



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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No. 8397

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General Notice

MUNICIPAL COUNCIL OF SWAKOPMUND

No. 337

2024

SWAKOPMUND PARKS, JETTY, MOLE AND BEACH REGULATIONS: LOCAL AUTHORITIES ACT, 1992

Under section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992), after consultation with the Minister of Urban and Rural Development, the Municipal Council of Swakopmund –

- (a) makes the regulations set out in the Schedule; and
- (b) repeals the Swakopmund Park, Jetty, Mole and Beach Regulations as published under Government Notice No. 12 of 15 January 1930.

D. NAMUBES

CHAIRPERSON

BY ORDER OF THE COUNCIL

Swakopmund, 17 June 2024

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PART 1**INTRODUCTORY PROVISIONS****Definitions**

1. In these regulations a word or expression to which a meaning has been assigned in the Act has that meaning, and unless the context otherwise indicates –

“angling equipment” means any object that may be used for angling purposes;

“authorised official” means a person who is appointed or authorised by the Council to implement the provisions of these regulations, and it includes persons who are declared as peace officers under section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

“bathing” includes swimming;

“bathing area” includes the sea and seashore from the high-water mark;

“beach area” includes all areas situated within 50 metres landwards of the bathing area which are not privately owned, and to which the public has access;

“breakwater” includes the lower and upper walls, the footway, the head and the sidearm of the breakwater and is also known as the “Mole”;

“Council” means the Municipal Council of Swakopmund;

“environment” means the complex of natural and anthropogenic factors and elements that are mutually interrelated and affect the ecological equilibrium and the quality of life, including –

- (a) the natural environment being land, water and air, all organic and inorganic material, and all living organisms; and
- (b) the human environment being the landscape and natural, cultural, historical, aesthetic, economic and social heritage, and values;

“firework” means any object that contains gunpowder and other combustible chemicals which explodes, often with a noise, when ignited and causes spectacular effects by burning brightly or attractively and it is often used to entertain people on special occasions;

“high-water mark” means the highest line reached by the sea during ordinary storms occurring during the stormiest period of the year, excluding exceptional or abnormal floods;

“jetty” means the structure that projects from land out into the ocean, and this includes structures made from rock, steel or wood;

“lifeguard” means a person who is appointed by the Council, or any member of any life-saving club or association of lifeguards, with the object of saving human life or promoting public safety;

“littering” means any disposal of waste such as paper, bottles, plastics, glass, wood or any other waste material that affect the cleanliness of the beach area and the surrounding environment;

“low tide mark” means the lowest line to which the sea recedes during periods of spring tides;

“Mile 4” means the stretch of beach area from Dolphin Drive up to Albatros Street;

“Mole” means the lower and upper walls of the mole, the promenade on the mole, the head of the mole, and the side-arm of the mole;

“Northern Beach” means the stretch of beach area from Albatross Street up to junction of Marshall Street and First Avenue;

“notice” means –

- (a) a sign, displayed at or in a public amenity, approved by the Council; or
- (b) printed information, by or on behalf of the Council, containing information about a park, the jetty, Mole or a beach area,

notifying members of the public within the local authority area about matters relating to such place;

“nuisance” includes any action by a person which is likely to cause inconvenience or annoyance to other persons, including excessive noise caused by any loud music, machinery or tools and the carrying on of any activity which causes an inconvenience or disturbance;

“park” means an open area identified or declared as a park by resolution of the Council by means of a notice and this includes –

- (a) all public gardens and plantations;
- (b) playgrounds;
- (c) recreational areas, braai areas and sports fields; and
- (d) fitness parks;

“restricted area” means an area declared by resolution of the Council to be a restricted area by means of an official notice or notice board indicating the borders of the restricted area, and “closed area” has the same meaning; and

“vehicle” means any self-driven motorised vehicle, caravan, trailer including any motor bike, quad bike, animal driven vehicle and wind driven vehicle.

Application of regulations

2. These regulations apply to the beach area and seashore within the area of jurisdiction of the Council.

Appointment of authorised officials

3. (1) The Council may appoint persons, in terms of section 27(1)(b) of the Act, to serve as authorised officials and authorise such persons to administer, implement or enforce these regulations.

(2) A person who obstructs an authorised official from administering or enforcing these regulations or interferes with the duties of an authorised official commits an offence and on conviction is liable to a fine not exceeding N\$5 000 or imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.

Powers and duties of authorised officials

4. (1) Subject to these regulations, an authorised official is responsible for the administration or enforcement of these regulations within the area where he or she is appointed to act.

(2) An authorised official may request the name and address of any person who, on reasonable grounds, is suspected of contravening these regulations.

