



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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WINDHOEK - 26 July 2006

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General Notice

MUNICIPALITY OF WINDHOEK

No. 201

2006

SWIMMING BATH REGULATIONS

The Council of the Municipality of Windhoek, under section 94(1)(y) of the Local Authorities Act, 1992 (Act No. 23 of 1992) makes the regulations as set out in the Schedule.

BY ORDER OF THE COUNCIL

M.K. SHIKONGO

CHAIRPERSON OF THE COUNCIL

Windhoek, 23 June 2006

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SCHEDULE

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Local Authorities Act, 1992 (Act No. 23 of 1992) shall be that meaning and, unless the context otherwise indicates -

“Act” means the Local Authorities Act, 1992 (Act No. 23 of 1992);

“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 other facilities used in connection therewith;

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

“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;

“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 or legal 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 organizer 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, cubicles, 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 portable 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 superiors;
- (h) shall report to and will receive instructions from the Chief: Parks, Recreation and Cemeteries 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 a 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 accommodation 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 life guard 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 under such conditions as the pool administrator may impose;
- (aa) interfere with or molest any animal or bird kept on the premises on which a bath is situated, nor interfere with any plant or pick any flower, slip or cutting;
- (ab) gamble at a bath;
- (ac) 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 the 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 months.

Repeal

13. Government Notice 63 promulgated on 1 April 1959 is hereby repealed.

SCHEDULE OF FEES**1. NON-TRANSFERABLE MONTHLY TICKETS:**

(Holder entitled to admission on any day)

- | | | |
|-----|------------------------|--------------------|
| (a) | Persons 16 and older | N\$30,00 per month |
| (b) | Persons under 16 years | N\$12,00 per month |
| (c) | Persons above 60 years | N\$12,00 per month |

2. ADMISSION TICKETS:**(1) From Mondays to Fridays, public holidays excluded, per session**

- | | | |
|-----|----------------------------|---------|
| (a) | Persons 16 years and older | N\$1,50 |
| (b) | Persons under 16 years | N\$0,50 |
| (c) | Persons above 60 years | N\$0,50 |

(2) Saturdays, Sundays and public holidays, per session

- | | | |
|-----|----------------------------|---------|
| (a) | Persons 16 years and older | N\$3,00 |
| (b) | Persons under 16 years | N\$1,50 |
| (c) | Persons above 60 years | N\$1,50 |

3. USE OF COUNCIL'S LOUDSPEAKER:

Per session	N\$5,00
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4. SCHOOL-CHILDREN IN GROUP SESSIONS

Organised groups of school-children under the supervision of a school teacher in terms of the provisions of regulation 4(7) at N\$10,00 per session per 30 children or portion of 30 children

N\$10,00

5. RESERVATION OF SWIMMING BATH:

- (a) (i) School swimming galas and swimming galas, Monday to Thursday mornings and Monday to Thursday afternoons after 18h00
N\$80.00
- (ii) Swimming galas Monday to Thursday afternoons from 14h00 – 18h00
N\$100.00
- (iii) Swimming galas on Fridays, Saturdays and public holidays
N\$300.00
- (b) Reservation of the swimming bath per “club nights” by swimming clubs or other approved organisations not more than once per week per club or organisation during the hours specified by the Council, including water polo matches, but excluding swimming galas, (includes registered coaches)
No charge
- (c) Organised groups of handicapped persons under the protection and supervision of a registered welfare organisation
No charge

6. CLUB MEMBERS AND REGISTERED COACHES:

Notwithstanding anything to the contrary contained in this Schedule of Fees, club members and registered coaches, exclusive of registered coaches referred to in paragraph 5(b) of this Schedule, shall use monthly tickets or pay the admission charges referred to in paragraph 2 of this Schedule in order to obtain admission to the bath.
