

Swimming Bath Regulations

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Updated: June 2008

SWIMMING BATH REGULATIONS

Notice is hereby given in terms of Section 94(1)(y) of the Local Authorities Act, Act No. 23 of 1992 as amended, that the Municipal Council of Swakopmund hereby wishes to promulgate the following new Swimming Pool Regulations to be applicable to the Town of Swakopmund.

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SCHEDULE

1. In these regulations unless inconsistent with the context:-

“**Act**” - means the Local Authorities Act, Act No 23 of 1992 as amended;

“**adult**” - shall mean any person over the age of 21 (twenty-one) years;

“**approved fee**” – shall mean the tariff of charges, fees and other moneys determined by the Council under section 30(1)(u) of the Act contained in the Schedule of Fees annexed hereto;

“**Bath**” - shall mean any swimming bath owned by or under the lawful management or control of the Council and available for use by the public, and includes all dressing rooms, cubicles and all other facilities used in connection therewith;

“**club members**” - shall mean members in good standing of any swimming club or other club whose sport is mainly exercised in a bath approved by the Council;

“**pool administrator**” - shall mean the staff member of the Council who is in charge of the bath;

“**session**” - shall mean the period during which the bath is continuously open to the public for a period of one day, subject to the person concerned not leaving the bath premises during any such period.

CHAPTER I

Administration of baths

2.
 - (1) The Council may either conduct a bath through its staff members or agents, or may lease such bath to some other person who shall conduct the bath in terms of these regulations, subject to the provisions of the Act.
 - (2) The Council may, by resolution taken during a normal monthly meeting of the Council, determine the days and hours during which a bath shall normally be open for the public and may close a bath to the public for a specific time and purpose during any such period.
 - (3) The Council shall, in a prominent place at or near the entrance to a bath, display a notice setting forth the days and hours during which the bath may be open to the public.
 - (4) A bath may be closed to the general public for purposes of competitions or any other function as approved by the Council.
 - (5) A member of the public may be admitted as spectator or as a bather under such conditions and terms of admission as may be determined by the organiser during such competition or function, albeit subject to the approval of the Council.
3. The Council may provide at a bath -
 - (a) such dressing rooms or cubicles as it may deem necessary for the purpose of the public using such bath to change from ordinary clothes into bathing costumes and vice versa;
 - (b) Such sanitary conveniences and other facilities as it may deem necessary;
 - (c) separate accommodation in such dressing rooms or cubicles and sanitary conveniences and other facilities for both sexes and notices shall be depicted on such accommodation room, cubicle or sanitary convenience stating the sex who shall be entitled to use the respective dressing rooms, sanitary convenience and other facilities;
 - (d) in such dressing rooms or cubicles fixed or portable containers as it may decide from time to time in which clothes and effects of a bather may be deposited which containers may be fitted with suitable locks and if possible be placed at such location as specified by the pool administrator.
4. The Council, in the absence of proof of negligence on its part or on the part of any of its staff members -
 - (a) shall not be responsible for the loss or theft of clothing or personal effects of any description left by any person in the dressing rooms, cubicle or elsewhere in a bath;
 - (b) shall not be responsible for any death or injuries sustained or illness contracted or alleged to have been sustained or contracted as the case may be, by any person at the bath
5. Access to a bath shall be at a person's sole risk and a notice to this effect shall be depicted by the Council at or near the entrance to a bath.

CHAPTER II

Powers, duties and functions of a pool administrator

6. (1) The Council may, at a bath and for the purpose of that specific bath, appoint a pool administrator, lifeguards and other staff members in its service and all staff members, lifeguards and members of the public shall be subject to the lawful instruction in terms of these regulations and any other law, of the pool administrator who shall be in charge of such bath.
- (2) The pool administrator shall be responsible for the administration of the bath and supervision of staff members and members of the public, as well as the operation and maintenance of bath equipment and generally for the maintenance of good order and behaviour in the bath.
- (3) Without any limitations to the generality thereof, it shall be the duty of the pool administrator to -
 - (a) supervise the pool plant and all related facilities;
 - (b) handle all grievances of staff members and members of the public;
 - (c) enforce the regulations of the bath, municipal regulations, policies and legislation in general;
 - (d) keep records of attendance, maintenance and other administrative matters as set forth by his superiors from time to time;
 - (e) supervise the collection and banking of all receipts and moneys taken up by the cashiers at the bath;
 - (f) supervise the opening and closing of the bath on a daily and seasonal basis;
 - (g) develop and conduct in service training programs for the staff assigned to the bath and enforce any emergency standard operating procedures which may be provided to him/her from time to time by his/her superiors;
 - (h) shall report to and will receive instructions from the General Manager: Community Development Services or his/her nominee;
 - (i) do anything which is conducive for the good administration of a bath in general, including the taking into possession for safe-keeping any fire-arms or dangerous weapons, articles, equipment or goods not allowed within the precincts of the bath.

CHAPTER III

Powers, duties and functions of lifeguards

7. A lifeguard shall -
 - (a) endeavour at all times to prevent accidents through the enforcement of policies and regulations governing the conduct of bathers, as well as instructions from the pool administrator;
 - (b) constantly be alert for accidents which may occur in the water, on the deck or diving equipment or elsewhere at the bath;
 - (c) enter the water to rescue persons in trouble, resuscitate bathers who need it and apply first aid to those injured and to call for medical assistance in cases of serious accidents;
 - (d) maintain good and harmonious order in the bath, anticipate trouble and take steps to prevent it by the enforcement of these regulations;
 - (e) assist in training programs when requested by the pool administrator;

- (f) report potential or definite physical hazards and unsafe conditions to the pool administrator.

