

PROVINCIAL NOTICE

[NO. 201 OF 2011]

**NOTICE IN TERMS OF SECTION 14(2)(a)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000:  
PUBLICATION: STANDARD PUBLIC SWIMMING POOL BY-LAWS**

I, M.G Qabathe, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State Province, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association: Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), make standard by-laws as set out in the Schedule.

**SCHEDULE**

**PUBLIC SWIMMING POOLS BY-LAW**

**Definitions**

1. In this by-law, unless the context otherwise indicates -
  - "manager"** means the employee of the municipality who is in charge of the swimming pools and who has been appointed by the municipality to give effect to this by-law;
  - "municipality"** means the Local Municipality of .....established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any political structure, political office-bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office-bearer, councillor, agent or employee;
  - "notice"** means a clear and legible official notice displayed at every entrance to or at a conspicuous place at a swimming pool and in which the municipality must make known provisions and directions adopted by it in terms of this by-law;
  - "premises"** means swimming pools owned by or under the management or control of the municipality and available for the use of the public and includes all dressing-rooms and other facilities used in connection therewith and the grounds on which it is erected; and
  - "swimming pool"** means the swimming pool on the municipal premises.

**Admission to swimming pool**

2.
  - (a) No person must enter the premises, nor must any person swim in the swimming pool except on such days and at such times and on such conditions as must be laid down by the municipality from time to time.
  - (b) The municipality must post a notice setting forth the days and hours during which the swimming pool must normally be open to the public in a prominent place at or near the entrance to the premises.
  - (c) Notwithstanding the fixing by the municipality of the days and hours of normal opening as provided in subsection (a), the municipality may close the swimming pool or part thereof to the public for a specified time and purpose during the open hours; Provided that a notice to that effect be posted at the same place as the notice referred to in subsection (b).
  - (d) When the swimming pool is closed to the public to allow a swimming gala to be held or for the special purposes of a swimming club or other organisation or school, as the case may be, the public may be admitted as spectators or swimmers on such conditions and terms of admission as determined by the organisers of such swimming gala, swimming club or other organisation or school with the approval of the municipality.
  - (e) No club, school or other organization or person must use the swimming pool for any gala, meeting, practice or training unless written application is made beforehand to the municipality and only on such conditions as the municipality may determine.

**Admission**

3.
  - (a) No person other than a person who is the holder of an admission ticket must be permitted admission to the premises. Any such person to whom a ticket, as aforesaid, has been issued must at any time while visiting the premises produce such ticket to the manager when requested by him or her to do so.
  - (b) No child under the age of seven years must be permitted admission to the premises unless accompanied by a parent or other responsible person.
  - (c) No person who is in a state of intoxication or under the influence of drugs or whom the manager upon reasonable grounds believes to be in such a state must be admitted to the premises. Where such person has been inadvertently admitted, he or she must vacate the premises without delay on being ordered to do so by the manager.
  - (d) No pets must be allowed on the premises.
  - (e) The manager must have the right to refuse admission to any person who in terms of this by-law is manifestly not entitled to obtain admission, and in the event of any such person having already obtained admission, to order him or her to leave the premises forthwith.
  - (f) Any person who has been refused admission to the premises or who, having gained admission, is ordered by the manager to leave the premises have the right to appeal to the municipality against the decision of the manager.
  - (g) No person who has paid for admission and who is subsequently ordered to leave the premises is entitled to a refund of his or her admission fee.
  - (h) No firearms, catapults, air-guns, traditional weapons, fireworks or crackers or any dangerous weapon may be brought into the swimming pool area.

#### **Use of dressing rooms**

4.
  - (a) The municipality must provide on the premises such dressing rooms as it may deem necessary in which persons visiting the swimming pool for the purpose of swimming must change from their ordinary clothes into swimwear and vice versa as well as such sanitary conveniences and other facilities as it may deem necessary.
  - (b) Separate dressing rooms and sanitary and other conveniences must be provided for both sexes and notices must be erected stating the sex which is entitled to use the respective dressing room and sanitary or other conveniences. No person must enter any such dressing room or other accommodation which has been appropriated or set apart for the use of the opposite sex.

