

NOTICE 123 OF 2017

SWIMMING POOL BY-LAW, 2012

By-law No. 20, 2012

BY-LAW**As Amended by the Swimming Pool Amendment By-Law 2017**

To provide for the establishment of municipal swimming pools in the Dawid Kruiper municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control municipal and public access swimming pools in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

Definitions

1. In this By-law, unless the context otherwise indicates -

"**caretaker**" means the officer appointed by the Municipality in terms of section 3(1);

"**Health Practitioner**" means the person appointed by the Municipality to investigate the implementation of rules and regulations relating to environmental factors that may affect human health, safety in the workplace and safety of processes for the production of goods and services";

"**Municipality**" means the Dawid Kruiper Municipality;

"**municipal land**" means land situated inside the area of jurisdiction of the Municipality, of which the Municipality is the owner, or of which the control, to the entire exclusion of the owner, is vested in the Municipality;

"**municipal swimming pool**" means a swimming pool established or deemed to be established under section 2; and

"person" means a natural and legal person, including but not limited to an association of persons, a partnership and a company";

"premises" means any building, structure or tent together with the land on which it is situated and the adjoining land used in connection with it and includes any land without any building, structure or tent and any vehicle, conveyance or ship";

"rules" means rules made in terms of section 5(1).

"swimming pool" means a swimming pool, spa bath, including a jacuzzi, that is accessible to the public and includes swimming pools at schools or other tertiary institutions";

"swimming pool manager" means the person responsible for controlling the resources, assets and facilities of a swimming pool.

Establishment of municipal swimming pools

2. (1) The Municipality may, on municipal land, establish, maintain and administer municipal swimming pools.
- (2) Any swimming pool situated on municipal land already administered by the Municipality when this By-law comes into operation, shall for all purposes, be deemed to have been established in accordance with subsection (1).
- (3) The Municipality shall provide dressing rooms, toilets and other facilities for visitors at a municipal swimming pool.

Appointment of caretaker

3. (1) The Municipality shall, for each municipal swimming pool, appoint a caretaker.
- (2) The caretaker appointed in terms of subsection (1), shall be responsible -
 - (a) for the proper and hygienic upkeep of the swimming pool and its facilities;
 - (b) for the introduction and upkeep of adequate safety measures at the swimming pool;
 - (c) for collecting the fees to be paid by a visitor to the swimming pool;
 - (d) to ensure that the rules are adhered to; and
 - (e) to deal with the day-to-day administration of the swimming pool and with matters incidental thereto.

Fees

4. The Municipality may levy fees to be paid by a visitor to a municipal swimming pool.

Rules to be observed by visitors to municipal swimming pools

5. (1) The Municipality may make rules to be observed by a visitor to a municipal swimming pool.

- (2) Rules made in terms of subsection (1), may provide for matters regarding the safety and general conduct of visitors to a municipal swimming pool.
- (3) A copy of the rules applicable at a municipal swimming pool must be displayed in bold lettering on a sign board posted both at the entrance and on the inside of the municipal swimming pool.
- (4) Any visitor to a municipal swimming pool who contravenes or fails to comply with a rule to be observed at that swimming pool -
 - (a) may be directed by the caretaker to leave the swimming pool forthwith;
 - (b) may be prohibited by the Municipality from entering the swimming pool for a specified period of time or, in case of severe or continuous contravention, permanently.

5A 1. Duties of a swimming pool manager

1.1 A swimming pool manager must-

- (a) at all times keep the premises in a safe, clean and sanitary condition; and
- (b) ensure that the water is at all times purified, treated and maintained.

1.2 A person who operates a swimming pool or spa bath in contravention of the provisions of subsection (1) commits an offence."

2. Water supply

2.1 A person who operates a swimming pool or spa bath may, for the purpose of cleaning, filling or maintaining the water level in a swimming pool or spa bath, only use water from an approved source.

2.2 The Health Practitioner may take samples of the water for the purpose of chemical analysis or bacteriological analysis at times that he or she considers appropriate.

