



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

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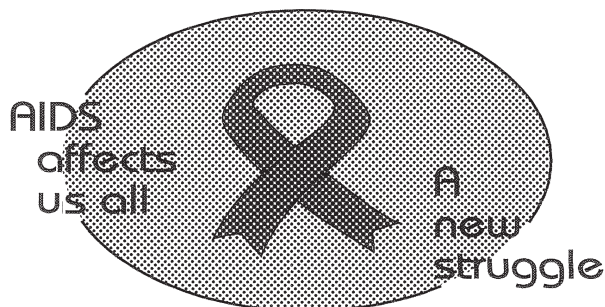
BISHO/KING WILLIAM'S TOWN

22 April 2024
22 April 2024

No: 5087

PART 1 OF 3

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DEPARTMENT OF HEALTH

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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

GENERAL NOTICE 126 OF 2024



Province of the
EASTERN CAPE
EDUCATION

Iphondo leMpuma Kapa Isebe leMfundo
Provinsie van die Oos Kaap: Departement van Onderwys
Foratunsie Ya Kapa Bolahabais: Lefapha la Thuto

PROCLAMATION IN RESPECT OF EIGHTY-SIX (86) CLOSED, ONE HUNDRED AND FOURTEEN (114) MERGED, AND THREE HUNDRED AND THREE (303) REALIGNED SCHOOLS IN THE EASTERN CAPE DEPARTMENT OF EDUCATION

I, FUNDILE GADE, a member of the Executive (MEC), Education in the Eastern Cape, acting in terms of Sections 33 and 12A of South African Schools' Act 1996 (Act No. 84 of 1996) shall be declaring eighty-six (86) public ordinary schools across the twelve (12) Education District as closed, one hundred and fourteen (114) merged schools and three hundred and three (303) realigned schools within ninety days from the date of publication of the upcoming Government Gazette. The breakdown of the eighty-six (86) closed, one hundred and fourteen (114) merged and three (303) realigned schools across the twelve (12) Education Districts shall be officially closed within ninety days from the date of publication of the upcoming Government Gazette.

The breakdown of the closed, merged, and realigned schools per Districts is outlined here under:

No.	District	Closed	Merged	Realignment
		No of schools	No of schools	No of schools
1.	Alfred Nzo East	0	0	14
2.	Alfred Nzo West	15	0	5
3.	Amathole East	7	63	0
4.	Amathole West	14	0	0
5.	Buffalo City Metro	14	36	0
6.	Chris Hani East	10	7	17
7.	Chris Hani West	8	8	75
8.	Joe Gqabi	7	0	0
9.	Nelson Mandela Bay	1	0	0
10.	OR Tambo Coastal	0	0	69
11.	OR Tambo Inland	6	0	123
12.	Sarah Baartman	4	0	0
TOTAL		86	114	303

HON. FUNDILE GADE

27/02/24

DATE

MEC FOR THE EASTERN CAPE DEPARTMENT OF EDUCATION

GENERAL NOTICE 127 OF 2024



Province of the
EASTERN CAPE
EDUCATION

Iphondo leMpuma Kapa: Isibini leMfundo
Provinsie van die Oos Kaap: Departement van Onderwys
Porafensie ya Kapa Botjanabela: Lefapha la Thuto

PROVINCIAL GAZETTE – ANNEXURE A 86

PROVINCE OF THE EASTERN CAPE
DEPARTMENT OF EDUCATION

PROVINCIAL GAZETTE

ANNEXURE A 86

**NOTICE TO GAZETTE 86 CLOSED SCHOOLS IN TERMS OF SECTION 33 OF
THE SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT 84 OF 1996).**

I, FUNDILE GADE, Member of the Executive Council responsible for Education in the Eastern Cape, acting in terms of Section 33 of the South African Schools Act, 1996 (Act No. 84 of 1996) hereby declare the public schools listed in the schedule hereto closed.



**FUNDILE GADE
MEMBER OF THE EXECUTIVE COUNCIL
DEPARTMENT OF EDUCATION**

GENERAL NOTICE 128 OF 2024



Province of the
EASTERN CAPE
EDUCATION

Iphondo leMpuma Kapa: Isebe leMfundo
Provinsie van die Oos Kaap: Departement van Onderwys
Porafensie Ya Kapa Botjhabela: Lefapha la Thulo

PROVINCIAL GAZETTE – ANNEXURE B 114

PROVINCE OF THE EASTERN CAPE
DEPARTMENT OF EDUCATION

PROVINCIAL GAZETTE

ANNEXURE B 114

NOTICE TO GAZETTE 114 MERGED SCHOOLS IN TERMS OF SECTION 12A OF THE SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT 84 OF 1996)

I, FUNDILE GADE, Member of the Executive Council responsible for Education in the Eastern Cape, acting in terms of Section 12A of the South African Schools Act, 1996 (Act No. 84 of 1996) hereby declare the public schools listed in the schedule hereto merged. The schools have naturally merged due to realignment of schools and/or merger of one or more schools and/or low numbers and migration of learners.



FUNDILE GADE
MEMBER OF THE EXECUTIVE COUNCIL
DEPARTMENT OF EDUCATION

PROVINCIAL GAZETTE

ANNEXURE B 114

No.	Emis Code	Official_Institution Name	District	Emis Code	Host_Institution	Phase_Ped
1	200300262	MAGABA SENIOR PRIMARY SCHOOL	AMATHOLE EAST	200300851	MBHANGCOLO PRIMARY SCHOOL	PRIMARY
2	200300185	KOBODI PRIMARY SCHOOL	AMATHOLE EAST	200300491	NONKQUBELA PRIMARY SCHOOL	PRIMARY
3	200300203	LAMBATA JUNIOR SECONDARY SCHOOL	AMATHOLE EAST	200300687	ZIDLEKAYA PRIMARY SCHOOL	PRIMARY
4	200300545	QHAMILE JUNIOR PRIMARY SCHOOL	AMATHOLE EAST	200300136	HLANGANI PRIMARY SCHOOL	PRIMARY
5	200300546	QIMA JUNIOR SECONDARY SCHOOL	AMATHOLE EAST	200300821	LINDSAY PRIMARY SCHOOL	PRIMARY
6	200300700	ZWELAKHE JUNIOR PRIMARY SCHOOL	AMATHOLE EAST	200300395	MUNYU PRIMARY SCHOOL	PRIMARY
7	200400932	QAMATA JUNIOR PRIMARY SCHOOL	AMATHOLE EAST	200400601	MILLER PRIMARY SCHOOL	PRIMARY
8	200300368	MPUKANE JUNIOR SECONDARY SCHOOL	AMATHOLE EAST	200300880	MAGONTINI PRIMARY SCHOOL	PRIMARY
9	200300785	MAMPONDWENI JUNIOR PRIMARY SCHOOL	AMATHOLE EAST	200300332	MNGXABAKAZI PRIMARY SCHOOL	PRIMARY
10	200300749	HOLOLOSHE JUNIOR PRIMARY SCHOOL	AMATHOLE EAST	200300332	VININDWA PRIMARY SCHOOL	PRIMARY
11	200400549	MCELWANE SENIOR PRIMARY SCHOOL	AMATHOLE EAST	200300332	MWEZENI PRIMARY SCHOOL	PRIMARY
12	200300135	HLAKOTI SENIOR PRIMARY SCHOOL	AMATHOLE EAST	200300332	NTSIMBAKAZI PRIMARY SCHOOL	PRIMARY
13	200400213	GOBIZEMBE SENIOR PRIMARY SCHOOL	AMATHOLE EAST	200300332	POKOLOSHE PRIMARY SCHOOL	PRIMARY
14	200300194	KUNENE SENIOR PRIMARY SCHOOL	AMATHOLE EAST	200300319	MEVANA PRIMARY SCHOOL	PRIMARY
15	200300686	ZIBHITYOLO JUNIOR PRIMARY SCHOOL	AMATHOLE EAST	200300332	NGQUTU JUNIOR SECONDARY SCHOOL	PRIMARY
16	200300691	ZIQORANA SENIOR PRIMARY SCHOOL	AMATHOLE EAST	200300564	SHIXINI PRIMARY SCHOOL	PRIMARY
17	200300002	A M BAM JUNIOR	AMATHOLE		CALEY PRIMARY	PRIMARY

PROVINCIAL GAZETTE

ANNEXURE B 114

		PRIMARY SCHOOL	EAST	200300564	SCHOOL	
18	200300685	ZENZELE SENIOR PRIMARY SCHOOL	AMATHOLE EAST	200300273	MAKHOSONKE MAHLATI PRIMARY SCHOOL	PRIMARY
19	200300325	MGCAWEZULU JUNIOR PRIMARY SCHOOL	AMATHOLE EAST	200300113	GOJELA PRIMARY SCHOOL	PRIMARY
20	200300693	ZIVUKELE SENIOR PRIMARY SCHOOL	AMATHOLE EAST	200300273	MAKHOSONKE MAHLATI PRIMARY SCHOOL	PRIMARY
21	200300103	G S MAGOBIANE SENIOR PRIMARY SCHOOL	AMATHOLE EAST	200300760	LITHA COMBINED	PRIMARY
22	200300101	FUNDISA SENIOR PRIMARY SCHOOL	AMATHOLE EAST	200300509	NGQUTU PRIMARY SCHOOL	PRIMARY
23	200300541	PUMLANI SENIOR PRIMARY SCHOOL	AMATHOLE EAST	200300805	GOBE PRIMARY SCHOOL	PRIMARY
24	200300294	MATHOLE SENIOR PRIMARY SCHOOL	AMATHOLE EAST	200300777	NGUNDUZA PRIMARY SCHOOL	PRIMARY
25	200300021	BIKANA JUNIOR SECONDARY SCHOOL	AMATHOLE EAST	200300224	LOWER GWADU PRIMARY SCHOOL	PRIMARY
26	200300047	CIKO JUNIOR SECONDARY SCHOOL	AMATHOLE EAST	200300527	NYOKANA PRIMARY SCHOOL	PRIMARY
27	200300543	QHAYIYALETU JUNIOR PRIMARY SCHOOL	AMATHOLE EAST	200300705	ZWELILUNGILE PRIMARY SCHOOL	PRIMARY
28	200300120	GUGULETHU JUNIOR PRIMARY SCHOOL	AMATHOLE EAST	200300273	MAKHOSONKE MAHLATI PRIMARY SCHOOL	PRIMARY
29	200300573	SIVANXA JUNIOR SECONDARY SCHOOL	AMATHOLE EAST	200300273	MAKHOSONKE MAHLATI PRIMARY SCHOOL	PRIMARY
30	200300671	ZAKHELE SENIOR PRIMARY SCHOOL	AMATHOLE EAST	200300273	MAKHOSONKE MAHLATI PRIMARY SCHOOL	PRIMARY
31	200300163	JOJWENI SENIOR PRIMARY SCHOOL	AMATHOLE EAST	200300273	MAKHOSONKE MAHLATI PRIMARY SCHOOL	PRIMARY
32	200300537	PETER QONGO JUNIOR SECONDARY SCHOOL	AMATHOLE EAST	200300275	MALONGWENI PRIMARY SCHOOL	PRIMARY

PROVINCIAL GAZETTE

ANNEXURE B 114

33	200200013	AMAKHUZE PRIMARY SCHOOL	AMATHOLE WEST	200200613	NOMVUME PRIMARY SCHOOL	PRIMARY
34	200100378	VULINDLELA PRIMARY SCHOOL	AMATHOLE WEST	200100378	KHOBONQABA PRIMARY SCHOOL	PRIMARY
35	200200686	PHAPHAMA PRIMARY SCHOOL	BUFFALO CITY METRO	200200169	EXTENSIONS FARM	PRIMARY
36	200200149	ELITHENI JUNIOR PRIMARY SCHOOL	BUFFALO CITY METRO	200200309	KHANYISA PRIMARY SCHOOL	PRIMARY
37	200200388	LUXOMO JUNIOR PRIMARY SCHOOL	BUFFALO CITY METRO	200200160	EMNCOTSHO PRIMARY SCHOOL	PRIMARY
38	200200179	FIKILE BENGU SENIOR PRIMARY SCHOOL	BUFFALO CITY METRO	200200755	SHAD MASHOLONGU PRIMARY	PRIMARY SCHOOL
39	200200756	SHADRACK MTSHEMLA	BUFFALO CITY METRO	200200893	W.M MTYEKU PRIMARY SCHOOL	PRIMARY SCHOOL
40	200200687	PHILANI PRIMARY SCHOOL	BUFFALO CITY METRO	200200919	ZAMANI JUNIOR PRIMARY SCHOOL	PRIMARY SCHOOL
41	200200941	ZIKWABA PRIMARY SCHOOL	BUFFALO CITY METRO	200200662	NXARHUNI PRIMARY SCHOOL	PRIMARY SCHOOL
42	200200850	TOM PANYANA PRIMARY SCHOOL	BUFFALO CITY METRO	200200796	SIYAVUYA PRIMARY SCHOOL	PRIMARY SCHOOL
43	200200134	DUMISA PRIMARY SCHOOL	BUFFALO CITY METRO	200200107	DALUKUKHANYO PRIMARY SCHOOL	PRIMARY SCHOOL
44	200200079	CEFANE PRIMARY SCHOOL	BUFFALO CITY METRO	200200579	NGXINGOLO PRIMARY SCHOOL	PRIMARY SCHOOL
45	200200136	DYAM DYAM PRIMARY SCHOOL	BUFFALO CITY METRO	200200214	GQALA PRIMARY SCHOOL	PRIMARY SCHOOL
46	200200221	GRENS VOORBEREIDING SCHOOL	BUFFALO CITY METRO	200200253	GRENS LAERSKOOL	PRIMARY SCHOOL
47	200200232	GXETU PRIMARY SCHOOL	BUFFALO CITY METRO	200200481	MIMOSA PARK PRIMARY SCHOOL	PRIMARY SCHOOL
48	200200245	HILLINGDALE PRIMARY SCHOOL	BUFFALO CITY METRO	200200716	QHURU PRIMARY SCHOOL	PRIMARY SCHOOL
49	200200477	MHALA PRIMARY SCHOOL	BUFFALO CITY METRO	200200383	LUNGISA PRIMARY SCHOOL	PRIMARY
50	200200504	MSOBOMVU PRIMARY SCHOOL	BUFFALO CITY METRO	200200857	TSHOLOMNQA PRIMARY SCHOOL	PRIMARY
51	200200587	GWEBILE JUNIOR PRIMARY SCHOOL	BUFFALO CITY METRO	200200676	PEELTON SENIOR PRIMARY SCHOOL	PRIMARY
52	200200661	NXAMKWANA PRIMARY SCHOOL	BUFFALO CITY METRO	200200160	EMNCOTSHO PRIMARY SCHOOL	PRIMARY
53	200300795	LUBOMVINI JUNIOR SECONDARY SCHOOL	CHRIS HANI EAST	200300076	DUMEZWENI MEGA	PRIMARY

PROVINCIAL GAZETTE

ANNEXURE B 114

54	200300802	CABA JUNIOR SECONDARY SCHOOL	CHRIS HANI EAST	200300076	DUMEZWENI MEGA	PRIMARY
55	200300246	LUPHINDWENI JUNIOR PRIMARY SCHOOL	CHRIS HANI EAST	200300076	DUMEZWENI MEGA	PRIMARY
56	200300798	MANTANJENI PRIMARY SCHOOL	CHRIS HANI EAST	200300076	DUMEZWENI MEGA	PRIMARY
57	200600397	LUSINDISO PRIMARY SCHOOL	CHRIS HANI EAST	200600742	SIFONONDILE MEGA	PRIMARY
58	200600594	NOBUNTU JUNIOR SECONDARY SCHOOL	CHRIS HANI EAST	200600742	SIFONONDILE MEGA	PRIMARY
59	200600176	EMPUMELELWENI SENIOR PRIMARY SCHOOL	CHRIS HANI WEST	200600946	ZINGISA SENIOR PRIMARY SCHOOL	PRIMARY
60	200600302	IXHADI LABANTWANA SENIOR PRIMARY SCHOOL	CHRIS HANI WEST	200600522	MTHAWELANGA JPS	PRIMARY
61	200600608	NOMZAMO JUNIOR PRIMARY SCHOOL	CHRIS HANI WEST	200600443	MASAKHANE PRIMARY SCHOOL	PRIMARY
62	200600671	PHILGET MZAZI JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	200600182	ENYANISWENI JUNIOR SECONDARY SCHOOL	SECONDARY
	TOTAL					114

GENERAL NOTICE 129 OF 2024



Province of the
EASTERN CAPE
EDUCATION

Iphondo leMpuma Kapa: Isebe leMfundo
Provinsie van die Oos Kaap: Departement van Onderwys
Porafensie Ya Kapa Botjhabela: Lefapha la Thuto

PROVINCIAL GAZETTE – ANNEXURE C 303

**PROVINCE OF THE EASTERN CAPE
DEPARTMENT OF EDUCATION**

PROVINCIAL GAZETTE

ANNEXURE C 303

**NOTICE TO GAZETTE 303 REALIGNED SCHOOLS IN TERMS OF SECTION 12A
OF THE SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT 84 OF 1996)**

I, FUNDILE GADE, Member of the Executive Council responsible for Education in the Eastern Cape, acting in terms of Section 12A of the South African Schools Act, 1996 (Act No. 84 of 1996) hereby declare the public schools listed in the schedule hereto realigned.



FUNDILE GADE
MEMBER OF THE EXECUTIVE COUNCIL
DEPARTMENT OF EDUCATION



Province of the
EASTERN CAPE
EDUCATION

Iphondo leMpuma Kapa Isebe leMundo
Provinsie van die Oos Kaap, Departement van Onderwys
Porolensie ya Kapa Botlhabela, Leleapha la Tluto

NO.	Emis Code	Official Institution Name	District	SRRP Decision	Phase after Realignment
1	200501090	SHUKUMA SECONDARY SCHOOL	ALFRED NZO EAST	REALIGNMENT	SECONDARY
2	200500820	KWANIKWE SECONDARY SCHOOL	ALFRED NZO EAST	REALIGNMENT	SECONDARY
3	200500954	NTABEZULU SECONDARY SCHOOL	ALFRED NZO EAST	REALIGNMENT	SECONDARY
4	200500863	MJANYELWA PRIMARY SCHOOL	ALFRED NZO EAST	REALIGNMENT	PRIMARY
5	200500167	ELITYENI PRIMARY SCHOOL	ALFRED NZO EAST	REALIGNMENT	PRIMARY
6	200500103	CWAKA PRIMARY SCHOOL	ALFRED NZO EAST	REALIGNMENT	PRIMARY
7	200500935	NONGEKE SECONDARY SCHOOL	ALFRED NZO EAST	REALIGNMENT	PRIMARY
8	200500411	LANGALETHU PRIMARY SCHOOL	ALFRED NZO EAST	REALIGNMENT	PRIMARY
9	200500269	GREENVILLE PRIMARY SCHOOL	ALFRED NZO EAST	REALIGNMENT	SECONDARY
10	200500468	LUPHADLASI PRIMARY SCHOOL	ALFRED NZO EAST	REALIGNMENT	PRIMARY
11	200501271	QADU SECONDARY SCHOOL	ALFRED NZO EAST	REALIGNMENT	PRIMARY
12	200500315	BHOVULENGWE SECONDARY SCHOOL	ALFRED NZO EAST	REALIGNMENT	PRIMARY
13	200500666	MGOMANZI PRIMARY SCHOOL	ALFRED NZO EAST	REALIGNMENT	SECONDARY
14	200500856	NDAYINI PRIMARY SCHOOL	ALFRED NZO EAST	REALIGNMENT	SECONDARY
15	200500029	BETHEL JUNIOR SECONDARY SCHOOL	ALFRED NZO WEST	REALIGNMENT	PRIMARY
16	200500394	LAMEKA JUNIOR SECONDARY SCHOOL	ALFRED NZO WEST	REALIGNMENT	PRIMARY
17	200501310	ZAMOKUHLE JUNIOR SECONDARY SCHOOL	ALFRED NZO WEST	REALIGNMENT	PRIMARY
18	200500550	MALUBELUBE JUNIOR SECONDARY SCHOOL	ALFRED NZO WEST	REALIGNMENT	PRIMARY
19	200500288	HARDENBERG FULL SERVICE SCHOOL	ALFRED NZO WEST	REALIGNMENT	PRIMARY
20	200400154	ELUHEWINI JUNIOR PRIMARY SCHOOL	CHRIS HANI EAST	REALIGNMENT	PRIMARY
21	200400865	NTLELELENGWANE PRIMARY SCHOOL	CHRIS HANI EAST	REALIGNMENT	PRIMARY
22	200400670	MTAWELANGA JUNIOR SECONDARY SCHOOL	CHRIS HANI EAST	REALIGNMENT	PRIMARY
23	200400952	QOTA JUNIOR SECONDARY SCHOOL	CHRIS HANI EAST	REALIGNMENT	PRIMARY
24	200400538	MBOLENI JUNIOR PRIMARY SCHOOL	CHRIS HANI EAST	REALIGNMENT	SECONDARY
25	200400496	MAQANDA JUNIOR PRIMARY SCHOOL	CHRIS HANI EAST	REALIGNMENT	SECONDARY
26	200400382	LOWER MNYOLO JUNIOR SECONDARY SCHOOL	CHRIS HANI EAST	REALIGNMENT	PRIMARY
27	200400281	JALISA JUNIOR PRIMARY SCHOOL	CHRIS HANI EAST	REALIGNMENT	PRIMARY
28	200601084	NDLUNKULU JUNIOR SECONDARY SCHOOL	CHRIS HANI EAST	REALIGNMENT	PRIMARY
29	200400785	NJONGOZABANTU JUNIOR SECONDARY SCHOOL	CHRIS HANI EAST	REALIGNMENT	PRIMARY
30	200400802	NKWENKWANA PRIMARY SCHOOL	CHRIS HANI EAST	REALIGNMENT	PRIMARY

PROVINCIAL GAZETTE

ANNEXURE C 303

NO.	Emis Code	Official Institution Name	District	SRRP Decision	Phase after Realignment
31	200400534	MBILINI PRIMARY SCHOOL	CHRIS HANI EAST	REALIGNMENT	PRIMARY
32	200400661	MSINGATI PRIMARY SCHOOL	CHRIS HANI EAST	REALIGNMENT	PRIMARY
33	200400736	NGCACU PRIMARY SCHOOL	CHRIS HANI EAST	REALIGNMENT	PRIMARY
34	200400154	ELUHEWINI PRIMARY JUNIOR SCHOOL	CHRIS HANI EAST	REALIGNMENT	PRIMARY
35	200401212	ZWELIDUMILE SENIOR SECONDARY SCHOOL	CHRIS HANI EAST	REALIGNMENT	PRIMARY
36	200400496	MAQANDA PRIMARY SCHOOL	CHRIS HANI EAST	REALIGNMENT	SECONDARY
37	200600396	LUQOLO JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
38	200600398	LUTUTU JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	SECONDARY
39	200600436	MAQASHU JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
40	200600454	MATYANTYA JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
41	200600498	MNIKINA JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
42	2006000553	NDIMANGENI JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
43	200600561	NDZONDELELO JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
44	200600573	NGQANDA JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
45	200600579	NJOMBELA JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
46	200600599	NOLUTHANDO JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
47	200600607	NOMVUYO JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
48	200601040	NONIBE JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
49	200600616	NONKUNZI JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
50	200600620	NONZWAKAZI JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
51	200600639	NTLALONTLE JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
52	200600029	BANKIES JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
53	200600062	BOQO JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
54	200600064	BOWDEN JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
55	200600067	BRAKKLOOF JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
56	200600074	BUFFALO THORNS JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
57	200600081	BUYOKOYOKO JUNIOR SECONDARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
58	200600170	EMAQWATHINI JUNIOR JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
59	200601119	EMAZIMENI JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
60	200600203	FOREST RANGE JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
61	200600214	GLEN ADELAIDE JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
62	200600226	GREYSPAN JUNIOR	CHRIS HANI WEST	REALIGNMENT	PRIMARY

PROVINCIAL GAZETTE

ANNEXURE C 303

NO.	Emis Code	Official Institution Name	District	SRRP Decision	Phase after Realignment
		SECONDARY SCHOOL			
63	200600232	GUBA MOEK JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
64	200600337	KLEINBOOI JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
65	200601002	KOMANA'S JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
66	200600367	LAMPOUGH JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
67	200600659	PAPASI JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
68	200600676	PLATKOP JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
69	200600688	QOQODALA JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
70	200600695	QUGQWARU JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
71	200601151	SIYAVUYA JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
72	200600787	ST CYPRIANS JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
73	200600824	TEMBELIHLE JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
74	200600930	XUMABOKWE JUNIOR SECONDARY SCHOOL	CHRIS HANI WEST	REALIGNMENT	PRIMARY
75	200600023	BAKANENI SENIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
76	200600632	NOZUKO SENIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
77	200600698	QUTUBENI JUNIOR SECODARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
78	200600829	THANDISIZWE SENIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
79	200600445	MASAKHANE SENIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
80	200600815	TAFENI JUNIOR SECONDARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
81	200600935	ZAMICEBO SENIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
82	200600853	TSEMBEYI JUNIOR SECONDARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
83	200600697	QUMBU SENIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
84	200600147	DUM DUM SENIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
85	200600902	VUYOLWETHU SENIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
86	200600881	VAALBANK JUNIOR SECONDARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
87	200601018	AGNES SENIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
88	200600699	QWABI SENIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
89	200600636	NTABANKULU SENIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
90	200600962	ZWELIXOLILE SENIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
91	200600633	NQININGANA JUNIOR SECONDARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
92	200600599	NOLUTHANDO JUNIOR SECONDARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
93	200600454	MATYANTYA JUNIOR SECONDARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
94	200601020	DE HOOP SENIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY

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95	200600865	UMHLANGA JUNIOR SECONDARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
96	200600784	ST AUGUSTINES JUNIOR SECONDARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
97	200600764	SIZWE JUNIOR SECONDARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
98	200600006	ABRAHAM VANQA JUNIOR SECONDARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
99	200600378	LONWABO JUNIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
100	200600379	LONWABO SENIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
101	200600053	BOLOTWA SENIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
102	200600597	NOKWANDA JUNIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
103	200600443	MASAKANE JUNIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
104	200600382	LOWER DIDIMANA SENIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
105	200600519	MTEBELE JUNIOR SECONDARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
106	200600637	NTABELANGA SENIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
107	200600488	MINAH T SOGA SENIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
108	200600596	NOGATE SENIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
109	200600932	YONDA COMBINED	CHRIS HANI WEST	REALIGNMENT	PRIMARY
110	200600564	NEW HOPE COMBINED	CHRIS HANI WEST	REALIGNMENT	PRIMARY
111	200601106	RODANA SENIOR PRIMARY	CHRIS HANI WEST	REALIGNMENT	PRIMARY
112	200501376	MAMPELAZWE JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
113	200500176	EMANGQUZU JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
114	200500434	LOWER QOQO SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
115	200500460	LUKHAYLAMBENI SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
116	200500556	MAMPONDO JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
117	200500569	MANQILO SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
118	200500693	MKETENGENI JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
119	200500775	MQHUME SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
120	200500798	MTHOMBOLWAZI SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
121	200501166	ST PETERS JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
122	200501193	THABAZI JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	SECONDARY
123	200501242	TUMSE SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
124	200501243	TWAZI JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	SECONDARY
125	200501263	UPPER QOQO SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
126	200501287	VUMINDABA SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
127	200501290	WALTER CINGO SENIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	SECONDARY

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128	200500022	BEKABANTU JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
129	200501357	EZADUNGENI SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
130	200500483	FLAGSTAFF SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
131	20500233	FLAGSTAFF SENIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	SECONDARY
132	200500376	KWA- GUQA SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
133	200500439	LUBALA JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
134	200500605	MAYIBENYE SENIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	SECONDARY
135	200500610	MBADANGO SENIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
136	200500720	MNGENI SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
137	200500825	MZAMENI SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
138	200500833	MZONTSUNDU SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
139	200500949	NKOZO JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
140	200501019	PHANDAPHANTSI SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
141	200501062	REDHILL JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
142	200501072	SACRED HEART JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
143	200500243	SIKITINI PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
144	200500088	CETSHE JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
145	200501291	THEMBILE SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
146	200501214	TOBINTETHO SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
147	200502378	GWEBINDLALA SENIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	SECONDARY
148	200501372	BULUMKO SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
149	200500245	GCINISIZWE SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
150	200500540	MAKHOSONKE SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
151	200500653	MEYISI SENIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	SECONDARY
152	200500702	MKHUMENI SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
153	200500716	MNELISWA SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
154	200500877	NGCUNGENI SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
155	200501235	TSHONISWA SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
156	200500395	LANGA SENIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	SECONDARY
157	200500659	MFUNDISWENI SENIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	SECONDARY
158	200500007	BABANE SENIOR PRIMARY	OR TAMBO	REALIGNMENT	PRIMARY

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		SCHOOL	COASTAL		
159	200500163	EDOLOPHINI JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
160	200500251	GEBUZA JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	SECONDARY
161	200500257	GINYINDLOVU SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
162	200500307	HOLY CROSS JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
163	200500334	JKINDABA SENIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	SECONDARY
164	200500344	KABINGELE JUNIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
165	200500373	KWAMATAMBO SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
166	200500387	KWAQONDA JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	FULL SERVICE
167	200500388	KWAVELILE JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
168	200500471	LUPONDO JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
169	200500627	MBONO JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
170	200500670	MGWILI SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
171	200500674	MHLANGA JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	SECONDARY
172	200500689	MKAMBATI JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
173	200500690	MKAMELA JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
174	200500691	MKANKOMO JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	FULL SERVICE
175	200501427	MPINGANA SENIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	SECONDARY
176	200500803	MTONTSASA JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
177	200500898	NGWENYENI JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	SECONDARY
178	200501112	SINGEMBENI SENIOR PRIMARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
179	200501327	ZIMISELE JUNIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	PRIMARY
180	200501327	ZWELIBONGILE SENIOR SECONDARY SCHOOL	OR TAMBO COASTAL	REALIGNMENT	SECONDARY
181	200401292	BAMBANANI JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
182	200400041	BITYI JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
183	200400139	DUMANENI JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
184	200400172	ESIKWAYINI JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
185	200400189	GABAZI JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
186	200400191	GADUKA PRIMARY JUNIOR SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
187	200400254	GXIDIDI PRIMARY JUNIOR SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
188	200400361	LINGELIHLE JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY

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189	200400438	MADONISI JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
190	200400442	MADWALENI JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
191	200400476	MANDLENI JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
192	200400539	MBOLOMPO COMPREHENSIVE SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
193	200400634	MPAFANE JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
194	200400645	MPIKWANA JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
195	200400761	NGQUNGE JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
196	200400849	NTABASIGOGO JUNIOR SECONDARY	OR TAMBO INLAND	REALIGNMENT	PRIMARY
197	200400944	QINGQOLO PRIMARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
198	200400969	ROSEDALE JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
199	200400992	SHUKUNXA JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
200	200401412	SIVIWE BUSO JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
201	200401106	UPPER NGQWARA JUNIOR SECONDARY	OR TAMBO INLAND	REALIGNMENT	PRIMARY
202	200401239	UPPER ZIMBANE JUNIOR SECONDARY	OR TAMBO INLAND	REALIGNMENT	PRIMARY
203	200401260	ZANCI JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
204	200400061	BUWA JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
205	200401224	ZWELIXOLILE JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
206	200400788	NKALANE JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
207	200400974	SAKELA JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
208	200400777	NGWENI JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
209	200400423	LUXENI JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
210	200400137	DUKATOLE JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
211	200401192	ZINKAWU JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	PRIMARY
212	200401228	ATTWELL MADALA HIGH SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
213	200404017	AV PLAATJIE SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
214	200400015	BAMBILANGA SENIOR SECONDARY SC	OR TAMBO INLAND	REALIGNMENT	SECONDARY
215	200400024	BAZINDLOVU SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
216	200400034	BELE-ZINGCUKA TECHNICAL SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
217	200500072	BUWA SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
218	200400067	CAMERON NGUDLE SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
219	200400077	CHIEF NZ MTIRARA SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY

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220	200400102	DALIBASO SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
221	200400108	DALUHLANGA SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
222	200400110	DALUKHANYO SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
223	200400128	DILIZINTABA SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
224	200400130	DINIZULU JUNIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
225	200400136	DUDUMAYO SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
226	200401308	DUMRANA SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
227	200501398	DWEBE SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
228	200400144	E N SEKU SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
229	200400200	GCISA SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
230	200400208	GENERAL MAQHUTYANA TECHNICAL HIGH SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
231	200400205	GENGQE SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
232	200400805	GOBINAMBA SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
233	200400581	GOBIZIZWE AGRICULTURAL SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
234	200400264	HLABATSHANE SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
235	200401311	HOLOMISA SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
236	200400272	HOLY CROSS SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
237	200401387	IKHWEZI TECHNICAL SKILL CENTRE	OR TAMBO INLAND	REALIGNMENT	SECONDARY
238	200400933	JENCA SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
239	200400286	JIXINI SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
240	200400293	JONGILIZWE SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
241	200400300	JONGINTABA SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
242	200400308	JOUBERT LUDIDI SENIOR SECONDARY	OR TAMBO INLAND	REALIGNMENT	SECONDARY
243	200401333	JOYI SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
244	200401269	JUMBA SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
245	200400310	K T MCHASA SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
246	200400336	KULANATHI SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
247	200401300	kwaNOBUHLE SENIOR SECONDARY	OR TAMBO INLAND	REALIGNMENT	SECONDARY
248	200400357	LESLIE NKALA SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
249	200400363	LITTLE FLOWER SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
250	200400419	LUTUBENI SENIOR	OR TAMBO INLAND	REALIGNMENT	SECONDARY

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		SECONDARY SCHOOL			
251	200400364	LUTUKA SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
252	200400285	MANDELA SCHOOL OF SCIENCE AND TECHNOLOGY	OR TAMBO INLAND	REALIGNMENT	SECONDARY
253	200404028	MANZOLWANDLE SANDILE SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
254	200400518	MAXWELE SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
255	200400540	MBONGWENI SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
256	200400569	MDITSHWA TECHNICAL HIGH SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
257	200400576	MENZIWA SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
258	200400602	MILTON DALASILE SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
259	200400603	MILTON MBEKELA SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
260	200400642	MPEKO SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
261	200401306	MPINDWENI SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
262	200400671	MTENGWANE SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
263	200401343	NGANGELIZWE SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
264	200400764	NGQWALA SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
265	200400772	NGUBESIZWE SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
266	200401335	NGWAYIBANJWA SENIOR SECONDARY SCH	OR TAMBO INLAND	REALIGNMENT	SECONDARY
267	200401297	NOZUKO SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
268	200400847	NQWILISO SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
269	200400945	QINGQOLO SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
270	200401252	QOKOLWENI SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
271	200401389	QUMBU TECHNICAL SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
272	200400958	QUMBU VILLAGE SENIOR SECONDARY SCHL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
273	200401286	REUBEN NTULI SENIOR SECONDARY SCHL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
274	200400979	SANDY MAJEKE SENIOR SECONDARY SCHL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
275	200400989	SHAWBURY SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
276	200400005	SINOLWAZI SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
277	200401291	SOMAGUNYA SENIOR SECONDARY SCHL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
278	200401299	SOUTHERNWOOD JUNIOR SECONDARY	OR TAMBO INLAND	REALIGNMENT	SECONDARY
279	200401027	ST BARTHOLOMEW'S SENIOR SECONDARY	OR TAMBO INLAND	REALIGNMENT	SECONDARY
280	200401028	ST CUTHBERT'S SENIOR SECONDARY SCHL	OR TAMBO INLAND	REALIGNMENT	SECONDARY

PROVINCIAL GAZETTE

ANNEXURE C 303

NO.	Emis Code	Official Institution Name	District	SRRP Decision	Phase after Realignment
281	200401288	ST JOHNS COLLEGE	OR TAMBO INLAND	REALIGNMENT	SECONDARY
282	200401035	SULENKAMA SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
283	200401041	TANDANANI SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
284	200501219	TOLWENI SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
285	200401069	TSHONGWENI SENIOR SECONDARY SCHL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
286	200400359	TSOLO HIGH SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
287	200400086	TYELINZIMA HIGH SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
288	200401089	UMTATA HIGH SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
289	200401340	UMTATA TECHNICAL HIGH SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
290	200401321	UPPER CULUNCA SENIOR SECONDARY	OR TAMBO INLAND	REALIGNMENT	SECONDARY
291	200401104	UPPER MPAKO SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
292	200401143	WELSH SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
293	200400313	WILO COMPREHENSIVE SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
294	200401150	XOLILIZWE SANGONI SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
295	200401166	ZAMUKULUNGISA SEN SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
296	200401173	ZANGQELE SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
297	200401191	ZIMELE SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
298	200401304	ZINGISA COMPREHENSIVE HIGH SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
299	200401210	ZWELIBANGILE SENIOR SECONDARY SCHL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
300	200401225	ZWELODUMO SENIOR SECONDARY SCHL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
301	200400106	DALINDYEBO SENIOR SECONDARY SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
302	200404014	UMTATA INTER. SCHOOL	OR TAMBO INLAND	REALIGNMENT	SECONDARY
303	200401024	SPEFUNDEFU JUNIOR SECONDARY	OR TAMBO INLAND	REALIGNMENT	SECONDARY

GENERAL NOTICE 130 OF 2024**Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013
(Act 16 of 2013)****ERF 451 MOUNT ROAD, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that Conditions C.(a), (b), (c), (d), (e) and D.(c), (d), (e) and (f) as contained in the Deed of Transfer No. T50570/2011, and any related Deed applicable to Erf 451, Mount Road are hereby removed.

