

Bulawayo (Bulawayo Public Swimming Pool) By-laws, 1995

ARRANGEMENT OF SECTIONS

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SCHEDULE: Repeals.

;IT is hereby notified that the Minister of Local Government, Rural and Urban Development has, in terms of section 180 of the Urban Council Act [*Chapter 214*], approved the following by-laws made by the City Council of Bulawayo:-

Title.

1. These by-laws may be cited as the Bulawayo (Public Swimming Bath) By-laws, 1995.

Application

2. These by-laws shall apply to the area under the jurisdiction of the Bulawayo City Council.

Interpretation

3. In these by-laws

“Adult” means a person of or above the age of eighteen years;

“Assistant” means any employee appointed by the Council to assist the supervisor at the swimming bath;

“Changing room” means any building or part of a building designed and set aside for use by bathers for the purpose of dressing and undressing and includes a cubicle;

“Council” means the City Council of Bulawayo;

“Cubicle attendant” means any employee of the council designated to look after a Cubicle;

“Paddling pool” means a pool set aside exclusively for the use of children under the of seven years;

“Superintendent” means any person appointed as a superintendent in terms of section 17;

“Supervisor” means any person any person appointed as a supervisor in terms of section 17;

“Swimming pool” means a swimming pool or paddling established by the Bulawayo City Council for or used by members of the public upon payment of a fee and includes the pool area and all buildings contained therein;

“Swimming pool attendant” means any person appointed as such in terms of section

Fees

4. (1) Unless otherwise provided for by these by-laws or by resolution of the council, every person desiring to enter a swimming pool shall first obtain a ticket entitling him to be admitted to the swimming pool and such ticket shall be obtained on demand after making payment of the prescribed fee to the swimming pool attendant.

(2) The tariff of charges for use of swimming pools shall be as fixed by the council from time to time.

Entry

5. Entry to any swimming pool shall only be made through an entrance provided for this purpose.

Hours of opening

6. The council may, from time to time, fix the hours, days and seasons during which any swimming pool shall be open to the public.

Reservation of pools

7. The council may –
- (a) reserve or hire out the exclusive use of any swimming pool for aquatic galas, competitions, entertainment and such other aquatic purposes as the council may approve; or
 - (b) let or hire out any swimming pool or any portion of a swimming pool to any club, association and other similar body; and
 - (c) charge any such club, association or other similar body a fee for the reservation of such swimming pool:

Provided that if any swimming pool or portion thereof is so let or hired out, the council may allow the lessee to make special charges for admission.

Catering at pools

8. The council may provide catering facilities at any swimming pool and may grant the catering rights to any person on such terms and conditions as it may decide.

Dressing regulations

9. (1) No person shall dress or undress in any part of a swimming pool premises other than in the changing rooms set aside for this purpose.
(2) Changing rooms shall be occupied only for such reasonable time as may be necessary to undress or to dress and shall be used for that purpose only.
(3) Any person using a swimming pool shall wear a bathing costume
(4) All bathing costumes shall be –

- (a) In a clean condition;
- (b) Opaque; and
- (c) Of such a design as decency requires.

(5) If any person appears at any swimming pool wearing a bathing costume which, the opinion of the superintendent or supervisor, is indecent, torn or unclean or is of an incorrect size for the wearer, the superintendent or supervisor may require the wearer to change or leaving the swimming pool premises.

The basket system

10. (1) At any swimming pool where a basket system is used, every person using the swimming pool shall-

- (a) After undressing place their clothes in the basket provided for this purpose which shall be deposited with the attendant for safe keeping; and
- (b) Receive, in exchange, an identification disc or ring the surrender of which shall entitle the holder to the return of the clothes.

(2) Any person who loses an identification disc or ring received in terms of paragraph (b) of subsection (1) may obtain the return of his clothes on payment of a prescribed fee as compensation for the loss of the identification disc or ring and on making a declaration in writing to the superintendent or supervisor describing the clothes concerned.

(3) A declaration referred to in subsection (2) shall indemnify the council against any claim by any other person in respect of the clothes handed over without the production of an identification disc or ring.

(4) At any swimming pool where the basket system is used, no person shall leave clothes in a changing room whilst making use of the swimming pool.

