

**DEPARTMENT OF TRADITIONAL AND LOCAL GOVERNMENT AFFAIRS
PROVINCIAL GOVERNMENT NOTICE**

No., 2015

I, under powers vested in me by section 14(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), and after having consulted the Minister of Provincial and Local Government Affairs and Organized Local Government in the Province, hereby make the standard By-laws contained in the Schedule hereto.

Signed at _____ on this _____ day of _____ Twenty Fifteen.

N DUBE

Member of the Executive Council of the Province of KwaZulu-Natal responsible for local government

SWIMMING POOLS AND SPA BATHS BY-LAWS

Be it enacted by the Council of the Mandeni Local Municipality, and approval of the member of the Executive Council responsible for local government in terms of Section 156 of Constitution of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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Definitions

1. In these by laws, unless the context otherwise indicates –
“Baths” means public swimming bath acquired as such by the council within the town and includes all buildings, structures, gardens and enclosure used in connection therewith.
“Municipality” means Mandeni Local Municipality;
“Municipal Council” means the Mandeni Municipal Council established in terms of section 12 of the Local Government: Municipal Structures Act, (Act No. 117 of 1998), as amended;
“National Building Regulations and Building Standards Act” means National Building Regulations and Building Standards Act, 1977(Act No. of 1977), as amended;
“Premises” means any land, building or structure.

2. Requirements for premises

- (1) Separate change-rooms, shower and toilet facilities must be provided for each gender with easy access of the spa-bath and swimming pool and must be in accordance with the National Building Regulations and Building Standards Act.
- (2) A swimming pool must be surrounded by an approved wall or fence as contemplated in the National Building Regulations and Building Standards Act.
- (3) The surface of the floor area surrounding the spa-bath or swimming pool must be of an impervious, non-slip material.
- (4) A suitable chemical gasmask must be provided at the chlorinator installation, and if required by the health officer, an oxygen or air breathing apparatus must be provided.
- (5) An adequate number of refuse receptacles must be provided on the premises.

3. Water Supply

- (a) No water from a source other than water from the Municipality's supply, must be used to clean, fill or maintain the level in a swimming-pool or spa-bath unless the environmental health officer has issued a certificate to the swimming-pool or spa-bath keeper, stating that such water is suitable for such use.

The environmental health officer must take samples of the swimming-pool or spa-bath water at intervals as he deems fit for the purpose of a chemical analysis or bacteriological examination, to an analyst authorised in terms of section 12 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972)

4. Safety of water

Every spa-bath keeper and swimming-pool keeper must ensure that the water in the spa-bath or swimming pool complies with the following when it is in use-

- (a) The water must be free from floating, suspended or settled debris or swimming organisms and the wall, floor, access ladders or steps and gutters must be free from slime and algae;
- (b) The pH value of the water must be not less than 7 and not greater than 8;
- (c) Where chlorine based disinfectants are used, minimum free available chlorine residual of 0,5 mg/1 with a maximum free available chlorine residual of 3 mg/1 must be maintained
- (d) Where a disinfectant other than chlorine is used, the residual level must be equivalent in effect to the requirements of subsection (3).
- (e) The total viable bacteriological count of any sample submitted for analysis in accordance with the acceptable methods must not exceed 100 organisms per ml of water
- (f) Escherichia coli type 1 bacteria must not be present in any 100 ml of water; and
- (g) Appropriate water quality testing equipment must be available and maintained.

5. Admission

Every person resorting to the bath shall, before being admitted, obtained by payment, from the authorized officials of the council a ticket or coupon whereon shall be stated such particulars as the council may from time to time direct, and such person, before being admitted to use such baths, shall, upon the application by any person appointed or acting as an attendant of such baths, deliver or in the case of a season ticket, exhibit or deliver such ticket or coupon to such attendant as directed.

6. Right of Entry

- (a) The environmental health officer may at all reasonable times, when the swimming pool or spa-bath is available for use, enter any premises for the purpose of inspection and take samples of water as he may deem necessary for chemical or bacteriological examination or analysis.

7. Prohibition on the use of a swimming pool or spa-bath

- (a) If the water in the swimming-pool, or spa-bath when available for use, does not comply with the provisions of section 5, and if, in the opinion of the environmental health officer, the use of such swimming-pool or spa-bath is not in the interest of public health, he or she may forthwith prohibit the use of such swimming-pool or spa-bath.
- (b) A prohibition in terms of subsection (1) must remain in force until written revocation thereof by the environmental health officer has been served upon the swimming pool or spa-bath keeper.