(3) A person who contravenes or fails to comply with subregulation (2) commits an offence and on conviction is liable to a fine not exceeding N\$500 or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

PART 2
BEACH AREA

General warning

5. A person who uses the beach area does so at their own risk and responsibility.

Cleaning-up after dog

6. (1) A person who is in charge of a dog must collect and remove the faeces of such dog, from streets, sidewalks, walkways, open places in the built-up areas or from beach areas immediately after excretion by the dog and dispose of such faeces within bins provided for that purpose.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and on conviction is liable to a fine not exceeding N\$500 or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

Control over vehicles and off-road driving

7. (1) Except for emergency vehicles, a person may not –

- (a) drive a vehicle in any closed or restricted area;
- (b) drive or park a vehicle in such a way that it causes a nuisance or inconvenience to any other person;
- (c) drive a vehicle on the beach area except where there are proclaimed or demarcated roadways;
- (d) drive or park a vehicle on municipal walkways or parks; or
- (e) drive at a speed in excess of 10km/h at a beach area.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and on conviction is liable to a fine not exceeding N\$3 000 or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.

Control of boats, surfboards, hovercrafts, jet skis, wind and kite-surfers

8. (1) The Council may, within a restricted or closed area –

- (a) by notice set aside a place or area for the launching, landing, beaching, keeping, letting or hiring of boats, jet skis or other crafts;
- (b) by notice set aside a place area for the use of hovercrafts, jet skis, wind surfers or kite surfers, and may prohibit or restrict the use of such activities except in the place or area so set aside;
- (c) prohibit the use or operation of any type of boat or craft within or from certain demarcated areas of the bathing area; and
- (d) make the operations or use of boats or crafts or certain types of boats or crafts within or from any part of the bathing area subject to the written approval of the Council, which approval may be granted with conditions as the Council considers necessary.

(2) A person may not operate small motorised boats or crafts within the launching area without a valid operations permit from the Council.

(3) A person may not leave kayaks, surf skis and other equipment unattended on the slipway where the kayaks, surf skis and other equipment may be damaged, or obstruct or hinder the full use of the slipway by boaters.

(4) A person operating a motorised boat or craft must strive to minimise the time that their boats and trailers occupy the slipway in the interest of other users.

(5) A person operating a motorised boat or craft must, prior to entering and exiting the area, practise caution regarding other users on and around the slipway before proceeding at a safe speed.

(6) A person who is under the influence of alcohol or any other intoxicating substance is prohibited from the boat launching area, and such a person may not launch a boat or craft while under the influence of alcohol or any other intoxicating substance.

(7) A person may not operate a boat, surfboard, hovercraft or jet ski in a manner which causes or is likely to cause a danger to him or herself or to the public.

(8) A person who contravenes or fails to comply with subregulations (2), (3), (6) and (7) commits an offence and on conviction is liable to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.

Control of anglers

9. (1) A person may not –

- (a) fish or angle from any restricted area;
- (b) throw, cast or swing any line or fishing gear in such a manner as to cause danger or annoyance to any person in an area where fishing or angling is allowed;
- (c) leave any bait, fishhooks, fish offal or refuse on the beach area; or
- (d) fish from any part of the Mole or from the landing stage abutting on the lower wall of the Mole or from any other point within the sea-bathing area.

(2) Angling is permitted at the following sites:

- (a) Mile 4;
- (b) the Northern Beach Area;
- (c) the area between Mole Head and Swakopmund Jetty; and
- (d) the northern entrance of Swakopmund Jetty.

(3) The Council reserves the right to restrict angling and change permitted angling sites from time to time.

(4) A person who contravenes or fails to comply with subregulation (1) commits an offence and on conviction is liable to a fine not exceeding N\$1 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

Control of fires

10. (1) A person may not light or kindle a fire on the beach area or parks unless such fire is made within Council designated braai areas in which case any coals, ash or remnants must be removed and deposited in the rubbish drums provided for that purpose.

(2) A person may not make use of or ignite any fireworks at any area except at those areas demarcated for that purpose and with the prior written approval of the Council.

(3) A person who contravenes or fails to comply with subregulation (1) or (2) commits an offence and on conviction is liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.

Control of camping overnight shelters

11. (1) A person may not erect a tent or occupy a caravan or camp or any form of temporary structure on any beach or bathing area for the purpose of overnight shelter, without the prior written approval of the Council which approval may be granted with any conditions that the Council considers necessary.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and on conviction is liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.

Control of intoxicating liquor

12. (1) A person may not consume any liquor or alcoholic beverages, or be in a state of intoxication or, use any drugs or be under the influence of drugs on the beach area or in parks.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and on conviction is liable to a fine not exceeding N\$500 or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.

