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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 a result of such contravention or failure. 6495

gevangenisstraf of beide sodanige addisionele boete en gevangenisstraf vir elke dag wat sodanige misdryf voortduur; en

- (3) 'n verdere bedrag gelyk aan enige koste en uitgawes wat na bevinding van die hof deur die munisipaliteit aangegaan is as gevolg van sodanige oortreding of versuim. 6495

WITZENBERG MUNICIPALITY:

BY-LAW RELATING TO SWIMMING POOLS

(21-2004)

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.

Definitions

1. 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 Witzenberg established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 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 lawful 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;

“swimming pool” means the swimming pool situated on the premises;

Admission to swimming pool

2. (a) The municipality shall reserve the right of admission to the premises.
- (b) 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.
- (c) 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.
- (d) Notwithstanding the fixing by the municipality of the days and hours of normal opening as provided in subsection (3), 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 (3). When the swimming pool is closed to the public to allow a swimming gala to be held or for the special purposes of a

WITZENBERG MUNISIPALITEIT:

SWEMBADVERORDENING

(21-2004)

Doel van Verordening

- Om voorsiening te maak vir die daarstelling van swembadgeriewe tot voordeel van inwoners binne die regsgebied van die munisipaliteit en prosedures, metodes en praktyke te voorsien vir die gebruik en bestuur daarvan.

Woordbepaling

1. In hierdie verordening sluit woorde wat die manlike geslag aandui, ook die vroulike geslag in, sluit die enkelvoud die meervoud in en omgekeerd, geniet die Afrikaanse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste, en tensy dit uit die samehang anders blyk, beteken:—

“bestuurder” die werknemer van die munisipaliteit wat in beheer van swembaddens is en wat deur die munisipaliteit aangestel is om uitvoering aan hierdie verordening te gee;

“kennisgewing” 'n duidelike en leesbare amptelike kennisgewing deur die munisipaliteit opgestel en wat by elke ingang tot of op 'n opsigtelike plek in of by die swembad aangebring is, en waardeur die munisipaliteit bepalings of voorskrifte bekend maak;

“munisipaliteit” die munisipaliteit van Witzenberg gestig in terme van Artikel 12 van die Munisipale Strukturewet, 117 van 1998, Provinsiale Kennisgewing 487 gedateer 22 September 2000 en sluit in enige politieke struktuur, politieke ampsbekleder, raadslid, behoorlik gevolmagtigde agent daarvan of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van 'n bevoegdheid van die munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde politieke struktuur, politieke ampsbekleder, raadslid, agent of werknemer;

“perseel” die swembaddens wat aan die munisipaliteit behoort of onder sy wettige bestuur of beheer is en wat vir gebruik deur die publiek beskikbaar is, en omvat dit alle kleedkamers en ander geriewe wat in verband daarmee gebruik word asook die grond waarop dit opgerig is;

“swembad” die swembad wat op die perseel geleë is;

Toegang tot swembad

2. (a) Die munisipaliteit behou hom die reg van toegang tot die perseel voor.
- (b) Niemand mag die perseel binnegaan nie en niemand mag in die swembad of die kinders se swembad swem nie, behalwe op die dae en tye en op die voorwaardes wat die munisipaliteit van tyd tot tyd bepaal.
- (c) Die munisipaliteit moet 'n kennisgewing wat die dae en tye vermeld wanneer die swembad gewoonlik oop is, vir die publiek, in 'n opvallende plek by of naby die ingang van die perseel aanbring.
- (d) Ondanks die bepaling deur die munisipaliteit van die dae en tye wanneer die swembad gewoonlik oop is, soos in subartikel (3) bepaal, kan die Munisipaliteit die swembad of 'n gedeelte daarvan vir 'n bepaalde tyd en doel gedurende die oop tye vir die publiek sluit; met dien verstande dat 'n kennisgewing te dien effekte op dieselfde plek opgeplak word as die kennisgewing in subartikel (3) genoem. Wanneer die swembad vir die hou van 'n swemgala of vir die spesiale

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.

