

EXPLANATORY NOTE:

Words ~~struck through~~ indicate proposed **deletions** from existing by-laws.

Words underlined with a solid line indicate proposed **insertions** in existing by-laws

BY-LAWS RELATING TO MUNICIPAL SWIMMING POOLS

TABLE OF CONTENT

CHAPTER 1 INTERPRETATION

1. Definitions

CHAPTER 2 ESTABLISHMENT AND MANAGEMENT OF SWIMMING POOLS

2. Establishment of swimming pools
3. Conditions of entry
4. Right to reserve swimming pool
5. Segregation of sexes
6. Bailment of articles

CHAPTER 3 GENERAL CONDUCT IN A SWIMMING POOL

7. Invasion of privacy
8. Articles in pool
9. Wash before swim
10. Bathing costume
11. Occupation of cubicles
12. Custody of clothes and valuables
13. Improper or dangerous conduct
14. Advertising
15. Leased articles

- 16. Animals
- 17. Pollution
- 18. Infectious diseases

CHAPTER 4 MISCELLANEOUS

- 19. Injuries or damages
- 20. Fire-arms and traditional weapons
- 21. Offences and penalties
- 22. Repeal and amendment
- 23. Short title and commencement

CHAPTER 1 INTERPRETATION

1. Definitions

- (1) In these by-laws, unless the context otherwise indicates, an expression to which a meaning has been assigned in the Local Government Ordinance, 1962 (Ordinance No 8 of 1962), the Structures Act and the Systems Act or any other applicable legislation, shall have the meaning so assigned to it, and -

“child” means a person who is a scholar or pre-scholar;

~~**“Council”** means the municipal council of the Mangaung local municipality, its legal successors in title and its delegates;~~

“Council” means the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under council’s delegated or sub-delegated power;

~~**“municipality”** means the Mangaung local municipality, and when referred to as -~~

~~(a) an entity, means Mangaung Local Municipality as described in section 2 of the Systems Act; and~~

~~(b) a geographic area, means the municipal area of the Mangaung Local Municipality as determined in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No 27 of 1998);~~

“Municipality/City” means Mangaung Metropolitan Municipality established by the Provincial Notice No. 261 of 28 March 2011, issued in terms of section 12 of the Local

Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“prescribed fees” means the fees as determined from time to time by the Council by means of resolution;

“superintendent” means the official appointed by the Council to supervise and control a public swimming pool or pools, and his delegates;

“swimming pool” means a swimming pool, including the appurtenant grounds, buildings and works, that is owned and controlled by the municipality, and made available for public use from time to time;

“Structures Act” means the Local Government : Municipal Structures Act, 1998 (Act No 117 of 1998);

“Systems Act” means the Local Government : Municipal Systems Act , 2000 (Act No 32 of 2000);

- (2) In these by-laws, unless the context otherwise indicates, words and expressions denoting the singular shall include the plural and vice versa, words and expressions denoting the male sex shall include the female sex and vice versa and reference to a natural person shall include a legal person and vice versa.

CHAPTER 2 ESTABLISHMENT AND MANAGEMENT OF SWIMMING POOLS

2. Establishment of swimming pools

The Council may from time to time set aside and reserve suitable land within the municipality for the establishment of a swimming pool, including the buildings and works, and make it available for public use from time to time.

3. Conditions of entry

- (1) No person other than an employee of the ~~Council~~ Municipality acting in the course of his employment, or another duly authorized person, shall enter or be admitted into a swimming pool otherwise than by an entrance reserved for such purpose, and unless such person has produced to the superintendent an entrance ticket for which the prescribed fees have been paid to the ~~Council~~ Municipality. An entrance ticket must on request be shown to the superintendent or another authorised official of the ~~Council~~ Municipality.
- (2) The right of access to a swimming pool is reserved by the ~~Council~~ Municipality at all times, and the superintendent may prohibit any visitor who is in his opinion undesirable, to enter a swimming pool, and he may order such person to leave the swimming pool.
- (3) The ~~Council~~ Municipality may in its exclusive discretion, determine a maximum number of users that will be allowed in a swimming pool. Should such a maximum

number be reached at a swimming pool, the ~~Council~~ Municipality may prohibit or obstruct further access to such swimming pool by the installation of barriers at all entrances thereto or other places as are necessary, together with the erection of notices prohibiting access. Any person who fails to adhere to such notice, shall be guilty of an offence.