2.3 A person who contravenes subsection (1) commits an offence.

3. Provision of sanitary fixtures and public amenities

3.1 Any person who carries on a public swimming pool, shall comply with the requirements prescribed by this regulation.

3.2 Water latrine facilities shall be provided as follows:

- (a) In the case of a swimming pool having a water surface equal in or less than 300m², at least three latrines for each sex, of which one of the latrines intended for males may be replaced by a urinal or urinal space of at least 600mm in length: or
- (b) in the case of a swimming pool having a water surface greater than 300m², one latrine for each sex for every additional water surface area of 250m² or part thereof:

Provided that in the case of latrines for males, up to maximum of 25% of the required number of latrines may be replaced by urinals or urinal spaces of at least 600mm in length each.

3.3 Where swimming pool facilities are available at an accommodation undertaking or cluster housing premises as part of the general amenities, separate latrine and ablution facilities shall not be required if adequate facilities are available within a reasonable distance of the pool.

4. Water Safety

4.1 The water in a swimming pool shall be effectively filtered continuously during the period in which swimming takes place and when water must be treated effectively by an approved method of disinfecting and, even if chlorinated, must at any time conform to the following standards (sampling to be done in the morning before swimming commences)-

- (a) the water must be free from floating, suspended or settled debris or swimming organisms and the walls, floor, access ladders or steps and gutters must be free from slime or algae;
- (b) the swimming pool manager must ensure that water in the pool at all times contains 0,5 to 1,0 parts per mega litre by weight, free or available chlorine and that faecal Escherichia coli are absent in a sample of 100 ml of the swimming-bath water; and must further ensure that the pool is at all times kept free from snails;
- (c) where an approved disinfectant other than chlorine is used or is found naturally in the water, it shall be equivalent in effect to the residual level of the chlorine prescribed in paragraph (b);
- (d) the pH of the water may not be less than 7,0 and not more than 7,6; and
- (e) best practice methods should be practiced to ensure safe water quality.

5. Offences

5.1 A person who contravenes this By-law, commits an offence.

6. Penalty Clause

6.1 Any person who contravenes or fails to comply with any provision of this By-law or any requirement or condition thereunder, shall be guilty of an offence, and if convicted shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment."

5B.1. Repeal Provision

The //Khara Hais Municipality: Swimming Pool By-law No. 15, 2012 is hereby repealed."

Short title

6. This By-law shall be called the Swimming Pool By-law, 2012.

DAWID KRUIPER MUNICIPALITY

SWIMMING POOL AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

- [] Words in bold type and square brackets indicate omissions from existing enactments.
 _____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Swimming Pool By-law No. 20, 2012; to provide for the substitution of the name “//Khara Hais”, wherever it appears; to provide for the insertion of a preamble; to provide for the repeal of the Swimming Pool By-Law No. 15, 2012; to provide for the establishment of public access swimming pools, other than municipal swimming pools; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kruiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kruiper Municipality Swimming Pool By-law No. 20, 2012:

1. The Dawid Kruiper Municipality: Swimming Pools By-Law, No. 20, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

“WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control municipal and public access swimming pools in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:”

Amendment of section 1 of the Dawid Kruiper Municipality: Swimming Pool By-Law No 20, 2012:

2. Section 1 of the principal By-law is hereby amended:
- (a) by the insertion after the definition of “caretaker” of the following definition:
““Health Practitioner” means the person appointed by the Municipality to investigate the implementation of rules and regulations relating to environmental factors that may affect human health, safety in the workplace and safety of processes for the production of goods and services”;
 - (b) by the substitution for the definition of “Municipality” of the following definition:
““Municipality” means the [//Khara Hais] Dawid Kruiper M[m]unicipality”;

- (c) by the insertion after the definition of "municipal swimming pool" of the following definition:
"person" means a natural and legal person, including but not limited to an association of persons, a partnership and a company";
- (d) by the insertion after the definition of "municipal swimming pool" of the following definition:
"premises" means any building, structure or tent together with the land on which it is situated and the adjoining land used in connection with it and includes any land without any building, structure or tent and any vehicle, conveyance or ship";
- (e) by the insertion after the definition of "rules" of the following definition:
"swimming pool" means a swimming pool, spa bath, including a jacuzzi, that is accessible to the public and includes swimming pools at schools or other tertiary institutions";
- (f) by the insertion after the definition of "rules" of the following definition:
"swimming pool manager" means the person responsible for controlling the resources, assets and facilities of a swimming pool".

