

KLERKSDORP CITY COUNCIL : BY-LAWS FOR THE CONTROL OF THE FAAN MEINTJES PRIVATE NATURE RESERVE

The City Council of Klerksdorp hereby in terms of Section 13 of the Local Government : Municipal Systems Act 2000, published the by-laws set forth hereinafter which have been approved by him in terms of Section 12 of the mentioned act.

Definitions

In these by-laws unless the context otherwise indicates –

“birds”, means any birds, whether of the aquatic type or any other birds, which are kept and protected by the Council in the reserve or which may be present therein;

“Council”, means the City Council of Klerksdorp;

“game”, means any wild animals which are kept and protected by the Council in the nature reserve or which may be present therein;

“Reserve”, means the Faan Meintjes Private Nature Reserve situated on a portion of Portion 1 of the farm Rhebokfontein No.395 I.P and a portion of Portion 4 of the farm Palmietfontein No.734, District of Klerksdorp.

Entrance to Reserve

- 2(1) Except with the special permission of the Council no person, other than an authorized officer of the Council, shall –
- (a) enter the reserve at any other place than the entrance gate of the reserve;
 - (b) enter the reserve without payment of the entrance fees as determine by Council from time to time;
 - (c) enter or leave or be within or travel inside the reserve at or during times, other than those as determine by Council from time to time;

Provided that any person who is inside any rest camp within the reserve outside the times laid down, shall not be deemed to be contravening the provisions of this section.

- (2) The Council may limit the number of vehicles desirous of entering the area simultaneously.

Written voucher necessary for entering

- 3(1) Notwithstanding anything to the contrary combined in these by-laws, the driver of every vehicle entering the reserve shall be issued with a written voucher of admission on payment of the prescribed entrance fees.
- (2) Every driver of a vehicle entering the reserve shall hand over the written voucher authorising him to be inside the reserve to an authorized officer of the Council, if requested to do so.
- (3) Any person failing or refusing to comply with any request in accordance with subsection (2) shall, apart from any criminal liability he may thus expose himself to, be able for payment of the fees in respect of admission, accommodation or any other service for which fees may be charged by the Council, even though these may already have been paid: Provided that any fees thus paid shall be claimable on submission of satisfactory proof that such fees have previously been paid.

Only open portions and roads may be used

- 4(1) The Council may in its absolute discretion decide from time to time to close temporarily the reserve in its entirety or any portion thereof or any road or portion thereof or any rest camp.
- (2) Any such portion of the reserve or a road or a rest camp in the reserve which has been closed as aforesaid, shall, except for an authorized officer of the Council, not be accessible to visitors to the reserve.

Special conditions to be observed

5. Any person to whom special permission of any nature whatsoever may be granted to enter the reserve, shall, in condition to the provisions of these by-laws, observe all instructions which the Council may deem necessary to issue in connection with such permission.

Exemption from payment of entrance fees

6. Any official of the Council who is required by the Council to reside within the reserve, may obtain permission from the Council for a limited number of his relatives or friends or both visiting him/her from time to time to enter the reserve without payment of the prescribed fees : Provided that the official concerned shall be obliged to keep a register, supplied by Council in which the following particulars shall be entered in respect of all such visitors, that is to say the registration number of the vehicle, the name and address of each visitor, number of visitors, time of arrival and departure, and relationship.

Restrictions on and concessions to persons within Reserve

7. Save with the express written permission of the Council, no person, other than an authorized officer of the council shall –
- (a) enter the reserve or travel therein except by means of a motor vehicle or such other vehicle as may be prescribed by the Council;
 - (b) enter any portion of the reserve closed to the public or drive any motor vehicle in any place other than on a road open to visitors;
 - (c) drive a motor vehicle in the reserve at a speed in excess of 25 km/h;
 - (d) discard or leave a burning or smouldering object anywhere in the reserve;
 - (e) bring into, or use in the reserve any fire-arm, bow and arrow, catapult or airgun;
 - (f) bring or permit any animal or plant to be brought into the reserve;
 - (g) feed, injure or disturb any animal in the reserve;
 - (h) damage or remove any plant or object in or from the reserve;
 - (i) light a fire in the reserve other than in a rest camp or in other designated places;
 - (j) leave or alight from a motor vehicle in the reserve other than at the designated places;
 - (k) be or remain in the reserve other than in a rest camp or at a place other than that designated by the Council;
 - (l) stay overnight at any place other than in a rest camp or at a place other than that designated by the Council;
 - (m) stay overnight in a rest camp without payment of the fees determined by the Council from time to time;
 - (n) stay overnight in the reserve before he has reported to the authorized officer at the reception office of the rest camp : Provided that he shall not stay overnight in such rest camp unless accommodation or a camping site has been made available to him;
 - (o) hold or give any public entertainment or collect any money from the public in the reserve;
 - (p) exhibit any advertisement or notice in the reserve;
 - (q) affix to any tree or any object not belonging to him any name, letter, figure, symbol, mark or picture.