The cubicle system

11. (1) At any swimming pool where a cubicle system is used, every person shall use a cubicle allocated to him by an attendant for dressing and undressing.

(2) Persons allocated cubicle may leave their clothing in such cubicles while at the swimming pool and the sharing of cubicles shall be permitted only with the approval of the superintendent or supervisor.

(3) Where separate changing facilities are provided for children, the use of cubicles shall be restricted to adults only:

Provided that, at the discretion of the superintendent or supervisor, who shall be guided by the attendance in the swimming pool at the time, children up to the age of nine years may use a cubicle if changing simultaneously with their parent or guardian.

Valuable property

12. (1) Any person using a swimming pool may deposit any valuable property into the custody of the superintendent, supervisor or cubicle attendant upon payment of a fee for each package or separate article deposited.

(2) Neither the council nor any of its officers or employees shall be liable for any damage or loss sustained by any person in respect of any valuable property save only in respect of such valuable property deposited for safe keeping in the care of the superintendent, supervisor or cubicle attendant.

Loss of articles

13. (1) Any person finding at a swimming pool an article, the owner of which is not apparently present, shall without delay, deliver such article to the supervisor or attendant who shall issue a receipt thereof.

(2) The supervisor or attendant shall deposit in the office of the supervisor all mislaid articles found by him at the swimming pool or delivered to him in terms of subsection (1) and such articles shall be kept in the office of the supervisor for a period of fourteen days unless claimed within that period.

(3) At the end of the fourteen days referred to in sub-section (2) the council shall dispose of any articles at its discretion and shall accept no subsequent claims from persons purporting to be owners of such property.

(4) If a person claiming any article so deposited proves to the satisfaction of the supervisor that he is the owner thereof or is authorised by the owner to take possession thereof, the supervisor shall deliver to him the article to him the article concerned.

(5) The council may charge fees payable by any person claiming any article in terms of this section and in the handing over of an article to the owner or authorized person shall relieve the council of any further responsibility in respect thereof.

Diving

14. (1) No person shall dive into any swimming pool except from the side of such pool, or from a diving board or diving stage provided for that purpose.

(2) Not more than one person shall use or stand on any diving board at any one time.

(3) No person shall loiter on any diving board or diving stage or climb on to a diving stage except by the proper means of access.

(4) No person shall bounce twice upon a diving board and the supervisor's definition of bouncing shall not be open to dispute.

(5) No person shall swim under or near diving board which is being used by a diver and the council shall not accept responsibility for accidents occurring through disregards of this rule.

(6) The supervisor may, for such period as he may consider fit, prohibit the use of any diving board or diving stage if, in his opinion, the condition of such board or stage or the conditions in the swimming pool render unsafe the use of such board or stage.

Paddling pools

15. No person over the age of seven years shall enter any paddling pool except where such person is accompanying a younger child into the paddling pool.

Sundry offences

16. No person shall-

- (a) By force or other improper means or without authorisation or payment or when the swimming pool is not open to the public, attempt to enter any swimming pool or climb on, through or over any wall, fence, roof building or cubicle;
- (b) After being advised by the supervisor or any attendant that accommodation is not available, attempt to enter any swimming pool or cubicle whether the pool or cubicle is or is not occupied;
- (c) Willfully enter any part of a swimming pool except such part as he is authorized to enter or as directed by the supervisor or any attendant;
- (d) Without reasonable excuse loiter or remain in any passage leading to or from any changing room or cubicle;
- (e) Enter or seek admission to any cubicle allocated to another person without the consent of such person, unless he is authorized by the supervisor or by an attendant to enter such cubicle;
- (f) Appear in a nude state outside any changing room or cubicle;
- (g) Smoke in any part of a pool or throw cigarette ends in any part a swimming pool;
- (h) Willfully, carelessly or negligently by writing, drawing, scribbling or by any other means or in any other manner damage, deface or defile any part of swimming pool;
- (i) Throw any glass, dirt, rubbish, filth or other offensive or dangerous matter in a swimming pool or paddling pool or upon any part or place at a swimming pool except in a receptacle provided by the council for the deposit of refuse;
- (j) take any glass, crockery or bottle to a swimming pool or drop , throw or deposit of any article or thing into the water of any swimming or paddling pool;
- (k) willfully, carelessly or negligently break, damage or interfere with any movable or immovable property in or connected with any swimming pool;
- (l) enter, without the express permission of the supervisor, any part of the filtration plant of any swimming pool;
- (m) At any time while at any swimming pool use indecent, improper or offensive language, or behave in an indecent, improper or offensive manner;