- (e) 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, fire-works or crackers or any dangerous weapon may be brought into the swimming pool area.

Use of dressing rooms

4. (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 be 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.
- (c) No person, having changed in a dressing room from his/her ordinary clothes into a pooling costume, of whom the body is not clean enough to enter the swimming pool, in the view of the manager, shall enter the swimming pool in order to swim without first having properly and sufficiently washed himself/herself under the showers provided for the purpose.

doeleindes van 'n swemklub of ander organisasie of skool, na gelang van die geval, vir die publiek gesluit is, kan toegang aan die publiek en toeskouers of swemmers verleen word en wel op die voorwaardes en toegangsvoorwaardes wat die organiseerders van sodanige swemgala, swemklub of ander organisasie of skool met die munisipaliteit se goedkeuring bepaal.

- (e) Geen klub, skool of ander organisasie of persoon mag die swembad gebruik vir enige gala, byeenkoms, oefening of onderrig nie, tensy vooraf skriftelik aansoek by die munisipaliteit gedoen is, en slegs op die voorwaardes wat die munisipaliteit bepaal.
3. (a) Niemand behalwe 'n persoon wat die houër is van 'n toegangskaartjie mag toegang tot die perseel verkry nie, tensy hy eers teen betaling van die voorgeskrewe geld 'n kaartjie wat sodanige toegang magtig, verkry het. Enige sodanige persoon aan wie 'n kaartjie soos voornoem, uitgereik is, moet te eniger tyd terwyl hy die perseel besoek, sodanige kaartjie aan die bestuurder toon wanneer hy deur hom daartoe versoek word.
- (b) Toegang tot die perseel word aan geen kind onder die ouderdom van sewe jaar verleen nie, tensy hy van 'n ouer of ander verantwoordelike persoon vergesel is.
- (c) Niemand wat onder die invloed van drank of verdowingsmiddels is of van wie die bestuurder op redelike gronde vermoed dat hy in so 'n toestand verkeer, word tot die perseel toegelaat nie. Indien so iemand per abuis toegelaat is, moet hy die perseel sonder versuim verlaat nadat die bestuurder hom gelas het om dit te doen.
- (d) Geen troeteldiere word op die perseel toegelaat nie.
- (e) Die bestuurder besit die reg om toegang te weier aan enigiemand wat klaarblyklik ingevolge hierdie verordening nie op toegang geregtig is nie en om, ingeval so iemand reeds toegang verkry het, hom te gelas om die perseel onverwyld te verlaat.
- (f) Iedereen aan wie toegang tot die perseel geweier is of wat, nadat hy toegang verkry het, deur die bestuurder of sy gemagtigde gelas word om die perseel te verlaat, besit die reg om by die munisipaliteit appèl aan te teken teen die beslissing van die bestuurder.
- (g) Niemand wat vir toegang betaal het en daarna gelas word om die perseel te verlaat, is geregtig op die terugbetaling van sy toegangsgeld nie.
- (h) Geen vuurwapen, windbuks, voëltrek, tradisionele wapen, vuurwerke en klappers of enige ander gevaarlike wapen mag die swembad binnegebring word nie.

Gebruik van kleedkamers

4. (a) Die munisipaliteit verskaf op die perseel die kleedkamers wat hy nodig ag, waarin persone wat die swembad vir swemdoeleindes besoek, hul gewone klere moet uittrek en swemklere moet aantrek, en omgekeerd asook die sanitêre en ander geriewe wat hy nodig ag.
- (b) Afsonderlike kleedkamers en sanitêre en ander geriewe word vir beide geslagte verskaf en kennisgewings waarin die geslag vermeld word wat geregtig is om die onderskeie kleedkamers en sanitêre of ander geriewe te gebruik, word aangebring. Niemand mag enige sodanige kleedkamers of ander akkommodasie wat vir gebruik deur die teenoorgestelde geslag aangewys of afgesonderd is, binnegaan nie.
- (c) Niemand mag, nadat hy in 'n kleedkamer sy/haar gewone klere uitgetrek en sy/haar swemklere aangetrek het, en van wie die liggaam, volgens die oordeel van die bestuurder, nie skoon genoeg is om die swembad binne te gaan nie, swem nie voordat hy/sy hom/haar eers behoorlik en genoegsaam gewas het onder die stortbaddens wat vir dié doel verskaf word.