Prohibited conduct

- 8.(1) No person shall –

- (a) damage or endanger any property of the Council within the reserve;
- (b) at any time use within the reserve any radio set or gramophone or any musical instrument in a manner, or unnecessarily cause any noise, which may likely be a disturbance to any other person;
- (c) discard within the reserve any article, rubbish, refuse, empty containers or foodstuffs of whatever nature, except in such receptacles and containers as may be provided by the Council for that purpose;

- (d) ignore or disregard within the reserve any reasonable instruction by an authorized officer or any instruction contained in a public notice;
- (e) do anything within the reserve which may be a nuisance or hindrance to or interfere with the public; bring into, keep or permit to roam within the reserve any live animal or pet.

Offenders may be required to leave the reserve

- 9.(1) Any person who commits or who may have committed any offence in the reserve or may be under the influence of alcoholic liquor or an intoxicating agent, or who acts or may have acted in an improper manner which may give or might have given substantial offence to other persons in the reserve, may be requested by an authorized officer of the Council to leave the reserve, and the said person shall thereupon leave the reserve within a specified time and by the shortest route open to the public.
- (2) If any person as defined in subsection (1) is the holder of any written voucher authorising him to enter the reserve, he shall on demand hand over the said document to the officer concerned who shall cancel the same by means of an endorsement thereon, stating the place and date of such cancellation.
- (3) No person ordered to leave the reserve as aforementioned shall re-enter the reserve during the twelve months following the date of cancellation, unless the Council should cancel the order in question or specifically authorized person concerned to re-enter the reserve.
- (4) An authorized officer of the Council shall be empowered to arrest any person who commits or may have committed any serious crime within the reserve and to detain such person for handing over to the S.A Police Services.

The Council may exercise control over animals and plants.

- 10. Subject to the provisions of Ordinance 17 of 1939, as amended, the Council may –
 - (1) hunt, destroy, catch or remove any game, bird, reptile, animal or any other fauna and flora within the reserve; and
 - (2) dispose of any animal or vegetable product of the reserve in such a manner as may be resolved by the Council from time to time.

Compliance with lawful instructions

- 11. All persons within the reserve shall comply with lawful instructions issued by the Council.

Motor vehicles to be roadworthy

- 12. No person shall use on any road in the reserve any motor vehicle, unless such vehicle is roadworthy.

Driving in reserve

13. Vehicle to be kept on left hand side of road

- (1) Any person driving any motor vehicle in the reserve shall drive on the left hand side of the roadway, where such roadway is sufficiently wide, he shall drive in such a manner as not to cross over to that half of the roadway which is on his right-hand side: Provided that a cross-over may be made –

where this can be effected without interfering with, endangering or disturbing any animal or property which is or may be on it; and in accordance with any instruction given by an official of Council

- (2) Subject to the provisions of subsection (1), the driver of any motor vehicle wishing to overtake any other motor vehicle moving in the same direction, shall overtake such vehicle on the right-hand side thereof and at a safe distance therefrom, and shall not drive back to the left-hand side of the roadway until he has safely passed the vehicle thus overtaken: Provided that in the circumstances as stated above, overtaking shall be allowed to be effected on the left-hand side if the driver of the overtaking vehicle can do so with safety to himself and any other traffic, animal or property which is or may be on such road, and –

the vehicle being overtaken is in the act of turning to the right or the driver thereof has indicated his intention of turning to the right; or a stationary vehicle is being passed, on condition that there shall be no overtaking by driving off the roadway.