- (4) On every entrance ticket referred to in sub-section (1) there shall be indicated both the amenities to which it relates and the amount of the prescribed fees paid.
- (5) The superintendent may search the person and belongings of a bather after obtaining his consent beforehand.

4. Right to reserve swimming pool

- (1) (a) The ~~Council~~ Municipality may -
 - (i) on any day or days reserve any swimming pool for the holding of aquatic sports, galas, competitions or other events, and may on any such day or days or any other day reserve the right of admission to such swimming pool and make such special admission charge as it may deem fit, or
 - (ii) either permanently or for such periods as it may deem fit, reserve any swimming pool as a swimming pool to which, subject to the provisions of these by-laws, members of the public shall be admitted free of charge.
- (b) Notwithstanding the provisions of sub-section 1(a), groups of pupils may be admitted to a swimming pool at times when such swimming pool is closed to the general public, provided the requisite approval has been obtained beforehand by the school or schools concerned.
- (2) Subject to any provision to the contrary in sub-section (1), these by-laws shall apply in all respects to a swimming pool reserved in terms of sub-section (1) and to persons visiting such swimming pool when so reserved.
- (3) The superintendent may refuse admission to any person to enter a swimming pool ten minutes or less than ten minutes before the prescribed closing time.
- (4) The ~~Council~~ Municipality reserves the right :
 - (a) to reserve the use of any swimming pool on any day for such period as it may deem necessary for any special purpose, and may refuse the use of such swimming pool for any other purpose during the reserved period;
 - (b) to close any swimming pool temporarily for such period or periods during any season as it may deem necessary for purposes of cleaning and repairing. All entrance tickets are issued subject to these reserved rights of the Council;
 - (c) to decide upon the times when a swimming pool shall be open and available for use by the general public;

- (d) to from time to time and for such periods as may be deemed necessary, prohibit the use of any of its swimming pools if in the opinion of its medical officer of health the condition of the water constitutes a danger to public health.
- (e) to decide that the swimming pools shall be closed on Sundays, on any public holiday or on any other day.

5. Segregation of sexes

- (1) The periods during which a swimming pool may be reserved for use by men only, by women only or by the two sexes jointly, as the case may be, shall be determined by the ~~Council~~ Municipality. The said periods shall be made known by the ~~Council~~ Municipality by means of clearly printed notices exhibited in conspicuous positions at a swimming pool.
- (2) No person of one sex shall be admitted to the premises of a swimming pool during hours when such swimming pool is set aside for the exclusive use of persons of the other sex.
- (3) Separate cubicles, dressing-rooms and places of ablution shall be provided and reserved for each of the two sexes.
- (4) No such separate convenience shall be used by the two sexes simultaneously and no person may enter a convenience set aside for the other sex.

6. Bailment of articles

- (1) The ~~Council~~ Municipality shall not be liable to any person visiting the swimming pool for the loss of any article by theft or otherwise, or for damage to any article however caused, unless such person has deposited such article with the superintendent for bailment in accordance with the provisions of this by-laws, and has complied with all the provisions hereof relating to the article so deposited.
- (2) An article shall be deposited properly by a bailor for bailment in accordance with the provisions of this by-laws by :
 - (a) delivering such article to the superintendent at a swimming pool;
 - (b) providing the value of the article to the superintendent, who must write the value so provided above his signature on a ticket to be handed to the bailor. No article with a value that according to the bailor exceeds R 2 000, shall be made or accepted ;
 - (c) paying the prescribed fees for the bailment of the article;
 - (d) receiving and safekeeping a ticket issued by the superintendent in respect of the bailment of such article;

