

LEKWA LOCAL MUNICIPALITY



DRAFT PUBLIC SWIMMING POOLS BY-LAW

The Council of Lekwa Local Municipality has in terms of section 156 of the Constitution, 1996, read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, made the following Bylaw:

THE PUBLIC SWIMMING POOLS BY-LAW

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1 Definitions

For the purpose of this By-law, unless the context indicates otherwise indicate

“Adult”	means a person of the age of eighteen (18) years and older;
“Authorised official”	means an official of the Council or the official of another municipality or another organ of state with which the Council has concluded an agreement for the rendering of services in terms of this by-law and to whom the Council has delegated a duty, function or power under this by-law;
“Child”	means any person younger than eighteen (18) years;
“Month”	means calendar month;
“Municipality”	means the Lekwa Local Municipality;
“Municipal Council”	means the Council of the Municipality as referred to in section 157 of the Constitution No.108 of 1996:
“Municipal Manager”	means the person appointed by the Municipal Council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government: Municipal Systems Act, 32 of 2000 and includes any person – <ul style="list-style-type: none">a) acting in such a positionb) to whom the municipal manager has delegated the power, function or duty in respect of such delegated power, function or duty;
“Season”	means the period during which the pool shall be opened to the public for use only determined by the municipality;
“superintendent”	means any officer of the council duly authorized to be in control of the swimming pool and includes any such officer duly appointed or authorized to act in the place of the superintendent or to assist in the execution of his or her duties;
“swimming pool”	a structure with a controlled water supply used for swimming or bathing, including children` swimming and paddling pools, but excluding a tidal swimming pool or a swimming at a private home that is not used for commercial purposes;
“Swimming pool keeper”	means any person who controls the operation of a Swimming pool.

- (2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

2. COUNCIL RIGHTS

(1) The council reserves the right to –

- a. determine the season, when the swimming pool shall be open to the public ; provided that the commencement and termination of such season as well as the times , be brought to the attention of the public by means of notices affixed in advance by the Council at each swimming pool.
- b. Reserves the right to close any swimming pool or any part thereof for special purposes and to charge special admission fee during such period; provided that seasonal and monthly ticket fees shall be issued subject to these conditions and that this by-law shall remain applicable in all respect to a swimming pool reserved or closed in terms of this paragraph and to persons visiting it and
- c. refuse admission to a swimming pool to any person at any time should the rules and regulations applicable at the swimming pool be transgressed by such person.

3. ADMISSION TO POOLS

(1) No person, other than the superintended or a duly authorised officer of the Council shall –

- a. enter or be admitted to any part of the swimming pool except though an entrance provided for this purpose and after having paid the charge determined from time to time by the Council in terms of the Local Government: Municipal Finance Management, 2004, Act No. 56 of 2004.

4. USE OF SWIMMING POOLS

- (1) any person visiting the swimming pool or using any facilities or equipment thereat shall do so at his or her own risk and the Municipality shall not be liable for any personal injury suffered by him or her or any loss or damage to his or her property or possessions.
- (2) only children under the age of six shall be allowed to use the paddling pool and such use shall only be under personal supervision by an adult
- (3) no children under the age of six, except in the paddling pool, shall be allowed in the water unless accompanied by an adult.
- (4) All bathers shall leave the swimming pool at the prescribed closing time
- (5) No person, except the supervising teacher of a group of scholars visiting a swimming pool during times prescribed by the Municipality may use the swimming pool for the purpose of instructing or training, unless such person has obtained the Municipality's written permission to do so.

5. USE OF CHANGING AND OTHER ROOMS

- (1) Bathers shall not change in any place other than the appointed changing rooms.
- (2) No person shall –

- a. occupy a room, cubicle, dressing room, and toilet or bathroom for longer than is necessary.
- b. enter or try to enter a bathroom , dressing room, toilet or room which has been reserved or allocated for the use of the opposite sex, or
- c. enter or seek admission to a cubicle, dressing room or the room without the consent of the person legally occupying it at the time, except where a duly authorised officer deems it necessary during the investigation of a complaint: provided that the privacy of persons involved in such investigation shall not be encroached upon.

6. ORDER AND BEHAVIOUR

(1) No person shall -

- a. appear in public at the swimming pool unless he or she is clothed in decent bathing apparel
- b. willfully or negligently leave any litter, glass or other objects which may create a danger or adversely affect the neatness of swimming pool.
- c. willfully or negligently destroy, deface or damage any property of the municipality, urinate, spit or blow his or her nose in the swimming pool.
- d. by any disorderly conduct, disturb any other person in the use of the swimming pool or a bathroom, cubicle or room, or interfere with an official in the execution of his or her duties.
- e. use indecent, offensive or improper language or behave in an indecent, offensive or improper manner.
- f. allow any dog or other pet belonging to him or her under his or her control to enter or remain at a swimming pool, unless it is a guide dog guiding a blind person;
- g. willfully or negligently pollute or render the water in swimming pool unfit for the use by bathers.
- h. use a swimming pool whilst suffering from any cutaneous or other contagious disease or whilst appearing obviously dirty.
- i. play any game likely to cause injury or discomfort to bathers or visitors at a swimming pool.
- j. whilst in possession of or under the influence of intoxicating liquor or drugs enter a swimming pool or remain therein after having been instructed by a duly authorised official to leave the swimming pool.
- k. take into a swimming pool any surf board, canoe, boat, floating mattress, motor vehicle tube or other object: provided that the pupils of coaches who have paid the prescribed charges may use approved practice boards or
- l. without the prior written consent of the Municipality, affix or display any advertisement, poster or notice at a swimming pool.

7. PENALTIES AND OFFENCES

(1) Any person who;

- a. contravenes or fails to comply with any provision of these by-laws; or
- b. fails to comply with any notice issued in terms of or for the purposes of this by-law; or
- c. fails to comply with any lawful instruction given in terms of or for the purposes of the this by-law; or
- d. obstructs or hinders any authorized official or representative or employee of the Municipality in the execution of his or her duties under this by-law;

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six (6) months and in a continuing offence, to a further fine not exceeding R500.00, or in default of payment to imprisonment not exceeding one day for every day during the continuance of such offence after a written notice has been issued by the Municipality and served on the person concerned requiring the discontinuance of such offence.

8. REPEAL OF BY-LAWS

- (1) Any by-law adopted by the Municipal Council or the Municipal Council of any municipality now forming an administrative unit of the Lekwa Local Municipality and relating to swimming pools and spa-baths are hereby repealed.

9. SHORT TITLE

- (1) This By-law shall be called The Public Swimming Pools By-law 2015.