- (n) by disorderly, improper or offensive conduct disturb or interrupt any other person in the proper use of any swimming pool, paddling pool, changing room or cubicle;
- (o) use a radio set or gramophone at swimming pool without the supervisor's permission or do any act likely to cause a nuisance on the premises of any swimming pool;
- (p) play any games or behave in a manner likely to cause injury or discomfort to bathers or spectators in any part of the swimming pool or pool surrounding;
- (q) play or practice water polo in any swimming pool except at times and places agreed to by the supervisor;
- (r) push, pull or throw any other person into any swimming pool;
- (s) cause or allow any animal in his charge or control, to enter or remain at any swimming pool;
- (t) use any soap or other similar substance immediately before entering any swimming pool or paddling pool while in such pool;
- (u) while suffering from any cold, cough, nasal catarrh, running of ears, inflamed eyes, skin eruptions, or cutaneous infections or any other contagious disease, enter any swimming pool or while suffering from any unhealed sore or wound make use of any swimming pool;
- (v) enter any swimming pool while in a stage of intoxication or introduce into or consume any intoxicating liquor, morphine sedatives or dagga at any swimming pool;
- (w) willfully or improperly foul or pollute the water in any swimming pool;
- (x) Chew or eat in any swimming pool.

Control

17. (1) the council may appoint a superintendent and such supervisors and attendants as may be necessary for the control of public swimming pools.

(2) The persons referred to in subsection (1) shall-

(a) Be responsible for the implementation of these by-laws; and

(b) Perform such functions as the council may impose on them; and

(c) Take such steps as they consider necessary to ensure the orderly control of swimming pools and to protect the property of the council.

Powers of officials

18. A superintendent, supervisor or attendant at any swimming pool may-

(a) refuse admittance to any person who, in his opinion, is-

- (i) dirty in his habits or clothing; or
 - (ii) Drunk or under the influence of intoxicating drink or drugs; or
 - (iii) might, for any other sufficient reason, be offensive to other users swimming pool; or
 - (iv) too young; and
- (b) remove from any swimming pool any persons who contravenes any provision of these by-laws; and
- (c) hold and hand over to the Police any person who commits or is suspected of committing any criminal offence at the pool; and
- (d) Suspend any person from further attendance at any pool for such period as may be determined by the council; and
- (e) require any person committing any breach of these by-laws to comply with any reasonable instruction given to him by a superintendent, supervisor or cubicle attendant in terms of the powers vested in him under these by-laws; and
- (f) Require any other person to assist him in obtaining compliance with any instruction given in terms of subparagraph (f) of this subsection.

Obstruction of officials

19. (1) No person shall hinder or obstruct any superintendent, supervisor or attendant, in the performance or exercise of any task, duty or function assigned to him in terms of these by-laws.

(2) No person shall fail to obey an order of any superintendent, supervisor or attendant reasonably given in the performance of any duty or exercise of any power conferred upon him by these by-laws.

Notice

20. Every person shall obey any notice erected or placed at any swimming pool by the authority of the council.

Offences

21. Any person who contravenes any provision of these by-laws with which it is his duty to comply shall be guilty an offence.

Repeals

22. The regulations specified in the schedule are repealed.

Schedule (*Section 22*)

REPEALS

| <i>Title</i> | <i>Southern Rhodesia Government Notice</i> |
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| Bulawayo Swimming Baths By-laws, 1926. . . | 296 of 1926 |
| Bulawayo Swimming Baths (Amendment) By-laws, 1936 (No. 1). | 906 of 1936 |
| Bulawayo Swimming Baths (Amendment) By-laws, 1943 (No. 2) | 448 of 1943 |
| Bulawayo Swimming Baths (Amendment) By-laws 1956 (No. 3) | 8 of 1956 |