

BYLAWS RELATING TO MUNICIPAL SWIMMING POOLS

The Council of the uMhlathuze Municipality has in terms of Section 156 of the Constitution, 1996 (Act No 108 of 1996), read in conjunction with Sections 11 to 13 of the Municipal Systems Act, 2000 (Act No 32 of 2000), made the following bylaws:

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1. DEFINITIONS

- (1) In these bylaws, except as otherwise expressly provided or unless the context otherwise requires –

“authorized official” means an official of the Council to whom it has delegated a duty, function or power under these bylaws, in relation to the exercise or performance of that duty, function or power and includes any employee acting under the control and direction of such official;

“Council” means the uMhlathuze Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation as well as any officer to whom the Executive Committee has delegated any powers and duties with regard to these bylaws;

“notice” means a clear and legible official notice compiled by Council and displayed at every entrance to or at a conspicuous place;

“municipal swimming pool” means the public or municipal swimming pool which is the property of, or is possessed, controlled or leased by the Council and to which the general public has access whether on payment of admission fees or not and which is situated within the area of jurisdiction of Council, and includes the **swimming pool enclosure**;

“swimming pool enclosure” means the area contained within the fence, wall or hedge surrounding the swimming pool and includes any buildings, structures, gardens and enclosures;

“tariff” means fees payable as determined by Council from time to time;

“communicable disease” means any disease which can be communicated directly or indirectly from any animal or through any agent to any person or from any person suffering therefrom or who is a carrier thereof, to any other person.

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

2. ADMISSION TO MUNICIPAL SWIMMING POOLS

- (1) Municipal swimming pools are, subject to the provisions of these bylaws, open to the public during the times determined by Council, provided that different times may be determined in respect of different municipal swimming pools.
- (2) No person other than an authorized official shall enter or leave the swimming pool at a place other than indicated for that purpose.
- (3) Council may temporarily close any municipal swimming pool in case of an emergency or for the purposes of repair to or maintenance of such municipal swimming pool or enclosure.
- (4) Council may reserve any of the municipal swimming pools or part thereof for aquatic sports, gala, competitions or any other purpose on payment of the tariff as determined by Council's Tariff of Charges.
- (5) No child under the age of six (6) years of age will be admitted to any municipal swimming pool unless accompanied by a person presumably above the age of sixteen (16) years, who shall control and supervise such child during the duration of the child's visit to the swimming pool and its enclosure.
- (6) No child older than 6 (six) years of age is permitted to use the paddling or baby pool.

3. INDEMNITY

Any person visiting any municipal swimming pool and using any of the facilities or equipment shall do so at own risk and Council shall not be liable for any personal injury or death or any loss of or damage to property.

4. ADMISSION FEES

- (1) Fees for admission to municipal swimming pools are charged as prescribed in Council's Tariff of Charges.
- (2) No person is allowed to enter a municipal swimming pool unless he has paid the fees contemplated in subsection (1).
- (3) Different admission fees may be determined in respect of persons of different ages.

5. MUNICIPAL SWIMMING POOL HOURS

- (1) Council may determine the days and hours during which municipal swimming pools will be open to the public. Notice of such times shall be displayed on a notice board in a prominent position at the entrance to the municipal swimming pool concerned.

- (2) No person shall enter any municipal swimming pool except during the periods contemplated in subsection (1).
- (3) The authorized official may refuse to permit any person to enter the municipal swimming pool 10 (ten) minutes before the official closing time.
- (4) All visitors must leave the municipal swimming pool or swimming pool enclosure at closing time or when instructed to do so by the authorized official.

6. NUISANCES

- (1) No person shall perform any of the following acts in or at a municipal swimming pool:
 - (a) use of language or the performance of any other act which is likely to disturb the good order;
 - (b) discharging of fireworks;
 - (c) the causing of disturbances by fighting, shouting, arguing, singing, playing of musical instruments, use of loudspeakers, radio devices or similar equipment;
 - (d) any other act which is in contravention of any legislation or which is, in the opinion of the authorised official, creating a nuisance.