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 857 OF 2024



OFFICE OF THE MUNICIPAL MANAGER

Tel: 045 808 4610
Fax: 045 838 1542

Private Bag X 7121
Komani, 5320

Email: nmnyengeza@chrishanidm.gov.za
Enquiries: N. Mnyengeza

Date: 20 March 2024

PUBLIC NOTICE**PROMULGATION OF CHRIS HANI DISTRICT MUNICIPALITY
MUNICIPAL HEALTH SERVICES BY-LAWS, AIR QUALITY BY-LAWS AND
COMMUNITY FIRE SAFETY BY-LAWS**

NOTICE IS HEREBY GIVEN IN TERMS OF SECTIONS 17, 21 and 95 OF THE LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT NO 32 OF 2000, AS AMENDED AND SECTIONS 17, 21, 22, 23 and 24 OF THE MUNICIPAL FINANCE MANAGEMENT ACT NO. 56 OF 2003

This notice serves to inform the public and stakeholders that Chris Hani District Municipality will Publish the Municipal Health Services By-Laws, Air Quality By-Laws and Community Fire Safety By-Laws in the Government Gazette during April 2024.

The Municipal Health Services By-Laws, Air Quality By-Laws and Community Fire Safety By-Laws are formulated and gazetted to give proper effect to the municipalities law enforcement with regards to public health, safety, and the environment

Copies of the Municipal Health Services By-Laws, Air Quality By-Laws and Community Fire Safety By-Laws, with the relevant annexures setting out the legal requirements and legal framework within which the By-Laws must operate, appear on the Chris Hani District Municipality Website: www.chrishanidm.gov.za and are available free of charge on application to the Office of the Municipal Manager at 15 Bells Road, Queenstown.

Mr. G Mashiyi
MUNICIPAL MANAGER

This notice was displayed as required by Legislation.



CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**LOCAL GOVERNMENT NOTICE****CHRIS HANI DISTRICT MUNICIPALITY****BY-LAW RELATING TO AIR QUALITY**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000], read with Section 162 of the Constitution of the Republic of South Africa Act, 1996 [Act No. 108 of 1996], the By-law Relating to Air Quality Management.

PREAMBLE

- (1) **WHEREAS** section 156(1)(a) of the Constitution of the Republic of South Africa (hereafter “the Constitution”) stipulates that a municipality has executive authority in respect of and has the right to administer the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution;
- (2) **AND WHEREAS** section 156(2) of the Constitution specifies that a municipality may make and administer by-laws for the effective administration of the matters it has the right to administer;
- (3) **AND WHEREAS** in terms of Part B of Schedule 5 of the Constitution the powers and functions of the Chris Hani District Municipality (hereafter “the District”) includes air pollution;
- (4) **AND WHEREAS** there is a need for the District to adopt a by-law that will control, regulate, manage and govern the air pollution throughout the municipal area of the District;
- (5) **AND WHEREAS** the adoption of the by-law that will control, regulate, manage and govern the air pollution throughout the municipal area of the District will give effect to the applicable provisions of the National Environmental Management Act, 1998 (Act 107 of 1998) (hereafter “NEMA”), read with the applicable provisions of the National Environmental: Air Quality Act, 2004 (Act 39 of 2004) (hereafter “the AQA”).

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW

(6) NOW THEREFORE, this by-law is adopted in compliance with the provisions of section 13 of the Local Government: Municipal Systems Act, 2000 (Act No: 32 of 2000) (hereafter “the Systems Act).

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW

CHRIS HANI DISTRICT MUNICIPALITY: AIR QUALITY MANAGEMENT BY-LAW

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CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW

CHAPTER 1 GENERAL PROVISIONS

1. DEFINITIONS

In this by-law, except where the context otherwise indicates, or it is expressly stipulated otherwise, the following words and expressions shall have the respective meanings assigned to them hereunder, and words and expressions to which a meaning has been assigned in terms of the provisions of the applicable legislation referred to in this by-law, will have a corresponding meaning assigned thereto in terms of such legislation. All headings are included for convenience only and shall not be used in the interpretation of any of the provisions of this by-law.

NO.	WORD/EXPRESSION	DEFINITION
“A”		
	“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.
	“air pollutant”	Means and includes 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 odorous substances.
	“air pollution control zone”	Means the geographical area to which this by-law applies.
	“air quality management plan”	Means the air quality management plan referred to in section 15 of the AQA.

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	“Air Quality Officer”	Means an officer appointed in terms of section 14 of the AQA.
	“ambient air”	Means “ambient air” as defined in section 1 of the AQA.
	“ambient sound level”	Means the reading of an integrating sound level meter measured at the measuring point at the end of total period of at least 10 minutes after such integrating sound level meter has been put into operation, during which period a noise alleged to be a noise nuisance is absent.
	“atmosphere”	Means air that is not enclosed by a building, machine, chimney or other similar structure.
	“atmospheric emission” or “emission”	Means any emission or entrainment process emanating from a point, non-point or mobile source that results in air pollution.
	“authorised person”	Means any employee authorised by the District to implement any of the provision of the by-law and in possession of an appointment card issued by the District attesting thereto, including any member of the municipal police service or any peace officer.
	“AQA”	means the National Environmental Management Air Quality Act, 2004 (Act No. 39 of 2004).
“B”		
	“best practicable environmental option”	Means the option that provides the most benefit, or causes the least damage to the environment as a whole, at a cost acceptable to society in the long term as well as in the short term.
“C”		
	“change”	Means any modification which is made to an existing structure, plant, road, land use, procedure, action which may have an effect on the noise increases originating from an activity relating to or connected with the use of such structure, the operation of such plant, the use of such road or railway,

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		such land use, such procedure or such action.
	“chimney”	Means any structure or opening of any kind from which or through which air pollutants may be emitted.
	“Municipal Manager”	Means the Municipal Manager of the District appointed in terms of the provisions of section 54A of the Systems Act and as referred to in the definition of “accounting officer” in section 1 of the MFMA, and also referred to in section 60 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), and includes a person acting as an accounting officer, or the person to whom the accounting officer has delegated his/her authority to act.
	“District” or “municipality”	Means a local government and legal entity with full legal capacity as contemplated in section 2 of the Systems Act read with the provisions of Chapter 7 of the Constitution and sections 12 and 14 of the Structures Act, with its main place of business and the offices of the Municipal Manager, as envisaged in terms of the provisions of section 115(3) of the Systems Act, at: 15 Bells Road, Komani, and may, depending on the context, include: <ul style="list-style-type: none"> (a) its successor in title; or (b) a functionary, employee, or official exercising a delegated power or carrying out an instruction, in the event of any power being delegated as contemplated in terms of the provisions of section 59 of the Systems Act, or exercising any lawful act in the furtherance of the District Municipality’s duties, functions and powers; or an authorised service provider fulfilling a responsibility assigned to it by the District Municipality through a service delivery agreement.

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	“combustible liquid”	Means a liquid which has a close-up flash point of 38 degrees Celsius or above.
	“compressive ignition powered vehicle”	Means a vehicle powered by an internal combustion, compression ignition engine, diesel or similar fuel.
	“Constitution”	Means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).
	“control measure”	Means a technique, practice or procedure used to prevent or minimise the generation, emission, suspension or airborne transport of fugitive dust, pesticide, or sandblasting activities.
	“Council” or “Municipal Council”	Means the Municipal Council of the Chris Hani District Municipality as referred to and constituted in terms of the provisions of section 157 of the Constitution.
“D”		
	“dark smoke”	Means smoke: (a) Which has a density of 60 Hartridge smoke units or more (coastal areas), or in relation to emissions from turbo-charged compressed ignition powered engine, Means a density of 66 Hartridge smoke units or more (inland areas); or (b) Which has a light absorption co-efficient or more than 2.125 or more, or in relation to emissions from a turbo-charged compressed ignition powered engines, means a light absorption co-efficient of more than 2.51m.
	“dBA”	Means the value of the sound pressure level in decibels, determined using a frequency weighting network A and derived from the following equation -

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		$L_{PA} = 10 \log_{10} [P_A / P_0]^2$, where P_A = the “A” – weighted sound pressure; and P_0 = the reference sound pressure $(P_0 = 20 \mu Pa)$
	“disturbing noise”	Means a noise level that causes the ambient sound level measured continuously at the same measuring point to rise by 5 dBA or more.
	“dust”	Means any solid matter in a fine or disintegrated form which is capable of being dispersed or suspended in the atmosphere; and includes dust from mine dumps and for the purposes of this by-law, it includes any inhalable particle matter or any material composed of particles small enough to pass through a 1 mm screen and large enough to settle by virtue of their weight into the sampling container from the ambient air.
	“dwelling”	Means any building or structure, or part of a building or structure, used as a dwelling and any outbuildings ancillary to it but excludes informal settlements.
“E”		
	“environmental management inspector”	Means an environmental management inspector referred to in this by-law.
	“environment”	<p>Means the surroundings within which humans exist and that are made up of:</p> <p>(a) the land, water and atmosphere of the earth;</p> <p>(b) micro-organisms, plant and animal life;</p>

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		<p>(c) any part or combination of (a) and (b) and the interrelationships among and between them; and</p> <p>(d) the physical, chemical, aesthetic, and cultural properties and conditions of the foregoing that influence human health and well-being.</p>
	“erect”	Means build, alter, convert, extend or re-erect.
	“exempted vehicle”	Means a vehicle listed in Annexure A to SANS 10281.
“F”		
	“flammable gas”	<p>Means a gas which at 20 degrees Celsius and a standard pressure of 101, 3 kilopascals:</p> <p>(a) is ignitable when a mixture of 13% or less by volume with air; or</p> <p>(b) Has a flammable range with air of at least 12%, regardless of the lower flammable limit.</p>
	“flammable liquid”	Means a liquid or combustible liquid which has a close cup flash point of 60 degrees Celsius or below or an open cup flash point of 65.6 degrees Celsius.
	“flammable substance”	Means a flammable liquid, combustible liquid or flammable gas.
	“fuel-burning equipment”	<p>Means any furnace, boiler, incinerator, or other equipment, including a chimney:</p> <p>(a) designed to burn or capable of burning liquid, gas or solid fuel;</p> <p>(b) used to dispose of any material or waste by burning; or</p>

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		(c) used to subject liquid, gas or solid fuel to any process involving the application of heat.
“H”		
	“Head of Department”	Means the Head of Department of the District Municipality responsible for Health and Community Services
“M”		
	“Municipal Systems Act” or “Systems Act”	Means the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) and the regulations promulgated in terms thereof
“N”		
	“National Framework”	Means the National Framework for Air Quality Management in the Republic of South Africa, as established in terms of section 7(1) of the AQA.
	“NEMA”	Means the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the regulations promulgated in terms thereof.
	“noise-controlled area”	Means an area designated by the District in terms of this by- law where, in the case of: <ul style="list-style-type: none"> (a) road traffic noise directly adjacent to a road: <ul style="list-style-type: none"> (i) the reading on an integrating impulse sound level meter, taken outdoors at the end of a period of 24 hours while such meter was in operation, exceeds 60 dBA; or (ii) the outdoor equivalent continuous “A” – weighed sound pressure level at a height of at least 1,2 meters, but not more than 1,4

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		<p>metres, above the ground for a period extending from 06:00 to 24:00 as calculated in accordance with SABS 0210 and projected for a period of 15 years following the date on which the local authority has made such designation, exceeds 65 dBA.</p> <p>(b) air traffic noise directly adjacent to an airfield, the calculated noisiness index, projected for a period of 15 years following the date on which the local authority made such designation, exceeds 65 dBA;</p> <p>(c) industrial noise directly adjacent to an industry:</p> <ol style="list-style-type: none"> 1) the reading on an integrating impulse sound level meter, taken outdoors at the end of a period of 24 hours while such meter was in operation, exceeds 61 dBA; or 2) the calculated outdoor equivalent continuous "A" weighted sound pressure level at a height of at least 1,2 metres, but not more than 1,4 metres, above the ground for 24 hours, exceeds 61 dBA, or <p>(d) noise from any other source directly adjacent to that source:</p> <ol style="list-style-type: none"> i. the reading on an integrating impulse sound level meter, taken outdoors at the end of a period extending from the time when such source of noise became active until the time when it was no longer active, while such meter was in operation, exceeds 65 dBA; or
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		<p>(ii) the outdoor equivalent continuous “A” weighted sound pressure level at a height of at least 1,2 metres, but not more than 1,4 metres, above the ground, as calculated in accordance with acceptable mathematical / acoustic methods for a period extending from the time when the source of noise became active until the time when it was no longer active, and projected for a period of 15 years following the date on which the local authority made such designation, exceeds 65 dBA: Provided that methods of calculation as described in SANS ARP 1020 may be used for the purpose.</p>
	“noise nuisance”	Means any sound in terms of this by-law, which impairs or may impair the convenience or peace of any reasonable person.
	“non-exempted vehicle”	Means a vehicle not listed in Annexure A to SANS 10281.
	“nuisance”	<p>Means an unreasonable interference or likely interference caused by air pollution with</p> <p>(a) the health or well-being of any person or living organism;</p> <p>(b) the use or enjoyment by an owner or occupier of his or her property or her property or environment; and</p> <p>(c) the ordinary comfort, convenience, and peace.</p>

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“O”		
	“obscuration”	Means the ratio of visible light attenuated by air pollutants suspended in the effluent streams to incident visible light, expressed as a percentage.
	“open burning”	Means the combustion of material by burning without a closed system that has a chimney to vent the emitted products of combustion to the atmosphere, excluding the burning of sugar cane.
	“operator”	Means a person who owns or manages an undertaking, or who controls an operation or process, which emits air pollutants.
“P”		
	“pave”	Means to apply and maintain concrete or any other similar material to a road surface or any other surface.
	“person”	Means a natural person or a juristic person.
	“pest”	Means an injurious, noxious or troublesome living organism.
	“pesticide”	Means a micro-organism or material that is used or intended to be used to prevent, destroy, repel or mitigate a pest and includes, insecticide, fungicides, avicides and rodenticides.
	“proclaimed township”	Means any land unit zoned and utilised for residential purposes.
	“property projection plane”	Means a vertical plane on and including the boundary line of a piece of land defining the boundaries of such piece of land in space or with reference to a dimension of space.

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	“premises”	Means any building or other structure together with that 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 structures and any locomotives, ship, boat or other vessels which operates or is present within the area under the jurisdiction of the district or the precincts of any harbour.
	“Province”	Means the Eastern Cape Province.
	“public road”	Means a public road as defined in section 1 of the National Roads Traffic Act, 1996 (Act No. 93 of 1996).
	“R”	
	“recreational vehicle”	<p>(a) an off-road vehicle, scrambler, dune buggy or ultra-light aircraft;</p> <p>(b) a model aircraft, vessel, or vehicle.</p> <p>(c) any aircraft or helicopter used for sport or recreational but not for gain, including but not limited to a micro-light aircraft and a hot air balloon;</p> <p>(d) a vessel used for sport on water or recreational purposes but not for gain, including but not limited to a jet ski and ski-boat; or</p> <p>(e) Any other conveyance vessel or model which is used for sport or recreational purposes, but not for gain.</p>
		<p>Means a notice as referred to in this by-law, regarding the re- testing of vehicles</p> <p>“repair notice”</p>

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	“rubber product”	Means anything compose of rubber including anything containing or coated with rubber.
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CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW

“S”

	“SABS ARP 020”	Means South African Bureau of Standards publication No. 0201 titled: “Sound impact investigations for integrated environmental management”, or a standard which substitutes SABS ARP 020.
	“SANS 10103”	Means the latest edition of Standards South Africa publication No. 10103 titled: “ <i>The measurement and rating of environmental noise with respect to annoyance and to speech communication</i> ”, as amended from time to time or its corresponding replacement.
	“SANS 10181”	Means the latest edition of Standards South Africa publication No. 10181 titled: “ <i>the measurement of noise emitted by road vehicles when stationary</i> ”, as amended from time to time or its corresponding replacement.
	“SANS 10210”	Means the latest edition of the Standards South Africa publication No. 10210 titled: “ <i>Code of Practice for calculating and predicting road traffic noise</i> ”.
	“SANS 10281”	Means the latest edition of Standards South Africa publication No. 10281 titled: “ <i>Engine speed (S Value), reference sound levels and permissible sound levels of stationary road vehicles</i> ”, as amended from time to time or its corresponding replacement.
	“SANS 10328”	Means the latest edition of Standards South Africa publication No. 10328 titled: “ <i>Methods for environmental</i>

		<i>noise impact assessments</i> ”, as amended from time to time or its corresponding replacement.
		Means a small combustion installation, with a design capacity

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“small boiler”

of less than 50MW heat input, capable of burning solid, liquid and gas fuels used primarily for steam raising or electricity generation.

“smoke”

Means the gases, particulate matter and products of combustion emitted into the atmosphere when material is burned or subjected to heat and includes soot, grif and gritty particulates emitted in smoke.

“specialist study”

Means any scientifically based study relating to air quality conducted by an expert or recognized specialist of appropriate qualifications and competency in the discipline of air quality management.

“spray area”

Means an area or enclosure referred to in this by-law and must be used for spray painting, and “spray booth” has a corresponding meaning.

“U”

“use”

In relation to all-terrain vehicles includes driving, operating or being conveyed by, that vehicle.

“V”

“vehicle”

Means a vehicle as defined in section 1 of the National Roads Traffic Act, 1996 (Act No. 93 of 1996).

“Z”

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	“zone”	Means land set apart by a zoning scheme for a particular zoning irrespective of whether it comprises one or more land units or part of a land unit.
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CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW

2. LEGISLATIVE FRAMEWORK

This by-law is designed and must be read and implemented within the framework of, *inter alia*, the following legislation and the regulations applicable thereto:

- (1) The Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).
- (2) The National Environmental Management Act, 1997 (Act No. 107 of 1998); and
- (3) The National Environmental: Air Quality Act, 2004 (Act No. 39 of 2004).

3. OBJECTIVES

- (1) The objectives of this by-law are to:
 - a) Give effect to the right contained in section 24 of the Constitution by regulating air pollution within the municipal area of the District;
 - b) provide, in conjunction with any other applicable legislation, an effective legal and administrative framework, within which the District can manage and regulate activities that have the potential to adversely impact the environment, public health and well-being; and
 - c) Ensure that air pollution is avoided, or where it cannot be altogether avoided, mitigated or minimised.
- (2) Any person exercising a power under this by-law must exercise such power in order to give effect to the objectives as set out in subsection (1) above.

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**4. AIM AND PURPOSE**

The aim and purpose of this by-law is to enable the District to control, regulate, manage and govern the air pollution throughout the municipal area of the District in accordance with the environmental management principles listed in section 2 of NEMA and to give effect to the applicable provisions of NEMA, the AQA and the National Framework for Air Quality Management of the Republic of South Africa in terms of the provisions of section 7(1) of the AQA.

5. TITLE AND APPLICATION

- (1) This by-law is known as the Air Quality Management By-Law, 2022 and is applicable to all persons, including organs of state, within the municipal area of the District.
- (2) This by-law revokes all previous by-laws, decisions and/or *ad hoc* clauses within any other by-laws, regarding the subject matter of this by-law.

6. COMMENCEMENT AND VALIDITY

This by-law shall come into full force and effect upon publication hereof in accordance with the provisions of section 13 of the Systems Act.

7. RESPONSIBLE AUTHORITY

- (1) The responsible authority for the adoption, publication and implementation of this by-law is the district and where applicable the municipal council of the district.
- (2) The Health and Community Services Directorate will be responsible for the implementation of this by-law by the District.

8. ENFORCEMENT AND COMPLIANCE WITH THIS BY-LAW

- (1) The district shall enforce compliance with this by-law.
- (2) The district may appoint authorised persons as it may consider

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necessary to be responsible for compliance, enforcement and monitoring implementation and effectiveness of this by-law.

- (3) The authorised person shall take all lawful, necessary and practicable measures to enforce the provisions of this by-law.

9. COMPLIANCE MONITORING

- (1) For the purposes of compliance monitoring, the designated Environmental Management Inspectors must exercise the powers set out in sections 31G to 31L of the NEMA.
- (2) The environmental management inspectors may request from any polluter that significantly contributes or is likely to contribute to poor air quality, ambient and isokinetic monitoring and any other air quality related study, programs or reports to be conducted by a recognised and competent party, at the cost of the polluter.

10. OBSERVING FUNDAMENTAL RIGHTS

The district must, when exercising any right in terms of this by-law, do so with strict regard for decency and orderliness and with regard for each person's human rights including the right to dignity, freedom, security and privacy.

11. NON-LIABILITY OF THE DISTRICT

Neither the district nor any employee, official, person, body, organisation or corporation acting on behalf of the district shall be liable for any loss or damages of whatsoever nature howsoever arising whether, direct or consequential, suffered or sustained by any person as a result of, or arising from the district enforcing, imposing, giving effect to or taking any act or omission in respect of any matter in terms of this by-law.

12. CODE OF ETHICS

- (1) All the officials of the district shall embrace the spirit of Batho Pele and treat all rate payers, owners, consumers, customers and debtors with dignity and respect at all times.

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW

- (2) Employees of the district shall execute their duties in terms of this policy in an honest and transparent manner whilst protecting the confidentiality of information of rate payers, owners, consumers, customers and debtors in accordance with the provisions of the Promotion of Access to Information Act, 2000 (Act No: 2 of 2000).

13. AUTHENTICATION OF DOCUMENTS

Any document requiring authentication by the district relating to this by-law or otherwise, shall be sufficiently authenticated if signed by the Municipal Manager, or by a person duly authorised to do so, on behalf of the district, by resolution of the district and shall constitute *prime facie* proof of the authenticity, existence and contents of the document.

14. PRIMA FACIE EVIDENCE

In legal proceedings by, or on behalf of the district, a certificate reflecting any information required in terms of this by-law included in such a certificate and which is signed by the Municipal Manager, or by a person duly authorised to do so, on behalf of the District, by resolution of the District, shall subject to the provisions of section 3 of the Law of Evidence Amendment Act, 1988 (Act No. 45 of 1988), upon its mere production constitute *prima facie* evidence of the contents of the certificate.

15. PROVISION OF INFORMATION

A person within the municipal area of the district must provide the district with accurate information requested by the district which is reasonably required by the district for the implementation or enforcement of this by-law.

16. FALSE STATEMENTS OR INFORMATION

No person shall make a false statement or furnish false information to the district or falsify a document issued in terms of this by-law.

17. AVAILABILITY OF BY-LAW

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY-LAW

A copy of this by-law shall be included in the District's Municipal Code as required by the provisions of section 15 of the Systems Act and a copy of this by-law shall be available for inspection at the offices of the district at all reasonable times and shall also be available from the district against payment of an amount as determined by the district.

18. REVIEW

This by-law and its implementation shall be reviewed every 5 (five) years or as when a need to do so arises.

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**CHAPTER 2****GENERAL DUTY OF CARE****19. AIR POLLUTION DUTY OF CARE**

- (1) Every person has a duty of care to prevent air pollution and as such everyone must take all responsible and reasonable actions, steps and implement measures:
- (a) To prevent and avoid air pollution from occurring or causing same to occur;
 - (b) Where air pollution cannot be prevented or avoided, to mitigate and remedy any air pollution that may have occurred.
- (2) In addition to the actions, steps and measures set out in subsection (1) above the district may, from time to time determine any additional actions, steps or measures specified by the District or its authorised official to be taken or implemented by any person to:
- (a) Prevent or avoid air pollution from occurring; or
 - (b) Mitigate and remedy air pollution which have occurred.
- (3) The district may:
- (a) investigate, evaluate, assess and report on the impact of any activities or actions conducted within its municipal area, which activities or actions impact on the air quality within the municipal area, and determine measures to prevent, avoid, mitigate, remedy or rectify any air pollution caused by such actions;
 - (b) Direct any person in writing to:
 - (i) Take and/or implement any actions, steps and/or measures, which will prevent, avoid, mitigate or remedy air pollution, deemed necessary by the district.
 - (ii) Seize any actions or activities that will cause or potentially cause any air pollution, within the timeframes allowed for by the district and which the district deems necessary;
 - (iii) Diligently continue to implement the steps or measures determined by the district; and

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW

- (iv) Complete any steps or measures determined by the district before a specified reasonable date.
- (4) Prior to issuing a directive as contemplated in subsection (3), the District must give written notice to any person whose rights may be adversely affected by the directive to afford such persons an opportunity to make written representation as to why a directive should not be issued by the district. The District will assist any illiterate persons to adduce their representations to writing.
- (5) The district must give due consideration to all representations submitted before a directive, contemplated in subsection (3), is issued.
- (6) Should a person fail to submit his or her written representations within the period specified by the District, the District may issue the directive referred to in subsection (3) without further notice to that person.
- (7) The District must take immediate action to remedy any non-compliance with a directive issued in terms of section (3) in accordance with the provisions of this by-law.
- (8) The authorised person may, in addition to the steps contemplated in subsection (7), take steps to recover all reasonable costs incurred because of implementing compliance with the provisions of this by-law from:
 - (a) any person whose actions or failure to act, directly or indirectly caused air pollution within the municipal area of the district or whose actions or failure to act contributed to air pollution occurring within the municipal area of the District;
 - (b) The owner of the property where the air pollution occurred or the potential for air pollution was identified by the district, or that owner's successor in title;
 - (c) the person responsible or in control of the property or the activities or actions conducted on the property or any person who has a right to use the property at the time when the air pollution occurred or the potential for air pollution was identified by the District.
 - (d) Any person who wilfully or negligently:
 - (i) Failed to prevent or avoid air pollution from occurring for which they are responsible in terms of the provisions of this by-law.
 - (ii) Failed to mitigate and remedy air pollution which have occurred; or

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- (iii) Allow other persons from taking actions or conducting activities on a premises of which he or she is the owner or for which he or she is the responsible person, and which actions or activities resulted in air pollution occurring within the municipal area of the District.
- (9) If more than one person is liable under subsection (8), the District may in its sole discretion apportion the liability amongst the persons concerned according to the degree to which each person was responsible for the harm to the environment resulting from their respective failures to take the measures required under subsections (1) to (3).
- (10) No person may:
- (a) Intentionally or negligently commit any act or omission which causes or is likely to cause air pollution; or
 - (b) Refuse to comply with a directive issued under this section.
- (11) Any person who fails to comply with subsection (10) commits an offence.

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**CHAPTER 3****DESIGNATION OF THE AIR QUALITY OFFICER, ENVIRONMENTAL
MANAGEMENT INSPECTORS AND EMISSION CONTROL OFFICERS****20. DESIGNATION OR APPOINTMENT OF THE AIR QUALITY OFFICER
AND ENVIRONMENTAL MANAGEMENT INSPECTORS**

- (1) The Municipal Manager must, in consultation with the Head of Department: Health and Community Services, designate or appoint an employee of the district or any suitably qualified person as the Air Quality Officer (Manager-Municipal Health Services with EMI qualification) in accordance with section 14(3) of the AQA to be responsible for co-ordinating matters pertaining to air quality management within the municipal area of the District.
- (2) The Head of Department: Health and Community Services may request the MEC responsible for Environmental Affairs in the Province to appoint Environmental Management Inspectors in terms of section 31C of NEMA.

**21. APPOINTMENT OF AIR QUALITY PRACTITIONERS BY THE AIR
QUALITY OFFICER**

- (1) The District's Air Quality Officer must designate Air Quality Practitioners from the administration to be responsible for co-ordinating air quality management in the district.
- (2) The Air Quality Officer may only appoint a qualified person as an Air Quality Practitioner, which person must meet the minimum requirement as prescribed by the relevant legislation and subject to the policy guidelines of the municipal council of the district.

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**22. DUTIES AND FUNCTIONS OF THE AIR QUALITY OFFICER**

- (1) An Air Quality Officer must perform the duties or exercise the powers assigned or delegated to that officer in terms of the AQA.
- (2) The District's Air Quality Officer may delegate powers or assign duties to an official in the service of the administration, subject to such limitations or conditions as may be prescribed by the Minister.
- (3) The District's Air Quality Officer must co-ordinate his or her activities in such a manner as may be set out in the National Framework or prescribed by the Minister.
- (4) The Air Quality Officer must:
 - (a) Co-ordinate the development of the air quality management plan for inclusion in the Integrated Development Plan of the district, in accordance with Chapter 5 of the Systems Act;
 - (b) Prepare an annual report on the air quality of the District;
 - (c) Exercise the duties and powers assigned to him or her in terms of this by-law under the directions of the Head of Department: Health and Community Services; and
 - (d) Submit the annual report referred to in subsection (1)(b) above to the Air Quality Officer appointed by the MEC responsible for Environment Affairs in the Province.
- (5) The annual report referred to in subsection (4)(b) must, amongst other things, include the progress of the district towards the implementation of the air quality management plan.
- (6) The Air Quality Officer may require the holder of a provisional atmospheric emission licence or the holder of an atmospheric emission licence to designate an Emission Control Officer as contemplated in section 48 of the AQA.

23. DUTIES AND FUNCTIONS OF THE EMISSION CONTROL OFFICER

- (1) The Emission Control Officer appointed by the Air Quality Officer must have requisite air quality management competence in respect of the listed activity in question.

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(2) It is the duty of the Emission Control Officer to:

- (a) Work towards the development and introduction of cleaner production technologies and practices;
- (b) Take all reasonable steps to ensure compliance by the holder of the licence with the licence conditions and requirements; and
- (c) Promptly report any non-compliance with any licence conditions or requirements to the licensing authority through the most effective means reasonably available.

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**CHAPTER 4****SUBSTANCES AND LOCAL EMISSION STANDARDS****24. IDENTIFICATION OF SUBSTANCES.**

- (1) The District may identify substances in ambient air to the by-law, and for each substance developed local emission standards. The District may:
- (a) from time to time by notice include other identified substances by identifying substances or mixtures of substances in the ambient air which, through ambient concentrations, bioaccumulation, deposition or in any other way, present a threat to health, well-being or the environment in the district or which the district or designated Air Quality Officer reasonably believes present such a threat; and
 - (b) In respect of each of those substances or mixtures of substances, publish local standards for emissions from point, non-point or mobile sources in the district.
- (2) The District may apply the following criteria when identifying and prioritising the substances in ambient air that present a threat to public health, well-being or the environment:
- (a) The possibility, severity and frequency of effects, with regard to human health and the environment as a whole, with irreversible effects being of special concern;
 - (b) Widespread and high concentration of the substances in the atmosphere;
 - (c) Potential environmental transformations and metabolic alterations of the substance, as these changes may lead to the production of chemicals with greater toxicity or introduce other uncertainties;
 - (d) Persistence in the environment, particularly if the substance is not biodegradable and able to accumulate in humans, the environment or food chains;
 - (e) The impact of the substances taking the following factors into consideration:
 - i. size of the exposed population, living resources or ecosystems;
 - ii. The existence or particularly sensitive receptors in the zone concerned.

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- (f) Substances that are regulated by international conventions.

25. DEVELOPMENT OF LOCAL EMISSION STANDARDS.

- (1) The District may, when developing the local emissions standards:
- a) Identify the critical factors for the public health impacts;
 - b) Identify sensitive sub-populations;
 - c) Review available databases for public health status;
 - d) Review available databases for ambient air quality information; and
 - e) Review and assess international guidelines and standards;
- (2) The District may take the following factors into consideration when setting local emission standards:
- a) Health, safety and environmental protection objectives;
 - b) Analytical methodology;
 - c) Technical feasibility;
 - d) Monitoring capability;
 - e) Socio-economic consequences;
 - f) Ecological role of fire in vegetation remnants; and
 - g) Best practicable environmental option.
- (3) Any person who is emitting substances or mixtures of substances as identified in this by-law must comply with the local emission standards published in terms of this by-law.

26. IDENTIFYING AND PRIORITISING THREATS TO PUBLIC SAFETY.

- (1) The district's authorised person must apply the following criteria when identifying and prioritising the substances in ambient air that present a threat to public health, well-being or the environment:
- a) The possibility, severity and frequency of effects with regard to human health and the environment as a whole, with irreversible effects being of special concern;
 - b) Ubiquitous and high concentrations of the substance in the atmosphere;
 - c) Potential environmental transformations and metabolic alterations of the substance, as these changes may lead to the production of chemicals with greater toxicity or introduce other uncertainties;

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- d) Persistence in the environment, particularly if the substance is not biodegradable and able to accumulate in humans, the environment or food chains;
- e) The impact of the substance taking the following factors into consideration:
 - i) Size of the exposed population, living resources or ecosystems;
 - ii) The existence of particularly sensitive receptors in the zone concerned; and;
 - iii) Substances that are regulated by international conventions.
- (2) The authorised person must, using the criteria set out in subsection (1), compile a list of substances in ambient air that present a threat to public health, well-being or the environment.

27. CONSEQUENCES OF IDENTIFICATION

- (1) Any person emitting the substances or mixtures of substances identified in this by-law must comply with the emission standards established by the district.
- (2) Any person who fails to comply with the emission standards established in terms of this by-law commits an offence.

28. DECLARATION OF MUNICIPAL AREA AS AIR POLLUTION CONTROL ZONE

- (1) The whole of the municipal area of the district is hereby declared an air pollution control zone.
- (2) The district may, within the air pollution control zone, from time to time by notice in the Provincial Gazette:
 - (a) Prohibit or restrict the emission of one or more air pollutant from all premises or certain premises;
 - (b) Prohibit or restrict the combustion of certain types of fuel;
 - (c) Declare smokeless zones, in which smoke with an obscuration of more than 10% may not be emitted;
 - (d) Prescribe different requirements in an air pollution control zone relating to air quality in respect of:
 - (i) Different geographical portions;

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- (ii) Specified premises;
- (iii) Classes of premises;
- (iv) Premises used for specified purposes; or
- (v) Mobile sources.

- (3) The district may develop and publish policies and guidelines, including technical guidelines, relating to the regulation of activities which directly and indirectly cause air pollution within an air pollution control zone.
- (4) The District may on application and in writing exempt certain premises, classes of premises or premises used for specified purposes from this section.

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**CHAPTER 5****DIFFERENT TYPES OF EMISSIONS*****PART 1: SMOKE EMISSIONS FROM PREMISES OTHER THAN DWELLINGS*****29. APPLICATION**

For the purposes of this Part of Chapter 5 “**premises**” does not include dwellings.

30. PROHIBITION OF DARK SMOKE FROM PREMISES

- (1) Subject to subsection (2), dark smoke may not be emitted from any premises for an aggregate 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 practical environmental option.
- (3) Subsections (1) and (2) do not apply to holders of atmospheric emission license’s for activities listed in terms of section 21 of the AQA, and the emission standards listed in such licence shall apply.

31. INSTALLATION OF FUEL-BURNING EQUIPMENT

- (1) No person shall install, alter, extend or replace any fuel-burning equipment (combustion installation) with a design capacity equal to 1MW and less than 10 MW heat input on any premises without the prior written authorization of district, which may only be given after consideration of the relevant plans and specifications.

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW

- (2) Any fuel-burning equipment installed, altered, extended or replaced on premises in accordance with plans and specifications submitted to and approved for the purposes of this section by the district, shall be presumed until the contrary is proved to comply with the provisions of subsection (1).
- (3) Where fuel-burning equipment has been installed, altered, extended or replaced on premises contrary to subsection (1), district 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.
- (4) The Air Quality Officer (Manager: Municipal Health Services) may take whatever steps he or she considers necessary in order to remedy the harm caused by the installation, alteration, extension or replacement on premises and prevent any further occurrence and may recover the reasonable costs so incurred from the person responsible for causing such harm.

32. OPERATION OF FUEL-BURNING EQUIPMENT

- (1) No person may use or operate any fuel-burning equipment on any premises contrary to the authorisation referred to in section 31
- (2) Where fuel-burning equipment has been used or operated on the premises in contrary to subsection (1), district may on written notice to the owner and occupier of the premises:
 - (a) Revoke his or her authorisation under section 31; and
 - (b) Order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator within the period stated in the notice.
- (3) The district may, if the owner or occupier of the premises fails to comply with the notice referred to in subsection (2), remove the fuel burning equipment from the premises and may recover the reasonable costs incurred from such owner or occupier of such premises.

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**33. PRESUMPTION**

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 was 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.

34. INSTALLATION AND OPERATION OF OBSCURATION MEASURING EQUIPMENT

(1) An authorised person may give notice to any operator of fuel-burning equipment or any 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 equipment 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) Unauthorised and unlawful emissions of dark smoke from the relevant premises have occurred intermittently over a period of at least fourteen (14) days;
- (c) fuel-burning equipment has been or is intended to be installed on the relevant premises which are reasonably likely to emit dark smoke;
- (d) The person on whom the notice is served has been convicted more than once under this Chapter and has not taken adequate measures to prevent further contravention of the provisions of this Chapter; or
- (e) The authorised 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.

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- (2) A notice referred to in subsection (1) must inform the person to whom 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 this must be done;
 - (b) That person's right of appeal under section 70;
 - (c) That person's right to request written reasons for the issuing of the notice; and
 - (d) The measures that must be taken and the potential consequences if the notice is not complied with.

