appointment by the Municipal Manager and such officer shall on demand by any person within the nature reserve, or desirous of entering the nature reserve produce for inspection his/her certificate of appointment unless such officer is in uniform.
- 3.1. An authorized officer may:
  - (a) upon reasonable grounds of suspicion that any person has offended against the provisions of this by-law require the persons suspected of such offence to give his/her name and place of abode and/or seize all nets, implements, appliances or tools whatsoever which to the knowledge or reasonable belief of the officer are being or have been or are about to be used for any purpose contrary to the provisions of this by-law;
  - (b) demand from any person engaged in the performance of any act in respect of which a permit is required in terms of this by-law the production of such permit and any person who upon demand is unable, or refuses, to produce such permit shall be guilty of an offence, and
  - (c) pursue any enquiry which may be deemed by him/her to be necessary to ascertain whether the provisions of this by-laws are being complied with.

### **Penalty**

4. Any person contravening or failing to comply with any provision of this by-law shall Be guilty of an offence and liable on conviction to a fine not exceeding R3,000.00 or To imprisonment for a period not exceeding 6 months and in the case of continuing Offence, to a further fine not exceeding R 500,00 for every day during the Continuance of such offence after a written notice from the Council has been issued, and for a second or subsequent offence liable on conviction to a fine not exceeding R3,000.00 or to imprisonment for a period not exceeding 6 months.]

### **Repeal of By-Laws**

5. The by-laws of the former Municipal Councils of Victoria West, Richmond and Loxton relating to matters contained in this by-law, are hereby repealed.

### **Short title**

6. This By-law shall be called the Nature Reserve by-law, 2010
-