When a vehicle shall not be overtaken

- (3) The driver of any vehicle shall not overtake other traffic moving in the same direction on a road when approaching –
- (a) the crest of a hill
 - (b) a bend; or
 - (c) any other place

where the visibility within such distance is reduced so that danger arises in the case of other traffic approaching from the opposite direction, or in the case of animals which may possibly be on the invisible portion of the road.

Keep to the left and do not accelerate

- (4) The driver of any vehicle shall, when becoming aware of other traffic moving in the same direction and intending to overtake his vehicle, drive his vehicle as close as possible to the left-hand side of the roadway without endangering himself or other traffic or property or animals on the roadway and shall not increase the speed of his vehicle until the other vehicle has passed.

Entering of roads

- (5) The driver of any vehicle shall not enter a road unless he can do so with safety to himself and to other persons and animals on the road.

Driving signs to be given

- (6) The driver of any motor vehicle intending to stop such vehicle or to reduce its speed suddenly or to turn such vehicle to the left or to the right shall, except in an emergency when there is not sufficient time, give a conspicuous sign of such intentions, which sign shall be visible and of sufficient duration to warn any person approaching from the front or from the back or from the left or from the right.

Not to stop on right-hand side of a road

- (7) Except to avoid an accident or for the purpose of observing any instruction given by any official of the Council or for any reasons beyond the control of the driver, no person shall stop any motor vehicle on the right-hand side of the roadway with its front facing the oncoming traffic.

Prohibited Acts with vehicle

14. No person driving any motor vehicle in the reserve shall –
- (a) drive, park or stop in such a manner as to constitute a nuisance or disturbance or inconvenience or danger to any other person;
 - (b) reverse such vehicle unless it may be done with safety, and not for a longer period nor for a greater distance than may be necessary, having due regard to the safety and reasonable convenience of any occupant of such vehicle or of other traffic or animals on such road;
 - (c) allow any person to assume any position in such vehicle which may interfere with the driver in exercising full control over the movements of such vehicle or in giving any indication on his intention to stop or change direction;

- (d) assume such a position that in driving such vehicle he shall not be in full control of the vehicle or shall not have full visibility over the roadway and traffic in front of the vehicle;
- (e) unnecessarily obstruct, prevent or interrupt the free or proper passage of traffic on any road in the reserve.

Reckless or negligent driving

- 15.(1) No person shall drive any vehicle in the reserve in a reckless or negligent manner.
- (2) Without restricting the ordinary meaning of the word "reckless" it shall be deemed that every person driving any vehicle in deliberate or willful disregard of the safety of any persons, animals or property, shall have driven the said vehicle in a reckless manner.
 - (3) Every person driving any vehicle on any road in the reserve, shall have due regard for any other person using the road and for animals on the road.
 - (4) No person being under the influence of any strong liquor or any intoxicating liquor or agent, shall drive any vehicle in the reserve or sit in the driver's seat at any vehicle while the engine is running.

Duty of driver in the event of accident

16. The driver of any motor vehicle in the reserve shall, whenever such vehicle may be involved in or contribute to any accident in which any other person or animal may have been killed or injured, in the case of a human being, immediately stop his motor vehicle, render any possible assistance and thereafter immediately report the incident to the nearest official of the Council and, in the case of an animal he shall merely report the incident immediately as aforesaid.

Entering reserve at own risk

17. Visitors to the reserve shall enter the reserve at their own and sole risk and the Council shall not be liable for any loss, injury or damage which visitors may suffer.

Hiring out of reception area

- 18.(1) The term "reception area" includes the following:
- shed with barbeque facilities
 - bar with refrigerator
 - kitchen with refrigerator and stoves
 - hall
 - dance floor

