



# DR. RUTH S. MOMPATI DISTRICT MUNICIPALITY MAIN OFFICES



# MUNICIPAL HEALTH SERVICES BY - LAWS

**DRAFT:****MUNICIPAL HEALTH SERVICES BY- LAWS**

The objective of the bylaws is to enable the Municipality to promote and protect the health and well-being of all people within the municipal area by providing an effective legal and administrative framework, in conjunction with any other applicable laws, within which the municipality can develop and manage its municipal health service obligations.

BE IT ENACTED by the Council of the DR Ruth Segomotsi Mompati District Municipality, as follows:

## TABLE OF CONTENTS

### CHAPTER 1

#### INTERPRETATION AND FUNDAMENTAL PRINCIPLES

1. Definitions and interpretation
2. Purpose

### CHAPTER 2

#### PUBLIC HEALTH

##### Part 1: Public health principles

3. Principles
4. Application of Principles

##### Part 2: Public health hazards and public health nuisances

5. Prohibition on causing public health hazards
6. Duty to report public health hazards
7. Prohibition on causing public health nuisances

### CHAPTER 3

#### POTENTIALLY HAZARDOUS USES OF PREMISES AND ENFORCEMENT

##### Part 1: Potentially hazardous uses

8. Definitions
9. Duty to list potentially hazardous uses
10. Scheduled uses
11. Exemption certificates
12. Public health permits
13. Approval of measures, objects and materials

14. Application procedure
15. General terms applicable to certificates and permits
16. Suspension, cancellation and amendment of exemption certificates and permits

#### **CHAPTER 4**

### **SANITARY SERVICES**

17. Compulsory connection to municipal sewage system
18. Prohibition against obstruction of sanitary services
19. Requirements in respect of toilet facilities
20. Toilets for workers
21. Blocked or defective outlet pipes
22. Prohibition against urine in slops tanks

#### **CHAPTER 5**

### **PRIVATE SEWAGE WORKS**

23. Permit for provision of service for the removal of human excrement or urine
24. Permit for installation of sewage works
25. Maintenance of sewage works
26. Disposal of sewage, sewage effluent and wastewater without causing a public health nuisance and/or hazard
27. Compulsory use of Municipality's sewage removal service

**CHAPTER 6****WATER**

28. Definitions
29. Pollution of sources of water supply
30. Dangerous wells, boreholes and excavations
31. Provision of adequate water supply
32. Use of water from sources other than the municipal supply
33. Furnishing of particulars of the source of water
34. Storm water runoff from premises which may impact on public health

**CHAPTER 7****FOOD CONTROL**

35. Definitions
36. Requirements for food caterers premises
37. Requirements for food premises
38. Prohibition on the handling and transportation of food
39. Standards and requirements for food premises
40. Standards and requirements for facilities on food premises
41. Standards and requirements for food containers
42. Standards and requirements for displays, storage and temperature of food
43. Standards and requirements for protective clothing
44. Duties of a person in charge of food premises
45. Duties of a food handler: personal hygiene
46. Standards and requirements for the handling of meat (butchery)
47. Requirements for meat handling
48. Street trading requirements
49. Standards and requirements for the transportation of food
50. General requirements for vending carts
51. Sale of food through a food vending machine

52. Procedure for application of sale of food from vending machines
53. Prohibition on the production of milk except in an approved milking shed
54. Standards and requirements
55. Milk containers and milking machine
56. Handling of milk
57. Personal hygiene – milkers and handlers of milk
58. Standards and requirements for transport of milk
59. Offences and penalties

## **CHAPTER 8**

### **ENVIRONMENTAL POLLUTION**

60. Noise pollution
61. Land pollution control
62. Water pollution control

## **CHAPTER 9**

### **AIR POLLUTION**

#### PART 1

Interpretation and fundamental principles

63. Definitions

#### PART 2

Duty of care

64. Persons causing air pollution
65. Designation or appointment of the Air Quality Officer and Environmental Management Inspectors
66. Establishment of Atmospheric Emissions Licensing system
67. Licensing Authority

#### PART 3

Smoke emission from premises other than dwellings

68. Application
69. Prohibition
70. Installation of fuel burning equipment

- 71. Transitional arrangement in respect of authorized fuel burning equipment
- 72. Operation of fuel burning equipment
- 73. Presumption
- 74. Installation and operation of obscuration measuring equipment
- 75. Monitoring and sampling
- 76. Exemption

#### PART 4

##### Smoke emissions from dwellings

- 77. Restriction to emission of dark smoke

#### PART 5

##### Emissions from compressed ignition powered vehicles

- 78. Prohibition
- 79. Stopping of vehicles for inspection and testing
- 80. Testing procedures
- 81. Repair notice

#### PART 6

##### Emissions caused by open burning

- 82. Open burning of material on any land
- 83. Emission caused by tyre burning and burning of rubber and other material for the recovery of metal

#### PART 7

##### Pesticides and crop spraying

- 84. Spraying of a pesticide, herbicide or other related material

#### PART 8

##### Spray painting emissions

- 85. Control of spray painting emissions

#### PART 9

##### Offensive odours

- 86. Control of offensive orders
  - PART 10
  - Fume nuisance
- 87. Control of fumes
  - PART 11
  - Sand blasting emissions
- 88. Control of sand blasting emissions
  - PART 12
  - Dust nuisance
- 89. Control of dust nuisance
  - PART 13
  - Emissions that cause a nuisances
- 90. Prohibition
- 91. Abatement nuisance
- 92. Steps to abate nuisance
  - PART 14
- 93. Appeals
  - PART 15
- 94. General provisions
  - PART 16
- 95. Offences and penalties
  - PART 17
- 96. Exemptions
  - PART 18
- 97. Savings

## CHAPTER 10

### HEALTH CARE RISK WASTE

- 98. Definitions
- 99. Separation at source and marking
- 100. Duties of transporter



- 101. Disposal of health care risk waste
- 102. Duty of register
- 103. Powers of Environmental Health Practitioner
- 104. Offences

## CHAPTER 11

### HAZARDOUS WASTE

- 105. Applicable legislation
- 106. Storage of hazardous waste

## CHAPTER 12

### OFFENSIVE TRADES

- 107. Definitions
- 108. Permit requirement
- 109. Requirement for premises
- 110. Duties of offensive traders
- 111. Liquid refuse from bone and tripe boiling
- 112. Liquids, tanks and tubs in leather making
- 113. Storage of rags, bones and waste

## CHAPTER 13

### SECONDHAND GOODS

- 114. Definitions
- 115. Requirements for premises
- 116. Duties of secondhand goods traders-

## CHAPTER 14

### HAIRDRESSING, BEAUTY AND COSMETOLOGY SERVICES

- 117. Definitions

- 118. Permit requirement
- 119. Requirement for premises
- 120. Duties of salon operators
- 121. Required minimum health standards for the operation of a salon
- 122. Prohibition against the use of salon premises for other purposes

## CHAPTER 15

### DRYCLEANING AND LAUNDRY ESTABLISHMENTS

- 123. Definitions
- 124. Premises for drycleaning or laundry businesses
- 125. Premises for drycleaning or laundry receiving depots
- 126. Premises for coinoperated laundries
- 127. General requirements for drycleaning and laundry businesses

## CHAPTER 16

### SWIMMING POOLS AND SPAR-BATHS

- 128. Definitions
- 129. Requirements for premises
- 130. Duties of spa-bath keepers
- 131. Duties of swimming pool keepers
- 132. Water supply
- 133. Safety of water
- 134. Order and behavior

## CHAPTER 17

### ACCOMODATION ESTABLISHMENTS

- 135. Definitions
- 136. Permit requirement
- 137. Requirement for premises of accommodation establishments
- 138. Duties of operators of accommodation establishments

### CHILD CARE SERVICES 18

- 139. Definitions
- 140. Application of Guidelines
- 141. Health Certificate
- 142. Requirements of premises for Accommodation of Children between three and seven years
- 143. Requirements of premises for children under two years
- 144. Afterschool care facilities
- 145. General duties and liabilities for compliance with regulations
- 146. Resting and Play Equipment
- 147. Medical care for Children
- 148. Safety Measures
- 149. Application for Admission
- 150. Registers
- 151. Medical Report
- 152. Food Preparation
- 153. Right of entry and inspection of premises and records

- 154. Journal
- 155. Suspension or termination of operations
- 156. Offences
- 157. Withdrawal of health certificate

## CHAPTER 19

### NURSING HOMES

- 158. Requirements

## CHAPTER 20

### CARAVAN PARKS AND CAMPING GROUNDS

- 159. Definitions
- 160. Camping permit
- 161. Requirements for premises
- 162. Sanitary facilities

## CHAPTER 21

### KEEPING OF ANIMALS

- 163. Definitions
  - Part 1: General provisions relating to the keeping of animals
- 164. Application of Chapter
  - Part 2: Keeping of cattle, horses, mules and donkeys
- 165. Requirements for premises
- 166. Duties of keeper of cattle, horse, mules and donkeys
  - Part 3: Keeping of goats and sheep
- 167. Application
- 168. Requirements for premises
- 169. Duties of keeper of goats and sheep

#### Part 4: Keeping of poultry

- 170. Application
- 171. Permit requirement
- 172. Requirement for premises
- 173. Duties of keepers of poultry

#### Part 5: Keeping of rabbits

- 174. Application
- 175. Permit requirement
- 176. Requirement for the premises
- 177. Duties of keepers of rabbits

#### Part 6: Keeping of birds other than poultry

- 178. Requirement for the premises
- 179. Duties of keepers of aviaries

#### Part 7: Kennels and catteries

- 180. Requirements for premises
- 181. Food preparation areas
- 182. Duties of keepers of kennels or catteries

#### Part 8: Pet shops and pet parlours

- 183. Requirements for premises
- 184. Duties of pet shop or pet parlour keepers

#### Part 9: Keeping of wild animals

- 185. Requirements for the premises
- 186. Duties of keepers of wild animals

#### Part 10: Keeping of Pigs

- 187. Requirements for premises
- 188. Duties of keepers of pigs

#### Part 11: Keeping of pets

- 189.
- 190. Duties of keepers of pets

#### Part 12: General provisions

- 191. Drainage
- 192. Requirements for keeping of bees
- 193. Illness attributable to animals, poultry or birds

### CHAPTER 22

#### RETUAL SLAUGHTER

- 194. Requirements

### CHAPTER 23

#### OPERATION AND MANAGEMENT OF INITIATION SCHOOLS

- 195. Definitions
- 196. Reporting and registration of a initiation school
- 197. Permission to conduct an initiation school
- 198. Admission to an initiation school
- 199. Closure of an initiation school
- 200. Establishment of an initiation school advisory committee
- 201. Duties of a traditional surgeon at an initiation school
- 202. Duration of an initiation school

- 203. Treatment of initiates
- 204. Cultural ethics and inspection of an initiation school

## CHAPTER 24

### DISPOSAL OF THE DEAD

- 205. Definitions

#### Part 1: Funeral undertakers premises and mortuaries

- 206. Application
- 207. Exemption

#### Part 2: Certificate of competence

- 208. Issue of a certificate of competence
- 209. Application for the issue or transfer of a certificate of competence
- 210. Issue or transfer of certificate of competence
- 211. Validity and transfer of certificate of competence
- 212. Issue of provisional certificate of competence
- 213. Duties of holder
- 214. Suspension or revocation of a certificate of competence or provisional certificate of competence
- 215. Requirements relating to funeral undertakers and mortuary premises
- 216. Hygiene requirements for funeral undertaker's mortuary premises

#### Part 3: Handling and disposal of mortal remains

#### BURIAL IN EXCAVATED LAND GRAVES

- 217. Burial sites and burials
- 218. Disposal of mortal remains by cremation
- 219. Issue of a cremation permit
- 220. Minimum requirements for a cremation facility
- 221. Register for cremation

222. Application to exhume a body, body ashes and reburial of human remains

Part 4: Exhumation and reburials of human remains

223. Authorization for exhumation of human remains

224. Exhumation requirements

225. Reburial of human remains

Part 5: Conveyance (transportation, importation and exportation) of mortal remains

226. Conveyance of mortal remains

227. Conveyance of remains on public transportation

Part 6: Handling of radioactive corpses

228. Storage

229. Embalming

230. Cremation

231. Burial

Part 7: General provisions

232. Appeals

233. Offences

## CHAPTER 25

### DISEASE SURVEILLANCE

234. Definitions

235. Infectious diseases and quarantine

236. Children suffering from diseases restricted as regards attending schools

237. Unburied bodies

238. Persons dying from infectious diseases

239. By-laws as to disposal of body



- 240. Vehicles
- 241. Disinfection of vehicles
- 242. Transportation of body through the municipal area
- 243. Driver or owner of vehicle to be notified
- 244. Knowingly letting infected house
- 245. Entry by health practitioner on suspected premises
- 246. Relating to typhus
- 247. Offences and penalties

## CHAPTER 26

### MISCELLANEOUS

- 248. Duties of Municipality
- 249. Appointment and identification of Environmental Health Practitioner
- 250. General powers of an Environmental Health practitioner
- 251. Compliance notice
- 252. Prohibition notice
- 253. Withdrawal of prohibition notice
- 254. Service of notices or other documents
- 255. Demolition orders municipal remedial work
- 256. Municipal remedial work
- 257. Cost orders
- 258. Appeals
- 259. offences

### SCHEDULE 1

#### PUBLIC HEALTH NUISANCES

- 1. General nuisances
- 260. Pest control

261. Air pollution
262. Fouling and littering on public places and open spaces

## APPLICATION TO THE STATE

### REPEAL

### SHORT TITTLE

### CHAPTER 1

## INTERPRETATION AND FUNDAMENTAL PRINCIPLES

### Definitions and interpretation

1. (1) In these Bylaws, unless the context otherwise indicates –

“adequate” when used to describe a standard or manner in which anything required by these By laws must be done, means the standard or manner that, in the opinion of an Environmental Health Practitioner, is sufficient to safeguard public health, and to achieve the purpose and apply the principles of these By laws and “adequately” has a corresponding meaning:

“approved” when used to describe a particular object, measure or material, means an object, measures or material which has been approved in terms of section 13 as being adequate in specified circumstances to prevent, or reduce to a level acceptable to the Municipality, the risk of any public health hazard or public health nuisance occurring, continuing or recurring:

“authorized official” means any official of the Municipality who has been authorised by the Municipality to administer, implement and enforce the provisions of these Bylaws

“communicable diseases” means any disease which can be communicated directly or indirectly from any animal or through any agent to any person or from any person suffering there from or who is a carrier thereof, to any other person;

“Municipality” means –

- (a) The Ruth Segomotsi Mompati District Municipality established in terms Chapter 2 of the Local Government Municipal Struc
- (b) tures Act No.117 of 1998 exercising its legislative and executive authority through its municipal Municipality: or
- (c) its successor in title; or
- (d) a structure or person exercising a delegated power or carrying out an instruction, where any power in these Bylaws has been delegated or sub delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal System Act, 2000 (Act No. 32 of 2000); or
- (e) a service provider fulfilling a responsibility under these Bylaws, assigned to it in terms of section 81 (2) of the Local Government: Municipal System Act, or any other law, as the case may be;

“dwelling” means any house, room, shed, hut, tent, cave, container, shelter, vehicle boat

or any other structure or place whatsoever, any part of which is used or appears intended for use by any human being for sleeping or in which any human being dwells or sleeps and “room” has a corresponding meaning;

“environmental health” means those aspects of human health, including quality of life, that are determined by physical, chemical, biological, social and psychosocial factors in the environment. It also refers to the theory and practice of assessing, correcting, controlling and preventing those factors in the environment that can potentially adversely affect the health of present and future generations.

“Environmental Health Practitioner” means an official appointed by the Municipality, and who is duly registered as an Environmental Health Practitioner with the Health Professions Council of South Africa in terms of section 34 of the Health Professions Act, 1974 (Act No. 56 of 1974) as amended

“exemption certificate” means a certificate issued in terms of section 11

“hot water” means water which has a minimum temperature of 55°C at the point of discharge;

“municipal area” means the area under the jurisdiction of the Municipality;

“municipal manager” means a person appointed as such by the Municipality in terms of section 82 of the Local Government: Municipal Structure Act, 1998 (Act No. 117 of 1998);

“National Building Regulations and Building Standards Act” means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) as amended;

“occupier” , in relation to any premises, means any person –

- (a) occupying the premises;
- (b) leasing the premises;
- (c) who is not occupying the premises but is entitled to do so; or
- (d) who manages the premises or a business on the premises on behalf of a person referred to in paragraph (a), (b) or (c);

“organ of state” means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)

“owner” , in relation to any premises, means –

- (a) the person in whose name the title to the premises is registered, and includes the holder of a stand licence or
- (b) if the person referred to in paragraph (a) is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian or other person who is legally responsible for administering that person’s estate;

“permit” means a public health permit issued by the Municipality in terms of the section 12;

“person” means a natural person or a juristic person, and includes an organ of state;

“pest” means any animal , reptile, insect or mammal, which may create a public health hazard or public health nuisance if it is present in significant numbers and without limitations, includes rats, mice, flies, mosquitoes, bed bugs, fleas, lice, termites and cockroaches;

“potable water” means water that complies with the requirements set out in SABS 241- 1:

## Water for Domestic Suppliers;

“premises” means –

- (a) any land without any buildings or other structure on it;
- (b) any building or other structure and the land on which is situated;
- (c) any land which adjoins land referred to in paragraph (a) or (b) and any building or other structure on the adjoining land, if that land, building or structure is occupied or used in connection with any activity carried out on the premises referred to in paragraph (a) or (b) ; or
- (d) any land on which a caravan park or camping ground situated; or
- (e) any vessel, vehicles or movable structure which is used for a scheduled use;

“prescribed fee” means a fee determined by the Municipality by resolution in terms of section 75A of the Local Government: Municipal System Act, 2000 (Act 32 of 2000) as amended;

“public health” means the art and science which aims at preventing disease, prolonging life and promoting health through the organized efforts of society and includes the mental and physical health and wellbeing of people in the municipal area:

“public health hazard” means any actual threat to public health, and without limitation, includes –

- (a) the circumstances referred to in section 5(3)
- (b) unsanitary conditions
- (c) circumstance which make it easier for a communicable disease to break out or spread;
- (d) circumstances which make food or drinks, including water for domestic consumption, unhygienic or unsafe to eat or drink; and
- (e) circumstances which allows pests to infest any place where they may affect public health;

“public health nuisance” means the use of any premises or place in a manner which creates conditions that significantly increase the risk of a public health hazard occurring or which compromises any aspect of public health to an extent that is more than trivial or insignificant, and without limitation, includes those circumstances in which a public health nuisance is considered to exist in terms of Schedule 1;

“public place” means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden park, path, bus or taxi rank, servitude or enclosed space vested in the Municipality and includes any road, place or thoroughfare which is in the undisturbed use of the public or which the public have the right to use, and includes a public place as defined in the Tobacco Control Amendment Act 12 of 1999.

“scheduled use “means a use listed in Schedule 2.

- (2) Unless the context otherwise indicates, any word or expression which is defined in any Chapter, has the same meaning wherever it is used in these By laws.
- (3) If any provision in these Bylaws vests or imposes any power, function or duty of the Municipality in or on an employee of the Municipality and such power, function or duty has in terms of section 81 (2) of the Local Government: Municipal System Act, 2000, or any other law, been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where

applicable, an employee of the service provider authorized by it.

## Purpose

2. The Municipality being aware of the constitutional rights of every person to an environment that is not harmful to his or her health or well – being, and the principles that underlines the National Health Act, 2003 ( Act 61 of 2003 ) as amended and the National Environmental Management Act, 1998 (Act 107 of 1998 ) as amended, adopts this By-laws with the purpose that these By-laws will enable the Municipality to set minimum environmental health standards to prevent diseases, prolong life, protect and promote the long term health and well- being of people in the Municipal area by :
  - (a) providing, in conjunction with other applicable laws, an effective legal and administrative framework within which the municipality can develop and manage its Municipal Health Services obligations by :
    - (i) managing and regulating activities that have the potential to impact adversely on public health; and
    - (ii) requiring premises to be properly maintained and managed ; and
  - (b) defining the rights and obligations of the Municipality and the public in relation to this purpose.

## CHAPTER 2 PUBLIC HEALTH

### Part 1: Public health principles

#### Principles

3. (1) Every person has a constitutional right to an environment that is not harmful to his or her health or wellbeing and to have access to sufficient water and the municipality has a constitutional duty to strive, within its financial and administrative capacity, to promote a safe and healthy environment as per the Republic of South Africa Constitution (Act 108 of 1996, Section 24 and 27)
  - (2) The risk of a public health hazard occurring, continuing or recurring must be eliminated wherever reasonably possible, and if it is not reasonably possible to do so, it must be reduced to a level acceptable to the Municipality.
  - (3) Any person who owns or occupies premises in the municipal area must ensure that it is used for and maintained in a manner that ensures that no public health hazard or public health nuisance occurs on the premises.
  - (4) Any person who wishes to undertake an activity which creates a risk to public health that is more than trivial or insignificant must
    - (a) take all reasonable measures to eliminate that risk, and if that is not reasonably possible, to reduce the risk to a level acceptable to the Municipality; and
    - (b) bear the costs of taking those measures and of any reasonable costs incurred by the Municipality in ensuring that the risk is eliminated or reduced

to an acceptable level.

- (5) The Municipality must regulate all activities and administer all matters for which it is legally responsible in a manner that
  - (a) avoids creating a public health hazard or a public health nuisance;
  - (b) does not make it easier for any human or animal disease to spread;
  - (c) does not give rise to unsanitary or unhygienic conditions;
  - (d) prevents unsafe food or drink from being eaten or drunk;
  - (e) avoids creating conditions favorable for infestation by pests; or
  - (f) wherever reasonably possible, improves public health in the municipal area.
- (6) In dealing with matters affecting public health the Municipality must
  - (a) adopt a cautious and risk averse approach;
  - (b) prioritize the collective interest of the people of the municipal area, and of South Africa, over the interests of any interest group or sector of society;
  - (c) take account of historic inequalities in the management and regulation of activities that may have an adverse impact on public health and redress these inequalities in an equitable and nondiscriminatory manner;
  - (d) adopt a long-term perspective that takes account of the interests of future generations; and
  - (e) take account of, and wherever possible without compromising public health, minimize any adverse effects on other living organisms and ecosystems.

#### Application of principles

4. The public health principles set out in section 3 must be considered and applied by any person
  - a. exercising a power or function or performing a duty under these Bylaws;
  - b. formulating or implementing any policy that is likely to have a significant effect on, or which concerns the carrying on of activities likely to impact on, public health in the municipality area; or
  - c. exercising a public power or function or performing a public duty in the municipal area which is likely to have a significant effect on public health in that area.

#### Part 2: Public health hazard and public health nuisances

##### Prohibition on causing public health hazards

5. (1) No person may create a public health hazard anywhere in the municipal area.
- (2) Every owner or occupier of premises must ensure that a public health hazard does not occur on those premises.
- (3) An owner or occupier of premises creates a public health hazard if:
  - (a) the premises are infested with pests breeding on the premises;
  - (b) there are conditions on the premises which are conducive to the spread of a communicable disease or which may cause a noncommunicable disease;
  - (c) there is any unsanitary condition in any part of the premises; or
  - (d) any water supply for domestic consumption on the premises is unsafe for human consumption.

##### Duty to report public health hazards

6. The owner or occupier of premises who knows of a public health hazard on those premises, must within 24 hours of becoming aware of its existence
  - a. eliminate the public health hazard; or
  - b. if the owner or occupier is unable to comply with paragraph (a), take reasonable steps to reduce the risk to public health and forthwith report the existence of the public health hazard to the Environmental Health Department of the municipality in writing.

#### Prohibition on causing a public health nuisance

7. (1) No person may cause a public health nuisance anywhere in the municipal area.
- (2) Every owner or occupier of premises must ensure that a public health nuisance does not arise on those premises.

### CHAPTER 3

#### POTENTIALLY HAZARDOUS USES OF PREMISES AND ENFORCEMENT

##### Definitions

8. “vicinity” the area as seen in the context of the problem which could range from adjacent premises up to an entire neighborhood.

##### Part 1: Potentially hazardous uses

##### Duty to list potentially hazardous uses

9. If the Municipality reasonably believes that any premises have been, or are likely to be, used for a purpose or in a manner that has caused, or is likely to cause, a public health hazard or to create a public health nuisance unless reasonable measures are taken to avoid the risk or to reduce it to an acceptable level, the Municipality must list the activity concerned in Schedule 2 and must prescribe measures that must be taken to avoid the risk or reduce it to a level acceptable to the Municipality.

##### Scheduled uses

10. (1) Any person who uses premises in a manner or for a purpose listed in Schedule 2 must comply with every provision specified in the Chapter of these Bylaws relating to that use, unless that person has been granted an exemption in terms of section 11 from complying with any such provision.
- (2) Any person who uses premises in a manner or for a purpose that is listed in Part A of Schedule 2, must obtain a permit in terms of section 12 before commencing that use and must comply with the terms and conditions of that permit.

##### Exemption Certificates

11. (1) Any person who wants to undertake a scheduled use on any premises but wishes to be exempted from complying with any requirement of these Bylaws relating to the use concerned, may apply to the Municipality in accordance with section 14 for an exemption certificate.
- (2) The Environmental Health Department may grant an exemption certificate, subject to such condition as it may impose, if an Environmental Health Practitioner is

satisfied that

- (a) the measures taken to avoid or reduce the risk to public health arising from the scheduled use are equivalent to or better than the measures required by the relevant requirement of these Bylaws; and
- (b) the scheduled use in respect of which the exemption is required, is not likely to cause a public health hazard or a public health nuisance.

#### Public health permits

12. (1) Any person who wants to undertake a scheduled use that is listed in Part A of Schedule 2, must apply to the Municipality's Environmental Health Section in accordance with section 14 for a public health permit.
- (2) The Municipality may issue a public health permit to the owner or occupier of any premises, if an Environmental Health Practitioner is satisfied that the use for which the permit is required is not likely to cause a public health hazard or a public health nuisance.
- (3) A public health permit
  - (a) must be issued subject to conditions aimed at reducing the risk to public health created by the scheduled use, to a level acceptable to the Municipality
  - (b) may exempt the permit holder from complying with any relevant provision of these Bylaws, if the Municipality reasonably believes that the permit requires the permit holder to take measures to avoid or reduce the risk to public health arising from the activity that are equivalent to, or better than, the measures required by the relevant provision of these Bylaws; and
  - (c) may approve any measure or material in connection with the activity authorized by the permit that must be approved in terms of these By laws.

#### Approval of measures, object and materials

13. (1) The Municipality may approve, provided that the said approval is not in conflict with any other legal requirement, any object or material used, or any measure taken, in specified circumstances as being adequate to eliminate the risk of any public health hazard or public health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Municipality.
- (2) An object, material or measure referred to in subsection (1) may be approved by the Municipality in
  - (a) a public health permit; or
  - (b) guidelines prescribed by the Municipality in terms of subsection (3)
- (3) The municipality may publish guidelines in the Provincial Gazette which describe
  - (a) appropriate measures that can be taken and objects and materials that can be used, to eliminate the risk of any public health hazard or public health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Municipality; and
  - (b) the circumstances in which taking these measure or using these objects or materials are acceptable to the Municipality.

#### Application procedure



14. (1) Any person who wants to obtain an exemption certificated or a permit must apply to the Municipality's environmental health section in writing in a form attached as Annexure 1, prior to undertaking the schedule use concerned.
- (2) When the Municipality receives an application contemplated in subsection (1), it must ensure that the relevant premises concerned are inspected by an Environmental Health Practitioner as soon as reasonably possible.
- (3) Before deciding whether or not to approve an application contemplated in subsection (1), the Municipality
- (a) must ensure that any persons in the vicinity of the premises whose health or wellbeing may be affected if the premises are used for the scheduled use concerned, have been consulted and have had an opportunity to make representation; and
  - (b) may require the applicant to provide any further information which the Municipality considers relevant to enable it to make an informed decision.
- (4) In deciding whether or not to issue an exemption certificate or a permit, and what terms and conditions, if any, to include in it, the Municipality must apply the public health principles set out in section 3.

#### General terms applicable to certificates and permits

15. (1) An exemption certificate or a permit
- (a) is not transferable from one person to another; and
  - (b) applies only to the premises specified in that certificate or permit.
- (2) Every exemption certificate or permit must
- (a) specify the address and other relevant details regarding the location of the premises concerned;
  - (b) describe the premises concerned;
  - (c) describe the activity concerned;
  - (d) specify terms and conditions imposed, if any, and
  - (e) indicate the expiry date

An applicant must pay a prescribed fee, if determined by the Municipality, in respect of an application for a permit or exemption certificate and such fee must accompany the application.

- (3) The Municipality may refuse to consider an application until it has been provided with the information that it reasonably requires to make an informed decision and until the prescribe fees has been paid.

#### Suspension, cancellation and amendment of exemption certificates and permits

16. (1) An Environmental Health Practitioner may by written notice to the holder of an exemption certificate or permit, suspend, amend or cancel that certificate or permit, after having informed such holder of the reasons for such an exemption certificate and permit being cancelled or suspended.
- (2) An Environmental Health Practitioner may suspend or cancel an exemption certificate or permit with immediate effect
- (a) the Environmental Health Practitioner reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health

- posed by a public health hazard or a public health nuisance, or
  - (b) the holder of such certificate or permit fails to comply with a compliance or prohibition notice as contemplated in these bylaws which is stated that such certificate or permit may be suspended or cancelled without further notice if the holder fails to comply with that notice, and
  - (c) in terms of The Municipal Systems Act (Act 32 of 2000), Chapter 3, 8(2) of this Act
- (3) An Environmental Health Practitioner may suspend or cancel an exemption certificate or permit after having given the holder thereof a reasonable opportunity of making representations as to why the permit or exemption certificate should not be suspended or cancelled if
  - (a) The Environmental Health Practitioner reasonably believes that it is desirable to do so to eliminate or reduce the risk to public health posed by a public health hazard or a public health nuisance; or
  - (b) The holder of such certificate or permit contravenes or fails to comply with any relevant provision of these Bylaws.
- (4) An Environmental Health Practitioner may amend an exemption certificate or permit by endorsing such certificate or permit or by written notice to the holder thereof, if the Environmental Health Practitioner reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the exemption certificate or permit concerned was issued.

## CHAPTER 4

### SANITARY SERVICES

#### Compulsory connection to municipal sewage system

17. Every owner of premises to which a municipal sewage service is available, must ensure that all waste drainage pipes from any bath, wash hand basin, toilet, shower, kitchen sink, washing machines and dish washers are connected to the municipality sewer in an approved manner.

#### Prohibition against obstruction of sanitary service

18. No person may prevent, obstruct or interfere with any sanitary service provided by the Municipality.

#### Requirements in respect of toilet facilities

19. Every owner of premises must ensure that the number of toilets provided on those premises comply with the provisions of the National Building Regulations and Building Standard Act or any other applicable legislation.

#### Toilets for workers

20. (1) Every contractor must provide his or her workers with toilet facilities as prescribed by the National Building Regulations and Building Standards Act.
- (2) No temporary toilet may be erected or placed on any pavement or other public place without the written approval of Municipality.

## Blocked or defective outlet pipes

21. Every owner or occupier of premises must keep any drainage system free from obstruction and in a good state of repair.

## Prohibition against urine in slops tanks

22. No person may discharge or allow any urine or excrement to be discharged into a slops tank situated on any premises.

**CHAPTER 5****PRIVATE SEWAGE WORKS**

## Permit for provision of service for the removal of human excrement or urine

23. No person may provide any service for the removal or disposal of human excrement and urine on any premises except in terms of a permit authorizing that service.

## Permit for installation of sewage works

24. No person may, on any private premises, install, alter, resite, operate or maintain any septic tank, filter installation or other works for the disposal of sewage, except in terms of a permit authorizing that activity.

## Maintenance of sewage works

25. Any person operating a sewage works must ensure that it is maintained in a sanitary condition and good state of repair at all times.

## Disposal of sewage, sewage effluent and wastewater without causing a public health nuisance and/or hazard

26. No person may dispose of sewage or waste water from any bath, wash hand basin, toilet, shower, kitchen sink, swimming pool, washing machines, dish washers and refuse receptacles in a way or in a location that may
- (a) cause dampness in or on any premises;
  - (b) endanger the quality of any water supply, surface water, stream or river, or
  - (c) create a public health nuisance and/or hazard.

## Compulsory use of Municipality's sewage removal service

27. Every occupier of premises must use the sewage removal service prescribed by the Municipality for those premises.

## CHAPTER 6

## WATER

## Definitions

28. In this Chapter, unless the context otherwise indicates

“domestic consumption” in relation to water, means the use of water for –

- (a) human consumption
- (b) preparing or manufacturing food or drink for human consumption;
- (c) cleaning vessels or utensils used in the preparation or manufacture of food or drink for human consumption; or
- (d) any other domestic purpose.

“effluent” means any waste water which may be generated as a result of undertaking any scheduled use or any activity which is likely to cause a public health nuisance.

## Pollution of sources of water supply

34. No person may pollute or contaminate any catchment area, river, canal, well, reservoir, filter bed, water purification or pumping works, tank, cistern or other source of water supply or storage in a way that creates a public health nuisance or a public health hazard.

## Dangerous wells, boreholes and excavations

35. Every owner or occupier of premises must ensure that any well, borehole or other excavation located on his or her premises
- a. is fenced, filled in or covered over in a way that adequately safeguards it from creating a public health nuisance or public health hazard; and
  - b. is not filled in a way, or with material, that may cause any adjacent well, borehole or underground water source to be polluted or contaminated to an extent that may create a public health nuisance or a public health hazard.

## Provision of adequate water supply

36. Every owner of premises must provide every resident on the premises with an adequate and readily available potable water supply at all times.

## Use of water from source other than the municipal supply

37. No person may use, or permit to be used; any water obtained from a source other than the municipal water supply for domestic consumption, unless the water concerned has been approved for that purpose and complies with standards of potable water.

## Furnishing of particulars of the source of water

38. (1) Any owner or occupier of premises on which well, borehole, spring, dam, river or other water source is located, the water of which is used for domestic consumption, must within 14 days of receiving a notice from the Municipality calling on him or her to do so, provided the Municipality with all particulars of the water source reasonably available to the owner or occupier.

- (2) An owner or occupier of premises contemplated in subsection (1), must, if requested to do so by the Municipality, and at his or her own cost, furnish to the Municipality a certificate of chemical analysis and bacteriological investigation issued by an analyst, as defined in the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), in respect of any water supply on that premises used for domestic consumption.
- (3) If water from a borehole is used for domestic consumption, a certificate of analysis as contemplated in subsection (2) must be submitted to Municipality annually or at any time on request of an Environmental Health Practitioner.

#### Storm water runoff from premises which may impact on public health

39. (1) Every owner or occupier of premises must erect adequately designed, constructed and maintained hydraulic and hydrological structures on those premises
- a. to divert the maximum storm water runoff, which could be expected within a period of 24 hours with an average frequency of recurrence of once in 100 years, from any part of the premises on which any waste, likely to create a public health nuisance, is or was handled, produce, stored, dumped or spilled
  - b. to collect all polluted runoff water from any part of the premises on which waste, likely to create a public health nuisance is or was handled, produced, stored, dumped or spilled, for reuse, treatment or purification;
  - c. to separate all effluent from storm water systems;
  - d. to prevent the erosion or leaching of material from any slimes dam, ash dam and any dump or stockpile on the premises, and to contain any eroded or leached material in the area where it originated;
  - e. to prevent any waste or waste water from entering any borehole, well, spring, vlei or water course; and
  - f. to prevent any adverse impact on the quality of surface and ground water occurring, due to the location of any dump, stockpile, dam, drain, canal, conduit, sewer or any other structure on the premises.
- (2) An owner or occupier of premises
- (a) must keep all water passages open and free of obstruction from matter which may impede the flow of water or effluent;
  - (b) may not locate any dump within the one hundred year flood line of any water resource;
  - (c) may not use coal, coal discard, carbonaceous material or any other material for the construction of any slurry, evaporation, or catchment dam, or any embankment, road or railway in a way likely to create a public health nuisance;
  - (d) must construct bund walls around any tank, or group of tanks, containing any substance that can create a public health nuisance, of a size that is capable of containing the volume of the largest tank plus an additional 10% in the event of any unlawful or accidental discharge from the tank or group of tanks; and
  - (e) must clean any industrial surface area so as to prevent the pollution of storm water which may result in adverse impact on the quality of any surface or ground water.