35. 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 34(1) must:
- (a) Record all monitoring and sampling results and maintain a copy of this record for at least four years after obtaining the results;
 - (b) If requested to do so by an authorised person, produce the record of the monitoring and sampling results for inspection; and
 - (c) If requested to do so by an authorised person, provide a written report, in a form and by a date specified by the authorised person, of part or all of the information in the record of the monitoring and sampling results.

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**36. TEMPORARY EXEMPTION**

- (1) Subject to section 72 and on application in writing by the owner or occupier of premises or the operator of fuel-burning equipment, the district may grant a temporary exemption in writing from one or all the provisions of Part 1 of this Chapter.
- (2) Any exemption granted under subsection (1) must state at least the following:
 - (a) description of the fuel-burning equipment and the premises on which it is used or operated;
 - (b) The reasons 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.
- (3) The District may not grant a temporary exemption under subsection (1) until the municipality has:
 - (a) taken reasonable measures to ensure that all persons whose rights may be significantly detrimentally affected by the granting of the temporary exemption, including adjacent land owners or occupiers, are aware of the application for temporary exemption and how to obtain a copy of it;
 - (b) Provided such persons with a reasonable opportunity to object to the application; and
 - (c) Duly considered and taken into account any objections raised

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**PART 2: SMOKE EMISSIONS FROM DWELLINGS****37. PROHIBITION OF EMISSION OF DARK SMOKE FROM DWELLINGS**

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- (1) Subject to section 38(1), 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.
- (2) Subject to section 72(3) and on application in writing by the owner or occupier of any dwelling, the district may grant a temporary exemption in writing from one or all of the provisions of Part 2 of this Chapter.

PART 3: EMISSIONS FROM COMPRESSED IGNITION POWERED VEHICLES**38. PROHIBITION OF EMISSION OF DARK SMOKE**

-
- (1) No person may drive a vehicle on a public road if it emits dark smoke.
- (2) A person commits an offence if he or she contravenes subsection (1).

39. STOPPING OF VEHICLES FOR INSPECTION AND TESTING

-
- (1) For the purposes of enforcing the provisions of section 24, an authorised person may:
- (a) By means of a signal instruct the driver of a vehicle to stop that vehicle; and
 - (b) Instruct that driver to give all assistance required for the purpose of all inspection and testing of that vehicle.
- (2) The authorised person must, prior to any testing being undertaken in terms of section (40) (1) inform the driver of the vehicle that:
- (a) the vehicle has been stopped to test it in terms of this by-law for the emission of dark smoke
 - (b) the vehicle is being detained for the purpose of such testing;

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW

(c) if the result of such testing indicates that dark smoke is emitted from the vehicle and if the driver concerned fails or refuses to assist with such test, it will constitute an offence under this by-law

- (3) Any person who fails to comply with a direction given under subsection (1)(a) commits an offence.
- (4) When a vehicle has stopped in compliance with a direction given under subsection (1) (a), the authorised person may test the vehicle at the roadside, in which case testing must be carried out at or as near as practicable to the place where the direction to stop the vehicle is given; as soon as practicable, and in any case within 1 hour, after the vehicle is stopped in accordance with the direction.

40. TESTING PROCEDURE

- (1) An authorised person must use the following testing procedure in order to determine whether a compressed ignition powered vehicle is being driven or used in contravention of section (38)(1):
- (a) When instructed to do so by the authorised person, the driver of the vehicle must apply a handbrake, start the vehicle, place it in neutral gear and engage the clutch;
 - (b) for a period required by an authorised person smoothly depress the accelerator pedal of the vehicle, until the engine reaches a revolution level of 3000 revolutions per minute or in the absence of a revolution counter to the extent directed by an authorised person;
 - (c) While the accelerator pedal is depressed, the authorised person must measure the smoke emitted from the vehicle's emission system in order to determine whether or not dark smoke is emitted.
- (2) After having conducted a test, an authorised person must furnish the driver of the vehicle concerned with the test results which indicate that either the vehicle has not emitted dark smoke or is emitting dark smoke in contravention of section (38) (1) and if the driver is not the owner of the

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vehicle concerned, then it is presumed that the driver is the owner of the vehicle unless he or she produces evidence to the contrary.

- (3) An authorised person must furnish the driver of the vehicle with a certificate (valid for a period of 24 months) indicating that the vehicle is not being driven in contravention of section (38) (1), if the test results indicate that the vehicle concerned is not emitting dark smoke.
- (4) An authorised person must issue the driver of the vehicle with a repair notice in accordance with section (41) (1), if the test results indicate that the vehicle concerned is emitting dark smoke.

41. REPAIR NOTICE

- (1) A repair notice must direct the owner of the vehicle to repair the vehicle within 6 months from the date of issue, and to take the vehicle to a place identified in the notice for re-testing before expiry of the 6 months.
- (2) The repair notice must contain, amongst others, 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;
 - (c) If the driver of the vehicle is not the owner of the vehicle, the name and address of the vehicle owner.
- (3) A person commits an offence under this section if the person fails:
 - (a) to comply with the repair notice referred to in subsection (1);
 - (b) to take the vehicle for re-testing as referred to in subsection (1)
- (4) It shall not be a defence in proceedings under subsection (3) to waiver that the driver of the vehicle failed to bring the repair notice to the attention of the owner of that vehicle.
- (5) The authorised person must issue a notification in terms of section 341 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), as amended, should the owner of the vehicle fail to take the vehicle for re-testing as referred to in subsection (1)

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW***PART 4: EMISSIONS FROM SMALL BOILERS*****42. GENERAL**

- (1) No person may install, alter, extend or replace any small boiler on any premises without the prior written authorisation of the district, which may only be given after consideration of the relevant plans, specifications and any applicable emission standards developed for controlled emitters that have been determined in terms of section 24 of the AQA.
- (2) Application for an authorisation to operate a small boiler shall be made on a form prescribed by the District.
- (3) Where a small boiler has been installed, altered, extended or replaced on premises in contravention of subsection (1):
 - (a) The owner or occupier of the premises commits an offence;
 - (b) The District may, on written notice to the owner or occupier of the premises, order the removal of the small boiler from the premises at the expense of the owner or occupier and within the period stated in the notice.
- (4) In considering an application submitted in terms of subsection (1), the Air Quality Officer may require the applicant to furnish such information as the Air Quality Officer may require.
- (5) After considering the application submitted in terms of subsection (1), the District must either:
 - (a) Grant an application and issue an authorisation, subject to any conditions that may be imposed; or
 - (b) Refuse an application with reasons.
- (6) The authorisation issued in terms of subsection (1) must specify:
 - (a) The product makes and model of the small boiler;
 - (b) The premises in respect of which it is issued;

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- (c) The person to whom it is issued;
 - (d) The period for which the authorisation is issued
 - (e) The name of the authority;
 - (f) The periods at which the authorisation 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, including non-point source emission measurement and reporting requirements; and
 - (j) Any other matters which are necessary for the protection or enforcement of air quality.
- (7) The District must review the authorisation issued in terms of this section at intervals specified in the authorisation, or when circumstances demand that a review is necessary.

43. TRANSITIONAL ARRANGEMENTS IN RESPECT OF AUTHORISED SMALL BOILERS

- (1) Despite the coming into operation of this by-law, any small boiler that was authorised to operate in terms of any by-law of the district continues to be authorised to operate subject to subsection (3).
- (2) During the period for which the authorised small boiler continues to operate, the provisions of this by-law, read with the necessary changes as the context may require, apply in respect of:
- (a) The holder of an existing authorisation as if that person is the holder of the authorisation issued in terms of section (42) (1); and
 - (b) The existing authorisation as if the authorisation was issued in terms of section (42) (1).

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- (3) The holder of an existing authorisation must apply for an authorisation in terms of section (42) (1), when required to do so by the District, in writing, and within the period stipulated by the District.

OR

- (4) Transitional arrangements in respect of other small boilers:
- (a) Despite the small boilers within the District not required to be authorised in terms of a by-law, persons operating small boilers, at the commencement date of subsection (4), must apply for an authorisation as required by subsection (4).
 - (b) A person operating small boiler must apply for an authorisation in terms of section (42) (1), when required to do so by the DISTRICT, in writing, and within the period stipulated by the District.
 - (c) If any person fails to comply with subsection (4) (b), then continuing to operate the small boiler without a valid authorisation is an offence.

PART 5: DUST EMISSIONS**44. GENERAL**

- (1) Any person conducting 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 or minimise emissions into the atmosphere.
- (2) Any person who undertakes any activity that causes dust emissions must implement one or more of the following control measures:
- (a) Pave;
 - (b) Use dust palliatives or suppressants;
 - (c) Uniformly apply and maintain any surface gravel;
 - (d) Erect physical barriers and signs to prohibit access to the disturbed areas;
 - (e) Use ground covers;
 - (f) Re-vegetation which is similar to adjacent undisturbed native conditions; or
 - (g) Any alternative control measure approved in writing by the Air Quality Officer.

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- (3) The control measures must be consistent with the provisions of any applicable legislation.
- (4) The provisions of this section are not applicable to:
- (a) landscaping activities by a person at his place of residence;
 - (b) emergency maintenance activities on publicly maintained roads, road shoulders and rights of way;
 - (c) unpaved roads having vehicular traffic of less than 500 vehicles per day;
 - (d) non-commercial and non-institutional private driveways;
 - (e) horse trails, hiking paths, bicycle paths or other similar paths; and
 - (f) Any other path has been designated as an exclusive use area for purposes other than travel by motor vehicle.
- (5) Any person who contravenes subsection (1) commits an offence.

PART 6: EMISSIONS CAUSED BY OPEN BURNING**45. EMISSIONS CAUSED BY OPEN BURNING**

- (1) Subject to subsection (4), any person who intends to carry out open burning of any material on any land or premises, must apply for prior written authorisation of such open burning to the District.
- (2) The District may, in the written authorisation referred to in subsection (1) impose conditions with which the person requesting authorisation must comply.
- (3) The District may not authorise open burning referred to in subsection (1) unless it is satisfied that the following requirements have been adequately addressed or fulfilled:
- (a) The material will be open burned on the land from which it originated;
 - (b) That the person requesting authorisation 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 the satisfaction of the District;

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- (c) That person requesting authorisation has investigated and assessed every reasonable alternative for removing the material from the land or premises to the satisfaction of the District;
 - (d) That person requesting authorisation has investigated and assessed the impact the open burning will have on the environment to the satisfaction of the District;
 - (e) That person requesting authorisation 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 owners and occupiers of adjacent properties to lodge written objections to the proposed open burning with the district within 7 days of being notified; and
 - (f) The prescribed fee has been paid to the District.
 - (g) A warning under section 10(1)(b) of the National Veld and Forest Fire Act, 1998 (Act No. 101 of 1998) has not been published for the reason.
 - (h) the land on which that person intends to open burn the material is state land, a farm or small-holding, or land within a proclaimed township that is not utilised for residential purposes;
 - (i) The open burning is conducted at least 100 metres from any buildings or structures; and
 - (j) The open burning will not pose a potential hazard to human health or safety, private property or the environment.
- (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 District has declared this section not to apply.

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW***PART 7: EMISSIONS CAUSED BY BURNING OF INDUSTRIAL WASTE,
DOMESTIC WASTE AND GARDEN WASTE IN WASTE BINS OR SKIPS ON ANY
LAND OR PREMISES*****46. EMISSIONS CAUSED BY BURNING OF INDUSTRIAL WASTE,
DOMESTIC WASTE AND GARDEN WASTE IN WASTE BINS OR SKIPS
ON ANY LAND OR PREMISES**

A person who carries out or permits the burning of any industrial, domestic or garden waste, on any land or premises, for the purpose of disposing of that waste, is committing an offence **unless** the industrial, domestic or garden waste is legally disposed of in terms of section 26 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)

***PART 8: EMISSION CAUSED BY TYRE BURNING AND BURNING OF RUBBER
PRODUCTS AND CABLES IN OPEN SPACES*****47. EMISSION CAUSED BY TYRE BURNING AND BURNING OF
RUBBER PRODUCTS AND CABLES IN OPEN SPACES**

- (1) No person may carry out or permit the burning of any tyres, rubber products, cables or any other products, on any land or premises for any purpose, for the purpose of recovering the scrap metal or fibre reinforcements, or of disposing of tyres, of the rubber products or cables as waste.

PART 9: PESTICIDE SPRAYING EMISSIONS**48. PESTICIDE SPRAYING EMISSIONS**

- (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

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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 District, must comply with the following controlled measures:
- (a) Obtain prior written authorisation from the District, which authorisation may be granted valid for a period of 12 months from the date of issue by the district with or without conditions, which may include:
 - (i) The area of land on which the pesticide, herbicide or other material may be applied; and
 - (ii) The period of time in which the pesticide, herbicide or other material may be applied;
 - (b) Notification in writing of all the owners and occupiers of adjacent properties within 150 metres of the treatment area of:
 - (i) The details of the proposed treatment area;
 - (ii) The reason for the use of pesticide, herbicide or other material;
 - (iii) The active ingredient of the pesticide, herbicide or other material;
 - (iv) The dates or months of the use of pesticide, herbicide or other material, which should also include the approximate time of the use;
 - (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

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(vii) can safely be re-entered after application of the pesticide, herbicide or other material;

(viii) The right of owners and occupiers of adjacent properties to lodge written objections to the proposed spraying of pesticides with the district within 7 (seven) days of being notified; and

(ix) The prescribed administrative fee has been paid to the district.

(4) The district must notify in writing, within 30 days, the applicant and all registered affected parties about a decision on an application.

(5) The authorisation issued in terms of subsection (1) must specify-

- (a) The person to whom it is issued;
- (b) The areas on which the pesticide may be applied;
- (c) The dates or months of the pesticide spraying;
- (d) The period for which the authorisation is issued;
- (e) measures which are necessary for the protection of the environment

(6) Any person who contravenes subsection (3) commits an offence.

(7) A person may apply to the District for an exemption if the spraying of the pesticide is for:

- (a) The management of pests that transmit human diseases or adversely impact agriculture or forestry;
- (b) The management of pests that threaten the integrity of sensitive ecosystems; or
- (c) The need for the use of the pesticide is urgent.

(8) The provisions of this section are not applicable to:

- (a) Residential areas or farms;

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- (b) Buildings or inside buildings and the domestic use of pesticides; or
- (c) Any other defined area or defined activity to which the district has declared this section not to apply.

PART 10: SPRAY PAINTING EMISSIONS**49. SPRAY PAINTING EMISSIONS**

- (1) No person shall, within the District'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 substances outstanding approved spray-painting room or booth.
- (2) 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 authorisation 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 subsection (1) and (2) commits an offence.
- (4) Any person who wishes to obtain a spraying authorisation 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 authorisation 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 in Schedule 6 to this by-law.
- (7) The designated Fire Officer may cancel the spraying authorisation if there is reason to believe that the holder of the spraying authorisation contravenes or fails to comply with any provisions of this by-law:

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- (8) Subject to subsection (9), before the designated Fire Officer cancels the spraying authorisation as contemplated in subsection (7), that officer must:
- (a) Give the holder of the spraying authorisation written notice of the intention to cancel the spraying authorisation and the reason for such cancellation;
 - (b) Give the holder a period of at least 30 days to make written representations regarding the matter to the District.
- (9) If the designated Fire Officer has reason to believe that the failure to cancel the spraying authorisation may endanger any person, that officer may cancel the spraying authorisation without prior notice to the holder as contemplated in subsection (7).

PART 11: SAND BLASTING EMISSIONS**50. 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 measures:
- (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 subsection (1) and (2) commits an offence.

PART 12: NOISE POLLUTION MANAGEMENT

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**51. DESIGNATION OF NOISE CONTROLLED AREAS**

- (1) The District may designate an area to be a noise-controlled area by notice in the *Provincial Gazette*.
- (2) A notice contemplated in subsection (1) may:
- (a) Designate maximum sound levels for noise in the area;
 - (b) Identify activities that may not be undertaken; and
 - (c) Prescribe times during which certain activities may only be undertaken.
- (3) The designation of a noise-controlled area may be amended or cancelled by notice in the *Provincial Gazette*.
- (4) No person may:
- (a) undertake an activity that generates noise, or causes noise to be generated in a noise-controlled area unless it is in accordance with any requirements specified in terms of subsection (2);
 - (b) erect educational, residential, high density, hospital, church or office buildings in an existing township in a noise-controlled area unless acoustic screening measures have been provided in the building to limit the reading on an integrating impulse sound level meter, measured inside the building after completion, to 40 dBA or such level as may be determined in accordance with subsection (1):
 - (i) Provided that any air-conditioning or ventilating system shall be switched off during the course of such noise measurements; or
 - (c) Situate educational, residential, hospital or church erven within a noise-controlled area in a new township or an area that has been rezoned:

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- (i) Provided that such situation may be allowed by the District in accordance with the acoustic screening measures mentioned by the District.
- (5) The District must conduct a public participation process as contemplated in Chapter 4 of the Municipal Systems Act before designating a noise-controlled area.

52. PROHIBITION OF DISTURBING NOISE.

- (1) A person shall not cause a disturbing noise, or allow it to be caused by any person, animal, machine, device, vehicle, recreational vehicle, apparatus or any combination thereof.

53. PROHIBITION OF NOISE NUISANCE

Where it shall cause a noise nuisance, a person shall not:

- (1) operate or play, allow to be operated or played, a radio, television set, drum, musical instrument, sound amplifier, loudspeaker system or similar device producing, reproducing or amplifying sound;
- (2) Offer any article for sale by shouting, ringing a bell or making other sounds or by allowing shouting, the ringing of a bell or making of other sounds;
- (3) allow an animal owned or controlled by him to make noise;
- (4) Discharge fireworks in a residential area, without prior permission from the District;
- (5) build, make construct, repair, rebuild, modify, operate or test a vehicle, vessel, aircraft, or object, or allow it to be built, made, constructed, repaired, rebuilt, modified, operated or tested, in or near a residential zone or premises;
- (6) erect, demolish or alter, a building or structure, or allow it to be erected, demolished or altered if it affects a residential zone or premises unless permission is granted by the District to conduct building operations within the hours specified in SANS 104700 for the control of noise, if building operations are to be carried out outside of these hours then an exemption is required;

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- (7) use or discharge any explosive, firearm or similar device that emits impulsive sound or allow it to be used, discharged, except with the prior consent in writing of the District and subject to such conditions as the District may deem necessary, save as such person may otherwise be authorised in law to use or discharge;
- (8) On a piece of land or in water or in airspace above water or in airspace above piece of land used for recreational purposes:
 - (a) Operate a recreational vehicle; or
 - (b) As the owner or person in control of the piece of Land, water or airspace, allow any person to operate a recreational vehicle on such land or in such water or such airspace;
- (9) Except in emergency situations, emit a sound, or cause or allow a sound to be emitted, by means of a bell, carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device
- (10) drive a vehicle on a public road;
- (11) Use any power tool or power equipment used for construction purposes, drilling or demonstration work, or allows it to be used, in or near a residential area, unless permission was granted by the district to conduct normal construction or repair work to public and private property.
- (12) Use or operate a generator, or allow it to be used, in or near a residential area, unless permission was granted by the District to generate electricity or for any other use, for personal or business purposes

54. LAND USE

- (1) A person shall not:
 - (a) Establish any zone unless a Noise Impact Assessment has been undertaken in accordance with SANS 10328. The assessment must indicate that either the outdoor equivalent continuous day/night level ($L_{R, dn}$), the outdoor equivalent continuous day-time rating level ($L_{R, d}$) or the outdoor continuous equivalent night-time rating level ($L_{R, n}$) appropriate for the particular district will not be exceeded at any position within the boundaries of the proposed zone;

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(b) construct or erect any building or make changes to existing facilities on a premises which will house an activity which does not conform with the dominant land use specified in the applicable zoning scheme;

(c) Construct or erect any building or make changes to existing facilities on premises which will house an activity which produces more noise with respect to that of the dominant land use specified in the applicable zoning scheme or will create a disturbing noise unless it has been proven that precautionary measures will be implemented.

Such measures must be to the satisfaction of the District in that the premises, after being erected or developed or changes made, will be adequately insulated against the transmission of sound to the outside, so that either the outdoor equivalent day/night rating level (LR,dn), the outdoor equivalent continuous day-time rating level (LR,d) and or the outdoor equivalent continuous night-time rating level (LR,n) will not exceed the appropriate rating level for outdoor noise specified in SANS 10103 at any position on the property projection plane of the premises; or

(d) Undertake any activity which constitutes a noise source referred to in SANS 10328 and any of the listed activities requiring an EIA in terms of the NEMA Regulations, as amended, which are considered to have a potential noise impact unless a Noise Impact Assessment has been undertaken in accordance with SANS 10328.

(2) The District may:

(a) Before changes are made to existing facilities or existing uses of land or buildings or before new buildings are erected, in writing require that Noise Impact Assessments or tests be conducted to the satisfaction of the district by the owner, developer, tenant or occupant of the facilities, land or buildings concerned. Such reports or certificates must be submitted by such owner, developer, tenant or occupier to the district. The report should prove that either the outdoor equivalent continuous day/night

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rating level (LR, dn), the outdoor equivalent continuous day-time rating level (LR,d) and or the outdoor equivalent continuous night-time rating level (LR,n) at any position on or outside the property projection plane of the existing facility, use of land or building will not exceed values for the appropriate level given in SANS 10103. The Noise Impact Assessment, if required shall be conducted in accordance with SANS 10328 or other applicable documentation and the test if required, shall be conducted in accordance with SANS 10103 or other applicable documentation; or

- (b) if excavation, earthmoving, pumping, drilling, construction, or demolition, or any similar activity, power generation or music causes or may cause a noise nuisance or disturbing noise, instruct in writing that such work, activity, generation or music be forthwith discontinued until such conditions as the district may deem necessary have been complied with.

55. 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, when stationary, in accordance with the procedure prescribed in SANS 10181 exceeds:

- (a) In the case of a non-exempted vehicle, the stationary sound level specified in SANS 10281 for that type of vehicle; or
- (b) In the case of an exempted vehicle, by more than 5 dBA the applicable reference sound level indicated in SANS 10281, for that type of vehicle.

(2) The District may in order to determine whether a vehicle being used on any road in the area of jurisdiction of the district, including a private, provincial or national road crossing its area of jurisdiction, complies with the provisions of the by-law, instruct the owner or driver of the vehicle:

- (a) To stop the vehicle or cause it to be stopped; and

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- (b) To have any appropriate inspection or test, as the district may deem necessary, conducted on the vehicle on the roadside where it was stopped or on a place, date and time determined by the district in writing.
- (3) The authorised person must, prior to any testing being undertaken in terms of subsection (6) (b) inform the driver of the vehicle that:
 - (a) The vehicle has been stopped to test it in terms of this by-law for noise nuisance;
 - (b) The vehicle is being detained for the purpose of such testing;
 - (c) If the result of such testing indicates noise nuisance from the vehicle or if the driver concerned fails or refuses to assist with such test, it will constitute an offence under this by-law; and
 - (d) A person who fails to comply with a direction given under subsection (6) (a) commits an offence.
- (4) An inspection done in terms of subsection (6) (b) shall be carried out:
 - (a) At or as near as practicable to the place where the direction to stop the vehicle is given; and
 - (b) Within 1 hour of the vehicle being stopped in accordance with the direction of the authorised person.
- (5) If, after conducting a sound level test, the authorised person is satisfied that the vehicle:
 - (a) is not exceeding the permitted sound levels prescribed in subsection(1), then the authorised person must furnish the driver of the vehicle with a certificate (valid for a period of 24 months) indicating that the vehicle is not being driven or used in contravention of subsection (1); OR
 - (b) is exceeding the permitted sound levels prescribed in subsection (1), the authorised must issue the driver of the vehicle with a repair notice in accordance with subsection (6).
- (6) A repair notice must:
 - (a) 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 re-testing before the expiry of that period; and

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(b) Contain, amongst others, the following information:

- (i) The make, model and registration number of the vehicle;
- (ii) The name, address and identity number of the driver of the vehicle; and
- (iii) If the driver is not the owner, the name and address of the vehicle owner.

(7) A person commits an offence under this section if the person fails:

- (a) To comply with the repair notice referred to in subsection (6)(a)
- (b) To take the vehicle for re-testing as referred to in subsection (6)(a).

(8) It shall not be a defence in proceedings under subsection (7) to aver that the driver of the vehicle failed to bring the repair notice to the attention of the owner of that vehicle.

(9) The authorised person must issue a notification in terms of section 341 of the Criminal Procedure Act, 1977 (Act No 51 of 1977), as amended, where the owner of the vehicle fails:

- (a) To comply with a repair notice issued in terms of subsection (5)(b); or
- (b) To take the vehicle for re-testing as required by subsection (6)(a).

56. MUSIC, OPEN-AIR MUSIC FESTIVALS, SHOWS, INCLUSIVE OF AIR SHOWS AND SIMILAR GATHERINGS

(1) No person may stage an open-air entertainment festival, such as, but not limited to a show, an air show, music concert, festival, sports event or similar gathering without a prior written consent of the District.

(2) Any consent that is granted by the district:

- (a) Must contain conditions regarding the notification of the public; and
- (b) Any other conditions that are appropriate in the circumstances to reduce the impact of the event on the community.

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- (3) If any music causes or may cause a noise nuisance, the district may instruct in writing that such music be discontinued until such conditions as the District may deem necessary have been complied with.
- (4) Subject to the provisions of subsection (3) and applicable provisions of any other law, the district may attach any instrument and / or equipment used to generate music if no permission has been obtained as required by subsection (1).
- (5) An instrument and/or equipment attached under subsection (4) shall be kept in safe custody by the District.
- (6) The district may lift the attachment contemplated in subsection (4) if the owner or person in control of the instrument and/or equipment has applied for permission in terms of subsection (1).
- (7) This subsection is not applicable to:
 - (a) Churches;
 - (b) Schools;
 - (c) Other education facilities; or
 - (d) Any other defined area or activity to which the district has declared this subsection not to apply.

57. GENERAL PROHIBITIONS

A person is guilty of an offence if that person:

- (1) Fails to comply with the provisions of this section;
- (2) Fails to comply with a written condition, instruction or notice issued by the District in terms of this section;
- (3) tampers 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 the District.

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(4) In respect of a duly authorised person of the District:

- (a) Fails or refuses to grant admission to such official to enter and to inspect the premises;
- (b) Fails or refuse to give information which may lawfully be required of him or her to such official;
- (c) Hinders or obstruct such official in the execution of his or her duties; or
- (d) Gives false or misleading information to such official knowing that it is false or misleading.

58. GENERAL POWERS OF THE DISTRICT

An authorised person may:

(1) for the purpose of applying this section, at any reasonable time enter premises upon reasonable notice to conduct any appropriate examination, inquiry or inspection thereon as it may deem expedient and to take any steps it may deem necessary;

(2) If a noise emanating from a premises, vehicle, recreational vehicle or private area is a noise nuisance or disturbing noise, instruct in writing:

- (a) The person causing such noise or who is responsible for the infringement.
- (b) The owner, tenant or occupant of such building, premises, vehicle, recreational vehicle or private area from which or from where such noise emanates or may emanate; or
- (c) All such persons;

to discontinue or cause to be discontinue such noise or to take steps to or apply appropriate remedies to lower the level, of such noise to a level conforming to the requirements of this by-law within the period stipulated in

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW

the instruction: Provided that the provisions of this paragraph shall not apply in respect of a disturbing noise or noise nuisance caused by rail vehicles or air traffic or on a public road by vehicles that are not used as recreational vehicles;

(3) if the noise is caused by an animal, and the owner or person in charge of that animal fails to comply with an instruction referred to in subsection (1), subject to the applicable provisions of any other law, impound or cause the impounded such animal;

(4) Impose such appropriate conditions as it deems fit when granting any permission or exemption, including the specification of times and days when activities that may cause noise are permitted or prohibited;

(5) 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 as any place within the district's jurisdiction for the enforcement of the provisions of this by-law: Provided that road traffic signs and notices shall be placed on private property only with the permission of the owner.

PART 14: EMISSION THAT CAUSE A NUISANCE**59. PROHIBITION**

(1) Any occupier or owner of premises from which a nuisance emanates, or where a nuisance exist must take measures to contain emissions that cause a nuisance.

(2) Any occupier or owner of premises that fails to comply with subsection (1) commits an offence.

60. ABATEMENT NOTICE

(1) An authorised person may serve an abatement notice on any person, whom he or she reasonably believes is likely to commit or has committed an offence under section (60) (2), calling upon that person:

(a) To abate the nuisance within a period specified in the notice;

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW

(b) To take all necessary steps to prevent a recurrence of the nuisance; or

(c) To comply with any other conditions contained in the notice.

(2) For the purposes of subsection (1), an authorised person may form 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 notices under subsection (1) may be served:

(a) Upon the owner or any person, by:

- (i) Delivering it to the owner, or if the owner cannot be traced or is living abroad that person's agent;
- (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 port 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 (3) commits 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 within a period determined by the court to prevent a recurrence of the nuisance.

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**61. STEPS TO ABATE NUISANCE**

- (1) The district may, at any time, 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.
- (2) If a notice issued in terms of section 61 is not complied with or if the district considers that the situation concerned constitutes an emergency, it may take whatever steps it considers necessary in order to abate the nuisance contemplated in section 60 and to prevent a recurrence thereof and may recover the costs so incurred from the person on whom a notice was served in terms of section 61.

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**CHAPTER 6****LICENSING OF LISTED ACTIVITIES****62. ESTABLISHMENT OF ATMOSPHERIC EMISSION LICENSING SYSTEM**

The District hereby establishes an Atmospheric Emission Licensing System as contemplated in Chapter 5 of the AQA.

63. PURPOSE OF THE ATMOSPHERIC EMISSION LICENSING SYSTEM

The purpose of the Atmospheric Emission Licensing System is to:

- (1) Identify and register all sources of air pollution in the District;
- (2) Regulated and ensure compliance with the license conditions;
- (3) Gather information for the purposes of compiling the air quality management plan of the District, as contemplated in section 15 of the AQA;
- (4) Undertake strategic planning; and
- (5) Provide information to any person in order to:
 - (a) Facilitate monitoring of the performance of the District, and if applicable, a licensee;
 - (b) Stimulate research by accredited institutions; and
 - (c) Assist the District to achieve the main objectives of this By-law.

64. APPLICATION FOR ATMOSPHERIC EMISSION LICENCE

- (1) No person shall undertake a listed activity, as published in terms of section 21 of the AQA, without being in possession of an atmospheric emission licence issued by the Air Quality Officer.
- (2) An application for an atmospheric emission licence must be:

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW

- (a) Made in writing on the application form as prescribed by the Air Quality Officer;
 - (b) Accompanied by documents or information as may be required by the Air Quality Officer; and
 - (c) On payment of the prescribed application fee.
- (3) The Air Quality Officer must on receipt of an application for an atmospheric emission license:
- (a) Acknowledge receipt, within 14 days of the application together with the prescribed fee;
 - (b) Check whether the application is properly completed and contains the information required in the application form; and
 - (c) Is accompanied by the required information or documents required in terms of this by-law.
- (4) Before considering an application made in terms of subsection (2), the Air Quality Officer may require the applicant to furnish additional information or a specialist air quality impact study.
- (5) Any person who undertakes a listed activity without an atmospheric emission licence is guilty of an offence and is subject to the penalties as set out in section 52 of the AQA.

65. FACTORS TO BE TAKEN INTO ACCOUNT

- (1) The Air Quality Officer must, in addition to the factors set out in section 39 of the AQA, consider each application having regard to the following factors:
- (a) Compliance with the AQA and these By-laws; and
 - (b) The environmental, health and safety record of the applicant.

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**66. DECISIONS ON APPLICATIONS FOR ATMOSPHERIC EMISSION
LICENSE**

(1) After considering the application in terms of section 65, the Air Quality Officer must, within 60 days of receipt of the application, either:

- (a) approve the application by issuing a provisional atmospheric emission license or an atmospheric emission license, subject to such conditions as the Air Quality Officer may impose; or
- (b) Reject the application.

(2) If the Air Quality Officer fails to grant or reject an application for an atmospheric emission license within 60 days after considering the application in terms of section 65, he or she must inform the applicant in writing that the period for consideration is extended and must inform the applicant of the date by which a decision will be made.

**67. TERMS AND CONDITIONS OF THE ATMOSPHERIC EMISSION
LICENSE**

(1) When issuing an atmospheric emission license, the Air Quality Officer may impose reasonable conditions as he or she may deem necessary.

- (2) An atmospheric emission license issued under this section must:
- (a) Comply with section 43 of the AQA;
 - (b) Contain a requirement that the license holder must comply with and ensure compliance by his or her employees, agents and sub-contractors with this By-law and other applicable national or provincial legislation.

68. VARIATION OF ATMOSPHERIC EMISSION LICENSES

(1) No building, plant or works used by a holder of a license referred to in section 65 shall be:

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW

(a) Materially extended; and

(b) Altered or added to, and no changes in process, procedures or significant production increases may be undertaken without the prior approval of the Air Quality Officer.

69. CESSATION OF ATMOSPHERIC EMISSION LICENSE

The holder of a license referred to in section 65 must on cessation of operations to which the license relates notify the Air Quality Officer of such cessation.

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**CHAPTER 7****APPEALS, OFFENCES, PENALTIES AND EXEMPTIONS****70. APPEALS**

Any person may appeal against a decision taken by an authorised person under this by-law by giving a written notice of the appeal in accordance with the provisions of section 62 of the Systems Act.

71. OFFENCES AND PENALTIES

(1) A person who contravenes sections 31(1), 32(1), 37(1), 45(1), 45(3), 48(1), 44, 38(1), 39(1), 41(1), (3) and (4), 60(1), (3) and (4), 61(1), or 49(1) and (3) is guilty of an offence.

(2) Any person who is guilty of an offence in terms of section 37(1), 38(1) or 60(1) is liable on conviction to a fine not exceeding R10 000 or imprisonment not exceeding 30 days or to both a fine and imprisonment.

(3) Any person who is guilty of an offence in terms of sections 31(1), 32(1), 45(1), 45(3), 48(1), 39(1), 41(1), 41(3) and (4), 61(1), 49(1) and (3), is liable on conviction to imprisonment for a period not exceeding two years or a fine or to both such fine and such imprisonment.

(4) Any person who contravenes section 44 is liable on conviction to imprisonment not exceeding one year or a fine or both such fine and such imprisonment

(5) It is an offence to:

(a) To contravene the provisions of this by-law.

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW

- (b) Supply false information to an authorised person in respect of any issue pertaining to this By-law; or
 - (c) Refuse to co-operate with the request of an authorised person made in terms of this By-law, and any person convicted of such offence is liable to imprisonment for a period not exceeding 30 days or a fine or both such fine and such imprisonment.
- (6) Where no specific penalty is provided, any person committing an offence in terms of this by-law is liable on conviction to imprisonment for a period not exceeding one (1) year or to a fine or to both such imprisonment and such a fine.
- (7) Failure to comply with a notice, direction or instruction referred to in this by-law constitutes a continuing offence.
- (8) Any person who commits a continuing offence shall be guilty of an offence for each day during which that person fails to comply with a notice, direction or instruction referred to in this by-law.
- (9) In addition to imposing a fine or imprisonment, a court may order any person convicted of an offence under this by-law:
- (a) To remedy the harm caused;
 - (b) To pay damages for harm caused to another person or to property, which order shall have the force and effect of a civil judgment; and
 - (c) To install and operate at the person's own expense obscuration reading equipment referred to in section 34.
- (10) In addition to any other penalty the court may impose, it may order a person convicted of an offence under this By-law to take such steps the court considers necessary within a period determined by the court in order to prevent a recurrence of the nuisance.

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**72. EXEMPTIONS**

(1) Any person may, in writing, apply for exemption from the provisions of this by-law to the district.

(2) An application in terms of subsection (1) above must be accompanied by reasons.

(3) The District may grant a temporary exemption in writing from one or all of the provisions of the by-law, provided that the District:

(a) Is satisfied that granting the exemption will not prejudice the objectives of this by-law; and

(b) Grants any exemption subject to conditions that promote the attainment of the objective of this by-law.

(4) The District must not grant an exemption under subsection (1) until District has:

(a) taken measures to ensure that all persons whose rights may be significantly and/ or detrimentally affected by the granting of the exemption, including but not limited to adjacent land owners or occupiers (including surrounding communities), are aware of the application for exemption and how to obtain a copy of it;

(b) Provided such persons with a reasonable opportunity to object to the application; and

(c) Duly considered and taken into account any objections raised.

(5) The District may:

(a) From time to time reconsider any exemptions granted in terms of this section; and

(b) On good grounds withdraw any exemption.

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**SCHEDULE "2"****APPLICATION FORM TO OPERATE SMALL BOILER
(SECTION 42(2))**

Name of Enterprise: _____

Declaration of accuracy of information provided:

I, _____, declare that the information provided

in this application is in all respect factually true and correct.

Signed at _____ on this _____ day of _____.

SIGNATURE

CAPACITY OF SIGNATORY

I, _____, owner/occupier of the land/property

known as _____ (registered name) within the district's

jurisdiction hereby apply for permission to operate a small boiler on the said property.