- (2) The Council may hire out the reception area at the hire charge as determine by Council from time to time.
- (3) All bona fide persons attending a function for which the reception area is hired, whether they are organizers or guests, shall be allowed free of charge to the reserve for the period of the function. For this purpose and to control admission to the function in the reserve, the Chief Parks shall furnish each hirer of the reception area with 40 printed tickets which the hirer then may issue to his guests and more specifically to the drivers of a maximum of 40 motor vehicles
- (4) The admission to the reserve of a hirer of the reception area and his guests shall be limited to the attendance of the function for which the entrance was granted, free of charge, and does not authorize any such person to travel in the reserve before or after the function.
- (5) No person attending a function, whether as organizer or guest, shall be permitted to stay in the reserve later than 01:30.
- (6) The Council may in addition to the reception area provide the following equipment:
 - (a) 10 steel tables
 - (b) 50 chairs
 - (c) 10 refuse bins
 - (d) barbecue grates
 - (e) water
- (7) The hirer of the reception area shall supply the following accessories:
 - (a) Fire wood
 - (d) Labour
 - (e) All pots, pans kettles, plates, cups, saucers, cutlery and other kitchen utensils which may be necessary for the preparation and serving of food.
 - (f) Such other equipment as he prefers.
- (8) The reception area shall not be hired out for the purpose of a function on Good Friday, Ascension Day, Day of the Vow and Christmas Day.
- (9) The hall shall not be used for any purpose of dancing.
- (10) Any person hiring the reception area shall at the termination of the period of lease leave the reception area in a clean and tidy condition; provided that should the hirer fail to do so, the Council may have the necessary work done and recover the cost from the hirer.
- (11) The reception area shall be hired on the explicit understanding that the Council shall no be liable for any damage to or loss of property or injury or death of a person as a result of any action caused in any way whatsoever.

- (12) No person shall cut or break off any tree or branches of trees for the purpose of firewood or any other purpose whatsoever.
- (13) The reception area shall be hired on the explicit understanding that the hirer shall be liable for any loss, or damage of whatsoever nature to the area, furniture, grates, equipment or any other buildings or property of the Council on the relevant premises caused during the period for which the premises are hired by any person who has been admitted to the hired premises or seeking admission thereto, whether such person be lawfully on or about the premises or trespassing thereon. All losses, breakages or damages shall be deemed to have been caused during the period of hiring of the reception area unless any damage or breakages are brought to the notice of the Chief Parks and in writing before the reception area is to be used. In the event of any dispute or court proceedings between the Council and the hirer, a certificate signed by the Municipal Manager or an official nominated by him in respect of any loss or damage caused, shall be regarded as sufficient proof of such loss or damage.
- (14) Notwithstanding the provisions of section 18(2), the Municipal Manager may upon written application authorize free admission.

Hiring out of shelter and other facilities for overnight purposes

- 19.(1) The hiring out of the facilities shall per occasion not exceed a period of five days.
- (2) Hirers of overnight facilities shall not be allowed to enter or to leave the reserve other than during the official hours of admission.
- (3) Hirers shall be limited to the fenced in area of the facilities, after hours, when the entrance gate is closed.
- (4) Any person hiring the facilities shall at the termination of the period of lease leave the shelter, the hall and surrounding area in a clean and tidy condition.
- (5) The facilities shall be hired out on the explicit understanding that the Council shall not be liable for any damage to or loss of property or injury or death of a person as a result of any action caused in any way whatsoever.
- (6) No person shall break off or damage any trees or branches of trees for the purpose of firewood.

- (7) The shelter shall be hired out on the explicit understanding that the hirer shall be liable for any loss, or damage of whatsoever nature to the shelter, the hall and other facilities and equipment caused by any person who has been admitted to the hired facilities or seeking admission thereto. All losses, breakages or damages shall be deemed to have been caused during the period of hiring the facilities, unless the hirer has notified the Chief : Parks, in writing thereof before the facilities are to be used. In the event of any dispute or court proceedings between the Council and the hirer, a certificate signed by the Municipal Manager or an official nominated by him in respect of any loss or damage caused shall be regarded as sufficient proof of such loss or damage.
- (8) The hirer of overnight facilities shall not be allowed to give any form of entertainment to friends under the shelter facilities.

Bus and walking-tours

- 20.(1) Bus tours shall be allowed for groups of not exceeding maximum passengers in bus to undertake sightseeing tours conducted by officers of the Council, on dates and times as approved by the Chief : Parks. Any person participating in a bus tour, shall comply with the provisions of these by-laws and shall subject himself to the authority of the officer conducting the tour. A bus tour lasts for approximately two hours.
- (2) Walking-tours for groups with a minimum of five persons and a maximum of 10 persons shall be conducted by the Nature Conservation Officer on dates and times as approved by the Chief : Parks. Any person participating in a walking-tour, shall comply with the provisions of these by-laws and shall subject himself to the authority of the Nature Conservation Officer.