CHAPTER IV

General conduct of members of the public

- 8. A member of the public shall not –
 - (a) enter a bath except on such days and at such times and under such conditions as shall be laid down by the Council from time to time;
 - (b) enter a bath prior to obtaining by payment of the approved fee a ticket or coupon at the cashier established at a bath for that purpose;
 - (c) enter the bath by forcible or improper means prior to payment;
 - (d) allow any person under the age of 13 (thirteen) years to enter the bath unless accompanied by an adult;
 - (e) enter any dressing room or cubicle or other facility which has been appropriated for the use of the opposite sex;
 - (f) without the authority of the actual bather directly concerned therewith, interfere or remove any clothing or effects from any container which has been provided for the use of such bather;
 - (g) without the consent of the occupier or the pool administrator enter or seek to enter any dressing room or cubicle which has already been occupied by another person;
 - (h) occupy or use any dressing room or cubicle for a longer period than that determined by the pool administrator;
 - (i) loiter in such dressing room or cubicle or in the doorways or passages leading thereto after the expiration of the period of occupation or use as determined by the pool administrator
 - (j) forcibly or by other improper means seek admission to any dressing room or cubicle;
 - (k) bathe at a bath unless decently and adequately clothed in a bathing costume;
 - (l) appear anywhere exposed to the public view at a bath unless either wearing a bathing costume or otherwise properly and decently dressed;
 - (m) damage or deface any dressing room, cubicle, sanitary convenience, fence or other property of the Council;
 - (n) commit any nuisance or write, draw or scribble on any wall or any part of a bath;
 - (o) throw or deposit any filth or refuse except in such receptacles as may be provided for the purpose by the Council;
 - (p) remove, take away, throw down, damage or destroy any furniture, fitting, towel, costume or other article or thing appertaining or used at the bath and which is the property of the Council;
 - (q) by any disorderly or improper conduct disturb, harass, injure or molest any other person or obstruct any pool administrator or lifeguard in the execution of his/her duties;
 - (r) use indecent, offensive or profane language or behave in an indecent or offensive manner;
 - (s) use any expectorate, soap or other substance or preparation whereby the water in the bath may be rendered turbid or unfit for the proper use of bathers;
 - (t) wilfully or improperly foul or pollute the water in any swimming bath or wilfully or improperly soil or defile any towel, bathing costume or other article supplied for the use of such person or any dressing room, box or compartment or any furniture or article contained therein;

- (u) enter the bath in a state of intoxication as observed and in the sole discretion of the pool administrator;
 - (v) be in the possession of intoxicating liquor or prohibited or dangerous dependence producing drugs during his/her presence at a bath;
 - (w) allow any dog in a bath;
 - (x) enter a bath suffering from contagious or infectious diseases or from any abnormal discharge from the eyes, nose, ears or throat or from a discharging sore;
 - (y) play water polo at a bath except at such times and under such conditions as shall be fixed by the Council or the pool administrator or any other game likely to cause injury or discomfort to bathers or spectators;
 - (z) use surfboards, canoe's, boats, punts, rafts or other equipment which may cause injury except with the express permission of the pool administrator and other such conditions as the pool administrator may impose;
 - (aa) interfere with any plant or pick any flower, slip or cutting on the premises on which on which the bath is situated;
 - (ab) be in possession of any fire-arm or dangerous weapons.
9. The pool administrator of a bath shall have the right to refuse admission to any person who at a time of entrance to such bath, is liable to transgress the provisions of these regulations.
10. The pool administrator shall have the right to order any member of the public to leave the precincts of such bath in the event of the person acting in contravention of these regulations.
11. Any person who has paid for admission and who is subsequently ordered to leave a bath, shall not be entitled to a refund of his/her entrance money.

Penalties

12. Any person contravening the provisions of Chapter IV hereof, or interfering with or obstructing the pool administrator in the execution and carrying out of his/her duties, or refuse to comply with any lawful order made under these regulations, shall be liable to a fine not exceeding N\$2 000.00 or to imprisonment for a period not exceeding 6 (six) months.
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SCHEDULE

TARRIF OF FEES FOR USE OF BATH:

1. DRESSING ROOMS (VAT Inclusive):

(i)	Incidental use :	per dressing room	N\$	23.00
(ii)	Daily use :	per dressing room	N\$	23.00
(iii)	Weekly use :	per dressing room	N\$	107.10
(iv)	Monthly use :	per dressing room	N\$	228.80
(v)	Annual use :			
	(a)	Local Hotels for yearly use or part of a year per dressing room subject thereto that not more than 10 rooms may be reserved for this purpose	N\$	383.00
	(b)	Hospitality Institutions, individuals or locals per Dressing room	N\$	383.00
(vi)	Umbrellas :	Per umbrella	N\$	27.00
		Deposit (No VAT)	N\$	66.00

2. SWIMMING BATH (VAT Inclusive):

Additional lockers at Swimming Bath (monthly)	N\$	42.00
Plus Key deposit (NO VAT)	N\$	13.00
Additional lockers at Swimming Bath (daily)	N\$	8.00

Entrance Fees (VAT Inclusive):

Per person	N\$	7.00
Monthly coupons (units of 30)	N\$	158.00
Scholar groups (morning)	N\$	5.50
Scholar groups (afternoon)	N\$	5.50
Lockers	N\$	5.50
Hairdryers	N\$	5.50
Sauna :	Per hour +	N\$ 45.00
	Person with Municipal towel per hour	N\$ 13.00
	Person with own towel per hour	N\$ 7.00

Rent of Swimming Bath (VAT Inclusive):

Weekdays	N\$	420.00
Saturdays and Sundays	N\$	773.00
Public Holidays	N\$	968.00