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW

1. CONTACT DETAILS

Responsible Person Name	
Telephone Number	
Cellphone Number	
Fax Number	
Email Address	

2. SERIAL NUMBER, PRODUCT NAME AND MODEL OF THE SMALL BOILER

SERIAL NUMBER	PRODUCT NAME	PRODUCT MODEL

3. RAW MATERIALS USED

RAW MATERIALS USED	MAXIMUM PERMITTED CONSUMPTION RATE (VOLUME)	DESIGN CONSUMPTION RATE (VOLUME)	ACTUAL CONSUMPTION RATE (VOLUME)	UNITS (QUANTITY/PERIOD)

4. ENERGY USED

ENERGY SOURCE	SULPHUR CONTENT OF FUEL (%) (IF APPLICABLE)	ASH CONTENT OF FUEL (%) (IF APPLICABLE)	MAXIMUM PERMITTED CONSUMPTION RATE (VOLUME)	DESIGN CONSUMPTION RATE (VOLUME)	ACTUAL CONSUMPTION RATE (VOLUME)	UNITS (QUANTITY/PERIOD)

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**5. POINT SOURCE PARAMETERS**

UNIQUE STACK ID	POINT SOURCE NAME	HEIGHT OF RELEASE ABOVE GROUND	HEIGHT ABOVE NEARBY BUILDING (M)	DIAMETER AT STACK TIP / VENT EXIT (M)	ACTUAL GAS EXIT TEMPERATURE	ACTUAL GAS VOLUMETRIC FLOW	ACTUAL GAS EXIT VELOCITY (M/S)

6. POINT SOURCE PARAMETERS

UNIQUE STACK ID	POLLUTANT NAME	POLLUTANT ANNUAL RELEASE RATE			EMISSION HOURS (E.G. 07H00 – 17H00)	TYPE OF EMISSION (CONTINUOUS / INTERMITTED)

7. SIGNATURE_____
SIGNATURE OF THE APPLICANT_____
DATE OF

APPLICATION

8. OFFICE USE ONLY**8.1 AUTHORISED PERSON: SITE INSPECTION OBSERVATIONS**

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**8.2 AUTHORISED PERSON: RECOMMENDATIONS**

8.3 APPROVED / NOT APPROVED (COMPLETE WHICHEVER IS APPLICABLE)

This application is approved, subject to the following conditions:

a)
b)
c)

This application is not approved for the following reasons:

a)
b)
c)

AIR QUALITY OFFICER SIGNATURE

DATE: _____

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**SCHEDULE “3”****APPLICATION FORM FOR OPEN BURNING (SECTION 45(1))**

I, _____, owner/occupier of the land/property known as _____ (registered name) within the district's jurisdiction hereby apply for permission to burn the following materials on the said property.

1. CONTACT DETAILS

Responsible Person Name	
Telephone Number	
Cellphone Number	
Fax Number	
Email Address	

2. DESCRIPTION OF THE EXTENT OF THE AREAS TO BE BURNED

3. TYPES OF MATERIAL TO BE BURNED

a)
b)
c)

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**4. REASON FOR BURNING**

5. AIR QUALITY IN THE LOCAL AREA

6. APPROXIMATE DATE AND TIME TO BURN MATERIALS

DATE	TIME

7. NOTIFICATION OF ADJACENT OWNERS AND OCCUPIERS (INCLUDING SURROUNDING COMMUNITIES)

The applicant must attach proof that the adjacent owners and occupiers have been notified of the open burning, and their rights to lodge any written objections to the district.

8. SIGNATURES

AIR QUALITY OFFICER SIGNATURE

DATE: _____

9. OFFICE USE ONLY

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**9.1 AUTHORISED PERSON: SITE INSPECTION OBSERVATIONS**

9.2 AUTHORISED PERSON: RECOMMENDATIONS

9.3 APPROVED / NOT APPROVED (COMPLETE WHICHEVER IS APPLICABLE)

This application is approved, subject to the following conditions:

a)
b)
c)

This application is not approved for the following reasons:

a)
b)
c)

AIR QUALITY OFFICER SIGNATURE

DATE: _____

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW
SCHEDULE “4”

APPLICATION FORM TO UNDERTAKE PESTICIDE SPRAYING

(SECTION 49(3)(a))

I, _____, owner/occupier of the land/property known as _____ (registered name) within the district's jurisdiction hereby apply for permission to burn the following materials on the said property.

1. CONTACT DETAILS

Responsible Person Name	
Telephone Number	
Cellphone Number	
Fax Number	
Email Address	

2. DESCRIPTION OF THE EXTENT OF THE PROPOSED TREATED AREA(S)

3. TYPES OF PRODUCT LABEL TO BE USED

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**4. AIR QUALITY IMPACTS IN THE LOCAL AREA**

5. DATES OR MONTHS FOR PESTICIDE SPRAYING

DATES OR MONTHS	

6. NOTIFICATION OF ADJACENT OWNERS AND OCCUPIERS (INCLUDING SURROUNDING COMMUNITIES)

The applicant must attach proof that the adjacent owners and occupiers have been notified of the proposed pesticide spraying, and their rights to lodge any written objections to the District. The notification must clearly specify:

- (a) the extent of the proposed treatment area;
- (b) reasons for the pesticide use;
- (c) the active ingredients;
- (d) dates or months for the pesticide spraying;
- (e) time, if any, indicated on the product label specifying when the area can safely be re-entered after application;
- (f) adjacent owners and occupiers' right to lodge written objections within 14 days to the District.

7. SIGNATURE

SIGNATURE OF THE APPLICANT

DATE OF

APPLICATION

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**8. OFFICE USE ONLY****8.1 AUTHORISED PERSON: SITE INSPECTION OBSERVATIONS**

8.2 AUTHORISED PERSON: RECOMMENDATIONS

8.3 APPROVED / NOT APPROVED (COMPLETE WHICHEVER IS APPLICABLE)

This application is approved, subject to the following conditions:

a)
b)
c)

This application is not approved for the following reasons:

d)
e)
f)

AIR QUALITY OFFICER SIGNATURE

DATE: _____

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW
SCHEDULE “5”

SPRAY BOOTH CONSTRUCTION (SECTION 50(4))

1. CONSTRUCTION

Such activities must be conducted in a spray booth or spray cabinet specifically designed for the purpose. It must be constructed of none-combustible material

2. VENTILATION**2.1 SPRAY BOOTH**

Every spray booth shall be provided with a mechanical ventilation system which must be capable of moving the air on the occupied zone at not less than:

- (a) 0.5m/s where the air is horizontally supplied and extracted.
- (b) 0.4 m/s where the air is introduced through the roof and extracted through slots along the edge of the walls at the floor level.
- (c) 0.3 m/s where the air is supplied through the roof and extracted through a grill over the whole of the floor area.

2.2 SPRAY CABINETS

2.2.1 Where spray cabinets are used (i.e. where the operator stands in front and sprays through an opening into a cabinet), the following minimum air flow must be maintained through an opening:

- (a) 1m/s opening to 0.9m²
- (b) 0.75 m/s for opening between 0.9 and 1.8m²
- (c) 0.5 for opening exceeding 1.8m²

3. LIGHTING

- (a) A spray booth must be fitted with a non-operable inspection window of strengthened and shatterproof of glass.

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW

- (b) Every employer shall ensure that his spray booth is lighted in accordance with the illuminance values as specified below. (Only incandescent electric light which are enclosed in outer flame and vapour-proof fittings may installed.

TYPES OF ACTIVITY	ILLUMINANCE (LUX)
Rubbing, dipping, ordinary painting	200
Fine painting, spray and finishing	300
Retouching and matching	500

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW**4. FUME EXTRACTION SYSTEM****(1)**

- (a) All extraction systems must be designed and commissioned by competent engineers to ensure that the total extraction from any room is balanced by adequate ingress of fresh air into works room.
- (b) All ducts and enclosures in connection with the extraction system through which the fumes must pass must be constructed of non-combustible materials with the interior having a smooth surface.
- (c) The fume extraction system must be kept in full operation while spraying done and for any additional time required to clear the fumes from the room.
- (d) The blades of any fan used in the spray booth or spray cabinet shall be of non-ferrous metal. Suitable filters must be provided at the point of extraction.
- (e) The point of discharge must be positioned to ensure that such air does not contaminate any air which is likely to be drawn into ventilate any existing building.

(2) PERSONAL PROTECTION EQUIPMENT

- (a) Manager shall ensure that workers actively involved in spraying operations are provided with approved respirators or breathing apparatus.
- (b) When paints containing isocyanate are used, a positive pressure air fed face mask should be worn.
- (c) Chemical absorption canisters should not be relied on because of their limited effective life.

(3) GENERAL

In addition to the above, it is also necessary to comply with the requirements as laid down by the Chief Fire Officer.

CHRIS HANI DISTRICT MUNICIPALITY AIR QUALITY BY LAW

PROVINCIAL NOTICE 858 OF 2024



OFFICE OF THE MUNICIPAL MANAGER

Tel: 045 808 4610
Fax: 045 838 1542

Private Bag X 7121
Komani, 5320

Email: nmnyengeza@chrishanidm.gov.za
Enquiries: N. Mnyengeza

Date: 20 March 2024

PUBLIC NOTICE

**PROMULGATION OF CHRIS HANI DISTRICT MUNICIPALITY
MUNICIPAL HEALTH SERVICES BY-LAWS, AIR QUALITY BY-LAWS AND
COMMUNITY FIRE SAFETY BY-LAWS**

NOTICE IS HEREBY GIVEN IN TERMS OF SECTIONS 17, 21 and 95 OF THE LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT NO 32 OF 2000, AS AMENDED AND SECTIONS 17, 21, 22, 23 and 24 OF THE MUNICIPAL FINANCE MANAGEMENT ACT NO. 56 OF 2003

This notice serves to inform the public and stakeholders that Chris Hani District Municipality will Publish the Municipal Health Services By-Laws, Air Quality By-Laws and Community Fire Safety By-Laws in the Government Gazette during April 2024.

The Municipal Health Services By-Laws, Air Quality By-Laws and Community Fire Safety By-Laws are formulated and gazetted to give proper effect to the municipalities law enforcement with regards to public health, safety, and the environment

Copies of the Municipal Health Services By-Laws, Air Quality By-Laws and Community Fire Safety By-Laws, with the relevant annexures setting out the legal requirements and legal framework within which the By-Laws must operate, appear on the Chris Hani District Municipality Website: www.chrishanidm.gov.za and are available free of charge on application to the Office of the Municipal Manager at 15 Bells Road, Queenstown.

Mr. G Mashiyi
MUNICIPAL MANAGER

This notice was displayed as required by Legislation.



CHRIS HANI DISTRICT MUNICIPALITY
FIRE AND EMERGENCY SERVICES
HEALTH AND COMMUNITY SERVICES DIRECTORATE



CHRIS HANI
DISTRICT MUNICIPALITY
SUSTAINING GROWTH
THROUGH OUR PEOPLE

COMMUNITY FIRE SAFETY BY-
LAWS

CHRIS HANI DISTRICT MUNICIPALITY**COMMUNITY FIRE SAFETY BY-LAW****CONTENTS****Chapter 1**

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Chapter 1 Definitions

1.1 Definitions

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and *vice versa*, the English text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates –

“above ground storage tank” means a tank situated above ground for the storage of flammable substances as contemplated in SANS 0131 and SANS 089 Part 1 and SANS 087 Part 3;

“access door” means any door that provides access to an emergency route;

“agricultural holding” means a portion of land not less than 0,8 hectares in extent used solely or mainly for the purpose of agriculture, horticulture or for breeding or keeping domesticated animals, poultry or bees;

“animal” means any animal that is kept for domestic, breeding, research, agricultural, resale, veterinary treatment, or animal welfare purposes within the area of the controlling authority.

“approved” means as approved by the Council.

“area” means any residential area or any area within the boundaries of the municipality;

“automatic releasing hold-open device” means a device used to hold open a fire door and operates on the detection of a fire to close the fire door;

“basement” in relation to a building, means any part of the building which is below the level of the ground storey;

“boundary” means any lateral or street boundary of a site;

“building” means: -

(a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction thereof, erected or used for or in connection with:-

- (i) the accommodation or convenience of human beings or animals;
- (ii) the manufacture, processing, storage, display or sale of any goods;
- (iii) the provision of any service;
- (iv) the destruction or treatment of combustible refuse or combustible waste;
- (v) the cultivation or growing of any plant or crop;

(b) any wall, swimming pool, reservoir or bridge or any other structure connected with it;

(c) any fuel pump or any tank used in connection therewith.

(d) any part of a building, including a building as defined in paragraph (a), (b) or

(e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, storm water disposal, electricity supply or other similar service in respect of the building;

“bund wall” means a containment wall surrounding an above ground storage tank, constructed of an impervious material and designed to contain 110% of the contents of the tank;

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

“Certificate of Compliance” means a certificate contemplated in section 20 of these by-laws, which a certificate has been issued by the Service in terms of fire related requirements to authorizes a person to occupy designated premises (which are a public building) accordingly;

“Certificate of Registration” means a certificate issued by the Service in terms of section 24 of these by-laws which authorizes a person to occupy registered premises, or to use the premises for spray-painting activities or for the storage, handling or use of dangerous goods, by having complied to all fire related requirements;

“Chris Hani District Municipality” means the Chris Hani District Municipality established in terms of section 12 of the Municipal Structures Act, (Act 117 of 1998);

“Category C municipality” means a municipality within the area of jurisdiction of the Chris Hani District municipality as contemplated in section 155(1)(c) of the Constitution;

“certificate of fitness” means a certificate contemplated in section 41;

“certificate of registration” means a certificate contemplated in section 64;

“Chief Fire Officer” means the person appointed by the controlling authority in terms of section 5 (1) of the Fire Brigade Services Act, 1987 (Act 99 of 1987), and includes any member who exercises any power or performs any duty delegated by the Chief Fire Officer to the member under section 19 of the Act, and includes an Acting Chief Fire Officer appointed in terms of section 5 (3) of the Act, and Manager: Fire Services has a corresponding meaning.

“Chief Inspector of Explosives” means the Chief Inspector of Explosives appointed in terms of section 2 of the Explosives Act, 1956;

“Civil Aviation Authority” means the South African Civil Aviation Authority established in terms of section 2 of the South African Civil Aviation Authority Act, 1998 (Act No. 4 of 1998);

“class” means a class of petroleum product based on the following classification-

- (a) Class O: liquefied petroleum gasses;
- (b) Class I: liquids subdivided as follows:
 - (i) Class IA: liquids which have a closed-cap flash point below 23°C and a boiling point below 35°C; and
 - (ii) Class IB: liquids which have a closed-cap flash point below 23°C and a boiling point of 38°C or above;
 - (iii) Class IC: liquids which have a closed-cap flash point of 23°C or above but below 38°C;
- (c) Class II: liquids which have a closed-cap flash point of 38°C or above but below 60,5°C;
- (d) Class IIIA: liquids which have a closed-cap flash point of 60,5°C or above but below 93°C; and
- (e) Class IIIB: liquids which have a closed-cap flash point of 93°C or above;

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

“combustible material” means combustible refuse, combustible waste or any other material capable of igniting;

“combustible refuse” means combustible rubbish, litter or material that is discarded, refused, rejected, or considered worthless;

“combustible waste” means combustible waste material which is salvageable, retained or collected for scrap or reprocessing and may include all combustible fibres, hay, straw, hair, feathers, down, wood shavings, turnings, all types of paper products, soiled cloth trimmings and cuttings, rubber trimmings and buffing, metal fines, and any mixture of the above items, or any other salvageable combustible waste material;

“competent person” means a person who is qualified by virtue of his or her experience and training;

“controlling authority” means the District Municipality in control of the Service as defined in the Fire Brigade Services Act, 99 of 1987;

“control room” means a room on any premises which is equipped and used to co-ordinate and control an emergency situation in or on designated premises;

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

“Council” means-

The Chris Hani District Municipality established by Provincial Notice No. 37 of 2000, dated 1 October 2000, as amended, constitution twelfth Amendment Act 2005, exercising its legislative and executive authority through its municipal council;

its successor in title;

a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000; or

A service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81 (2) of the Local Government: Municipal Systems Act 2000, or any other law, as the case may be.

“Criminal Procedure Act” means the Criminal Procedure Act, 1077 (No, 51 of 1977);

“dangerous goods” means any flammable gas, flammable liquid or flammable solid as contemplated in SANS 0228;

“designated area” means a place designated as such in terms of section 60;

“designated premises” means any premises designated and registered as such by the municipality and which is required to have an emergency evacuation plan as contemplated in section 38 of this by-law;

“Device” means any vehicle, mechanical or electrical equipment, electrical motor, machine, instrument, apparatus, or other implement of which the whole or any part is used or is capable of being used for, in or in connection with the manufacture, treatment, provision, delivery, supply, packaging, labelling, storage, conveyance, loading and unloading, handling, preparation, serving or administering of any grouped dangerous good, and includes any delivery pump, filling device, spray-painting device and mechanical hoist;

discharge means the ignition or activation of any fireworks whatsoever;

“district” means the area of jurisdiction of the Chris Hani District Municipality and includes the area of jurisdiction of the Category C municipalities within such area;

“dwelling house” means a single dwelling unit situated on its own site, including any motor vehicle garage and other domestic outbuildings on that site;

“dump” means to abandon or discard any hazardous substance by depositing, discharging, spilling or releasing it;

“emergency” means any incident or eventuality which seriously endangers or may endanger any person or property;

“emergency evacuation plan” means an emergency evacuation plan contemplated in section 38;

“emergency route” means that part of any escape route which- (a) protects the occupiers of any building from fire; and
(b) leads to an escape door;

“enclosed place” in respect of domestic animals means any kraal, cage, camp or similar enclosure where domestic animals are kept or exercised;

“escape door” means any door at the end of an emergency route and includes any door providing entrance to, or exit from, a building;

“escape route” means the entire path of travel, measured from an escape door to the furthest point in any room in a building;

“explosives” means explosives as defined in section 1 of the Explosives Act, 1956 and the regulations promulgated thereunder;

“Explosives Act” means the Explosives Act, 1956 (Act No. 26 of 1956), and any regulations made under that Act;

“explosive(s)” means

(a) Gunpowder, nitro-glycerine, dynamite, gun cotton, blasting powders, fulminate of mercury or of other metals, colored fires, and every other metals, colored fires and every other substances, whether similar to those herein mentioned or not, which is used or manufactured with a view to whether similar to those herein mentioned or not, which is used or manufactured with a view to producing an practical effect by explosion or a pyrotechnic effect;

(b) Any fuse, rocket, detonator, cartridge, and every adaptation or preparation of an explosive;

(c) Any other substance, which the President may from time to time by proclamation in the Government Gazette, declares to be an explosive;

(d) A petrol bomb; and

(e) Any container, apparatus, instrument, or article which

(i) Contains any inflammable substances and can be used or adapted so that it can be used to cause an explosion or a fire; or

(ii) Was made or can be adapted to cause, in combination with or by means of any inflammable substance, an explosion or a fire;

“extinguishing stream” means the amount of water that the municipality needs in order to extinguish a fire;

“facility” means any storage tank, whether above ground or below ground, or any transportable or refillable container that can be used for the keeping of dangerous goods, and include the fuel tank of a motor vehicle, aircraft, vessel, ship or boat;

“feeder route” means that part of an escape route which allows travel in two different directions to the access doors of at least two emergency routes;

“fire area” means that jurisdiction of the controlling authority in which provision is made for fire protection as defined in SANS 10090;

“Fire Brigade Services Act” means the Fire Brigade Services Act, 1987 (Act No. 99 of 1987), and any regulations made under that Act;

“fire damper” means an automatic damper, including its assembly, which complies with the requirements of SANS 193;

“fire door” means an automatic or self-closing door or shutter assembly especially constructed to prevent the passage of fire for a specific length of time;

“fire extinguisher” means a portable or mobile rechargeable container which has a fire extinguishing substance that is expelled by the action of internal pressure for the purposes of extinguishing a fire;

“fire-fighting equipment” means any portable or mobile fire extinguisher, hose reel or fire hydrant;

“fire grading” means, with regard to materials, components and elements used in the construction and finishing of buildings, those materials, components, and elements which have been tested and classified in accordance with SANS 10177, Parts 2 to 5, as amended;

“fire hazard” means any situation, process, material or condition which may cause a fire or explosion or provide a ready fuel supply to increase the spread or intensity of the fire or explosion and which poses a threat to life or property;

“fire incident” means a fire on any premises in the area;

“fire installation” means any water installation which conveys water solely for the purposes of fire-fighting;

“fire protection installation” means any device or system designed and installed to –
(a) detect, control or extinguish a fire, or
(b) alert occupants or the fire service, or both, to a fire; but excludes portable and mobile fire extinguishers;

"fire risk category" means the definition of the risk profile of any sub-area within the area of the controlling authority as provided for in SANS 10090 and includes:

Category A: Central business districts and extensive commercial and industrial areas normally found in cities and large towns (areas where the risk to life and property are likely to be high due to fire occurrence and spread).

Category B: Limited central business districts, smaller commercial or industrial areas normally associated with small towns and decentralised areas of cities and large towns (areas where the risk to life and property is likely to be moderate due to fire occurrence and spread).

Category C: Residential areas of conventional construction.

Category D: Rural risks of limited buildings and remote from urban areas.

Category E: Special risks. Individual risks requiring a pre-determined attendance over and above the predominant risk category in an area. Includes large shopping/entertainment centres, informal settlements, harbours, hospitals, prisons, large airport buildings, high-rise buildings, and petrochemical plants.

NOTE: High-rise buildings, as defined SANS 10400, are an integral part of central business districts and would therefore be included in Category A. Buildings with major fire safety or other risk implications may, however, be classed as special risks;

"fireworks" means any explosive device or substance which burns or explodes after ignition, including firecrackers, and which is regulated under the Explosives Act;

"fireworks display " means the use of fireworks for purposes of a public display;

"flammable gas" means a gas which at 20°C and a standard pressure of 101,3 kilopascals –

- (a) is ignitable when in a mixture of 13% or less by volume with air; or
- (b) has a flammable range with air of at least 12%, regardless of the lower flammable limit;

"flammable liquid" means a liquid or combustible liquid which has a closed-cap flash point of 93°C or below;

"flammable solid" as contemplated in SANS 0228, means a solid that is easily ignited by external sources, such as sparks and flames, solids that are readily combustible, solids that are liable to cause, or contribute to, a fire through friction or solids that are desensitised (wetted) explosives that can explode if not diluted sufficiently;

“flammable store” means a store that is used for the storage of flammable liquids and complies with the criteria set out in PART 8 of this by-law;

“flammable substance” means any flammable liquid, combustible liquid or flammable gas;

“Group I, II, III, V, VI, VIII and IX hazardous substances” means Group I, II, III, V, VI, VIII and IX hazardous substances, as the case may be, as contemplated in the Hazardous Substances Act;

“grouped dangerous goods” means a group of dangerous goods as contemplated in section 1 of the Dangerous Goods Act, 1973 (Act 15 of 1973);

“hazardous substance” means any hazardous substance contemplated in the Hazardous Substances Act;

“Hazardous Substances Act” means the Hazardous Substances Act, 1973 (Act No. 15 of 1973), and any regulations made under that Act;

“inspector” means a member appointed as an inspector in terms of section 2 (25) of the Explosive Act, 1956, to control fireworks in so far as the storage, use and sale of fireworks are concerned.

“Land Survey Act” means the Land Survey Act, 1997 (Act No. 8 of 1997);

“liquefied petroleum gas” means a mixture of light hydrocarbons (predominantly propane, butane) that is gaseous under conditions of ambient temperature and pressure and that is maintained in a liquid state by an increase of pressure or lowering of temperature;

“member” means a member of the Service as contemplated in section 6 and 6A (5) of the Fire Brigade Services Act, 1987;

“municipal manager” means a person appointed in terms of section 82 of the Municipal Structures Act or his nominee;

“municipality” means the CHRIS HANI District Municipality, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

“National Archives and Record Service of South Africa Act” means the National Archives and Record Service of South Africa Act, 1996 (Act 43 of 1996);

“National Building Regulations” means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and any regulations made under that Act;

“National Road Traffic Act” means the National Road Traffic Act, 1996 (Act No. 93 of 1996), and any regulations made under that Act;

“Occupational Health and Safety Act” means the Occupational Health and Safety Act, 1993 (Act No 85 of 1993);

“occupier” means any person who occupies or has control over any premises;

‘owner’ has its common law meaning and includes-

owner in relation to land or premises, means the registered owner of the land or premises, and includes any person who receives the rental or profit from the land or premises from any tenant or occupier, whether for his/her own account or as an agent for a person who is entitled to the rental or profit or who has an interest therein, and, in relation to a sectional title scheme in terms of the Sectional Titles Act, 1986, (Act 95 of 1986), for the purpose of section 18 of the Fire Brigade Services Act, 1987, the body corporate as contemplated in the Section A Title Act 1986 and in the case of a deceased or insolvent estate, the executor or the curator respectively

- (a) a lessee or other person who controls the land in question in terms of a contract, testamentary document, law or order of a High Court;
- (b) in relation to land controlled by a community, the executive body of the community in terms of its constitution or any law or custom;
- (c) in relation to State land not controlled by a person contemplated in paragraph (a) or a community-
 - (i) the Minister of the Government department or the member of the executive council of the provincial administration exercising control over that State land; or
 - (ii) a person authorised by him or her; and
- (d) in relation to a municipality, the municipal manager of the municipality or a person authorised by him or her;

“person in charge” means:-

- (a) in relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the premises;
- (b) in relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the building;

- (c) in relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for the management or utilisation of the installation; provided that such a person is not the person mentioned in (a); and
- (d) in the event of the chief fire officer being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is in the opinion of the chief fire officer deemed to be in charge of such premises, building or installation;

“Promotion of Access to Information Act” means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);

“prescribed” means as determined by the municipality;

“premises” means any land, building, terrain, road, construction or structure or part thereof and includes any train, boat, aircraft or other vehicle;

“prescribed fee” means a fee determined by the municipality by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;

“public gathering” includes any gathering by members of the public-

- (a) to view any theatrical or operatic performances, orchestral or choral recitals or cinematic-graphic screenings; or
- (b) to attend, practice or participate in any indoor sports activity, dance, physical activity or other recreational activity;

“public place” means public place as defined in section 63 of the Local Government: (Ordinance 17 of 1939); any square, park, recreation ground, beach, sports ground, sanitary lane or open space which has –

- (a) been provided, reserved or set apart for use by the public or at any time been dedicated to the public;
- (b) been used by the public without interruption for a period of at least thirty years; or
- (c) at any time been declared or rendered such by the municipality or other competent authority;

“pyrotechnist” means any appropriately qualified person responsible for the use of fireworks at a fireworks display;

“Rational design” as defined in SANS 10400;

“registered premises” means premises in respect of which the Service has issued a certificate or permit for spray-painting activities and the storage, handling and use of dangerous goods, as well as a certificate or permit to occupy premises;

“Retail dealer” means a person or concern that, for the purposes of dealing in explosives, supplies such explosives to any other person for use by that person and not for resale;

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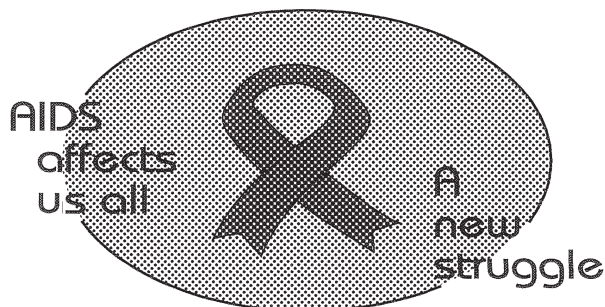
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“SANS” means the South African National Standards contemplated in section 2 of the Standards Act, 1993 (Act No. 29 of 1993), and SANS followed by any number means a reference to a SANS code of practice, specification or standard of the corresponding number;

“service” means the Fire Service established by the controlling authority as contemplated in section 1 of the Fire Brigade Services Act, 1987;

“service installation” means any automatic fire-extinguishing installation, fire pump connector, fire pump, emergency power or stand-by generator, fire detection, locating or alarm system, emergency lighting or evacuation communication system, mechanical ventilation system, pressure regulation system, smoke ventilation system, hoist, symbolic safety sign and smoke or fire door assembly;

“spray” means to spray, coat, plate, or epoxy-coat with any hazardous substance and “spraying” has a corresponding meaning;

“spraying permit” means a permit issued by the Service in terms of section 45 (1)(a) of these bylaws;

“spraying room” means any room, building or structure that is designed, build, equipped or erected solely for spraying or coating vehicles, or any other objects with Group III dangerous goods and/or combinations of Group III dangerous goods, or with any other substance, to form a decorative and/or corrosion resistant layer, or for any purpose incidental thereto, and **spraying booth** and **submersion tank** , as well as any related process involving electrolysis, have a corresponding meaning

“State” means: -

- (a) any department of state or administration in the national, provincial or local sphere of government, or
- (b) any other functionary or institution -
 - (i) exercising a power or performing a function in terms of the Constitution or a provincial constitution; or
 - (ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court or judicial officer;

“storage vessel” means a pressure vessel as defined in the Regulations for Pressure Vessels made under the Occupational Health and Safety Act;

“storeroom” means a room, which is constructed, equipped and maintained as contemplated in section 43 of these by-laws;

“storey” means that part of a building which is situated between the top of any floor and the top of the floor above it, or if there is no floor above it, that portion between such floor and the ceiling above it (any mezzanine floor, open work floor, catwalk or gallery is regarded as part of the storey in which it is situated): Provided that, in relation to a building-

- (a) The ground storey will be regarded as the storey in which there is an entrance to the building from the level of the adjoining ground or, if there is more than one such storey the lower or lowest
- (b) A basement will be regarded as any storey of the building which is below the level of the ground storey.
- (b) An upper storey will be regarded as any storey of the building which is above the level of the ground storey; and
- (c) The height, expressed in storeys, will be regarded as that number of storeys which includes all storeys other than a basement.

“street” means any street, road, cycle path, thoroughfare or any other place, including the verge of any such road, street or thoroughfare;

- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other object belonging to such road, street or thoroughfare, which has at any time been –
 - (i) dedicated to the public;
 - (ii) used without interruption by the public for a period of at least thirty years;
 - (iii) declared or rendered such by the municipality or other competent authority, or
 - (iv) constructed by a local authority, and
 - (v) any land, with or without buildings or structures thereon, which is shown as a street on –
 - (aa) any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon, or
 - (bb) any general plan as defined in the Land Survey Act, 1997 registered or filed in a deeds registry or Surveyor General's office, unless such land is on such plan or diagram described as a private street;

“temporary structure” means any structure that is apparently temporary in nature;

“this by-law” includes the Schedules published in terms of this by-law;

“summary abate” means to immediately judge a condition to be a fire hazard or other threatening danger to life or property and to order immediate correction of such condition;

“underground tank” means any tank used or intended to be used for the storage of any flammable liquid and which is wholly sunk into and below the surface of the ground;

“use” in relation to fireworks means discharging, lighting or igniting;

“vegetation” includes grass, weeds, leaves, shrubs and trees; and

“vehicle” includes a trailer or semi-trailer which-

- (a) has at least 4 wheels with independent axles and suspension systems; and
- (b) can be hitched to a truck-tractor or any other motor vehicle contemplated in the National Road Traffic Act, (Act 93 of 1996) as the case may be;

“water installation” means a water installation as defined in the Council Water Services By-laws.

“wheel blocks” means wedge-shaped blocks, manufactured from material which, when scraped against the surface of any other object or material, does not produce sparks or generate static electricity;

“Wholesale dealer” means a person or concern that, for the purpose of trade, supplies explosives to any other dealer for resale.

CHRIS HANI DISTRICT MUNICIPALITY COMMUNITY FIRE SAFETY BY-LAWS, 2022

1.2. Preamble

Chris Hani District Municipality hereby promulgates the Fire and Emergency Services By-laws set out for its area of jurisdiction in terms of section 16 of Fire Brigade Services Act 99 of 1987, section 12 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), together with section 15 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) recognises:-

- that everyone has the constitutional right to an environment that is not harmful to their safety or well-being;
- that losses due to fire and the subsequent economic and social impact on people, property and infrastructure causes unnecessary hardship;
- that the protection of all sectors of the community against fire is an important aspect in the development and sustainability of the economy;
- that certain aspects of the daily existence need to be controlled in such a manner as to prevent and reduce the effects of fire on the community as a whole;
- that the community has a vital role to play in achieving the objectives of this By-law, and
- that the benefits of a fire-safe environment should be accessible to all.
- to promote the achievement of a fire-safe environment for the benefit of all persons within the area of jurisdiction.
- to provide for procedures, methods, and practices to regulate fire safety within the area of jurisdiction of Chris Hani District Municipality.

Chapter 2

Application and purpose of By-Law

2. Application of By-laws

2.(1) These by-laws apply-

- a) To all persons within the area of jurisdiction of the municipality and includes both formal and informal sectors of the community and economy.
- b) Notwithstanding the provisions in either the Hazardous Substances Act or the Occupational Health and Safety Act, and in addition to any other applicable national or provincial law, this by-law regulates flammable substances in jurisdiction of the municipality to prevent and reduce fire hazards or other threatening dangers.
- c) The municipality may, in terms of an agreement as contemplated in section 12 of the Fire Brigade Service Act, and the payment of tariffs in accordance with the municipality's tariff policy or as contemplated in this by-law, be employed outside the area of jurisdiction of the municipality.
- d) If any provision in this by-law 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 Municipal Systems Act or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the municipality provider or, where applicable, an employee of the municipality provider authorized by it.

2.(2) Purpose of by-law

- (1) The purpose of this by-law is to establish and maintain a service for the area of jurisdiction of the municipality, to promote the achievement of a fire-safe environment for the benefit of all persons within the area of jurisdiction of Chris Hani District Municipality and to provide procedures, methods, and practices to regulate community fire safety within the area of jurisdiction of the municipality.

Chapter 3

Administrative provisions

3. Administration and enforcement

- (1) The chief fire officer is responsible for the administration and enforcement of this By-law. Where no chief fire officer has been appointed in terms of the Fire Brigade Services Act, the municipal manager is responsible for the administration and enforcement of this By-law. Where there is no service established in the area of jurisdiction of the Municipality, the municipal manager is responsible for the administration and enforcement of this By-law.

4. Delegation

- (1) A chief fire officer may delegate any power granted to him in terms of this By-law in accordance with section 19 of the Fire Brigade Services Act.
- (2) A municipal manager may delegate any power granted to him in terms of this By-law in accordance with the system of delegation of the Municipality developed in terms of section 59 of the Municipal Systems Act.

5. Enforcement provisions

- (1) A controlling authority may, whenever he regards it necessary or expedient to do so, enter any premises at any reasonable time to ensure compliance with this By-law.
- (2) A controlling authority has the authority to summarily abate any condition which is in violation of any provision of this By-law and which presents an immediate fire hazard or other threatening danger.
- (3) A controlling authority must remedy any violation mentioned in subsection (2), by performing any act, and may also:-
 - a. call for the immediate evacuation of the premises;
 - b. order the closure of the premises until such time as the violation has been rectified;
 - c. order the cessation of any activity, and
 - d. order the removal of the immediate threat.
- (4) Any costs of such action must be borne by the person deemed by a controlling authority to be responsible for the existence of such condition.

6. Authority to investigate

- (1) Notwithstanding anything to the contrary contained in any other law, a controlling authority has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.

7. Failure to comply with provisions

- (1) When a controlling authority finds that there is non-compliance with the provisions of this By-law, excluding the situation in section 5(2), a written notice may be issued and should include the following:—
 - a. confirmation of the findings;
 - b. provisions of this By-law that are being contravened;
 - c. the remedial action required, and
 - d. set forth a time for compliance.
- (2) An order or notice issued under this By-law must be served either by personal delivery or registered mail upon a person who is in the opinion of the controlling authority, deemed to be the appropriate person.
- (3) For unattended or abandoned premises, a copy of such order or notice must be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice must be mailed by registered mail, to the last known address of the owner, the person in charge of the premises or both.

8. Denial, suspension or revocation of an approval or a certificate

- (1) A controlling authority may refuse, suspend or revoke an approval or a certificate required by this By-law for: —
 - a. failure to meet the provisions of this By-law for the issuance of the approval or certificate, or
 - b. non-compliance with the provisions of the approval or certificate.

9. Records required

- (1) The safekeeping of all relevant records and documents is the responsibility of the controlling authority.

10. Charges

- (1) The Municipality may determine the fees payable by a person on whose behalf, the controlling authority rendered a service as contemplated in section 10 of the Fire Brigade Services Act.
- (2) The Municipality may charge a fee for the provision of an inspection, re-inspection or any other service as well as the issuing of permits, approvals or certificates in accordance with the applicable local government legislation regulating the charging of fees.
- (3)

11. Reporting a fire hazard and other threatening danger

- (1) An owner or the person in charge of the premises, upon discovering any evidence of a fire hazard or other threatening danger pertaining to this By-law, must immediately notify the controlling authority.

Chapter 4

Establishment of a service

12. Establishment of Fire Brigade Service

- (1) The controlling authority may, subject to section 3 (1) of the Fire Brigade Services Act, 1987, as amended, read with section 156(1)(a) and Part B of Schedule 4 of the Constitution, establish, and maintain a Service within its area, which includes the appointment of personnel and the acquisition of vehicles, machinery, equipment, devices, and accessories that may be necessary to operate the Service efficiently.
- (2) The municipality must maintain the Service, which includes –
- appointing a chief fire officer and the necessary members of the Service;
 - ensuring that such officer and members are properly trained; and
 - acquiring and maintaining the necessary vehicles, machinery, equipment, devices, and accessories to ensure that the Service is effective and able to fulfil its objects.