## CHAPTER 7

### FOOD CONTROL

#### Definitions:

40. In this chapter, unless the context otherwise indicated:

“adequately ventilated and lighted” means ventilated and illuminated by means of windows with an uninterrupted transparent area equal to at least 10 percent of the floor area and with an area which can be opened equal to at least 5 percent of the floor area, and so placed that cross ventilation is facilitated.

“animal” means any member of the animal kingdom.

“approved milking shed” means a milking shed in respect of which a certificate of acceptability has been issued and is enforced.

“baker” shall mean any person who carries on the business of manufacturing any bakery products.

“bakery” shall mean the premises or any part thereof on or in which the business of a baker is carried on.

“bakery product” shall include bread, rolls, pies, biscuits, cakes, tarts, confectionery, sweet meats and similar products.

“best before” means, with respect to food, the date indicating the end of the period under any stated storage conditions specified on the label by the manufacturer during which the product will remain fully marketable, edible and safe and will retain any specific qualities for which tacit or express claims are or have been made;

“butcher” shall mean a person carrying on the business of selling meat in wholesale quantities, offering or exposing meat for sale by retail in a shop or fixed place, or by offering meat for sale or delivery from some other place.

“butchery” shall mean any premises used for the purpose of such business.

“certificate of acceptability” means a certificate of acceptability referred to in Regulation 5 and 6 made by Government Notice No. R638 of 29 June 2018.

“clean” means free of any dirt, impurity, objectionable matter or contamination to the extent that acceptable states of hygiene is attained, and keep clean has a similar meaning.

“colorant” means any substance referred to in the By-laws on food colourants, published under the Foodstuffs Cosmetics and Disinfectants Act, Act 54 of 1972.

“dairy” means any premises occupied and used by a dairyman, for the production and sale or supply of milk.

“dairy product” means milk or a product obtained or manufactured exclusively or mainly from milk and to which no unpermitted substances or another foodstuff of which the solids are not meant to substitute any part of the milk solids, are added and it also includes a product of which a maximum of 50 percent of the fat content, protein content and carbohydrate content respectively, are obtained from a source other than milk.

“dairyman” means any person who produces, supplies, or keeps for sale, or sells milk obtained from his own herd, and who is registered as such.

“dairy stock” means cows, she-goats, ewes, and mares used in the production of milk for human consumption.

“disinfection” means the reduction, without adversely affecting the food by means of hygienically satisfactory chemical agents or physical methods, of the number of micro-organisms to a level that will not lead to harmful contamination of food.

“expiry date” means, with respect to food, the date indicating the end of the period under which the product will remain fully marketable, edible and safe and must thereafter be sold or disposed of;

“facility” means any apparatus, appliance, equipment, implement, storage space, working surface or object used in connection with the handling of food.

“food” means a foodstuff intended for human consumption, as defined in section 1 of the Foodstuffs, Cosmetics and Disinfectants Act (Act 54 of 1972), excluding food referred to in regulation 14.

“food handler” means a person who in the course of his or her normal routine work on food premises comes into contact with food not intended for his or her personal use.

“food premises” means a building, structure, stall, or other similar structure, and includes a caravan, vehicle, stand or place used for or in connection with the handling of food.

“food vending machine” means any mechanical device, whether attended or not, by means of which foodstuffs are sold.

“foodstuff” means any article or substance, including natural mineral water or bottled water, but excluding medicine, ordinarily eaten or drunk by humans or purporting to be suitable, or manufactured or sold, for human consumption and includes any part or ingredient of any article or substance or any substances used, intended or destined to be used as a part of any article or substance;

“food additive” means any substance not normally consumed as a foodstuff by itself, and not normally used as a typical ingredient of the foodstuff, whether or not such substance has nutritive value.

“good manufacturing practice” means a method of manufacture or handling or a procedure employed, taking into account the principles of hygiene, so that food cannot be contaminated or spoiled during the manufacturing process.

“handle” includes process, produce, manufacture, packaging, storing, preparation, display, transport, sale or serving of foodstuffs.

“hands” includes the forearm or part of the arm extending from the wrist to the elbow.

“health hazard” includes any condition, act or omission that may contaminate or spoil food so that consumption of such food is likely to be dangerous or detrimental to health.

“inspector” means a person authorized as such, under section 10 of the Foodstuffs Cosmetics and Disinfectants Act, 54 of 1972 or an “Environmental Health Practitioner (EHP)” shall mean a person registered as such in terms of section 34 of The Health Professions Act, 1974 (Act 56 of 1974) and who performs functions as listed in the schedule of the Scope of Professions of Environmental Health, as amended.

“manufacture” includes production, or preparation, processing, preservation or other manufacturing process.

“meat” means the clean, sound and wholesome skeletal musculature and fatty tissue of any animal species, including game or bird species, used as a foodstuff, together with any connective tissue, bone, fat and cartilage that occurs naturally in the skeletal musculature of the dressed carcass and head, excluding the musculature of the lips, snout, scalp and ears.

“milk” means the mammary secretion of dairy stock, obtained from one or more milking for consumption as liquid milk or for further processing.

“milk dealer” means any person, other than a dairyman, who receives, collects, treats, prepares for sale, or sells milk at or from a milk depot, and who is registered as such.

“milking parlor” means that area of the milking shed in which dairy stock are milked.

“milk tanker” means a vehicle for the transportation of milk in bulk.

“milk vessel” means and includes every receptacle, can, vessel, utensil, bottle, appliance, or any other thing, which is used by a dairyman, milk dealer or milk purveyor, for the production, collection, keeping, storage, preparation, treatment, measurement, conveyance, delivery or distribution of milk.

“perishable food” means any foodstuff which on account of its composition, ingredients, moisture content and/or pH value and of its lack of preservatives and suitable packaging is susceptible to an uninhibited increase in microbes therein or thereon, if the foodstuff is kept within the temperature spectrum of 5°C to 63°C, and includes the perishable foodstuffs listed in Government Notice No. R1183 of 1 June 1990 as amended.

“person in charge” means a natural person who is responsible for the food premises and/or the owner of such food premises, as the case may be.

“poultry” means any chicken, duck, goose, guinea-fowl, ostrich, partridge, pheasant, pigeon, quail, turkey and chicks thereof.

“pre-packed food” means food which, before it is presented for sale or for serving, has been packed.

“protective clothing” means overall of a light colour and head gear that completely covers the hair of the head.

“pure water” means clean and clear water that does not contain Escherichia Coli.

“rodent-proof” means ensuring that an area is free of all rodents, vermin, insects, disease carriers or other pests;

“sell” includes to offer, advertise, keep, display, transmit, convey or deliver for sale, or to exchange, or to dispose of to any person in any manner whether for a consideration or otherwise; and sold, selling and sale have corresponding meanings

“sell by” means, with respect to food, the last date of offer for sale, as specified on the label by the manufacturer, to the consumer after which there remains a reasonable storage period in the home and after which the product is still safe and edible;

“unsound food” means unwholesome sick, polluted, infected, contaminated, decaying or spoiled, or unfit for human consumption for any reason whatsoever



“vehicle” means a train, trolley, wagon, cart, bicycle, truck, boat, and includes any other craft, vehicle or conveyance used in the handling or transport of food.

“water” means, for domestic consumption, pure water which complies with SABS 241-2001 and any standards set in terms of national and provincial legislation

Requirements for food caterer premises:

41. Caterer to have a certificate of acceptability issued by the Municipality.
- (a) All food areas to have adequate ventilation and lighting (visual).
  - (b) All working surfaces and equipment such as tongs, to be in a good state of repair and capable of being easily cleaned (stainless steel).
  - (c) Provision to be made for a wash hand basin or any other similar utensil for washing of hands.
  - (d) Provision to be made for a soap, nail brush, and disposable paper toweling at the aforementioned wash hand basin or utensil.
  - (e) Provision to be made for a sink or any other similar utensil, for washing of food and equipment.
  - (f) Suitable provision is to be made for a constant supply of hot and cold water.
  - (g) All waste water emanating from the property of food caterer is to be suitably disposed of, as per requirements of the Environmental Health Practitioner.
  - (h) Adequate measures to be taken to prevent contamination of food by flies, chemicals, rodents and other vermin, and bacteria.
  - (i) Suitable refrigeration facilities to be provided, with proper holding temperatures, namely foodstuffs to be stored at or below 5°Celsius or at or above 63°Celsius
  - (j) Raw and cooked foods to be kept separately during all stages of catering process.
  - (k) Refuse Control: an adequate number of bins with tight fitting lids to be supplied and bins to be regularly cleaned.
  - (l) All staff to be provided with personal protective clothing namely footwear, overalls of a light colour and head covering that completely covers the hair of the head.
  - (m) All staff to maintain a good sense of hygiene, and be free of any open cuts and wounds.
  - (n) Proper quality control to be implemented, namely “first in – first out” policy.

Requirements for food premises

44. (1) Certificate of acceptability  
No person shall handle food or permit food to be handled -
- (a) on food premises in respect of which a valid certificate of acceptability has not been issued or is not in force
  - (b) in contravention of any restriction or condition or stipulation contained in such certificate of acceptability.
- (2) The provisions of sub-section (1) shall come into effect in the case of food premises existing at the time of publication of these by-laws.
- (3) The person in charge of any food premises, including a food vending vehicle, wishing to obtain a certificate of acceptability in respect of such food premises shall apply in writing to the municipality in whose area of jurisdiction the food premises are situated on an application form containing the particulars that are the same as those contained in the form in Annexure C, of these by-laws.
- (4) Upon receipt of an application referred to in section 44(3), the municipality shall without delay refer the application to an inspector for consideration.
- (5) An inspector may, in considering such an application, request such further

information as he or she may deem necessary or expedient from the applicant or from any other person.

(6) If an inspector, after having carried out an inspection, is satisfied that the food premises concerned, having due regard to existing conditions of the adjacent land and facilities, subject to the provisions of section 45(2) and section 58 of these by-laws.

(a) do in all respects comply with the provisions of section 46 and section 47, a local authority shall issue a certificate of acceptability in the name of the person in charge on the form in Annexure C of these By-laws,

(b) do not in all respects comply with the provisions of section 46 and section 47 the municipality may, subject to the provisions of section 45(2) , grant an extension for a maximum period of six months to enable the person in charge so to change or equip the food premises that they comply with the provisions in question: Provided that during the said period of extension, the provisions of sub-section (1) shall not apply to the person concerned.

(7) A certificate of acceptability shall be displayed in a conspicuous place for the information of the public on the food premises in respect of which it was issued or a copy thereof shall immediately be made available on request where the display thereof is impractical.

(8) If the person in charge of food premises is replaced by another person, such person shall inform the municipality in writing of such replacement within 30 days after the date thereof and the local authority shall subject to the provisions of section 45(2) , issue a new certificate of acceptability in the name of the new person in charge.

(9) A certificate of acceptability –

(a) shall not be transferable from one person to another person and from one food premises to another food premises;

(b) shall be valid only in respect of the nature of handling set out in the application for a certificate of acceptability;

(c) may at any time be endorsed by a municipality by -

(i) the addition of any further restriction that may be necessary to prevent a health hazard; and

(ii) the removal of any restriction with regard to the category or type of food or the method of handling;

(d) shall expire temporarily for the period during which a prohibition under section 45(2) is in effect

(e) shall expire permanently if a prohibition referred to in section 45(2) is not removed within a stipulated period which shall not exceed six months from the date on which a notice was issued in

terms of section 45(2);

(f) shall expire permanently if the provisions of section 49 are not complied with.

(10) No person may make any unauthorised changes or additions to or forge a certificate of acceptability.

#### Prohibition on the handling and transportation of food

45. (1) No person shall handle food in a manner contrary to the provisions of these by-laws.

(2) If an inspector following an inspection of food premises or a facility is of the opinion -

(a) that such food premises or facility -

(i) are or is in such a condition or used in such a manner; or

(ii) do or does not comply with these by-laws to the extent;

(b) that a particular activity with regard to the handling of food takes place in such a manner; or

(c) that such circumstances exist with regard to the food premises or facility or any other activity, that they or it constitute a health hazard and that the continued use of the food premises or facility or the activity should be prohibited, the municipality may summarily prohibit the use of the food premises or facility for the handling of food or any of the activities that relate to the handling of food, by serving a written order on the person in charge or, if he or she is not available, his or her representative informing such person of the prohibition.

(3) A notice referred to in sub-section (2) shall contain at least the following particulars:

(a) The reason(s) for the prohibition;

(b) a statement that the prohibition will in writing be removed by a municipality as soon as the reason(s) for the prohibition has (have) been removed and provided the inspector is satisfied that the reason(s) for the prohibition is (are) not likely to recur.

(4) (a) A prohibition shall come into operation from the time at and the date on which a notice is served under sub-section (2).

(b) No person shall perform any act that is contrary to such prohibition.

(5) An inspector shall, within 72 working hours of receiving a request for the removal of a prohibition, carry out an investigation of the food premises, facility, activity or circumstance which gave rise to the prohibition and the municipality

shall upon completion of such investigation in writing inform the person on whom the prohibition notices was served or, if he or she is not available, any other person representing such person that the prohibition has been removed or remains, as the case may be.

(6) The municipality may levy an inspection fee equivalent to the expenses incurred by the local authority for carrying out the inspection on the person in charge for each investigation carried out by an inspector in terms of sub-section (5).

#### Standards and requirements for food premises

46. (1) Subject to section 58 no person shall handle food elsewhere than on food premises that

meet the requirements of this By-laws and section 47.

(2) Food premises shall be of such location, design, construction and finish and shall be so equipped, in such condition and so appointed that they can be used at all times for the purpose for which they were designed, equipped and appointed -

(a) without creating a health hazard; and

(b) in such manner that food -

(i) can be handled hygienically on the food premises or with the equipment thereon;

(ii) Can be effectively protected by the best available method against contamination or spoilage by poisonous or offensive gases, vapours, odours, smoke, soot deposits, dust, moisture, insects or other vectors, or by any other physical, chemical or biological contamination or pollution or by any other agent whatsoever.

(3) For the purposes of sub-section (2) , food premises shall meet the following requirements;

(a) All interior surfaces of walls, sides or ceilings, or of roofs without ceilings, and the surfaces of floors, or any other similar horizontal or vertical surfaces that form part of or enclose the food-handling area shall-

(i) have no open joints or open seams and shall be made of smooth, rust-free, non- toxic, cleanable and non-absorbent material that is dust-proof and water-resistant: Provided that in a food-serving or storage area -

(aa) face brick;

(bb) similar walls the joints of which are formed properly or are so formed and finished that they are easy to clean; or

(cc) decorative wall or ceiling finishes which are easy to clean, may be used;

(ii) be of such a nature that they cannot contaminate or contribute to the contamination of food.

(b) Each room of food premises shall be -

(i) ventilated effectively by means of -

(aa) natural ventilation through openings or openable sections which are directly connected to the outside air and so positioned in the external walls and/or roof that effective cross-ventilation is possible: Provided that such openings shall have a surface area equal to at least 5% of the floor area of the room concerned; or

(bb) artificial ventilation that complies with the requirements of the National Building By-laws and Building Standards Act, 1977 (Act No. 103 of 1977), whichever of the two methods will facilitate the addition of adequate fresh air to and the effective removal of polluted or stale air from the food-handling area to the extent that air

contaminants that could contaminate food, and that gas, vapours, steam and warm air that may arise during the handling of food are effectively removed, and that the emergence of any unhygienic or unhealthy condition in the food-handling area is prevented;

(ii) illuminated by means of -

(aa) unobstructed transparent surfaces in the external walls and/or roof which admit daylight, with an area equal to at least 10% of the floor area in the room concerned; or

(bb) artificial illumination which complies with the requirements of the National Building By-laws and the Building Standards Act, 1977, and which permits an illumination strength equal to at least 200 lux to fall on all food-handling surfaces in the room concerned.

(c) Food premises shall -

(i) have a wash-up facility with hot and cold water for the cleaning of facilities;

(ii) be rodent proof in accordance with the best available method, namely the external doors are to be constructed of acceptable rodent-proof material.

(iii) be provided with effective means of preventing the access of flies or other insects to an area where food is handled;

(iv) have a waste-water disposal system approved by the municipality.

(v) be provide, immediately over the cooking area, an extractor hood and canopy, of adequate size, having a flue of at least 300mm in diameter.

(vi) The floor area of the kitchen, scullery and preparation area, shall not be less than 14sq metres

(d) The following shall be available in respect of food premises:

- (i) The number of latrines, urinal stalls and hand washbasins as specified in the National Building Regulations 103/1977 for the use of workers on the food premises and for use by persons to whom food is served for consumption on the food premises: Provided that separate sanitary facilities for workers and clients shall not be required: Provided further that where persons of only one sex or no more than ten persons work on food premises, separate sanitary facilities shall not be required for workers of different sexes;
- (ii) hand-washing facilities which shall be provided with cold and/or hot water for the washing of hands by workers on the food premises and by persons to whom food is served for consumption on the food premises, together with a supply of soap (or other cleaning agents) and clean disposable hand-drying material or other hand-cleaning facilities or hand-drying equipment for the cleansing and drying of hands by such workers and persons;
- (iii) liquid proof, easy-to-clean refuse containers with close-fitting lids suitable for the hygienic storage of refuse pending its removal from the food-handling area;
- (iv) storage space for the hygienic storage of food, facilities and equipment and a suitable separate area for the hygienic storage of refuse containers on the food premises;
- (v) a separate changing area with storage facilities for clothes;
- (vi) an adequate supply of water.
- (e) No room in which food is handled shall have a direct connection with any area -
- (i) in which gas, fumes, dust, soot deposits, offensive odours or any other impurity is present or may arise in such a manner that food in the food-handling room could be contaminated or spoilt;
- (ii) in which an act is performed in any manner or where any condition exists that could contaminate or spoil food in the food handling area;
- (4) A room in which food is handled may be connected to a room in which a latrine or urinal is situated -
- (i) only via a properly ventilated lobby: Provided that all relevant interconnecting doors shall cover the whole area of their apertures: Provided further that they shall be equipped with
- (f) durable self-closing devices; or
- (ii) without such a lobby between them: Provided that the connecting aperture shall have a self-closing door as contemplated in item (i): Provided further that the latrine or urinal room shall be equipped with effective mechanical extraction ventilation to the outside air to render the atmosphere inside such room under a negative pressure in relation to the atmosphere in the food-handling room.

#### Standards and requirements for facilities on food premises

47. (1) The surface of any table, counter or working surface on which unwrapped food is handled and any equipment, utensil or basin or any other surface which comes into direct contact with food shall be made of smooth, rust-proof, non-toxic and non-absorbent material that is free of open joints or seams: Provided that wooden chopping blocks, cutting boards and utensils shall not be prohibited providing such items are kept in such a condition that dirt does not accumulate thereon or therein.
- (2) No surface referred to in sub-section (1) and no crockery, cutlery, utensils, basins or any other such facilities shall be used for the handling of food if they are not clean or if they are chipped, split or cracked.
- (3) Any utensil or item which is suitable for single use only -
- (a) shall be stored in a dust-free container until used; and
- (c) shall not be used more than once.
- (4) A surface referred to in sub-section (1) and a facility referred to in sub-section (1) shall be -
- (a) cleaned and washed before food come into direct contact with it for the first time during each work shift; and
- (b) cleaned and washed, as and when necessary, during and/or immediately after the handling of food, so that contamination of the food that comes into contact with any such surface or facility is prevented, and any such surface or facility shall, before food comes into direct contact therewith,

contain -

(i) no more than 100 viable micro-organisms per cm<sup>2</sup> upon analysis, conducted in accordance with acknowledged scientific microbiological methods of investigation, of a sample taken in accordance with the swab technique prescribed by SABS Standard

Test Method 763: Efficacy of Cleaning Plant, Equipment and Utensils: Swab Technique;

(ii) no remains of cleaning materials or disinfectants which may pollute the food.

(5) (a) Every chilling and freezer facility used for the storage, display or transport of perishable food shall be provided with a thermometer which at all times shall reflect the degree of chilling of the refrigeration area of such facility and which shall be in such a condition and positioned so that an accurate reading may be taken unhampered.

(b) Every heating apparatus or facility used for the storage, display or transport or heated perishable food shall be provided with a thermometer which at all times shall reflect the degree of heating of the heating area concerned and which shall be in such a condition and positioned so that an accurate reading may be taken unhampered.

#### Standards and requirements for food containers

48. (1) No person shall sell canned or hermetically sealed food in a container which -

(a) bulges at the flat or round sides or ends or one side of which bulges when the other side is pressed;

(b) is in any way blown or from which gas escapes when it is opened or punctured, unless

(i) the container contains an aerated drink; or

(ii) gas has been used as a preservative;

(c) is so rusted or damaged that it is liable to contaminate food or that it leaks or has become unsealed;

(d) had a leak which was resealed.

(2) A container shall be clean and free from any toxic substance, ingredient or any other substance liable to contaminate or spoil the food in the container.

(3) Repacked food, depending on the type of food, shall be packed in a dustproof and liquid proof container that protects the product therein against contamination under normal handling conditions and shall be so packed or sealed that the food cannot be removed from its container without the stopper or lid or similar seal being removed or without the wrapping, container or seal being damaged.

(4) Perishable food, excluding the products referred to in section 57 and products that are not pre-packed, except food for consumption as meals on food premises, shall, when served to the consumer, be packed in a container that protects the food therein against contamination.

#### Standards and requirements for the display, storage and temperature of food

49. (1) Food that is displayed or stored shall not be in direct contact with a floor or any ground surface.

(2) Any shelf or display case used for displaying or storing food or any container shall be kept clean and free from dust or any other impurity.

(3) Non-pre-packed, ready-to-consume food, including food served as meals and displayed in an open container, shall be protected in accordance with the best available method against droplet contamination or contamination by insects or dust.

#### Standards and requirements for protective clothing

50. (1) No person shall be allowed to handle food without wearing suitable protective clothing as specified in subsection (2) below.

- (2) The protective clothing, including head covering and footwear, of any person handling food that is not packed so that the food cannot be contaminated shall
- (a) be clean and neat when such person begins to handle the food;
  - (b) at all times during the handling of the food be in such a clean condition and of such design and material that it cannot contaminate the food;
  - (c) be so designed that the food cannot come into direct contact with any part of the body, excluding the hands.
  - (d) be provided with overalls of a light colour and head gear that completely covers the hair of the head.

#### Duties of a person in charge of food premises

51. (1) A person in charge of food premises shall ensure that –
- (a) effective measures are taken to eliminate flies, other insects, rodents or vermin on the food premises;
  - (b) any person working on the food premises is adequately trained in food hygiene by an inspector or any other suitable person;
  - (c) refuse is removed from the food premises or from any room or area in which food is handled as often as is necessary and whenever an inspector requires it to be done;
  - (d) waste is stored in a proper waste bin area, constructed as per the specifications of the Environmental Health Practitioner, and disposed of in such a manner that it does not create a nuisance;
  - (e) waste bins are -
    - (i) cleaned regularly; and
    - (ii) disinfected whenever necessary and whenever an inspector requires it to be done;
  - (f) waste water on the food premises is disposed of to the satisfaction of the municipality;
  - (g) the food premises and any land used in connection with the handling of food and all facilities, freight compartments of vehicles and containers are kept clean and free from any unnecessary materials, goods or items that do not form an integral part of the operation and that have a negative effect on the general hygiene of the food premises;
  - (h) no person handling non-pre-packed food wears any jewellery or adornment that may come into contact with the food, unless it is suitably covered;
  - (i) no animal, subject to the provisions of any law, is kept or permitted in any room or area where food is handled, except that –
  - (j) a guide dog accompanying a blind person may be permitted in the sales or serving area of the food premises;
  - (k) no condition, act or omission that may contaminate any food arises or is performed or permitted on the food premises;
  - (l) the provisions of these By-laws are complied with; (m) all persons under his or her control who handle food at all times meet the standards and requirements and execute the duties prescribed by sections 50 and 52, respectively;
  - (n) a room or area in which food is handled shall not be used for -
    - (i) sleeping purposes;
    - (ii) washing, cleaning or ironing of clothing or similar laundry;
    - (iii) any other purpose or in any manner that may contaminate the food therein or thereon;
  - (o) no food handler touches ready-to-consume non-pre-packed food with his or her bare hands, unless it is unavoidable for preparation purposes, in which case such food shall be handled in accordance with good manufacturing practice.

#### Duties of a food handler: Personal Hygiene

52. (1) Food, a facility or a container shall not be handled by any person -

(a) whose fingernails, hands or clothes are not clean;  
 (b) who has not washed his or her hands thoroughly with soap and water or cleaned them in another effective manner -

(i) immediately prior to the commencement of each work shift;

(ii) at the beginning of the day's work or after a rest period;

(iii) after every visit to a latrine or urinal;

(iv) every time he or she has blown his or her nose or after his or her hands have been in contact with perspiration or with his or her hair, nose or mouth;

(v) after handling a handkerchief, money or a refuse container or refuse;

(vi) after handling raw vegetables, fruit, eggs, meat or fish and before handling ready-to-use food;

(vii) after he or she has smoked or on return to the food premises; or

(viii) after his or her hands have, or may have become contaminated for any other reason.

(2) Food, a facility or a container shall not be handled by any person -

(a) who has on his or her body a suppurating abscess or a sore or a cut or abrasion, unless such abscess, sore, cut or abrasion is covered with a moisture proof dressing which is firmly secured to prevent contamination

of the food;

(b) who is or who is suspected of suffering from or being a carrier of a disease or condition in its contagious stage that can be transmitted by food, unless any such person immediately reports the disease or condition to the person in charge and a certificate by a medical practitioner stating that such person is fit to handle food is submitted;

(c) whose hands or clothing are not clean.

(3) No person shall -

(a) spit in an area where food is handled or on any facility;

(b) smoke or use tobacco in any other manner while he or she is handling non-pre-packed food or while he or she is in an area where such food is handled;

(c) handle non-pre-packed food in a manner that brings it into contact with any exposed part of his or her body, excluding his or her hands;

(d) lick his or her fingers when he or she is handling non-pre-packed food or material for the wrapping of food;

(e) cough or sneeze over non-pre-packed food or food containers or facilities;

(f) spit on whetstones or bring meat skewers, labels, equipment, or any other object used in the handling of food or any part of his or her hands into contact with his or her mouth, or inflate sausage casings, bags or other wrappings by mouth or in any other manner that may contaminate the food;

(g) walk, stand, sit or lie on food or on non-hermetically sealed containers containing food or on containers or on food-processing surfaces or other facilities;

(h) use a hand washbasin for the cleaning of his or her hands and simultaneously for the cleaning of facilities; or

(i) while he or she is handling food, perform any act other than those referred to above which could contaminate or spoil food.

Standards and requirements for the handling of meat (Butchery)

53.(1) (a) No person shall on food premises handle meat derived from an animal slaughtered in contravention of the Meat Safety Act, 2000 (Act No.40 of 2000).

(b) No person shall on food premises handle the meat of an animal exempted from the provisions of the Meat Safety Act, 2000 (Act No.40 of 2000), unless a notice that is clearly visible and legible and that contains the following information or information to that effect, in letters at least 18 mm high, is displayed at the food premises: "The meat sold on these premises has been exempted from inspection in terms of Meat Safety Act, 2000 (Act No.40 of 2000).

(2) Meat on a carcass shall not be handled on food premises, unless -



- (a) the carcass has been properly bled;
- (b) Un-skinned carcasses shall not be so handled that the skin thereof comes into contact with other food on food premises or that the meat of such carcasses is contaminated or spoiled.
- (4) Subject to Meat Safety Act, 2000 (Act No.40 of 2000) no animal shall be killed, bled, eviscerated, skinned or dressed on food premises other than in a room used specifically and exclusively for that purpose in accordance with good manufacturing practice, provided that no further handling or processing of any such carcass shall take place in that room.
- (5) No person shall be permitted to operate butchery or conduct the business of a butcher, unless:
  - (i) The butchery area is physically separated from the food preparation area, by means of a solid wall, dry partitioning is not permitted.

#### Requirements for meat handling

- 54. (a) All meat that is sold for human consumption must be from an approved abattoir;
- (b) Correct temperature control must be maintained at all times;
- (c) Offal requirements
  - (i) No person may handle dirty offal unless there is a separate room with washing facilities provided for cleaning the offal and all equipment used for such;
  - (ii) Offal must be prepared and stored separately from all other meat;
  - (iii) Offal may not be sold in a manner that creates or is likely to create a nuisance or pose risk to any person;
- (d) Game meat requirements
  - (i) The operator of the premises must be in possession of a valid permit from the veterinary office;
  - (ii) No person may handle game meat in any butchery or other premises without prior approval from the Environmental Health Practitioner;
  - (iii) Separate preparation room and storage facilities of game meat must be provided;
  - (iv) Game meat must be clearly marked when sold in the butchery or other premises;

#### Street trading requirements

- 55. (i) No person shall trade with any food on the street unless in possession of a written approval from the municipality;
- (ii) No person may prepare or sell food on the street unless in possession of a valid health certificate issued by the Environmental Health Practitioner;

#### Standards and requirements for the transportation of food

- 56.(1) No person shall transport food on or in any part of a vehicle -
  - (a) unless that part is clean and has been cleaned to such an extent that chemical, physical or microbiological contamination of the food is prevented;
  - (b) together with -
    - (i) contaminated food or waste food;
    - (ii) poison or any harmful substance;
    - (iii) a live animal; or
    - (iv) any object that may contaminate or spoil the food.
  - (2) Subject to subsections (1) and (4), the freight compartment of a vehicle that is used for the transportation of food that is not packed or wrapped in liquid-proof and dustproof sealed containers -
    - (a) shall have an interior surface made of an easy-to-clean and smooth, Rust free, non-toxic and non-absorbent material without open joints or seams and,
    - (b) shall be dustproof;
    - (c) shall not be used simultaneously for the transport of any person or any other item that may contaminate the food.
  - (3) Notwithstanding any provisions to the contrary contained in this by-law, no non-pre-packed food

shall be -

- (a) transported in such a manner that it comes into contact with the floor of a vehicle or the floor covering thereof or a surface thereof that can be walked on or with anything else that could pollute the food; or
- (b) transported or carried in such a manner that the food could be spoiled or contaminated in any way.

#### General requirements for vending carts

57. (1) Anyone operating a food vending cart, shall ensure that the cart:

- (a) Has an interior surface made of an easy-to-clean, rust free, non-toxic and non-absorbent material, without open joints or seams.
  - (b) Has an adequate supply of potable water.
  - (c) Has suitable facilities for the disposal of waste water generated from the cart.
  - (d) Is consistent in size, compatible with the activities being undertaken.
  - (e) Is provided with at least one(1) waste receptacle, with a tight fitting lid
  - (f) Has the name and address of the owner inscribed conspicuously on the sides of the cart.
  - (g) Is not used for any other purpose, than the purpose for which it is designed.
  - (h) Provides effective protection from contamination by dust, flies or other causes.
- (2) All persons engaged in the handling of food, must be provided with protective clothing, namely overalls of a light colour and head gear that completely covers the hair of the head.

#### Sale of food through a food vending machine

58. A person may not sell food through a food vending machine unless –

- (a) the food vending machine is of a type approved by the relevant municipal municipality and –
  - (i) is constructed of non-absorbent material;
  - (ii) is designed to be easily cleaned at all times;
  - (iii) has a refrigeration or heating unit capable of maintaining the core temperature required by the relevant municipality; and
  - (iv) is inscribed with an identifying serial number;
- (b) written authority for the installation and use of the food vending machine has been obtained in terms of section 59(6) ; and
- (c) the person responsible for the food vending machine complies with any condition or restriction imposed by the relevant municipality.

#### Procedure for application of sale of food from vending machines

59. (1) A person who contemplates distributing or selling food through a food vending machine must apply in writing to the relevant municipality in the area of jurisdiction in which the food vending machine is contemplated.

- (2) The application for a food vending machine must be in the form prescribed by the relevant municipality.
- (3) On receipt of an application contemplated in subsection (2) , the application must be immediately referred to an Environmental Health Practitioner, acting for and on behalf of the relevant municipality, for investigation.
- (4) An Environmental Health Practitioner , acting for and on behalf of a municipality, may, in investigating an application contemplated in subsection (2) , request further information from the applicant.
- (5) An Environmental Health Practitioner , acting for and on behalf of the relevant municipality, may –
  - (a) grant an application contemplated in subsection (2) for a specified period for a food vending machine, unconditionally or with conditions, if, based on the Environmental Health Practitioner's investigation, he or she is satisfied that the food vending machine concerned complies in all respects with the provisions of these by-laws; or

(b) refuse an application contemplated in subsection (2) where the food vending machine concerned does not comply with these by-laws.

(6) An Environmental Health Practitioner, acting for and on behalf of the relevant municipality, granting an application in terms of subsection (6) (a) must give the applicant a written permit stating the –

(a) name and address of the applicant;

(b) address of the premises at which the food vending machine is to be installed;

(c) address of the premises at which perishable food to be stored in and sold through the food vending machine is to be prepared;

(d) That the permit holder shall not sell/supply any other category of food other than that which is specified on the permit .

(e) conditions, if any, imposed on the installation, operation and use of the food vending machine; and

(f) Date of expiry of the permit.

(7) The owner of the food vending machine must display the information contained in the permit issued in terms of subsection (7) in a conspicuous place on the food vending machine.

(8) A permit issued in terms of subsection (7) is not transferable from one person to another and from one food vending machine to another.

(9) A permit issued in terms of subsection (7) may at any time be endorsed by an Environmental Health Practitioner, acting for and on behalf of the relevant municipality, by the –

(a) Addition of any further restriction that may be necessary to prevent a health hazard; or

(b) Removal of any restriction with regard to the category or type of food or the method of handling the food.

#### Prohibition on the production of milk except in an approved milking shed

60. (1) No person shall use a milking shed for the purpose of milking dairy stock in order to produce milk for human consumption, unless the milking shed in which the dairy stock are milked is an approved milking shed and such milking shed is used in accordance with the provisions of these By-laws and the conditions of the certificate of acceptability issued in respect of that milking shed.

(2) The provisions of sub section (1) shall not be applicable to a milking shed in which milk is produced solely for own use.

(3) If a local authority is of the opinion that a milking shed is being used in a way which, constitutes a health hazard or that a situation has developed in the milking shed constituting such hazard, the local authority may, order in writing the owner or possessor of a existing milking shed not to remove any milk for human consumption from the milking shed until the hazard or situation has been rectified to the satisfaction of the local authority.

#### Standards and requirements

##### 61. Milking sheds

(1) An approved milking shed shall consist of at least -

(i) A milking parlour referred to in paragraph (2);

(ii) a milking room referred to in paragraph (3) where milk shall be received from the milking parlour, and such milk shall be stored and where it may be treated, processed and packed provided that where due to the design and construction of a milking shed all the requirements included under paragraph (3) cannot be situated within the milking room, it should be otherwise provided on the premises;

(iii) a change room

(iv) a scullery for the washing, cleaning, disinfection and sterilisation of milk containers and other unfixed apparatus and equipment used in the handling of milk.

(b)(i) The facilities referred to in paragraph (a) shall, subject to the provisions of sub-paragraph (ii), be erected as separate rooms in one building complex or as separate detached buildings

(ii) A scullery referred to in paragraph (a) (iv), may be erected as an integral part of a milk room or as a separate room.

(2) In the case of a milking parlour-

(a) there shall be no direct connection with a latrine or with a room where gases, smoke, vapours, dust or soot deposit are present or may originate owing to the nature of the activities in such room;

(b) which, provides standing-room of more than one row of dairy stock parallel with one another, there shall be a dividing corridor of at least one meter wide between the rows.