General prohibitions

5. No person shall—
- 5.1 (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 or 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 a contagious or infectious disease or from any abnormal discharge from the eyes, nose, ears, throat or other body part or from a 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;

Algemene verbodsbepalings

5. Niemand mag—
- 5.1 (a) hom op enige plek behalwe in die kleedkamers of ander plekke wat vir die doel verskaf word, aan- of uitrek nie;
- (b) nadat hy in die swembad ingegaan het, enige seep of ander stof of preparaat vir enige doel wat ook al daarin gebruik nie;
- (c) deur wanordelike of onbehoorlike gedrag iemand anders steur, beseer of molesteer of die bestuurder by die uitvoering van sy pligte hinder nie, en niemand mag enige onkuise, beledigende of lasterlike taal gebruik of hom op 'n onbetaamlike of aanstootlike wyse gedra nie;
- (d) enige glasbottel of enige glasware op die perseel bring nie;
- (e) enige meubels, toebehore, gereedskap, masjinerie of ander artikel of ding wat op die perseel behoort of gebruik word en wat die eiendom van die munisipaliteit is, verwyder, wegneem, neergooi, beskadig of vernietig nie;
- (f) indien hy daarvan bewus is dat hy aan 'n aansteeklike of besmetlike siekte ly of 'n abnormale afskeiding van die oë, neus, ore, keel of 'n ander liggaamsdeel of 'n etterende seer het, te eniger tyd in die swembad gaan of 'n kleedkamer gebruik nie;
- (g) enige sterk drank of verdowingsmiddels op die perseel bring of daar gebruik of rook nie;
- (h) in die swembad swem nie, tensy hy in betaamlike en geskikte swemklere geklee is, of op enige plek op die perseel verskyn nie, tensy hy swemklere dra of anders behoorlik geklee is;
- (i) op die perseel of in die swembad of op 'n ander plek spuug nie, ontlast of enige papier, vrugteskille of ander vullis op enige plek weggooi of laat nie, uitgesonderd in die vullisbakke wat vir dié doel verskaf word;
- (j) 'n stortbad of sanitêre gerief op 'n onbehoorlike of aanstootlike wyse gebruik nie;
- (k) 'n muur, siplek of deur beskadig, deur óf daarop te skryf, te teken of te krap óf deur enige ander middel of op enige ander wyse dit ontsier of vuil maak, óf enige gerief of toebehore of enige ander deel van die swembad beskadig of hom onwettig daarmee bemoei nie;
- (l) op die perseel dobbel nie;
- (m) in die swembad waterpolo speel nie behalwe op die tye en die voorwaardes wat die munisipaliteit bepaal, en niemand mag enige ander spel met of sonder 'n bal of ander voorwerp speel wat moonlik besering of ongerief aan swemmers of toeskouers kan veroorsaak nie;
- (n) 'n branderplank, kano, skuit, vlot, of ander ding wat besering kan veroorsaak op die perseel of in die swembad bring of gebruik nie;
- (o) enige kledingstuk of ander goedere in die swembad was nie;
- (p) enige vuurwerke op die perseel afskiet nie;
- (q) enige musiekinstrument speel of geluide daarop maak terwyl hy die geriewe op die perseel benut nie, behalwe in gevalle waar die munisipaliteit sy skriftelike toestemming daarvoor verleen het;

- (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.

5.2 Without restricting any action or failure of any person in respect of the General Prohibitions contained in same, no person may act in such manner or show neglect which in the discretion of the manager may deem forbidden or unlawful.