Control of firearms

13. (1) A person may not discharge a firearm in the bathing area or the beach area except –

- (a) for the firing of blank cartridges during organised competitions or during organised sports meetings held with the written approval of the Council; or
- (b) by a lifeguard to signal distress.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and on conviction is liable to a fine not exceeding N\$5 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

Prohibition of bathing or recreational activities within restricted areas

14. (1) The Swakopmund bathing area extends from the northern side of the jetty in a northern direction, past the Mole area until 50 meters south of the Municipal semi-purified water outlet.

(2) The Council may, permanently or temporarily, prohibit or restrict bathing or any other recreational activity within any part of the beach area on the ground that it is unsafe or due to

the ecological or environmental sensitivity of the area.

(3) A lifeguard or an authorised official may prohibit or restrict persons from bathing within any part of the sea where such lifeguard or authorised official considers the conditions of the sea as unsafe.

(4) Any temporary or permanent prohibition or restriction of bathing under this regulation must be indicated by notice on the spot by recognisable and intelligible markers at both ends of the restricted area.

(5) A person who contravenes or fails to comply with the notice in subregulation (3) commits an offence and is liable on conviction to a fine not exceeding N\$700 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

Prohibition of entertainment and trade

15. (1) A person may not conduct any public entertainment or business of any nature in the bathing area or the beach area without the prior written approval by the Council, which approval may be made with conditions that the Council considers necessary.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and on conviction is liable to a fine not exceeding N\$3 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

Damage to property

16. (1) A person may not interfere or temper with, or misuse or damage any building, shelter or other amenity provided for the use of the public, or disregard or fail to observe the terms of notices affixed to any such building, shelter or amenity by the Council.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and on conviction is liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

Interference with notice boards, beach regulatory and warning signs

17. (1) Except for an authorised official, a person may not move, remove, deface or otherwise interfere with any notice erected by the Council in any area or by any lifeguard in terms of these regulations.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and on conviction is liable to a fine not exceeding N\$1 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

Offences relating to the environmental health, nuisance and offensive behaviour

18. (1) A person may not –

- (a) dump, deposit, leave, spill, drop or place in or on the beach area any material or thing that is likely to affect the cleanliness of the beach area and the environment or in any way infringe the health, safety, comfort, or rights of the other users of the beach area;
- (b) enter or remain in the bathing area while knowingly suffering from any infectious or contagious disease or illness;

- (c) while at the beach area or bathing area –
 - (i) use any obscene, offensive, or indecent language;
 - (ii) spit, perform any sexual act, appear in the nude or expose his or her genitalia;
 - (iii) intentionally or negligently do any act which causes discomfort to other users of the beach area or bathing area, or cause a breach of the peace, or obstruct or interfere with any authorised employee of the Council in the execution of his or her duties; or
 - (iv) urinate or defecate on the beach, except in a facility provided for such purpose; and
- (d) allow any animal or pet belonging to him or her or under his or her control to enter or remain on any part of the beach area or bathing area, except if such animal is properly controlled, and on a leash.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and on conviction is liable to a fine not exceeding N\$500 or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

Offences relating to recreational activities

- 19.** (1) A person may not –
- (a) bathe on any part of the beach area where such bathing is prohibited in terms of regulation 14(2) and (3);
 - (b) hang onto, sit on or tamper with any safety equipment provided for the protection of bathers, or in any way interfere with such safety equipment or other appliances provided for the assistance of bathers in distress;
 - (c) enter or remain in the restricted area contrary to a prohibition by an authorised official or contrary to a notice at the spot;
 - (d) remove any rocks or stones from the beach or bathing area; or
 - (e) remove any sand from the beach or bathing area.

(2) A person who contravenes or fails to comply with subregulation (1)(a) and (b) commits an offence and on conviction is liable to a fine not exceeding N\$500 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

(3) A person who contravenes or fails to comply with subregulation (1)(c), (d) and (e) commits an offence and on conviction is liable to a fine not exceeding N\$3 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

PART 3 PARKS

Access control hours

20. (1) A person may only enter a park on the dates and times determined by the Council and made known by means of a notice affixed to the notice board at the entrance of the park.