(c) the partitions, if any, that separate dairy stock from each other when they are being milked, shall be of smoothly finished, non-absorbing and corrosion resistant material, free of any open seams and cracks;

(d) mangers shall be arranged so that fodder which accumulates behind the mangers can be removed and be disposed of appropriately;

(e) where walls are provided, the exterior walls -

(i) shall be at least 2, 4 metres high on the inside;

(ii) shall, at places where dairy stock are milked, extend to at least 2, 1 metres above the level on which the dairy stand;

(f) the interior surfaces of the walls, if provided shall be made of impervious materials with no toxic effect in intended use;

(g) the ceilings, if provided or overhead structures and fixtures shall be constructed and finished to minimize the build-up of dirt and condensation, and the shedding of particles;

(h) the floors shall be constructed to allow adequate drainage and cleaning;

(i) such parlour shall be adequately ventilated and illuminated;

(j) such parlour shall be provided with at least one water tap with running water to which a flexible pipe may be connected for washing purposes; and

(k) the entrances and exists for dairy stock shall have a floor covering with an impenetrable surface connected to a disposal system, and such floor covering shall be installed in such a way that any milk animal entering or leaving the milking parlour shall walk on it for a distance of at least 4 metres.

(3) In the case of a milking room -

(a) such milking room shall comply mutatis mutandis with the provisions of sub section (2) (e) (i), (f), (g), (h) and (i);

(b) where the scullery forms an integral part of the milking room as referred to in sub-section (1) (b) (ii) there shall be sufficient space to allow for the cleaning and disinfections of all milk containers, and the storage of milk;

(c) such milking room shall be provided with at least one sink, with hot and cold water (or temperature controlled water), and running water with the run-off connected to a disposal system;

(d) such milking room shall be erected so that a milk tanker can be connected to a bulk farm tank through a suitable opening and the distance between the two connection points shall not exceed 6 metres;

(e) such milking room shall be rodent-proof;

(f) the doors should have smooth, non-absorbent surfaces, and be easy to clean and, where necessary disinfect;

(g) windows should be easy to clean, be constructed to minimize the build-up of dirt and where necessary, be fitted with removable and cleanable insect-proof screens. Where necessary windows

should be fixed;

(h) such milking room may be equipped with a farm tank referred to in section 63 for the storage of milk.

(4) A change room shall -

(a) comply mutatis mutandis with sub-regulation (2) (e) (i), (f), (g), (h) and (i);

(b) have at least one hand-basin and shower provided with hot and cold running water, soap, disinfectant and disposable towels, and the used water from such hand wash-basin and shower shall adequately drain into a disposal system.

(c) be within easy reach of the milking parlour and milking room

(5) Any effluent originating from a milking shed shall -

(a) not be stored, treated or dumped in any place except in or on a suitable disposal system;

(b) not be conveyed to or dumped in or on a suitable disposal system in any other way than by means of a pipeline, or cement ditches or in a container;

(c) not be dumped so that a water source is or may be polluted by it;

(d) not constitute a nuisance or cause a condition that is a health hazard.

(6) A holder shall ensure that -

(a) in or at a milking shed -

(i) a nuisance or a condition that is a health hazard is not caused or does not arise;

(ii) no poisonous or hazardous substances or gases are stored;

(iii) no activity is carried on which can pollute or harm or contaminate or spoil the milk;

(iv) appropriate storage conditions to avoid feed contamination.

(b) rodents and flies, cockroaches and other insects on the premises of the milking shed are controlled.

(c) raw milk destined for human consumption or raw milk intended for further processing shall comply with the By-laws relating to Milk and Dairy Products, R. 1555 of 21 November 1997, published under the Act.

(7) A milking shed shall not be used for any other purpose except the production and handling of milk.

(8) Unfixed milk containers and other apparatus and equipment used in the handling of milk shall not be washed, cleaned, disinfected or sterilised in a place other than the scullery referred to in sub-section (1) (a)(iv).

(9) No person shall smoke, use or handle tobacco in any form or eat in a milking shed except in the change room or dining room of a milking shed;

(10) As soon as milk animal have left a milking shed, all manure shall be removed from the milking shed and from the floor, and all entrances and exits of the milking shed shall be cleaned.

#### Milk containers and milking machine

62. (1) A milk container shall-

(a) be designed and constructed in such a way that it has smooth finish, free from open seams, cracks and rust stains to ensure that, where necessary, they can be adequately cleaned, disinfected and maintained to avoid the contamination of milk;

(b) not be made wholly or partly of copper, or any copper alloy or any toxic material;

(c) be constructed in such a way that any surface that comes into contact with milk is accessible for the purpose of washing and disinfection; and

(d) not be used for any other purpose except the handling of milk.

(2) A milking machine shall-

(a) be designed, constructed or manufactured in such a way that-

(i) the vacuum pipe of the machine can be drained to remove all the moisture;

(ii) be adequately cleaned, disinfected and maintained to avoid the contamination of milk;

(iii) is equipped with a device rendering visible the milk flow from each milk animal and;

(iv) comply with sub-section (1) (a), (b), (c) and (d);

(b) be durable and movable or capable of being disassembled to allow for maintenance, cleaning, disinfection, monitoring and, to facilitate inspection.

(3) A bulk farm tank shall -

(a) be designed, constructed or manufactured in such a way that it-

(i) has a drainage incline leading directly to the outlet point;

(ii) is fitted with an outlet pipe made or manufactured and fitted in a way that all liquid can drain out of such tank, and the end of such outlet pipe shall be screw-threaded and fitted with a screw-on cap permitting such end to be shut off;

(iii) is fitted with an automatic operated stirring mechanism capable, within five minutes of being put into operation, of mixing the milk in such a tank;

(iv) is fitted with a thermometer capable of measuring the temperature of the milk in such tank accurately to the nearest 2<sup>o</sup> Celsius;

(v) is equipped to cool the milk in such tank to 5<sup>o</sup> Celsius or lower temperature within three hours, and, capable of keeping such cooled milk at a required temperature of between one and five degrees Celsius effectively;

(vi) is installed at a minimum distance of 0, 5 metres from any roof, ceiling or wall to effectively keep the milk cool;

(vii) is insulated in such a way that when no cooling takes place, the temperature of the milk in such tank shall not increase by more than 3<sup>o</sup> C in 12 hours if the surrounding temperature is 32<sup>o</sup> Celsius;

(b) comply mutatis mutandis with the provisions of subsections (1) (a), (b), (c) and (d);

(c) be able to allow for maintenance, cleaning, disinfection, monitoring, and, to facilitate inspection.

(4) The tank of a milk tanker shall -

(a) be designed, constructed and installed in such a way that:

(i) it has an incline leading to the outlet pipe so that the total contents of such tank can drain out of the tank through the outlet pipe while the vehicle itself is in a horizontal position;

(ii) is insulated in such a way that the temperature of the milk in such tank shall not increase by more than 2<sup>o</sup> Celsius every 48 hours;

(iii) it has at least one opening fitted with dust-proof lid through which the inside of such tank can be inspected and shall be equipped so that all surfaces that come into contact with milk can be adequately cleaned, disinfected as prescribed in sub-regulation (5);

(c) comply mutatis mutandis with the provisions of subsections (1) (a), (b), (c), (d) and (3)(c).

(5) Milk containers, and other fixed and unfix apparatus and equipment shall be so washed and disinfected after use that they are clean, that fats and milk residues are dissolved and removed and that the bacteriological count on surfaces coming into contact with milk does not exceed 10

bacteria per 100 square millimetres of such surfaces after disinfection. The swabbing of the contact surfaces shall be conducted according to SABS Standard Test Method 763: Efficacy of Cleaning Plant, Equipment and Utensils: Swab Technique.

#### Handling of milk

63. (1)The first/fore milk from every teat shall be taken as a sample to be tested for visual examination and shall be disposed of after testing in such a manner as to prevent contamination of the area.

(2) If such testing reveals any signs of abnormality in the milk, the milk of the animal concerned shall be kept separate and shall not be mixed with other milk or used for human consumption.

(3)Milk obtained from dairy stock following a minimum of four days after parturition (post-partum) shall not be added to milk destined for human consumption.

(4)Milk shall not be transferred from one container to another by means of a third container.

(5)Milk shall be protected from direct sunlight.

(6)Milk shall be transferred to the milking room immediately after the stock has been milked.

(7)Except when milk is being pasteurized or undergoing some other heat treatment process, the milk shall be cooled to a temperature of 5° C or lower, but above freezing point and kept at that temperature until it is removed from the milking area.

#### Health status of dairy stock:

(8) Every milk animal shall be marked with a distinguishing and indelible mark, which, such could identify the animal.

(9)A register shall be kept of each separate milk animal's diseases, each withdrawal from the dairy herd and, each return to the dairy herd for milking purposes and all veterinary examinations and treatment records with the name of the veterinarian, if involved in such examinations or treatments.

(10)Each individual milk animal shall be examined by a veterinarian at a minimum of at least once in every two-year cycle, provided that milk animals are further examined as required; and a report shall be obtained from the veterinarian after each examination.

(11)The milk of any milk animal that is or appears to be ill shall not be made available for human consumption until such time as the holder has made sure that the animal is not suffering from a disease mentioned in sub-section (5).

(12)The milk of dairy stock that suffer from mastitis, indurations of the udder, a secretion of bloody or ropy milk or milk otherwise abnormal, tuberculosis, salmonellosis, acute fever (with the inclusion of anthrax, anaplasmosis, red water, ephemeral fever and lumpy skin disease, septic mastitis, septic multiple mange, serious tick infection or brucellosis, or that have any open or septic wounds which may contaminate milk, milk containers, or apparatus or equipment or people who work with the milk animals, shall not be made available or used for human consumption unless steps have been taken to the satisfaction of the local authority to eliminate such health hazard.

(13)Substances and materials used in the milking process or on dairy stock shall be kept in containers that are free of foreign or toxic matter and dirt, and such containers, when not in use, shall be covered with tight-fitting lids.

Where applicable, such substances and materials shall be approved in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947).

(14) All flanks, udders, bellies and tails of visibly dirty milk animals shall be cleaned before the milking process, and if necessary dried with disposable or clean towel.

#### Personal hygiene – Milker's and Handlers of Milk

64. (1) Hygiene facilities for personnel shall be made available to ensure that an appropriate degree of personal hygiene can be maintained and to avoid contaminating milk, where appropriate facilities shall include-

adequate means of hygienically washing and drying hands, including hand wash basins and a supply of hot and/or cold water and soap and disinfectant;

(b) toilets of appropriate hygienic design; and

(c) adequate changing facilities for personnel;

(2) Such facilities shall be suitably located and designed.

(3) The hands and fingernails of every milker or handler of milk shall be washed thoroughly with soap and water, and there shall be no accumulation of grime under the nails when milk is handled.

(4) Each person handling milk, shall daily before commencement of activities or work put on clean and undamaged over-clothes and gumboots and wear them continuously while he is handling milk in the interests of milk safety and suitability for use.

(5) Milk shall not be handled by any person -

(a) who has on his or her body a suppurating abscess or a sore or a cut or abrasion, unless such abscess, sore, cut or abrasion is covered with a moisture proof dressing which is firmly secured to prevent contamination of the milk;

(b) who is or who is suspected of suffering from or being a carrier of a disease or condition in its contagious stage that can be transmitted by food or animals, unless any such person immediately reports the disease or condition to the person in charge and a certificate by a medical practitioner stating that such person is fit to handle food is submitted;

(c) whose hands or clothing are not clean.

(6) All employees shall be subjected to personal and food hygiene training relevant to the production and handling of milk and in the case of new employees prior to the commencement of handling milk. Records of such training must be made available to an Environmental Health Practitioner on request.

(7) The holder of a certificate of acceptability for a milking shed shall undergo training on food safety and hygiene aspects of the production & handling of milk by an accredited service provider.

#### Standards and requirements for transport of milk

65. Duties of the driver of a vehicle-

(1) If milk that is not already packed in its final retail packaging is loaded on a vehicle at a milking shed for transportation to a further distribution point, the driver of such vehicle shall-

(a) before any milk is loaded on such vehicle:

(i) carry out an alizarin test (68 percent alcohol) on a sample of the milk to be loaded, which sample



shall be taken by himself or under his/her direct supervision from the container from which such milk will be loaded; and

(ii) take the temperature of the milk in the tank, if the alizarin test is positive, or if the temperature from such milk in the tank exceeds 5° Celsius, which indicate inappropriate handling and the temperature under which the milk was stored, not accept such milk for transportation;

(b) ensure that a milk tanker or milk container is cleaned and disinfected as soon as all the milk has been unloaded there from.

(2) Samples taken in terms of subsection (1) (a), shall comply with the relevant provisions of ISO 707/IDF 50:2008, Milk and milk products-guidance on sampling.

(3) The bacteriological count on the surfaces coming into contact with milk shall not exceed 10 bacteria per 100 square millimetres of such surfaces after appropriate cleaning and disinfection has been done.

(4) The swabbing of the contact surfaces shall be conducted according to SABS Standard Test Method 763: Efficacy of Cleaning Plant, Equipment and Utensils: Swab Technique.

## OFFENCES AND PENALTIES

### 66. Offences: Foodstuff By-law

(1).Any person who contravenes a provision of this by-law and allows such a contravention to take place, shall be guilty of an offence in terms of Section 16, By-laws Governing the General Hygiene requirements for food premises (R 962 of 23rd November 2012), framed under the Foodstuffs, Cosmetics and Disinfectants Act, no 54 of 1972

### BUSINESS ACT No. 71 of 1991

As amended

#### (2) - Schedule 1

Item 1 Sale or supply of meals or perishable foodstuffs – no licence R2 500.00

#### (3) - Schedule 1

Item 2 Provision of certain types of health facilities or entertainment R1000.00

#### (4) - Schedule 1

Item 3 Hawking in meals or perishable foodstuffs R300.00

## ISSUING OF CERTIFICATES OF REGISTRATION

(5) - Person fails to be in possession of certificate of registration R 2 500.00

## HEALTH CERTIFICATES

- (6) - Related health certificate not displayed on premises R500.00
- (7) - Health certificate not clearly visible R500.00
- (8) - Not in possession of a certificate of acceptability R1000.00
- (9) - Denies/cause/permit another person to deny an official entry to the premises R1000.00
- (10) - Obstruct/hinders/cause/permit another person to obstruct/hinder an official to perform his/her duties R1000.00
- (11) - Fail/refuse/cause/permit another person not to give the official lawfully required information R1000.00
- (12) - Knowingly/cause/permit another person to give the official false/misleading Information R1000.00
- (13) -Contravenes or fails to comply with any provision of these by-laws R300.00

## CHAPTER 8

### ENVIRONMENTAL POLLUTION CONTROL

#### 67. Noise pollution control

##### (1) Prohibition of Disturbing Noise

No person may make, produce or cause a disturbing noise, or allow it to be made, produced or caused by any person, animal, machine, device or apparatus or any combination thereof.

- (a) Any person intending to have an event shall consult with neighbors who are likely to be affected by an event to seek their consent in writing before any event is staged, such written consent shall detail the time, date and type of event; the application can be in the format attached in Annexure C
- (b) Application for traditional and religious ceremonies, promotions and marketing events shall be submitted to the Municipality 14 days before the event takes place, such an application must be accompanied by the written consent as outlined above in subsection 1(a);
- (c) Any person producing noise that is 7 decibels above the norm shall be guilty of an offence and shall be on conviction liable to a fine as determined by the magistrate;

#### General powers of the municipality

The municipality may –

- (a) for the purpose of applying these regulations, at any reasonable time enter a premises –
- (i) to conduct any examination, inquiry or inspection thereon as it may deem expedient; and
- (ii) to take any steps it may deem necessary;
- (b) if a noise emanating from a building premises, vehicle, recreational vehicle, animal or street

is a disturbing noise or noise nuisance, instruct in writing the person causing such noise or who is responsible therefore, or the owner or occupant of such building, premises, vehicle, recreational vehicle or street, or all such persons, to discontinue or cause to be discontinued such noise or to take steps to lower the level of such noise to a level conforming to the requirements of these regulations within the period stipulated in the instruction: Provided that the provisions of the paragraph shall not apply in respect of a disturbing noise or noise nuisance caused by rail vehicles or air traffic or by vehicles that are not used as recreational vehicles on a public road;

(c) if the owner or person in charge of an animal fails to comply with an instruction referred to in subsection (b), subject to the applicable provisions of any other law, impound or cause to be impounded such animal;

(d) impose such conditions as it deems fit when granting any permission or exemption in terms of these regulations, including the specification of times and days when activities that may cause noise are permitted or prohibited;

(e) subject to the applicable provisions of any other law, place or cause to be placed measuring instruments or similar devices, road traffic signs or notices at any place within its area of jurisdiction for the enforcement of the provisions of these regulations: Provided that road traffic signs and notices shall be placed on private property only with the permission of the owner.

## (2) Exemptions

The provision of these regulations shall not apply, if –

(a) the emission of sound is necessary for the purpose of warning people of a dangerous situation; or

(b) the emission of sound takes place during an emergency.

## 3. Motor Vehicles

(1) No person may drive a vehicle, or allow it to be driven, on a public road, if the sound level at the measuring point measured in accordance with the procedure prescribed in SANS 10181 exceeds:

(a) in the case of a non-exempted vehicle, the sound level specified in Table 1 of SANS 10281 for that type of vehicle; or

(b) in the case of an exempted vehicle, the applicable sound level indicated in the tables of Annexure A to SANS 10281, for that type of vehicle by more than 5 dBA;

(2) The municipality may –

(a) in order to determine whether a vehicle being used on any road in the area of jurisdiction of that municipality, including a private, provincial or national road crossing its area of jurisdiction, complies with the provisions of these regulations, instruct the owner or person in control of the vehicle –

(i) to have an inspection or test conducted on the vehicle as the municipality may deem necessary, on a date and at a time and place determined by the municipality in writing; and

(ii) to stop the vehicle or cause it to be stopped;

(b) subject to the provisions of subsections (3) and (4) and the applicable provisions of any other law, attach a vehicle if the sound level of such vehicle exceeds the sound level referred to in subsection (1) by more than 5 dBA.

(3) A vehicle attached under subsection (2) (b) must be kept in safe custody by a municipality;

(4) The municipality may lift the attachment contemplated in subsection (2) (b) if the owner or person in control of the vehicle concerned has been instructed in writing by such authority –

- (a) to repair or to modify the vehicle concerned or to cause it to be repaired or to be modified; and
- (b) to have any inspection or test, as the municipality may deem necessary, conducted on the vehicle on a date and a time and place mentioned in the instruction.

#### 4. General prohibition

No person may –

- (a) fail to comply with a written condition, instruction, notice, requirement or demand issued by a municipality in terms of these regulations;
- (b) tamper with, remove, put out of action, damage or impair the functioning of a noise monitoring system, noise limiter, noise measuring instrument, acoustic device, road traffic sign or notice placed in a position by or on behalf of a municipality;
- (c) for the purposes of these regulations, in respect of a duly authorized employee of a municipality –
  - (i) fail or refuse to grant admission to such employee to enter and to inspect a premises;
  - (ii) fail or refuse to give information which may lawfully be required of him or her to such employee;
  - (iii) hinder or obstruct such employee in the execution of his or her duties; or
  - (iv) give false or misleading information to such employee knowing that it is false or misleading.

#### 68. Land pollution control

- (a) No person is allowed to dispose of any chemical toilets contents, pesticide contents and containers or any other waste in any area unless permitted by the municipality;
- (b) No person may dispose of oil or any hazardous waste on any ground;
- (c) No person is allowed to dump any building rubble in any area unless permitted by the municipality;
- (d) No person may litter or dump any waste;

#### 69. Water pollution control

- (a) No person may pollute any water source;
- (b) No person is allowed to dispose of any chemical toilets contents or pesticides contents and containers or any waste into water sources;

## CHAPTER 9

### AIR POLLUTION CONTROL

#### PART I

Interpretation and fundamental principles

Definitions

70. In this chapter, unless the context indicates otherwise-

“adverse effect” means any actual or potential impact on the environment that impairs, or would impair the environment or any aspect of it to an extent that is more than trivial or insignificant, or that is harmful to human health or well being.

“air pollutant” means any substance (including but not limited to dust, smoke, fumes and gas) that causes or may cause air pollution;

“air pollution” means any change in the composition of the air caused by smoke, soot, dust (including fly ash), cinders, solid particles of any kind, gases, fumes, aerosols, and odour substances.

“Air pollution zones” means the geographical area to which chapter \_\_\_ of this bylaw is declared to apply

“Air Quality Act” means the National Environmental Management: Air Quality Act, 2004 (Act no. 39 of 2004)

“Air quality management plan” means the air quality management plan referred to in section 15 of the Air Quality Act

“Air Quality Officer” means the Air Quality Officer designated as such in terms of the Air Quality Act

“Ambient Air means” ambient air as defined in section of the Air Quality Act.

“atmosphere” means air that is not enclosed by a building, machine, chimney or other such structure;

“Atmospheric emissions or emissions” means any emissions or entrainment processes emanating from a point, non-point or mobile source that results in the air pollution

“authorized person” means any person authorized by the Municipality to implement any provision of this bylaws including but not limited to-

- (a) Peace officers as contemplated in section 334 of the Criminal Procedures Act, 1977 (Act no. 51 of 1977)
- (b) Municipal or Metro police officers as contemplated in the South African Police Services Act 1995 (Act no. 68 of 1995): and
- (c) Such employees, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorized by the Municipality in this regard: Provide that for the purposes of search and seizure, where such person is not a peace officer, such person may be accompanied by a peace officer.

“best practicable means” means the most effective measures that can reasonably be taken to prevent, reduce or minimize air pollution, having regard to all relevant factors including, among others, local conditions and circumstances, the likelihood of adverse effects, the current state of technical knowledge and financial implications relative to the degree of environmental protection expected to be achieved by application or adoption of the measures;

“chimney” means any structure or opening of any kind from or through which air pollutants may be emitted;

Combustible liquid” means a liquid which has a close-cap flash point of 38°C or above

“compressed ignition powered vehicle” means a vehicle powered by an internal combustion, compression ignition, diesel or similar fuel engine;

Constitution” means the Constitution of the Republic of South Africa, 1996 (108 of 1996)

Control measures” means a technique, practice or procedure used to prevent or minimise the generation, emission, suspension, or air borne transport of fugitive, dust, pesticides or sand blasting activities.

“dark smoke” means:

(a) in respect of Part 4 and 5 of this chapter, smoke which when measured using, a light absorption meter or obscuration measuring equipment has an obscuration of 20% or greater,

(b) in respect of Part 6 of this chapter

(i) smoke which has a density of 60 Hartridge smoke units or more, provided that in relation to emissions from turbocharge compressed ignition powered engines, it means a density of 66 Hartridge smoke units or more, or

(ii) smoke which has a light absorption coefficient of more than  $2.125\text{m}^{-1}$ , provided that in relation to emissions from turbocharge compressed ignition powered engines, it means a light absorption coefficient of more than  $2.5\text{m}^{-1}$ .

“dust” means any solid matter in a fine or disintegrated form which is capable of being dispersed or suspended in the atmosphere;

“dwelling” means any building or other structure, or part of a building or structure, used as a dwelling, and any outbuildings ancillary to it, but excludes shacks and informal settlements:

“environment” means the surroundings within which humans exist and that are made up of –

(a) the land, water and atmosphere of the earth,

(b) microorganisms, plant and animal life,

(c) any part or combination of (a) and (b) and the interrelationships among and between them; and

(d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well being;

“Environmental management Inspector” means an Environmental Management Inspector appointed in terms of 31 C of the National Environmental Management Act 1998 (Act 107 of 1998) as amended

“free acceleration test” means the method described in section 15(2) employed to determine whether vehicles are being driven or used in contravention of section 13(1);

“fuel- burning equipment” means any furnace, boiler, incinerator, or other equipment, including a chimney:

- (a) designated to burn or capable of burning liquid, gas or solid fuel;
- (b) used to dispose of any material waste by burning; or
- (c) used to subject liquid, gas, or solid fuel to an process involving the application of heat;

“Fumes” means any pungent or toxic vapor, gas, or smoke including but not limited to diesel fumes, spray painting fumes and exhaust fumes.

licensing authority” means an authority referred to in section 36(1), responsible for implementing the licensing system set out in Chapter 5 of the Air Quality Act;

“light absorption meter” means a measuring device that uses a light-sensitive cell or detector to determine the amount of light absorbed by an air pollutant;

“living organism” means any biological entity capable of transferring or replicating genetic material, including sterile organisms and viruses’

NEMA” means National Environmental Management Act 1998 (107 of 1998) as amended.

Non-point source” means as source of atmospheric emissions which cannot be identified as having emanated from a single identifiable source of fixed location, and includes veld, forests and open fires, mining activities, agricultural activities and stockpiles.

“nuisance” means an unreasonable interference or likely interference caused by air pollution with:

- (a) the health or well being of any person or living organism; or
- (b) health or wellbeing or the environment
- (c) the use and enjoyment by an owner or occupier of his or her property or environment:

“obscuration: means the ratio of visible light attenuated by air pollutants suspended in the effluent streams to incident visible light, expressed as a percentage;

Offensive odour” means any smell which is considered to be malodorous or a nuisance to a reasonable person

“open burning” means the combustion of material by burning without a chimney to vent the emitted products of combustion to the atmosphere, and “burning in the open” has a corresponding meaning;

“operator” means a person who owns or manages an undertaking, or who controls an operation or process, which emits air pollutants;

“person” means a natural person or a juristic person;

“proclaimed township’ means any land unit zoned and utilized for residential purposes;

“premises” means any building or other structure together with the land on which it is situated and any adjoining land occupied or used in connection with any activities carried on in that building or structure, and includes any land without any buildings or other structure and any locomotive, which operates or is present within the area under the jurisdiction of the Municipality.

“public road” means a road which the public has the right to use;

“smoke” means the gases, particulate matter and product of combustion emitted into the atmosphere when material is burned or subjected to heat and includes the soot, grit and gritty particles emitted in smoke;

“vehicle” means any motor car, motor carriage, motor cycle, bus, motor lorry or other conveyance propelled wholly or partly by any volatile spirit, steam, gas or oil, or by any means other than human or animal power.

## PART 2

### Duty of care

#### 71. Person causing air pollution

(1) any person who is wholly or partially responsible for causing significant air pollution or creating a risk of significant air pollution occurring must take all reasonable measures:

- (a) to prevent any potential significant air pollution from occurring; and
- (b) to mitigate and, as far as reasonably possible, to remedy any significant air pollution that has occurred.

(2) The Municipality may direct any person who fails to take measures required under subsection (1):

- (a) to investigate, evaluate and assess the impact of specific activities and report thereon;
- (b) to commence taking specific reasonable measures before a given date;
- (c) to diligently continue with those measures;
- (d) to complete them before a specified reasonable date; and
- (e) Prior to making such decision, the Municipality must give affected persons adequate opportunity to inform them of their relevant interests and to consult with any other organ of state.

(3) Should a person fail to comply, or inadequately comply, with a directive under subsection (2), the Municipality may take reasonable measures to remedy the situation referred to in the directive.

(4) Provided that if such person fails to take the measures required of him or her under subsection (1), the Municipality may recover all reasonable costs incurred as a result of it acting under subsection



## (3) from any or all of the following person

- (a) any person who is or was responsible for, or who directly or indirectly contributed to, the air pollution or the potential air pollution;
- (b) the owner of the land at the time when the air pollution or the potential for air pollution occurred, or that owner's successor in title;
- (c) the person in control of the land or any person who has or had a right to use the land at the time when
  - i. the activity or the process in question is or was performed or undertaken; or
  - ii. the situation came about; or;
- (d) any person who negligently failed to prevent
  - i. the activity or the process being performed or undertaken, or;
  - ii. the situation from coming about.

(5) If more than one person is liable under subsection (4), the liability may be apportioned among the persons concerned according to degree to which each was responsible for the harm to the environment resulting from their respective failures to take the measures required under subsection (1) and (2).

## 72. Designation or appointment of the air quality officer and environmental management inspectors

- (1) The Municipal Manager must, in consultation with the Head of Environmental Health must designate or appoint a qualified employee of the Municipality as the Air Quality Officer to be responsible for co-ordinating matters pertaining to air quality management in the Municipality.
- (2) The Mayor in consultation with the Municipal Manager may request the MEC responsible for the Environment in the Province to appoint qualified Environmental Management Inspectors in terms of Part 2, section 31C of the NEMA. (Act 107 of 1998 as amended),

## 73. Establishment of Atmospheric Emission Licensing System

- (1) The Municipality hereby establishes an Atmospheric Emission Licensing System as contemplated in Chapter 5 of the Air Quality Act (Act no. 39 of 2004).

## 74. Licensing Authority

- (1) The municipality is responsible for performing the functions of the licensing authority by implementing and maintaining an atmospheric emission licensing system, referred to in section 22 as set out in Chapter 5 of the Air Quality Act (Act no. 39 of 2004) together with all other provisions of the Air Quality Act (Act no. 39 of 2004).
- (2) No person may without a provisional atmospheric emission license or an atmospheric emission license, authorised by the municipality, conduct and activity listed on the national or provincial list within the jurisdiction area of the municipality.
- (3) Any person who contravenes subsection (2) commits an offence.

## Smoke emissions from premises other than dwellings

### 75.Application

- (6) For the purpose of this Part, “premises” does not include dwellings.

### 76.Prohibition

- (1) Subject to subsection (2), dark smoke shall not be emitted from any premises for an aggregated period exceeding three minutes during any continuous period of thirty minutes.
- (2) This section does not apply to dark smoke which is emitted from fuel-burning equipment which occurs while the equipment is being started or while the equipment is being overhauled or repaired, or awaiting overhaul or repair, unless such emission could have been prevented using the best practicable means available.
- (3) If dark smoke is emitted in contravention of subsection (1) the owner, operator and/or the occupier of the premises shall be guilty of an offence.

### 77. Installation of fuel-burning equipment

- (1) No person shall install, alter, extend or replace any fuel-burning equipment which is above 10 MW heat input on any premises without the prior written authorization of the Municipality, which may only be given after consideration of the relevant plans and specifications.
- (2) Application for an authorization to operate fuel-burning equipment shall be made on a form prescribed by the municipality.
- (3) An application for installation of fuel burning equipment must be accompanied by:
- (a) the prescribed processing fee; and
  - (b) such documentation and information as may be required by the municipality;
- (4) After considering the application submitted in terms of subsection (1), the municipality must either:
- (a) grant an application and issue an authorization, subject to any conditions that may be imposed;
  - or
  - (b) refuse an application with reasons.
- (5) An authorization granted will be valid for a period of five (5) years from the date of issue following which a renewal application together with a prescribed processing fee and supporting documentation must be lodged with the municipality;
- (6) The authorization issued in terms of subsection (1) must specify:
- (a) the product name and model of the small boiler;
  - (b) the premises in respect of which it is issued;
  - (c) the person to whom it is issued;
  - (d) the period for which the authorization is issued;
  - (e) the name of the municipality;
  - (f) the periods at which the authorization may be reviewed;
  - (g) the fuel type and quality;

- (h) the maximum allowed amount, volume, emission rate or concentration of pollutants that may be discharged in the atmosphere;
  - (i) any other operating requirements relating to atmospheric discharges and reporting requirements; and
  - (k) any other matters which are necessary for the protection or enforcement of air quality.
- (7) The municipality must review the authorization issued in terms of this section at intervals specified in the authorization, or when circumstances demand that a review is necessary.
- (8) Where fuel-burning equipment has been installed, altered, extended or replaced on premises in contravention of subsection (1):
- (9) Any fuel-burning equipment installed, altered, extended or replaced on premises in accordance with plans and specifications submitted to and approved, for the purpose of this section, by the Municipality shall be presumed until the contrary is proved to comply with the provisions of subsection (1)
- (10) Where fuel-burning equipment has been installed, altered, extended or replaced on premises in contravention of subsection (1):
- (a) the owner and occupier of the premises and the installer of the fuel-burning equipment shall be guilty of an offence;
  - (b) the Municipality may, on written notice to the owner and occupier of the premises, order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.

#### 78. Transitional arrangements in respect of authorised fuel-burning equipment.

- (a) Any fuel-burning equipment that was authorised to operate in terms of any by-law of the municipality continues to be authorised to operate subject to subsection (79(c)).
  - (b) During the period for which the authorised fuel-burning equipment continues to operate, the provisions of this by-law, read with the necessary changes as the context may require, apply in respect of:
    - (i) the holder of an existing authorization as if that person is the holder of the authorization issued in terms of subsection (1); and
    - (ii) the existing authorization as if the authorization was issued in terms of subsection (1).
- (a) The holder of an existing authorization must apply for an authorization in terms of subsection (1), when required to do so by the municipality, in writing, and within the period stipulated by the municipality

#### 79. Operation of fuel-burning equipment

- (1) No person shall use or operate any fuel-burning equipment on any premises contrary to the authorization referred to in section 78(1).
- (2) Where fuel-burning equipment has been used or operated on the premises in contravention of subsection (1)

- (a) the owner and occupier of the premises and operator of the fuel-burning equipment shall each be guilty of an offence:
- (b) The Municipality may on written notice to the owner and occupier of the premises:
  - i. revoke its authorization under section 78(1); and
  - ii. order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.

#### 80. Presumption

- (1) In any prosecution for an offence under section 80 dark smoke shall be presumed to have been emitted from premises if it is shown that any fuel or material was burned on the premises and the circumstances were such that the burning would be reasonably likely to give rise to the emission of dark smoke, unless the owner, occupier or operator, as the case may be, shows that no dark smoke was emitted.

#### 81. Installation and operating of obscuration measuring equipment

- (1) An authorize person may give notice to any operator of fuel-burning equipment or the owner or occupier of premises on which fuel-burning equipment is used or operated, or intended to be used or operated, to install, maintain and operate obscuration measuring at his or her own cost, if:
  - (a) unauthorized and unlawful emissions of dark smoke from the relevant premises have occurred consistently and regularly over a period of at least two days;
  - (b) unauthorized and unlawful emissions of dark smoke from the relevant premises have occurred intermittently over a period of at least fourteen days;
  - (c) fuel-burning equipment has been or is intended to be installed on the relevant premise which is reasonably likely in the opinion of an authorized person to emit dark smoke;
  - (d) the person on whom the notice is served has been convicted more than once under this Part and has not taken adequate measures to prevent further contravention of the provisions of this Part ; or
  - (e) the authorized person considers that the nature of the air pollutants emitted from the relevant premises is reasonably likely to create a hazard to human health or the environment.
- (2) A notice referred to in subsection (1) must inform the person to who it is addressed of:
  - (a) that person's right to make written representations and to appear in person to present and dispute information and arguments regarding the notice, and must stipulate a reasonable period within which such must be done;
  - (b) that person's right of appeal under section 101;
  - (c) that person's right to request written reasons for issuing of the notice; and
  - (d) the measures that must be taken and the potential consequences if the notice is not complied with.

#### 82. Monitoring and sampling

- (1) An occupier or owner of premises, and the operator of any fuel-burning, equipment, who is required to install obscuration measuring equipment in terms of section 82 must;
  - (a) record all monitoring and sampling results and maintain a copy of this record for at least five years after obtaining the results;
  - (b) if requested to do so by an authorized person, produce the record of the monitoring and sampling results for inspection, and
  - (c) if requested to do so by an unauthorized person, provide a written report (in a form and by a date specified by the authorized person) of part or all of the information in the record of the monitoring and sampling results.
  - (d) ensure that the air pollution measuring equipment is calibrated at least once per year or at intervals as specified by the manufacturer of the equipment and provide records of such calibration on request by the authorised person.

### 83. Exemption

- (1) Subject to section 104 and on application in writing by the owner or occupier of premises or the operator of fuel-burning equipment, the Municipality may grant a temporary exemption in writing from one or all the provisions of this Part.
- (2) Any exemption granted under subsection (1) must state at least the following:
  - (a) a description of the fuel-burning equipment and the premises on which it is used or operated;
  - (b) the reason for granting the exemption;
  - (c) the conditions attached to the exemption, if any;
  - (d) the period for which the exemption has been granted; and
  - (e) any other relevant information.