13. Duties of Traditional Leaders or Owners of Communal Land

- (1) The Traditional Leaders are the rightful owners of the Communal land and are therefore responsible to:-
- Provide or ensure that the availability of necessary equipment to prevent the spread and/or fight fires when they break out
 - Nominate or appoint fire rangers to guard their land against unplanned fires
 - Investigate all fires that have broken out in their land and persecute the transgressors in accordance with Common Laws/ by-laws or report the incidents to the Chief Fire Officer
- (2) Anyone who contravene subsection (a), (b) and (c) commits an offence and will be liable for an offence and maximum payment of fine or imprisonment.**

14. Joint Fire Services Committee

- (1) A Joint Fire Services Committee representing the fire services in the area of jurisdiction of the Chris Hani District Municipality and all Category B Municipalities in the area of jurisdiction of such municipality must be established.
- (2) The Joint Fire Services Committee as contemplated in subsection (1) must collaborate and liaise for the purposes of making recommendations with regard to –
- the planning and co-ordination of the services within the district;
 - the co-ordination and standardisation of infrastructure, vehicles, equipment and procedures pertaining to the service;
 - the training of members; and
 - any other operational matters relating to the Service.
- (3) The chief fire officer/delegated member of each municipality within the district must be a member of the Joint Fire Services Committee.

- (4) The Joint Fire Services Committee must determine its rules of meeting procedures, terms of reference, provided that such procedures are not inconsistent with generally accepted municipal administrative practices, this by-law or any other legislation.

Chapter 5
Fire protection
Fire protection for buildings

15. General provisions

- (1) The controlling authority must in terms of sections 5(3) and 6(1) of this by-law abate a contravention of the National Building Regulations relating to fire and safety of buildings and premises.

16. Access for emergency vehicles

- (1) If, in the reasonable opinion of the controlling authority, premises are not readily accessible from public roads, then the premises must be provided with emergency vehicle access and, notwithstanding the provisions in the National Building Regulations [T1], may be required to comply with any or all of the following –
- a) an access road must be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises;
 - b) a motorised or electronically operated gate must be equipped in such a manner that access to the premises can be gained without the use of a motor or any other electronic device;
 - c) fire lanes must be provided for all premises which are set back more than 45m from a public road or which exceed 9m in height and are set back more than 15m from a public road;
 - d) fire lanes must be at least 4m in width, the position of which must be decided upon after consultation with the controlling authority, and the area from ground level to a clearance height of 4m above the fire lane must remain unobstructed; and
 - e) a *cul-de-sac* which is more than 90m in length must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.
- (2) The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the controlling authority.
- (3) It is unlawful for any person to park a vehicle in or otherwise obstruct a fire lane.

17. Division and occupancy separating elements

- (1) An owner or person in charge of a building may not alter a division or occupancy separating element in any way that would render it less effective or to allow flame, heat, or combustion products from penetrating into the adjacent compartment or structure.

18. Fire doors and assemblies

- (1) Subject to the provisions of SABS 1253, a fire door and assembly must be maintained in such a manner that in the event of a fire it retains its integrity, insulation and stability for the time period required for that particular class of door.

- (2) A fire door may be kept open, only when it is equipped with an automatic releasing hold-open device approved by the Municipality.
- (3) A fire door and assembly may not be rendered less effective through the following actions: —
 - a. altering the integrity, insulation or stability of a particular class of door;
 - b. disconnecting the self-closing mechanism;
 - c. wedging, blocking or obstructing the door so that it cannot close;
 - d. painting the fusible link actuating mechanism of a door;
 - e. disconnecting or rendering less effective an electric or electronic release mechanism, or
 - f. any other action that renders a fire door or assembly less effective.

19. Escape routes

- (1) A component which forms part of an escape route such as the feeder routes, access doors, emergency routes and escape doors must not be obstructed or rendered less effective in any way, which could hinder or prevent the escape of any person from a building in the case of fire or any other emergency.
- (2) A locking device, which is fitted to an access or escape door in an escape route, must be of a type approved by Controlling Authority.
- (3) Where required by the controlling authority, an escape route must be clearly indicated with signage, which complies with SABS 1186, indicating the direction of travel in the event of fire or any other emergency.

20. Tents

- (1) Prior to the erection and usage of a tent as an occupancy contemplated in the National Building Regulations (A20), the owner or person in charge of a premises must:—
 - a. submit an application in terms of the National Building Regulations (A2) and (A23) to the Municipality for the approval to erect and use the tent, and
 - b. submit an application in terms of section 21 of this By-law to the controlling authority for a temporary population certificate.
- (2) The application submitted in terms of subsection (1)(a) must comply with the following:—
 - a. The safety distance between a tent and any building or boundary shall be determined in accordance with TT2 of the SABS 0400. The controlling authority may require that this distance be increased should the situation require it.
 - b. The tent must be erected at least 4,5 metres from any combustible material or dangerous goods.
 - c. Where tents are erected adjacent to one another, an unobstructed minimum distance of 4,5 metres must be provided between them and where applicable between the stakes and guidelines of the adjacent tents, in order to ensure emergency vehicle access.

- d. The requirements set out in the National Building Regulations (T1) must be complied with in the following instances:—
 - (i) where the population of a tent exceeds 25 people;
 - (ii) where a tent is occupied during the hours of darkness;
 - (iii) for seating arrangements and aisle dimensions, and
 - (iv) for the provisions of fire extinguishers.
 - e. The population density of a tent must comply with the National Building Regulations (A21).
 - f. No cooking may be carried out in the tent occupied by the public and where cooking is required, it must be carried out in a separate tent or an area to which the public does not have access.
 - g. No open fire is permitted in a tent and any other flame emitting device, such as a candle, lantern or torch but not limited thereto, is only permitted in a tent after approval by the controlling authority.
 - h. No open fire or flame is permitted within five metres of a tent, stake, or guideline of a tent.
 - i. Smoking is prohibited in a tent and a "No Smoking" sign must be prominently displayed at each entrance and must comply with SABS 1186: Part 1.
 - j. Lighting and wiring installed in a tent must comply with the requirements set out in SABS 0142 in such a manner that direct contact is not made with combustible material and the radiated heat does not pose an ignition hazard.
- (3) Notwithstanding the provisions in subsections (1) and (2), the controlling authority may request the applicant to fulfil additional requirements for the erection and usage of a tent.

Chapter 6

Public safety

21. Prevention and control of overcrowding

- (1) Prior to the usage of the premises for entertainment or public assembly where the population including staff exceeds 50 people, the owner or person in charge of such premises must submit an application for a population certificate to the controlling authority, as prescribed in of this By-Laws.
- (2) The owner or person in charge of a premises for which a population certificate is required shall not utilise such premises if a population certificate has not been issued by the Controlling Authority.
- (3) The controlling authority may request additional information from the applicant.
- (4) Notwithstanding the provision in subsection (1), the controlling authority may instruct the owner or person in charge of the premises to apply for either a temporary or a permanent population certificate, should the premises be used in respect of any other occupancy contemplated in the National Building Regulations (A20).
- (5) A temporary population certificate is valid for a period not exceeding 30 calendar days.
- (6) The controlling authority must refuse to issue the temporary or permanent population certificate if the premises do not comply with the requirements of the National Building Regulations (T1), and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing, to take all reasonable steps to render the premises safe prior to the usage of the premises and the issuing of the temporary or permanent population certificate.
- (7) If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the temporary or permanent population certificate, he must act in terms of these By-laws.
- (8) The temporary and permanent population certificate is valid only for the premises or portion of the premises for which it was issued, and when changes of occupancy occur or alterations are made to the premises for which the certificate was issued, the owner or person in charge of the premises must reapply for the certificate in accordance with subsection (1). The temporary or permanent population certificate must be displayed in a clearly visible and conspicuous position in or on the premises for which the certificate was issued.
- (9) The owner or the person in charge of the premises must prevent overcrowding by limiting the maximum population to that which is specified on the temporary or permanent population certificate.
- (10) A person must vacate the premises that are overcrowded when instructed to do so by the controlling authority, the owner or person in charge of the premises.

22. Attendance of a service

- (1) When the controlling authority is of the opinion that a service is required to be in attendance during a function in a place used for entertainment or public assembly, he may provide, in the interest of public safety and subject to the exigencies of the

service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof.

- (2) When the attendance of a service during a function in a place used for entertainment or public assembly involves costs, the costs incurred by the Municipality may be recovered from the person in charge of the function.

23. Formulation of an emergency evacuation plan

- (1) The owner or person in charge of a school, hospital, residential institution, hotel, guest house, hostel or other similar occupancy which has a population in excess of 25 persons (including staff), must formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- (2) The controlling authority may order the owner or person in charge of the premises, other than those contemplated in subsection (1), to formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- (3) The plan mentioned in subsections (1) and (2) must be revised if an aspect thereof is no longer applicable or if the building for which the plan was designed has changed.
- (4) The emergency evacuation plan must be tested in its entirety at a maximum of six-monthly intervals or when the plan has been revised and a record of the testing must be kept in a register.
- (5) The register mentioned in subsection (4) must contain the following information:—
 - a. the date and time of the test;
 - b. the number of participants;
 - c. the outcome of the test and any corrective actions required, and
 - d. the name and signature of the person supervising the test.
- (6) The register, together with the emergency evacuation plan, must be available on the premises for inspection by the controlling authority.
- (7) The controlling authority may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan.

24. Combustible materials and refuse

1. No person may store any combustible materials of whatever nature or have them stored or permit to be stored in such a manner and in such a position as to likely pose a fire hazard to any human being, animal, building or premises.
2. No person may allow the accumulation of dust at any place in quantities sufficient to pose a fire hazard to any person, animal, or property.
3. No person may use or allow to be used any sawdust or similar combustible material to soak up any flammable liquid.

4. No person may allow soot or any other combustible material to accumulate in any chimney, flue, or duct in such quantities or in any manner that may pose a fire hazard to any person or property.
5. No person may allow grass, weeds, reeds, shrubs, trees, or any like vegetation to become overgrown on premises to such an extent that it may pose a fire hazard or a portable fire hazard to any adjacent premises and/or any other person's property.
6. If a fire hazard contemplated in subsection (5) arises, the owner or occupier of the property concerned must without delay eliminate the hazard or cause the hazard to be eliminated by-
 - (a) cutting any grass, leaves or weeds associated with the fire hazard to a maximum height of 150 millimetres
 - (b) pruning, chopping down and sawing any shrub or tree; and
 - (c) removing any resulting combustible residue from the property.

7. *Any person who fails to comply with the provisions of this section is guilty of an offence.*

25. Fire protection for thatch roof structures

- (1) Any thatch roof construction with a span not exceeding 6 metres and which is supported by structural walls must comply with the provisions of SANS 10407: 2004.
- (2) A rational design must be provided for any thatch roof construction with a span exceeding 6 metres or where such construction is not supported by structural walls.
- (3) Where a new or replacement thatch structure is to be constructed for any building, the following must be incorporated into the design and construction of such thatch roof:
 - (a) The thatch density should not be less than 35 to 50 kg/m² for a thickness of 175mm to 200mm;
 - (b) Sisal binding twine shall be used;
 - (c) Construction of any thatch roof must be sound, and all materials used therein must be of good quality;
 - (d) Where electrical wiring passes through the roof space of any thatch roof, all wiring shall be run in continuous conduit and all junction boxes shall be properly sealed;

- (e) Where, in the opinion of the chief fire officer, the risk of lightning may pose a hazard, it may direct those certain occupancies, as he may determine, be protected by the installation of lightning conductors in accordance with SABS 03: 1985;
- (f) All wooden components and all exposed surfaces of thatch must be treated with an approved fire retardant and the thatching must be rodent proofed.
- (g) Upon completion of any thatch construction, the owner must provide the Chief Fire Officer with written certification of compliance with all of the provisions of regulation 25(3).
- (4) Where, in the opinion of the Chief Fire Officer, any fire in a thatched building will pose an unacceptable risk to any adjacent buildings or property or where its location will result in an increased risk from an external fire, the Chief Fire Officer may prescribe the installation of a sprinkler or drencher system, provided that such system may be manual or automatic in operation.
- (5) Any chimney passing through a thatch roof must be constructed so that:
 - (a) only full 220mm bricks are used and laid so that the unexposed faces in contact
 - (b) all joints and spaces are properly filled with mortar;
 - (c) no wooden building component or decoration is built into or through any chimney
 - (d) the top of any chimney stack must extend at least 1 metre above the highest point of the roof;
 - (e) a spark arrestor comprising a stainless-steel wire mesh measuring 10 x10 x 1mm across the full width of the flue shall be fitted not less than 700mm from the top of the stack.
- (6) Any person who contravenes subsections (1) to (5) commits an offence.

26. Making Fires

- (1) No person may, subject to provision of the Veld and Forest Act and Environmental Management Act, within the area, make an open, uncontrollable, or unattended fire or permit a fire to be made in such a place and/or in such a manner as to pose a real or potentially real threat to any human being, animal, building, premises or other property: Provided that this prohibition is not applicable to-

- a) a fire in an approved, purpose made stove, fireplace, or heath, which is an integral part of a structure.
- b) a fire for preparing food on private premises or premises set aside for that purpose; and
- c) a device for preparing food, which device is heated by means of electricity or liquid petroleum gas and is positioned in such a way that the device poses no threat to life or property on any premises
- d) No person may, without the written authority of the Service, burn any refuse, wood, straw, or other combustible materials within the area, or have them burnt or permit them to be burnt within the area, unless the refuse, wood, straw or other combustible materials are burnt inside an approved purpose-made incinerator or incinerating device, subject to the provisions of subsection (1).

(2) Any person who fails to comply with the provisions of this section is guilty of an offence.

27. Firebreaks

- (1) Every owner or occupier of an agricultural holding or farm must clear and maintain a safety fire-break along every boundary of the agricultural holding or farm that-
 - a. is at least 6 meters wide (when measured parallel from the boundary concerned);
 - b. and contains no vegetation or combustible residue.
- (2) If an obstruction occurs within the boundaries of a safety fire-break, the owner or occupier concerned must clear and maintain a 6 metre-wide safety fire-break around that obstruction.
- (3) No person may clear or maintain a safety fire-break by burning without prior written permission of the Chief Fire Officer.
- (4) Any person who intends to clear or maintain a safety fire-break by burning must-
 - a. apply in writing to the controlling authority for permission, stipulating the property concerned and the proposed date and time of the burning;
 - b. be in possession of a fire permit issued by the controlling authority;
 - c. and unless the burning is to be performed by a person or body accredited for this purpose by the Council, request the Service to provide assistance at the burning against payment of the prescribed fee
- (5) No burning will be approved by the Chief Fire Officer or Fire Protection Officer if the weather conditions and fire index rating is not favourable to allow burning of fire breaks.
- (6) Notwithstanding the above, the provisions of the National Veld and Forest Fire Act, 1998 (Act 101 of 1998), apply mutatis mutandis to the application of this section.

- (7) Any person who fails to comply with the provisions of this section is guilty of an offence.**

28. Inspection of properties and instructions to occupiers.

- 1) A fire officer may, in executing all powers delegated in terms of relevant and applicable legislation, enter any premises at any reasonable time to conduct inspections to determine whether there is any fire, dangerous goods, or other hazard on the premises.
- 2) An officer contemplated in subsection (1) may, arising from a condition referred to in subsection (1), serve on the occupier of the premises or any other premises a written instruction and fire protection directives and requirements that are necessary to rectify the condition on or in the premises in order to reduce the fire risk and/or to protect life and property, which instruction must determine a deadline for compliance with the directives and requirements
- 3) (a) Whenever a condition exists or is found in or on any premises, whether or not structural in nature, or anything else exists that may increase the fire risk or pose a threat to life or property, and the condition or anything else cannot be rectified immediately, or if costs need to be incurred to rectify it, the owner of the premises must, after receiving the rectification directives referred to in subsection (2), inform the Chief Fire Officer forthwith in writing about the measures which the owner intends taking to rectify the condition and must submit a programme with a deadline to the Service for approval.
(b) The Chief Fire Officer may approve the proposed measure and deadline with or Without amendments and may give instruction for compliance with the measures.
- 4) Any person who fails to comply with a written instruction referred to in this section is guilty of an offence necessary; Enforcement of provision according to Act 99 of 1987 section 18 of said Act can be implemented.

29. Accessibility of fire-fighting equipment mitigating agents

- (1) Fire-fighting equipment, mitigating agents and the appropriate service installations must be installed so as to be readily accessible at all times.
- (2) **Any person who, in whatever way, causes or permits fire-fighting equipment, mitigating agents and the appropriate service installations not to be readily accessible is guilty of an offence.**

30. Fire protection requirements for premises

- (1) In addition to any other provisions contained in these bylaws, The Building Regulations, published under Government Notice R2484 of 26 October 1990, as amended, which are contained in Code of Practice SANS 10400 and called The Application of the National Building Regulations, and any additional building regulations published for application in the area, for the purpose of the enforcement of these by-laws in relation to fire protection requirements, applicable mutatis mutandis to premises in the area.
- (2) In any superfluous water unavoidably spills into or is collected in a basement for whatever reason during fire extinguishing activities, adequate means must be provided to convey the water spilled or collected to a storm water drain.
- (3) No high- and/or low-voltage transformer room(s) in any building may be situated on any level other than the ground level: Provided that-
 - (a) The access to the transformer room(s) is situated on the building; and
 - (b) Provision is made for adequate access to the transformer room(s) for firefighting activities and/or maintenance.
- (4) Whenever an approved sprinkler system is required in any building in accordance with the provisions of SANS 10400; SANS 10087, Part 3; and SANS 10089, Part 1, or if the Council so requires, the owner of the building must ensure that the sprinkler system must be planned, designed, and installed in accordance with the guidelines of SANS 0287 for automatic sprinkler installations and in consultation with the Service.

31. Electrical fittings, equipment and appliances

- (1) No person may cause or allow
 - (a) Any electrical supply outlet to be overloaded; or
 - (b) Any electrical appliance or extension led to be used in any manner that may pose a fire hazard to any person or property.

32. Flame-emitting devices

- (1) No person may use or cause or allow the use of any flame-emitting device, including but not limited to any candle, lantern or torch, in any manner that may pose a fire hazard to any person or property.
- (2) **Any person who fails to comply with any of the provisions of subsection (2), (3), (4) and (5) or any provisions contained in Part A, Part K, Part M, Part O, Part T, Part V and Part W of SANS 10400, as amended, where the provisions related to fire protection matter, is guilty of an offence and the necessary; Enforcements of provision according to Act 99 of 1987 section 18 of said act can be implemented.**

33. Access for fire fighting and rescue purposes

- (1) All premises in the area must be planned, designed and constructed so as to ensure that-
- i. The requirements of the Guidelines for the provision of Engineering Services and Amenities (Red Book) shall apply and;
 - ii. If a building does not front onto a street, an access road shall be provided, the dimensions and carrying capacity of which must be suitable for the fire engines used by the Service (dimensions obtained from statistics of the Service's fire engines), with specific reference to the length, width and tonnage of the fire engines: Provided that the dimensions must be equal to the largest fire engine that is likely to be used on premises in question; and
 - iii. Whenever any entrance arch spans a driveway to a group housing, cluster housing or townhouse complex or is constructed over an access to a shopping centre or office complex, the dimensions of the opening of the arch must be at least 3,5 m wide and 4,2 m high and there must be nothing causing an obstruction of the opening: Provided that if the dimensions of the entrance arch are less, another access or service gate to the premises must be provided, which access or gate is capable of being opened to 3,5m.
- (2) (a) The appropriate street number of every built-up premise within the area must be displayed clearly on the street boundary of the premises in question. This number must be 75mm high and must be visible from the street.
- (b) The owner or occupier of any premises must maintain the street number to ensure that it is legible at all times.
- (c) Any person who fails to comply with the provisions of this section is guilty of an offence.**

34. Upkeep maintenance of fire-fighting equipment and mitigating agents

- (1) The owner of any premises must ensure that-
- (a) all fire-fighting equipment, mitigating agents or other appropriate service installations that have been provided or installed on or in connection with the premises are maintained in a good working condition by a competent person and/or firm approved by the SANS 101475 and registered in terms of SANS 101475;

- (b) portable mobile fire extinguishers and hose reels are serviced and maintained in accordance with the provisions of SANS 0105 and SANS 101475;
 - (c) fire installations and any other relevant service installations are inspected and serviced in accordance with the specifications of the manufacturers of the installations; and
 - (d) Installations are inspected by a registered person at least every twelve calendar months.
- (2) Any person who checks, services, renews, replaces or works on any fixed service installation must-
- a) on completing the work, certify that the service installation is fully functional and;
 - b) notify the Service immediately in writing if he/she finds that the service installation cannot, for whatever reason, be readily repaired to its functional state.
- (3) The owner or occupant responsible of any premises must keep a comprehensive service record of all firefighting equipment and any other appropriate service installations on his/her premises and submit the record to the Service upon request by the designated officer.
- (4) Except for purposes of inspection, service, repair or fire-fighting, no person may remove or interfere with any fire-fighting equipment or service installation at any premises.
- (5) No person may alter, damage, misuse or render ineffective any fire-fighting equipment or service installation at any premises.
- (6) Any person who fails to comply with the provisions of this section is guilty of an offence.**

35. Extractor fan systems

- (1) Extractor fan systems and related ducts or similar chimney systems must be designed and installed in such a manner as to grant adequate access (that is clearly marked) for trouble-free inspection and maintenance of and repairs to the relevant mechanisms.
- (2) Every filter, damper, screen or conduit that forms an integral part of a system referred to in subsection (1) must be regularly cleaned, maintained and checked to ensure that fatty residues or any other combustible residues do not accumulate.

(3) The conduit and outlet of any system referred to in subsection (1) must be installed so as not to pose a fire hazard or probable fire hazard to any premises or property.

(4) Any person who fails to comply with the provisions of this section is guilty of an offence.

36. Rational designs

(1) The construction, design and/or erection of-

- a) hangars;
- b) helipads;
- c) grain silos;
- d) atriums ;
- e) air traffic control towers;
- f) any other structure or building identified at the discretion of the Chief Fire Officer, of the controlling authority must comply with an acceptable design according T1 (2) (a) or (b), submitted to and approved by the Chief Fire Officer, which meets all the applicable requirements of Regulation T1 (1) of the National Building Regulations.

(2) Subject to the provisions of subsection (1), provision must also be made, in the case of hangars or helipads, for-

- (a) the drainage of any liquid from the floor of the hanger or helipad and/or approach to the hangar;
- (b) the channelling of any liquid to a drainage area, which is effectively connected to a separator well;
- (c) the prevention of any liquid from spreading from the floor of the hangar or helipad to any rooms, adjacent buildings or to the outside of the hangar; and
- (d) earthing devices for discharging static electricity.

(3) Any person who fails to comply with the provisions of this section is guilty of an offence.

37. Dumping sites

- 1) The design, layout, and construction of any dumping site of whatever nature must be done in conjunction with the instructions and requirements of the National Department of Water and Environment (DWAE), Eastern Cape Economic Development Environment and Tourism (ECDET), Department of Health & Social Development, and those of the Service.
- 2) **Any person who fails to comply with the provisions of this section is guilty of an offence.**

38. Emergency evacuation plans

- (1) The owner or occupier of designated premises must-
 - a) within 30 days after the premises have been designated by the Service, prepare a comprehensive emergency evacuation plan for the premises, in triplicate, and must have it ready for inspection and approval by controlling authority, this plan - must be in accordance with the guidelines prescribed in these by-laws.
 - b) constitute an internal emergency committee from among the internal staff and occupiers to assist with the planning and organization of a fire protection programme, this programme includes regular scheduled fire evacuation drills on the premises;
- c) ensure that-
 - i. the emergency evacuation plan is revised and updated whenever the floor layout changes or whenever the Service requires revision or updating, but in any case at least every twelve months;
 - ii. updated records of revised emergency evacuation plans, fire protection programmes, evacuation drills and related documents are kept and maintained at all times; and
 - iii. the emergency evacuation plan and relevant documents are at all times available in control room for inspection by the controlling authority ; and
- d) Identify a predetermined place of safety outside, but in the vicinity of the designated premises, where occupiers may gather during an emergency situation for the purpose of compiling a list of survivors.
- e) An EEP (Emergency Evacuation Plan) box, as described in Annexure IV shall be installed in a prominent position at the main entrance of the premises.

(11) The controlling authority may from time to time-

- a) provide directives for updating and/or amending an emergency evacuation plan;
 - b) instruct the owner or occupier of designated premises in writing to implement such fire protection programmes that, in the opinion of the Chief Fire Officer, are necessary to ensure the safety of the occupiers of the designated premises; and
 - c) require the owner or occupier of designated premises to furnish the controlling authority with a certified copy of any emergency evacuation plan and/or relevant documents on such day and at such time and place as the controlling authority may determine.
- (12) The Chief Fire Officer may by written notice designate any premises as premises requiring an emergency evacuation plan.
- (13) **Any person who fails to comply with the provisions of this section is guilty of an offence.**

39. Certificate of compliance for all public buildings

- 1) The owner of any public building, or of any temporary structure which is erected or intended for holding gatherings, must apply in writing to the Service for the issuing of a certificate of compliance for every type of gathering or for the proceedings envisaged in the premises or structure, and must pay the fees, as determined on fire tariff Annexures of these by-laws, when submitting the application form (the design guidelines appear in Annexures of these by-laws).
- 2) No certificate of compliance will be issued for public buildings unless the relevant provisions of these by-laws have been complied with
- 3) A certificate of compliance issued to the owner of a public building will be endorsed with the following information, where applicable:
 - a) The trade name and street address of each occupier.
 - b) The type of activity of each occupier.
 - c) The name of the persons on the executive.
 - d) The permissible number of people in proportion to the usable floor area.
 - e) The number of emergencies exits and their widths and all related equipment regarding fire protection.
 - f) A cancellation clause in the event of any applicable provisions of these by-laws being disregarded.
 - g) An obligation on the part of the holder of the certificate to-
 - i. Always display the certificate prominently on the premises; and

- ii. Always maintain the certificate in a legible condition
 - h) A date, year, and certificate/reference number.
 - i) The date of expiry of the certificate.
- 4) Subject to the provisions of these by-laws, a certificate of compliance is not required for a public building, which has been legally erected on commencement of these by-laws.
- 5) If the trade name of the public building changes, the holder of the certificate of compliance must ensure that the change is brought to the attention of the controlling authority immediately and in writing.
- 6) No certificate of compliance will be issued or renewed, as the case may be, unless and until the controlling authority-
 - a. is in possession of a set plans as per these by-laws and approved by the controlling authority; and
- 7) The holder of a certificate of compliance must ensure that he/she is at all times in possession of a valid certificate of compliance.
- 8)
 - a. Any expansion or removal of or change in anything relating to or in connection
 - b. with premises for which a certificate of compliance has been issued will result
 - ipso facto in the cancellation of the certificate of compliance, including any other authorization granted in terms of these by-laws.
 - c. The provisions of this subsection are not applicable to any action, which results in temporary removal of something for the purpose of effecting repairs or replacements in respect of the premises
- 9)
 - a. The owner or the occupant must submit, on or before the first working day of month in which the permit expires of each year, together with the prescribed fees determined in Annexure I of these by-laws, an application for the renewal of the certificate of compliance to the controlling authority on the prescribed form: Provided that if the controlling authority for some reason requires a plan of the premises in question for the purpose of the renewal application, the plans must accompany the application
 - b. The Service may send a reminder in respect of the renewal.
 - c. Where a building is utilized and accordingly classified as a A-type occupancy, in terms of the National Building Regulations, the controlling authority may issue such certificate for a period of not exceeding one

calendar year. All other erf, stands, or premises shall be issued with validity not exceeding five years.

- (10) Where so required by the Chief Fire Officer the attendance of the controlling authority shall be provided for.
- (11) **Any person who fails to comply with the provisions of this section or who alters or attempts to alter a certificate of compliance, or knowingly allows the certificate to be altered, is guilty of an offence.**

40. Water supply for fire-fighting

- (1) In any township development, a township developer must provide as follows for water supply for fire-fighting purposes as provided for in SANS 1009 (Community Protection Against Fire) as well as SANS 11200 specifications. The Red Book Guidelines for the provision of Engineering Services and Amenities shall also be applicable.

Every person who develops or redevelops a township must ensure that-

- (a) The storage capacity and rate of replenishment of the reservoirs supplying water to the township are sufficient for the fire-fighting purposes contemplated in these By-laws;
 - (b) The water supply from these reservoirs is reticulated in a manner that ensures that the water supply to any area in the township can be provided from at least two directions; and
 - (c) Double supply mains are installed from the water supply source to the distribution reservoirs and double pumps are installed for the delivery of the water supply
- (2) Subsection (1) (c) is deemed to be satisfied, if-
 - (a) the water is supplied to the township from more than one reservoir;
 - (b) each reservoir receives water from separate supply main and pump; and
 - (c) the reservoirs are connected to each other.
 - (3) Every person who develops or redevelops a township must ensure that-
 - a. the water distribution system is designed and equipped with control valves positioned so that it is not necessary to close off any branch or any portion of the distribution system for more than 150 meters in any high risk area or for more than 300 meters in any moderate or low risk area in the event that the system, excluding any of the branches, is damaged or requires repair; and
 - b. if the redevelopment of any township alters the fire risk category of any area in the township as contemplated in subsection 4, the water reticulation system is adapted without delay so as to comply with the requirements of subsections 4 and subsection 5.

- (4) The controlling authority must inspect fire hydrants at the intervals as provided for in SANS 10090, and a flow and pressure test must be conducted on the stream to determine whether the stream complies with the following volume and duration:

Fire Risk Category	Minimum volume of extinguishing stream (Litres per minute)	Minimum duration of extinguishing stream (hours)
High Risk	11 500	6
Moderate Risk	5 750	4
Low risk	2 300	2

41. Township development fire hydrant requirements

- (5) Every person who develops or redevelops a township must ensure that fire hydrants are plotted on a plan and installed in accordance with the following minimum delivery volumes and distance frequencies:

Fire Risk Category	Minimum fire hydrant delivery volume measured at peak consumption (litres per minute)	Minimum distance between fire hydrants (meters)
High Risk	1980	120
Moderate Risk	1150	180
Low Risk	900	240

- (6) Every person who develops or redevelops a township must ensure that the position of fire hydrants is plotted accurately on a plan that is furnished to the Chief Fire Officer for operational fire-fighting purposes.

42. Fire risk categories

- (7) For purposes of sections 21.5 and 21.6, the following areas of a township must be regarded
- a. as high risk
 - i. any factory area, high density shopping area, warehouse or commercial building.
 - ii. any plantation, timber yard or wooden building.
 - iii. any building higher than 3 storeys.
 - iv. any building in which hazardous substances are used, handled, or stored or in which hazardous processes are conducted; and
 - v. any other area that has a high fire risk or high fire spread risk.
 - b. as moderate risk
 - (i) any area in which-

- (aa) factories, commercial buildings or residential buildings are generally detached from each other and do not exceed 3 storeys; and
 - (bb) the Chief Fire Officer has not declared the materials processed or stored in these buildings as highly dangerous;
 - (ii) any area where the fire risk and spread risk of fire is moderate; and
 - (iii) any other area that is not a high or low risk area; and
- c. as low risk
- i. any area that is mainly residential or semi-rural;
 - ii. any area that has predominantly detached, duet, cluster or town house developments; and
 - iii. any area where the fire risk or risk of spread of fire is slight or insignificant.

43. Connections to water reticulation system

- (8) No person may obtain a water connection to the water reticulation system of the Council unless they submit a complete set of approved fire protection plans for the premises to the Services, as contemplated in Regulation A9 of the National Building Regulations, to determine the water connection of the controlling authority and the plans have been submitted and approved by the Chief Fire Officer/delegated members of the service.
- (9) Every person or owner of premises who requires a water connection to the water reticulation system of the Council must
- a. If the premises to be connected are protected by a sprinkler installation, ensure that
 - (i) the connection is calculated and designed for each sprinkler installation in accordance with a rational design as contemplated in the National Building Regulations and Building Standards Act, and
 - (ii) the size, delivery pressure and flow of the water connection is calculated in advance by the responsible engineer.
 - b. If the Chief Fire Officer requires a larger water connection for purposes of firefighting, provide the larger water connection.

- c. ensure that the size, work pressure and delivery flow, except in the case of a water connection to a sprinkler installation, is calculated and designed in accordance with SANS 10400 (Part W); and
- d. ensure that the water installation upon completion complies with the provisions of SABS-1:1994

44. Registration applications for existing premises

- (1) If an owner rebuilds, alters, extends, or changes the floor layout of an existing building that has been legally erected and used, or if ownership or control of the premises changes, no existing certificate of compliance, certificate of registration or spraying permit, as prescribed on these by-laws, will be renewed, unless and until all appropriate provisions of these by-laws regarding an original application have been complied with.
- (2) No additions or alterations may be made to any existing registered premises unless and until-
 - a. the owner of the premises has submitted to the Building Control Officer and the Chief Fire Officer a plan of the existing premises and of the proposed work, as required in terms of Regulation A2 of the National Building Regulations; and
 - b. The Building Control Officer and the Chief Fire Officer have approved the plan.
- (3) **Any person who fails to comply with the provisions of this section is guilty of an offence**

Chapter 7 Dangerous Goods

45. Application for approval of plans

- (1) Subject to the provisions of the National Building Regulations and Building Standards Act, 1977 and the provisions of the Major Hazard Installation Regulations, every owner of premises on which there is a building in respect of which a floor layout change, addition, alteration, upgrading and/or renovation is envisaged, or the owner of premises on which bulk, aboveground and underground installations and any other structures are to be erected for the use, storage and handling of dangerous goods or erected in connection with such use, storage or handling, must submit plans in triplicate to the controlling authority on the prescribed form obtainable from the office of the Building Control Officer
- (2) The prescribed fees payable to the controlling authority for the approval of plans are determined in Annexures of these by-laws, but exclude the fees charged by the Building Control Officer for the approval of plans.
- (3) The Service will not accept any plan (except for a plan regarded by the Building Control Officer to be that of minor building work) unless the official certification of submission of the Building Control Officer appears on it.
- (4) No construction work may be started on any premises unless the building contractor is in possession of the relevant plans that have been officially certified as approved by the Fire Section of the controlling authority. For the duration of construction work on the premises the plans in question must be available for inspection by the controlling authority.
- (5) The provisions of section 23 of the National Building Regulations and Building Standards Act, 1977, are applicable to the approval of plans as regulated in this section.
- (6) An MSDS (Material Safety Data Sheet) box, as described in Annexure IV shall be installed in a prominent place at the main entrance of the premises.
- (7) Any owner of premises who fails to comply with the provisions of this section or any person who on behalf of the owner is involved in any activity contemplated in this section and fails to comply with the provisions of this section is guilty of an offence.

46. Issuing of certificates of registration

- (1) No person may on any premises use, handle or store quantities of dangerous goods in excess of the quantities referred to below or permit them to be used, handled or stored, unless and until the person is in possession of a certificate of registration as provided for in Annexure II of these by-laws and issued in respect of the specific quantities and

appropriate devices on approved premises: Provided that if only one of the groupings referred to below is present on the premises and the applicable maximum permissible quantity is not exceeded, the provisions of this section are not applicable.

Group I: Explosives

Fireworks	No exemption
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Group II: Gases

2.1 Flammable gases	Total cylinder capacity may not exceed 100kg
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2.2 Non-flammable gases	Total cylinder capacity may not exceed 333kg
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2.3 Toxic gases	No exemption
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Group III: Flammable liquids

3.1 With flash points > 18°C	Total quantity may not exceed 100L
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3.2 With flash points > 18°C But < 23°C	Total quantity may not exceed 420L
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3.3 With flash points > 23°C But < 61°C	Total quantity may not exceed 1100L
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3.4 With flash points > 61°C But < 100°C	Total quantity may not exceed 1100L
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3.5 With flash points > 100°C	Total quantity may not exceed 2100L
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Group IV: Flammable solids

4.1 Flammable solids	Total quantity may not exceed 250kg
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4.2 Pyrophoric substances	No exemption
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4.3 Water-reactive substances	No exemption
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Group V: Oxidising agents and organic peroxides

- 5.1 Oxidising agents' Total quantity may not exceed 200kg
- 5.2 Group I organic peroxides in packets No exemption
- 5.3 Group II organic peroxides in packets Total quantity may not exceed 200kg

Group VI: Toxic/infective substances

- 6.1 Group I toxic substances in
Packets Total quantity may not exceed 5kg
- 6.2 Group II toxic substances
in packets Total quantity may not exceed 50kg
- 6.3 Group III toxic substances
in packets Total quantity may not exceed 500kg
- 6.4 Ineffective substances No exemption

Group VII: Radioactive materials

No exemption

Group VIII: Corrosive/caustic substances

- 8.1 Group I acids in packets Total quantity may not exceed 50kg
- 8.2 Group II acids in packets Total quantity may not exceed 200kg
- 8.3 Group III acids in packets Total quantity may not exceed 1000kg
- 8.4 Group I alkaline substances
in packets Total quantity may not exceed 50kg
- 8.5 Group II alkaline substances
in packets Total quantity may not exceed 200kg
- 8.6 Group III alkaline substances
in packets Total quantity may not exceed 1000kg

Group IX: Miscellaneous substances

- 9.1 Liquids Total quantity may not exceed 210L
- 9.2 Solids Total quantity may not exceed 210kg

- (2) No person may, on any unregistered premises, store, use or handle any of the dangerous goods referred to in subsection (1), or have them stored, used, or handled, or permit them to be stored, used, or handled in such place or in such manner as to ensure that-
- a. no dangerous goods or fumes of the substances come into contact or are likely to come into contact with any fire, flame, naked light or other source of ignition that may cause the dangerous good or fumes to catch fire; and
 - b. the escape of human beings or animals is not hindered or obstructed in the event of a fire or an emergency situation.
- (3) No person may, on any unregistered premises, use or handle dangerous goods, or have them used or handled or permit them to be used or handled on the premises, except in a suitable place out of doors ensure that any fumes can escape freely, or in a properly and naturally ventilated room to ensure that any fumes or gas does not collect in the room but is effectively disposed of.
- (4) No certificate of registration will be issued in the respect of premises for the use handling or storage of dangerous goods, unless all the applicable provisions of these by-laws have been complied with and a written application for registration, on the prescribed form, has been submitted to the Service, together with the fees prescribed in Annexure of these by-laws.
- (5) When a certificate of registration is issued, the certificate must be endorsed with the following conditions, namely that the certificate-
- a. must at all times be displayed in a weatherproof container in a conspicuous place on the premises designated by a member of the controlling authority;
 - b. must be maintained in a legible condition at all times;
 - c. must reflect the groups and the quantities of dangerous goods for which the premises have been registered;
 - d. must reflect the number of above-ground and/or underground storage tanks or storage facilities, and the capacity of each such storage tank or storage facility;
 - e. must reflect the number of storerooms and the total capacity of each storeroom;

- f. must reflect the number of gas installations, the type of gas installation and the total volume and/or delivery capacity of each installation;
- g. must specify the number of storage facilities for other dangerous goods and reflect the volumes intended for each facility;
- h. must reflect a reference/certificate number;
- i. must indicate whether the issue of such certificate is permanent or temporary;
- j. must reflect the period of validity and the expiry date of the certificate: Provided that the period of validity will be only twelve calendar months, calculated from the date of issue, and written application for renewal of the certificate reaches the controlling authority at least one calendar month prior to the expiry date;
- k. The controlling authority may cancel any certificate of compliance in respect of a building does not comply to these By-laws.
- l. Is not transferable from premises to premises;
- m. must, subject to the provisions of section of these by-laws, be transferable from owner to owner and/or from control on the same premises: Provided that-
 - (a) application for such transfer is made to the service on the prescribed form; and
 - (b) if the trade name of the premises changes, the holder of the spraying permit and/or certificate of registration must ensure that the change is immediately brought to the attention of the controlling authority.
- n. will not be issued unless the controlling authority is in possession of a set approved plans as required by section of these by-laws; and
- o. will not issued or renewed unless the prescribed application form has been completed in full and has been submitted.

