Cederberg, South Africa

Swimming Pools By-law, 2004

Legislation as at 22 October 2004

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Swimming Pools By-law, 2004
Contents

1. Definitions 1

Section 2. 1

Section 3. 2

4. Use of dressing rooms 2

5. General prohibitions 2

6. Responsibility of municipality 4

7. Admission charges 4

8. Ejection 4

9. Penalty 4

Cederberg
South Africa

Swimming Pools By-law, 2004

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Purpose of by-law

• To provide for swimming pool facilities for the benefit of residents within the area of jurisdiction of the municipality and to provide for procedures, methods and practices to regulate the utilisation and management thereof.

1. Definitions

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the Afrikaans text prevails in the event of an inconsistency between the different texts and 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 municipality of Cederberg established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 482 dated 22 September 2000 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 official notice displayed at every entrance to or at a conspicuous place at or on a public amenity and in which the municipality shall 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 ground on which it is erected; and

"**swimming pool**" means the swimming pool situated on the premises;

Admission to swimming pool

2.

(a) No person shall enter the premises, nor shall any person swim in the swimming pool except on such days and at such times and on such conditions as shall be laid down by the municipality from time to time.

(b) The municipality shall post a notice setting forth the days and hours during which the swimming pool shall 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 shall be posted at the same place as the notice referred to in subsection (b). 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 organization or school, as the case may be, the public may be admitted as spectators or swimmers on such conditions and terms of admission as shall be determined by the organizers of such swimming gala, swimming club or other organization or school with the approval of the municipality.

(d) No club, school or other organization or person shall 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.

3.

(a) No person other than a person who is the holder of an admission ticket shall be permitted admission to the premises. Any such person to whom a ticket, as aforesaid, has been issued shall at any time while visiting the premises produce such ticket to the manager when requested by him to do so.

(b) No child under the age of seven years shall 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 shall be admitted to the premises. Where such person has been inadvertently admitted, he shall vacate the premises without delay on being ordered to do so by the manager.

(d) No pets shall be allowed on the premises.

(e) The manager shall 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 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 shall 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 shall be entitled to a refund of his admission fee.

(h) No fire-arms, catapults, air-guns, traditional weapons, fireworks or crackers or any dangerous weapon may be brought into the swimming pool area.

4. Use of dressing rooms

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

5. General prohibitions

No person shall—

(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 of molest any other person or obstruct the manager or his authorised official in the performance of his duties, and no person shall 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 or use a dressing room while knowingly suffering from an contagious or infectious disease or from any abnormal discharge from the eyes, nose, ears, throat or other body part or from an open wound or suppurating 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 pooling costume, nor appear anywhere on the premises unless he is wearing a pooling costume or is otherwise properly dressed;

(i) 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 shall be fixed by the municipality, nor shall 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 shall 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.

6. Responsibility of municipality

The municipality shall not be 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, and

(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.

7. Admission charges

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

8. Ejection

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 shall immediately leave the premises when ordered to do so by the manager.

9. Penalty

Any person who contravenes any provision of this by-law shall be guilty of an offence and liable upon conviction to—

(1) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment;

(2) 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, and

(3) 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.