## PART 4

### Smoke emissions from dwellings

#### 84. Restriction to emission of dark smoke

- (a) Subject to section 80(2), no person shall emit or permit the emission of dark smoke from any dwelling for an aggregate period exceeding three minutes during any continuous period of thirty minutes.
- (b) Any person who emits or permits the emission of dark smoke in contravention of subsection (1) commits an offence.
- (c) Upon application in writing by the owner or occupier of any dwelling, the Municipality may grant a temporary exemption in writing from one or all of the provisions of this Part.

## PART 5

## Emission from compressed ignition powered vehicles

## 85. Prohibition

- (a) No person may on a public road drive or use, or cause to be driven or used, a compressed ignition powered vehicle that emits dark smoke.
- (b) If dark smoke is emitted in contravention of subsection (1) the owner and the driver of the vehicle shall each be guilty of an offence.
- (c) For purposes of this section the registered owner of the vehicle shall be presumed to be the driver unless the contrary is proven.

## 86. Stopping of vehicles for inspection and testing

- (a) In order to enable an authorized person to enforce the provisions of this Part, the driver of vehicle must comply with any reasonable direction given by an authorized person:
  - i. to stop the vehicle; and
  - ii. to facilitate the inspection or testing of vehicle.

(b) Failure to comply with a direction given under subsection (1) is an offence.

- (c) When a vehicle has stopped in compliance with a direction given under subsection (1), the authorized person may:
  - (aa) inspect and test the vehicle at the roadside, in which case inspection and testing must be carried out:
    - i. at or as near as practicable to the place where the direction to stop the vehicle is given; and
    - ii. as soon as practicable, and in any case within one hour, after the vehicle is stopped in accordance with the direction; or
  - (ab) conduct a visual inspection of the vehicle and, if the authorized person reasonably believes that an offence has been committed under section 86(2), instruct the driver of the vehicle, who is presumed to be the owner of the vehicles unless he or she produces evidence to the contrary, in writing to take the vehicle to a testing station, within a specified period of time, for inspection and testing in accordance with section 88.

## 87. Testing procedure

- (1) An authorized person must use the free acceleration test method in order to determine whether a compressed ignition powered vehicle is being driven or used in contravention of section 86(1).
- (2) The following procedure must be adhered to in order to conduct a free acceleration test:

- (a) when instructed to do so by the authorized person, the driver must start the vehicle, place it in neutral gear and engage the clutch;
  - (b) while the vehicle is idling, the authorized person must conduct a visual inspection of the emission system of the vehicle;
  - (c) when instructed to do so by the authorized person, the driver of the vehicle must in less than one second smoothly and completely depress the accelerator throttle pedal of the vehicle, provided that the authorized person may do so himself or herself if the driver fails or refuses to comply with the authorized person's reasonable instructions;
  - (d) while the throttle pedal is depressed, the authorized person must measure the smoke emitted from the vehicle's emission system in order to determine whether or not it is dark smoke;
  - (e) the driver of the vehicle may only release the throttle pedal of the vehicles when the engine reaches cut-off speed, or when directed to do so by the authorized person.
- (3) if, having conducted the free acceleration test, the authorized person is satisfied that the vehicle:
- (a) is not emitting dark smoke, then the authorized person must furnish the driver of the vehicle with a certificate indicating that the vehicles is not being driven or used in contravention of section 86(1); or
  - (b) is emitting dark smoke, the authorized person must issue the driver of the vehicle with a repair notice in accordance with section 89.

#### 88. Repair notice

- (1) A repair notice must direct the owner of the vehicle to repair the vehicle within a specified period of time, and to take the vehicle to a place identified in the notice for retesting before the expiry of that period.
- (2) The repair notice must contain inter alia the following information:
- a. the make, model and registration number of the vehicle;
  - b. the name, address and identity number of the driver of the vehicle; and
  - c. if the driver is not the owner, the name and address of the vehicle owner.
- (3) A person commits an offence under this Section if that person fails:
- a. to comply with the notice referred to in subsection (1)
  - b. the retest referred to in subsection (1).
- (4) It shall not be a defect in proceedings under subsection (3) to aver that the driver of the vehicle failed to bring the repair notice to the attention of the owner of that vehicle.

## PART 6

### Emissions caused by open burning

#### 89. Open burning of material on any land

- (1) Subject to subsection 4, any person who carries out open burning of any material on any land or premises is guilty of an offence, unless the prior written authorization of the Municipality, which may include the imposition of further conditions with the person requesting authorization must comply, has been obtained.
  
- (2) The Municipality may not authorize open burning under subsection (1) unless it is satisfied that the following requirements have been adequately address or fulfilled:
  - (a) the material will be open burned on the land from which it originated;
  - (b) that person has investigated and assessed every reasonable alternative for reducing, reusing or recycling the material in order to minimize the amount of material to be open burned, to satisfaction of the Municipality;
  - (c) that person has investigated and assessed every reasonable alternative for removing the material for the land or premises, to the satisfaction of the Municipality;
  - (d) that person has investigated and assessed the impact that the open burning will have on the environment, to the satisfaction of the Municipality;
  - (e) a warning under section 10 of the National Veld and Forest Fire Act, 1998 (Act 101 of 1998) has not been published for the region,
  - (f) the land on which that person intends to open burn the material is State land, a farm or smallholding, or land within a proclaimed township that is not utilized for residential purposes;
  - (g) the open burning is conducted at least 100 metres from any buildings or structure;
  - (h) the open burning will not pose a potential hazard to human health or safety, private property or the environment.
  - (i) That person has notified in writing the owners and occupiers of all adjacent properties of:
    - i. all known details of the proposed open burning; and
    - ii. the right of owner and occupiers of adjacent properties to lodge written objections to the proposed open burning with the Municipality within 7 days of being notified; and
  - (j) the prescribed fee has been paid to the Municipality.
  
- (3) Any person who undertakes or permits to be undertaken open burning in contravention of subsection (1) commits an offence.
  
- (4) The provisions of this section shall not apply to:
  - (a) recreational outdoor barbecue or braai activities on private premises;
  - (b) small controlled fires in informal settlements for the purposes of cooking, heating water and other domestic purposes; or
  - (c) any other defined area or defined activity to which the Municipality has declared this section not to apply.

#### 90. Emissions Caused by Tyre Burning and Burning of Rubber and Other Material for the



### Recovery of Metal

(1) No person may without authorization in writing from the Municipality —

(a) carry out or permit the burning of any tyres, or rubber or other synthetically coated, covered or insulated products and electronic or other equipment on any land or premises;

(b) carry out or permit the burning of any tyres, rubber products, cables or any other products, on any land or premises for the purpose or recovering the scrap metal or fibre reinforcements, or of disposing of tyres, or the rubber products or cables as waste; or

(c) possess, store, transport or trade in any burnt metal or fibre reinforcements referred to in paragraph (a) and (b).

(2) The Municipality may—

(a) take whatever steps it considers necessary in order to remedy the harm caused by the burning referred to in paragraphs (a) and (b) and the possession referred to in paragraph (c), and prevent any occurrence of it, and

(b) recover the reasonable costs incurred from the person responsible for causing such harm.

(3) The Municipality may, for the purposes of gathering evidence, confiscate any burnt metal or metal reasonably suspected of being recovered, possessed, stored, transported or traded from burning referred to in subsection (1) where authorization has not been obtained or cannot be provided.

## PART 7

### Pesticide and crop spraying

#### 91. Spraying of a pesticide, herbicide or other related material

(1) No person may carry out or permit the spraying of a pesticide, herbicide or other related material unless such pesticide, herbicide or material is registered in terms of section 3 of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).

(2) Any person who contravenes subsection (1) of this By-law is guilty of an offence as set out in section 18(1)(c) of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).

(3) A person who carries out or permits the spraying of pesticides, herbicides or other materials referred to in subsection (1), within the area of jurisdiction of the Municipality, must comply with the following controlled measures:

- i. obtain prior written authorization of the Municipality which may be granted with conditions, including —
- ii. the area of land on which the pesticide, herbicide or other material may be applied; and

- iii. (ii) the period of time in which the pesticide, herbicide or other material may be applied;
- (b) notify in writing the owners and occupiers of all adjacent properties within 150 metres of the proposed area of land, of —
- i. the details of such land;
  - ii. the reason for use of pesticide, herbicide or other material;
  - iii. the active ingredient of pesticide, herbicide or other material;
  - iv. the date and approximate time of the use of pesticide, herbicide or other material;
  - v. in the event of inclement weather conditions, an alternative date or dates on which the use of pesticide, herbicide or other material may occur;
  - vi. the time, if any, indicated on the product label specifying when the area can safely be re-entered after application of the pesticide, herbicide or other material;
  - vii. the right of owners and occupiers of adjacent properties to lodge written objections to the proposed spraying of pesticides with the Municipality within seven days of being notified; and
  - viii. the prescribed fee has been paid to the Municipality.
- (4) Any person who contravenes subsection (3) is guilty of an offence.
- (5) A person may apply to the Municipality for an exemption if —
- (a) the spraying of the pesticide is for the management of pests that transmit human diseases or adversely impact agriculture or forestry;
  - (b) the spraying of the pesticide is for the management of pests that threaten the integrity of sensitive ecosystems; or
  - (c) the need for the use of the pesticide is urgent.
- (6) The provisions of this section are not applicable to —
- (a) residential areas of farms;
  - (b) buildings or inside of buildings; or
  - (c) any other defined area or defined activity to which the Municipality has declared this section not to apply.

## PART 8

### Spray painting emissions

#### 92. Control of spray painting emissions

- a. No person shall, within the municipality's jurisdiction, spray, coat, plate, or epoxy-coat any vehicle, article, object or allow them to be sprayed, coated, plated, or epoxy-coated with any substance outside an approved spray painting room or booth without the necessary authorization.
- b. No person may spray, coat, plate, or epoxy-coat any vehicle, article, object, or building

or part thereof or allow them to be sprayed, coated, plated or epoxy-coated with any substance unless:

- (a) that person is in possession of a spraying authorization contemplated in subsection (1);
- (b) the spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the designated fire officer, in consultation with the air quality officer, on premises registered for that purpose.
  - (3) A person that contravenes subsections (1) and (2) commits an offence.
  - (4) Any person who wishes to obtain a spraying authorization must complete and submit to the designated fire officer an application form for such permit in the form and manner as prescribed.
  - (5) The designated fire officer, in consultation with the air quality officer, may grant or refuse a spraying authorization contemplated in subsection (1) based on the information submitted.
  - (6) A spray room or booth or area designated for the application of a substance must be constructed and equipped according to the requirements prescribed by the designated fire officer.
  - (7) The designated fire officer may cancel the spraying authorization if there is reason to believe that the holder of the spraying authorization contravenes or fails to comply with any provision of this by-law.
  - (8) Subject to subsection (9), before the designated fire officer cancels the spraying authorization as contemplated in subsection (7), that officer must
    - (a) give the holder of the spraying authorization written notice of the intention to cancel the spraying authorization and the reasons for such cancellation;
    - (b) give the holder a period of at least 30 days to make written representations regarding the matter to the municipality.
  - (9) If the designated fire officer has reason to believe that the failure to cancel the spraying authorization may endanger any person, that officer may cancel the spraying authorization without prior notice to the holder as contemplated in subsection (7).

## PART 9

### Offensive odours

#### 93. Control of offensive odours

- (1) The occupier or owner of any premises must take all reasonable steps to prevent the emission of any offensive odour caused by any activity on such premises.
- (2) Any person who emits or permits the emission of any offensive odour in contravention of subsection (1) commits an offence.

## PART 10

## Fume nuisance

## 94. Control of fumes

- (1) The occupier or owner of any premises must take all reasonable steps to prevent the nuisance by fumes caused by any activity on such premises.
- (2) Any person who emits or permits the emission of fumes in contravention of subsection (1) commits an offence.

## PART 11

## Sand blasting emissions

## 95. Control of sand blasting emissions

- (1) Any person conducting sand blasting activities which customarily produce emissions of dust that may be harmful to public health, well-being and/or cause a nuisance shall take control measures to prevent emissions into the atmosphere.
- (2) Any person who undertakes any sand blasting activity that causes dust emissions must implement the following control measure:
  - (a) dust extraction control measure; or
  - (b) any alternative dust control measure approved in writing by the Air Quality Officer.
- (3) A person that contravenes subsections (1) and (2) commits an offence.

## PART 12

## Dust nuisance

## 96. Control of dust

- (1) The occupier or owner of any premises must take control measures to prevent the nuisance by dust caused by any activity on such premises.
- (2) Any person who undertakes any activity that causes dust emissions must implement one or more of the following control measures:
  - (i) pave;
  - (ii) use dust palliatives or suppressants;
  - (iii) uniformly apply and maintain any surface gravel;
  - (iv) erect physical barriers and signs to prohibit access to the disturbed areas;
  - (v) use ground covers;
  - (vi) re-vegetation which is similar to adjacent undisturbed native conditions; or
  - (vii) any alternative control measure approved in writing by the air quality officer.
- (3) The control measures must be consistent with the provisions of any applicable legislation.
- (4) Any person who emits or permits the emission of dust in contravention of subsection (1) commits an offence.

## PART 13

## Emissions that cause a nuisance

## 97. Prohibition

Any occupier or owner of premises from which a nuisance emanates, or where a nuisance exists, is guilty of an offence.

## 98. Abatement notice

(1) An authorized person may serve abatement notice on any person whom the authorized person reasonably believes is likely to commit or has committed an offence under section 100, calling upon that person:

- (a) to abate the nuisance within a period specified in the notice;
- (b) to take all necessary steps to prevent a recurrence of the nuisance; and
- (c) to comply with any other conditions contained in the notice.

(2) For the purpose of subsection (1), an authorized person may from a reasonable belief based on his or her own experience that an air pollutant was emitted from premises occupied or owned by the person on whom the abatement notice is to be served.

(3) An abatement notice under subsection (1) may be served:

- (a) upon the owner of any premises, by:
  - i. delivering it to the owner or if the owner cannot be traced or is living abroad that person's agent; or
  - ii. transmitting it by registered post to the owner's last known address, or the last known address of the agent; or
  - iii. delivering it to the address where the premises are situated, if the owner's address and the address of the agent are unknown;
- (b) upon the occupier of the premises, by:
  - i. delivering it to the occupier;
  - ii. transmitting it by registered post to the occupier at the address at which the premises are situated.

(4) Any person who fails to comply with an abatement notice served on that person in terms of subsection (1) is guilty of an offence.

(5) In addition to any other penalty that may be imposed, a court may order a person convicted of an offence under subsection (4) to take steps the court considers necessary with an period determined by the court in order to prevent a recurrence of the nuisance.

## 99. Steps to abate nuisance

At any time, the Municipality may at its own cost take whatever steps it considers necessary in order to remedy the harm caused by the nuisance and prevent a recurrence of it, and may recover the reasonable costs so incurred from the person responsible for causing the nuisance.

## PART 14

### 100. Appeals

1. A person whose rights are affected by a decision delegated by the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act (Act 32 of 2000) to the municipal manager within 21 days of the date of the notification of the decision.
  - (1) Pending confirmation, variation of revocation of decision in terms of subsection (4), any person appealing a decision in terms of subsection (1), unless the Municipality provides otherwise:
    - (a) must nonetheless substantively comply with any obligations that may have been imposed as a result of the decision that is the subject of the appeal; and
    - (b) may not exercise any rights that may have accrued as a result of the decision that is the subject of the appeal application, provided that no other person may exercise any right that may accrue either.
  - (2) Within 14 days of receipt of the notice of appeal, the city manager must:
    - (a) submit the appeal to the appropriate appeal authority mentioned in subsection (5);
    - (b) take all reasonable measures to ensure that all persons whose rights may be significantly detrimentally affected by the granting of the appeal application, including any persons registered as interested and affected parties, are notified in writing of the appeal application and advised of their right to :
      - i. obtain a copy of the appeal application;
      - ii. submit written objections to the application to the city manager within 30 days of date of notification.
  - (3) After the expiry of the 30 day period referred to in subsection (3)(b)(ii), the appeal authority must consider the appeal and any objections raised to it, and confirm, vary or revoke the decision.
  - (4) When the appeal is against a decision taken by
    - (a) an authorized person other than the City Manager, then the City Manager is the appeal authority or
    - (b) the City Manager, then the Municipality or such committee as it may delegate is the appeal authority.
  - (5) An appeal authority must commence with an appeal within 60 days of receiving notification

and must decide the appeal within a reasonable period.

## PART 15

### 101. General provisions

1. In the event of a conflict within any other bylaw which directly or indirectly regulates air pollution, the provisions of this bylaw shall prevail.
2. In the event of a conflict with the National Environment Management Air Quality Act, 2004 (Act 39 of 2004) the provisions of that Act will prevail within the area jurisdiction of the Municipality.

## PART 16

### 102. Offences and penalties

1. Any person who contravenes sections 85(2), 90(3), 86(2) or 98 of this bylaw shall be liable of conviction to imprisonment not exceeding 30 days or to a fine or both a fine and imprisonment.
2. Any person who contravenes sections 78(3), 80(2), 89(3)(a) ;89(3)(b) or 94(4) of this bylaw shall be liable of conviction to imprisonment not exceeding two (2) years or a fine or both a fine and imprisonment.
3. any person who contravenes section 98 of this bylaw shall be liable on conviction to imprisonment not exceeding one (1) year or a fine or both a fine and imprisonment.
4. It is an offence to:
  - (a) supply false information to an authorized person in respect of any issue pertaining to this bylaw, or;
  - (b) refuse to cooperate with the request of an authorized person made in terms of this bylaw
  - (c) and any person convicted of such offence shall be liable to imprisonment not exceeding 30 days or a fine or both a fine or imprisonment.
5. Where no specific penalty is provided, any person committing an offence in terms of this bylaw is liable on conviction to imprisonment for a period not exceeding one (1) year or to a fine or both imprisonment and fine.
6. Failure to comply with a notice, direction or instruction referred to in this bylaw constitutes a continuing offence.
7. Any person who commits a continuing offences shall be guilty of a separate offence for each day during which that person fails to comply with a notice, direction or instruction referred to in this bylaw.

8. In addition to imposing a fine and/or imprisonment, a court may order any person convicted of an offence under this bylaw:
  - (a) to remedy the harm caused;
  - (b) to pay damages for harm caused to another person or property, which order shall have the force and effect of a civil judgment; and
  - (c) to install and operate at person's own expense obscuration reading equipment in accordance with the provisions of section 82.

## PART 17

### 103. Exemptions

1. The Municipality may grant a temporary exemption in writing from one or all of the provisions of Part 3, 4 and 5 , provided that the Municipality:
  - (a) is satisfied that granting the exemption will not significantly prejudice the purpose referred to in section 77(1); and
  - (b) grants any exemption subject to conditions that promote the attainment of the purpose referred to in section 77(1).
2. The Municipality may not grant an exemption under subsection (1) until the Municipality has:
  - (a) taken reasonable measures to ensure that all persons whose rights may be significantly detrimentally effected by the granting of the exemption, including but not limited to adjacent land owners or occupiers, are aware of the application for exemption and how to obtain a copy of it;
  - (b) provide such person with a reasonable opportunity to object to the application, and
  - (c) duly considered and taken into account any objections raised.

## PART 18

### 104. Savings

1. Anything done or deemed to have been done under any other law remains valid to the extent that it is consistent with this by-law or until anything done under this by-law overrides it.

## CHAPTER 10

### HEALTH CARE WASTE

### 105. Definitions

In this Chapter, unless the context otherwise indicates –

“generator” means any person or institution which generates health care waste;



“genotoxic waste” means highly toxic waste that may have mutagenic, teratogenic or carcinogenic properties and includes certain cytostatic drugs as well as vomit, urine or faeces from patients treated with cytostatic drugs, chemicals and radioactive material;

“hazardous waste” means waste that has the potential, even in low concentrations, to have a significant adverse effect on public health and the environment because of its inherent toxicological, chemical and physical characteristics.

“health care waste means waste generated by

“health care general waste means that portion of health care waste which is not hazardous

“health care risk waste; means that portion of health care waste which is hazardous and includes infections waste, pathological waste, genotoxic waste, chemical waste, waste containing heavy metals, radioactive waste, and any other waste which is considered hazardous in terms of the Waste Management Series: Document 1: Minimum Requirements for the handling, classification and disposal of Hazardous Waste, 2<sup>nd</sup> Edition as published by the Department of Water Affairs and Forestry.

“waste containing heavy metals” means waste which includes, but is not limited to, mercury waste from thermometers, blood pressure gauges, residues from density, cadmium from batteries, reinforced wood panels used in radiation proofing and drugs containing arsenic:

106. Separation at source and marking:

- (1) Health care waste generators, transporters, treaters and disposers have a general duty of care in terms of these Bylaws and any other relevant provincial and national legislation, to separate all health care risk waste at source and to handle, package, store and dispose of health care risk waste in a safe manner that poses no threat to human health or to the environment.
- (2) Without limiting the generality of the duty in subsection (1), generators must:
  - (a) ensure that the generation of health care risk waste is minimized as far as possible at source
  - (b) separate health care waste into health care risk waste and health care general waste at point at which it is generated:
  - (c) store health care risk waste in purpose manufactured, leak-proof, sealable containers and must ensure that such containers used to store sharps, razors, blades, needles and any other instrument which can cause cuts, punctures or injections, are rigid and puncture resistant;
  - (d) ensure that the radioactive waste for which he/she is responsible, treated in accordance with the Hazardous Substances Act, 1973, (Act No. 15 of 1973) as amended;

ensure that all the employees in their employ are adequately trained in the

identification, separation, handling,

- (1) Health care waste generators, transporters, treaters and disposers have a general duty of care in terms of these Bylaws and any other relevant provincial and national legislation, to separate all health care risk waste at source and to handle, package, store and dispose of health care risk waste in a safe manner that poses no threat to human health or to the environment.
- (3) Without limiting the generality of the duty in subsection (1), generators must:
  - (a) ensure that the generation of health care risk waste is minimized as far as possible at source
  - (b) separate health care waste into health care risk waste and health care general waste at point at which it is generated:
  - (c) store health care risk waste in purpose manufactured, leak-proof, sealable containers and must ensure that such containers used to store sharps, razors, blades, needles and any other instrument which can cause cuts, punctures or injections, are rigid and puncture resistant;
  - (d) ensure that the radioactive waste for which he/she is responsible, treated in accordance with the Hazardous Substances Act, 1973, (Act No. 15 of 1973) as amended;
  - (e) ensure that all the employees in their employ are adequately trained in the identification, separation, handling, storing of health care risk waste;
  - (f) take appropriate steps to ensure the health and safety of all the employees in their employ in terms of the Occupational Health & Safety Act, (Act 85 of 1993) as amended;
  - (g) label all health care risk waste containers clearly in large, legible lettering with indelible ink with the following information:
    - (i) the name , address and contact telephone number of the generator
    - (ii) the words: DANGER – HEALTH CARE RISK WASTE; GEVAAR – GESONDHEIDSAFVAL, and INGOZI: INKUNKUMA YEZAMAYEZA and the international biohazard logo, and
    - (iii) the date on which the health care risk waste is removed from the premises of the generator.
  - (h) Prevent public access to health care risk waste containers which are in use;
  - (i) Store filled health care risk waste containers in controlled, secure areas which are reserved for the storage of health care risk waste;
  - (j) Make arrangements for the removal of health care risk waste from their premises and for the transportation of health care risk waste by a person who is registered in terms of Section 110 of these Bylaws as a transporter of

- health care risk waste;
- (k) Make arrangements for the disposal of the health care risk waste by a person/institution permitted to dispose of health care risk waste in terms of these Bylaws of the Municipality or any other applicable legislation.
- (4) Generators may apply to the Municipality for permission to handle, store and otherwise deal with health care risk waste in a manner which does not comply with the requirements as set out in subsection (2) above
  - (5) The Municipality may in writing grant the permission referred to in subsection (3) subject to certain conditions.
  - (6) Generators may transport dispose of health care risk waste generated on their premises, provide they do so in terms of this Bylaw;
  - (7) Generators must:
    - (a) Maintain an up-to-date written record of all health care risk waste generated and removed from their premises in a format from time to time prescribed by Municipality;
    - (b) Obtain written notification from the disposer of the health care risk waste that the health care risk has been dispose of and upon receiving such notification; indicate in their written record that the health care risk waste has been disposed of by mentioning the name of the disposer and the date of disposal;
    - (c) Provide copies of the record referred to in (i) and the information in (ii) to Municipality on a six-monthly basis or at any other frequency as may from time to time be prescribed by Municipality.

#### 107. Duty of transporters

- (1) Transporters must remove health care risk waste from the premise of the generator, transport, store and deliver such health care risk waste to a site at which it will be disposed of in manner which poses no treat to human health or the environment.
- (2) Without limiting the generality of the duty referred to in subsection (1), transporters must:
  - (a) not remove the health care risk waste from the containers in which the generator placed it;
  - (b) transport and store the health care risk waste in such way that no member of the public can gain access to the health care risk waste or the containers in which it is stored;
  - (c) transport the health care risk waste in vehicles which:

- (i) comply with all applicable legislation as from time to time promulgated by National and Provincial Government or in the absence of such legislation
  - (ii) are capable of containing the health care risk waste;
  - (iii) are designed to prevent spillage;
  - (iv) are constructed of materials which are easy to clean and to disinfect;
  - (v) are capable of being secured in order to prevent unauthorized access.
- (d) deliver health care risk waste only to a person and site permitted to dispose of health care risk waste in terms of section 111
- (3) Transporters may apply to the Municipality for permission to remove, transport, store and deliver health care risk waste in a manner which does not comply with the requirements as set out in subsection (2) above
- (4) The Municipality may in writing grant the permission referred to in subsection (3) subject to certain conditions.
- (5) Transporters may dispose of health care risk waste provided they do so in terms of these Bylaws
- (6) Transporters must maintain a written record in respect of each collection and delivery of health care risk waste, which they must update simultaneously with each collection and delivery. The record must be in the format as prescribed from time to time by the Municipality and must be kept for a period of three years from date on which the health care risk waste is delivered to the disposal site. Transporters must keep a copy of the said record in the vehicle used for the transportation of the health care risk waste.

#### 108. Disposal of Health Care Risk Waste

- (1) Health care risk waste may only be disposed of by a person
- (a) Who holds a permit to operate a hazardous waste site in terms of section 20 of the Environmental Conservation Act, 73 of 1989,
  - (b) Who complies to all the terms and conditions attached to such a permit.
- (2) A person permitted in terms of subsection (1) to dispose of health care risk waste must do so at the site at which the permit permits him or her to dispose of health care risk waste and may not dispose of health care risk waste at any other place.
- (3) Persons who dispose of health care risk waste must:

- (a) maintain an up to date written record as required in terms of the National Waste Information System and any additional information as may from time to time be required by the Municipality of all health care risk waste received and disposed of at the site;
- (b) keep such records for a period of three years or for such a period as may be prescribed in terms of the guidelines provided for compliance to the National Waste Information System, whichever the shortest.

#### 109. Duty to register

- (1) Every generator must register with the Municipality within 6 months of the coming into effect of these Bylaws by completing and submitting a written notification to Municipality in the format prescribed from time to time.
- (2) Every transporter must register with the Municipality within 6 months of the coming into effect of these Bylaws by completing and submitting a written notification to the Municipality in the format prescribed from time to time.
- (3) Generators and transporters must notify the Municipality of any changes to the information provided in terms of subsection (1) and (2) as soon as such changes take place.

#### 110. Power of Environmental Health Practitioners

- (1) Any Environmental Health Practitioner in the employ of the Municipality may:
  - (c) Enter sites and premises on which health care waste is being generated, handled, treated, stored or disposed of, or on which he or she suspects health care waste is being generated, handled, stored or disposed of,
  - (d) Gain access to vehicles on which health care waste is being contained or transported, or on which her or she suspects health care waste is being contained or transported.
- (2) Where an Environmental Health Practitioner enters premises or a site or gain access to a vehicle in terms of subsection (1), he or she may, for the purpose of administering these Bylaws, undertake any inspection or enquiry, including but not limited to:
  - (a) inspecting premises, site or vehicle for the presence of health care risk waste;
  - (b) inspecting the manner in which health care risk waste is being, handled, stored, transported, treated or disposed of;
  - (c) requesting information regarding the health care risk waste from the person who is in charge of the health care risk waste or from the person in

charge of the health care risk waste or from the person in charge of the premises, site or vehicle;

- (d) examine extract or make copies of any health care risk waste records and request an explanation from the person in charge of the record, or from the person in charge of the site, premise or vehicle.

#### 111. Offences:

Any person who contravenes any provision of the chapter or fails to comply with any notice given in relation hereto in terms of these Bylaws, commits an offence.

## CHAPTER 11

### HAZARDOUS WASTE

#### 112. Applicable legislation

The municipality, taking cognizance of the provisions of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as amended the Hazardous Substances Act, 1973 (Act 15 of 1973) as amended, the National Health Act, 61 of 2003, and the regulations made under these Acts, adopts the provisions in this Chapter.

#### 113. Storage of hazardous waste

- (1) An empty container in which hazardous waste such as, but not limited to, pesticides was stored is to be treated as hazardous waste, and –
- (a) must be stored in such a manner that –
    - (i) no pollution of the environment occurs at any time;
    - (ii) no health nuisance is created at any time;
  - (b) while being stored on site, must be clearly marked or labelled with the words “Hazardous Waste”;
  - (c) the owner or occupier of the land must fence off the storage area to prevent unauthorised access; and
  - (d) shall be dealt with as Class 6 waste as described in the Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste (Second Edition, 1998) as published by the Department of Water Affairs and Forestry and as amended from time to time.
- (2) A person who contravenes a provision of subsection (1)(a) to (d) commits an offence.

## CHAPTER 12

### OFFENSIVE TRADES

#### 114. Definitions

In this Chapter, unless the context otherwise indicates

“effluent” means any waste water which may be generated as a result of undertaking any scheduled use or an activity which is likely to cause a public health nuisance;

“offensive trade” means of any business listed below or business which involves an activity listed below:

- (a) Panel beating or spray painting ;
- (b) operating a hazardous waste recycling plant including oil and petroleum product recycling;
- (c) scrap yard or scrap metal dealing;
- (d) blood boiling, bone boiling, tallow melting, fat melting or fat extracting, soap boiling , tripe boiling or cleaning, skin storing , bone storing, hide boiling, skin curing, blood drying, gut scraping, leather dressing , tanning or glue or size making,
- (e) charcoal burning, brick burning, lime burning;
- (f) manure making or storing or compost making;
- (g) parchment making;
- (h) manufacturing malt or yeast;
- (i) cement works, cokeovens or salt glazing works;
- (j) sintering of sulphurous materials;
- (k) viscose works;
  - i. ore or mineral smelting, calcining, puddling or rolling of iron or other metal, conversion of pig iron into cast iron, reheating, tempering, hardening, forging, conversion or compounding of carbon with iron or other metal
- (m) Work of a knacker
- (n) Slaughtering of animals
- (o) Fish mongering and fish frying
- (p) Manufacture of flock and rags.
- (q) Animal bristle and hair storing and sterilizing.
- (r) Manufacture of chemicals.
- (s) Fellmongering
- (t) Storage of rags.
- (u) Wood sawdust.
- (v) Iodoform.
- (w) works for the production of carbon bisulfide, cellulose, lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, pyridine, liquid or gaseous sulphur chlorides;
- (x) works for the production of amly acetate, aromatic ethers, butyric acid, caramel, enameled wire, compounds, sulphurous paints, ultramarine, zinc chloride or zinc oxide; or
- (y) the refining or processing of petrol, oil or their products;
- (z) Any other work or trade of an offensive nature which, with the sanction of the Municipality may add to the list.

“offensive trader” means any person who owns, conducts or carries on an offensive trade.

#### 115. Permit requirement

No person may conduct an offensive trade in or any premises, except in terms of a permit authorizing such trade.

#### 116. Requirements for premises

No person may conduct an offensive trade in or on any premises unless

- (a) the floors of the premises are constructed of cement concrete or a similar impervious material, brought to a smooth finish;
- (b) the floors of the premises are adequately graded and drained for the disposal of effluent to an approved disposal system;
- (c) the inside walls, except where glazed or glass brick or glazed tiles are used, are plastered, brought to a smooth finish and painted with a lightcoloured, washable paint;
- (d) the surface of any backyard or open space is paved with concrete or similar impervious material, brought to a smooth finish;
- (e) the premises are provided with adequate light and ventilation as prescribed in the National Building Regulations and Building Standards Act;
- (f) an adequate supply of running potable water is provided;
- (g) an adequate number of portable containers constructed of iron or another non-absorbent material, equipped with closely fitting lids, are provided for the removal of all waste and waste water from the premises;
- (h) adequate means are provided for the disposal of all effluent arising from the manufacturing or other process performed on the premises;
- (i) adequate accommodation is provided for the storage of all finished products, articles or materials which are used in the manufacturing or other process and which may –
  - (i) discharge offensive or injurious effluent or liquid, or
  - (ii) decompose in the course of the work or trade;
- (j) adequate means are provided to control the discharge in the open air of any noxious, injurious or offensive gas, fume, vapour or dust produced during any handling, preparation, drying, melting, rendering, boiling, roasting, grilling, sandblasting or grinding process or storage of material,
- (k) adequate sanitary fixtures are provided as prescribed in the National Building Regulation and Building Standards Act;
- (l) a perimeter wall made of brick or some other impervious material, with a minimum



height of 2 metres, is constructed around the premises.

- (m) all gates to the premises are of solid construction with a minimum height of 2 metres;
- (n) all perimeter walls and gates adequately screen activities on the premises from public view;
- (o) all materials are stacked or stored on the premises below the height of the perimeter screening;
- (p) adequate separate changerooms for male and female employees must be provided containing
  - (i) an adequate metal locker for every employee;
  - (ii) a washhand basin provided with a supply of running hot and cold potable water; and
  - (iii) an adequate supply of soap and disposable towels at every wash hand basin;
- (q) if no changeroom has been provided in terms of paragraph (p) –
  - (i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position, and
  - (ii) an adequate metal locker must be provided for every employee in the work area.
- (r) An approved wash bay must be provided for the washing of vehicles and containers if required by the Environmental Health Practitioner

#### 117. Duties of offensive traders

Every offensive trader must

- (a) maintain the premises in a clean, hygienic and good condition at all times;
- (b) maintain all walls and floors of the premises in a manner and condition that prevents the absorption of any waste or waste water;'
- (c) maintain all machinery, plant, apparatus, furniture, fitting, tools, implements, vessels, containers, receptacles and vehicles in a clean, hygienic and good condition at all times;
- (d) prevent any waste accumulating on the premises and provide proof when required of safe disposal of recycled or hazardous related waste materials,
- (e) prevent the emission of noxious, injurious or offensive gases, fumes, vapours or dust generated during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of any material on the premises; and
- (f) provide and maintain effective measures to preclude the open attraction of pest and to prevent the breeding thereof.

#### 118. Liquid refuse from bone and tripe boiling

- (1) Every bone boiler and every tripe boiler must adequate cool all waste water before it is discharge into any sewer or other receptacle.
- (2) The cooling process referred to in subsection (1), must take place in a manner that prevents the generations of any noxious and injurious effluent.

#### 119. Liquids, tanks and tubs in leather making

Every fellmonger, leather dresser or tanner must

- a. renew and dispose of the liquid from every tank or other receptacle used on the premises to wash or soak any skin or hide, other than a lime pit, at adequate intervals and in and adequate manner,
- b. clean the entire tank or other receptacle every time it is emptied;
- c. clean every tub or other receptacle used to contain a solution of the material known as "pure"

#### 120. Storage or rags, bones and waste

No trader in rags, bones or waste may place or store, or cause or permit to be stored, rags, bones or waste in any part of the premises concerned which is

- a. inhabited by people; or
- b. not adequately ventilated.

## CHAPTER 13

### SECONDHAND GOODS

#### 121. Definitions

In this Chapter, unless context otherwise indicates

"secondhand goods business" means any business in which used goods and materials are sold, including, without limitation –

clothing, furniture, scrapped motor vehicles, footwear, timber, building bricks or blocks, building material or fittings, machinery, drums, tins, bottles, packing cases, boxes, crates or other containers, metal, rags, plastic bags, paper or any other material, which has previously been used; and bones or tallow.