(6) Any person who has a legal certificate of registration in his/her possession may

- a. apply in writing on the prescribed form to have the total quantity of dangerous goods, flammable liquids and number of underground tanks, storerooms, gas installations and other storage areas amended, according to need, and the form must be accompanied by the prescribed fee.
- b. The controlling authority will approve an application only if the proposed amendments comply with the provisions of these by-laws.

- c. If the application is approved, the applicant must submit his/her certificate of registration to the Service for amendment.
- (7) The controlling authority may send a holder of a certificate of registration a reminder for renewal of registration. A holder of a certificate who has not received a reminder is not indemnified from possible prosecution.
- (8) The holder of a certificate of registration must ensure that he/she is at all times in possession of a valid certificate of registration.
- (9) Any person who holds a certificate of registration or other authorization contemplated in these By-laws must ensure that the premises to which the authorization applies, are equipped with-
- a. subject to the provisions of subsection (6), portable fire extinguishers as specified in SABS 1567 (carbon dioxide-type), SABS 810 (dry chemical-type), SABS 1573 (foam-type) and SABS 1571 (transportable-type); in such numbers as is appropriate in each section of the premises in accordance with the SABS codes applicable to the flammable substance and risk concerned;
 - b. if applicable, hose reels as specified in SABS 453 (hose reels), that are connected to a water supply -
 - (v) as contemplated in SABS 0400 (Part W); and
 - (vi) that enables each hose reel to maintain a minimum flow of 0,5 litres per second at a minimum work pressure of 300 kPa;
 - c. if applicable, fire hydrants
 - (i) with couplings as specified in SABS 1128 (Part II) (fire-fighting equipment-couplings; and
 - (ii) in a ratio of at 1 to every 1000 square meters or part thereof, and
 - d. if applicable, in relation to any above-ground facility, a sprinkler system or deluge system that
 - (i) is approved by the controlling authority; and
 - (ii) with the exception of temporary storage facilities, is installed in a position indicated in the building plans for the premises.
- (10) Notwithstanding the provisions of subsection (9), if the controlling authority believes that there is any exceptional hazard or risk in respect of the premises concerned, he or she may-
- a. specify the type of fire extinguisher to be installed;
 - b. require that a greater number of fire extinguishers be installed; and
 - c. require that a fire detection or warning system be installed.

- (11) The holder of any certificate of registration or other authorization contemplated in these By-laws must ensure that all fire-fighting equipment contemplated in subsection (9)
- a. is inspected, maintained and serviced to the satisfaction of the controlling authority-
 - (i) by a competent, registered and appropriately qualified tradesman in accordance with the provisions of SABS 1015 and SABS 1475;
 - (ii) at least every 12 months;
 - b. if installed outside the premises, is adequately protected from the weather; and
 - c. is positioned prominently or where this is not possible, the position of the fire fighting equipment is clearly indicated by a symbolic safety sign-
 - (i) in accordance with the specifications of SABS 1186; and
 - (ii) to the satisfaction of the controlling authority.

47. Amendment to certificate of registration

- (12) The controlling authority may amend any certificate of registration on application by the holder.

48. Cancellation of certificate of registration

- (13) The provisions of section 39, read with the necessary changes, apply to any cancellation by the controlling authority of a certificate of registration.

49. Renewal of certificate of registration

- (14) Any application for the renewal of a certificate of registration must be submitted to the controlling authority at least 30 days prior to the expiry date of the certificate.

50. No authorisation required for certain motor vehicle fuel tanks

- (15) No certificate of registration contemplated in section 39, or any other authorization contemplated in these by-laws is required in respect of flammable liquid in a fuel tank
- a. of any motor vehicle; and
 - b. of any stationary engine if the volume of the fuel tank does not exceeds 1000 litres.

51. Record of certificate of registration

- (16) The Chief Fire Officer must keep updated records of all premises in respect of which a certificate of registration has been issued, amended or renewed.

- (17) Any person who fails to comply with the provisions of this section or who alters a certificate of registration or who attempts to alter the certificate or permits the certificate to be altered is guilty of an offence.**

52. Supply of dangerous goods

- 1) No person may
 - a. supply more dangerous goods than the quantities referred to in section 65 (1) of these by-laws to any unregistered premises or have them supplied or permit them to be supplied.
 - b. deliver or supply more dangerous goods than the quantity specified in the applicable certificate of registration or dangerous goods of a group other than that specified in such certificate of registration to any premises or person or have them delivered or supplied or permit them to be delivered or supplied.
- 2) No person may handle any container containing a dangerous good in a manner that will damage or may damage that container or permit the container to be damaged.
- 3) **Any person who fails to comply with the provisions of this section is guilty of an offence.**

53. Exemptions

- (1) Notwithstanding anything to the contrary in these by-laws-
 - a. flammable liquids are not deemed to be stored, handled, or transported whenever the liquids are, for normal use, in the fuel tank of a motor vehicle.
 - b. flammable liquids are not deemed to be stored, handled or transported if the liquids are in the fuel tank of a stationary vehicle engine: Provided that the volume of the fuel tank does not exceed 1 100 litres and the fuel tank is surrounded by a liquid-proof retaining wall: Provided further that the fuel tank must be capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank.
- (2) **Any person who fails to comply with the provisions of this section is guilty of an offence.**

54. Renewal of spraying permits and/or certificates of registration

- (1) Any holder of a certificate of registration or spraying permit must, at least one month prior to the expiry date of the permit, submit an application for renewal of the certificate or permit to the Service on the prescribed form, which must be accompanied by the fees prescribed in Annexure I to these by-laws: Provided that the Service may require further, additional and/or amended plans of the premises in question for the purposes of renewal.
- (2) The period of validity will be only twelve calendar months, calculated from the date of issue of the original certificate.

- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.**

55. Temporary storage of dangerous goods

- (1) The controlling authority may grant a temporary certificate of registration for a period of not more than (6) six months to any person who, for bona fide reasons, requires more dangerous goods on the premises than the quantities in section 39 (1) of these by-laws: Provided that
- a. if the dangerous goods are required for, or in connection with, excavations, construction work and road construction, the quantity must be limited to 12000 litters.
 - b. an application is submitted on the prescribed form, accompanied by the fees prescribed in Annexure I to these by-laws, together with the plans required by section 38 of these by-laws; and
 - c. the duration of the temporary storage is at the discretion of the controlling authority, but not exceeding 12 months.
- (2) Any person whose application for a temporary storage tank is approved must ensure that it comply with the applicable South African National Standard.

Provided that the storage tank must be capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank.

- a. provision is made for the run-off of any possible rainwater from the retaining walls or retaining embankments.
- b. the storage tank is not erected within 5m of any erf boundary, building, excavation, road, open flames and/or driveway.
- c. no source of ignition or potential ignition is brought within 5m of the storage tank.
- d. symbolic signs prohibiting smoking and open flames, at least 200mm x 300mm in size, are affixed to all sides of the temporary installation; and
- e. a minimum of two 9kg dry chemical powder type fire extinguishers are installed within 5m of the temporary installation.
- f. HAZMAT signs must be provided on the tanks.

(3) Any person who fails to comply with the provisions of this section is guilty of an offence.

56. Delivery of dangerous goods

(1) Any person delivering dangerous goods to any supplier or user

- a. may not, while delivering, let any delivery hose lie on or across a pavement or on or across a public road.
- b. may not, while delivering, let any delivery hose lie on or across a pavement, public road or other premises, or go through or over a building or have it lying there.
- c. must ensure that, while delivering, a 9kg dry chemical fire extinguisher is always ready,
- d. must ensure that, during the transferral of dangerous goods, the delivery vehicle is physically earthed with the storage facility to which the dangerous goods are being transferred.
- e. must ensure that, while delivering, the delivery vehicle is in such a position that it can be removed quickly and easily in the event of an emergency without exacerbating the situation; and
- f. must ensure that no dangerous good is transferred from a delivery vehicle to a facility that is leaking or broken.
- g. Where delivery is done with a road tanker, as defined by the Road Traffic Act provision shall be made as to ensure that the delivery vehicle does not require to reserve in any situation.

(2) The owner of any device connected with or used for a delivery of a dangerous good must ensure that the device is designed for the specific purpose and is in safe and good working condition.

(3) The person in charge of any delivery process of a dangerous good must take reasonable precautionary measures to ensure that no dangerous good is spilled during delivery on any surface when the substance is transferred from a delivery vehicle to a storage tank.

(4) No person may transfer any dangerous goods to a motor vehicle, aircraft, vessel, ship, or boat while the power source thereof is in operation or permit the substance to be transferred.

- (5) No person may transfer a dangerous goods to an aircraft unless and until the aircraft has been earthed with the transferral device by means of an earth cable.
- (6) **Any person who fails to comply with the provisions of this section is guilty of an offence.**

57. Prohibition of certain actions

- (1) Any person who stores, uses, or handles dangerous goods on premises or has them stored, used or handled or permits them to be stored, used or handled on the premises may not-
 - a. perform any act or action, or have any act or action performed that may reasonably result in or cause a fire or an explosion; and
 - b. perform any act or action, or have any act or action performed or permit any act or action to be performed that may reasonably obstruct the escape to safety of any human being or animal during an emergency situation.
- (2) No person may dump any dangerous goods into any borehole, pit, sewer, drain system or surface water, or permit any dangerous good to be dumped in or spilled into any borehole, pit sewer, drain system or surface water.
- (3) No person may dump any dangerous good in any manner other than by having the substances removed or permitting the substances to be removed by an organization that is fully equipped to do so.
- (4) No person may light, bring, or use, within 5m of any area where, to his/her knowledge, dangerous goods are stored, used, or handled, any fire or anything else that produces or is capable of producing an open flame or permit the fire to be lit, brought or used within 5m of such area.
- (5) No person may use any device in connection with dangerous goods in any basement level in a building, excluding a gas welding device and/or gas cutting device for the sole purpose of welding and/or cutting connection with the maintenance of that building, or have the device used or permit the device to be used in any basement level.
- (6) No person may, while there is another person in or on a bus (except for the driver of the bus, or any other person in charge of the bus), fill the fuel tank of that bus, or have it filled or permit it to be filled, or transport any dangerous good in or on such bus, except in the fuel tank, or have it transported or permit it to be transported.
- (7) Deliver or supply or allow delivering or supplying of any flammable substance to any premises unless the owner or person in charge of the premises is in possession of a valid certificate of registration.

(8) Any person who fails to comply with the provisions of this section is guilty of an offence.

58. No Smoking

(1) The owner of a building must, in areas where flammable and/or explosive dangerous goods are used, stored and handled, display symbolic signs prohibiting smoking and open flames, as the case may be. These signs must conform with SANS 1186 and of the appropriate size as specified by the Service and must be displayed prominently in appropriate places.

(2) Any owner who fails to comply with the provisions of subsection (1) is guilty of an offence.

(3) Any person who disregards the prohibition in subsection (1) or permits the prohibition to be disregarded is guilty of an offence.

59. Fire-fighting equipment and mitigating agents

(1) Notwithstanding anything to the contrary in these by-laws, the person to whom the certificate of registration in terms of section 39 of these by-laws and/or spraying permit must comply with the required sections of these by-laws has been issued must ensure that all premises to which such certificate of registration and/or spraying permit applies are equipped with

- a) portable fire extinguishers, as specified in SANS 1567 (carbon dioxide type), SANS 810 (dry chemical type), SANS 1573 (foam type) and SANS 1571 (transportable type), of a minimum capacity of 9 kg or 9 liter, as the case may be, in a ratio of one fire extinguisher to every 100m² or part of it: provided that the controlling authority is of the opinion that exceptional hazards or risks necessitate a larger number of fire extinguishers, the Service may require that more fire extinguishers, in a consequential smaller ratio than the ratio stated above, be installed;
- b) hose reels as specified in SANS 543 (hose reels), connected to a water supply as reflected in Part W of SANS 100400, enabling each hose reel to maintain a flow of 0,5 liters per second at a work rate of 300kPa;
- c) fire hydrants, with couplings as specified in SANS 1128, Part II (Fire-fighting equipment Couplings), in a ration of at least one to every 1000m² or part of it; and

d) approved sprinkler systems in accordance with SANS 10087, SANS 10089 and SANS 10131.

(2) Fire-fighting equipment must be inspected and maintained by a registered person in accordance with the provisions of SANS 0105 and SANS 1475 at least once every twelve months to the satisfaction of the service.

(3) If fire-fighting equipment is not positioned prominently, the position of the equipment must be indicated by symbolic safety signs in accordance with the specifications of SANS 1186 and to the satisfaction of the controlling authority.

(4) Any person who fails to comply with the provisions of this section is guilty of an offence.

60. Reporting of fires, accidents and dumping

(1) The occupier of any premises must immediately report any fire, accident or dumping involving dangerous goods on the premises that has caused damage to property, the ecology of the environment or injury to human beings or animals to the controlling authority.

(2) Any person who fails to comply with the provisions of this section is guilty of an offence.

61. Storage tanks and devices that have become obsolete

(1) The owner or user of any storage tank and/or related device that has become obsolete must, in accordance with the provisions of section 63 of these by-laws, the tank, installation or device or have the tank or device removed, in order to render the tank safe

(2) If an aboveground or underground tank installation, liquid petroleum gas installation or associated pipe work is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation is located, must

a) notify the controlling authority in writing within seven days of such storage or use ceasing.

b) ensure that the flammable substance is removed from the installation and the premises are rendered safe within 30 days of the cessation

c) unless the controlling authority directs otherwise, remove the installation including any associated pipe work from the premises within 180 days of the cessation: and

- d) to the satisfaction of the controlling authority, restore any public foot path or roadway that has been disturbed by the removal of the installation within a period of 7 days of completing such removal.
- (3) Notwithstanding the provisions of subsection (1) if the removal of any underground tank installation for the storage of a flammable substance will detrimentally affect the stability of the premises concerned, the owner or person in charge of the installation may, with the prior written permission of the controlling authority, fill the underground tank with liquid cement slurry.
- (4) **Any person who fails with the provisions of this section is guilty of an offence.**

62. Access to storage tanks for repairs and maintenance

- (1) No person may enter or permit any other person to enter any storage tank which contained Group III dangerous good, unless that person is wearing an effective self-supporting breathing apparatus or until such tank has been de-aerated and made free of gas and fumes, as provided for in SANS 10089, Part I, as amended.
- (2) No person may enter any storage tank which contained Group III dangerous good unless that person is attached to a rescue rope controlled by a responsible person who is at all times taking appropriate measures to ensure the safety and welfare of all persons involved.
- (3) **Any person who fails to comply with the provisions of this section is guilty of an offence.**

63. Installation, erection, removal, and demolition

- (1) In addition to any other applicable legislation, any person who intends to erect, install, remove, demolish, extend or change any delivery pump, storage tank, storeroom, spraying room, gas installation, storage facility, fire protection arrangement and floor layout in respect of premises or anything connected with the premises, or have any of the above erected, installed, removed, demolished, extended or changed, must notify the controlling authority of his/her intentions at least three working days prior to the commencement date and estimated completion date.
- (2) Any failure to act as contemplated in subsection (1) will ipso facto cancel the certificate of registration and/or spraying permit, as the case may be, in so far as such failure is connected with the matter, as well as any other authorization, including an exemption granted in terms of these by-laws: Provided that the provisions of this section are not applicable whenever
- a. anything is removed temporarily for carrying out repairs or in connection therewith.

- b. any above ground or underground equipment and/or parts of the equipment are replaced; and,
 - c. any above ground or underground storage tanks are replaced with tanks of the same capacity.
- (3) No structure, installation or building may, after completion of the action referred to in subsection (1), be erected again on the premises in question, unless application for the approval of plans, as contemplated in section 45 of these by-laws, is made again.
- (4) After completion of the structure, building or installation, application must be made again for a certificate of compliance, spraying permit and/or certificate of registration in accordance with the provisions of Part IV, DANGEROUS GOODS, of these by-laws.
- (5) Any person who fails to comply with the provisions of this section is guilty of an offence.**

64. Group I Dangerous Goods

Control of fireworks

Use of fireworks prohibited in certain circumstances

- 64.1 (1) Unless so authorized in terms of **section 38.4**, no person may use fireworks
- a. within 500 meters of any explosives factory, explosives storage place, petrol depot or petrol station;
 - b. inside any building;
 - c. on any agricultural holding;
 - d. at any public place; or
 - e. at any school, old age home or hospital.
- (2) No person may light or ignite fireworks in any place where animals are present.
- (3) Unless so authorized in terms of section 38.4, no person may light or ignite fireworks on any day or at any time except -
- a. New Years Eve from 23h00 to 01h00;

- b. New Years Day from 19h00 to 22h00;
- c. Hindu New Year from 19h00 to 22h00;
- d. Human Rights Day from 19h00 to 22h00;
- e. Freedom Day from 19h00 to 22h00;
- f. Guy Fawkes Day from 19h00 to 22h00;
- g. Christmas Eve from 19h00 to 22h00; and
- h. Day of Goodwill from 19h00 to 22h00.
- i. On Special Events from 19h00 to 22h00

(4) No person may allow any minor under his/her control to use, light or ignite fireworks in contravention of subsection (1), (2) or (3).

Fireworks displays prohibited unless authorized

64.2 (1) No person may present fireworks display unless

- a. authorized to do so by the controlling authority as contemplated in section 64.4;
- b. authorized to do so by the South African Civil Aviation Authority(SACAA) and the Chief Inspector of Explosives.
- c. the display is at all times under that person's supervision and control;
- d. the controlling authority and a suitably qualified explosives expert from the South African Police Services are at all times in attendance at the display;
- e. that person has ensured that
 - (i) an area with a radius of at least 50 meters is clearly demarcated for the launching of fireworks at the display; and
 - (ii) measures are in place to prevent any person who is not involved in the presentation of the display from entering this launching area; and
- f. pyrotechnics is always present and responsible for the use of fireworks at the display.

Application to present fireworks display

64.3 (1) Any person who wishes to present a fireworks display must apply to the controlling authority for authorization by completing and submitting an application in the form and manner determined by the Council together with the prescribed fee and the following documentation

:

- a. Proof of permission for the fireworks display from the Civil Aviation Authority;
 - b. proof that an application for the fireworks display has been submitted to the Chief Inspector of Explosives;
 - c. a letter of consent from the owner or person responsible for the property on which the fireworks display is proposed to be presented; and
 - d. a sketch plan of the proposed venue for the fireworks display, including the demarcated area for the launching of the fireworks.
- (3) The application, prescribed fee and accompanying documentation must be submitted to the controlling authority at least 14 days before the date of the proposed fireworks display.

Authority to present fireworks display

64.4

- (1) If the controlling authority decides to approve an application to present a fireworks display, it must provide the applicant with written confirmation of its decision and any conditions that it may impose to safeguard persons and property.
- (2) The Council may require that the fireworks display be presented only on suitable premises designated by the Council and under supervision and control of an official designated by the Council.

Dealing in fireworks

64.5

- (1) No person may deal in fireworks unless
 - a. that person holds the required fireworks license in terms of the Explosives Act; and
 - b. has the written authority of the controlling authority.
- (2) Any person who wishes to obtain the written authority of the controlling authority to deal in fireworks as contemplated in subsection (64.5)(1)(b), must
 - a. complete an application in the form and manner determined by the controlling authority; and
 - c. submit it to the controlling authority together with the prescribed fee at least 30 days before the authority is required by the applicant.

- (3) The Controlling authority may cancel any written authority to deal in fireworks if the holder of the authority contravenes or fails to comply with any provision of these By-laws or any other applicable law.
- (4) All Group I dangerous goods (explosives) must be handled, used, stored and transported in accordance with the provisions of SANS 0228, 0229, 0232, of the Explosives Act, 1956, and the Hazardous Substances Act, 1973, and any regulations made under these Acts, as the case may be
- (5) The legislation rests with SAPS (specifically the Chief Inspector of Explosives).
 - a) The Council does not issue any license but must submit a recommendation to the Chief Inspector of Explosives, where it is indorsed by the Fire Inspector of controlling authority indicating that there are no outstanding requirements.
 - b) The owner/occupant must comply with Section 39 of these by-laws and such certificate is valid for a period of not exceeding one calendar year.
- (6) Fireworks display must be approved by the Controlling Authority and;
 - a. subjected to the requirements as approved.
 - b. an application must be done at the Fire Service.
 - c. the application form must be accompanied by the proof of payment fees as prescribed in these By-laws; and
 - d. the application must be submitted for processing to the office of the Fire Service at least fourteen (14) working days prior to the display.
- (7) No fireworks of any form or kind will be displayed on pavements, hawkers spots and anywhere not regulated in these by-laws.
- (8) **Any person who fails to comply with the provisions of this section is guilty of an offence.**

65. Group II Dangerous Goods

Portable Containers

- (1) All portable metal containers and related devices for Group II Dangerous Goods must be manufactured, marked, maintained, filled and stored in accordance with the provisions of SANS 019, SANS 0228, SANS 0229 and SANS 0238, as the case may be.

- (2) All portable containers for liquid petroleum gas must be stored, filled and/or installed in accordance with the provisions of SANS 0228, SANS 0229, SANS 0238, SANS 019 and SANS 10087, Parts I to VIII, as the case may be.
- (3) All portable containers for Group II dangerous goods must at all times be transported, stored and/or installed in a vertical position.
- (4) Every flammable substance container must
 - a. be kept closed when not in use ;
 - b. be declared gas- or vapour-free by a competent person before any modification or repairs are undertaken;
 - c. be manufactured and maintained in such condition as to be reasonably safe from damage and to prevent leakage of any flammable substance or vapour from the container.
- (5) Every flammable liquid container must be labelled and marked with words and details indicating the flammable liquid contained as well as any hazard associated with the flammable liquid.
- (6) No person may extract flammable liquid from a container of a capacity exceeding 200 litters unless the container is fitted with an adequately sealed pump or tap.
- (7) Any empty flammable liquid container must be stored in a storeroom.
- (8) Notwithstanding the provisions of subsection (4) the controlling Authority may permit the storage of any empty flammable liquid container in the open air if no storeroom is available and if he or she is satisfied that
 - a the storage area is in a position and sufficient size that a fire hazard or other threatening danger will not be caused;
 - b the storage area is well ventilated and enclosed by a wire mesh fence;
 - c the fence supports are of steel or reinforced concrete
 - d the storage area has an outward opening gate that is kept locked when not in use;
 - e when the floor area exceeds 10 m² an additional escape gate is installed and fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key; and

- f the storage area is free of vegetation and has a non-combustible, firm and level base.
- (9) When the quantity of flammable and combustible liquids to be stored is more than 100 litres of class I and/or more than 210 litres of class II and class III A combined, such flammable and combustible liquids must be stored in a store room.
- 10 All bulk containers for Group II Dangerous Goods must be designed, manufactured, maintained and installed in terms of the provisions on the Occupational Health and Safety Act, 1993 (Act 85 of 1993), and any regulations made under the Act; SANS 10019, SANS 10087, Part III; and the provisions of the National Building Regulations and Building Standards Act, 1977, and any regulations made under the Act, as the case may be.

Manifold Installations

- 11
- a) No Group II Dangerous Good may, for any reason whatsoever, be used, stored, handled or installed indoors in any manifold installation or otherwise on any premises.
 - b) The provisions of this section are not applicable to the storage, handling, or installation of a portable liquid petroleum gas container of a maximum water capacity of 45 litres inside a detached private dwelling-house (H4 occupancy classification in terms of Regulation A20 of the National Building Regulations), on condition that the container is used solely for bona fide residential purposes:
Provided that liquid petroleum gas will only be permitted indoors on condition that the prospective user is sufficient natural ventilation in the room that may be caused by a leakage or potential leakage of the gas and/or by a negligent action in respect of the use of the gas will be so neutralized as not to be within the recognized explosive limits for the gas in accordance with SANS 10087 codes.
 - (i) Any person who furnishes proof, as contemplated in subsection (5)(b), must be an approved professional engineer or other registered competent person and, in terms of Regulations A19 of the National Building Regulations, be appointed by the owner or occupier of the building in question.
 - (ii) Scientifically based detailed calculations and tests must be the basis of such proof.
- (12) No person may, without the permission of the Controlling Authority, use, handle, display or apply any hydrogen-filled portable containers, hydrogen devices and/or
- b. hydrogen balloons indoors, for whatever purpose.
 - d. In enforcing this subsection, the concept of hydrogen gas includes any gas compound containing hydrogen gas, unless the non-flammable nature and/or non-explosiveness of the gas compound can be certified scientifically.

The provisions of section 65(5)(b) of these by-laws are applicable *mutatis mutandis* to this subsection.

(13) Whenever any person uses acetylene welding devices and/or cutting devices indoors, the devices must be used strictly in accordance with the requirements of SANS 0238: Provided that the Controlling Authority may prescribe fire protection requirements concerning the installation, storage and use of the devices.

(14) The installation within the area of underground pipelines for any Group II Dangerous Goods and branches or manifolds of pipelines, as the case may be, is *mutatis mutandis* subject to the provisions of section 44, 45, 46, 52, 54, 56 and 58 of these by-laws.

Underground pipelines

- (15) Any underground pipeline for a Group II Dangerous Good must comply with the following requirements:
- a) The owner of the pipeline must provide fire hydrants, of which the required delivery of each individual fire hydrant must be at least 1600 liters per minute at a work pressure of 300 kPa, and these fire hydrants must be parallel to the pipeline at every pump station within the area. The owner must maintain the fire hydrants in a working conditions at all times.
 - b) The owner of the pipeline must provide sufficient cathodic protection for the pipeline and maintain the cathodic protection in a working condition at all times.
 - c) The pipeline must be marked with markers approved by the Chief Fire Officer and must be maintained in a functional condition at all times by the owner of the pipeline.
 - d) The installation and extension of the pipeline and/or branches to consumer s premises, and the maintenance of the pipeline within the area, must in toto be done according to a recognized standard approved by the Chief Fire Officer.
 - e) No construction work above or below the ground may be done within 16m of the pipeline reserve, unless the construction company is in possession of written authorization to do so, which authorization has been issued by the controlling authority and the owner of the pipeline.

Use, handling, and storage of liquefied petroleum gas

- 16) (1) No person may use handle or store liquified petroleum gas in any quantity exceeding that stipulated in Annexure V unless
- a) the person is in possession of a certificate of registration contemplated in section 24; and

- b) the use, handling and storage of the liquefied petroleum gas complies with the requirements of SANS 10087, Parts 1, 3, 7 and 10.

2 Liquid petroleum gas may only be used, handled or stored within the property boundaries and in compliance with the safety distance stipulated in SANS 10087, Parts 1, 3, 7 and 10.

- (3) Any storage of liquid petroleum gas cylinders at any service station for retail purposes must comply with SANS 10087, Part 7.

- (4) No liquid petroleum gas cylinder may be used, handled or stored at any public exhibition or demonstration without prior written permission of the Controlling Authority.

- (5) An application for permission contemplated in subsection (4) must be made in writing at least 14 days before the event concerned.

- (6) The Chief Fire Officer may impose any reasonable condition on the use, handling and storage of liquid petroleum gas cylinders at a public exhibition or demonstration, including but not limited to, the number of cylinders, the manner of storage, safety distances and other safety requirements.

- (7) Any person using, handling or storing any liquid petroleum gas cylinder at any public exhibition or demonstration must comply with any condition imposed in terms of subsection (6).

Display of symbolic warning signs required

- 17) (1) The owner of any premises where any flammable or explosive substance is used, handled or stored must, in the affected area of the premises, display symbolic signs
- prohibiting smoking and open flames.
 - of a size and number determined by the Controlling Authority; and
 - prominently in places where the signs can be clearly observed.
- (2) No person may disregard or allow to be disregarded any prohibiting or a symbolic sign displayed in terms of subsection (1).

Duty to report fires, accidents and dumping

- 18) If any fire, accident or dumping involving a flammable substance has caused damage to any person, animal, property or the environment on any premises, the owner or occupier of the premises must immediately report it to the Controlling Authority.
- 19) **Any person who fails to comply with the provisions of this section is guilty of an**

offence.

66. Group III Dangerous Goods

Tank Manufactures

- (1) No person may install, use or utilize or attempt to install, use or utilize any storage tank for the underground storage of Group III Dangerous Goods, unless the tank has been manufactured in accordance with the provisions of SANS 1535.
- (2) Any person who installs, uses or utilizes or attempts to install, use or utilize any underground storage tank which does not comply with the requirements of SANS 1535, is guilty of an offence.**

67. Installation of storage tanks

- (1) Any storage tank for group III Dangerous Goods must be installed in accordance with the provision of SANS 10400, SANS 10089, Parts I, II, and III, SANS 10131, SANS 0108 and SANS 086, as the case may be: Provided that
- a. all storage tanks installed indoors must be installed in accordance with the provisions of SANS 10131, Parts I, II and III, as the case may be;
 - b. all pumps and filling devices installed indoors must be in a purpose-built, registered premises;
 - c. temporary installations must be approved and for not more than six months.
 - d. no aboveground tanks classification as Class II and III in SANS 10131 Part I will be allowed in urban areas, except if it is a bulk depot according to SANS 10089 Part I.
 - e. no aboveground tank with classification as Class II will be allowed in rural areas unless it's been approved by the existing zoning of the land used in terms of the Town planning scheme for resale purposes.
 - f. a maximum of three BTF tanks will be allowed, as contemplated in subsection (1) (e);
 - g. additional safety distances for aboveground tanks with classification, Class III according to SANS 10131 for diesel in rural areas (farms) will be 15 meters from any boundary fencing, building, open flames and any other inflammable liquid stores.
 - h. all installations, as contemplated in subsection (1)(a) and (g), as the case may be, are subject mutatis mutandis to the provisions of section 39 and section 40 of these by-laws, as the case may be; and
- (2) The installation within the area of underground pipelines for any Group III dangerous

goods, and branches or manifolds of pipelines, as the case may be, is *mutatis mutandis* subject to the provisions of sections 44, 45, 46, 52, 54, 56 and 58 of these by-laws.

Permanent above ground storage tanks for flammable liquids

- (3) In addition to any other requirement of this Chapter, the owner or person in charge of an above ground storage tank for flammable liquids must ensure
- a. that the tank is erected or installed
 - (i) in accordance with SANS 10131 and SANS 10089, Part I;
 - (ii) at least 3.5 meters from any erf boundary, building, excavation, road, driveway or any other flammable substance, combustible substance or combustible material;
 - b. that the flammable liquid stored in the tank must be clearly identified by means of Hazchem placards contemplated in SANS 0232, Part 1.
- (4) Any electrical installation associated with the storage tank must comply with SANS 0108 and SANS 10089, Part 2.

Underground storage tanks for flammable liquids

- (5) The owner or person in charge of any premises used or intended to be used for the underground storage of any flammable liquid must ensure that any underground storage tank, pump, dispenser and pipe work is erected or installed in accordance with SANS 10400, SANS 10089, Part 3 and SANS 10131.
- (6) **Any person who fails to comply with the provisions of this section is guilty of an offence.**

Note: No aboveground tank used to store diesel in rural areas may be used for resale purposes. If used for diesel resale it will be deemed a filling station and must comply with SANS 10089, Part 3.

Chapter 8

Construction of vehicles, as well as transportation and transport permits.

68. Service transport for flammable substances

1) The owner of any vehicle used for transporting flammable substance in the area must have a valid transport permit issued by the Controlling Authority in terms of the SANS Standards 1398, 1518, 10228, 10230, 10231, 10232 and 10233 for transporting flammable substance and in accordance with the National Road Traffic Act: Provided that-

- a. each vehicle for which such a permit has been issued must comply with the provisions of section 68 of these by-laws.
- b. the application form, provided for in Annexure IV to these By-laws and obtainable from the Service, must be completed correctly and in full;
- c. the application form must be accompanied by the fees prescribed in Annexure II to these by laws; and
- d. the application must be submitted for processing to the registration office of the Service at least five days (excluding Saturdays, Sundays and public holidays) prior to the proposed test date.
- e. ensure that the transport permit is available in the vehicle for inspection at all times.

2) The transport permit must-

- a) indicate the date of issue and the date of expiry.
- b) be valid for a period of twelve months from the date of issue.
- c) indicate the name, in block letters, of the issuing officer and bear the officer signature.

- d) indicate a year-linked serial number,
- e) indicate the group and quantity of dangerous goods to be transported.
- f) indicate the registration number of the vehicle in question.

Requirements of transport permits

3) A transport permit

- a) must not be issued by the Controlling Authority for a period longer than 12 months; and
- b) must-
 - i. indicate the date of issue and expiry;
 - ii. identify the issuing officer and bear that officer's signature;
 - iii. contain a serial number;
 - iv. indicate the group and quantity of dangerous goods that may be transported under the permit; and
 - v. contain a description of the vehicle concerned, including its registration numbers.

Cancellation of transport permit

(4) The provisions of section 46, read with the necessary changes, apply to any cancellation of a transport permit by the Controlling Authority

5) The Service may send a reminder for renewal of the transport permit to the owner of the vehicle(s). A transport permit holder who has not received a reminder is not indemnified from possible prosecution.

Design, construction, maintenance, and repair of road tankers

6) Every person who design, construct, maintains or repairs any road tanker for the transportation of dangerous goods must-

- (1) a. comply with the provisions of SANS 0189, SANS 1398, SANS 0233, SANS 10087, Part 6, SANS 10089, Part 1, SANS 0230 and SANS 1518, as the case may be; and
- b. ensure that the road tanker is labelled in a manner that complies with the provisions of SANS 0232 and any applicable law.

Design, construction, maintenance and repair of other vehicles

7) Every person who designs, constructs, maintains or repairs any vehicle for the transportation of dangerous goods, except a road tanker, must ensure that the vehicle-

- (1) a. is designed and constructed-
- (i) to safely transport the quantity and type of dangerous goods for which the vehicle is intended to be used; and

- (ii) with at least two independent axle systems, each with its own suspension system, excluding any trailer forming part of an articulated vehicle.
- b. is equipped with-
 - (i) a safety edge or safety railing-
 - (aa) at least 1 meter high when measured from the surface of the body of the vehicle; and
 - (bb) capable of securing dangerous goods containers.
 - (ii) strong and durable straps-
 - (aa) capable of fastening dangerous goods containers securely to the body of the vehicle.
 - (bb) that are anchored firmly to the bodywork of the vehicle; and
 - (cc) that are fitted with a reversible cog winch mechanism that can be locked.
 - (iii) electrical wiring that complies with SANS 314;
 - (iv) at least 2 static-free wheel blocks
 - (v) a power insulating switch, excluding the ignition switch, situated in close proximity to the vehicles battery and in a position readily accessible in any emergency; and
 - (vi) a spark-proof and static-free tank that is designed, constructed and equipped to protect any dangerous goods consignment from shock or ignition while in transit.

General prohibitions regarding the transport of dangerous goods

- 8) (1) No person may use or allow to be used, any vehicle to transport dangerous goods, unless-
 - a. the vehicle has a valid roadworthy certificate;
 - b. if not exempt in terms of section 73, the vehicle is equipped with at least two 9 kilogram dry chemical fire extinguishers
 - (i) designed and manufactured in accordance with SANS 810 and maintained in accordance with SANS 0105 and SANS 1475; and

- (ii) positioned and installed so that there is at least one fire extinguisher on each side of the vehicle that can be reached quickly and easily in the event of a fire.
- (2) No person may use or allow to be used any vehicle to transport dangerous goods unless the vehicle cabin, body, cargo space, cargo tank, fuel tank, chassis and engine are effectively and permanently earthed with each other.