7. HEALTH MATTERS

- (1) No person shall
 - (a) while being in or at a municipal swimming pool, use any soap or other substance or preparation, which may render the water in such swimming pool turbid or unfit for the proper use of swimmers;
 - (b) at any time while suffering from an infection or communicable disease or having an open wound on his body enter a municipal public swimming pool;
 - (c) bring, cause or allow any animal to enter a municipal swimming pool;
 - (d) wash any laundry in a municipal swimming pool.

8. SAFETY AND ORDER

- (1) No person shall, in or at a municipal swimming pool or swimming pool enclosure
 - (a) disfigure, damage or destroy anything;
 - (b) use or try to use anything for any purpose other than that for which it is designated;
 - (c) light a fire except at a place indicated for that purpose or within a safe area;
 - (d) waste water;
 - (e) deposit or throw any refuse except in receptacles provided for that purpose;

- (f) pull out, pick or damage any tree, plant, shrub, vegetation or flower;
 - (g) climb into trees or onto any building;
 - (h) bring into, or consume, any intoxicating liquor or drugs;
 - (i) take into the pool any surfboard, canoe or boat;
 - (j) partake in any dangerous activity, which is likely to cause injury or discomfort to any other person visiting the municipal swimming pool;
 - (k) without Council's prior consent affix or display any advertisement, poster or notice;
 - (l) push another person into any municipal swimming pool;
 - (m) bring into the swimming pool enclosure any glass bottles or other objects made of glass.
- (2) Notwithstanding the provisions of subsection (1), Council may by way of notice and subject to such conditions as Council deems necessary, authorize any of the actions contemplated in subsection (1).
- (3) Council may prohibit any practice perceived to be dangerous or offensive.

9. IMPROPER OR INDECENT BEHAVIORS

- (1) No person shall in or at a municipal swimming pool -
- (a) perform an indecent act or conduct himself improperly;
 - (b) use foul, lewd, dirty or indecent language;
 - (c) defecate, urinate or undress, except in a building intended or indicated by notice for that purpose;
 - (d) enter or use any toilet facility, dressing room, closet, box or compartment intended or indicated as such for members of the opposite sex, provided that this subsection is not applicable to children under the age of six (6) years;
 - e) be clothed in an indecent manner;
 - (f) unless within a dressing or change room cubicle, compartment, closet, shower or similar room, appear partly or entirely in a nude state.

10. POWERS OF AUTHORISED OFFICIAL

- (1) An authorised official may –
- (a) enter upon any part of a municipal swimming pool enclosure to conduct an investigation in order to determine whether the provisions of these bylaws are being complied with;
 - (b) give instructions to any person to ensure compliance with these bylaws;

- (c) remove any person or cause him to be removed from a swimming pool enclosure if such a person contravenes or fails to comply with a provision of these bylaws or a direction adopted or condition imposed by Council under these bylaws or an instruction given in terms of subsection (b).

11. PENALTIES

- (1) Any person who –
 - (a) contravenes or fails to comply with any provision of these bylaws;
 - (b) contravenes or fails to comply with any notice given or condition imposed in terms of these bylaws;
 - (c) for the purpose of these bylaws makes a false statement knowing it to be false or deliberately furnishes false or misleading information to an authorized official or Council; or
 - (d) threatens, resists, interferes with or obstructs an authorized official in the performance of his power, duties or functions under these bylaws, shall be guilty of an offence and upon conviction be liable to a fine or imprisonment for a period not exceeding six months or to both the fine and the imprisonment.

12. Repeal of Bylaws

- (1) The Bylaws relating to Municipal Public Swimming Pools of the City of uMhlathuze, published under Administrator's Notice 679 of 27 November 1975, as amended, are hereby repealed: Provided that such repeal shall not affect the continued validity of charges determined by the Council under those bylaws.
- (2) Any reference:-
 - (a) in these bylaws to a charge determined by the Council shall include a charge determined by the Council under the bylaws repealed by subsection (1), until the Council's determination of charges under these bylaws comes into operation; and
 - (b) in determination of charges made under the bylaws so repealed, to a provision in those bylaws shall be deemed to be a reference to the corresponding provision in these bylaws.
- (3) Anything done under the provisions of the bylaws repealed by subsection (1), shall be deemed to have been done under the corresponding provision of these bylaws and such repeal shall not affect the validity of any approval, authority, waiver or other act which at the commencement of these bylaws is valid under the bylaws so repealed.