

## MOGALE CITY LOCAL MUNICIPALITY: SWIMMING POOL BY- LAWS

The Municipal Manager hereby publishes in terms of Section 13 of the Local Government Municipal Systems Act 32 of 2000 the Swimming Pool By-Laws set forth hereinafter, which are duly adopted by Council in terms of Sections 11 and 12 of the said Act :

### 1. DEFINITIONS

In these By – Laws, unless the context otherwise indicates -

“adult” means- any person of the age of 18 (eighteen) years and older;

“animal” means- without limiting the generality of the term, dog, cat, rodent, reptile or bird;

“children’s pool” means- a swimming pool used by children under the age of 10 (ten) years and adults who are unable to swim;

“compartment” means- an enclosed space used as a dressingroom and includes a room, a cubicle, dressingroom, bathroom or toilets;

“Council” means- Mogale City Local Municipality;

“paddling pool” means a small swimming pool used by children the age of 6 (six) years;

“premises” means- that defined area of ground which is the property of or which is controlled by the Council on which a swimming pool is located and includes all improvements erected thereon which form an integral part of the swimming facility;

“season” means- the period determined by the Council from time to time during which a swimming facility will open to the public;

“superintendent means- any official of the Council authorized to be in control of a swimming facility and includes any official appointed or authorized to act in the place of the superintendent or to assist him in the execution of his duties;

“swimming facility,” means- a swimming pool, together with the premises defined herein;

“swimming pool” means- any swimming pool, including a paddling pool and a children’s pool, which is the property of or which is controlled by the Council and is located on the premises as defined herein;

“teacher” means- a person employed by the Department of Education as an educator, who teaches ,educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services at any public school, as defined in Section 1 of the Employment of Educator’s Act No.76 of 1998 or a qualified swimming instructor;

The male gender shall include the female gender and vice versa and singular shall include the plural and vice versa.

## 2. RESERVATION OF RIGHTS FOR THE COUNCIL

2.1 The Council reserves the right to –

2.1.1 determine the dates and times during which the swimming facility shall be open to the public;

2.1.2 close any swimming facility or part thereof for special purposes and to charge special admission charge during such period: provided that season admission tickets shall be issued subject to these conditions and that these By-Laws shall remain applicable in all respects to a swimming facility reserved or closed in terms of this paragraph and to persons visiting it;

2.1.3 refuse admission to a swimming facility to any person at anytime.

2.2 The Council may let the use of the swimming facility, on such terms and conditions as it in its sole discretion may decide, to approved swimming – clubs and aquatic sport clubs or to any other approved person or body.

## 3. INDEMNITY

Any person visiting a swimming facility and using any of the facilities or equipment provided shall do so at his own risk and the Council shall not be held responsible or liable for any personal injury sustained, death of such person, and any loss or damage to his property.

## 4. USE OF SWIMMING FACILITY

4.1 Only children under the age of 6 (six) years shall be permitted to use a paddling pool and then only under the supervision of an adult.

4.2 Only children under the age of 10 (ten) years and adults, who are unable to swim, shall be permitted to use a children's pool, where such is provided.

4.3 No child under the age of 6 ( six ) years shall be allowed in a swimming pool unless he is **accompanied by an adult.**

4.4 No person, except the supervising teacher or swimming instructor of a group of scholars visiting a swimming facility during times laid down by the Council may use the swimming pool for the purpose of instruction or training, unless he has obtained the Council's written permission to do so.

4.5 School children may, upon written request addressed to the superintendent by the principal of the school concerned, be granted permission to use the swimming facility during school hours; provided that-

4.5.1 a teacher directly supervises the children at the swimming facility;

4.5.2 the children leave the swimming facility not later than 14h00 on any school day.

4.6 Any person using the swimming facility shall at all times exercise reasonable and proper care.

4.7 Use of Swimming Facilities by Clubs

4.7.1 Swimming Clubs wishing to use the Swimming Pool will first make an application to the Council for the usage of the facility.

4.7.2 The application letter to the Council for the usage of the Swimming pool must state the following:

- (a) The name and address of the club;
- (b) The application for the usage of the institution must be accompanied by the Club's constitution;
- (c) The list of names with addresses of the entire executive committee of the club;
- (d) The days and times which the club will be using the facility;
- (e) The full names, addresses and Swimming qualifications of the Swimming Coach, Swimming Teacher or Swimming Instructor.

**4.7.3 Club members shall not be allowed to swim or train during their allocated times by Council in the absence of the Swimming Coach, Swimming Teacher or Swimming Instructor whose duties amongst others include supervision of the Club members.**

4.7.4 Club members shall not be allowed to swim or train during their allocated times by Council without being accompanied and being supervised by the club's Swimming Coach, Swimming Teacher, or Swimming Instructor.