Supply of dangerous goods prohibited in certain circumstances

- 9) (1) No person may deliver or supply or allow to be delivered or supplied any dangerous Goods of a type and in a quantity exceeding that is specified on attached Annexures to any premises that are not registered as contemplated in section 61.
- (2) No person may deliver or supply or allow to be delivered or supplied any dangerous goods to any premises in contravention of any conditions of the certificate of registration applicable to those premises.
- (3) No person may handle or allow to be handled any container containing dangerous goods in a manner that may damage that container.
- (4) Every person who delivers dangerous goods must ensure that-
 - a. a 9-kilogram dry chemical fire-extinguisher is available at all times during the delivery;
 - b. during any transfer of the dangerous goods, the delivery vehicle is physically earthed to the storage facility to which the dangerous goods are being transferred;
 - c. while delivering-
 - (i) the delivery vehicle is placed in such a position that it can be moved easily and quickly in the event of an emergency.
 - (ii) the delivery vehicle is not parked on or across a pavement or a road;
 - (iii) no delivery hose lies on or across a pavement, road or other premises;
 - d. no dangerous goods are transferred to a storage facility that does not comply with the requirements and the provisions of SANS 0263.
 - e. any device connected with, or used for, the delivery of the dangerous goods
 - (i) is designed for its purpose; and

- (ii) is maintained in safe and good working condition; and
- f. no dangerous goods are spilled during delivery.
- (5) No person may transfer or allow to be transferred any dangerous goods to any motor vehicle, aircraft, vessel, ship, or boat while its power source is in operation.
- (6) No person may transfer any dangerous goods to any aircraft unless the aircraft is earthed to the transferral device by means of an earth cable.
- (7) **Any person who fails to comply with the provisions of this section, or who alters or attempts to alter a transport permit or who permits it to be altered, is guilty of an offence.**

Chapter 9

Storeroom for dangerous goods

69. Requirements for storerooms

Capacity

- (1) The certificate of registration issued for any storeroom for dangerous goods as contemplated in section 46 of these by-laws must indicate the group and the largest quantity of dangerous goods which may be kept in the storeroom.

Danger notices in storeroom

- (2) No person may use any storeroom or permit any storeroom to be used for Group III Dangerous Goods, unless-
 - a. symbolic safety signs prohibiting open flames and smoking, at least 290mm x 290mm in extent, manufactured in accordance with the provisions of SANS 1186, are affixed at the storeroom; and

Display of certificate of registration

- (3) The certificate of registration for storeroom, with the contents of the certificate clearly visible, must be kept and maintained in a legible condition in a weatherproof container on the outside of a door normally used as the entrance to the storeroom.

Construction of flammable liquid storerooms

(Excluding storerooms in recognized bulk depots and bulk installations)

- (4) The construction of any storeroom must be in accordance with the requirements of the General Safety Regulations of the Occupational Health and Safety Act and the following requirements:
- a. the storeroom floor must consist of concrete;
 - b. The storeroom walls must consist of material that has a fire resistance of at least 120 minutes.
 - c. the storeroom roof must consist of-
 - (i) reinforced concrete with a fire resistance of at least 120 minutes; or
 - (ii) any other non-combustible material if the storeroom-
 - (aa) is not situated within 5 meters of any adjacent building or boundary of the premises; or
 - (bb) adjoins a higher wall with no opening within 10 meters above and 5 meters on either side of the storeroom.

Doors

- (5) Any storeroom must be equipped with Class B-type fire doors, manufactured and installed in accordance with SANS 1253: Provided that-
- a. the said doors must open to the outside and have a lock or locks as approved by the Controlling Authority.
 - b. whenever the distance to be covered from any storeroom is 4m or more, the storeroom must have at least two Class B type fire doors, which doors must be installed as far from each other as is practicable: and
 - c. if it is built according (4)(c)(ii) (aa) and (bb) the door can be of non-combustible material.
 - d. any door providing access to a storeroom must at times be capable of being opened easily from the inside without the use of a key.

Windows

- (6) All window frames must be manufactured of steel and must-
- a. be fitted with wire woven glass with a minimum thickness of 8mm; and
 - b. have window panels with a maximum size of 450mm x 450mm: Provided that no window must be capable of being opened.

Catch pit

- (7) Any storeroom must be designed and constructed so that the floor of the storeroom is recessed below the level of the door sill to form a catch pit: Provided that-
- the catch pit formed by such recessed floor or sill must have a capacity capable of accommodating the total quantity of dangerous goods able to be stored in the storeroom, plus 10%, with a maximum height of 450mm;
 - if required by the Controlling Authority the catch pit must be covered at door sill level with strong, stable, non-combustible and oxidation-free grill, which grill must serve as a floor on which corrosion-free shelves and/or the contents of the storeroom must be placed and an access hatch for cleaning purposes must be placed in a suitable position on the grill floor; and
 - the catch pit must, at its lowest level, have a non-corrosive drainage valve for cleaning purposes and for the product recovery.

Ventilation

- (8) Any storeroom must be so designed and constructed to ensure that the collection of fumes of flammable liquids is effectively ventilated, whether naturally or mechanically, in all parts of the storeroom. The fumes must be released into the open air at a place or places where fumes are not likely to come into contact with any source of ignition, which may ignite such fumes.

Natural ventilation

- (9) The owner or person in charge of any storeroom must effectively ventilate the storeroom at a minimum cycle of 30 total air changes per hour by installing non-combustible airbricks, at least 140mm x 215mm in extent, with non-corrosive gauze wire of which the nominal opening diameter must be at least 0.5mm: Provided that the airbricks are-
- provided in at least three external wall; and
 - positioned 100mm above the level of the sill and 100mm below the roof and more than 450mm apart.

Mechanical ventilation

- (10) Whenever natural ventilation as contemplated in subsection (9) cannot be effected and the depth of the sill level exceeds 300mm, the owner or the person in charge of a storeroom must equip the storeroom with a mechanical inlet and outlet ventilation system designed and installed for this purpose: Provided that-
- the capacity of the system must be able to change the cubic air content in the storeroom at least 30 times an hour.

- b. the vanes of the system must be manufactured from static-free material;
- c. the fumes must be released into the open air and the outlets must not be within 5m of any opening of a building or erf boundary.
- d. all ventilators must be attached firmly to the inside of the walls;
- e. the bottom ventilators must be affixed as close as possible to the level of the sill; and
- f. all ventilation openings and/or air duct openings must be installed in the opposite wall, 100mm above the level of the sill to ensure cross-ventilation in conjunction with the said mechanical ventilator.
- g. with all ventilation or air duct openings in the external wall opposite the mechanical ventilator installed 100 mm above the level of the sill to ensure effective cross-ventilation; and equipped with ducting material that-
 - (i) is as short as possible in the circumstances and does not have sharp bends; and
 - (ii) is fitted with a fire damper of at least 120 minutes fire resistance at any point where the ducting exits the storeroom, if ducting material is installed external to the storeroom in communication with the remainder of the building.

Electrical equipment

- (11) The owner or person in charge of a storeroom must ensure that-
- a. all electrical apparatus, fittings and switchgear used or installed in any storeroom are protected and installed in accordance with the equipment of the appropriate classification for the particular area in terms of the provisions of SANS 10108;
 - b. all switchgear, distribution boxes, fuses, and any other electrical equipment not in compliance with the provisions contained in SANS 10108 must be situated outside that storeroom and positioned so as not to come into contact or possibly come into contact with fumes escaping from the storeroom.
 - c. all metal parts and electrical fitting and any device in or in connection with a storeroom are earthed effectively with each other and the storeroom.
 - d. switches actuating any mechanical ventilation system are situated outside the storeroom.

- e. any mechanical ventilation system is on at all times during occupation, except whenever the system is switched off for repairs and/or replacement purposes: Provided that if the mechanical ventilation system breaks down, the system must be repaired without delay, and if the system breaks down irreparably, the system must be replaced without delay; and
- f. whenever any storeroom is not staffed, all electrical apparatus and fittings, with the exception of the mechanical system, are switched off.

Electrical installations installed by qualified electricians

- (12) All electrical installations must be installed and certified by a suitably qualified electrician: Provided that the certificate must be submitted to the Service for record purposes immediately after installation.

Storerooms constructed from other, non-combustible materials

- (13) Notwithstanding the provisions of this section, a storeroom may be constructed from other, non-combustible materials: Provided that-
- a. the storeroom is not constructed within 3meters of any other building and/or the boundary of the premises;
 - b. the storeroom is surrounded with liquid-proof retaining walls or embankments that are capable of accommodating the quantity of dangerous goods able to be stored in the storeroom, plus 10%, and
 - (i) the floor of/or space within these retaining walls or embankments is also liquid-proof to prevent ecological contamination; and
 - (ii) where the storage is affected outside a flammable liquid storeroom, this is allowed when the storage is not within 15m of any ignition source.

Unauthorized access

- (14) No person may:
- a. without the authority of the owner or person in charge, enter or allow any other person to enter any storeroom.
 - b. uses any storeroom or allow it to be used for any purpose other than for the use, handling or storage of flammable substances.

- c. allows any person to work in a storeroom unless all the doors of the storeroom are wide open, or the mechanical ventilation system is switched on; or
- d. place or allow to be placed any obstruction or hindrance in a passage of any storeroom or in front of any storeroom door.

Foam inlets required for certain storerooms

- (15) The owner or person in charge of a storeroom that is used or intended to be used for storing more than 5000 litres of flammable substance must ensure-
- a. that the storeroom is provided with a foam inlet consisting of a 65mm male instantaneous coupling and mild steel pipe work leading to the inside thereof. and
 - b. that the foam inlet is identified by a sign in block letters at least 100 mm high, displaying the words foam inlet.

Shelving in storerooms

- (16) The owner or person in charge of a storeroom must ensure that any racking of shelving erected or installed in the storeroom is of non-combustible material.

Mixing and decanting rooms

- (17) The owner or person in charge of any premises where quantities of flammable liquids exceeding those stipulated in Annexure IV are decanted or mixed, must ensure that any room where decanting or mixing takes place complies with all requirements of this Chapter applicable to storerooms.

Hand tools must be intrinsically safe

- (18) The owner or person in charge of any flammable substance storeroom must ensure that any hand tool used in the storeroom is intrinsically safe.
- (19) **Any person who uses a storeroom or permits a storeroom to be used and does not comply with the provisions of this section is guilty of an offence.**

70. Keeping and handling dangerous goods in storeroom

- (1) Any storeroom referred to in section 71 of these by-laws may be used for keeping any Grouped Dangerous Goods, with the exception of Group I Dangerous Goods (explosives), as defined in section 2 (1) of the Dangerous Goods Act, 1973: Provided that-

- a. all chemically reactive Dangerous Goods must be separated from each other by means of compartmental liquid-proof fire partition walls to the satisfaction of the Service, which fire partition walls must extend the bottom of the catch pit to 1m above the highest stack of each group inside the storeroom.
- (2) Notwithstanding the provisions of section 46 of these by-laws, any Grouped Dangerous Good contemplated in this section, with the exception of Group I Dangerous Goods (explosives), may also be stored, and kept in terms of SANS 10263: Provided that any storeroom will be subject mutatis mutandis to the provisions of sections 44, 45 and 46 of these by-laws, as the case may be.
- (3) **Any person who fails to comply with the provisions of this section is guilty of an offence.**

Chapter 10

Spray-painting matters and spraying permits

71. Registration of spray-painting rooms

Spraying prohibited without spraying permit

- (1) 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 flammable substance unless-
 - a. that person is in possession of a spraying permit contemplated in section 71.2.
 - b. the spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the Controlling Authority on premises registered for that purpose.

Application for spraying permit

- (2) any person who wishes to obtain a spraying permit must-
 - a. complete and submit to the Controlling Authority an application form for such permit in the form and manner determined by the Council; and
 - b. pays the prescribed fee.

Cancellation of spraying permit

- (3) The provisions of section 39, read with the necessary changes, apply to the cancellation by the Controlling Authority of any spraying permit.

Duties of owner, occupier, or person in charge of spraying room

- (4) Every owner, occupier, and person in charge of a spraying room must ensure that-
- a. the spraying room complies with the requirements of this Chapter; and
 - b. every other person on the premises complies with the provisions of this Chapter.

Design and construction of spraying rooms

- (5) Every spraying room must be designed and constructed according to the following criteria:
- a. every window frame must consist of steel with window panels
 - (i) that cannot be opened.
 - (ii) that do not exceed 450 millimetres x 450 millimetres in size; and
 - (iii) that are fitted with wire woven glass with a thickness not less than 8 millimetres.
 - b. if based on a brick and concrete construction
 - (i) the floor must consist of concrete.
 - (ii) the walls must consist of brick or concrete.
 - (iii) the roof must consist of reinforced concrete; and
 - (iv) every door must consist of a Class B-type fire doors as contemplated in SANS 1253; and
 - c. if based on a metal structure
 - (i) the framework of the structure, including door assemblies must consist of a sturdy steel profile with a minimum wall thickness of 2.5mm.
 - (ii) the framework of the entire structure, including any door, must be clad on both sides with sheet metal with a minimum thickness of 1.3mm.
 - (iii) the framework of the entire structure must be fume-proof, flame-proof and liquid-proof.

- (iv) the floor must consist of concrete or metal;
- (v) all material used must have a fire integrity grading of at least 60 minutes; and
- (vi) the structure must be constructed, installed and finished so that all surfaces are smooth in order to prevent any furring which may hamper ventilation, washing or cleaning of the spraying room.

Water floors for spraying rooms

- (6) Every spraying room which is designed and constructed with a sunken water floor must be designed and constructed so that-
 - a. the water is covered at the level of the sill by a sturdy, stable, non-combustible and corrosion-free floor grill capable of bearing the weight of every person and object in the spraying room, and
 - b. the water in the sunken water floor is circulated through an effective non-combustible and cleanable filtering system by a closed-circuit pump circulation system consisting of non-corrosive metal pipes of suitable diameter and wall thickness.

Electrical equipment in spraying rooms

- (7)
 - (1) Any electrical apparatus, light, fitting, and switch gear installed or used in a spraying room must be installed and used in accordance with SANS 0108.
 - (2) Any switch gear, distribution boxes, fuse, and other electrical equipment, except equipment as contemplated in SANS 0108 must-
 - a. be located outside the spraying room; and
 - b. be positioned so as not to come into contact with fumes from the spraying room.
 - (3) Any switch for the mechanical ventilation system of a spraying room must be situated outside the spraying room.
 - (4) Any metal part and electrical fitting and any other device used in, or in connection with, the spraying room, must be earthed effectively with each other and the ground.

- (5) Every electrical installation in a spraying room may be installed only by a suitably qualified electrician who must-
- a. certify in writing that the installation complies with all applicable legal requirements; and
 - b. furnish the certificate to the owner or person responsible for the premises concerned.
- (6) The owner or person responsible for the premises on which the spraying room is located must submit the certificate contemplated in subsection (5) to the Controlling Authority without delay.

Location of spraying rooms

- (8) (1) The owner, occupier and person in charge of a spraying room must ensure that there is an escape opening between the spraying room and any other activity, process or area on the premises concerned-
- a. of at least 1200 mm wide; and
 - b. that must at all times be kept free of any obstruction, refuse or combustible material.
- (2) If any other activity or process which may pose a fire hazard is conducted adjacent to a spraying room on any premises, the escape opening contemplated in subsection (1), must be clearly identified by a fire partition wall-
- a. of a height at least 300 mm higher than the roof of the spraying room; and
 - b. with a fire resistance of at least 60 minutes.
- (3) No more than two sides of a spraying room contemplated in section 71(5)(c), may border a fire partition wall.

Access to spraying rooms

- (9) In addition to any door for the access of motor vehicles or other objects to any spraying room, every spraying room must have at least two hinged doors for escape purposes that-
- a. open to the outside of the spraying room;

- b. have dimensions of at least 800 mm wide x 2000 mm high;
- c. are positioned on opposite sides of the spraying room so that the distance to be covered to any door when any object is in the spraying room for spraying does not exceed 4 meters; and
- d. are fitted with a locking mechanism that is at all times capable of being opened from the inside of the spraying room without the use of a key.

Ventilation of spraying rooms

- (10) Every spraying room must be equipped with a mechanical inlet and outlet ventilation system designed and installed-
- a. so that ventilation of at least 0.5 meters per second is provided across the spraying room.
 - b. with vanes consisting of static-free material.
 - c. so that it releases fumes into the open air from outlets that are not located within 5 meters of any opening of a building or erf boundary.
 - d. with ventilators that are attached firmly to the inside walls of the spraying room with bottom ventilators affixed as close as possible to the level of the sill.
 - e. with ventilation and air duct openings installed in opposite walls, doors, or the roof so as to ensure effective cross-ventilation; and
 - f. with ducting material that is fitted with a fire damper and covering of at least 120 minutes fire resistance where the ducting material exists the spraying room, if ducting material is installed external to the spraying room in communication with the remainder of the building concerned.

Fire dampers, protectors, and alarms in spraying rooms

- (11) (1) A fire damper manufactured and installed in accordance with SANS 193, must be affixed in front of any air purification filter or part of such filter on the inside of any spraying room.
- (2) The fire damper must-

- a. be capable of closing automatically by means of a suitably located sensor that is activated by a rise of more than 10°C in the predetermined working temperature inside the spraying room;
 - b. be installed so that it will remain in position even if the air duct distorts during a fire; and
 - c. be equipped with an overriding fusible link.
- (3) The ventilation system must be equipped with a sensor that-
- a. is capable of turning off the ventilation system and any heating device used in connection with the spraying room, in the event of a fire or a rise of more than 10°C in the predetermined working temperature inside the spraying room; and
 - b. activates a visual and audible alarm inside and outside the spraying room in an event contemplated in paragraph (a).

Design and positioning of ventilation outlets for spraying rooms

- (12) Every outlet opening from a spraying room must be designed and positioned to release fumes from the spraying room into the open air at least-
- a. 1 meter above any roof on the premises;
 - b. 4 meters above the ground level; and
 - c. 5 meters from any opening of a building situated on or adjacent to the spraying room.

Display of signs on spraying rooms

- (13) (1) A symbolic sign prohibiting open flames and smoking must be affixed to the inside and the outside of every door of a spraying room.
- (2) Any symbolic sign contemplated in subsection (1), must be-
- a. manufactured and installed in accordance with SANS 1186; and
 - b. of dimensions at least 290mm x 290mm.

Manifold installations in spraying rooms

- (14) Every manifold installation of a Group II Hazardous substance that forms an integral part of the heating system of any spraying room must-
- a. comply with SANS 10087, Part 1; and
 - b. the requirements of these By-laws.

General prohibitions regarding spraying rooms

- (15) No person may
- a. use any spraying room or allow any spraying room to be used unless signs prohibiting open flames and smoking are affixed to the spraying room in compliance with section 45.13.
 - b. enter a spraying room or allow any other person to enter a spraying room without the authority of the owner, occupier or person in control of the spraying room.
 - c. use any spraying room or allow any spraying room to be used for any purpose other than spray painting or related activities.
 - d. enter any spraying room or allow any other person to enter a spraying room unless the mechanical ventilation system is operating; or
 - e. place any obstruction of hindrance or allow any obstruction or hindrance to be placed in any escape opening or in front of any door of a spraying room.

Fire extinguishing equipment in spraying rooms

- (16) (1) Every spraying room must be equipped with
- a. at least one 9kg dry chemical fire extinguisher installed on the inside of the spraying room; and
 - b. at least one 9kg dry chemical fire extinguisher installed on the outside of the spraying room.
- (2) Fire extinguishers contemplated in subsection (1) must be installed in positions approved by a member of the Service.
- (3) Every spraying room must be protected by at least one fire hose reel as specified in SANS 543
- a. that is connected to a water supply as contemplated in SANS 10400, Part W; and

- b. that enables the hose reel to maintain a flow of at least 0.5 litres per second at a work pressure of at least 300kPa.

- (17) No person may spray, coat, plate or epoxy-coat any vehicle, or parts of a vehicle, or any other articles, objects or buildings, or part thereof, or permit them to be sprayed, coated, plated or epoxy-coated, whether indoors or outdoors, with a Group III Dangerous Good or with liquid compounds of a Group III Dangerous Good, or with any Dangerous Good, unless such person is in possession of a spraying permit in accordance with the requirements of Annexure II of these By-laws.

Prohibition of certain actions

- (18) No person may use or handle Dangerous Goods, or permit Dangerous Goods to be used or handled, on unregistered premises, unless a member is satisfied that the Dangerous Goods will be used or handled in a place and in a manner that will ensure that-
- a. no Dangerous Good or fumes come or are able to come into contact with any fire, flame or naked light, or any other source of ignition which is likely to set the Dangerous Good or fumes alight; and
 - b. the escape of human beings or animals is not hampered or hindered in the event of a fire or an emergency situation.

Display and conditions of spraying permit

- (19) (1) A spraying permit is issued on the following conditions:
- a. The spraying permit must at all times be displayed prominently in a weatherproof container on the premises in a place designated by a member.
 - b. The spraying permit must be legible at all times.
 - c. The number of spraying rooms and/or spraying booths must be indicated on the spraying permit.
 - d. A serial number must be indicated on the spraying permit.
 - e. The spraying permit must reflect the period of validity and the date of expiry: Provided that the period of validity will, be from the date of issue for a period of twelve months.

- f. The spraying permit is not transferable from premises to premises.
 - g. In the case of reconstructing, the spraying permit is, subject to the provisions of section 44 of these By-laws, transferable from control to control or from owner to owner on the same premises: Provided that-
 - a. application must be made for transfer to the Service on the prescribed form; and
 - b. if the trade name of the premises changes, the holder of the spraying permit must ensure that the change is immediately brought to the attention of the Service.
 - h. The Controlling Authority must be in possession of a set of approved plans referred to in section 45 of these By-laws.
 - i. The spraying permit will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted to the Controlling Authority.
 - j.
 - (i) Any person who is legally in possession of a spraying permit must apply to the Controlling Authority in writing on the prescribed form if that person wishes to amend the number of spraying rooms and/or spraying booths, according to need.
 - (ii) The fees prescribed in Annexure I to these By-laws must accompany an application. The Controlling Authority will grant the spraying permit only if the proposed amendments comply with the relevant provisions of these By-laws.
 - (iii) Whenever the Controlling Authority approves such an application, the person concerned must hand the spraying permit to the Controlling Authority to be amended.
- (2) The Chief Fire Officer may send a reminder for the renewal of registration to the owner or occupier of registered premises. An owner or occupier who has not received a reminder is not indemnified from possible prosecution.
- (3) The holder of a spraying permit or certificate of registration must ensure that he/she is always in possession of a valid spraying permit and/or certificate of registration.
- (20) Any person who fails to comply with the provisions of this section, or who alters a spraying permit or attempts to alter a spraying permit or permits a spraying permit to be altered is guilty of an offence.**

72. Construction and design of spray-painting rooms

- (1) The construction of a spraying room and/or spraying booth must be in accordance with the following requirements:
 - a. the floor must be of concrete;
 - b. the walls must be of brick and/or concrete;
 - c. the roof must be of reinforced concrete;
 - d. the doors must be Class B type fire doors as contemplated in SANS 1253.
 - e. the window frames must be of steel and have window panels that cannot be opened, which panels must be a maximum size of 450mm x 450mm and fitted with wire woven glass with a minimum thickness of 8mm.
- (2) The provisions of subsection (1) are not applicable to the erection of a spraying room and/or spraying booth if, in terms of the design thereof, the room or booth complies with the following requirements:
 - a. The framework of the entire structure, including the door assemblies, must have a sturdy steel profile with a minimum wall thickness of 2,5mm.
 - b. The framework, including any doors, must be clad on both sides with sheet metal with a minimum thickness of 1,3mm.
 - c. If the sheet metal is joined, the joins and/or joints of the sheet metal so joined, including any door assembly forming an integral part of the whole, must be fume-, flame- and liquid-proof.
 - d. The floor must be of concrete or metal.
 - e. The window must be of steel with window panels that cannot be opened, which panels must be a maximum size of 450mm x 450mm and fitted with wire woven glass with a minimum thickness of 8mm.
 - f. All materials used must have a fire integrity grading of at least 60 minutes.
- (3) The unit formed through the combination of components referred to in subsection (1) and (2), including any services constituting an integral part of the unit or required in the unit, must be constructed, installed and finished so that all surfaces are smooth to prevent any furring which may hamper the ventilation, washing and cleaning processes.
- (4) A prefabricated unit is suitable only if such a unit is evaluated by the SANS or CSIR and is found to be suitable for the particular intended purpose.

Location of and access to a spraying room

- (5) a. Notwithstanding the door(s) granting for motor vehicles or other objects to be sprayed in any spraying room, a spraying room must have at least two hinged doors for the purposes of escaping, which doors must-
- (i) open to the outside.
 - (ii) be at least 800mm x 2000mm in extent.
 - (iii) be positioned on opposite sides, provided that, whenever there is any object in the spraying room for processing, the distance to be covered to any of the doors may not exceed 4m; and
 - (iv) be fitted with locking mechanisms that can be opened easily from the inside without the use of a key.
- b. Any spraying room must be located so that it is at all times separated from other activities and/or areas by means of an escape opening of at least 1200mm wide, which escape opening must at all times be kept free of any obstruction, refuse or combustible materials.
- c. If any activity and/or process which is operated adjacent to a spraying room may pose a probable fire danger to the spraying room, the said escape opening of 1200mm must be identified by fire partition walls with a fire resistance of at least 60 minutes, and the height of these walls must be at least 300mm higher than the roof of the spraying room.
- d. Any spraying room contemplated in subsection (2) may be erected indoors and outdoors against firewalls: Provided that no more than two sides of the spraying room may border the firewalls.

Water floors

- (6) a. A spraying room may have a sunken water-filled floor covered at the level of the sill by a sturdy, stable, non-combustible and corrosion-free grill that is capable of bearing the weight of the heaviest object in the spraying room.
- b. The water in the sunken floor must be circulated through an effective non-combustible and cleanable filtering system by means of a closed-circuit pump circulation system of non-corrosive metal pipes with a suitable diameter and wall thickness.

Electrical equipment

- (7) All electrical apparatus, lights, fittings and switchgear used or installed in any spraying room must be protected and installed in accordance with the provisions for equipment of the appropriate type for the particular area in terms of SANS 10108.
- (8) All switchgear, distribution boxes, fuses, and any other electrical equipment not in compliance with the provisions contained in SANS 10108 must be situated outside the spraying room and positioned so as not to come into contact or possibly come into contact with fumes escaping from the spraying room.
- (9) Switches actuating any mechanical ventilation system must be situated outside the spraying room.
- (10) All metal parts and electrical fittings and any device in or in connection with a spraying room must be earthed effectively with each other and the ground.
- (11) An accredited person must install and certify all electrical installations: Provided that a copy of the certificate must be submitted to the Controlling Authority for record purposes immediately after installation.

Mechanical ventilation

- (12) (1) Any spraying room must be equipped with a mechanical inlet and outlet ventilation system designed and installed for this purpose: provided that-
 - (i) the capacity of the system must be able to change the cubic air content in the spraying room at least 30 times an hour or at a flow rate of 0.5m/s.
 - (ii) The vanes of the system must be manufactured from static-free materials.
 - (iii) the fumes must be released into the open air and the outlets must not be within 4.5m of any of a building or erf boundary.
 - (iv) all ventilators must be attached firmly to the inside of the walls.
 - (v) the bottom ventilators must be affixed as close as possible to the level of the floor; and
 - (vi) all ventilation openings and/or air duct openings must be installed in the opposite wall, door(s) or roof to ensure cross-ventilation in conjunction with the said mechanical ventilation system.
 - (vii) every spray room shall have at least one of its doors fitted with an un-open able strengthened, shatterproof glass inspection window no larger than 450mm x 450mm.

Fire dampers, fire detectors and fire alarms

- (13) (1) A fire damper must be affixed in front of any air purification filter, or any part of a filter forming an integral part of ventilation system, on the inside of the spraying room, which fire damper must be manufactured and installed in accordance with the provisions of SANS 193: Provided that the fire damper must-
- (i) close automatically by means of a sensor that is suitably located and actuated by a rise of more than 10°C in the predetermined working temperature.
 - (ii) be so installed that the damper will remain in position even if the air duct distorts during a fire; and
 - (iii) be provided with any overriding fusible link.
- (2) The sensor contemplated in subsection (12)(1)(i) must also-
- (i) be capable of turning off the ventilation system and any heating device used in connection with the spraying room in the event of a fire or whenever there is a rise of more than 10°C in the predetermined working temperature inside the spraying room; and
 - (ii) activate a visual and audible alarm inside and outside the spraying room.

Positioning of ventilation outlets

- (14) All outlet openings must be designed and positioned so as to release all fumes into the open air at a place at least 1m above a roof or 3.6m above the ground level and at least 4.5m from any opening of a building.
- (15) The ventilation system must function whenever any activities related to spray-painting take place in the spraying room.

Display of signs prohibiting open flames and smoking

- (16) No person may use any spraying room or permit any spraying room to be used, unless and until symbolic signs prohibiting open flames and smoking, at least 290mm x 290mm in extent, manufactured and installed in accordance with the provisions of SANS 1186, are affixed to the inside and outside of all doors of the spraying room.

Maintenance of spraying rooms

- (17) All spraying rooms must be maintained at all times in accordance with the provisions of this section and the manufacturer s specifications. Proof of such maintenance must be provided upon request from a member.

Unauthorized access

- (18) No person may enter a spraying room or permit any other person to enter a spraying room without the express permission of the owner and/or occupier or any other responsible person in charge of the spraying room.

Abuse of spraying room

- (19) No person may-
- a. use any spraying room or permit any spraying room to be used for any purpose other than for practicing or exercising activities related to spray-painting in the spraying room;
 - b. employ any other person in a spraying room or permit any other person to work in the spraying room unless the mechanical ventilation system is on; and
 - c. place any obstruction or hindrance, or have any hindrance or obstruction placed or permit any hindrances or obstruction to be placed in the escape openings or in front of any doors of the spraying room.

Provision of fire-fighting equipment

- (20) Any spraying room must have a 9kg dry chemical fire extinguisher on the outside, which must be installed in a position determined by the Controlling Authority.
- (21) All spraying rooms must be protected by a fire hose reel referred to in section 59(1)(b) of these bylaws.

Drying kiln/heating devices

- (22) Whenever any manifold installation of a Group II Dangerous Good forms an integral part of the heating of a spraying room, the manifold installation must be in accordance with the provisions of SANS 10087, Part 1, and the relevant provisions of these by-laws will apply mutatis mutandis in the application of this section.
- (23) **Any person who fails to comply with the provisions of this section is guilty of an offence.**

Chapter 11

Animals

73. Handling of animals during emergencies

- (1) Provision must be made for the professional handling of animals during an emergency on any premises, but particularly at zoological gardens, feedlots, stable, research institutions, veterinary practices and/or places of veterinary science study: Provided that the Service may-
 - a. authorize a suitable qualified person to handle and/or put down the animals during an emergency situation, as the case may be; and
 - b. recover all costs involved in the matter from the owner or the institution responsible for the care of the animals.
- (2) **Any person who fails to comply with the provisions of this section is guilty of an offence.**

Chapter 12

Penalties

74. Offences and penalties

- (1) Any person who:—
 - (a) contravenes any of the provisions of this By-law or fails to comply therewith, or
 - (b) contravenes or fails to comply with any order made hereunder or any notice served in connection herewith, is guilty of an offence and liable to a maximum fine or imprisonment as prescribed in the Fire Brigade Services Act.
- (2) The imposition of a penalty for any contravention may not excuse the contravention nor must the contravention be permitted to continue.
- (3) The controlling authority must instruct a person found guilty to correct or remedy the contravention or defect concerned within a time period specified by the controlling authority.

Chapter 13

General

75. Operation of these by-laws in relation to other laws

The provisions of these By-laws are in addition to and not a substitution for any other law which is not in conflict or inconsistent with these By-laws.

76. Regulations

- (1) The Municipality may make regulations not inconsistent with these by-laws, prescribing –
- a. any matter that may or must be prescribed in terms of these by-laws; and
 - b. any matter that may facilitate the application of these by-laws.

77. Repeal of By-Laws

Any by-laws relating to community fire safety adopted by the Municipality or any erstwhile municipal council now comprising an administrative unit of the Municipality will be repealed from the date of promulgation of these by-laws.

78. Short title

These By-laws are called Community Fire Safety By-laws. Their provisions come into operation on a date fixed by proclamation in the Government Gazette.

PROVINCIAL NOTICE 859 OF 2024



OFFICE OF THE MUNICIPAL MANAGER

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Date: 20 March 2024

PUBLIC NOTICE

PROMULGATION OF CHRIS HANI DISTRICT MUNICIPALITY
MUNICIPAL HEALTH SERVICES BY-LAWS, AIR QUALITY BY-LAWS AND
COMMUNITY FIRE SAFETY BY-LAWS

NOTICE IS HEREBY GIVEN IN TERMS OF SECTIONS 17, 21 and 95 OF THE LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT NO 32 OF 2000, AS AMENDED AND SECTIONS 17, 21, 22, 23 and 24 OF THE MUNICIPAL FINANCE MANAGEMENT ACT NO. 56 OF 2003

This notice serves to inform the public and stakeholders that Chris Hani District Municipality will Publish the Municipal Health Services By-Laws, Air Quality By-Laws and Community Fire Safety By-Laws in the Government Gazette during April 2024.

The Municipal Health Services By-Laws, Air Quality By-Laws and Community Fire Safety By-Laws are formulated and gazetted to give proper effect to the municipalities law enforcement with regards to public health, safety, and the environment

Copies of the Municipal Health Services By-Laws, Air Quality By-Laws and Community Fire Safety By-Laws, with the relevant annexures setting out the legal requirements and legal framework within which the By-Laws must operate, appear on the Chris Hani District Municipality Website: www.chrishanidm.gov.za and are available free of charge on application to the Office of the Municipal Manager at 15 Bells Road, Queenstown.

Mr. G Mashiyi
MUNICIPAL MANAGER

This notice was displayed as required by Legislation.





CHRIS HANI
DISTRICT MUNICIPALITY

SUSTAINING GROWTH
THROUGH OUR PEOPLE

MUNICIPAL HEALTH SERVICES BY- LAWS

LOCAL GOVERNMENT NOTICE**CHRIS HANI DISTRICT MUNICIPALITY****BY-LAW RELATING TO MUNICIPAL HEALTH SERVICES**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000], read with Section 162 of the Constitution of the Republic of South Africa Act, 1996 [Act No. 108 of 1996], the By-law Relating to Municipal Health Issues.

PREAMBLE

RECOGNISING the constitutional right of every person to an environment that is not harmful to his or her health, and the principles that underlie the National Health Act, 2003 (Act 61 of 2003) and the National Environmental Management Act, 1998 (Act 107 of 1998), the Council adopts these By-laws with the aim of protecting and promoting the health and well-being of all people in the Chris Hani District Municipality

WHEREFORE this by-law, in conjunction with applicable laws, provides for a legal and administrative framework within which the municipality can manage and regulate activities that have the potential to constitute environmental health hazards and environmental health nuisances on persons, land or premises.

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CHAPTER 1

1. DEFINITIONS

Definitions— In this by-law, words used in the masculine gender includes the feminine, the singular includes the plural and vice versa and unless the context otherwise indicates -

“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.

“accommodation establishment” means a place in which accommodation is provided for gain with or without meals;

“adequate” 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 application of the principles of this by-law, and “adequately” has a corresponding meaning;

“adverse effect” means any actual or potential impact on the environment that either impairs or is likely to impair the environment or any aspect of it to an extent that is more than trivial or insignificant;

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

“animal” means any equine, bovine, sheep, goat, pig, poultry, camel, dog, cat, or other domestic animal or bird, or any wild animal or reptile which is in captivity or under the control of a person; or an insect such as, but not limited to, a bee which is used or controlled by a person;

“animal disease” means an impairment or disturbance of the normal function of any organ or the body of any animal that is caused by any organism, protozoon, bacterium, virus, fungus, rickets, parasite, other organism or substance;

“animal waste” means the faeces, manure, droppings, shed hair or feathers of an animal;

“approved” means an object, measure or material approved by an environmental health practitioner to be adequate in specified circumstances to prevent, or reduce to a level

acceptable to the Council, the risk of any environmental health hazard or health nuisance occurring, continuing or recurring;

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

“authorised person” means an Environmental Health Practitioner employed by the Chris Hani District Municipality;

“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;

“barber, hairdresser or beautician” means a person who carries on the business of barber, hairdresser or beautician in a salon excluding on the streets or open public spaces, which business comprises any one or more of the following or similar services or activities, or a combination thereof, which are applied to the male or female human body:

- (a) cutting, shaving, singeing, shaping, shampooing, cleansing, conditioning, treating, chemical reformation (such as but not limited to permanent waving) relaxing, straightening and colouring (such as but not limited to tinting, dyeing, colouring, whether by permanent or temporary or semi-permanent means, and including the use of colour rinses, shampoos, gels or mousses, and lightening by means of tints, bleaches, highlights or high lifting tints or toners) of the hair on the human head;
- (b) other than by a process contemplated in paragraph (a), removing hair by means of, but not limited to, waxing, chemical compounds (such as but not limited to depilatories), electrical or mechanical means, whether or not heat or an appliance or apparatus is used in any of these activities;
- (c) treating hair by means of a trichological process or method;
- (d) adding to hair of natural or artificial hair by means of, but not limited to an extension, board work, or a wig;

- (e) shaping, shaving, plucking, treating or tinting an eyebrow or eyelashes or applying an artificial eyebrow or eyelashes;
- (f) skin care of the face, including but not limited to the application of cosmetics;
- (g) applying nail technology, such as but not limited to manicuring, pedicuring, or applying false nails or extensions;
- (h) piercing of the skin ("body piercing") or tattooing;
- (i) massaging;
- (j) bronzing such as by means of, but not limited to, ultraviolet radiation; and
- (k) contouring, such as but not limited to, slimming.