- (3) No article deposited with the superintendent shall be returned to the bailor unless he has surrendered to the superintendent the ticket issued in respect of the bailment of such article : Provided that such article may be delivered without the surrender of the said ticket :
 - (a) to a person who satisfies the superintendent that the article is his or that he is entitled to received it; and
 - (b) who signs a document indemnifying the ~~Council~~ Municipality against any claim whatsoever by any person relating to or resulting from the loss of such article; and
 - (c) in addition thereto, if required by the superintendent to do so, furnishes him with such security as the superintendent may deem adequate.
- (4) The bailor of any article shall, if required by the superintendent to do so, expose the contents thereof in order that the superintendent may satisfy himself in regard to the value so declared.
- (5) The superintendent shall require from the bailor of an article which has been opened in terms of sub-section (4) to close such article completely before the bailment thereof is accepted.
- (6) If the superintendent is of the opinion that the value provided for any article deposited with him is too high, he shall be entitled either to determine its value at such lower figure as is in his opinion appropriate or, in the event that no figure can be agreed upon between him and the bailor, to refuse to accept the bailment of such article.
- (7) The superintendent may if he deems it fit, require that an article be sealed by the bailor in his presence and in such case, no claim in respect of any loss of the contents of such package shall be entertained by the ~~Council~~ Municipality after it has been returned to the bailor with the seal still intact.
- (8) In the event of the loss of or damage to any article properly deposited with the superintendent for bailment :
 - (a) the bailor must submit a written claim setting out full particulars regarding the lost or damaged article, together with the ticket issued for the bailment thereof with the superintendent at the swimming pool concerned;
 - (b) the ~~Council~~ Municipality shall submit the claim so received to its insurers for consideration, and will inform the bailor as soon as possible of the outcome thereof.

CHAPTER 3 GENERAL CONDUCT IN A SWIMMING POOL

7. Invasion of privacy

No person shall enter any occupied cubicle, dressing room or other apartment at a swimming pool, or otherwise invade the privacy of any person.

8. Articles in pool

No person shall bring into a swimming pool and use any motor vehicle inner-tube, floating mattress, canoe or other similar object. Any such object shall be removed from a swimming pool by order of the superintendent.

9. Wash before swim

Every person shall, before entering a swimming pool for the first time, pass on bare feet through a foot bath, if the swimming pool is provided with a foot bath, and shall in addition, if directed by the superintendent to do so, wash himself thoroughly under a shower provided by the Council Municipality.

10. Bathing costume

- (1) No person shall, except as provided for in sub-section (3), appear in a swimming pool premises unless he wears a bathing costume consistent with and in accordance with general acceptable public decency.
- (2) A person allowing himself to be seen in a swimming pool in a bathing costume that does not conform to the requirements of sub-section (1) may be directed by the superintendent either to wear an appropriate bathing costume or to dress in his ordinary clothing.
- (3) No person shall, except in a part of the swimming pool reserved for persons of his own sex, appear naked or insufficiently clothed outside any place reserved for dressing or undressing or for ablutions : Provided that no person shall sunbathe or loiter in such reserved place.

11. Occupation of cubicles

- (1) No person shall occupy a cubicle for longer than is reasonably necessary to change into a bathing costume, and every person who has so changed shall forthwith deposit his ordinary clothes and other belongings with the superintendent in accordance with the provisions of section 6 if he so wishes.
- (2) A person who has re-claimed his ordinary clothes in accordance with the provisions of section 6 shall, if he occupies a cubicle or dressing-room for the purpose of dressing into his ordinary clothes, occupy it for no longer than is reasonably needed for such purpose.

12. Custody of clothes and valuables

The safe keeping of clothes, jewellery and other valuables is the exclusive responsibility and risk of each user of a swimming pool.

13. Improper or dangerous conduct

(1) No person :

- (a) shall spit or commit a nuisance or, subject to the provisions of section 10(3), excessively or immodestly expose his body or any part of it, or behave in an indecent, noisy or offensive manner or use obscene or offensive language or interfere in any way with the use of a swimming pool by any other person;
- (b) shall, whether from a diving board or platform or from the side of a swimming pool, dive or jump into or otherwise enter such swimming pool unless sufficient space in the swimming pool is available for such dive, jump or other entry to be made in safety;
- (c) shall dive or jump into or otherwise enter a swimming pool in such a manner as to cause or be likely to cause injury or alarm to other bathers;
- (d) shall in any part of a swimming pool play any ball or other game in a dangerous manner or otherwise so conduct himself as to endanger other persons or interfere with their enjoyment of such swimming pool;
- (e) shall wilfully damage or destroy any part of swimming pool, or any of the furniture, fixtures or fittings or appliances contained thereon or therein, or any swimming costume, swimming trunks, towel or other article supplied by the ~~Council~~ Municipality for use on or in the swimming pool;
- (f) shall in any way tamper or interfere with the action or function of any lock, cock, tap, valve, pipe or other appliance or any machinery in a swimming pool;
- (g) shall at any time while in a swimming pool, use any indecent, offensive or defamatory language or behave in an indecent, offensive or improper manner. Any such person may be removed from the swimming pool by a member of the South African Police Service or superintendent or Municipal Law Enforcement Unit and shall, on being requested to do so, furnish his name and address;
- (h) that is consuming alcohol or is under the influence of alcohol, shall be allowed in a swimming pool. The superintendent may instruct a person in a swimming pool who is consuming alcohol or is under the influence of alcohol, to leave the swimming pool forthwith and if he refuses to leave, the superintendent may obtain the assistance of the South African Police Services or Municipal Law Enforcement Unit. No alcohol is allowed in a swimming pool;
- (i) shall introduce or require or permit any other person to introduce into a swimming pool any beverage in a bottle or other container made of glass:

Provided that this sub-section shall not apply to an infant's feeding bottle introduced for the purpose of feeding an infant, or to glass bottles or other glass containers introduced by the lessee or other person in control of an kiosk or refreshment room the possession of which shall be retained by the lessee of such kiosk or room.

- (2) A person shall, if so requested by the superintendent, leave the swimming pool forthwith.

14. Advertising

No advertisement, poster or notice may be affixed or displayed in a swimming pool unless the prior written ~~approval of the Council~~ permission of the Municipality has been obtained.

15. Leased articles

Every swimming costume, pair of swimming trunks, towel, or other article supplied by the ~~Council~~ Municipality, shall be returned by the lessee immediately after it has been used.

16. Animals

No animal shall be introduced or admitted into a swimming pool.

17. Pollution

No unauthorised person shall foul or in any way pollute a swimming pool, or introduce any soap or other foreign substance into a swimming pool.

18. Infectious diseases

- (1) No person who is in quarantine for or who is to his knowledge suffering from, or is a carrier of any cutaneous, infectious or contagious disease shall enter or seek admission to any swimming pool.
- (2) No person shall cause, permit or suffer any person under his control to enter or seek admission to any swimming pool if the latter person is to the knowledge of the former person suffering from or is a carrier of any cutaneous, infectious or contagious disease.

CHAPTER 4 MISCELLANEOUS

19. Injuries and damages

- (1) A person using a swimming pool or any diving board or other appliance, facility or apparatus in a swimming pool, do it at his own risk, and the ~~Council~~ Municipality accepts no liability whatsoever for any personal injuries sustained by such person or,

subject to the provisions of section 6, for any loss of or damage to such person's property relating to or resulting from the aforementioned usage of the swimming pool.

- (2) A person using a swimming pool or any diving board or other appliance, facility or apparatus in a swimming pool, accepts full responsibility for any incident, damages or injuries that may be caused by or that may result from the aforementioned use of the swimming pool and by the purchasing of an entrance ticket, he indemnifies the Council Municipality, its members, employees or agents, whether in personal or official capacity, against liability for all claims from whichever nature by himself, his dependants or third parties in respect of any patrimonial loss, consequential damages, injuries or personal prejudice that may be suffered or sustained in connection with or resulting from such a person's use of the swimming pool. ~~The aforementioned indemnity also applies to injuries sustained by employees of the Council while on duty at the swimming pool, as well as damages to Council property at the swimming pool.~~

20. Fire-arms and traditional weapons

No fire-arms and traditional weapons shall be allowed in a swimming pool.

21. Offences and penalties

- (1) Any person contravening or failing to comply with any of the provisions of these by-laws shall be guilty of an offence and shall upon conviction by a court be liable to a fine not exceeding R 60 000, or imprisonment for a period not exceeding three years or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 92 of the Magistrate's Courts Act, 1944 (Act No 32 of 1944).
- (2) Any expense incurred by the Council Municipality as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Council Municipality from the person who committed the contravention or who failed to do such thing.

22. Repeal Amendment

- (1) ~~The following regulations are hereby repealed:~~
 - (a) ~~The Swimming Pool Regulations of the former Bloemfontein Municipal Council, promulgated by Administrator's Notice No 161 of 12 August 1966;~~
 - (b) ~~The Swimming Pool Regulations of the former Heidedal Management Committee promulgated by Administrator's Notice No 211 of 15 September 1978;~~
 - (c) ~~The By-laws relating to Public Swimming Pools of the former Mangaung City Council, promulgated by Government Notice No R1449 of 13 July 1984.~~

The by-laws relating to the Municipal Swimming Pools, as promulgated in the Local Government Notice No. 98 of 27 September 2002, are hereby amended.

23. Short title and commencement

This by-law is called **Mangaung, Municipal Swimming Pools By-law** and the amendments effected come into operation on the date of publication in the *Provincial Gazette*.