4.7.5 No monies shall be collected by any registered Club official or Club Member from members of the community or public at the swimming pool other than those related to the Club's levies or registrations.

4.7.6 Swimming Clubs may not use the Swimming Pool for other matters other than training.

4.7.7 Swimming clubs will only be allowed to use the Swimming Pool at times and days, by which they shall have come to an agreement with Council.

4.7.8 Failure for the clubs to abide by the rules and regulations set by the Council, shall result in the cancellation of the contract by Council.

5. USE OF COMPARTMENTS

5.1 Swimming Pool users shall not change their clothing in any place other than the compartment provided for that purpose;

**5.2 Male persons under the age of 5 ( five) years, shall not enter a compartment which has been reserved or allocated for the use of females, same shall apply to female persons under the age of 5 (five) years, they shall not enter compartments reserved or allocated for the use of male persons.**

6. DUTIES OF COUNCIL

- 6.1 Council shall have a duty to install notices indicating with markers the deep and shallow ends of a swimming pool.
- 6.2 Council shall ensure suitably qualified lifesavers are on duty during the times that the swimming facility is open to the public.
- 6.3 Council shall surround the swimming facility with an adequate wall or fence.
- 6.4 Council shall ensure that the surface of the floor area surrounding the swimming pool shall be of an impervious and non-slip material.
- 6.5 Council shall provide suitable chemical gas at the chlorinator Installation, and if required by the health officer an oxygen or air breathing apparatus shall be provided.
- 6.6 Council shall provide an approved, fully equipped first aid kit and lifesaving equipment and the equipment shall be maintained and kept in a prominent, easily accessible and protected position.
- 6.7 Council shall provide and maintain appropriate water quality testing equipment.

**6.8 Water testing shall be conducted on a weekly basis.**

7. POWERS AND DUTIES OF THE SUPERINTENDENT

- 7.1 The superintendent has the authority to enforce the provisions of these By-Laws.
- 7.2 The superintendent shall be entitled to **remove** any person, who is in breach of the provisions of the By-laws from the swimming facility and such person shall on being requested to do so, furnish his full names, address and where applicable, identity number.
- 7.3 The superintendent shall be entitled to impound any article brought into the swimming facility in contravention with the provisions of these By-laws and to hand such article, if he deems it necessary, to any official of the sub-department Public Safety or to return same to the owner thereof provided the owner thereof decides to depart from the swimming facility immediately.
- 7.4 The superintendent must impound any animal found within the swimming premises and either hand same to the S.P.C.A or to the owner thereof provided the owner decides to depart from the swimming premises immediately.
- 7.5 The superintendent shall ensure that the water is purified, treated and maintained to an acceptable quality at all times when the swimming pool is in use.
- 7.6 The superintendent shall keep and maintain a daily operating record of the water quality.

## 8. SAFETY OF WATER

The superintendent shall ensure that the water of the swimming pool complies with the following when it is in use:

- 8.1 The water shall be free from floating, suspended or settled debris or swimming organisms and the walls, floor, access ladders or steps and gutters shall be free from slime and algae.
- 8.2 The pH value of the water shall not be less than 7 (seven) and not higher than 8 (eight).
- 8.4 Where disinfectants other than **chlorine** is used, the residual level shall be equivalent in effect to the requirements of subsection 3.
- 8.5 The total viable bacteriological count of any sample submitted for analysis in accordance with the acceptable methods shall not exceed 100 in **100 ml of water**.
- 8.6 Escherichia coli type 1 bacteria shall not be present in any 100ml of water.

## 9. SAFE-KEEPING OF POSSESSIONS

- 9.1 No articles, belongings or valuables of persons entering a swimming facility shall be taken into safe - keeping by the superintendent.
- 9.2 The safekeeping of belongings or valuables of persons entering a swimming facility shall be the responsibility of such person who indemnifies the Council from any liability arising out of the loss or damage of such belonging or valuables brought onto the premises.
- 9.3 Any article, belongings or valuables left at a swimming facility and not claimed within 30 (thirty) days after having been so left, shall be deemed abandoned and the Council shall have right to dispose thereof in such manner as it may deem fit.
- 9.4 Any person who claims articles, belongings or valuables left at the swimming facility, must lodge a claim in writing within the period prescribed in 9.3 addressed to the superintendent in the form of a sworn statement (affidavit) in which the nature of such article, belongings or valuables is accurately described and which indemnifies the Council against all claims by other persons in respect of such articles, belongings or valuables.