#### 122. Requirements for premises

No person may operate a secondhand goods business in or on any premises which do not comply with the following requirements:

- (a) any section of the premises where secondhand goods are stored and handled must be enclosed by walls constructed of brick, rock or concrete, with a minimum height of two metres;
- (b) all gates to the premises must be of solid construction with a minimum height of two metres;
- (c) all materials must be stacked or stored below the height of the perimeter screening;
- (d) adequate lighting and ventilation, as prescribed in the National Building Regulations and Building Standards Act must be provided;
- (e) all storage areas must be paved with cement, concrete or other approved impervious material;
- (f) all backyard surface and open spaces of the premises must be graded and drained to allow for the effective runoff of all precipitation;
- (g) adequate sanitary fixtures for both sexes employed on the premises must be provide, as prescribed in the National Building Regulations and Building Standard Act;
- (h) an adequate number of refuse containers must be provided.
- (i) adequate separate change rooms for males and females, where five or more persons of the same sex are employed, must be provided containing
  - (i) an adequate metal locker for every employee;
  - (ii) a wash hand basin provided with a supply of running hot and cold potable water; and
  - (iii) an adequate supply of soap and disposable towels at every washhand basin;
- (j) if no change rooms has been provided in terms of paragraph (i) – (k)
  - (i) a wash hand basin with a supply of running hot and cold potable water, must be provided in accessible position; and
  - (ii) an adequate metal locker must be provided for every employee in the work area.

### 123. Duties of secondhand goods traders

Any person who conducts a secondhand goods business must

- a. store secondhand goods in a backyard, building or open space that is constructed of an approved material in such a manner as to prevent the harbourage of rodents or other vermin and pests;
- b. ensure that no water accumulates in any article stored on the premises;
- c. ensure that goods are stored in such a manner as to prevent the pollution of the surrounding environment which includes but is not limited to air, water or soil.
- d. keep the premises in a clean, neat and sanitary condition at all times;
- e. immediately on receipt, disinfect all furniture, soft furnishings, clothing, bedding or other

- fabrics in an adequate manner;
- f. keep any other articles separate from articles which have been disinfected; and
- g. label all articles which have been disinfected in a conspicuous place on each article.

## CHAPTER 14

### HAIRDRESSING, BEAUTY AND COSMETOLOGY SERVICE

#### 124. Definitions

In this Chapter, unless the context otherwise indicates

“body piercing” means the piercing of the skin for the purpose of inserting any foreign object;

“cosmetology or beauty service” includes, but is not limited to anyone or more of the following services:

- d. Manicure, pedicure, nail technology, or the application of false or artificial nails or nail extensions, whatever the substance used;
- e. eyebrow shaping and plucking including the application of false or artificial eyebrows or eyelashes and tinting of eyelashes
- f. cosmetic and camouflage make up of the face and its features, whether by permanent, semi permanent or temporary means;
- g. facial skin care;
- h. removal of unwanted or superfluous hair from any part of the body by any means, other than shaving , including by means of waxing, chemical depilatories., electrical or mechanical means, whether or not any apparatus, appliance, heat, preparation or substance is used in any of these operations;
- i. body piercing and tattooing for cosmetic purposes;
- j. massaging;
- k. body bronzing by means of ultraviolet radiation or any similar method, or
- l. body contouring including all forms of slimming;

‘hairdressing’ includes, but is not limited to, any one or more of the following services:

- (a) Shampooing and cleansing , conditioning and treating hair;
- (b) chemical reformation of the hair including permanent waving, relaxing and straightening of the hair;
- (c) hair coloring , including tinting, dyeing and coloring by means of permanent, semi permanent or temporary means, including the use of color rinses, shampoos, gels or mousses and lightening by means of tints, bleaches, highlights or high lifting tints or tones;
- (d) hair cutting and shaping
- (e) barbering services including shaving and singeing of hair; or
- (f) the adding to hair of natural and artificial hair and hair extensions, board work,

- pastiche, wig making or the performing of any operation specified in paragraphs (a) to (e) on a wig or hairpiece to be worn by any person; or
- (g) trichology and trichological treatment of the hair including the treatment of abnormalities and disorders of the hair;

“salon” means any place where any or more of the following services are performed for gain:

- (h) hairdressing service;
- (i) cosmetology on beauty services;
- (j) body piercing and tattooing; or
- (k) massaging services;

“salon service” means any one or more or a combination of the practices or services generally and usually performed by a person rendering service in the hairdressing, cosmetology or beauty service industry including any message, body piercing and tattooing service

#### 125. Permit requirement

No person may operate a salon except in terms of permit authorizing that activity

#### 126. Requirement for premises

No person may operate a salon on any premises which do not comply with the following requirements:

- a. adequate lighting and ventilation, as prescribed in the National Building Regulations and Buildings Standards Act, must be provided;
- b. all shelves, fixtures and table tops on which instruments are placed must be constructed of an approved material that is durable, nonabsorbent, and easy to clean;
- c. water and toilet facilities must be provided as prescribed in the National Building Regulations and Building Standards Act;
- d. adequate, separate facilities, with a supply of running potable water, must be available for the washing of hair and hands;
- e. an approved system for the disposal of waste water must be provided;
- f. adequate storage facilities must be provided;
- g. the walls and floors must be constructed of a material that is easy to clean and which prevents cut hair from being dispersed, and
- h. the premises may not be used for the storage and preparation of food or for sleeping unless any area for that purpose is clearly separated by an impervious wall.
- i. adequate separate changerooms for males and females, where five or more persons of the same sex are employed, must be provided containing –
  - (i) an adequate metal locker for every employee;

- (ii) a washhand basin provided with a supply of running hot and cold potable water; and
- (iii) an adequate supply of soap and disposable towels at every washhand basin;
- j. if no changerooms has been provided in terms of paragraph (i) –
  - (i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
  - (ii) an adequate metal locker must be provided for every employee in the work area.

## 127. Duties of salon operators

Any person operating a salon must

- a. maintain the premises, tools, equipment and clothing in a hygienic and good condition at all times;
- b. equip the premises with an adequate means to disinfect and sterilize instruments and equipment that may come into direct contact with any customer's hair or skin;
- c. provide employees on the premises with approved protective clothing and equipment;
- d. collect all hair clippings and other waste in an approved container after every service;
- e. store or dispose of waste in an approve manner;
- f. adequately train any person working on the premises on health and hygiene matters;
- g. not permit any animal on the premises unless it is guide dog accompanying a blind person, and
- h. ensure that any employee working with the public with an open wound on their hands or with a communicable skin condition to take the necessary precautions.
- i. ensure that every person working in the salon complies with the requirements of this section and section 128 and 129.

## 128. Required minimum health standards for the operation of a salon

Any person operating or employed in, a salon must take the following measures:

- a. adequately disinfect all the instrument after each use;
- b. adequately sterilize the following instruments after each use;
  - (i) any instrument used for body piercing or tattooing
  - (ii) any instrument which has come in contact with blood or any other body fluid;
- c. wash and clean all plastic and cloth towels after each use;
- d. dispose of all disposable gloves or other disposable material after each use;
- e. wash all aprons and caps daily;

- f. wash his or her hands with soap and water or disinfectant before and after rendering each service to a client;
- g. wear disposable gloves when providing one of the following salon services:
  - (i) any chemical services;
  - (ii) any hair implant;
  - (iii) body piercing; and
  - (iv) tattooing;
- h. wash all walls, floors, chairs and other surfaces in the premises at least once a day with a disinfectant or household detergent;
- i. dispose of all waste water, sharp instruments, bloodied and otherwise contaminated towels and towelling paper in an approved manner;
- j. store razors, blades, needles and other sharp instruments separately in a 'sharp instrument' container;
- k. adequately treat any injury or wound which may occur on the premises
- l. clean and disinfect all surface that have been contaminated by blood after each service;
- m. keep an approved first aid kit on the premises at all times as prescribed by the Occupational Health and Safety Act 1993 (Act No. 85 Of 1993);
- n. All tubes and needles must be stored in single service, sterile, sealed autoclave bags that must be opened in the present of the client.

Only professional tattooing and body piercing machines designed and assembled in a manner which prevents contamination of sterilized needle sets may be used for applying permanent tattoo's or body piercing

#### 129. Prohibition against the use of salon premises for other purposes

- (1) Any person operating a salon must ensure that the premises are used exclusively for that purpose.
- (2) Any person who wants to prepare any beverage for customers on the premises of a salon, must provide a separate area, equipped with a facility for cleaning crockery and utensils, for that purpose

## CHAPTER 15

### DRYCLEANING AND LAUNDRY ESTABLISHMENTS

#### 130. Definitions

In this Chapter, unless the context otherwise indicates

“dry-cleaning or laundry business” means any business in which clothes or other fabrics are cleaned with water or other solvents, or clothes or fabrics are ironed,

“dry-cleaning or laundry receiving depot” means premises used for the receipt, storage and dispatch of clothes or other fabrics in connection with a dry cleaning or laundry business.

### 131. Premises for dry-cleaning or laundry business

No person may conduct a dry cleaning or laundry business on premises which do not comply with the following requirements:

- a. workroom or area used for housing dry-cleaning machines, washing machines, ironing boards, presses and other fixed or movable equipment, with a minimum unobstructed floor area of 2,5 m<sup>2</sup> per person employed on the premises, must be provided;
- b. adequate separate areas for marking clean and dirty articles must be provided with:
  - i. tables with an impervious surface;
  - ii. adequate washable containers for dirty articles; and
  - iii. hanging rails and shelves constructed of an impervious material in the area for marking clean articles;
- c. a separate room or area with separate designated counters, with impervious surface, must be provided for the receipt and dispatch of articles; and
  - iv. a storeroom or facility for the storage of packing material and other articles must be provided and equipped with adequate packing shelves of which the lowest shelf must be at least 250 mm above floor level; adequate separate change rooms for males and females, where five or more persons of the same sex are employed, must be provided containing –an adequate metal locker for every employee;
  - v. a wash hand basin provided with a supply of running hot and cold potable water, and
  - vi. an adequate supply of soap and disposable towels at every wash hand basin,
- d. if no change rooms has been provided in terms of paragraph (e)
  - vii. a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
  - viii. an adequate metal locker must be provided for every employee in the work area;
- e. a tea kitchen with a single basin stainless steel sink, with a supply of running hot and cold potable water, must be provided;
- f. separate toilets for males and females must be provided which comply with the provisions



- of the National Building Regulations and Building Standards Act;
- g. every toilet and change room must be clearly gender designated;
- h. all internal walls must be constructed of an impervious material, brought to a smooth finish and painted with a light-colored washable paint;
- i. all ceilings must be dustproof, smoothly finished, and painted with a light colored washable paint;
- j. all floor surfaces must be constructed of cement or some other adequate impervious material, brought to a smooth finish and property drained;
- k. the minimum height from floor to ceiling of any room or area must be 2,4 meters;
- l. adequate lighting and ventilation, as prescribed by the National Building Regulations and Building Standards Act must be provided;
- m. all machinery and equipment must be equipped with adequate suction fans to remove any noxious gas, steam and hot air from any room and to release it in the open air in an adequate manner;
- n. all machinery and equipment must be placed so that there is free access to all areas around and underneath each machine or item of equipment, to enable those areas to be adequately cleansed; and
- o. a separate prerinsing area must be provided on any premises where nappies are laundered.

#### 132. Premises for dry-cleaning or laundry receiving depots

No person may operate a dry-cleaning or laundry receiving depot on premises which do not comply with the following requirements:

- a. A separate room or area with a minimum width of two metres must be provided for the receipt and dispatch of articles;
- b. fifty percent of the floor space of the room referred to in paragraph (a) must be unobstructed;
- c. a wash hand basin with a supply of running potable water must be provided;
- d. an adequate supply of soap and disposable towels must be provided at every wash hand basin;
- e. all internal wall and ceiling surface must be constructed of an impervious material, brought to a smooth finish and painted with a light-colored washable paint;
- f. all floor surfaces must be constructed of cement or other impervious material, brought to a smooth finish;
- g. lighting and cross ventilation, as prescribed by the National Building Regulations and Building Standards Act, must be provided;
- h. adequate washable containers for storing dirty articles must be provided;
- i. adequate quantities of hanging rails or impervious shelves for the storage of clean articles must be provided;
- j. adequate designated counters, with impervious surfaces, must be provided separately for the receipt and dispatch of dirty and clean articles; and

- k. an adequate metal locker must be provided for every person employed in the receiving depot.

### 133. Premises for coin operated laundries

No person may operate a coin operated laundry on premises which do not comply with the following requirements:

- a. separate toilet and hand washing facilities for the different sexes, as prescribed in the National Building Regulations and Building Standards Act, must be provided;
- b. an adequate area must be provided where ironing is done on the premises; and
- c. any machine on the premises must be installed in accordance with any applicable law.

### 134. General requirements for dry-cleaning and laundry business

Any person conducting a dry-cleaning or laundry business or in charge of premises on which dry-cleaning, laundry or receiving depot exists, must

- a. keep the premises, all fittings, equipment, appliances, machinery, containers and business vehicles in a clean, hygienic and good condition at all times;
- b. separate dirty articles from clean articles at all time, including when in transit;
- c. use a change room solely for changing;
- d. ensure that every person who handles clean or dirty articles wears adequate protective clothing at all times
- e. keep protective clothing in a clean and sound condition at all times;
- f. store protective clothing in a locker when it is not being worn;
- g. affix the name and business address, in clear lettering, to the outside of any business vehicles;
- h. ensure that the premises are not directly connected to any food premises, new clothing shop, hairdresser or any other area from which contamination might occur;
- i. comply with the requirements of the following legislation at all times:
  - ix. the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) as amended;
  - x. the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)as amended;
- j. place all piping in the building, not chased into the walls, at least 100 mm away from all walls or floors and comply with the provisions of the National Building Regulation and Building Standards Act;
- k. insulate all steam piping with an adequate material, and
- l. dispose of all waste water in an approve manner.

## CHAPTER 16

## SWIMMING POOLS AND SPABATHS

## 135. Definitions

In this Chapter, unless the context otherwise indicates

“spa bath” means a structure constructed of an approved material, provided with a controlled circulating water supply and used for bathing, excluding a spa bath situated at a private home which is not used for commercial purpose;

“spa bath keeper” means any person who owns or controls the operation of a spa bath;

“swimming pool” means a structure with a controlled water supply used for swimming or bathing , including a children’s swimming and paddling pool, but excluding a swimming pool at a private home which is not used for commercial purposes;

“swimming pool keeper” means any person who owns or controls the operation of a swimming pool.

## 136. Requirements for premises

No person may operate a swimming pool or spa bath in or on any premises which do not comply with the following requirements:

- a. readily accessible change rooms, showers and toilet facilities must be provided separate for each sex in compliance with the National Building Regulations and Building Standards Act;
- b. every swimming pool must be surrounded by a wall or fence as prescribed by the National Building Regulations and Building Standards Act or be covered with a SABS approved pool net;
- c. the surface of the floor area surrounding any spa bath or swimming –pool must be constructed of an impervious, nonslip material;
- d. an approved chemical gas mask must be provided at the chlorinator installation;
- e. if so instructed in writing by an Environmental Health Practitioner, an oxygen or air breathing apparatus must be provided, and
- f. an adequate number of refuse receptacles must be provided on the premises.

## 137. Duties of spa bath keepers

Every spa bath keeper must

- a. keep the premises in a safe, clean and sanitary condition and in good repair at all times;
- b. provide a properly maintained approved firstaid kit in a prominent, easily accessible

- and protected position;
- c. purify, treat and maintain the spa bath water to an adequate quality level at all times;
- d. provide and maintain, in good working order, equipment for testing the quality of the spa bath water
- e. be capable of undertaking routine tests on the water quality in the spa bath and interpreting the test results; and
- f. maintain a daily record of the spa bath water quality.

### 138. Duties of swimming pool keepers

Every swimming pool keeper must

- a. keep the premises in a safe, clean and sanitary condition at all times;
- b. provide a property maintained approved first aid kit in a prominent, easily accessible and protected position;
- c. be qualified and proficient in life saving, rendering first aid, use of a resuscitation appliance, the operation of the swimming pool and testing and maintaining the safety of swimming pool water;
- d. ensure that the swimming pool water is purified, treated and maintained to an adequate quality at all times:
- e. provide and maintain, in proper working order, equipment for testing the quality of the swimming pool water;
- f. be capable of undertaking routine tests on the water quality in the swimming pool and interpreting the tests results, and
- g. maintain a daily record of the swimming pool water quality.

### 139. Water supply

(1) Unless the prior written approval of an Environmental Health Practitioner has been obtained, no person operating a spa bath or swimming pool may use water from a source other than a municipal supply to clean, fill or maintain the water level in a swimming pool or spa bath.

(2) An Environmental Health Practitioner must

- (a) take samples of a swimming pool or spa bath water, at intervals which he or she considers appropriate for the purpose of a chemical analysis or bacteriological examination of that water;
- (b) submit the samples to an analyst authorized in terms of section 12 of the Foodstuffs, Cosmetics and Disinfectants Act, Act 54 of 1972 to conduct an analysis.

### 140. Safety of water

Every spa bath keeper and swimming pool keeper must ensure that the water in the spa bath or

swimming pool complies with the following requirements:

- a. it must be free from floating, suspended or settled debris or swimming organisms and the walls, floor, access ladders or steps and gutters must be free from slime and algae;
- b. the pH value of the water must be not less than 7 and not greater than 8;
- c. where chlorine based disinfectants are used, a minimum free available chlorine residual of 0,5 mg/l, with a maximum free available chlorine residual of 3 mg/l, must be maintained,
- d. if a disinfectant other than chlorine is used, the residual level must be equivalent in effect to the requirements of paragraph (c);
- e. the total viable bacteriological count of any sample submitted for analysis, must not exceed 100 organisms per ml of water; and
- f. Escherichia coli type 1 bacteria must not be present in any 100 ml of water.

#### 141. Order and behavior

No person may

- a. interfere with a spa bath keeper or swimming pool keeper in the execution of his or her duties;
  - b. allow any dog or other pet belonging to him or her or under his or her care to enter or to remain within the premises of a spa bath or swimming pool, unless it is a guide dog accompanying a blind person;
  - c. enter or remain in any premises of a spa bath or swimming pool if he or she knows or suspects that he or she may be suffering from any communicable or contagious disease; and
- urinate, defecate, spit or blow his or her nose in a spa bath or swimming pool.

## CHAPTER 17

### ACCOMODATION ESTABLISHMENTS

#### 142. Definitions

In this Chapter, unless the context otherwise indicates

“accommodation establishment” means any place in which accommodation is provided for gain to four or more people, with or without meals;

“dormitory” means a sleeping room in which sleeping accommodation is provided for four or more persons.

“dwelling house” means a single building designed for use as a residence for a single family.

“dwelling unit” means an inter-connected suite of rooms which include kitchen or scullery, designed for occupation by a single family other than a dwelling house, irrespective of whether such unit is a single building or forms part of a building containing two or more such units.

“family” means a man or women or both or one of both partners, of a same sex relationship, with or without their parents and with or without the children of one or the other or both of them , living together as one household

#### 143. Permit requirement

No person may operate an accommodation establishment except in terms of a permit authorizing that activity.

#### 144. Requirements for premises of accommodation establishments

No person may operate accommodation establishments on premises which do not comply with the following requirements:

- a. No room wholly or partly used by persons for sleeping in may be occupied by a greater number of persons that will allow
  - i. less than 11,3m<sup>3</sup> of free air space and 3,7 m<sup>2</sup> of floor space for each person over the age of 10 years; and
  - ii. less than 5,7m<sup>3</sup> of free air space and 1,9 m<sup>2</sup> of floor space for each person under the age of 10 years;
- b. no latrine, passage, staircase, landing, bathroom, cupboard, out building, garage, stable, tent, storeroom, lean-to, shed, kitchen, dining room, food preparation area, cellar or loft may be used as sleeping accommodation;
- c. if a dormitory is provided on the premises –
  - i. a single bed, manufactured of metal or some other durable material and equipped with a mattress, must be provided for every person housed in the dormitory;
  - ii. a separate locker must be provided for every person making use of the dormitory for safeguarding the person’s clothing and other possessions;
  - iii. every bed in a dormitory must be so placed that its sides are at least one meter away from any part of any other bed;
- d. an accommodation establishment must be provided with

- (i) an area of the preparation and cooking of food, adequate for the use of and easily accessible to any occupier residing in the accommodation establishments;
  - (ii) adequate separate wash-up facilities; and
  - (iii) where meals are provided to persons housed in the accommodation establishment, a dining room or adequate dining area with tables and chairs or benches and unobstructed floor area, including the area occupied by tables, chairs and benches, of at least 1,2 m<sup>2</sup> for every seat provided for dining purposes; (Such establishment to comply with the provisions of R918 of the National Building Regulations and Building Standards Act.).
- (e) (i) an accommodation establishment must be provided with one or more showers, each suitably placed in a separate compartment, easily accessible to every occupier, and fitted with
- (ii) waste pipes which comply with the provisions of the National Building Regulations and Building Standards Act.
  - (iii) a bath fitted with a waste pipe may be substituted for each shower referred to in subparagraph (i)
- the facilities referred to in subparagraphs (i) and (ii) must be designated for the different sexes;

an accommodation establishment must be provided with sanitary fixtures as prescribed in the National Building Regulations and Building Standards Act and such fixtures must be designated for the different sexes;

- (a) an accommodation establishment must be provided with an adequate supply of hot and cold running potable water;
- (b) all rooms and passages must be provided with adequate ventilation and lighting as prescribed in the National Building Regulations and Building Standards Act;
- (c)
- (d) openings such as doors, windows or fanlights may not be obstructed in a manner that interferes with the lighting or cross ventilation they provide;

- (j) (i) a separate room with approved containers must be provided for the storage of dirty articles used in connection with an accommodation establishment, pending removal to be laundered; and
  - (ii) if articles used in connection with an accommodation establishment are laundered on the premises, a separate approved washing, drying and
- ironing areas equipped with the necessary facilities for this purpose must be provided.

a storeroom for the storage of furniture and equipment and a separate linen room with cupboards or shelves for the storage of clean bed and other linen, towels, blankets, pillows and other articles used in connection with an accommodation establishment, must be provided;

- (a) (i) All walls and ceilings must have a smooth finish and be painted with a light coloured washable paint, or have some other approved finish;
- (ii) The floor surface of every kitchen, scullery, laundry, bathroom, shower, ablution room, toilet and sluice room must be constructed or concrete or some other durable, impervious material brought to a smooth finish;
- (iii) the floor surface of every habitable room must be constructed of an approved material;
- (m) the following facilities must be provided for people who are employed and also reside on the premises:
  - i. Sleeping quarters equipped with a bed, mattress and locker which comply with the provisions of paragraphs (a), (b) and (c) for each employee; and
  - ii. if employees are not provided with meals in the accommodation establishment, food preparation and dining facilities that comply with the provisions of paragraph (d).
- (n) adequate changing facilities must be provided for nonresident employees;
- (o) adequate ablution and sanitary facilities, which comply with the provisions of paragraphs (e) and (f), must be provided for resident and nonresident employees;
- (p) an adequate refuse holding area must be provided and an approved refuse removal system must be maintained,
- (q) all walls, floors and roofs must be constructed in a manner which prevents wind or rain entering an accommodation establishment or dampness entering the interior surfaces of any wall or floor;
- (r) All accesses to an accommodation establishment must have a door which when closed, prevents the wind or rain entering the premises; and
- (s) All windows must be constructed in a manner that prevents rain entering the accommodation establishment when the windows are closed.

#### 145. Duties of operators of accommodation establishments

Every person who conducts an accommodations establishment must

- a. keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hanging and other soft furnishings, table linen, bed linen, and other bedding,



- towels and cloths of whatever nature used in connection with the accommodation establishment, in a clean, hygienic and good condition at all times;
- b. clean and wash any bed linen, towel, bath mat or face cloth after each use by a different person;
  - c. take adequate measures to eradicate pests on the premises;
  - d. provide a container made of a durable and impervious material, equipped with a close-fitting lid, in every toilet used by females;
  - e. provide towel rails or hooks in every bathroom and in every room in which there is a wash hand basin or shower;
  - f. store all dirty linen, blankets, clothing, curtains and other articles used in connection with an accommodation establishments in the manner provided in section 145(j);
  - g. store all clean linen, towels, blankets, pillows and other articles used in connection with the accommodation establishment in the manner provided in section 145 (k);
  - h. keep all sanitary, ablution and water supply fittings in good working order;
  - i. keep every wall, surface and ceiling, unless constructed of materials not intended to be painted, painted at the intervals to ensure that the area painted, remains clean and in a good state of repair; and
  - j. handle refuse in the manner provided in section 145(p).
  - k. must ensure compliance with R918 of the National Building Regulations and Building Standards Act if food is provided to the occupants.

## CHAPTER 18

### CHILD-CARE SERVICE

#### 146. Definitions

In this Chapter, unless the context otherwise indicates

“adequate” and “suitable” means adequate or suitable as the case may be, in the opinion of the Head of Health or an Environmental Health Practitioner.

“approved” means approved by the Head of Municipal Health Services in a municipality or an Environmental Health Practitioner, regard being had to the reasonable public health requirements of the particular case, or to the physical and mental health of the children, as the case may be.

“best available method” means the method available that will best prevent disease.

“child” means a child admitted to a preschool institution in terms of these Guidelines.

“domestic staff” or “general worker” means staff employed in a preschool institution for cleaning, cooking and other related work.

“head of municipal health services” means the person appointed by the municipality as such

“health certificate” means a health certificate issued in terms of these Bylaws

“health certificate holder” means a natural person or a partnership, or an association of person, to whom a health certificate has been issued in terms of section 149 of these ByLaws.

“municipal health service” means services as defined in section of the National Health Act. 61 of 2003

“municipality or municipality” means a Metropolitan Municipality, District Municipality, Local Municipality as defined in section 155 of the Constitution of RSA, Act 108 of 1996, or as defined in Municipal Structures Act, No. 117 of 1998.

“preschool institution” means any undertaking or institution involving the custody, care or tuition or any combination of these functions, during the whole or part of the day on all or any of the days of the week of children under the age of seven years, or the building or the premises maintained or used for the purpose of conducting such undertaking

“registered Body” means the National Department or Municipality authorized to issue a registration certificate

“registration certificate” means a certificate issued by the authorized National Department.

#### 147. Application of Guidelines

These guidelines shall apply to all preschool institutions. The Head of Municipal Health Services or an Environmental Health Practitioner when implementing these guidelines shall apply the principle of best available method.

#### 148. Health Certificate

- (a) No person or body of persons shall conduct a preschool institution unless such person or body of persons is in possession of a health certificate to the effect that the premises, general health facilities and services to which such health certificate relates, comply with these Bylaws, such certificate shall state:
- (i) the number and both minimum and maximum age of the children permitted to be kept on such premises.
  - (ii) the hours during which such preschool institution may operate.
- (b) The head of municipal Health Services shall issue the Health certificate

contemplated in paragraph (a) if he/she is satisfied that the these bylaws are complied with.

- (c) A health certificate issued is not transferable.

#### 149. Requirements of Premises for Accommodation of Children between three and seven years

##### (1) General

- (a) (i) A room adequate in size to be used for the purpose of isolating a sick child must be provided.
- (ii) Such room must have a minimum area of 6m<sup>2</sup> and where more than 50 children are cared for this room must be a minimum of 12m<sup>2</sup> to be used as an office as well.
- (iii) Such room be provided with a wash hand basin and at least one 25 litre closed container with potable water.
- (iv) An approved first aid kit must be provided
- (v) A bed or stretcher or other approved sleeping equipment must be provided.

Adequate storage facilities for food, stretches, sleeping mats, bedding, linen, indoor and outdoor play equipment must be provide.

- (a) Separate storage facilities for the personal belongings of each child and staff member must be provided.
- (b) Sanitary and ablution facilities for children shall have:
- (i) Ready access between the outdoor play area and the toilet facilities.
- (ii) There must be one toilet pan or bucket for every twenty children which must be provided with a lid to be kept closed at all times except for the time it is being used.
- (iii) Each toilet pan or bucket must be emptied and sanitized after each use thereof
- (iv) The toilet pan or bucket must be emptied into an approved toilet which is either a pit latrine or other approved closet.
- (v) There must be hand washing facilities with water next to the toilets pans or bucket.
- (vi) There must be one wash hand basin for every 20 (twenty) children
- (vii) The wash hand basin and buckets for the toilets must be of a suitable size and height for the children.

- (viii) The toilet pan/bucket must be placed in such a way as to be enclosed and screened from the public.
  - (ix) An adequate number of bins with self closing lids for disposal of paper, towels, tissues and other waste articles must be provided.
  - (x) A minimum of one towel for each child's individual use must be provided unless the Head of Health Services or an Environmental Health Practitioner permits the use of disposable paper towels.
  - (xi) Individuals pegs or nodes for each child's towel which shall be placed 225 mm apart and within child's reach and marked in such a manner as to be easily recognized by each child must be provided.
  - (xii) A reasonable supply of toilet paper, tissue and soap available to the children must be provided.
  - (xiii) There must be a supply of about 25 liters of potable water in the toilet and at wash hand basins.
- (c) Sanitary and ablution facilities for staff:
- (i) Shall have one toilet and one wash hand basin for every 15 persons or part thereof.
  - (ii) Shall have 25 liters of water supply soap, toilet paper and clean towel.
  - (iii) Shall have a bin with self-closing lid or other approved disposal unit installed in each water closet intended to be used by females.
- (d) Separate approved laundry facilities on the premises; unless laundering is done on other approved premises must be provided.
- (e) Indoor Play Area
- Child care premises on which children under school going age are cared for, must be provide with an indoor play area as follows:
- (i) The building or structure may be of wood and iron and be constructed to be securely placed and be able to provide protection from the weather such as strong winds, rain and other conditions.
  - (ii) The interior walls must be brought to a smooth finish and insulated with approved material.
  - (iii) No plastic or cardboard may be used in the construction of the structure.
  - (iv) The floor surface must be constructed of an impervious material such as concrete and brought to a smooth finish.
  - (v) The structure must be rodent proof.
  - (vi) The windows and doors must be positioned to be able to provide cross ventilation and natural lighting.
  - (vii) The windows of all playrooms and isolation areas shall be so designed and installed as not more than 750 mm from the ground.
  - (viii) The indoor play area shall provide at least 1,5m<sup>2</sup> of free floor space per child.

- a) separate indoor play areas shall be provided for the following age groups: under 3 years, 37 years and after school children.
- (ix) The interior part of the roof must be provided with insulating material.
- (f) Outdoor Play Area
  - (i) An outdoor play area which is free of any excavations, projection, levels or any surface which is dangerous or may constitute a safety hazard shall be provided.
  - (ii) A minimum outdoor play area of 2m<sup>2</sup> per child shall be provided.
  - (iii) If no outdoor area is available an approve additional indoor area of 1,5m<sup>2</sup> per child shall be provided
  - (iv) The premises shall have an approved fence and lockable gets to prevent a child leaving the premises on its own and to prevent the entrance or animals or unauthorized person.
  - (v) Separate outdoor play area should be provided for the following different age groups: Under 3 years, 37 years and after school children.

#### 150.Requirements of premises for Children under two years

- (a) Indoor area
  - (i) A nursery for playing eating and sleeping purposes where a minimum indoor area of 1,5m<sup>2</sup> per child is provided.
  - (ii) Cots shall be arranged so that there shall be a minimum space of 500 mm between cots
  - (iv) Adequate heating facilities to be provide in the indoor area.
  - (v) If children aged two years and over are accommodated a separate indoor area must be provided for this group that is able to provide 1,5m<sup>2</sup> per child of available floor space.
- (b) Outdoor area
  - (i) The outdoor area for children under two years must be a minimum of 2m<sup>2</sup> per child for the use of perambulators play pens and outdoor activities.
  - (ii) In high density areas where the preschool is situated in a building, the outdoor area of 1,5m<sup>2</sup> per child must be provided.
  - (iii) If a nursery school which has been registered is conducted on the same premises as a preschool institution for ages 37 years, the nursery and the preschool institution must be separated.
  - (iv) An after school care centre shall not be permitted on the same

premises as a preschool institution, unless in completely separate facilities or unless conducted at different times.

(c) Kitchen

- (i) In addition to the requirement for the kitchen referred to in R962 of the Food ,Drug and Disinfectant of 23 July 2012 , if bottles and teats are used for feeding of children the kitchen shall be increased in size, if in the opinion of the Environmental Health Practitioner it is necessary to have a separate area for milk kitchen purpose.
- (ii) The milk kitchen shall have the following:
  - a) Approved containers for washing bottles and the other for rinsing with adequate, potable water.
  - b) A separate cooling facility for the storage of milk and milk bottles.
- (iii) There must be adequate storage facilities for food line perambulators and other equipment
- (iv) Separate storage facilities for the personal belongings of each child and staff members.
- (v) Sanitary ablution facilities for children under two years shall have the following:
  - a) Ready access to the Nursery school or indoor play area of the nursery.
  - b) A separate sluice area with a minimum size of 3m<sup>2</sup> and which shall have a container with a tight fitting lid for soiled nappies.
    - (i) The sluice area must have a hand washing facility provided with water in a 25l container
    - (ii) Approved chamber pots which can be emptied in an approved toilet must be provided which are accessible and suitable for use by children.
    - (iii) There must be one chamber pot for every five (1:5) children.
    - (iv) Disposable and approved material for cleaning of children wearing nappies must be provided.
    - (v) A minimum of one towel and one face cloth for each child's use must be provided.
    - (vi) Individual pegs or hooks placed at 225 mm apart individually marked must be provided for each child.
    - (vii) There must be an adequate number of bins with self closing lids for disposal of paper, paper towels,

tissues and other waste.

#### 151. After school care facilities

An after school care centre shall not be permitted on the same premises as a pre school institutions, unless in completely separate facilities or unless conducted at different times.

#### 152. General duties and liabilities for compliance with regulations

The health certificate holder shall ensure that the children are at all times properly cared for and supervised and shall:

- (a) Maintain every part of the child care service, including any outdoor area and all structure and equipment in good repair and in a clean and hygienic condition at all times.
- (b) Ensure that all persons on or in the premises are clean in person and clothing and are in good state of health.
- (c) Ensure that no person shall smoke or use any tobacco product in the presence of children.
- (d) Ensure toys, books and other indoor play materials intended for day to day use are available in the indoor play areas and suitably stored so as to be within easy reach of the children.
- (e) Ensure that the children are at all times under the direct supervision of the specified number of adults in the following ratio:
  - (i) One adult supervisor for every 6 babies between 018 months.
  - (ii) One adult supervisor for every 12 children between 18 months and 3 years
  - (iii) One adult supervisor for every 20 children between 3 and 5 years
  - (iv) One adult supervisor for every 30 children between 5 and 6 years
  - (v) One adult supervisor for every 35 children of school going age
- (f) If transport to or from a child care service is provided shall ensure that:
  - (i) The children are supervised by at least one adult apart from the driver during transport.
  - (ii) The doors of the vehicle are lockable and cannot be opened from the inside by the children
  - (iii) No children are transported in the front seat of the vehicle
  - (iv) No babies are placed under the seat of a vehicle
  - (v) The vehicle is not overloaded in terms of any applicable law.
  - (vi) The transport of children are not allowed in the boot of any vehicle
  - (vii) The driver of the vehicle is licensed to transport passengers as stipulated

in the National Road Traffic Act, No 93 of 1996

- (viii) The vehicle is licensed and is in a road worthy condition
- (ix) That when children are transported in the back of an enclosed light commercial vehicle, care shall be taken to ensure that no exhaust fumes enter the enclosed area, and that the said enclosed area is sufficiently ventilated.
- (x) If meals are provided an approved two weekly menu is displayed at place visible to the parents.
- (xi) Meals provided shall be nutritionally balanced and of adequate volume to satisfy the energy needs of the children in each age group.
- (xii) Ensure that all perishable foodstuffs, other than unfrozen fruit and vegetables are stored in cooling facilities able to maintain 0°C or 7°C for milk.

