

Managing property properly

JOHANNESBURG POOL BY-LAWS UPDATE

Johannesburg pool by-laws update

The City of Johannesburg (CoJ) has published the fourth draft Safety Measures for Private Swimming Pools by-laws for public comment.

The by-laws define a swimming pool as a privately owned permanent structure, situated below or not more than one metre above ground level in the case of an outdoor swimming pool and, in the case of an indoor swimming pool, a permanent structure below or not more than one metre above floor level, used or intended to be used for swimming and capable of containing water to a depth of more than 300 millimeters.

According to Hopewell Sathekge, from the real estate department at Hogan Lovells, the by-laws have been in the pipeline for a few years and the current fourth draft is the result of a lengthy public participation process, spearheaded by the CoJ's legal department and the emergency management services.

The public participation process for the fourth draft started in January of 2014 and submission for comments closed at the end of March 2014.

Sathekge explains that the by-laws propose to introduce safety measures around or over private swimming pools to prevent accidental injury or the drowning of any person on the premises on which a swimming pool is situated.

People who will be compelled to comply with the by-laws are registered owners of freehold homes on whose property a swimming pool is situated.

In a sectional title scheme, the body corporate will have to comply with the by-laws in relation to a swimming pool situated on common property and, prior to the establishment of a body corporate, the developer of the sectional title scheme will have to comply with the by-laws.

If a registered owner of a unit in a sectional title scheme has a right to an exclusive use area that has a swimming pool, then that registered owner will have to comply, says Sathekge.

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According to Hogan Lovells, CoJ's research and legal department are still considering public comments received regarding the by-laws and so the date of commencement is yet determined.

For more information, contact Arthur Mqwa from the city's fire and emergency department on 011-758 9534.