

MSUKALIGWA MUNICIPALITY

BY LAW

SWIMMING BATH

In terms of section 156 of the Constitution of the Republic of South Africa ,Msukaligwa Municipality has adopted the Swimming bath by law ,per resolution LM 1512/02/04

PART I

Definitions

1. **“swimming bath”** means the municipal swimming bath and includes the premises, building, any room, dressing room, partition, compartment, paving, any other facilities which form a unit with the swimming bath and the area measured 15 metres from any corner or side of the building;

“swimming bath superintendent” means any officer of the Council appointed to take charge of the swimming bath; Provided that any other officer of the Council shall be vested with the rights, powers and duties of the swimming bath superintendent in his absence and may temporarily take charge and control of the swimming bath.

PART II

Rights reserved by the Council

2. The Council may-
 - (a) determine from time-to-time the times when the swimming bath shall be available for use and the hours and periods during which the swimming bath shall be open; Provided that the Council may close the swimming bath during such open hours if any urgent circumstances should arise which would require the closing of the swimming bath, and a notice to that effect at the entrance to the swimming bath shall be deemed sufficient for that purpose;
 - (b) set aside days for the special use of the swimming bath and refuse admission to the swimming bath to any person at any time when aquatic sports, galas or competitions are being held, or any other periods determined by the Council;
 - (c) by means of the swimming bath superintendent, refuse admission to any person who has been found guilty of a contravention of these by-laws, or who’s conduct is improper, or who appears to be under the influence of alcoholic or intoxicating liquor or who had in the past been ordered to leave the swimming bath as a result of improper conduct;

- (d) refuse admittance to any person without affording reasons; Provided that such a person may appeal within seven days to the Council against such refusal.

Use of swimming bath

- 3. (1) Any person using the swimming bath, shall-
 - (a) be properly dressed at all times and wear a proper and respectable bathing costume;
 - (b) at all times take reasonable and proper care in using the swimming bath.
- (2) any person shall, on request of the swimming bath superintendent, or any other authorised officer of the Council, leave the swimming bath and site immediately, or carry out such instructions directed to him by the said officer in order to ensure the orderly use of the swimming bath and site.
- (3) Any person who is on the premises or in the swimming bath at any time shall be there at his own risk and the Council shall hereby be indemnified from any claims that may arise from any injuries which may be sustained by or loss of life of any person on the premises or in the swimming bath.
- (4) (a) The Council shall not be liable to make good to any person nor to compensate any person for any damage suffered by him by reason of the loss, theft or destruction of any clothing or other personal belongings upon the premises on which the swimming bath is situated.
 - (b) Any property of whatever nature, belonging to any visitor or any other person, which if left in the swimming bath and is not claimed within 30 days, shall be forfeited to the Council and disposed of, as prescribed by the Council.
- (5) The swimming bath superintendent is vested with authority to determine the number of people allowed to use the swimming bath at the same time, and his decision in this regard shall be final.
- (6) Any person using the swimming bath or any other facilities, shall pay the tariff determined by the Council.

PART III

Prohibited Actions

- 4. No person shall -
 - (1) by forcible or improper means, seek admission to the swimming bath when it is occupied by the full number of persons authorised to use the swimming bath at the same time, as determined by the swimming bath superintendent from time-to-time;

- (2) set foot on or enter the swimming bath outside the hours the swimming bath is open for the public, as determined by the Council from time-to-time, unless written permission is obtained from the Council;
- (3) at any time after being admitted to the swimming bath enter or seek admission to any facilities when occupied by any other person, without the consent of such person, or otherwise knowingly intrude upon or interfere with the privacy of any other such person using the swimming bath;
- (4) spit or commit any nuisance in the swimming bath or smoke in the roofed section of the building;
- (5) at any time willingly or negligently break or damage or improperly interfere with the due and efficient action of any lock, cock, valve, pipe, engine or machinery in connection with the swimming bath, or wilfully or negligently damage any furniture, fittings or conveniences of the swimming bath;
- (6) at any time upon the premises, by any disorderly or improper conduct, disturb or interrupt any other person in the proper use of the swimming bath or any officer appointed by the Council in the proper execution of his duty;
- (7) cause or allow any dog or animal belonging to him or under his control, to enter or remain in the swimming bath;
- (8) throw about, strew or deposit on the premises any fruit peels or fruit or any glass or sharp object or paper, or any matter or thing liable to interfere with the cleanliness of the swimming bath or cause annoyance, danger, or accident to persons using same;
- (9) be allowed to take any food, liquor or any article in glass containers onto the premises nor to use such articles, unless duly authorised thereto by the swimming bath superintendent;
- (10) play with a ball, tenniquoit ring, motor tube, or any other toy or object, or any game which in the opinion of the swimming bath superintendent, may be a nuisance or injurious to other bathers;
- (11) at any time roller skate on the paving around the swimming bath or any part of the building and premises.
- (12) at any time while on the premises use any indecent, improper or offensive language or behave in any indecent, improper or offensive manner, or cause any nuisance on the premises;
- (13) at any time in the swimming bath use any soap or other substance or preparation whereby the water in the swimming bath may be rendered turbid or unfit for the proper use of bathers;

(14) at any time, while suffering from cutaneous, contagious or infectious disease, or open wound or sores, enter or use the swimming bath;

(15) bring onto or into the premises of the swimming bath any alcoholic or intoxicating liquor, save where prior permission is obtained from the Council;

(16) visit the swimming bath while being according to the judgement of the swimming bath superintendent under the influence of alcoholic or intoxicating liquor, and if this should in act occur the swimming bath superintendent or the Council's personnel shall be entitled to remove, or have such a person removed from the swimming bath.

PART IV

Offences and Penalties

5. Any person who contravenes any provision of these by-laws, shall be guilty of an offence and liable, on conviction, to a fine not exceeding R300 or, in default of payment, to imprisonment for a period not exceeding 3 months or to both such fine and imprisonment.

Repeal of by-laws

6. The swimming bath by-law of the Ermelo Municipality, are hereby repealed.

Commencement Date

7. This by-law take effect on the date of publication thereof by proclamation in the Provincial Gazette.