### 153. Resting and Play Equipment

Suitable juvenile seating accommodation and tables shall be provided for each child:

- (i) adequate and approved individual resting or sleeping equipment shall be provided for the separate use of each child
- (ii) An approved blanket for the individual use of each child shall be provided.
- (ii) Adequate, approved and safe indoor and outdoor play equipment shall be provided for the children's use.

### 154. Medical care for Children

- (1) The parent or guardian of the child who becomes ill or has suffered an injury requiring medical attention shall be notified as soon as possible.
- (2) Whenever a child becomes ill or has suffered an injury requiring medical attention, medical assistance shall be summoned for which purpose a telephone shall be easily available.
- (3) Any child who falls ill or has suffered any injury shall receive the necessary care and treatment in the sick bay area, so designated.
- (4) In the event of a communicable diseases, the municipality shall be notified immediately.
- (5) The childcare provider shall ensure that all children have completed basic immunization schedules as deemed necessary.
- (6) The provisions of the Regulations R2438 of 20 October 1987 as amended by R.485 of 23/4/1999, promulgated under the Health Act, 63 of 1977 as amended, regarding communicable diseases and notification of notifiable medical conditions shall apply to child care services.
- (7) All childcare service providers shall be trained in basic first aid.

### 155. Safety Measures

The following measures shall be taken on premises on which childcare services are conducted



- (a) Children shall be adequately protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other article or substances which may be dangerous or cause harm to any child.
- (b) Any slats or rails forming part of an enclosure, security gate, play pen, bed, cot or any other object or structure whatsoever, shall not be more than 75 mm apart and shall be suitably installed and maintained in a good state of repair and if painted only nontoxic paint shall be used.
- (c) All medicines, pesticides, detergents and other harmful substances shall be stored so as not to be accessible to any child and be under lock and key at all times.
- (d) No noxious or poisonous or dangerous plant or shrub shall be permitted on the premises and no animals or birds be kept on the premises without the approval of the Environmental Health Practitioner.
- (e) No person known or suspected to be suffering from infections or contagious disease and no person so suffering, shall be allowed on the premises while in the opinion of the Environmental Health Practitioner or medically trained person, such person is capable of communicating such infections or contagious disease.
- (f) No padding pool, swimming pool or other structure shall be permitted in any childcare service without an approved fencing and safety net.
- (g) The sandpit shall be covered with an approved covering material when not in use.
- (h) The provisions of the Regulation regarding the exclusion of children from day care services on account of infectious diseases made in terms of the National Health Act, Act 61 of 2003 as amended shall apply to all childcare services.
- (i) Any other reasonable measures that may in the opinion of the Environmental Health Practitioner be necessary to protect the children from any physical danger shall be taken by the childcare service on instruction of the Environmental Health Practitioner.
- (j) The premises must comply with fire regulations by providing at least two doors on opposite sides.

#### 156. Application for admission

- (1) The health certificate holder shall ensure that an application form containing the following information is completed by the parent or guardian of a child on admission to child care service.

- (a) The child's name and date of birth
  - (b) Name, address and telephone number of the parent or guardian
  - (c) Place of employment and telephone number of the parent or guardian
  - (d) Name address and telephone number of a responsible person other than the parent or guardian who may be consulted in emergencies
  - (e) Name, address and telephone number of the child referred to, in such form, shall be entered thereon.
- (2) The relevant date of admission and discharge of the child's doctor and permission to consult him.
  - (3) All application forms shall be retained for a minimum of 3 years.

#### 157. Registers

- (1) An admission and discharge register of all children admitted to and discharged from the child care service shall be kept
- (2) A register of attendance shall be kept in which the presence or absence of children shall be noted daily
- (3) Such attendance register shall include the children's respective dates of birth

#### 158. Medical Report

A report containing the following health data shall be obtained from the parent or guardian in respect of each child admitted and cared for:

- (a) Information concerning the child's general state of health and physical condition.
- (b) Operations, illness and any communicable disease which the child has suffered and the relevant dates.
- (c) Details of required immunizations
- (d) Details of allergies and any medical treatment such child may be undergoing.

#### 159. Food Preparation

- (1) An area adequate in size and separate from indoor play area where food is to be handled, prepared, stored or provided to children or for any other purpose shall be provided.
- (2) Such area shall comply with the provisions of Regulations R962 promulgated in

terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972) and be provided.

#### 160. Right of entry and inspection of premises and records

Any duly authorized officer of the municipality may for any purpose connected with the application of these bylaws at all reasonable times and without notice, enter any premises upon which a preschool institutions is conducted or upon which such officer has reasonable grounds for suspecting the existence of such preschool and make such examination, enquiry and inspection thereon as he may deem necessary.

#### 161. Journal

Any person who provides a childcare service must keep a journal, in which any important or outstanding event, including any accident on the premises or during transportation of children, and any explanations is recorded.

#### 162. Suspension or termination of operations

The health certificate holder shall notify the municipality of the suspension or termination of the operations of the preschool institution to which such health certificates relates or in the event of any occurrence as specified in section 3(2).

#### 163. Offences

(1) Any person who fails to give, or refuses access to any official of the municipality duly authorized by these bylaws or by the municipality to enter upon and inspect any premises, if the official requests entrance to such premises, or obstructs or hinders such official in the execution of his/her duties in terms of this bylaws, or who fails or refuses to give information that he/she may lawfully be required to give to such official, or who gives to such official false or misleading information, knowing it to be false or misleading, or who unlawfully prevents any other person from entering upon such premises, shall be guilty of an offence.

Any person who –

- (a) fails or refuses to comply with any provision of these bylaws or any conditions imposed by the Head of Health Services in terms of sub-section 2;
- (b) being a health certificate holder, allows –
  - (i) a greater number of children than the number stated on the health certificate to be enrolled or to be present in the pre school institution to which the health certificate relates;
  - (ii) any child whose age is more or less than the maximum or minimum ages of the children who may be kept on the premises concerned, in terms of the health certificate, to be enrolled at or to be present in such

- preschool institution; or
- (iii) such preschool institution to be operated during hours not stated on such health certificate, shall be guilty of an offence and liable, on conviction, to a fine not exceeding R500 or imprisonment for a period not exceeding 12 months, or both, and in the event of a continuing offence shall be guilty of a separate offence and liable as aforesaid for every day or part of a day during which the offence continues.

(2) Presumptions

If at any prosecution in terms of these bylaws, it is alleged –

- (a) that the owner, lessee or occupier of the premises conducts a pre school institution at such premises, he/she shall prima facie be deemed to have conducted a preschool institution at the said premises, unless the contrary is proved, or
- (b) that any child was of a certain age, such child shall be deemed, prima facie, to have been that age, unless the contrary is proved

164. Withdrawal of health certificate

The Municipality may at its discretion withdraw a health certificate issued in terms of these by-laws, should such health certificate holder be convicted of a breach of the provisions of the bylaws.

## CHAPTER 19

### NURSING HOMES/OLD AGE HOME

165. Requirements

No person may be allowed to operate a nursing home or an Old age home without a valid health certificate issued by an Environmental Health Practitioner;

- (a) The nursing home may either be used for maternity purposes or general practice;
- (b) General requirements for premises apply to these premises as referred to in the National Building Regulations and Building Standards Act (Act No.103 of 1977) as amended
- (c) Separate facilities for patients and staff must be provided;
- (d) Adequate storage facilities must be provided;
- (e) Provision for the handling of the dead must be made;

- (f) The operator must enter into a contract with an approved service provider for the removal of all health care risk waste;
- (g) Provision must be made for electricity supply in case of an emergency;
- (h) Adequate equipment for sterilization or preparation of instruments, dressings and other equipment must be made;
- (i) Milk kitchen must be provided;
- (j) Adequate sluice room must be provided;
- (k) 8.5 square metre must be provided for each bed;
- (l) Ward labels must be provided;
- (m) adequate laundry facilities must be provided;
- (n) The operator must provide staff accommodation;

## CHAPTER 20

### CARAVAN PARKS AND CAMPING GROUNDS

#### 166. Definitions

For the purposes of this chapter, unless the context otherwise indicates

“approved” means approved by the Municipality, regard being had to the reasonable public health requirements of the particular case:

“camp” or “camping” means the erection or use of a temporary or movable structure for the purpose of human occupation, including tents but excluding nonfolding caravans;

“camping ground” means an area of land on which accommodation is provided for camping purposes, whether or not a charge is made for such accommodation;

“camp site” means an area or plot of ground within a camping ground for the accommodation of camper’s party:

“camper’s party” means a party of not more than six persons;

“caravan” means a vehicle, with or without means of selfpropulsion, designed and permanently constructed for sleeping or dwelling purpose, or both, intended for travel, recreation and vocational purposes and having no foundation other than wheels which may be supplemented by stabilizing jacks.

“caravan park” means an area of land on which accommodation is provided for three or more caravans, whether or not a charge is made for such accommodation:

“caravan site” means an area or plot of ground within a caravan park for the accommodation of a caravan and its towing vehicle, if any;

“Park Home” means a movable structure designed and manufactured for habitation purposes.

#### 167. Camping Permit

No person shall without the written permission of the municipality, occupy or permit to be occupied for human habitation, a caravan, camp, park home or other shelter of any description on un-serviced land except on an authorized camping or caravan site.

#### 168. Requirements for Premises

(1)	For each caravan or camp site there shall be provide a clearly demarcated and numbered level area of not less than 120 m <sup>2</sup> with a minimum width of 10m.
(2)	In addition to the area required in terms of subsection (1), there shall be provided, for recreational purposes, an area equal to at least 25% of the gross usable area of the caravan park or camping ground.
(3)	Roadways not less than 5m in width, with a hardened surface, shall be provided so as to afford vehicle adequate access to all caravan or camp sites under all weather conditions, and such roads shall afford free access to a public road.
(4)	The caravan park or camping ground shall be properly and attractively laid out and landscaped, and it shall be a condition that the plan as approved by the Municipality shall be adhered to in every detail by the licensee.
(5)	Approved direction signs, indicating the water closets, urinals, ablution and other facilities required in the caravan park or camping ground in terms of these bylaws, shall be placed at approved points.
(6)	A fence not less than 2m high and meeting with the approval of the Municipality shall be provided to enclose the entire area of the caravan park or camping ground.

The entrance to the caravan park or camping ground, roadways, paths, water closets, urinals, ablution and other facilities, and fire fighting and first aid points, shall be adequately illuminated during the hours of darkness.

- (1) An adequate and constant supply of potable water, shall be available and one permanent stand pipe shall be provided in a convenient position for every four caravan or camp sites, and under every stand pipe tap there shall be a gully trap set in a dished and properly rendered surround and connected to an approved drainage system.
- (2) All bath, showers and wash hand basins shall be provided with an adequate and constant supply of hot and cold running water and shall be fitted with waste pipes suitably trapped and discharging over and into an external gully connected to an approved drainage system.
- (3) Every bathroom or shower cubicle shall have a door which is lockable from the inside and shall be provided with a builtin soap dish. In addition, every bathroom shall be provided with a seat and a wall hook or towel rail of at least 600 mm and every shower cubicle with a disrobing area suitably screened from the shower, a seat and a wall hook or towel rail of at least 600 mm.

#### 169. Sanitary Facilities

The following separate water closet and urinal accommodation shall be provided.

- (1) Males: A minimum of one water closet and 750 mm of urinal space for every eight caravan or camp sites or part thereof. The bucket and channel of the urinal shall be of stainless steel or other approved material.
- (2) Females: A minimum of two water closets and thereafter an additional water closet for every six caravan or camp sites or part thereof in excess of twelve sites. A bin with a self closing lid shall be provided in each water closet.
- (3) The internal wall surface of all bathrooms, shower cubicles and water closets shall be painted with a light colored oil paint or shall be provided with a wall covering of an approved material.
- (4) All water closets, urinals, ablution and other facilities shall be suitably designated and the entrances in the water closets, urinals and ablution facilities shall be screened from public view.
- (5) An approved slop sink unit with an adequate and constant supply of cold running water shall be provided for caravanners and campers where chemical toilets receptacles shall be emptied and cleaned. The unit shall be installed within a separate compartment adjacent to an ablution block with access thereto for both sexes. The floor of such compartment shall be graded and drained to an approved drainage system.

- (6) For every twenty caravan or camp sites or part thereof for the uses of caravanners or campers, a screened or enclosed drying yard and a laundry room equipped with a double bowl stainless steel laundry trough and an ironing board or table shall be provided. The laundry trough shall be provided with an adequate and constant supply of hot and cold running water and fitted with waste pipes suitably trapped and discharging over and into an external gully connected in an approved drainage system. An earthed 15 ampere socket outlet for a three pin plug shall be fitted in the laundry room.
- (7) For every twenty caravan sites or part thereof and for every ten camp sites or part thereof, there shall be provided under a roofed area, on an approved impervious floor, which shall be graded and drained to an approved drainage system, a double compartment wash-up sink unit for the washing of caravanners or camper's culinary utensils.

Any person who contravenes any provisions of section 169 and 170 or any conditions imposed by the municipality is deemed to have committed an offence

## CHAPTER 21

### KEEPING OF ANIMALS

#### 170. Definitions

In this Chapter, unless the context otherwise indicates

“agricultural holding” means the same as defined in the applicable Town Planning Scheme;

“animal” means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, reptile, insects and wild animal;

“aviary” means an enclosure used for the keeping of birds, other than poultry but does not include a portable cage;

“battery system” means the method of keeping poultry or rabbits in cages in either single rows or tier formation within a building or structure;

“cattery” means premises in or upon which –

- (a) boarding facilities for cats are provided ; or
- (b) cats are bred for commercial purposes;



“enclosure” in relation to an animal, means any kraal, pen, paddock, cage or other fenced or enclosed area erected to confine an animal from escaping or roaming freely on the remainder of the premises;

“keeper” means –

- (c) in relation to any animal, the owner of the animal or any other person responsible for feeding and caring for the animal;
- (d) in relation to a battery system cattery, kennels, pet parlor or pet shop means the person who owns the business of which if it forms part of and the person in charge of the premise in which the animals are kept;

“kennels” means premises in or upon which –

- (e) boarding facilities for dogs are provided;
- (f) dogs are bred for commercial purposes;
- (g) dogs are kept for the purposes of being trained or hired out with or without handlers; or
- (h) dogs are kept for commercial security purpose;

“livestock” means horse, cattle, sheep, goats, pigs, mules, donkeys and poultry.

“pet” means a domestic animal, reptile, insect, bird or poultry kept in a household for companionship or amusement:

“pet parlor” means any premises where beauty treatment is given to pets by washing, drying, brushing, clipping, trimming or by attending to their nails or teeth;

“pet shop” means the premises on which the business of keeping and selling of pets is carried out;

“portable cage” means a cage that can be carried around by hand or a cage mounted on wheels used for the keeping of one or more birds.

“poultry” means fowls, ducks, Muscovy ducks, geese, turkeys, pigeons, peacocks and domestic Guinea fowls;

“poultry house” means an roofedover building or structure in which poultry is kept, other than one in which a battery system is operated;

“poultry run” means any unroofed wire mesh or other enclosure in which poultry is kept, whether or not it is attached to a poultry house;

“proclaimed township” means an approved township as contemplated in the Town Planning scheme of the Municipality or a Township approved relating to any prior law relating to townships

“rabbit hutch” means any roofed over building or structure in which rabbits are kept, other than one in which a battery system is operated;

“rabbit run” means any unroofed wire mesh or other enclosure in which rabbits are kept, whether or not it is attached to a rabbit hutch;

“stable: means any building or structure used to accommodate livestock other than poultry;

“wild animal” means an animal of a species that is not generally domesticated and without limitation includes all animals indigenous to South Africa other than domesticated guinea fowls.

## PART 1

### General provisions relating to the keeping of animals

#### 171. Application of chapter

- (1) Subject to the provisions of subsection (2), the provisions of this Part do not apply to
  - (a) any agricultural show where animal are kept on a temporary basis; and
  - (b) any laboratory where animals are kept for research purposes.
- (2) The provisions of section 171 apply to the keeping of animals at any agricultural show and at research laboratory.
- (3) No person may, subject to the provision of section 197, keep or allow to be kept, any animal other than an approved pet on an erf in a proclaimed township, provided the keeping of such pet does not create or constitute a nuisance
- (4) If at any time it appears to an authorized official that the keeping of poultry or rabbits on an erf or agricultural holding, in respect of which a permit has been granted, is likely to constitute a nuisance or danger to the public health, that official may
  - (a) cancel the permit; or
  - (b) prohibit the keeping of such poultry or rabbits.
- (5) An authorized official must serve a notice on the permit holder or the owner of the erf or agricultural holding concerned, informing him or her of a decision in terms of subsection (1) and instruct the owner to comply with the requirements within the period stated in such notice, which must be at least 48 hours.
- (6) An authorized official must as soon as a permit has been cancelled, notify the permit holder of that fact in writing.

- (7) An authorized official may, subject to the foregoing provisions of this section, issue a new permit if he is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

## PART 2

### Keeping of cattle, horses, mules and donkeys

#### 172. Requirements for premises

- (1) No person may keep any cattle, horse, mule or donkey in a stable or enclosure that does not comply with the following requirements:
- (a) Every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material;
  - (b) the internal wall surfaces of the stable must be constructed of smooth brick or other durable surface brought to a smooth finish;
  - (c) the height of the walls to the wall plates of the stable must –
    - (i) if the roof is a pitched roof be 2,4 metres;
    - (ii) if the roof is a flat roof be 2,7 metres;
    - (iii) if the roof is a lean to roof be a mean height of 3 metres with a minimum of 2,4 metres on the lowest side;
    - (iv) in the case of a stable which has an opening along the entire length of one of it's long sides be not less than 2 metres;
  - (d) the stable must have a floor area of at least 9m<sup>2</sup> for each head of cattle, horse, mule or donkey accommodated in it;
  - (e) lighting and ventilation must be provided by openings or glazed opening windows or louvers totaling at least 0,3 m<sup>2</sup> for each animal to be accommodated in it except in the case of a stable open along the entire length of one of its long sides;
  - (f) the lowest point of every opening , window or louvers must be at least 1,8 metres, above floor level;
  - (g) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish graded to a channel and drained in terms of section 198;
  - (h) an enclosure must have an area of at least 10m<sup>2</sup> for each head of cattle, horse, mule or donkey accommodated in it and the fencing must be strong enough to prevent the animals from breaking out;
  - (i) no enclosure or stable may be situated within –
    - (i) 15 metres of the boundary of any land, property, dwelling or other structure used for human habitation; or
    - (ii) 50 metres of any water resource or water supply intended or used

for human consumption; and

- (j) there must be a water supply adequate for drinking and cleaning purposes next to every stable or enclosure.

### 173. Duties of keeper of cattle, horses, mules and or donkeys must –

Any person who keeps any cattle, horse, mule or donkey must

- (a) maintain the premises, and any equipment, apparatus, container or receptacle used in connection with keeping the animal, in a clean and sanitary condition and in good repair,
- (b) provide portable manure storage receptacles of an impervious material and with close fitting lids;
- (c) keep every manure storage receptacle on a platform constructed of concrete or other durable and impervious material near the stable or enclosure;
- (d) if there is so much manure and bedding that storage receptacles are impractical, provide a manure container or area complying with the following requirements:
  - (i) The manure container or area must be roofed and enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish, and
  - (ii) the floor must be of smoothly finished concrete that is inclined so that it drains to a water channel along the full length of the open side, which is at least 150 mm in a diameter and is kept filled with water
- (e) remove all the manure from the stable and enclosure at least once every 24 hours and place it in the manure storage receptacles or manure container or area until it is removed from the premises;
- (f) remove the contents of the manure storage receptacles or manure container or area from the premises at least one every second day and dispose of the manure in a way which will not create a public health nuisance;
- (g) remove all bedding from the stable at least once a week and store it in the manure receptacles or manure container or area until it is removed from the premises;
- (h) store all saddles, bridles, harnesses and other equipment or articles use in connection with the keeping of the animals, in a storeroom or other adequate storage facility;
- (i) store all feed in a rodent proof storeroom and all loose feed in rodent proof receptacles with close fitting lids; and
- (j) Take adequate measures to keep the premises free of pests and to prevent offensive odors arising from the keeping of cattle, horses, mules and donkeys.

## PART 3:

### Keeping of goats and sheep

## 174. Application

The provision of section 175 and 176 also apply to the temporary keeping of a goat on any premises for the provision of milk for medical reasons

## 175. Requirements for premises

- (1) No person may keep goats or sheep in –
  - (a) an enclosure which does not comply with the following requirements:
    - (i) the minimum overall floor area must be 30m<sup>2</sup>; and
    - (ii) at least 1,5 m<sup>2</sup> of floor space must be provided for every goat or sheep accommodated in it, or
  - (b) a stable which does not comply with the following requirements:
    - (i) every wall must be constructed of brick, stone, concrete or other durable material;
    - (ii) every wall must be at least 2 metres in height and have a smooth internal finish;
    - (iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel drained in terms of section 198;
    - (iv) at least 1,5 m<sup>2</sup> of floor space must be provided for every goat or sheep accommodated in it with an overall minimum floor area of 6 m<sup>2</sup>; and
    - (v) lighting and ventilation opening totaling at least 0.15 m<sup>2</sup> per goat or sheep must be provided.
- (2) No person may keep goats or sheep in an enclosure or stable within
  - (a) 15 metres of any boundary of any land, dwelling, building or other structure used for human habitation; or
  - (b) 50 metres of any water resources or water supply intended or used for human consumption.
- (3) Every person must provide a water supply adequate for drinking and cleaning purposes situated next to or in every enclosure or stable used to accommodate goats or sheep.

## 176. Duties of keeper of goats and sheep

Any person who keeps goats or sheep must

- (a) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair;

- (b) provide portable manure storage receptacles of an impervious material and with close fitting lids;
- (c) keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned;
- (d) remove all manure from the enclosure or stable at least once every seven days and place it in the manure storage receptacles;
- (e) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way that will not create a public health nuisance; and
- (f) store all feed in a rodentproof storeroom and all loose feed in rodent proof receptacles with close fitting lids in the storeroom.
- (g) Take adequate measures to keep the premises free of pests and to prevent offensive odours arising from the keeping of goats and sheep.

## PART 4

### Keeping of poultry

#### 177. Application

The provisions of sections 180(d), (f), (g) and (e), do not apply to any person keeping ten or less poultry.

#### 178. Permit requirement

No person may keep more than 10 poultry on an erf in a proclaimed township or 100 poultry on premises zoned for agricultural purposes except in terms of a permit authorizing that activity.

#### 179. Requirement for premises

No person may keep poultry in premises which do not comply with the following requirements:

- (a) In relation to a poultry house
  - (i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
  - (ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish;
  - (iii) the upper floor of a two or more story structure must be constructed of an impervious and easily cleanable material;
  - (iv) the minimum floor area must be
    - (aa) 0,20 m<sup>2</sup> for each grown fowl, duck, muscovite duck or guinea fowl;
    - (bb) 0,5 m<sup>2</sup> for each grown goose, turkey or peacock; and (cc) 0,14

- m<sup>2</sup> for each grown pigeon; and
- (v) the minimum aggregate floor area must be 4m<sup>2</sup>;
- (b) a poultry run, if provided, must be enclosed with wire mesh or other durable material;
- (c) in relation to a building or structure housing a battery system –
- (i) every wall, if provided, must be at least 2,4m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface;
  - (ii) If walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building or structure;
  - (iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and if required by an Environmental Health Practitioner, the floor surface must be graded and drained by means of a channel drained in terms of section 198;
  - (iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its edges;
  - (v) the cages of the battery system must be made of an impervious material; and
  - (vi) if required by an Environmental Health Practitioner, a tray of an impervious material must be fitted under every cage for the collection of manure;
- (d) a water supply adequate for drinking and cleaning must be provided in or next to every poultry house and poultry run and in or next to a building or structure housing a battery system;
- (e) no poultry house, poultry run, or building or structure housing a battery system, may be constructed within 3 metres of –
- (i) any dwelling or other building or structure used for human habitation; and
  - (ii) any place where foodstuffs are stored or prepared for human consumption;
- or
- (iii) the nearest boundary of any land;
- (f) feed must be stored in an adequate rodentproof storeroom,
- (g) adequate washing facilities must be provided for the cleaning of the cages;
- (h) If required by an Environmental Health Practitioner, due to the amount of manure stored on the premises awaiting removal, a storage area complying with the following requirements must be provided:
- (i) A roofed platform constructed of concrete or other impervious material;
  - (ii) the platform's outside edges must have a minimum curb of 100 mm high;

- (iii) the platform must be graded and drained in terms of section 198; and
- (iv) the roof of the platform must extend a minimum of 1 meter beyond the edges of the base of the platform.

#### 180. Duties of keeper of poultry

Any person who keeps poultry must

- (a) ensure that all poultry is kept within a poultry run or building or structure housing a battery system;
- (b) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the poultry, in a clean, sanitary condition and in good repair;
- (c) maintain the premises and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from pests;
- (d) ensure that the poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;
- (e) provide portable manure storage receptacles of an impervious material and with close fitting lids and keep the manure storage receptacles on a platform;
- (f) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every four days from a building or structure housing a battery system;
- (g) place the manure and other waste matter in manure storage receptacles;
- (h) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way which will not create a public health nuisance; and
- (i) take adequate measure to keep the premises free of flies, cockroaches and rodents and to prevent offensive odours arising from the keeping of poultry on the premises.

### PART 5

#### Keeping of rabbits

##### 181. Application

The provisions of section 184(b), (c), (d), (f) and (g), do not apply to any person keeping ten or less rabbits.

##### 182. Permit requirement

No person may keep more than 5 adult rabbits on an erf in a proclaimed township or more than 20 adult rabbits on premises zoned for agricultural purposes, except in terms of a permit



authorizing that activity.

### 183. Requirements for the premises

No person may keep rabbits in premises which do not comply with the following requirements:

- (a) In relation to a rabbit hutch
  - (i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
  - (ii) the floor surface must be –
    - (aa) constructed of concrete or other impervious material brought to a smooth finish;
    - (bb) situated at least 150 mm above ground level, and
    - (cc) graded to a channel drained in terms of section 198, if required by an Environmental Health Practitioner,
  - (iii) adequate ventilation must be provided; and
  - (iv) the rabbit hutch must be adequate in size to allow free unobstructed movement of animals kept therein.
- (b) any rabbit run must be enclosed with wire mesh or other durable material and constructed in a way that prevents the escape of rabbits from the run;
- (c) in relation to a building or structure housing a battery system –
  - (i) every wall must –
    - (aa) be at least 2,4 metres high;
    - (bb) be constructed of concrete, stone, brick or other durable material; and
  - (cc) must have a smooth internal surface;
  - (ii) if walls are provided, the building or structure must be ventilated and lighted by means of natural openings or windows of an area not less than 15% of the floor area of the building or structure;
  - (iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish, and if required by an Environmental Health Practitioner, the floor surface must be graded to a channel drained in terms of section 198;
  - (iv) if no walls are provided, or walls are made of metal, the floor must be provided with curb at least 150 mm high around its outside edges; and
  - (v) every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure;
- (d) a water supply adequate for drinking and cleaning purposes must be provided in or next to every rabbit hutch or building or structure housing battery system;
- (e) no person may erect a rabbit hutch, rabbit run or building or structure housing a

battery system within five metres of

- (i) any dwelling, building or other structure used for human habitation;
  - (ii) any place where foodstuffs are stored or prepared for human consumption; or
  - (iii) the nearest boundary of any land;
- (f) an adequate rodent proof storeroom must be provided for the storage of feed, and
- (g) adequate washing facilities must be provided for the cleaning of cages.

#### 184. Duties of keepers of rabbits

Any person who keeps rabbits must

- (a) keep all rabbits within the rabbit hutch, rabbit run or building or structure housing a battery system;
- (b) maintain the premises and any equipment, apparatus, containers or receptacles used in connection with keeping rabbits, in a clean, sanitary condition and in good repair;
- (c) maintain the premises free from offensive odours and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from pests,
- (d) provide portable manure storage receptacles of an impervious material with closefitting lids which receptacles must be kept on a platform;
- (e) remove all manure and any other waste matter from the rabbit hutch , rabbit run or building or structure housing a battery system, at least once every 48 hours;
- (f) keep the manure and waste in manure storage receptacles until it is removed from the premise; and
- (g) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a way which will not create public health nuisance.
- (h) take adequate measures to keep the premises free of pests.

### PART 6

#### Keeping of birds other than poultry

#### 185. Requirements for the premises

No person may keep any bird, other than poultry, in an aviary which does not comply with the following requirement:

- (a) the aviary must be constructed of durable rodent proof material;
- (b) adequate access must be provided for cleaning purpose;
- (c) if the aviary is constructed above ground level, its base must be constructed of an impervious and durable material and must be situated a minimum of 300 mm above ground level;
- (d) the aviary may not be situated within three metres of any building or structure,

- boundary fence or boundary wall; and
- (e) a water supply adequate for drinking and cleaning purposes must be situated in or next to every aviary.

#### 186. Duties of keepers of aviaries

Any person who keeps birds in an aviary must

- (a) ensure that the aviary and the premises are kept in a clean condition and free from pests;
- (b) provide and use rodentproof facilities for the storage of bird food; and
- (c) ensure that the birds do not disturb the comfort, convenience, peace or quiet of the public.

### PART 7

#### Kennels and catteries

#### 187. Requirements for premises

No person may use premises as kennels or cattery except in terms of a permit authorizing that activity and unless the premises comply with the following requirements:

- (a) every dog or cat must be kept in an enclosure which complies with the following requirements:
  - (i) the enclosure must be constructed of impervious materials and must provide adequate access for cleaning purposes;
  - (ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending the full width of the floor, which channel must be graded and drained into a gully connected to the Municipality's sewer by means of a pipe 100 mm in diameter; and
  - (iii) a curb 150 mm high must be provided along the edge of the channel, referred to in subparagraph (ii), to prevent any storm water runoff entering the channel; and
  - (iv) the enclosure must be adequate in size to allow free unobstructed movement of animals kept therein.
- (b) subject to the provisions of paragraph (c) every enclosure referred to in paragraph (a), must be provided with an adequate roofed shelter that complies with the following requirements:
  - (i) every wall must be made of brick, stone, concrete or other impervious material;

- (ii) every wall must have a smooth internal surface;
  - (iii) the floor must be made of concrete or other impervious material brought to a smooth finish; and
  - (iv) every shelter must have adequate access for cleaning and eliminating pests;
- (c) a dog kennel which complies with the following requirements may be provided instead of the shelter contemplated in paragraph (b):
- (i) the kennel must be constructed of an approved weatherproof and insulating material or other similar material;
  - (ii) the kennel must be movable;
  - (iii) the kennel must be placed on a base constructed of concrete or other impervious material with an easily cleanable finish; and
  - (iv) a sleeping board, which will enable the dog to keep dry, must be provided in any kennel that does not have a waterproof base;
- (d) a concrete apron extending at least one metre wide around the edges of the enclosure must be provided;
- (e) the apron must be graded and drained in a way that drains storm water away for the enclosure;
- (f) a water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the enclosure;
- (g) any cage in which cats are kept must be constructed of durable impervious material and in a manner that it may be easily cleaned; and
- (h) no shelter, enclosure or kennel may be situated within five metres of any –
- (i) dwelling or other building or structure used for human habitation;
  - (ii) place where food is stored and prepared for human consumption; or
  - (iii) the boundary of the premises.

#### 188. Food preparation areas

Any keeper of kennels or cattery who is so instructed by an Environmental Health Practitioner must provide a separate room or roofed area for the preparation of food which complies with the following requirements:

- (a) The floor of the room or roofed area must be constructed of concrete or other impervious material brought to a smooth finish;
- (b) the internal wall surfaces of the room or roofed area must be smooth and easily cleanable;
- (c) adequate washing facilities for food bowls and utensils must be provided; and
- (d) a rodent proof storeroom must be provided for the storage of food.

## 189. Duties of a keepers of kennels or catteries

Any person operating kennels or a cattery must

- (a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
- (b) provide portable storage receptacles, of an impervious material with close fitting lids, for the storage of dog and cat faeces;
- (c) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in paragraph (b);
- (d) remove the contents of the storage receptacles from the premises at least twice every seven days and dispose of it in a manner that will not create a public health nuisance;
- (e) store all loose food in receptacles, with close fitting lids, in the food store;
- (f) provide adequate refrigeration facilities to store perishable foods on the premises;
- (g) provide adequate separate refuse receptacles, with close fitting lids, on the premises for refuse other than faeces;
- (h) keep any sick dog or cat isolated from any other animals; and
- (i) maintain the premises free from offensive odours and every enclosure, shelter, kennel, cage or food store clean and free from pests.
- (j) ensure that no dog or cat disturbs the comfort, convenience, peace and quiet of the public.

## PART 8

## Pet shops and pet parlors

## 190. Requirements for premises

No person may operate a pet shop or pet parlor in or on any premises which do not comply with the following requirements:

- (a) Any wall and partition must
  - (i) be constructed of brick, concrete or other impervious material;
  - (ii) have a smooth and easily cleanable internal surface; and
  - (iii) be painted with a washable paint or other adequate finish:
- (b) all floors surface must be constructed of concrete or other impervious material brought to a smooth finish;
- (c) all ceilings must be dust proof and easily cleanable;
- (d) at least one wash hand basin, with a supply of running hot and cold potable water must be provided for employees and the ratio of wash hand basins to persons employed on the premises must not be less than 1:15
- (e) the wash hand basins, referred to in subparagraph (d), must be drained in terms

- of section 198;
- (f) adequate storage facilities must be provided;
  - (g) facilities for the washing of cages, trays and other equipment must be provided in the form of either –
    - (i) a curbed and roofed over platform with a minimum surface area 1,5m<sup>2</sup> , raised at least 100 mm above the floor and constructed of concrete or other impervious material brought to a smooth finish, which platform must be provided with a supply of running potable water; or
    - (ii) a stainless steel sink or trough of adequate size with a drainage board and provided with a supply of running potable water;
  - (h) the platform, sink or trough referred to in paragraph (g) must be drained in terms of section 198;
  - (i) any wall surface within 0,5 metres of the platform, sink or trough referred to in paragraph (g), must be permanently covered with waterproof material to minimum height of 1,4 metres above the floor;
  - (j) a clearly designated change room must be provided if more than six persons are employed on the premises and every change room must –
    - (i) have a floor area providing at least 0,5m<sup>2</sup> for each employee;
    - (ii) have a minimum overall floor area of 6m<sup>2</sup> and width of two metres; and
    - (iii) be equipped with an adequate metal locker for each employee;
  - (k) if no change room is required in terms of paragraph (j) each employee must be provided with an adequate metal locker;
  - (l) for the purposes of washing, clipping or grooming of pets –
    - (i) a bathroom fitted with a bath, or similar fitting, and a wash hand basin supplied with running potable water must be provided;
    - (ii) a clipping and grooming room fitted with impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids, for the storage of cut hair pending removal, must be provided;
    - (iii) at least 50 % of the floor area of the rooms referred to in subparagraphs (i) and (ii), must be unobstructed; and
    - (iv) the floors of the rooms referred to in subparagraphs (i) and (ii), must be graded to a channel drained in terms of section 198;
  - (m) all buildings, including storage areas, must be rodent proof; and
  - (n) the premises may not have direct internal access with any room or place –
    - (i) used for human habitation;
    - (ii) where clothing is stored or sold; or
    - (iii) where food is prepared, stored or sold for human consumption

## 191. Duties of pet shop or pet parlor keepers

Any keeper of a pet shop or pet parlour must

- (a) provide cages for housing the pets which comply with the following requirements:
  - (i) the cages must be constructed of metal or other impervious material and fitted with a removable metal floor tray to facilitate cleaning;
  - (ii) the exterior cavity of any tubular or hollow material used to construct a cage must be sealed;
  - (iii) the cages must be able to be moved easily;
  - (iv) where rabbits are kept in a cage, the metal floor –tray referred to in subparagraph (i), must be drained to a removable receptacle;
  - (v) the cages must be fitted with a drinking vessel filled with water;
  - (vi) the distance from any cage to the nearest wall must be a minimum of 150 mm;
  - (vii) the cages must be kept a minimum of 450 mm above floor level, and
  - (viii) the space below every cage must be unobstructed;
- (b) provide rodent proof receptacles, of an impervious material and with close fitting lids, for the storage of all loose pet food in the storage facilities required in terms of section 191(f)
- (c) provide adequate refrigeration facilities to store all perishable pet food on the premises;
- (d) ensure that in any room in which the pets are kept –
  - (i) 50% of the floor space is unobstructed; and
  - (ii) the cages are placed a minimum of 800 mm from one another;
- (e) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment or appliances used in connection with the pet shop or pet parlour, in a clean and sanitary condition, free from pests and in good repair;
- (f) provide overalls or other protective clothing for employees and ensure that the employees wear them when on duty;
- (g) provide isolation facilities in which every pet which is, or appears to be, sick must be kept while on the premises;
- (h) provide an adequate supply of potable water for drinking and cleaning purposes;
- (i) provide adequate ventilation to ensure the comfort and survival of the pets; and
- (J) ensure that the number of pets contained in each cage does not impede their free movement.