Hire out of chalets

- 21.(1) Any person desiring to hire a chalet shall apply to the Chief of Parks.
- (2) The hirer of a chalet shall not enter the chalet (and the keys thereof shall not be turned over to the hirer) unless the charges as determine by Council from time to time have been paid.
- (3) The hirer shall comply with all the provisions of these by-laws and shall not allow any default thereof.
- (4) No furniture or articles of any description which are the property of the Council, shall be removed from the chalet and the hirer shall make good to the replacement value of such articles any loss of or damage whatsoever to the chalet, furniture fittings or any other property of the Council that has occurred during the period of hiring.

- (5) The Council accepts no responsibility whatsoever in respect of any damage to or loss of any property, article or thing whatsoever placed or left in or near the chalet by the hirer or any other person entering the chalet or make use of the equipment in the chalet hired and the hirer hereby indemnifies and hold harmless the Council against any claim made by any person or persons on any grounds whatsoever, nor shall the Council be liable for any loss to the hirer in consequence of any accident, breakdown, failure or defect in respect of any appliance, lighting, equipment or arrangement thereof in the chalet hired or any other appliances or arrangement howsoever caused.
- (6) The right is reserved to an authorized officer of the Council to enter the chalet at an reasonable time.
- (7) In the event of the hirer desiring to cancel a reservation of a chalet or the reception area the following shall apply:
 - (i) 30 days and longer prior to the reserved commencement of hire – refund of rent minus 15%;
 - (ii) between 10 and 29 days prior to the reserved commencement of hire – refund of 50% of the rent;
 - (iii) within 9 days prior to the reserved commencement of hire – forfeiture of all rent paid.
- (8) Accommodation in chalets is available from 15:00 on the day of arrival and chalets shall be vacated before 10:00 on the day of departure unless previously otherwise arranged.
22. The Council reserves the right from time to time to fix the terms and conditions in terms whereof persons may be allowed to make use of any facilities in the Faan Meintjes Nature Reserve provided by the Council for the use of the public or any portion thereof”.

Hire our of caravan stands

- 23.(1) Any person desiring to hire a caravan stand shall apply to the Chief : Parks and complete the application form compiled for this purpose.
- (2) The hirer of a caravan stand shall not occupy the stand unless the charges as determine by Council from time to time.
- (3) The hirer shall comply with all the provisions of these by-laws and shall not allow any default thereof.

- (4) The Council accepts no responsibility whatsoever in respect of any damage to or loss of any property, article or thing whatsoever placed or left on the site and/or in the reserve by the hirer or any other person and the hirer indemnifies and hold harmless the Council against any claim made by any person or persons on any grounds whatsoever, nor shall the Council be liable for any loss to the hirer in respect of any accident, breakdown, failure or defect in respect of any appliance, lighting or other article howsoever caused.
 - (5) If the hirer of a stand cancels the reservation within seven days prior to the reserved commencement of hire, he shall forfeit all the rental paid and if he cancels it 10 days or longer prior to the reserved commencement, he shall forfeit 50% of the rental.
 - (6) Day visitors at caravan campers shall pay the prescribed entrance fees and are subject to all the conditions as stipulated in these by-laws.
 - (7) The hire of a caravan stand permits entrance to the nature reserve within the prescribed hours and subject to all the conditions as stipulated in these by-laws.
 - (8) No person shall break off or damage any trees, branches of trees or any other plant for any purpose whatsoever.
 - (9) Fires shall be made at barbecue facilities erected in the caravan park only and no open fires shall be left unattended.
 - (10) Only six persons per caravan stand shall be permitted to stay overnight and to be on a permanent basis during the period of hire in the caravan park.
 - (11) No pets and/or motorcycles shall be permitted in the reserve and caravan park.
 - (12) A caravan stand shall be hired for a maximum unbroken period of 30 days only.
 - (13) Aerated groundsheets only shall be permitted.
 - (14) No second vehicle shall be parked at the hired caravan stand, but only at indicated parking places, provided the prescribed entrance fees are paid once in respect of such second vehicle.
 - (15) The barbecue facilities at the shelter as well as the kitchen and hall of the reception area are of limits for caravan campers and shall only be used by prior reservation and payment of the prescribed fees.
24. The By-laws for the Control of the Faan Meintjes Private Nature Reserve of the City Council of Klerksdorp as published under Administrator's Notice 802 dated 24 May 1972, as amended, are hereby revoked.