#### **General prohibitions**

5. No person must -
  - (a) dress or undress in any place, except in the dressing room or other places provided for such purpose;
  - (b) after having entered the swimming pool, use therein any soap or other substance or preparation for any purpose whatsoever;
  - (c) by any disorderly or improper conduct disturb, injure or molest any other person or obstruct the manager or his or her authorised official in the performance of his or her other duties, and no person must use any indecent, offensive or profane language or behave in an indecent or offensive manner;
  - (d) bring any glass bottle or any glassware onto the premises;
  - (e) remove, take away, throw down, damage or destroy any furniture, fitting, tool, machinery or other article or thing pertaining to or used on the premises which is the property of the municipality;
  - (f) at any time enter the swimming pool while knowingly suffering from a contagious disease or from an open wound or sore;
  - (g) introduce into or consume or smoke on the premises any intoxicating liquor or drugs;
  - (h) swim in the swimming pool unless clothed in a proper and adequate swimwear, nor appear anywhere on the premises unless he or she is wearing swimwear or is otherwise properly dressed;
  - (i) spit or expectorate on the premises or defecate in the swimming pool or some other place, or leave or deposit any paper, fruit peels or other litter anywhere except in the refuse bins provided for the purpose;
  - (j) use any shower or sanitary convenience in an improper or offensive manner;
  - (k) damage, or by writing, drawing or scribbling thereon or by any other means or in any other manner deface or defile any wall, seat or door, or damage or unlawfully interfere with any facility or appurtenance or any part of the swimming pool;
  - (l) gamble on the premises;

- (m) play water polo in the swimming pool except at such times and on such conditions as fixed by the municipality, nor must any person play, with or without a ball or other object, any other game likely to cause injury or discomfort to swimmers or spectators;
- (n) bring or use a surfboard, canoe, boat, punt, raft or other thing which may cause injury on the premises or in the swimming pool;
- (o) wash any garment or other matter in the swimming pool;
- (p) discharge any fireworks on the premises;
- (q) play any musical instrument or make noises thereon whilst utilising the conveniences on the premises, except with the prior written consent of the municipality;
- (r) deliver, utter or read aloud any public speech, prayer, book or address, or sing any song out loud, or hold or take part in any public meeting or assemblage on the premises, except with the prior written consent of the municipality;
- (s) refuse to give his or her name and address when requested to do so by the manager;
- (t) enter the swimming pool with clothing other than normal swimwear;
- (u) enter the swimming pool area with a bicycle, motorcar, motorbike or any other self-propelled means of transport;
- (v) interfere with or molest any animal or bird kept on the premises on which a swimming pool is situated, nor must any person interfere with any plant or pick any flower, slip or cutting;
- (w) organise a function, sale, performance, march or any other gathering on the parking area or in the swimming pool area without the written consent of the manager.

#### **Responsibility of municipality**

- 6. The municipality is not responsible-
  - (a) for the loss or theft of clothing or effects of any description whatsoever left by any person in the dressing rooms or lockers or elsewhere on the premises;
  - (b) for any injuries sustained or illness contracted or alleged to have been sustained or contracted, as the case may be, by any person on the premises or in the swimming pool;
  - (c) for death as a result of drowning or any other cause.

#### **Admission charges**

- 7. The municipality must from time to time fix the charges for admission to the premises, and such charges must be prominently displayed at the office where the admission charges are paid.

#### **Ejection**

- 8. Any person contravening any provision of this by-law and any person whom the manager reasonably suspects of having committed any other offence on the premises must immediately leave the premises when ordered to do so by the manager.

#### **Penalty**

- 9. Any person who contravenes any provision of this by-law is guilty of an offence and liable upon conviction to-
  - (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment;
  - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued;
  - (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

#### **Repeal of by-laws**

- 10. Any by-laws relating to public swimming pools adopted by the Council or any municipality now comprising an administrative unit of the Council is repealed from the date of promulgation of these by-laws.

#### **Short title**

- 11. This by-law is called the Public Swimming Pool By-laws, 2011.