Responsibility of Municipality

- 6. In the absence of proof of negligence on its part 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.

Admission charges

- 7. 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.

Ejection

- 8. 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.

Penalty

- 9. 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 such imprisonment or both such fine and such imprisonment;
 - (2) in the case of a continuing offence, an additional fine or an additional period of imprisonment, 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 municipality as a result of such contravention or failure. 6496

- (r) op die perseel enige publieke toespraak, gebed, boek of rede luid lewer, uitspreek of uitlees, of enige lied hardop sing, of enige openbare vergadering of byeenkoms hou of daaraan deelneem nie, behalwe met die skriftelike toestemming van die munisipaliteit;
- (s) wanneer hy deur die bestuurder of sy gemagtigde daartoe versoek word, weier om sy of haar naam en adres te verstrek nie;
- (t) met kledingstukke aan in die swembad swem behalwe normale aanvaarde swemdrag nie;
- (u) mag met 'n fiets, motorvoertuig, motorfiets of enige selfaangedrewe vervoermiddel in of op die swembadperseel ry nie;
- (v) hom met enige dier of voël wat gehou word op die perseel waarop 'n swembad geleë is, bemoei of dit molesteer nie; ook mag niemand hom met enige plant bemoei of enige blom of steggie pluk nie;
- (w) 'n funksie, uitstalling, verkoping, uitvoering, optog of enige ander samekoms op die parkeerarea, swembadgronde of in die swembadarea laat plaasvind sonder die uitdruklike voorafgekreë skriftelike toestemming van die bestuurder verteenwoordiger nie.

5.2 Sonder om enige handeling of nalate van enige persoon deur die Algemene Verbodsbepalings te beperk tot die verbode bepaling daarin vervat, mag geen persoon op so 'n wyse handel of nalatig wees as wat binne die diskresie van die bestuurder ongeoorloof en ontoelaatbaar mag wees nie.

Aanspreeklikheid van Munisipaliteit

- 6. By ontstentenis van bewys van nalatigheid van die kant van die munisipaliteit is die munisipaliteit nie aanspreeklik—
 - (a) vir die verlies of diefstal van klere of besittings van watter aard ook al wat deur enige iemand in die kleedkamers of sluitkaste of elders op die perseel gelaat is nie, en
 - (b) vir enige beserings of siekte wat iemand op die perseel of in die swembad opgedoen het of na bewering opgedoen het nie, na gelang van die geval.
 - (c) vir dood in die geval van verdrinking of enige ander oorsaak nie.

Toegangsgelde

- 7. Die munisipaliteit bepaal van tyd tot tyd die gelde vir toegang tot die perseel, en sodanige gelde word in 'n duidelik sigbare plek vertoon by die kantoor waar die toegangsgelde betaal word.

Uitsetting

- 8. Iedereen wat 'n bepaling van hierdie verordening oortree en iedereen wat deur die bestuurder redelikerwys daarvan verdink word dat hy enige ander misdryf op die perseel gepleeg het, moet die perseel onmiddellik verlaat wanneer hy deur die bestuurder daartoe gelas word.

Strafbepaling

- 9. Iedereen wat 'n bepaling van hierdie verordening oortree, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met—
 - (1) 'n boete of gevangenisstraf, óf sodanige boete of sodanige gevangenisstraf óf beide sodanige boete en sodanige gevangenisstraf;
 - (2) in die geval van 'n voortdurende misdryf, met 'n addisionele boete of 'n addisionele tydperk van gevangenisstraf, óf sodanige addisionele boete of sodanige addisionele gevangenisstraf, óf beide sodanige addisionele boete en gevangenisstraf vir elke dag wat sodanige misdryf voortduur, en
 - (3) 'n verdere bedrag gelyk aan enige koste en uitgawes wat na bevinding van die hof deur die munisipaliteit aangegaan is as gevolg van sodanige oortreding of versuim. 6496