## PART 9

## Keeping of wild animals

### 192. Requirements for the premises

No person may, without the approval of the relevant nature conservation authorities, keep wild animals on premises which do not comply with the following requirements:

- (a) Every wild animal must be kept in an enclosure and/or housing constructed and equipped as follows:
  - (i) the enclosure and/or housing must satisfy the needs of the specific animal as specified by the relevant nature conservation authorities;
  - (ii) the enclosure and/or housing may not be situated within 50 metres of –
    - (aa) any boundary of the premises;
    - (bb) any dwelling, building or structure used for human habitation; (cc) any dwelling, building or structure where food is stored, handled or prepared for human consumption; or
    - (dd) any water resource intended for domestic consumption;
  - (iii) an adequate supply of potable water for drinking and cleaning purposes must be provided; and
  - (iv) the enclosure and/or housing must be graded and drained in a way that does not pollute any water resource or create a public health nuisance,
- (b) a separate room, equipped with a preparation table and washup sink, supplied with running potable water and drained in accordance with section 198, must be provided for the preparation of food;
- (c) adequate facilities must be provided for washing any cages, trays, crate, refuse receptacles and food containers in the form of either –
  - (i) a curbed platform constructed of concrete or other impervious material brought to a smooth finish; or
  - (ii) a stainless steel sink or trough adequate in size to accommodate the equipment to be washed;
- (d) both facilities referred to in paragraph (c) must be provided with a supply of running water adequate for drinking and cleaning and be drained in accordance with section 198;
- (e) any area and room in which fodder and food are stored must be rodentproof; and
- (f) the enclosure and/or housing must be adequate in size to allow free unobstructed movement of animals kept therein.



### 193. Duties of keepers of wild animals

Any person who keeps wild animals must

- (a) maintain the premises in a clean and sanitary condition at all times;
- (b) clean all manure and food scraps from any enclosure and/or housing at adequate intervals;
- (c) prevent the soil beneath or around any enclosure and/or housing from becoming saturated with urine or polluted by any other matter or liquid; and
- (d) remove all bedding from any housing at least once every seven days and store it in a manure receptacle or manure container or area, until is removed from the premises.

## PART 10

### Keeping of pigs

#### 194. Requirements for premises

No person may keep pigs on premises which do not comply with the following requirements

- (a) Every wall must –
  - (i) be constructed of brick, stone, concrete or other durable material;
  - (ii) have a minimum height of 1,5 metres; and
  - (iii) have a smooth , impervious internal surface;
- (b) the floor area must provide at least 3m<sup>2</sup> for each pig accommodated in the pigsty, with an overall minimum floor area of 6m<sup>2</sup>;
- (c) the roof over any portion of a pigsty must have a minimum height of 1,5 metres;
- (d) except in the case of a roofed structure having one of its long sides completely open, the lighting and ventilation openings must –
  - (i) be situated opposite one another in the external walls, and
  - (ii) provide a minimum of 0,15 m<sup>2</sup> for each pig;
- (e) the floor must be –
  - (i) at least 150 mm above the surrounding ground level;
  - (ii) constructed of concrete or other durable and impervious material brought to a smooth finish; and
  - (iii) graded for the runoff liquids into an open channel outside the pigsty;
- (f) the open channel referred to in paragraph (e)(iii) must

- (i) be constructed of concrete or other durable and impervious material;
  - (ii) be a minimum of 100 mm in diameter; and
  - (iii) be drained in terms of section 198;
- (g) the pigsty must be strong enough to prevent the pigs breaking out,
- (h) the pigsty may not be situated within 100 metres of –
- (i) the boundary of the premises;
  - (ii) any dwelling, building or structure used for human habitation;
  - (iii) any place where foodstuffs are stored or prepared for human consumption; or
  - (iv) any water resource intended for domestic consumption;
- (i) a roofed over concrete platform must be provided for
- (i) the storage of all swill in containers; and
  - (ii) the preparation of pig feed;
- (j) the platform referred to in paragraph (i) must comply with the provisions of paragraph (e) and in addition, must have a curbing of a minimum height of 100 mm on each edge; and
- (k) a water supply, adequate for drinking and cleaning purpose, must be provided in or adjacent to the pigsty.

#### 195. Duties of keepers of pigs

Every person keeping pigs must

- (a) ensure that every pig is kept within a pigsty;
- (b) maintain the premises and any equipment, apparatus, containers and receptacles concerned in a clean and sanitary condition and in good repair;
- (c) provide portable storage receptacles, of impervious material and with close fitting lids, to store manure;
- (d) keep all manure storage receptacles on a platform that complies with the provisions of section 195 (j);
- (e) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles;
- (f) remove the contents of the manure storage receptacles from the premises at least once every second day and dispose of the manure in a manner that will not create a public health nuisance;
- (g) provide a rodentproof storeroom of adequate size in which all feed, other than swill, must be stored; and
- (h) provide rodentproof receptacles, with close fitting lids, in which to store all loose feed.

## Keeping of pets

### 196. Duties of keepers of pets

Any person who keeps pets must

- (a) maintain the premises in a clean and sanitary condition at all times;
- (b) clean all manure and food scraps from any premises at adequate intervals;
- (c) prevent the soil beneath or around any premises from becoming saturated with urine or polluted by any other matter or liquid

## PART 12

### General provisions

#### 197. Drainage

Any person keeping animals must ensure that all sinks, wash hand basins, baths, shower baths, troughs, floor surfaces, channels and washing platforms required to be drained in terms of this Chapter, are drained in accordance with the provisions of the National Building Regulations and Building Standards

#### 198. Requirements for keeping of bees

- (1) No person may keep bees on any premises unless –
  - (a) that person is the holder of a permit authorizing that activity; and
  - (b) every bee hive is situated –
    - (i) a minimum of five metres from any boundary of the premises; and
    - (ii) a minimum of twenty metres from any public place or building used for human habitation or from any place used for the keeping of animals, poultry and birds;
  - (c) the bees are kept in a approved bee hive, and
  - (d) the bee hive is –
    - (i) kept in an area inaccessible to children and animals;
    - (ii) kept in the shade at all times; and
    - (iii) supplied with a source of drinking water within five metres of the hive.
- (2) No person may dump or deposit any garbage, compost, grass cuttings or manure within five metres of any bee hive.

#### 199. Illness attributable to animal, poultry or birds

- (1) The illness of any person, which may be attributed to any animal, poultry or bird kept or handled by that person, must be report to an Environmental Health Practitioner within 24 hours of diagnosis, by the person making the diagnosis.
- (2) An Environmental Health Practitioner may order the removal of an animal, poultry or bird from premises if he or she reasonably believes that the animal poses a public health nuisance or public health hazard.

## CHAPTER 22

### RITUAL SLAUGHTER

Keeping of and slaughtering animals for religious and ceremonial purposes

#### 200. Requirements

- (1) A person intending to slaughter an animal in any place other than in recognizes abattoir must
  - (a) notify the Municipality in writing, fourteen days prior to the event; and funerals are excluded from the minimum of 14 days notification period, a reasonable prior notification must be submitted to the municipality and;
  - (b) submit prior written permission from the owner, tenant or person in control of the land where such a slaughtering will occur if the person who performs the slaughtering is not the owner, tenant or person in control of the relevant land; if the applicant is the owner, proof of ownership must be submitted with the application.
  - (c) obtain prior written permission from Municipality to conduct such a slaughtering.
  - (d) slaughter the animal in a position where the slaughtering cannot be observed by any person on neighbouring premises or any member of the public;
  - (e) use the meat derived from the slaughtered animal solely for the purpose of the religious or ceremonial feast;
  - (f) handle the meat in a hygienic manner at all times;
  - (g) dispose of any portions, faecal deposits and blood of the animal which are not used or consumed, in a manner which will not become a public health hazard or public health nuisance; and
  - (h) not keep such animal on the premises prior to slaughtering for a period

- in excess of 24 hours;
- (i) ensure that the animal does not cause a noise nuisance or disturbing noise whilst being kept for slaughter or being slaughtered.
  - (j) take care not to soil the carcass with the bowl contents. Any part of the carcass soiled in this way may have to be discarded.
  - (k) Ensure an animal to be slaughtered must be securely held or tied up properly so that the slaughtering can be done quickly and without subjecting the animal to excessive pain and suffering.
  - (l) Ensure that the knife used for the slaughter should be sharp and clean and hot water provided for washing it.
  - (m) Ensure that the slaughtered animal should be hung by its hind legs to drain of all the blood and the offal intestines, head, trotters, lungs, heart, tripe as well as other internal organs should be removed.
  - (n) Be informed that keeping of privately slaughtered meat in a butchery or any food establishment without the permission of the Environmental Health Practitioner concerned is not allowed.
  - (o) Ensure that if the carcass/offal or part thereof is found to be diseased or soiled it must be disposed of in a manner agreed to by the Environmental Practitioner concerned.
- (2) A person intending to slaughter an animal for religious and/or ceremonial purposes may require the service of an Environmental Health Practitioner for postmortem examination of the slaughtered animal at a cost determined by Municipality from time to time.
- (3) The permission of the local Police Authority may be required if it is the intention to use a firearm or similar devise for slaughtering the animal.
- (4) An application to conduct ritual slaughter must be made in terms of Regulation R677 of the Abattoir Hygiene Act 1992 (Act no.121 of 1992) as amended– relating to exemptions of persons who slaughter animals under the exemption of Section 3(1) of the Act .

## CHAPTER 23

### OPERATION AND MANAGEMENT OF INITIATION SCHOOLS

#### 201.Definitions

- (1) “Abduction or kidnap” means taking a person forcefully without his consent or in the case of a minor without the consent or permission from parents or

guardian.

- (2) “Circumcision” means the surgical removal of the foreskin including any external genitalia by traditional practitioner, medical practitioner or any person registered as such.
- (3) “Culture” means a traditional way of doing things and shall include habits, norms, mores, ethics and values.
- (4) “Health Officer” means a person who holds such qualifications which entitles him/her to be registered as a medical practitioner, or Environmental Health Practitioner or nursing personnel and appointed to exercise the provision of these guidelines according to their professional practices.
- (5) “Initiate” means a person who has been admitted in the circumcision or initiation school for the purpose of being circumcised.
- (6) “Initiation Schools” means a cultural institution or place where circumcision is carried out and registered in terms of this document and circumcision school shall have the corresponding meaning.
- (7) “Police Officer” means any person appointed by the South African Police Service or the Municipality as a police or peace officer.
- (8) “Overseer” means a person who looks after initiates.
- (9) “Traditional Surgeon” means a traditional healer who performs the circumcision and includes any person who has been trained to do so and complies with the necessary requirements.

## 202. Reporting and registration of a Initiation school

- (1) An accredited person who intends opening an Initiation School for the purpose of circumcision, shall submit a written application to the Municipality accompanied by a Certificate of Compliance completed by an Environmental Health Practitioner employed by Municipality.
- (2) The Municipality shall upon receipt of such a letter of intention to operate an Initiation School, issue the prescribed consent form as reflected in Annexure 2 and Annexure 3.
- (3) Such consent form shall be completed and submitted to the Municipality within a reasonable period not exceeding thirty days prior the commencement of an

Initiation School. No Initiation School will commence before due process to inform the municipality have been acknowledge by the Municipality.

The Environmental Health Practitioner in the employment of the Municipality shall issue the applicant with a list of requirements which must be complied with before a registration certificate can be issued under schedule 3.

- (4) The Environmental Health Practitioner shall after conducting an inspection of the proposed Initiation School, grant a registration certificate conditionally or unconditionally.
- (5) A registration certificate shall be issued if minimum requirements pertaining to water, shelter and sanitation have been complied with.
- (6) No person shall open, operate or conduct any activity pertaining to the operation and management of an Initiation School without being registered with the Municipality.

#### 203. Permission to conduct an Initiation school

Any medical practitioner, or traditional health practitioner and/or any person or traditional surgeon authorized in writing as competent by the Municipality may conduct male circumcision.

#### 204. Admission to an Initiation School.

- (1) Any male person who is eighteen (18) years of age or above may be admitted to an initiation School.
- (2) The parent or guardian of any male initiate who is below the age of eighteen (18) years must give a written consent before the male initiate being admitted to an Initiation School (Annexure2 )
- (3) Any male person below the age 18 years, who submits himself to an Initiation school without the parent's consent, shall be detained temporally before being admitted to an Initiation School.
- (4) The Municipality shall be informed accordingly and shall in turn receive the consent of the parents or guardians.
- (5) No person may abduct or kidnap any person to an Initiation School.
- (6) Any person who abduct or kidnaps any person to an Initiation School, shall be charge by the police officers for criminal acts.

#### 205. Closure of an Initiation School

The Municipality may close any Initiation School which has been operating without being registered with the Municipality.

#### 206. Establishment of an Initiation School advisory committee

- (1) The Municipality shall establish an Initiation School Advisory Committee within its area of jurisdiction which shall receive all appeals and ensure the smooth management of the initiation schools.
- (2) The advisory committee may advise the Municipality to close any Initiation School if in its opinion the initiates' health is at risk.
- (3) Each of the following affected stakeholders shall have at least one representative on the initiation advisory committee:

Medical, nursing, environmental health and emergency medical services.

- (a) The South African Police or Metro Police.
- (b) The Traditional Healers Association.
- (c) The Department of Education.
- (d) The civic association.
- (e) The association for the Initiation School fraternity.
- (f) The local hospital.

#### 207. Duties of a traditional surgeon at an Initiation School

- (1) The traditional surgeon shall ensure that the initiates submit a premedical examination certificate prior to being admitted to an Initiation School. The certificate shall state clearly that the initiate is free from any medical condition which may cause unnecessary complications after the circumcision.
- (2) Any authorized traditional surgeon may conduct an Initiation School and shall immediately after that take the necessary measures to stop bleeding.
- (3) The traditional surgeon shall thereafter treat the initiates with medicines as recommended by the medical practitioner to stop unnecessary bleeding and to prevent any possible sepsis.
- (4) The removed body parts (e.g. foreskins) shall be disposed of as approved by an Environmental Health Practitioner.
- (5) The instruments used for circumcising must be used once per initiate unless sterilized accordingly.

#### 208. Duration of an Initiation School.

- (1) An Initiation School shall be conducted for a period of three to four months to allow



healing.

- (2) A school calendar of the Department of Education shall be followed in the event that school going initiates under the age of eighteen are admitted in an Initiation School and shall be conducted during the school holidays unless initiates are not in attendance of any formal education.

#### 209. Treatment of initiates

- (1) No initiate shall be subjected to any unnecessary suffering or punishment of any nature.
- (2) An initiation School teacher or any person are free to teach the initiates the cultural language, idioms and poems without any form of intimidation or interrogation.
- (3) No initiate shall be refused any water or food to the extent that it may result in starvation or dehydration.
- (4) Adequate sanitary facilities shall be provided for the initiates.
- (5) Initiates must be protected against extreme temperatures especially cold during winter.
- (6) Initiates who appear to be developing septic wounds shall be referred to the medical practitioner for further treatment.
- (7) An Initiation School shall identify at least one medical practitioner of their choice who shall assist them for referral purposes and in case of an emergency.

#### 210. Cultural ethics and inspection of an Initiation School

- 140
- (1) The Municipality, South African Police Service, and where necessary the Department of Education shall identify one or more persons with a medical, nursing or environmental health, background who are well conversant with the proceedings at an initiation School to conduct regular visits to an Initiation School.
  - (2) The environmental health practitioner, medical officer or nurse shall during their visits take into consideration the environmental hygiene, medical and nursing aspects of an Initiation School and general health conditions of the initiates.
  - (3) Such officers shall at all times keep themselves well informed or up to date with proceedings of an Initiation School to avoid any conflict which may arise.

- (4) Any matter which in the discretion of the said officers contravenes these Bylaws shall be reported to the relevant authority.
- (5) No circumcision on females of any description shall be performed within the area of jurisdiction of the Municipality.

## CHAPTER 24

### DISPOSAL OF THE DEAD

#### 211. Definitions:

1. In these By Laws “the Act” shall mean the National Health Act 2003, (Act 61 of 2003) as amended, and any expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context otherwise indicates-

“adequately ventilated and illuminated” means adequately ventilated and illuminated as laid down in the Standard Building Regulations enacted in section 14(b) of the Standards Act, 1962 (Act 33 of 1962), or the health regulations applicable within the area of jurisdiction of the local authority concerned;

“approved” means approved by the local authority concerned;

“approved container” means a coffin or other approved containers;

“cadaver” refers to a corpse or a dead body (mortal remains and human remains/human waste shall have a corresponding meaning);

“certificate of competence” means a document contemplated in section 215 (a) of this By Law;

“certificate holder” means the person in whose name a certificate of competence has been issued;

“crematorium” means a place used for the purpose of burning or cremating a corpse and includes every part of those premises;

“corpse” means a dead human body or its remains whether decomposed or otherwise;

“embalming” means the treatment of human remains in order to prevent decay;

“environmental authorization” means an authorization as defined in the National Environmental Management Act 1998, (Act 107 of 1998)

“Environmental Health Practitioner” shall mean a person registered as such in terms of the Health Professions Act, 1974 (Act 56 of 1974) and who performs functions as listed in the Scope of Professions of Environmental Health (Govt. Notice No. R698, 26 June 2009);

“funeral undertaker’s premises” shall mean premises that are used or intended to be used for the preparation and storage of corpses and may undertake funeral and burial services;

“embalmer” means a person who embalms corpses; something which preserves and prevents decay

“import permit” means the permit issued by the Director-General or delegated Provincial Head of the Department authorizing the importation of mortal remains into South Africa;

“mortal/human remains” means the remains of a dead person in any form (corpse has a corresponding meaning);

“municipality” means a relevant municipality as established under section 155 of The Constitution, Act, 1996 (Act No. 108 of 1996) as amended;

“preparation” means any action aimed at the preparation of a corpse for a funeral or for cremation, export or other disposal and shall include the embalming of such corpse for the said purposes, and “prepare” and any word derived there from shall have a corresponding meaning;

“potable water” means water which complies with the SANS 241 of 2011 with regards to its chemical, microbiological and physical quality or any subsequent amendments, Pure water has a corresponding meaning;

“rodent proof” means rodent-proof as laid down in the regulations 2(a) and (b) promulgated by Government Notice R.1411 of 23 September 1966 and any subsequent amendments;

## PART 1

### FUNERAL UNDERTAKER’S PREMISES AND MORTUARIES

#### 212. Application

These By Laws shall apply to-

- (a) Any private or public mortuaries including those in the police services and hospitals under the control of the State or any department in any sphere of Government;
- (b) Any natural person who is not in the service of a funeral undertaker and who does not, either directly or indirectly, undertake or arrange funerals but only prepares corpses. The preparation of such corpses shall only take place on fixed premises and must be used specifically for

such purpose.

## 213. Exemption

Exemptions to these By Laws are-

- (a) A municipality may, in writing exempt any person from compliance with all or any of these By Laws where, in the opinion of the municipality, non-compliance does not or will not create a nuisance; and that
- (b) Such exemptions shall be subject to such conditions and valid for such a period as the municipality may, stipulate in the certificate of exemption.

## PART 2

### CERTIFICATE OF COMPETENCE

#### 214. Issue of a certificate of competence

(a) No person shall prepare any corpse except on funeral undertaker's premises or mortuary in respect of which a certificate of competence has been issued by the Environmental Health Practitioner and is in effect, this condition shall also apply to section 3(b) below.

(b) A municipality may, if it is satisfied that nuisance exist on funeral undertaker's premises or mortuary situated in its area of jurisdiction, issue a written notice to the enterprise in question to stop all activities connected with the preparation of corpses until the nuisance referred to in the notice has been eliminated.

#### 215. Application for the issue or transfer of a certificate of competence

1. (a) Any person wishing to apply for a certificate of competence in respect of new funeral undertaker's premises

shall, not less than 21 days before submitting his application to the municipality concerned, cause a notice to be published in one of the official languages in a newspaper that appears mainly in that language, and in the other official language in a newspaper that appears mainly in the latter, where each of the said newspapers circulates in the area in which such premises are situated, or shall, where separate newspapers in each of the official languages do not so circulate, cause such notice to be published in both official languages in a newspaper that so circulates.

(b) Such notice shall contain information to the effect that an application for the issue of a certificate of competence in terms of these By Laws is to be submitted to the municipality mentioned in the notice and that any person who will be affected by the use of such funeral undertaker's premises or mortuary and wishes to object to such use shall lodge his/her objection, together with substantiated representations, with the municipality concerned in writing within 21 days of the date of publication of such notice.

2. (a) An application for the issue or transfer of a certificate of competence shall be made in

writing by the applicant or his authorized representative to the municipality in whose area of jurisdiction funeral undertaker's premises fall on such form as the municipality may require.

- (b) An application for the issue of a certificate of competence shall be accompanied by-
- (i) a description of the premises and the location thereof;
  - (ii) a complete ground plan of the proposed construction or of existing buildings on a scale of 1:100;
  - (iii) a block plan of the premises on which north is shown indicating which adjacent premises are already occupied by the applicant or other persons and for what purpose such premises are being utilized or are to be utilized; and
  - (iv) Particulars of any person other than the holder or any of his employees who prepares or will prepare corpses on the premises.
3. A municipality, when considering issuing or transferring a certificate of competence, may request from the applicant or any other person any such further information as to enable it to properly consider the application concerned.
4. No municipality shall consider any application for the issue or transfer of a certificate of competence unless a complete inspection of the premises concerned has been carried out by an Environmental Health Practitioner employed by the relevant municipality and his/her report including recommendation on such inspection, is available to the municipality.

#### 216. Issue or transfer of certificate of competence

Where a municipality, after consideration of an application for the issue or transfer of a certificate of competence, the report concerned by an Environmental Health Practitioner, including his/her recommendation, and any objections to the use of funeral undertaker's premises or mortuary, is satisfied that the premises or mortuary concerned-

- (a) comply with all requirements laid down in these By Laws;
- (b) are in all respect suitable for the preparation of corpses; and
- (c) will not be offensive to any occupant of premises in the immediate vicinity of such premises,

it shall, issue a certificate of competence in the name of the holder in such form as it may determine or shall by endorsement transfer an existing certificate of competence to a new holder subject to conditions as may be necessary, as the case may be.

#### 217. Validity and transfer of certificate of competence

A certificate of competence, excluding a provisional certificate of competence shall on endorsement by the issuing authority, be transferable from one holder to a new holder and such certificate shall be valid from the date on which it was issued until it is revoked or suspended.

## 218. Issue of provisional certificate of competence

(1) If the municipality is not satisfied as contemplated in section 218, read with sub-section 2 and 3 below, with regard to funeral undertaker's premises in respect of which a certificate of competence has been applied for, a municipality -

- (a) shall, in the case of existing funeral undertaker's premises; and
- (b) may, in all other cases,

subject to such conditions as such municipality may determine in general or in each specific case, issue a provisional certificate of competence in respect of such premises for a maximum period of only 6 months to enable the applicant to alter such premises to comply with the provisions of these By Laws provided that the use of such funeral undertaker's premises or mortuary does not and will not create a nuisance.

- (2) Provisional certificate may not be extended unless the concerned municipality is satisfied that the owner or representative thereof is in the process of making the necessary changes as prescribed in sub-section (1) above.
- (3) Any such extension in sub-section 2 above will be granted for a period of not more than 12 months.

## 219. Duties of holder

(1) The certificate holder shall immediately inform the issuing authority in writing, if there are any changes in the particulars supplied to the issuing authority in the application for the certificate of competence concerned.

(2) Failure by the holder or a person in charge/authorized person to comply with this By Law shall constitute an offence.

## 220. Suspension or revocation of a certificate of competence or provisional certificate of competence

(1) If a municipality in whose area of jurisdiction funeral undertaker's premises or a mortuary are used by virtue of

a certificate of competence or a provisional certificate of competence is of the opinion of an Environmental Health Practitioner that there are reasonable grounds to suspect that-

- (a) such premises are being used in a way that is hazardous to health, or that conditions entailing a hazard to health have been or are being created on such premises; or
- (b) such premises are being used in contravention of the provisions of these bylaws and National and Provincial legislation or the conditions to which such certificate of competence or provisional certificate of competence is subject,

such municipality may, serve a written notice on the holder or the person in charge of such premises in which the holder is instructed to remove such health hazard from the premises, to ease the use of the premises in contradiction with the certificate of competence or provisional certificate of competence and or to also furnish reasons, at a place and a time specified in such notice, why such certificate should not be dealt with

(2) A municipality may suspend a certificate of competence or provisional certificate of competence immediately on the strength of a report by an Environmental Health Practitioner in the service of the municipality concerned, stating that the hazard referred to in sub-section (1)(a) is a nuisance and a health risk and recommending such suspension.

(3) A notice referred to in sub-section (1) shall set out such particulars are adequate to inform the holder concerned why the withdrawal of the certificate is contemplated and shall be served by the municipality concerned not less than 21 days prior to the date specified in such notice.

(4) Any funeral undertaker who fails to comply with the notice served on him/her in terms of these bylaws is guilty of an offence.

(5) Any funeral undertaker who feels his rights are affected by a decision delegated by the municipality may appeal against the decision by giving written notice of the appeal and the reasons therefore in terms of Section 62 of the Local Government: Municipal Systems Act (Act 32 of 2000) to the Municipal Manager within 21 days of the date of the decision.

## 221. Requirements relating to funeral undertaker's and mortuary premises

(1) Provision for at least the following shall be made on funeral undertaker's and mortuary premises:

- (a) A preparation room for the preparation of corpses.
- (b) Change-rooms, separate for each sex, for the use of the employees employed at such premises.
- (c) Refrigeration facilities for the refrigeration of corpses.
- (d) Facilities for the washing and cleansing of utensils and equipment inside the building.
- (e) Facilities for the cleansing of vehicles on such premises.
- (f) Facilities for the loading and unloading of corpses as contemplated in sub-section 222(7).

(2) No room on funeral undertaker's premises or mortuary shall be used for any purpose other than the purpose for which it is intended and no act other than an act related to the said purpose shall occur in such room.

(3) Such preparation room-

(a) shall be so designed as to-

- (i) be separated from all other rooms on the premises and as not to communicate directly with any office or salesroom: Provided that, where a preparation room on existing funeral undertaker's premises so communicates, the entrance thereto shall be so concealed that the interior thereof is completely out of the sight of any person in such office or salesroom;
- (ii) enable obnoxious odours and vapours to be adequately treated; and
- (iii) be sufficiently ventilated and lighted;

(b) shall have a floor-

- (i) covering an area of not less than 16m<sup>2</sup> for the first table of the kind referred to in paragraph (e) and 8m<sup>2</sup> for each additional such table;
- (ii) constructed of concrete or similar waterproof material with a smooth non slippery surface that is easy to clean, and sloped at an angle to ensure that any run-off will drain into an approved disposal system; and
- (iii) which, if it is replaced or laid after the date of commencement of these By Laws, shall be provided with half-round filling where it meets the walls;

(c) shall have walls the inner surfaces of which have a smooth finish and are covered with a light-coloured washable paint or other approved, suitable and waterproof paints;

(d). shall be provided with a ceiling not less than 2,4 m above the floor level, which ceiling shall be dust-proof and painted with a light-coloured washable paint;

(e). shall contain not less than one table of stainless steel or glazed earthenware or other approved material, equipped with a raised rim on the outside, a tap with cold running water to which a flexible pipe can be connected and a drainage opening connected to an approved disposal system;

(f). shall contain not less than one wash-basin for each such table, made of stainless steel or other approved material, with a working surface of the same material, taps with hot and cold running water and a drainage opening permanently connected to an approved disposal system, and provided with disposable towels, a nailbrush and soap;

(g).shall have not less than one tap with running water to which a flexible pipe, long enough to reach all corners of such room, can be connected for cleaning the interior surfaces;

(h).shall have door openings that are not less than 0,82m in width and 2,00m in height so that corpses can be taken into and out of such room without any difficulty.

(4) Each such change-room shall contain at least the following:

- (a) One hand-basin with hot and cold running potable water for every six employees or part thereof;
- (b) disposable towels, soap, nailbrushes and disinfectants; and
- (c) not less than one latrine for every 15 male employees or part thereof and not less than one latrine for every 15 female employees or part of this number employed at the funeral undertaker's premises concerned: Provided that, where a separate urinal for men forms



part of such facilities, one latrine plus one separate urinal shall be permissible for every 30 men or part thereof.

(5) Refrigeration facilities such as refrigerators or cold chambers shall be installed in or within easy reach of such preparation room for the keeping of corpses, and-

- (a) where refrigerators are provided, they shall be made of a material that does not absorb moisture and shall be provided with removable trays and shall be so designed as to drain properly and be easy to clean;
- (b) the surface temperature of any corpse shall be no higher than 5°C within three hours of its being received on the premises and no higher than 15°C during preparation; and
- (c) Where cold chambers are provided, they shall comply with sub-section (3)(a)(ii), (b)(ii), (c), (d) and (h) and shall be provided with shelves manufactured from a material that does not absorb moisture and that is easy to clean.

(6) Such cleansing and loading and unloading facilities shall consist of a paved area, screened from public view, with a drainage system into a gully connected to an approved disposal system.

(7) The loading and unloading of corpses and the cleansing of vehicles shall not take place anywhere except in the area contemplated in sub-section (6).

(8) The funeral undertaker's premises shall be rodent-proof.

## 222. Hygiene requirements for funeral undertaker's and mortuary premises

(1) All solid refuse on the premises of a funeral undertaking or mortuary shall be kept in corrosion-resistant containers with tight-fitting lids and shall be dealt with in accordance with the solid waste management requirements of the municipality concerned.

(2) Every holder of a certificate of competence or provisional certificate of competence for funeral undertaker's premises or mortuary shall ensure that -

- (a) Employees and all other persons involved in handling of corpses are provided clean protective over-clothes consisting of surgical gloves, gumboots, plastic aprons so designed that the front hangs over the top of the gumboots, face masks and linen overcoats, and each such employee or other person shall, at all times when so involved, wear such clothing;
- (b) Premises are kept free of insects, offensive odours, gases and fumes;
- (c) All working areas or surfaces at such premises where corpses are prepared are cleaned and disinfected immediately after the preparation of any corpse;
- (d) cause all equipment used for the preparation of corpses to be washed and disinfected immediately after use;
- (e) cause all used protective over-clothes to be washed, cleansed and disinfected daily on

the premises; and

- (f) if a corpse has been transported without a moisture-proof covering, cause the loading space of the vehicle concerned to be washed and disinfected after such corpse has been removed.

(3) Every certificate holder shall ensure that the following hygiene measures are maintained when handling mortal remains on the premises;-

- (a) workers shall wear adequate and appropriate protective clothing when handling mortal remains;
- (b) all waste generated in the preparation room shall be deemed to be health risk waste and should be collected, handled and disposed of as such;
- (c) non disposable gloves shall be cleaned and disinfected after each use;
- (d) disposable gloves shall be discarded after each use;
- (e) all workers responsible for handling mortal remains in the preparation room shall be vaccinated against Hepatitis B.

### Part 3: Handling and disposal of mortal remains

#### BURIAL IN EXCAVATED LAND GRAVES

##### 223. Burial sites and burials

(1) No land or site shall be identified and used for the purpose of a burial site, unless a land survey has been

conducted by a municipality and approval granted, such approval must be in writing and should contain such conditions for use as the availability of waste management and ablution facilities which shall include access to potable water and sanitation facilities.

(2) All burial sites must comply with the following environmental requirements-

Burial sites;

- (a) shall conform to the requirements of the National Environmental Management Regulations, 2010 as amended with regards to Environmental Authorization;
- (b) shall be located outside 100 year floodplain;
- (c) shall be located at least 350 m from ground water sources used for drinking purposes and at least 500 m from the nearest habitable building;
- (d) for a preferred burial site with a soil of sand-clay mix of low porosity and a small and fine-grain texture, the water table should be at least 2.5m deep in order to allow for traditional grave depth of six feet (1.8 metres).
- (e) for areas with higher water tables, the local authority may determine a reasonable depth with additional walling recommendations to protect underground water;
- (f) the covering soil shall not be less than 1 m, should two bodies be buried in the same grave,

300mm of soil shall be maintained between the coffins;

(3) All burials must be registered with the municipality in accordance with such municipality By-Laws; the relevant authority shall thereupon enter such burial in the register of burials of such municipality.

#### 224. Disposal of mortal remains by cremation

(1) (a) Mortal remains shall only be cremated in a crematorium

(b) A crematorium shall be authorized in terms of the National Environmental Management Regulations, 2010 as amended with regards to environmental authorization;

#### 225. Issue of a cremation permit

(1) All cremations shall be permitted by the relevant municipality in terms of such municipality's By-Laws; or other relevant legislation concerning Cemeteries and Crematoria

(2) A municipality may not issue a cremation permit; unless the application is accompanied by a declaration by the medical officer who declared the deceased dead, (and if applicable, who also performed post mortem examination of the deceased) whom cremation is intended, indicating causes of death whether is natural or from any dreadful communicable disease, and that the remains of the deceased may be disposed.

#### 226. Minimum requirements for a cremation facility

(1) All cremation facilities must comply to the following-

(a) site must be located at least 500m downwind of any habitable dwelling;

(b) the chimney must have a height of not less than 3 metres above the roof;

(c) no cremation shall take place until the minimum combustion temperatures of the urn has been reached,

(d) the premises shall be kept in a clean, sanitary and in good repair.

(e) the facility shall be adequately ventilated and illuminated.

(f) the facility shall be operated and managed in such a manner as to prevent the dispersion of ash into the atmosphere..

(g) emissions from a crematorium shall conform to the National Ambient Air Quality and Emission Standards in terms of the National Environmental Management; : Air Quality Act 2004 ( Act no 39 of 2004).

#### 227. Register for cremations

(1) Every crematorium shall keep a register for each cremation and such register shall contain the following-

- (a) The date of each cremation;
- (b) The name, identity number, address, occupation, age, sex, and marital status of each deceased person cremated therein;
- (c) The date of death of each deceased person;
- (d) The name, identity number and address of the person in whose name the crematorium is registered in;
- (e) The name, designation and address of the person issuing the certificate of the cause of death of each person to be cremated;
- (f) The cause of death and the registration number of the death certificate of each person to be cremated; and
- (g) The manner in which the ashes of the person were disposed.

#### 228. Application to exhume a body, body ashes and reburial of human remains

Any person who intends to exhume a body or body ashes and reburial of human remains shall comply with the Municipality Bylaws for Cemetery and Crematoria or any other relevant legislation.

### PART 4

#### EXHUMATION AND REBURIALS OF HUMAN REMAINS

#### 229. Authorization for exhumation of human remains

- (1) All exhumations reburials of human remains or body ashes to be conducted shall be authorized by the municipality or the authorized official subject to compliance of these bylaws or:
  - (a) A court order and shall be permitted by the Municipality
- (2) Exhumation approval shall not be issued without the reburial permit issued by the municipality, or without a cremation permit.
- (3) No person shall exhume any mortal remains, except for the following:-
  - (a) Removal from the original grave to a new grave acquired in the same cemetery;
  - (b) Removal for burial in another cemetery;
  - (c) Removal for cremation;
  - (d) Removal for forensic examination of the deceased;
  - (e) Transfer from a public grave to a private grave;
  - (f) For legal reasons, such as crime related investigations;
  - (g) For archeological reasons.
- (4) The municipality shall grant a permit for an exhumation on condition that the exhumation of the mortal remains shall only be done by a registered undertaker, such undertaker shall be based in

the jurisdiction of the municipality issuing the exhumation permit referred to in sub-section 230(4).