8. Trespass

No person shall at any time, after being admitted to any swimming bath or while occupying any dressing room, box or compartment attached thereto, enter or seek admission to any other dressing room box or compartment when occupied by any other, person, without the consent of such person, nor shall any person otherwise knowingly intrude upon or interfere with the privacy of anyone occupying any dressing room, box or compartment attached thereto.

9. Order and Behaviour

No person must-

- (a) interfere with the spa-bath keeper, swimming-pool keeper or any official of Municipality in the execution of their duties;
- (b) allow any dog or other pet belonging to him or her or under his care to enter or to remain within the premises;
- (c) use any premises whilst knowingly or suspecting of suffering from any communicable or contagious disease; or
- (d) urinate, defecate, spit or blow nose in the spa-bath or swimming pool.

9.1 Bathing Costumes

- (a) Every bathing costumes worn at the baths shall be of a type which does not indecently expose to view the body of the wearer thereto and for this purpose the council appointed official may disapprove any type of bathing costume which, having regard to the fore going and the age and sex of the wearer, he may consider to be too scanty loose, transparent or otherwise inadequate or improper. Whenever the council appointed official disapproves any bathing costume as aforesaid he/ she may order the person wearing the same to don further garments or to adjust the said costume or to change in to non-bathing appeal, and no person when so ordered by the council appointed official shall fail to comply forthwith, with such order.
- (b) No person shall swim or otherwise bath in the swimming bath at the baths unless he is wearing a proper bathing costume.
- (c) No person shall, save when within a dressing or change room cubicle, compartment, closet, shower or similar room, appear in a nude state at the baths.

9.2 Care of Compartments

Every person resorting to the baths shall at all times exercise reasonable and proper care in the use of any bath or bathroom, dressing room, closet, box or compartment.

9.3 Care of Equipment

No person shall at any time remove, take away, throw down carelessly or negligently injure or destroy any article supplied by the council for the use of such person at the baths, but shall after use, hand the same to the attendant at the baths.

9.4 Children under six years of age

No child under six (6) years of age shall be admitted to the baths unless accompanied by a person above the age of sixteen years, who shall supervise and control such child during the whole time that such child is within the baths.

9.5 Cleanliness

Every person using the bath shall take a shower before entering the main bath.

9.6 Dangerous or offensive practice

The council may through its duly appointed official, prohibit any practice which may be deemed dangerous or offensive.

9.7 Disease

No person shall at any time while suffering from cutaneous, infectious or contagious disease enter or use any swimming bath or any separate bath.

9.8 Disfiguration

No person shall write, sketch or draw upon walls or any portion of the whatsoever nor in any way disfigure, damage or injure the baths or any portion thereof.

9.9 Disorderly Conduct

No person shall at any time while on the premises by any disorderly and improper conduct disturb any other person or disturb or interrupt any officer or employee or person appointed by the council in the proper execution of his duty.

9.10 Dogs and animals

No person shall cause or allow any dog or other animal to enter the swimming bath enclosure or to remain in any bath, bathroom, box or compartment or any passage leading to or from any bath or bathroom; dogs being strictly prohibited from entrance.

9.11 Hours of Bathing

- (a) The council may, through its duly authorized officer, determine the days and hours during which bathing by the public shall be permitted in any of the baths or any portions thereof. Notice of such days and hours shall be displayed on the notice board in a prominent position near the entrance to the baths concerned.
- (b) No person shall, without lawful authority, bathe in the baths or any other portion thereof during any period when bathing by the public in such baths or portion thereof is not permitted in terms of sub-section 7 (a)

9.12 Loss of property

The public is advised not to bring any valuable to the baths and the council will assume no responsibility for any property whatsoever brought to the baths which may be lost or damaged

9.13 Nuisances

Any person resorting to the baths who shall expectorate or commit a nuisance of any description in the bath, bathroom, dressing room, closet, box or compartment or within the bath enclosure shall, for every such offence, be liable, on conviction, to the penalty provided in clause 33 of these bylaws.

9.14 Non-bathers

- (a) Non-bathers must not approach the edge of the baths so that dust or dirt from footwear may contaminate the water of the bath.
- (b) No man or boy above the age of six years shall trespass or loiter in any area exclusively reserved for ladies or in the vicinity of the ladies' booths, boxes or dressing rooms.

9.15 No waste of water

1. No person shall make wasteful use of water when using a shower and shall close the tap after use.
2. No person shall dress or undress within the premises except in such bathroom, dressing room, compartment, enclosure or place as shall have been provided for the purpose.