Amendment of section 5 of the Dawid Kruiper Municipality: Swimming Pool By-Law No 20, 2012:

3. Insertion of section 5A after section 5 of the principal By-law:

"5A 1. Duties of a swimming pool manager

- 1.1 A swimming pool manager must-
- (a) at all times keep the premises in a safe, clean and sanitary condition;
- and
- (b) ensure that the water is at all times purified, treated and maintained.
- 1.2 A person who operates a swimming pool or spa bath in contravention of the provisions of subsection (1) commits an offence."
2. Water supply
- 2.1 A person who operates a swimming pool or spa bath may, for the purpose of cleaning, filling or maintaining the water level in a swimming pool or spa bath, only use water from an approved source.
- 2.2 The Health Practitioner may take samples of the water for the purpose of chemical analysis or bacteriological analysis at times that he or she considers appropriate.
- 2.3 A person who contravenes subsection (1) commits an offence.
3. Provision of sanitary fixtures and public amenities
- 3.1 Any person who carries on a public, swimming pool, shall comply with the requirements prescribed by this regulation.
- 3.2 Water latrine facilities shall be provided as follows:
- (a) In the case of a swimming pool having a water surface equal in or less than 300m², at least three latrines for each sex, of which one of the latrines intended for males may be replaced by a urinal or urinal space of at least 600mm in length: or
- (b) in the case of a swimming pool having a water surface greater than 300m², one latrine for each sex for every additional water surface area of 250m² or part thereof: Provided that in the case of latrines for males, up to maximum of 25% of the required number of latrines may be replaced by urinals or urinal spaces of at least 600mm in length each.
- 3.3 Where swimming pool facilities are available at an accommodation undertaking or cluster housing premises as part of the general amenities,

separate latrine and ablution facilities shall not be required if adequate facilities are available within a reasonable distance of the pool.

4. Water Safety

4.1 The water in a swimming pool shall be effectively filtered continuously during the period in which swimming takes place and when water must be treated effectively by an approved method of disinfecting and, even if chlorinated, must at any time conform to the following standards (sampling to be done in the morning before swimming commences)-

- (a) the water must be free from floating, suspended or settled debris or swimming organisms and the walls, floor, access ladders or steps and gutters must be free from slime or algae;
- (b) the swimming pool manager must ensure that water in the pool at all times contains 0,5 to 1,0 parts per mega litre by weight, free or available chlorine and that faecal Escherichia coli are absent in a sample of 100 ml of the swimming-bath water; and must further ensure that the pool is at all times kept free from snails;
- (c) where an approved disinfectant other than chlorine is used or is found naturally in the water, it shall be equivalent in effect to the residual level of the chlorine prescribed in paragraph (b);
- (d) the pH of the water may not be less than 7,0 and not more than 7,6; and
- (e) best practice methods should be practiced to ensure safe water quality.

5. Offences

5.1 A person who contravenes this By-law, commits an offence.

6. Penalty Clause

6.1 Any person who contravenes or fails to comply with any provision of this By-law or any requirement or condition thereunder, shall be guilty of an offence, and if convicted shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment."

4. Insertion of section 5B after section 5 of the principal By-law

"5B. 1. Repeal Provision

The //Khara Hais Municipality: Swimming Pool By-law No. 15, 2012 is hereby repealed."

Amendment of section 6 of the Dawid Kruiper Municipality: Swimming Pool By-Law, 2012:

5. The following section is hereby substituted for section 6 of the principal By-Law:

"6. This By-Law is called Dawid Kruiper Municipality: Swimming Pool Amendment By-Law, [2012] 2017"