## 230. Exhumation requirements

(1) The following are the exhumation requirements:

- (a) whenever an exhumation is to take place, the officer-in-charge must inform the Provincial Commissioner of the South African Police Services.
- (b) a member of the South African Police Services must always be present when an exhumation is being conducted.
- (c) an exhumation must not take place when the cemetery is open to the public and must take place under the supervision of the officer-in-charge.
- (d) the exhumation of mortal remains shall be carried out under the supervision of an Environmental Health Practitioner of the relevant municipality;
- (e) only persons with direct involvement may be present at the disinterment or removal of mortal remains and no dogs or other animals maybe allowed at the grave site;
- (f) the Environmental Health Practitioner shall ensure or cause the following measures are in place, and cause to be provided, at the exhumation site:
  - (i) on his/her authority that the grave and the mortal remains are treated with a disinfectant after exhumation and any other protective measures as he/she may deem necessary;
  - (ii) an adequate supply of water, soap and disinfectants for cleansing shall be available at the grave for cleansing of persons handling the mortal remains;
  - (iii) the correct grave is re-opened;
  - (iv) mortal remains are placed in a non-transparent and closely sealed container immediately after it has been disinterred and be handled in a way that no nuisance or health hazard is caused;
  - (v) A new container is supplied or the existing container is secured in a suitable leak proof container that has been approved by an Environmental Health Practitioner;
  - (vi) human remains exhumed and all pieces of the original coffin are placed in the new coffin;
  - (vii) a new coffin is properly sealed and identified;
  - (viii) the health and safety of the workers is maintained by use of protective equipment;
  - (ix) during the exhumation of mortal remains the grave shall not be left unguarded and immediately after the remains have been removed such grave shall be sealed.
  - (x) All used disposable protecting clothing to be placed into refuse bags and the disposal of such must be done in an approved manner.

## 231. Reburial of human remains

(1) All reburials shall be registered with the relevant municipality in accordance with the municipality By-Laws; such municipality shall thereupon enter such reburial in the register of reburials of such municipality

(2) For mortal remains of a person whose cause of death was small pox, anthrax or viral

hemorrhagic fever, the body shall not be embalmed, but strict guidelines on management of communicable diseases as published by the National Department of Health and or the World Health Organization shall be followed.

## PART 5

### CONVEYANCE (TRANSPORTATION, IMPORTATION AND EXPORTATION) OF MORTAL REMAINS

#### 232. Conveyance of mortal remains

(1) The mortal remains of a person who suffered from anthrax, cholera, a haemorrhagic fever of Africa, hepatitis B, rabies, meningococemia, plague, poliomyelitis or typhoid fever or Acquired Immune Deficiency Syndrome at the time of his or her death will not be conveyed in public in any way unless-

(a) Such remains are sealed in an airtight container, placed in a strong non-transparent sealed coffin, embalmed and the total surface of the body is covered with a 5 cm layer of wood sawdust or other absorbent material which is treated with a disinfectant and a medical officer of health, district surgeon an Environmental Health Practitioner in the employ of the municipality concerned, or any medical practitioner specifically so authorized by the municipality concerned declares in writing that in his or her opinion the conveyance of the mortal remains will not create a health hazard; and

(b) Such declaration must accompany the mortal remains at all times during the conveyance and up to the burial.

(2) The declaration referred to in sub-section (1) shall be shown to an officer on demand by the person responsible for the conveyance of the mortal remains.

(3) No person shall damage or open a container referred to in sub-section (1), or remove the mortal remains from the container or come into direct contact with the mortal remains without prior approval from an officer referred to in sub-section(1) after it has been sealed.

#### 233. Conveyance of remains on public transportation

(1) No person shall convey any mortal remains in any manner other than the manner prescribed in section 234(1) and (2)

- (a) On public transport unless, the mortal remains have been sealed in an airtight container and placed in a non-transparent, sturdy, sealed coffin; or
- (b) In any other way in public unless the mortal remains have been placed at least in an approved container

(2) No coffin or container in which the mortal remains have been placed may be conveyed unless

- (a) the outer surface of such coffin or container is free from any leakages or any other secretion matter emanating from such mortal remains; and
- (b) Offensive odours are absent.

(3) Should any leakages, secretions or odours emanating from the container of the mortal remain conveyed , such coffin or container is to be taken forthwith to the nearest mortuary or undertaker's premises, by the person responsible for the conveyance of mortal remains where the necessary measures shall be taken to eliminate the conditions.

## PART 6

## HANDLING OF RADIOACTIVE CORPSES

## 234. Storage

(1) Precautions to be taken in handling radioactive corpses depend on the nature and quantity of the radionuclide present and on the type of handling intended (e.g. autopsy or embalming prior to burial).

(2) Persons handling radioactive cadavers shall ensure they wear appropriate protective clothing.

(3) The cadaver shall be stored in an adequately refrigerated compartment until the exposure dose rate at one meter from it is less than 2.5 mR/hr. The storage area must be labeled restricted area.

## 235. Embalming

(1) The embalming of radioactive cadavers constitutes an undesirable hazard and should be avoided if possible. If the body is not autopsied due to high radiation levels, embalming shall be done through injection method.

(2) All embalmers should wear disposable gloves, protective clothing and face protectors.

(3) Embalmers should be supervised by a radiologist or expect to observe proper radiation protection measures.

(4) All cadavers in this category shall have a label attached, identifying the radionuclide and its activity at the time of death.

## 236. Cremation

Cadavers containing levels higher than 15 mCi shall be stored until the limits of 15 mCi are reached; a radiologist shall be consulted before such cadaver is released for cremation.

## 237. Burial

(a) The amount of incorporated radioactivity allowed for the burial of radioactive cadaver shall depend on regional and environmental conditions, climate, distance to cemetery, type of transport, and availability of low-temperature refrigerators.

(b) All objects, clothes, and other material that might have been in contact with the deceased must be tested for contamination.

(c) The body of a radioactive cadaver shall be marked with a radiation symbol.

## PART 7

## GENERAL PROVISIONS

## 238. Appeals

(1) a person affected by a decision taken in terms of these By Laws who wishes to appeal against the decision, must lodge an appeal with the Municipal Manager or delegated official of the Municipality within 30 days after that person has been notified of the decision.

(2) The Municipal Manager or the delegated official, in writing, on good cause extend the period within which an appeal must be submitted.

(3) The Municipal Manager or the delegated official may after considering all relevant information

make a decision and inform the appellant.

(4) Reasons for the decision must on written request be given to the appellant in writing.

### 239. Offences

Any person who contravenes a provision of these By Laws or allows such a contravention to take place shall be guilty of an offence and liable to an imprisonment not exceeding six years or an equivalent fine or both such a fine and imprisonment.

## CHAPTER 25

### DISEASE SURVEILLANCE

#### 240. Definitions

In this chapter, unless the context otherwise indicated

“Communicable disease” means a disease resulting from an infection due to pathogenic agents or toxins generated by the infection, following the direct or indirect transmission of the agents from the source to the host;

“Health Officer” means any person appointed as a health officer under section 80 of the National Health Amendment Act, Act No.12 of 2013 or designated as such in terms of that section;

“Environmental Health Practitioner (EHP)” means a person registered as such in terms of section 34 of the Health Professions Act 56/1974 and who performs functions as listed in the schedule of the Scope of Professions of Environmental Health, as amended.

#### 241. Infectious diseases and quarantine.

(1) If any person: -

(a) While suffering from any infectious disease wilfully exposes himself without proper precautions against spreading the said disease in any street, public place, shop, store, hotel, boarding or lodging house, place of refreshment, entertainment, or assembly, or any place used in common by any person other than members of the family or household to which such infected person belongs; or

(b) Being in charge of a person suffering from any infectious disease, wilfully exposes such sufferer without proper precautions against spreading the said disease in any street, public place, shop, store, hotel, boarding or lodging house, place of refreshment, entertainment, or assembly, or any place used in common by any person other than members of the family or household to which such infected person belongs; or

(c) Knowingly gives, lends, sells, pawns, transmits, removes, or exposes any bedding, clothing, or other articles which have been exposed to infection from any infectious disease without previous disinfection to the satisfaction of the Environmental Health Practitioner

(d) Permits any person to assemble or congregate in any house, room, or place over which he has control in which there shall be the body of any person who has died of any infectious disease;

(e) After receiving a written or printed notice to this effect, deposits, or causes or permits to be deposited any filth, rubbish, or matter has been exposed to infection, without previous disinfection, in any sewer or drain, or any receptacle or elsewhere than in a receptacle specially provided by the Environmental Health Practitioner or other person employed under him, to receive and contain such filth, rubbish, or matter;

He shall be liable to a penalty for a breach of these By-laws: Provided, however, that any person transmitting with proper precautions any bedding, clothing, or other articles for the purpose of having the same disinfected shall not be liable to any penalty hereunder.



242. Children suffering from infectious diseases restricted as regards attending school.

Every parent or person having care or charge of a child who is or has been suffering from any infectious disease, or resides in a house where such disease exists, or has existed within a period of three months, who shall knowingly or negligently permit such child to attend school without procuring and producing to the teacher or other person in charge of such school a certificate from the Environmental Health Practitioner, which he shall grant free of charge, that such child has become free from disease and infection, and that the house and everything therein exposed to infection has been disinfected to the satisfaction of the Environmental Health Practitioner, shall be deemed to have contravened this By-law.

243. Unburied bodies.

No person shall, without the sanction of the Environmental Health Practitioner, in writing, retain unburied elsewhere than in a public mortuary, for more than twenty-four hours the body of any person who has died from any infectious disease.

244. Persons dying from infectious disease.

If any person dies from any infectious disease in a hospital or place of temporary accommodation for the sick the dead body shall not be removed from such hospital or place except for the purpose of being forthwith buried, and it shall not be lawful for any person to remove such body except for that purpose; and the body when taken out of such hospital or place shall be forthwith taken direct to the place of burial and there buried. Nothing in this section shall prevent the removal of a dead body from a hospital or place of temporary accommodation to a public mortuary, and such mortuary shall for the purpose of this By-law be deemed part of such hospital or place as aforesaid

245. By-laws as to disposal of body.

If the dead body of any person who has died from an infectious disease is retained or kept in any house, building, or other place so as to be, in the opinion of the Environmental Health Practitioner, dangerous to health, he may order that the body shall be removed, or he may order that such body shall be removed to a burial place and there buried within a time to be specified in such order, and in the event of such order not being complied with in all respects, the Environmental Health Practitioner may cause the body to be removed and buried, and any person who shall retain or keep any such dead body in any house, building, or other place contrary to any order as aforesaid, served on or received by him shall be liable to be prosecuted for contravening this By-law.

246. Vehicles.

If any owner or person in charge of a public vehicle knowingly convey therein, or any other person knowingly place therein, a person suffering from any infectious disease, or if a person suffering from any such disease enter any public vehicle, he shall be deemed to have contravened this By-law.

247. Disinfection of vehicles.

The owner or person in charge of any public vehicle in which a person suffering from any infectious disease has been conveyed, or been placed, or has entered shall forthwith inform the Environmental Health Practitioner and shall send such vehicle to such place as the Environmental Health Practitioner shall then appoint to be disinfected by such practitioner and any owner or person as aforesaid failing to comply with the provisions hereof shall be deemed to have contravened this By-law.

248. Transportation of body through the municipal area

Any person who shall transport through the municipality the body of any person who has died from any infectious disease unless and until the Environmental Health Practitioner shall be satisfied that every precaution necessary for the public safety has been taken shall be deemed to have contravened this By-law.

## 249. Driver or owner of vehicle to be notified.

Any person who hires or uses a public vehicle other than a hearse for the conveyance of the body of a person who has died from any infectious disease, without previously notifying to the owner or driver of such public vehicle that the person whose body is intended to be conveyed has died from such disease, and

any owner or driver or puller of a public vehicle, other than a hearse, which had to the knowledge of such owner or driver has been used for conveying the body of a person who has died from any infectious disease, who shall not immediately provide for the disinfection of such vehicle, shall be deemed to have contravened this By-law.

## 250. Knowingly letting infected house.

Any person who knowingly lets for hire any house, or part of a house, in which any person has been suffering from any infectious disease without having such house, or part of a house, and all articles therein liable to retain infection disinfected to the satisfaction of the Environmental Health Practitioner, shall be deemed to have contravened this By-law.

## 251. Entry by health practitioner on suspected premises.

(1) The Environmental Health Practitioner, or any official specially authorised by him in writing, may enter upon any premises in which infectious disease has been reported or is suspected to exist, and may make such inquiries and inspections of premises as may be necessary, and the Environmental Health Practitioner may further, for the purpose of discovering infectious disease, inspect such persons as he may deem it necessary to inspect, and any person who directly or indirectly wilfully hinders, obstructs, or resists such entry, enquiry, or inspection, or refuses to answer or knowingly makes false answers to any such inquiry, shall be deemed to have contravened this By-law.

## (2) Any person:

(a) Who, having been ordered to remain in quarantine, shall escape from quarantine, or who shall depart there from without being released from the operation of such quarantine by authority in writing of the Environmental Health Practitioner, or

(b) Who shall disobey or disregard any proper instruction or order given by an official, agent, or servant appointed for the establishing or carrying out of quarantine, shall be guilty of an offence.

## 252. Relating to typhus

(1) If it shall appear to the Environmental Health Practitioner that any premises are, owing to their condition or that of the neighbourhood, or to the condition of their occupation, or for any other reasons, likely to be a source of danger to the public health or to favour the spread of Typhus, it shall be lawful for the Environmental Health Practitioner, on the authority of the Manager of Environmental Health, to order that any house or building on such premises shall be closed and the inmates removed there from until such time as the Environmental Health Practitioner shall advise that such house or building may with safety be reoccupied. If such order be not complied with within the time specified by the Environmental Health Practitioner he may instruct any person to remove the inmates there from and close up such premises, and any person neglecting to comply with the provisions hereof shall be deemed to have contravened this By-law.

(2) Any employer or medical practitioner as hereinbefore mentioned who shall fail to comply with any of the provisions herein contained shall be deemed to have contravened this By-law.

## 253. Offences and penalties

Section (1) - Contravenes or fails to comply with any provision of these by-laws R2000.00

Section (2) - Denies/cause/permit another person to deny an official entry to the premises R1000.00

Section (3) - Obstruct/hinders/cause/permit another person to obstruct/hinder an official to perform his/her duties R1000.00

Section (4) - Fail/refuse/cause/permit another person not to give the official lawfully required information R1000.00

Section (5) - Knowingly/cause/permit another person to give the official false/misleading Information R1000.00

## CHAPTER 26

### MISCELLANEOUS

#### 254. Duties of Municipality:

1. In addition to any other duty of Municipality in terms of this Bylaw or any other applicable legislation, the Municipality must within its area of jurisdiction:
  - (a) enforce the relevant portions of this Bylaw
  - (b) carry out water quality monitoring at all potable, industrial and commercial water sources:
  - (c) perform food control inspections, enquiries, monitoring and observation;
  - (d) monitor waste management;
  - (e) undertake health surveillance of properties
  - (f) undertake surveillance and prevention of communicable diseases, excluding immunizations;
  - (g) undertake effective vector control measures:
  - (h) prevent environmental pollution;
  - (i) monitor activities related to the disposal of the dead, and
  - (j) ensure chemical safety,

#### 255. Appointment and identification of environmental health practitioner

The mayor of the Municipality may appoint any person in the employ of the municipality in terms of 80(1) of the National Health Act 2003 (Act no. 61 of 2003) as amended as a health officer for the municipality to exercise the provision of these by laws according to their professional practice and qualification as stipulated in 83 (5) of the National Health Amendment Act , 2013 (Act No. 12 of 2013).

1. The Municipality must issue an identity card to each Environmental Health Practitioner in terms of Section 80(3) of the National Health Act 2003 (Act 61 of 2003) as amended.
2. The identity card must -
  - (a) contain a recent photograph of the Environmental Health Practitioner;
  - (b) be signed by the Environmental Health Practitioner; and
  - (c) identify the person as an Environmental Health Practitioner.
3. The Environmental Health Practitioner must display his or her identity card so that it is clearly visible or produce it at the request of any person in relation to whom the Environmental Health Practitioner is exercising a power under these by-laws.

- a) In the event of a conflict within any other By –Law which directly or indirectly regulates Municipal Health Services the provisions of this By –Law shall prevail.
- b) This law is binding on the State and the Municipality.

#### 256. General powers of an environmental health practitioner

1. An Environmental Health Practitioner may, for the purposes of implementing or administering any power or duty under these by-laws –
  - (a) exercise any power afforded to such officer in terms of these by-laws or any other applicable legislation;
  - (b) issue a compliance notice in terms of section 257 requiring any person to comply with the provisions of these by-laws;
  - (c) issue a prohibition notice in terms of 258 prohibiting any person from conducting an activity;
  - (d) undertake measures in terms of section 263 to remove, reduce and/ or minimize any public health nuisance;
  - (e) cancel , suspend or amend any permit or exemption certificate in terms of chapter 3, section 16 or
  - (f) enter and inspect premises and for this purpose may-
    - (i) question any person on the premises;
    - (ii) take any sample that the Environmental Health Practitioner considers necessary for examination or analysis;
    - (iii) monitor and take readings or make measurements; and
    - (iv) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises.
2. An Environmental Health Practitioner who removes anything from any premises being inspected must -
  - (a) issue a receipt for it to the owner, occupier or person apparently in control of the premises; and
  - (b) return it as soon as practicable after achieving the purpose for which it was removed.

#### 257. COMPLIANCE NOTICES

1. If an Environmental Health Practitioner, after inspecting premises, reasonably believes that a public health hazard or public health nuisance exists on the premises or that the premises are being used in a manner or for a purpose listed in the Schedule to these by-laws without a permit, the Environmental Health Practitioner may serve a compliance notice on one or more of the following persons:
  - (a) the owner of the premises;
  - (b) the occupier of the premises; or
  - (c) any person apparently in charge of the premises.
2. A compliance notice must state –
  - (a) why the Environmental Health Practitioner believes that these by-

- laws is being contravened;
  - (b) the measures that must be taken –
    - (i) to ensure compliance with these by-laws or;
    - (ii) to eliminate or minimize any public health nuisance
  - (c) the time period within which the measures must be taken
  - (d) the possible consequences of failing to comply with the notice; and
  - (e) how to appeal against the notice.
3. If a person fails to comply with a compliance notice that requires a particular action be taken, the Municipality may ,--
- (a) take the required action specified in the compliance notice; and
  - (b) recover, as a debt, from the person to whom the notice was given, the costs and expenses reasonably incurred in taking the required action.

#### 258. Prohibition notice

1. An Environmental Health Practitioner may, after inspecting premises, serve a prohibition notice prohibiting the premises from being used for specified purposes and requiring measures to be taken to ensure that this occurs, on one or more of the following persons:
- (a) the owner of the premises;
  - (b) the occupier of the premises; or
  - (c) any person apparently in charge of the premises.

If the Environmental Health Practitioner reasonably believes that that person has not complied with the terms of a compliance notice

2. The Environmental Health Practitioner must give the person on whom he or she intends serving a prohibition notice a reasonable opportunity to make representations before serving the notice unless the Environmental Health Practitioner reasonably believes that the delay in doing so would significantly compromise public health, in which case the person on whom a prohibition notice is served must be given reasonable opportunity to make representations why it should be withdrawn.
3. A prohibition notice must state –
- a. the reasons for serving the notice;
  - b. whether or not the Municipality will withdraw the notice if certain measures are taken, and if so, the measures that must be taken;
  - c. the possible consequences of failing to comply with the notice; and
  - d. how to appeal against the notice.
4. The Environmental Health Practitioner must as soon as possible affix a copy of the notice in a conspicuous position on the premises.

5. No defect in the notice shall invalidate any action taken by virtue of such notice or order, or found any legal proceedings following upon such notice or order, if such notice or order substantially sets out the requirements thereof

#### 259. Withdrawal of prohibition notice

1. An Environmental Health Practitioner must, within 48 hours of receiving a written request for the withdrawal of a prohibition contained in a prohibition notice, carry out an investigation of the premises.
2. After completing the investigation the Environmental Health Practitioner must inform the person on whom the prohibition notice was served or that person's agent in writing, whether or not the prohibition has been removed or the prohibition order withdrawn.
3. The Municipality may charge the owner or occupier of any premises where an investigation is carried out in terms of section 262, a prescribed fee for undertaking the investigation.

#### 260. Service of notices or other documents:

1. Service of Compliance notices, Prohibition Notices, Withdrawal of Prohibition Notices or any other documents by the Municipality, Authorized Official or Municipal Manager is served
  - a. on any person, it shall be deemed to be duly and sufficiently served if it is sent by registered post to that person at his last known address or it is left with him personally or with some adult inmate thereof
  - b. on an owner or occupier of any land or premises and the address of such owner or occupier of such land is unknown, it shall be deemed to be duly and sufficiently served if it is posted in some conspicuous place on such land or premises
2. It shall not be necessary in any notice in subsection 1 above to name him, if the notice describes him as the owner or the occupier of the land or premises in question
3. A notice in terms of section 260 may be served
  - a. upon the owner of any premises, by
    - i. delivering it to the owner, or if the owner cannot be traced or is living abroad to his/her agent
    - ii. transmitting it by post to the owners last known address, or the last known address of the agent
    - iii. delivering it to the address where the premises are situated, if the owners address and his agent's address are both unknown
  - b. upon the occupier of the premises by
    - i. delivering it to the occupier

- ii. transmitting it by registered post to the occupier at the address at which the premises are situated

#### 261. Demolition orders

1. If the Municipality believes that a public health hazard would be eliminated or a public health nuisance would be significantly reduced by demolishing a building or other structure, it may, subject to the provisions of any other law, apply to any court having jurisdiction for an order directing any person to demolish the building or structure or authorizing the Municipality to do so and to recover the costs of doing so from the owner or the occupier of the premises concerned, or from both.
2. The Municipality may not apply to court in terms of subsection (1) unless it has given the owner and the occupier of the premises not less than 14 day's notice in writing of its intention to make the application and has considered any representations made within that period.

#### 262. Municipal remedial work

- (1) The Municipality may enter any premises and do anything on the premises that it reasonably considers necessary -
  - (a) to ensure compliance with these by-laws or with any compliance notice or prohibition notice;
  - (b) to reduce, remove or minimize any public health nuisance; or
  - (c) to reduce, remove or minimize any significant public health hazard.
  - (d) Any expenses borne in providing such services shall be recovered from the owner of the premises.

#### 263. Cost orders

- (1) The Municipality may recover any costs reasonably incurred by it in taking measures contemplated in section 263 from any person who was under a legal obligation to take those measures, including
  - (a) a person on whom a compliance notice referred to in section 257 that required those steps to be taken, was served;
  - (b) the owner or occupier of the premises concerned; or
  - (c) any person responsible for creating a public health hazard or a public health nuisance.

- (2) The municipal manager or delegated official may issue a cost order requiring a person who is liable to pay costs incurred by the Municipality in terms of subsection (1), to pay those costs by a date specified in the order and such order constitutes prima facie evidence of the amount due.

#### 264. Appeals

1. A person whose rights are affected by a decision taken by any authorized official under these by-laws, may appeal against the decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.
2. The Municipal Manager must promptly submit the appeal to the appropriate appeal authority as stipulated in this section of the By-law.

3. The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
4. When the appeal is against a decision taken by –
  - a. a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority; or
  - b. the Municipal Manager, the Executive Mayor is the appeal authority.
5. An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

## 265. Offences

1. Any person who -
  - a. contravenes or fails to comply with any provisions of these by-laws; or
  - b. fails to comply with any notice issued in terms of or for the purpose of these by-laws; or
  - c. fails to comply with any lawful instruction given in terms of or for the purpose of these by-laws; or
  - d. obstructs or hinders any authorized official in the execution of his or her duties under these by-laws -

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R15 000 or imprisonment for a period not exceeding twenty four (24) months or both.

## SCHEDULE 1

### PUBLIC HEALTH NUISANCE

#### General nuisance

1. An owner or occupier of premises creates a public health nuisance if he or she causes or allows
  - a. any premises or part thereof to be of such a construction or in such a state as to be offensive, injurious or dangerous to health;
  - b. any street, stream, pool, lagoon, ditch, gutter, watercourse, sink, cistern, water closet, earth close, pail closet, urinal, cesspool, cesspit, drain, sewer, dung pit, slop tank, ash heap or dung heap to be so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health;
  - c. any stable, kraal, shed, run or premises used for the keeping of animals or birds and which is so constructed, situated, used or kept as to be offensive or to be injurious or dangerous to health;
  - d. any accumulation of refuse, offal, manure or other matter which is offensive or is injurious or dangerous to health;
  - e. any public building to be so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;
  - f. any dwelling to be occupied without proper and sufficient supply of potable water within a reasonable distance;
  - g. any factory or industrial or business premises not to be kept in a clean state and



free from offensive smells arising from any drain, water closet, earth close, urinal or any other source, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gas, vapor, dust or other impurity generated, or so overcrowded or so badly lighted or ventilated, as to be injurious or dangerous to the health of those employed therein or thereon;

- h. any factory or industrial or business premises to cause or give rise to any smell or effluvium which is offensive or injurious or dangerous to health;
- i. any building, room or structure to be used wholly or partly by a greater number of persons than will allow less than 11,3m<sup>3</sup> of free air space and 3,7 m<sup>2</sup> of floor space for each person aged 10 years or more and 5,7 m<sup>3</sup> of free air space and 1,9 m<sup>2</sup> of floor space for each person less than 10 years of age' or
- j. the accumulation of filth, debris rubbish, glass, paper, rags, tins, lumber, disused motor vehicles and parts and the growing or presence of weeds, long grass or undergrowth which is unsightly or is likely to become a nuisance or injurious to health or cause an annoyance to the inhabitants of the neighborhood,
- k. any other activity, condition or thing declared to be a nuisance by the Minister in terms of the National Health Act, 2003 (Act 61 of 2003) or any other relevant legislation.
- l. Any other condition at or on a place or premises whatever, which in the opinion of Municipality is or can be detrimental, dangerous, inconvenient, offensive, injurious or dangerous to health, or which may in any other way cause a risk of disease, death or injuries.

#### Pest control

2. (1) An owner or occupier of premises creates a public health nuisance if –
  - a. the premises are maintained in a manner that attracts or harbours rodents or other pests, or is conducive to the breeding thereof;
  - b. flies are being attracted to, or can breed on, the premises, in significant numbers because –
    - i. insufficiently rotted manure or any other organic material is being kept or used; or
    - ii. any other substance that attracts flies is used or kept other than for the purposes of trapping or killing flies
  - c. mosquitoes can breed in significant number on the premises because
    - i. containers in which mosquitoes can breed, such as tyres, bottles, crockery, and tins, have been left or are kept on the premises;
    - ii. tanks, barrels and similar containers in which mosquitoes can breed are not fitted with mosquito proof covers or mosquito gauze screens in a manner that prevents mosquitoes gaining access to water contained in them;
    - iii. gutters and down pipes are sagging or clogged so that stagnant water can accumulate in them; or
- (2) approved measures have not been taken to prevent mosquitoes breeding in ponds, excavations, wells, swimming pools or any other stagnant water source on the premises.
- (3) The following measures are approved measures for the purposes of subsection (1)(c)(iii)
  - (a) draining accumulated water at least once every seven days;
  - (b) covering accumulated water with a larvicide at least once every seven days; and
  - (c) in the case of well, providing a mosquito proof cover and a pump.

## Air Pollution

3. An owner or occupier of premises creates health nuisance if
  - a. any waste on the premises is burned outside except in an approved appliance;
  - b. ash, grit, soot or smoke is emitted from any chimney or appliance or from any other means on the premises in a manner or quantity that is sufficient to have an adverse impact on public health;
  - c. the erection or destruction of a building or structure causes dust to be discharged into the surrounding atmosphere in a manner or quantity that is sufficient to have an adverse impact on public health; or
  - d. Any dust is generated on, and emitted from the premises due to any activity or process and discharged into the surrounding atmosphere in a manner or quantity that is sufficient to have an adverse impact on public health.

## Fouling and littering of public place and open spaces

4. (1) A person creates a public health nuisance if he or she throws, dumps, stores, keeps or drops refuse, rubbish, glass, tins, paper, car wrecks or parts of motor vehicles, dead animals, waste water of flushing water or other litter or waste, whether liquid or solid, on or in a street, road, bridge, through fare, open space, vacant stand, public place or erf, spruit or watercourse, or cause or permit it to be thrown, dumped or dropped there, or cause or permit any such liquid to flow into such place.
- (2) The person who has contravened sub item (1), must remedy, to the satisfaction of the Environmental Health Practitioner, any damage to the environment which resulted from such contravention.

## APPLICATION TO THE STATE

These bylaws bind the State, including the municipality.

## SHORT TITLE

These bylaws are called the DR Ruth Segomotsi Mompoti District Municipality, Municipal Health Services Bylaws 2017 (year).

## SCHEDULE 2

### SCHEDULED USES

The activities and uses of premises listed in this Schedule are considered to pose an unacceptable risk to public health unless the measures specified in the relevant Chapter of these Bylaws and where required, in a permit, are taken to avoid the risk or to reduce it to a level acceptable to the Municipality.

Part A : Activities for which a permit is required :

Section	Activity
28	Provision of service to remove human excrement or urine
29	Installations of sewage works

116	Offensive trades
125	Hairdressing, beauty and cosmetology services
144	Accommodation Establishments
149	Child care services
179	Keeping of poultry
183	Keeping of rabbits
188	Dog kennels and catteries
199	Keeping of bees

Part B : Scheduled Uses

Chapter	Scheduled Uses
4	Sanitary services
5	Private Sewage Works
6	Water
12	Offensive Trades
13	Second- Hand Goods
14	Hairdressing, Beauty and Cosmetology Services
15	Dry Cleaning and Laundry Establishments
16	Swimming Pools and Spa- Baths
18	Child- care Services
21	Keeping of Animals
23	Operating and Managing an Initiation School for Boys

ANNEXURE 1

APPLICATION FOR A PERMIT

NAME OF APPLICANT: .....

PHYSICAL ADDRESS: .....

.....

.....

POSTAL ADDRESS: .....

.....

.....  
PERMIT APPLIED FOR: .....  
.....  
.....

SIGNATURE: .....

DATE: .....

**ANNEXURE 2**

**APPLICATION AND CONSENT FORM BY PARENT GUARDIAN**

I, \_\_\_\_\_ ID NO. \_\_\_\_\_ hereby

give consent and permit \_\_\_\_\_ Age \_\_\_\_\_ to  
be circumcised and attend an Initiation School for the duration of the prescribed period of the  
school.

I further declare that I am the parent/guardian of the said applicant and I reside at the  
following address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I can be contacted at the following telephone numbers in case of any emergency:

Work Tel No: \_\_\_\_\_

Cell No: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

ANNEXURE 3

APPLICATION FORM FOR A PERMIT TO OPERATE AN INITIATION SCHOOL

A. NAME AND SURNAME OF APPLICANT: \_\_\_\_\_

SURNAME OF APPLICANT: \_\_\_\_\_

DOB/ID: \_\_\_\_\_

B. RESIDENTIAL ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

POSTAL ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

C. PARTICULARS OF AN INITIATION SCHOOL

PHYSICAL ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NUMBER OF INITIATES INTAKE: \_\_\_\_\_

PERIOD OF OPERATION: \_\_\_\_\_ MONTH TO \_\_\_\_\_ MONTH

SANITARY FACILITIES: \_\_\_\_\_

METHOD OF DISPOSAL OF BODY PARTS: \_\_\_\_\_

Note: This document has to be completed by the applicant and returned with the attached Form Annexure 3B (Certificate by Environmental Health Practitioner) duly completed by an Environmental Health Practitioner in the employ of the Municipality.

**ANNEXURE 3B****CERTIFICATE BY ENVIRONMENTAL HEALTH PRACTITIONER**

I the undersigned:

\_\_\_\_\_ confirm as follows:

1. I am presently employed by the DR Ruth Segomotsi Mompati District Municipality as an Environmental Health Practitioner;
2. On \_\_\_\_\_ I inspected a certain terrain which was pointed out to me by the applicant as a proposed Initiation School. The address of the site is:
3. I confirm that the terrain complies with the minimum requirements as contained in these Bylaws.

Signed at \_\_\_\_\_ at this the \_\_\_\_\_ day of \_\_\_\_\_ 20 ...

---

Full Names:

Designation: Environmental Health Practitioner

**ANNEXURE 4****STANDARD PRECIRCUMCISION MEDICAL EXAMINATION PATIENT'S PARTICULARS**

NAME:

SURNAME:

DOB/ID:

RESIDENTIAL ADDRESS: \_\_\_\_\_

**EXAMINATION**

GENERAL – ANY ALLERGIES? : \_\_\_\_\_

ANY BLEEDING TENDENCIES: \_\_\_\_\_

ANAEMIA: \_\_\_\_\_

JAUNDICE: \_\_\_\_\_

LYMPHADENOPATHY: \_\_\_\_\_  
 HEART: \_\_\_\_\_  
 LUNGS: \_\_\_\_\_  
 ABDOMEN: \_\_\_\_\_  
 PSYCHIATRIC DISORDER: \_\_\_\_\_  
 UROGENITAL: \_\_\_\_\_  
 OTHER: \_\_\_\_\_

I, \_\_\_\_\_

being a registered medical practitioner, certify that \_\_\_\_\_ is a male person of \_\_\_\_\_ years and is fit to be circumcised.

Date:

Signature:

Qualifications:

Practice number:

**ANNEXURE 5 : RITUAL SLAUGHTER  
 APPLICATION FOR RITUAL SLAUGHTER PERMIT**

<b>Date of Application</b>	
<b>Name of Applicant</b>	
<b>Postal Address</b>	
<b>Telephone Number (Residential)</b>	
<b>Cellular Phone Number</b>	

I, \_\_\_\_\_ would like to seek permission to conduct Ritual Slaughter in terms of Regulation R. 677 of the Abattoir Hygiene Act 1992 (Act No. 121 of 1992) – Relating to Exemption of Certain Categories of Persons from Section 3(1) of the said Act.

The ritual slaughter will take place at the following physical address:

\_\_\_\_\_  
 \_\_\_\_\_

On the (date) \_\_\_\_\_

<b>Date</b>	<b>Type of Animal</b>	<b>Number to be slaughtered</b>


Signature of Applicant: \_\_\_\_\_

**RITUAL SLAUGHTER PERMIT (ANNEXURE : 5 B )**

Name and Address of Applicant

Date:

Dear Sir/Madam,

**PERMIT TO CONDUCT RITUAL SLAUGHTER ON PREMISES:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Your application for a Ritual Slaughter Permit dated \_\_\_\_\_ refers:  
 In reply thereto, you are advised that in terms of Regulation R.677 of the Abattoir Hygiene Act 1992 (Act No. 121 of 1992) – Relating to Exemption of Certain Categories of Persons from Section 3(1) of the Act, this department raises no objection to your request to slaughter as per detailed below:

<u>Date</u>	<u>Type of Animal</u>	<u>Number to be slaughtered</u>

This exemption is valid for \_\_\_\_\_ (date/s) only.

Furthermore this approval is granted subject to:

1. The conditions as listed in the attached bylaws being adhered to, paying particular attention to Chapter 22, Section 126(h) which states that animals shall not be brought onto the premises more than 24 hours prior to the event;
2. The animals being kept so as not to give rise to any nuisance to any persons residing on the above premises or the surrounding neighborhood in terms of Section 126 (i) of the bylaws.

Your attention is drawn to Section 3(b) of the abovementioned regulation which states that a person who slaughters animals under this exemption shall obtain prior permission thereto from the owner, tenant or person in control of the land where such slaughtering occurs if the person who performs the slaughtering is not the owner, tenant or person in control of the relevant land.

ENVIRONMENTAL HEALTH PRACTITIONER

For office use

File:

Municipality Resolution:

Provincial Gazette Number

Local Authority Notice Number