3. No person shall pluck any flowers or injure or destroy any plant, tree or shrub growing within the premises of the baths
4. No person shall cause any damage to the terrace or cut up or destroy the grass by walking across the same disregard of any prohibition notice, but shall keep to the paths as laid out.
5. The council may reserve the bath for sports, galas, competition or any other purpose and may let the baths and grounds to clubs, associations and educational bodies at an inclusive fee or on payment or a percentage of the takings, and where the baths or grounds are so let may grant power to the lessee to make charges for admission.
6. No person shall deposit or throw cigarette ends, used matches, papers, fruit skins or any refuse within the premises except in receptacles provided therefore.
7. The superintendent shall have the right to refuse admission to any enclosed portion of the baths to any person who may be –
 - (a) unclean in his person, dress or habit;
 - (b) suffering from an infectious or contagious disease ;
 - (c) under the influence of liquor or drugs; or
 - (d) likely by his behavior or conduct to cause a breach of the by-laws or be objectionable or offensive to any other person in or upon or about to enter the baths premises.
8. The admission charges for the use of the public swimming baths is as prescribed in the tariff of charges.

9.16 Offensive language

No person shall at any time while on the premises use any indecent or offensive language or behave in an indecent or offensive manner.

9.17 Pollution of water

- (a) No person shall at any time while being in any 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.
- (b) No person shall willfully or improperly foul or pollute the water in any separate bath or in the swimming bath or willfully or improperly soil or defile any article supplied for the use of such person or any bathroom, dressing room, box or compartment or any furniture or article therein.

9.18 Protection of Property

No person resorting to the baths shall at any time carelessly injure or improperly interfere with the due and efficient action of any lock, valve, pipe or engine or machinery in connection with the baths or carelessly or negligently injure any furniture, dressing room, box or compartment.

9.19 Use of baths and diving board

Person using this baths or any diving boards do so at their own risk, and whilst all reasonable care is taken by the council, it will assume no responsibility.

10. Duties of the Spa-bath keeper

- (a) The premises must be kept in a safe, clean and sanitary condition and in good repair at all times.
- (b) An approved, fully equipped first-aid box, clearly designated, properly maintained and kept in a prominent, easily accessible and protected positions must be provided.
- (c) The spa-bath keeper must ensure that the water is purified, treated and maintained to an acceptable quality at all times when the spa-bath is in use.
- (d) Equipment for testing the quality of the spa-bath water for pollution and for disinfections must be provided and maintained in proper working order.
- (e) The spa-bath keeper must be fully conversant with all routine tests to be carried out and the interpretation of the results thereof.
- (f) A daily operating record of the water quality must be maintained.

11. Duties of the swimming-pool keeper

- (a) The premises must be kept in a safe, clean and sanitary condition at all times.
- (b) Provide an approved fully equipped first-aid box, life-saving equipment and resuscitation appliance clearly designated, properly maintained and kept in a prominent, easily accessible and protected position.
- (c) The swimming-pool keeper must be qualified and proficient in life saving, rendering first aid, use of the resuscitation appliance, the operation of the swimming pool and testing and maintain the safety of the water.
- (d) The swimming-pool keepers must ensure that the water is purified, treated and maintained to an acceptable quality at all times when the swimming pool is in use.
- (e) Provide and maintain in proper working order equipment for testing the quality of the swimming-pool water for pollution and disinfections.
- (f) The swimming-pool keeper must be fully conversant with all routine tests to be carried out and the interpretation of the results thereof.
- (g) A daily operating record of the water quality must be maintained.

12. Penalty

Any person who shall contravene any of these by-laws shall be guilty of an offence and liable, upon conviction , to a fine not exceeding fifty rand (R50) in the case of the first conviction , or in the case of a second or subsequent conviction for the same offence , a fine not exceeding one hundred rand (R100), or in default of payments of any fine impose in either case, to imprisonment, with or without hard labour, for any period not exceeding three months; provided that in the case of a continuing offence a fine not exceeding five rand (R5) for each day upon which the contravention continued may be prescribed , but no such fine shall in any one prosecution or within any one month exceed one hundred rand (R100).

13. Repeal of By-laws

The provisions of any By-laws relating to swimming pools and spa-baths by the Municipality are repealed insofar as they relate to matters provided for in these By-laws.

14. Short title and commencement

These By-laws are called Swimming Pools and Spa Baths By-laws and will come into operation on a date fixed by the Municipal Council by notice in a Gazette.