Swartland, South Africa

Swimming Bath By-law, 2002

Legislation as at 19 April 2002

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Repealed

Swartland
South Africa

Swimming Bath By-law, 2002

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[Repealed on 11 July 2014 by Repeal]

1. Definitions

In this by-law, unless the context otherwise indicates, the following words and expressions shall have the meanings assigned to them hereunder:

"**attendant**" means an employee or agent of the Council who is in charge of a swimming bath or a lessee of a swimming bath or an employee or agent of such lessee;

"**Council**" means the council of the Swartland Municipality;

"**padding pool**" means a specially designed small swimming bath for children under the age of 7 (seven) years which forms part of the swimming bath facilities; and

"**swimming bath**" means any swimming bath, and in so far as it may be applicable also the surrounding enclosed area with dressingrooms and other improvements thereon, situated within the Municipal area of the Swartland Municipality, which is the property of the Council, and "swimming bath area" has a corresponding meaning.

2. Control of swimming bath

The Council may control a swimming bath through its employees or agents or may lease a swimming bath to some other person who shall control it in accordance with the provisions of this by-law.

3. Access to swimming bath

(1) No person shall enter a swimming bath, except on such days and on such conditions and at such times as shall be fixed by the Council from time to time.

(2) A notice setting forth the days and hours during which a swimming bath will normally be open to the public shall be displayed by the Council in a clearly visible place at or near the entrance to such a swimming bath.

(3) Notwithstanding the fixing by the Council of the days and hours when a swimming bath will normally be open to the public, the Council may close a swimming bath to the public for a specified time and for a specified purpose during the normal bathing hours, on condition that a notice to that effect is displayed at the same place as the notice stating the normal bathing hours.

(4) The Council shall determine by resolution the entrance fees payable by a person wishing to enter a swimming bath area. Such entrance fees shall entitle a person to remain in the swimming bath area for such time as the Council may determine from time to time.

(5) No person shall enter a swimming bath during normal bathing hours, unless he or she shall first have obtained from the attendant an entrance ticket or other receipt, and such person shall pay in respect of such ticket or other receipt the relevant charges.

(6) Notwithstanding anything to the contrary contained in this by-law, the Council or the attendant may in its or his sole discretion limit the number of persons entering upon or using a swimming bath area.

(7) No child under the age of 7 (seven) years shall be allowed to enter a swimming bath area, unless such child is accompanied by a parent or some other responsible person.

(8) No person who in the opinion of the attendant is over the age of 7 (seven) years shall be allowed within the enclosure of a padding pool or a padding pool itself, except the person who accompanies a child of the age of 7 (seven) years or less.

(9) No person who is under the influence of alcohol or drugs or who in the attendant's sole discretion is in such a state shall be admitted to a swimming bath.

4. Responsibility of Council

(1) Any person making use of or entering a swimming bath shall do so at own risk and the Council accepts no responsibility for the safety of such person.

(2) The Council shall not be under any obligation to look after the safety of any person admitted to a swimming bath by means of an official or otherwise.

(3) The Council shall not be responsible for the loss or theft of clothing or articles of whatsoever nature left by a person anywhere in or brought into a swimming bath area.

(4) The Council shall not be responsible for any person's death or injuries sustained or illnesses contracted or alleged to have been sustained or contracted by any person at a swimming bath.

5. Dressing-rooms and toilets

(1) No person shall change clothes in any other place than the dressing-rooms made available for that purpose.

(2) Separate dressing-rooms and toilets are made available at swimming baths for males and females and no person shall enter any dressing-room or toilet assigned to or set apart for the opposite sex.

(3) The Council may provide fixed or portable containers in the dressing-rooms for the purpose of safe-guarding the clothes and effects of a person. No person shall touch, interfere with or remove any clothing or effects from a container which has been provided for the use of any other person.

(4) No person shall occupy or use any dressing-room or toilet for longer than a reasonable period determined by the attendant.

(5) No person shall loiter in the doorways or passages leading to the dressing-rooms or toilets.

(6) No person shall enter a dressing-room or toilet assigned to any other person or used by such other person.

6. General prohibitions

No person shall—

(a) wilfully or negligently damage or deface a swimming bath, dressing-rooms, enclosure or other structures or improvements;

(b) remove from a swimming bath area or in any other way tamper with any article which is the property of the Council or any other person;

(c) use a swimming bath in such manner as to disturb, injure or interfere with any other person in his or her use thereof;

(d) bring into or keep in a swimming bath area a dog or any other animal;

(e) play any game or act in any other manner likely to cause injury of inconvenience to any other person in a swimming bath or swimming bath area;

(f) take into a swimming bath area a surfboard, canoe, boat, punt, raft, ball or other object which may cause injury;

(g) leave a swimming bath area, unless he or she is properly dressed;

(h) offer for sale or barter in any other way any goods of whatsoever nature, at a swimming bath without having obtained the prior written consent of the Council;

(i) enter a swimming bath area while suffering from any contagious or infectious disease or from any abnormal discharge from the eyes, nose, ears or throat or from sores;

(j) take photographs for business purposes or do anything else with a view to making profit in a swimming bath area, without having obtained the prior written consent of the Council;

(k) use any soap in the water of a swimming bath or wilfully or improperly foul or pollute the water or expectorate in a swimming bath or in a swimming bath area;

(l) enter a swimming bath area, unless he or she is sufficiently and decently clothed in an adequate bathing costume, and

(m) behave at a swimming bath in such manner as in the sole discretion of the Council or the attendant is indecent, offensive or annoying.

7. Attendant

(1) No person shall hinder or obstruct the attendant in the execution of his or her duties and powers.

(2) The attendant shall, in his or her sole discretion, be entitled to request any person who contravenes any of the aforesaid prohibitions to leave a swimming bath area and also to take such steps as may be necessary to ensure that such person does, in fact, leave the swimming bath area. A person so leaving the swimming bath area shall not be entitled to a refund of the entrance fee. The aforesaid action of the attendant shall not prevent any such person from being prosecuted for a contravention of this by-law.

8. Penalty

Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to a penalty not exceeding—

(1) a fine of one thousand Rands or imprisonment for a period of six months or either such fine or such imprisonment or both such fine and such imprisonment or both such fine and such imprisonment;

(2) in the case of a continuing offence, an additional fine of fifty Rands or an additional period of imprisonment of ten days or either such additional fine or such additional imprisonment or 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 local authority as a result of such contravention or failure.