## 10. RIGHT OF ADMISSION RESERVED

- 10.1 Council may refuse to admit to any swimming facility any person who, by entering the swimming facility is, in sole the discretion of the superintendent, likely to commit a contravention of these By - Laws notwithstanding that such person is the holder of a valid admission ticket.
- 10.2 No person shall be allowed to enter the swimming facility without a valid admission ticket.
- 10.3 No person shall forcefully seek admission to any swimming facility while there are other persons who have acquired a prior right of admission.

10.4 The maximum number of persons that will be admitted to a Swimming facility simultaneously will be as follows:

**10.4.1 200 (two hundred) at Azaadville;**

**10.4.2 200 (two hundred) at Coronation Park;**

**10.4.3 200 (two hundred) at Kagiso;**

10.4.4 200 (two hundred) at Krugersdorp West.

11. SWIMWEAR

No person admitted to the swimming facility shall wear swimming gear

11.1 which does not conform to the ordinary standards of decency.

11.2 which has the colour closely resembling the wearer's skin colour.

11.3 which is not clean

12. GENERAL CONDUCT

No person shall-

12.1 fail to exercise reasonable and proper care in the use of any swimming facility;

12.2 occupy any compartment longer than is reasonably necessary for dressing and undressing;

12.3 appear in the nude outside any compartment;

12.4 spit or commit any nuisance in swimming facility;

12.5 throw, deposit or drop or cause to be thrown, deposited or dropped at or on the premises any filth, rubbish, glass, tin, paper, fruit, fruit rind, sharp object or any matter or thing that is offensive or that may interfere with the cleanliness of the premises or that may cause annoyance, danger, injury or accident to any person using such swimming facility;

12.6 willfully or negligently foul or pollute the water in any swimming pool;

12.7 pluck any flower, twig or leaf of any plant or break, tear, uproot or otherwise damage any plant, tree or shrub located on the premises;

12.8 write or draw, scribble on or tear or break or in any other manner damage, deface or defile a swimming facility or interfere with the proper and sufficient functioning of any mechanical equipment forming part of the swimming facility;

12.9 remove or take away or willfully or negligently damage or destroy any article supplied by the Council for the use of such person or fail, to return it to the superintendent

- after use;
- 12.10 at any time disturb or interrupt any other person in the use of the swimming facility or interfere with any official appointed by the Council in the proper execution of his duties;
  - 12.11 at any time while on the premises act in any indecent, offensive or improper manner or use indecent offensive or improper language;
  - 12.12 cause or allow any animal belonging to such person or under his control, to enter or remain anywhere in the swimming facility;
  - 12.13 at any time in any swimming pool use any soap or other substance or preparation whereby the swimming pool may be rendered turbid or unfit for the proper use of other swimmers;
  - 12.14 play any game likely to cause injury or discomfort to persons visiting the swimming facility except by permission from the Superintendent.
  - 12.15 take into any swimming facility any surfboard, canoe, boat, punt or raft, except with the express permission of the superintendent and subject to such conditions as he impose;
  - 12.16 fail to leave the premises at closing time of the swimming facility;
  - 12.17 whilst in the possession of or under the influence of intoxicating liquor or drugs, enter a swimming facility or remain therein after having been instructed by the superintendent or any other authorized official to leave the swimming facility;
  - 12.18 bring into the swimming facility dangerous weapons such as knives, guns or objects which may harm or hurt other persons present at the swimming facility;
  - 12.19 eat, drink or smoke on the pool deck or in the water of a Swimming Pool;
  - 12.20 push or throw any person into the swimming pool;
  - 12.21 jump or dive into the swimming pool with the intention of wetting any person outside the swimming pool;
  - 12.22 use a swimming pool while suffering from any contagious disease or whilst their appearance reflects uncleanness;
  - 12.23 make use of a swimming pool before taking a shower in the compartment set aside for that purpose provided that should a person taking such shower use soap he shall ensure that the soap is duly rinsed from his body before he leaves such compartment;
  - 12.24 without the prior written consent of the Council affix or display any advertisement poster or notice at a swimming facility.

13. TARIFF

The tariff of charges for use of the swimming facility shall be determined from time to time by Council as per the Tariff Policy/ By laws;

14. PENALTIES

Any person who contravenes any of the provisions of these By-laws shall be guilty of an offence and is liable on conviction to a fine as determined by the Fines Determination Act as amended.

15. REPEAL OF BY-LAWS

The Swimming –Bath By- Laws published under Administration’s Notice No-880 on the 11<sup>th</sup> December 1957 and the Azaadville Swimming - Bath By-Laws published under administration’s Notice No. 7<sup>th</sup> October 1984 are hereby repealed.

SHORT TITLE

These By-Laws shall be called Swimming Pool By-laws and shall become effective upon promulgation in the Government Gazette.