(2) A person who contravenes or fails to comply with any provision of subregulation (1) commits an offence and on conviction is liable to a fine not exceeding N\$1 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

Prohibitions at park

- 21.** (1) A person may not –
- (a) remove the soil from under or about any tree, shrub, fern, flower, or other plant, or destroy, damage or remove any tree, shrub, fern, flower or other plant or any soil or other property of the Council from any park;
 - (b) climb any tree, or write, paint, or cut names, letters or marks, or affix bills on any tree, bench, rock, gate, wall, fence, or any other object in a park;
 - (c) remove or displace any board, plate, tablet or label, or any support, fastening or fitting of any board, plate, tablet, or label fixed or set up by the Council or by any person who is authorised to do so in a park or in or on any building or structure or on or about any tree, shrub or plant in a park;
 - (d) climb onto or through or over any fence or wall in or enclosing a park or throw any stone or other missile or roll stones down any incline or use or discharge any airgun, catapult or firearm in a park;
 - (e) light a fire in a park or leave any bottles, broken glass, paper or any other litter in a park, except within rubbish bins provided for that purpose in the park;
 - (f) pursue, worry, ill-treat, or take any animal or bird in a park, or wilfully displace, disturb, injure, destroy, or take any bird's nest or eggs in the nest, nor shall any person enter a park with, or use, spread or set therein, any snare, net, or other device for taking, injuring, or destroying any animal or bird;
 - (g) take his or her animal or pet, or an animal or pet under his or her control to a park except if such animal is properly controlled and is on a leash;
 - (h) conduct any public entertainment or business of any nature in the bathing area or the beach area without the prior written approval by the Council, which approval may be made with conditions that the Council considers necessary;
 - (i) erect a tent or any form of temporary structure in a park for the purpose of overnight shelter, without the prior written approval of the Council and subject to such conditions as the Council may consider necessary;
 - (j) wilfully or negligently do any act which cause discomfort to other users of the park or cause a breach of the peace, or obstruct or interfere with the execution of the duties of any authorised official of the Council;
 - (k) behave in a disorderly or indecent manner, or use obscene or improper language, or be intoxicated or create a disturbance or commit any nuisance in a park;
 - (l) use or attempt to use, or, except in the course of duty, enter into or attempt to enter into any water closet, or structure containing a urinal, or any other place of convenience provided for the opposite sex in any park;

- (m) swing or use other playground apparatus in a park in a negligent manner, or by any negligence or misconduct in the use of playground apparatus cause any damage to any such apparatus or endanger or injure any person or refuse to vacate any swing or other playground apparatus when required to do so by an authorised official of the Council;
- (n) stand, lie on, or place foot on any seat in any park, promenade, or other place under the control of the Council, or place on any such seat anything which would defile it or cause discomfort to the public;
- (o) refuse to give his or her full name and address when required to do so by an authorised official of the Council or any member of the police; and
- (p) all goats, pigs and poultry found trespassing in a park will be removed by an authorised official of the Council.

(2) A person who contravenes or fails to comply with any provision of subregulation (1) commits an offence and on conviction is liable to a fine not exceeding N\$1 000 or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.

PART 4 JETTY

Jetty

22. (1) A person who uses the jetty does so at their own risk and responsibility.

(2) A child below the age of 10 years may not go on to the jetty unless such child is accompanied by an adult.

(3) A person may not cause nuisance on the jetty.

(4) With due regard to inclusivity, a person may only bring a perambulator, pushcart or wheelchair on the jetty.

(5) A person may not use a –

- (a) bicycle;
- (b) self-balancing two-wheeled board, also known as hoverboard and self-balancing scooter;
- (c) segway;
- (d) self-balancing unicycle;
- (e) skateboard whether electric or not; or
- (f) electric scooter,

on the jetty.

(6) A person may only angle from the northern side of the jetty, and not from the southern side of the jetty or bring any angling equipment on the southern side of the jetty.

(7) A person who contravenes or fails to comply with subregulation (3), (5) and (6) commits an offence and on conviction is liable to a fine not exceeding N\$1 000 or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.

(8) Except for an authorised official, a person may not –

- (a) intentionally remove, displace or damage any notice board or any other structure or erection, or any support, fastening or fitting of any notice board, structure or erection set up or erected by the Council on the jetty;
- (b) swim or dive for the purpose of catching rock lobster within a circumference of 50 metres from the jetty;
- (c) angle from the beach between the jetty and the Mole or linger with a vehicle there or drive it within that area; or
- (d) bring dogs or other animals onto the jetty.

(9) A person who contravenes or fails to comply with any provision of subregulation (8) commits an offence and on conviction is liable to a fine not exceeding N\$1 000 or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.

PART 5 GENERAL PROVISIONS

Liability of Council

23. (1) The Council is not liable for any damage or injury suffered by a person, whether fatal or not, which occurred in any manner on the beach or bathing area, in the parks or on the jetty.

(2) The Council is not liable for any loss or damage to property suffered by a person on the beach or bathing area, in the parks or on the jetty whether caused by fire, theft or neglect of such property.

Notices

24. (1) A person who is at a park, jetty, Mole or at the beach must, in addition to these regulations, comply with the provisions of any notice of the Council which is erected at such a place.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and on conviction is liable to a fine not exceeding N\$10 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.