"best available method" means the method available that will best prevent disease.

"bird" means a pigeon, peafowl, pheasant, partridge, canary, budgerigar, parrot, ostrich and any other domesticated bird or wild bird kept in captivity;

"building, structure, enclosure or runway" means a building, structure, enclosure or runway such as, but not limited to, a stable, shed, dove-cote, kennel, pen, sty, camp, kraal, cow-shed, lean-to, room, tent, vehicle, stream, dam, pool, pan, drain, or ditch (open, covered, or enclosed) erected or constructed in or upon land or premises and which is used in connection with the keeping of an animal by an owner of an animal or owner or user of land;

"cattery" means an accommodation establishment which, for gain, caters for the boarding of cats;

"cemetery" means a land or part of a land within the municipal area set aside by the Council as a cemetery for the disposal of the dead;

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

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

"circumcision" means the surgical removal of the foreskin including any external genitalia by traditional practitioner, medical practitioner or any person registered as such.

"crematorium" means a crematorium as defined in section 1 of the Crematorium Ordinance, 1965 (Ordinance No 18 of 1965) and includes the buildings in which a ceremony is conducted and the cremation carried out;

"communicable diseases" 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;

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

"Council" means –

- (a) the Chris Hani District Municipality, established by Provincial Notice No. 6766 of 2000 dated 1 October 2000, as amended, exercising legislative and executive authority through its municipal Council; or
- (b) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
- (c) a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, or any other law, as the case may be;

"Culture" means a traditional way of doing things and shall include habits, norms, mores, ethics and values.

"dangerous dog" means a dog which has an inherent propensity to attack human beings or other animals, or the keeping of which is fraught with danger to any person or animal;

"dark smoke" means:

- (a) smoke which when measured using a light absorption meter or obscuration measuring equipment has an obscuration of 20% or greater;
- (b) In respect of this by-law:

- (i) smoke which has a density of 60 Hartridge smoke units or more, provided that in relation to emissions from turbo-charged compressed ignition powered engines, it means a density of 66 Hartridge smoke units or more; or
- (ii) smoke which has a light absorption co-efficient of more than 2.125 m-, provided that in relation to emissions from turbo-charged compressed ignition powered engines, it means a light absorption coefficient of more than 2.51 m⁻¹;

“disturbing noise” means a noise level that causes the ambient sound level to rise above the designated sound level, or if no sound level has been designated, a sound level that exceeds the ambient sound level by 7dBA or more or that exceeds the typical rating levels for ambient noise in districts, indicated in table 2 of SANS 10103.

“dog” includes a neutered male dog and spayed bitch.

“dog kennel” means an accommodation establishment which, for gain, caters for the accommodation of dogs.

“domestic water consumption” 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.

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

“dormitory” means a sleeping room in which sleeping accommodation is provided.

“drycleaning 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.

“drycleaning 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.

“dust” means any solid matter in a fine or disintegrated form which is capable of being dispersed or suspended in the atmosphere and are smaller than 10 microns;

“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 “rooms” that has correspondence meaning.

“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;

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

- (a) the land, water and atmosphere of the earth;
- (b) micro-organisms, 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.

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

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

- (a) The land, water and atmosphere of the earth;
- (b) micro-organisms, plant and animal life;
- (c) Any part or combination of (a) and (b) and the interrelationships among and between them; and
- (e) The physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

“environmental health” comprises:

(a) those aspects of human health, including the quality of life, that are determined by physical, chemical, biological, social and psycho-social factors in the environment; and

(b) theory and practice of ascertaining, correcting, controlling, minimizing and preventing those factors in the environment that can potentially and adversely affect the health of present and future generations.

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

(a) the circumstances referred to in section 4 (3);

(b) unsanitary conditions;

(c) circumstances which make it easier for a communicable disease to spread;

(d) circumstances which make food or drink, including water for domestic consumption, unhygienic or unsafe to eat or drink; and

(e) circumstances which allow vectors to infest any place where they may affect public health;

“environmental health practitioner” means a person appointed as a health officer under Section 80 of the National Health Act , 2003 (Act No. 61 of 2003) and registered with the Health Professions Council of South Africa as an environmental health practitioner.

“escherichia coli” also known as E-coli is a common form of bacteria causing food poisoning.

“the fellmonger” is the only person who can expertly strip the wool from the skin of a sheep and at the same time put it into various grades”.

“fence” includes a fence that is not erected on a boundary;

“free acceleration test” means a method used to determine whether a compressed ignition powered vehicle is being driven in contravention of these by-laws;

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

(a) Designed to burn or capable of burning liquid, gas or solid fuel;

(b) Used to dispose of any material or waste by burning; or

- (c) Used to subject liquid, gas or solid fuel to any process involving the application of heat;

“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 at a health establishment and includes both health care general waste and health care risk waste

“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, 2nd Edition as published by the Department of Water Affairs and Forestry.

“hazardous agricultural waste” means waste generated by agricultural activities that has the potential, even in low concentrations, to have a significant adverse effect on the environment and environmental health because of its inherent toxicological, chemical or physical characteristics;

“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 73 of these ByLaws.

“health nuisance” means a situation, or state of affairs, that endangers life or health or adversely affects the well-being of a person or community as listed in schedule A.

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

"Initiate" means a person who has been admitted in the circumcision or initiation school for the purpose of being circumcised.

"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.

"keeper" means –

- (a) in relation to any animal, the owner of the animal or any other person responsible for feeding and caring for the animal;
- (b) in relation to a battery system cattery, kennels, pet parlour 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 –

- (a) boarding facilities for dogs are provided;
- (b) dogs are bred for commercial purposes;
- (c) dogs are kept for the purposes of being trained or hired out with or without handlers; or
- (d) dogs are kept for commercial security purpose

"Leather dresser" is a leather tanner.

"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;

"livestock" means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry

"living organism" means any biological entity capable of transferring or replicating genetic material, including sterile organisms, viruses and viroids;

"litter" means any object or matter which is discarded by a person in any place except in an approved receptacle provided for that purpose or at a waste handling facility or waste disposal facility;

"medical waste" means waste generated by a hospital, clinic, nursing home, doctor's offices, medical laboratory, research facility, dental practitioner, medical practitioner, and veterinarian and which are infectious or potentially infectious, and includes –

- (a) microbial wastes including wastes including cultures and stocks of infectious wastes and associated biologicals that can cause disease in humans;
- (b) human blood and blood products, including serum, plasma and other blood components;
- (c) pathological wastes of human origin, including tissues, organs and body parts removed during surgery or autopsy;
- (d) contaminated animal wastes including animal carcasses, body parts and bedding which have been exposed to infectious agents during medical research, pharmaceutical testing or production of biologicals;
- (e) isolation wastes associated with animals or human beings known to be infected with highly communicable diseases; and
- (f) contaminated and uncontaminated sharps including hypodermic needles, scalpels and broken glassware;

"municipality" means the Chris Hani District Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these By-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"municipal area" means the area under the jurisdiction of the Council;

"municipal health" means municipal health services as defined in the National Health Act, 2003 (Act No. 61 of 2003) as a list of environmental health functions

"municipal manager" means a person appointed as such by the Council in terms of section 82 of the Local Government: Municipal Structures 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);

“noise nuisance” is defined as any noise that disturbs or impairs or may disturb or impair the convenience or peace of any person.

“non-communicable disease” means a disease or health condition that cannot be contracted from another person, an animal or directly from the environment.

“nuisance” means any injury, harm, damage, inconvenience or annoyance to any person which is caused in any way whatsoever by another person

“nuisance dust” means particles larger than 10 microns.

“nuisance waste” means any injury, harm, damage, inconvenience or annoyance to any person which is caused in any way whatsoever by the improper handling or managing of waste, including but not limited to, the storage, placement, collection, transport or disposal of waste or by littering.

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

“occupier” means any person who occupies any premises or part thereof without regard to the title under which he or she occupies, and includes –

- (a) any person in actual occupation of those premises;
- (b) any person legally entitled to occupy those premises;
- (c) in the case of those premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers tenants whether on the person’s own account or as agent for any person entitled thereto or interested therein;
- (d) any person having the charge or management of those premises, and includes the agent of any such person when the person is absent from the Republic of South Africa or his or her whereabouts are unknown; and
- (e) the owner of those premises;

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

- (a) panel beating or spray painting;
- (b) operating a 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, coke-ovens or salt glazing works;
- (j) sintering of sulphurous materials;
- (k) viscose works;
- (l) 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 metals;
- (m) works for the production of carbon bisulphide, cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, peridine, liquid or gaseous sulphur dioxide or sulphur chlorides;
- (n) works for the production of amyl acetate, aromatic ethers, butyric acid, caramel, enameled wire, glass, hexamine, lampblack, B-naphthol, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride or zinc oxide; or
- (o) the refining or processing of petrol, oil or their products;

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

“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;

“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);

“Overseer” means a person who looks after initiates.

“owner”, in relation to –

- (a) animals or things, conveyances and other movable property, means the person in whom ownership is vested and includes a person who is responsible for the control or management thereof or a person who has such animal or thing, conveyance or movable property in his or her possession, but in the case of game or animals that are not branded in terms of the Animal Identification Act, 2002 (Act No 6 of 2002), or of which the ownership cannot readily be established, the user of the land on which such game or animals are present is deemed to be the owner; and
- (b) land –
 - (i) means the person in whose name that land is registered;
 - (ii) that has been purchased by a person but has not yet been registered in his or her name, means such purchaser;
 - (iii) that is subject to a usufruct, means the usufructuary; and
 - (iv) of which the owner or purchaser is a minor, mentally disabled person, insolvent or is otherwise incompetent in law to administer his or her estate, or is deceased, or is a body corporate under judicial management or

liquidation, means the agent or legal representative of such owner or purchaser or another person authorised by law to administer his or her affairs or, in the case of a body corporate, the judicial manager or liquidator concerned; who is not occupying the premises but is entitled to do so; or who manages the premises or a business on the premises on behalf of a person referred to in paragraph (a), (b) or (c);

"person" means a natural and legal person, including but not limited to an association of persons, a partnership, and a company;

"pest" means any animal or mammal which may create an environmental health hazard or health nuisance if it is present in significant numbers and without limitation, includes rats, mice, flies, mosquitoes, bed bugs, fleas, lice, termites and cockroaches;

"pet parlour" means an establishment where pets are groomed;

"pet shop" means an establishment where pets are kept for trading purposes;

"potable water" means water that complies with the requirements set out in SANS 241: Water for Domestic Supplies;

"Police Officer" means any person appointed by the South African Police Service or the Municipality as a police or peace officer.

"poultry" means a fowl such as a chicken, turkey, goose, duck, muscovy-duck, bantam-fowl and guinea fowl, whether domesticated or not, including the young of such poultry;

"premises" means –

- (a) land or a portion of land, whether or not a building or structure has been constructed or erected on the land or portion of land; or
- (b) a building or structure and the land on which it is situated;

"pre-school institution" means any undertaking or institution, whether for profit or otherwise, 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 or institution thereon as the case may be;

“prescribed fee” means a fee determined by the Council by resolution in terms of section 75A of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000)

“proclaimed township” means any land unit zoned and utilised for residential purposes
“proprietor”, “landlord or landlady” means the person who owns or operates an accommodation establishment;

“public gathering” means a gathering of people including but not limited to

- (a) music concerts
- (b) sport gatherings
- (c) inaugurations
- (d) international and national conventions and conferences

“public health” means the mental, physical and social health and well-being of people in the municipal area;

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

“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 Council 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;

“Sub-district Manager” is manager in a sub-district area previously referred to as a Local Service Area Manager or LSA by the Department of Health;

“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;

“Rationalisation of Local Government Affairs Act” means the Gauteng Rationalisation of Local Government Affairs Act, 1998 (Act No. 10 of 1998);

"regulations" means the Regulations Governing General Hygiene Requirements for Food Premises, Transport of Food and Related Matters, made in terms the National Health Act, 61 (Act 61 of 2003) as amended;

"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 or Municipality.

"salon" means a place where any one or more of the services or activities contemplated in the definition of "barber, hairdresser or beautician" are normally carried on;

"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.

"smoke" means the gases, particulate matter and products 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;

"special events" means events of national interest as well as international events....

"spillkits" are cleaning apparatus for (medical) liquid waste.

"spabath" 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;

"spabath keeper" means any person who owns or controls the operation of a spabath;

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

“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 swimming pool.

“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.

“user”, in relation to land, means –

- (a) any person who has a personal or real right in respect of land in his or her capacity as fiduciary, fideicommissary, servitude holder, possessor, lessee or occupier, irrespective of whether or not he or she resides thereon; and
- (b) any other person who is generally recognised as having a right of tenure on the land concerned;

“vector” means organism that does not cause disease itself but which transmits infection by conveying pathogens from one host to another.

“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.

“veterinary surgeon” means any person who is registered to practise in the veterinary profession in terms of section 1 of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982).

“waste” means any undesirable or superfluous matter, material, by-product or residue of any process or activity that has been discarded, accumulated or stored for the purpose of treatment, discarding or recycling and may be liquid or solid, may include products that contain a gaseous component and may originate from domestic, commercial, medical or industrial activities, but does not include any gas or gaseous product which may be regulated by national or eastern cape provincial legislation;

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CHAPTER 2

ENVIRONMENTAL HEALTH PRINCIPLES

2. Everyone:

- 1) has a constitutional right to an environment that is not harmful to his or her health or well-being.
- 2) has a right to have access to sufficient water, and the Council has a constitutional duty to strive, within its financial and administrative capacity, to promote a safe and healthy environment.
- 3) has a duty, at all times, to eliminate risk of an environmental health hazard occurring, continuing or recurring by reducing it to a level acceptable to the Council.
- 4) who owns or occupies premises in the municipal area must ensure that they are used for and maintained in a manner that ensures that no environmental health hazard or health nuisance occurs on the premises.
- 5) 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 Council; and
 - b) shall bear the costs of taking those measures and of any reasonable costs incurred by the Council in the event that it ensures that the risk is eliminated or reduced to an acceptable level.
- 6) The Council must regulate all activities and administer all matters for which it is legally responsible in a manner that –
 - a) avoids creating an environmental health hazard or an environmental health nuisance;

- b) does not make it easier for any human or animal disease to spread; does not give rise to unsanitary or unhygienic conditions;
- c) prevents unsafe food or drink from being eaten or drunk; avoids creating conditions favourable for infestation by pests; or
- d) wherever reasonably possible, improves public health in the municipal area.

7) In dealing with matters affecting public health the Council must –

- a) adopt a cautious and risk-averse approach;
- b) prioritise the collective interests of the people of the municipal area, and of South Africa, over the interests of any specific 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 non-discriminatory 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, minimise any adverse effects on other living organisms and ecosystems.

3. Application of principles:

- 1) The environmental 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 By-laws;
 - 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 municipal 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.

4. Environmental health hazard and environmental health nuisance:

- 1) An environmental health hazard exists or occurs if any of the following occurs on land or premises:

- a) A water pool, ditch, gutter, dung pit or heap is so foul or in such a state or so situated or constructed to be offensive or to be injurious or dangerous to health;
 - b) an accumulation of waste or other matter which is offensive or injurious or dangerous to health occurs;
 - c) a building, structure, enclosure or runway is –
 - i. so constructed, situated, used or kept as to be offensive or injurious or dangerous to health;
 - ii. not kept in a clean state and free from offensive smells or effluvia rising from whatever source therefrom;
 - iii. kept or permitted to remain in an unsanitary state as to be offensive or injurious or dangerous to health; or
 - iv. infested with pests or vermin or in a state that is conducive to the breeding of pests or vermin;
 - d) conditions exist that are conducive and contributive to the spread of a contagious and communicable disease;
 - e) organic matter is being used or kept in a manner that attracts vector, vermin, or pests such as, but not limited to rats, mice, flies and mosquitoes;
 - f) unsanitary conditions occur in any part of the land or premises;
 - g) any water supply for domestic consumption is unsafe for human consumption;
 - h) a building, structure, enclosure or runway is erected without first removing or decontaminating in an approved manner, any faecal, animal or vegetable waste disposed of on the land or premises; or
 - i) a building or structure is demolished without first eradicating all vermin;
 - j) a dwelling is occupied for which no proper and sufficient supply of pure water is available within 200 meters;
 - k) a dwelling is occupied for which no proper toilet facilities are available;
 - l) a dwelling is occupied which is not properly ventilated.
- 2) In addition to the instances stipulated in subsection (1), an environmental health hazard exists or occurs if any factory or industrial or business premises –
- a) is not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gases, vapours, dust or other impurities generated;

- b) is so overcrowded, badly lighted or ventilated as to be injurious or dangerous to the health of those employed therein or thereon; or
 - c) cause or give rise to smells or effluvia which are injurious or dangerous to health.
- 3) An environmental health nuisance, whether or not occurring or arising from an environmental health hazard, exists if –
- a) a building, structure, enclosure or runway on land or premises is aesthetically offensive;
 - b) an obnoxious smell, pests, vermin, vector, dust, ash, grit, soot, smoke or noise from whatever source emanate from land or premises;
 - c) any part of land or premises is kept or permitted to remain in such a state as to be offensive; or
 - d) any other activity, condition declared to be an environmental nuisance under any law exists or occurs on or emanates from land or premises.

5. Prohibition on creation, existence or occurrence of environmental health hazard or environmental health nuisance:

- 1) No person may, in any area under the jurisdiction of the municipality –
- a) create an environmental health hazard or an environmental health nuisance;
 - b) perform any act which may cause an environmental health hazard or an environmental health nuisance;
 - c) organise, allow or permit an activity, event or function in or on land or premises, or use, cause, allow or permit to be used land or premises for a purpose which by its nature or otherwise or by reason of its consequences creates or is likely to create an environmental health hazard or an environmental health nuisance;
 - d) unless he or she is authorised or permitted by law to do so or does so with the written permission of the municipality and in accordance with any conditions imposed by the municipality –
 - i. in a public place activate, handle or use any material, object or thing which is likely to cause an environmental health hazard or an environmental health nuisance;

- ii. introduce into or handle in a public place any material, object or thing or any liquid or solid substance which by its nature or by reason of the manner of its introduction or handling creates an environmental health hazard or an environmental health nuisance;
- e) defecate or urinate in a public place except in a facility which is provided by or on behalf of the municipality for the purpose;
- f) spit in a public place;
- g) do work on any premises or use any building or land for purposes calculated to disfigure such premises or to interfere with the convenience or comfort of other people or to become a source of danger to any person;
- h) carry on any premises in the municipal area any trade, business, profession or hobby which is a source or become a source of discomfort or annoyance to other people;
- i) deposit, leave, spill, drop or place any fruit or vegetable peels, broken bottles, glass, refuse or thing which is offensive or likely to cause annoyance, danger or injury to persons in or upon any premises, street or public place;
- j) allow any building or structure or any portion thereof on any premises to fall into a dilapidated, neglected or unsightly state, or fail to maintain the roof-water disposal system, pipes, sewers, drains, water fittings, waste water fittings, water closet fittings and all other appurtenances forming part of or attached to any building or structure in good and sound repair, or fail to maintain the walls of any building or structure free from dampness;
- k) use or cause or permit to be used a stoep or veranda of a shop or business premises or vacant land adjoining such shop or business premises for the purpose of storing, stacking, dumping, disposing, displaying or keeping articles or merchandise;
- l) use or cause or permit any shop or business premises or vacant land adjoining such shop or business premises or any portion thereof which is open or visible to the public for the purpose of storing, stacking, dumping, disposing, or keeping any waste material, refuse, cartons, crates, containers or other articles of a like nature;
- m) defoul, misuse or damage a toilet provided in a public building or public place;

- n) cause or allow the disturbance of the ordinary comfort, convenience, peace or quiet of other people by the utilisation or use of electrical appliances, machinery, malfunctioning air conditioning units or similar appliances or equipment.
 - o) carry, convey, or cause or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become offensive or dangerous or injurious to health, unless such objectionable material or thing is covered with a suitable material to prevent the creation of any environmental health hazard or environmental health nuisance;
 - p) accumulate, dump, store or deposit any waste material in any street, public place or built-up or vacant premises or land;
 - q) by an action directly or indirectly or by negligence allow that [a] an environmental health hazard or environmental health nuisance be created or continued.
 - r) bathe or wash himself or any animal or article or clothing or any other article or thing in any public stream, pool or water trough or at any public hydrant or fountain or at any place which has not been set aside by the municipality for any purpose; or
 - s) cleanse or wash any vehicle or part in any street or public place.
 - t) use any chemical in such a way that it could cause injury, ill-health or death to human beings.
 - u) dispose any chemical in such a way as to have a detrimental effect on the environment.
- 2) A person who contravenes a provision of subsection (1) commits an offence.

6. Duty to eliminate or reduce environmental health hazard or environmental health nuisance:

- 1) The owner, occupier or user of land or premises must –
- a) ensure that an environmental health hazard or an environmental health nuisance does not exist or occur on his or her land or premises; and
 - b) within 24 hours of becoming aware of the existence of an environmental health hazard or environmental health nuisance on the land or premises, eliminate the environmental health hazard or environmental health nuisance, or if he or

she is unable to eliminate the environmental health hazard or environmental health nuisance –

- i. take steps to reduce the risk to environmental health; and
- ii. report the existence of the environmental health hazard or environmental health nuisance to the environmental health practitioner.

2) For the purposes of subsection 1), the owner, occupier or user of land or premises must, for the purpose of eliminating or reducing the quantity of –

a) flies, use fly-traps; or any other appliance that will reduce or eliminate flies mosquitoes –

- i. drain accumulated water at least once every seven days;
- ii. cover accumulated water with oil;
- iii. in the case of wells, provide a mosquito-proof cover and a pump;
- iv. fit tanks, barrels and similar containers in which mosquitoes may breed with mosquito-proof covers or mosquito wire gauze screens in a manner that prevents mosquitoes gaining access to water contained in them; and
- v. regularly clear clogged or sagging gutters and down pipes so that stagnant water cannot accumulate in them; and

b) vermin, use mouse traps or vermin poison.

3) The owner, occupier or user of land or premises –

- a) must adequately protect a well, hole, pit, reservoir, pond or excavation thereon containing or capable of containing at any point water to a depth of more than 300 mm so as to prevent access thereto by a child under the age of 4 years;
- b) must ensure that every well, hole, pit, reservoir, pond or excavation thereon is not filled in a way, or with any material, that may cause an adjacent well, borehole or underground water source to be polluted or contaminated to an extent that may create an environmental health hazard or an environmental health nuisance; and

- c) may not allow the fencing of any premises to fall into a state of disrepair or to become unsightly or dilapidated.
 - (b) For the purpose of subsection (2)(a)(i), “adequately protect” means to provide a fence or wall or covering, which wall or fence may be not less than 1,25 metre in height and must be so situated and constructed as to be impenetrable to a child under the age of 4 years, and a gate to such enclosure must be fitted with a self-closing device and a latch inaccessible to such a child from the outside, and which covering must be so secured and constructed as to be impenetrable to a child under the age of 4 years.
 - (c) Despite the provisions of paragraph (b), the municipality may permit the use of other effective means of protection.
 - (d) Should any hole, well, pit, excavation, pond, or reservoir contemplated in subsection (2), be unprotected or inadequately protected, the municipality may serve a notice of compliance on the owner, occupier or user requiring him or her adequately to protect or fill in such hole, well, pit, excavation, pond or reservoir within a period specified in the notice not being less than 14 days.
- 4) The occupier of premises which is a factory or in or on which there is carried on any business, occupation or trade, must at all times –
- (i) while any activity is being carried on the premises;
 - (ii) while the premises are open for business;
 - (iii) while the occupation or trade is being carried on; or
 - (iv) during business hours,

whichever is applicable, keep any sidewalk or verge which abuts or adjoins the premises, including the gutter and kerb, free of litter and keep the same in a clean and satisfactory state and to this end remove all litter there from.

The occupier must cause all litter removed to be placed in refuse receptacles provided by or on behalf of the municipality to be disposed of in a municipal landfill site

- 5) The owner, occupier or user of land or premises who contravenes a provision of subsection (1) or (2)(a) or (b) or the occupier who contravenes a provision of subsection (3) commits an offence.

7. Duty to report environmental health hazards:

- 1) Any person who knows of an environmental health hazard on any premises, must within 24 hours of becoming aware of its existence –
 - a) eliminate the environmental 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 environmental health hazard to the Council.

CHAPTER 3

POTENTIALLY HAZARDOUS USES OF PREMISES AND ENFORCEMENT

Part 1: Potentially Hazardous Uses

8. Duty to list potentially hazardous uses

- 1) 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 being taken to avoid the risk or to reduce it to an acceptable level, the Municipality must list the activity concerned in Section 5 of Chapter 2 and must prescribe measures that must be taken to avoid the risk or reduce it to a level acceptable to the Municipality.

9. Scheduled Uses

- 1) Any person who uses premises in a manner or for a purpose listed in Schedule 1 must comply with every provision specified in the Chapters of these Bylaws relating to that use, unless that person has been granted an exemption in terms of section 10 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 1, must obtain a permit in terms of Section 11 before commencing that use and must comply with the terms and conditions of that permit.

10. Exemption Certificates

- 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 11 for an exemption certificate.

- 2) The Municipality 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.

11. Public Health Permits

- 1) Any person who wants to undertake a Scheduled use that is listed in Part A of Schedule 1, must apply to the Municipality's Department responsible for Environmental Health in accordance with Section 10 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 Bylaws.

12. Approval of measures, object and materials

- 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.

13. Application procedure

- 1) Any person who wants to obtain an exemption certificated or a permit must apply to the Municipality's Department responsible for Environmental Health 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 within 14 days.
- 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.

14. General terms applicable to certificates and permits

- 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

- 3) 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.
- 4) 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.

15. Suspension, cancellation and amendment of exemption certificates and permits

- 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 or permit being cancelled or suspended.
- 2) An Environmental Health Practitioner may suspend or cancel an exemption certificate or permit with immediate effect
 - a) If 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) If 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

FOOD CONTROL

16. Certificate of acceptability:

- 1) No person shall handle food or permit food to be handled on food premises in respect of which a valid certificate of acceptability has not been issued or is not in force according to Foodstuffs, Cosmetic and Disinfectants Act, 1972 (Act No.54 of 1972)
- 2) A certificate of acceptability must be displayed in a conspicuous place on the food premises in respect of which it was issued for the information of the public or where the display of the certificate is impractical, a copy of the certificate must immediately be made available, on request
- 3) If the person in charge of food premises is replaced by another person, the person in charge must inform the local authority, in writing, of the replacement within 30 days after the date of the replacement and the local authority must, subject to the provisions of regulation 4(2), issue a new certificate of acceptability in the name of the new person in charge.

17. PROHIBITION ON THE HANDLING AND TRANSPORTATION OF FOOD

- 1) If an inspector, following an inspection of food premises or a facility, is of the opinion that the premises or facility or any activity constitute a health hazard and that the continued use of the food premises or facility or the activity must be prohibited because –
 - a) of the condition of the food premises or facility;
 - b) of the manner in which the food premises or facility are used;
 - c) The food premises or facility do or does not comply with these Regulations;
 - d) of the manner in which a particular activity takes place with regard to the handling of food: or of the circumstances that exist with regard to the food premises or facility or any other activity,
 - e) the local authority 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 issuing a written prohibition order on a form that is in the Annexure 7 of Regulations to the person in charge or, if he or she is not available, his or her representative, informing that person of the prohibition and the reason for the prohibition.
 - f) A prohibition comes into operation from the time and the date on which a prohibition order is served
 - g) A person is guilty of an offence if he or she performs an act that is contrary to a prohibition order.
 - h) The person in charge or his or her representative, upon whom a prohibition order was served, may, after rectifying the conditions which led to the issuing of a prohibition order, in writing, request the removal of the prohibition order.

- i) An inspector must, **within 72 working hours** of receiving a written request for the removal of a prohibition order, carry out an investigation of the food premises, facility, activity or circumstance which gave rise to the prohibition.

18. DUTIES OF PERSON IN CHARGE OF FOOD PREMISES

A person in charge of food premises must ensure that -

- a) Wastewater on the food premises is disposed of to the satisfaction of the relevant
- b) local authority.e.g Urine kept 2L bottles and also wastewater must not be kept or stored on 20/25 L.
- c) 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 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.
- d) A person handling non -prepacked food does not wear jewellery, other items or
- e) adornment that may come into contact with the food, unless it is suitably covered;
- f) An animal, subject to the provisions of any law, is not kept or permitted in a room or area where food is handled, except that-
- g) a guide or service dog accompanying a person with a disability may be permitted in the sales or serving area of the food premises;
- h) fish, molluscs or crustaceans may be kept alive until prepared for consumption:

19. DUTIES OF A FOOD HANDLER

- 1) Food, a facility or a container must not be handled by a person whose hands or clothes are not clean e.g Sleep wear not allowed and whose fingernails are not short, trimmed, clean and free from any adornment: e.g make-up, eye lashes and manicure or artificial nails not allowed.
- 2) Food, a facility or a container must not be handled by a person who has not washed his or her hands thoroughly with soap and water or cleaned them in another effective manner-
 - a) immediately prior to the commencement of each work shift;
 - b) at the beginning of the day's work or after a rest period;
 - c) after every visit to a latrine or urinal;
 - d) every time he or she has blown his or her nose or after his or her
 - e) hands have been in contact with perspiration or with his or her hair,nose or mouth:
 - f) after handling a handkerchief, money or a refuse container or refuse;
 - g) after handling raw vegetables, fruit. eggs, meat or fish and before handling ready -to -use food
 - h) After he or she has smoked or used tobacco in any form or on return to the food premises:
 - i) After handling a non -prepacked foodstuff classified as a common allergen where the contamination can result in the cross contamination of other food not associated with common allergens; or

- 3) after his or her hands have become soiled or contaminated for any other reason.
- 4) Food, a facility or a container may not be handled by a person -
 - a) who has on his or her body a suppurating abscess or a sore, a cut or an abrasion, including other infected skin lesions, unless covered with a moisture proof dressing which is firmly secured to prevent contamination of the food;
 - b) who has reported or who is suspected of suffering from or being a carrier of a disease or condition in its contagious stage likely to be transmitted through food, which includes jaundice, diarrhoea, vomiting, fever, sore throat with fever and discharges from the ear, eye or nose;
 - c) a person referred to in subparagraph (i) may only resume handling food, a facility or a container if the person submits a certificate by a medical practitioner stating that the person is fit to handle food;
 - d) whose hands or clothing are not clean.
- 5) A person may not-
 - 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 -prepacked food or while he or she is in an area where the food is handled;
 - c) handle non -prepacked 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 -prepacked food or material for the wrapping of food;
 - e) cough or sneeze over non -prepacked 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, on containers, on food -processing surfaces or other facilities;
 - h) use a hand washbasin for the cleaning of facilities or while he or she is handling food, perform any act other than those referred to above, which may contaminate or spoil food.

20. REQUIREMENTS FOR THE HANDLING AND TRANSPORTATION OF MEAT AND MEAT PRODUCTS

- 1) A person may not, on food premises, handle meat derived from an animal slaughtered in contravention of the Meat Safety Act, 2000 (Act No. 40 of 2000). No person may slaughter any animal at any place than an abattoir,
- 2) Section 7 of the Meat Safety Act, 2000) Permit the slaughter of any animal at any place under his or her control unless the place is an abattoir.
- 3) The above does not apply to slaughter for own consumption or for cultural or religious purposes.
- 4) No meat or animal product obtained from an animal slaughtered may be sold to any person.
- 5) The following conditions apply when a person transports meat and meat products:

- a) A person may only transport meat and meat products in a suitable vehicle which is provided for the exclusive use of the transportation and delivery of meat or meat products.
- b) The vehicle is kept at all times in a clean condition; and is further so maintained that the meat and meat products transported or delivered therein, are not contaminated by flies, dust, filth, impurity or any other injurious matter or thing.
- c) The compartment of a vehicle used for the transportation of meat and meat products from an abattoir to a food premises where the meat and meat products are to be processed further, or to be sold to the public, must be lined with a suitable impervious jointless material which must be capable of being cleaned and where necessary disinfected easily, and must further be so contrived that-
- d) the carcass or parts thereof must hang from a crossbeam with stainless steel hooks fitted at such a height that, if suspended there from, no part of a carcass touches the floor of the vehicle;
- e) Meat is at all times properly protected from dust and flies;
- f) no tarpaulins or cloths are allowed in or on the vehicle.
- g) vehicle must be furnished with a material with a tight-fitting lid in which meat products of animals slaughtered at the abattoir may be transported.

21. TRANSPORTATION OF FOOD

- 1) 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 must 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, before the freight compartment, no square centimeter of the said surface must, upon analysis as contemplated in regulation 6(4)(b)(i), contain more than 100 viable micro-organisms
- 2) Must be dustproof
- 3) Must not be used simultaneously for the transport of persons or any other item that may contaminate the food.
- 4) non-prepacked food may not be transported in such a manner that it comes into contact with the floor of a vehicle, the floor covering of the vehicle or a surface of the vehicle that can be walked on or with anything else that may pollute the food; or transported or carried in such a manner that the food may be spoiled or contaminated in any way.

22. STANDARDS AND REQUIREMENTS FOR PROTECTIVE CLOTHING

- 1) A person may not handle or be allowed to handle food without wearing suitable protective clothing as specified below
- 2) The protective clothing, including head and other coverings and footwear, of a person handling food that is not packed so that the food may not be contaminated must-
- 3) be clean and neat when the person begins to handle the food:

- 4) at all times during the handling of the food, be in such a clean condition and be of such design and material that it cannot contaminate the food,
- 5) Protective Clothing be so designed that the food cannot come into direct contact with any part of the body, excluding the hands.
- 6) Visitors and Shop owners to food premises must, where applicable, wear suitable protective clothing.

23. REQUIREMENTS FOR THE DISPLAY, STORAGE AND TEMPERATURE OF FOOD

- 1) Food that is displayed or stored must not be in direct contact with a floor, ceiling, wall or any ground surface.
- 2) A shelf or display case used for displaying or storing food or any container must be kept clean and free from dust or any other impurity.
- 3) Non-prepacked, ready -to- consume food, including food served as meals and displayed in an open container, must be protected in accordance with the best available method, against droplet contamination or contamination by insects, dust or bare hands.

24. STANDARDS AND REQUIREMENTS FOR FACILITIES ON FOOD PREMISES

- 1) The surface of a 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, must be made of smooth, rust -proof, non -toxic and non -absorbent material that is free of open joints or seams but wooden chopping blocks, cutting boards and utensils are not prohibited if such items are kept in such a condition that dirt does not accumulate thereon or therein and are maintained as such.
- 2) A surface referred to in the above sentence and crockery, cutlery, utensils, basins or any other such items or facilities, must not be used for the handling of food if they are not clean or if they are chipped, split or cracked.
- 3) A utensil or item which is suitable for single use only must be stored under clean and hygienic conditions until used: and must not be used more than once.

25. STANDARDS AND REQUIREMENTS FOR FOOD PREMISES

Food premises must meet the following requirements:

- 1) The 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 must -
- 2) Not have open joints or open seams and must be made of smooth, rust -free, non-toxic, cleanable and non -absorbent material that is dust -proof and water -resistant. but in a food -serving or storage area the following may be used:
- 3) face brick;
- 4) similar walls, the joints of which, are formed properly or are so formed and finished that they are easy to clean; or decorative wall or ceiling finishes which are easy to clean.

- 5) Food premises must be ventilated effectively by means of natural ventilation through openings or openable sections which are directly connected to the outside air and so positioned in the external walls or roof that effective cross ventilation is possible: Provided that the openings must have a surface area equal to at least 5% of the floor area of the room concerned.
- 6) Ventilation effectively remove pollutants and stale air from the food premises.

26. FOOD QUALITY REQUIREMENTS:

- 1) No person shall provide food for sale for human consumption that is not safe, wholesome and fit for human consumption and conforms to safety, nutrition and quality requirements.
- 2) All food intended for human consumption must comply with the standards as stipulated in the Foodstuffs, Cosmetic and Disinfectants Act, 1972 (Act No.54 of 1972)
- 3) Expired, best before and sell-by dates foodstuffs that is sold for human consumption beyond stipulated date on the product will be condemned and disposed of by an EHP
- 4) No person shall display foodstuffs outside food premises for the purposes of advertising
- 5) No person shall utilize food premises for sleeping, washing, cleaning or ironing of clothing or similar laundry, any other purposes or in any manner that may contaminate food therein or thereon
- 6) No person shall sell dairy or dairy products on the street
- 7) No person shall smoke in a room or an area in which food is handled
- 8) No person shall sell meat or meat products in an undesignated area

27. TRANSPORTATION OF FOOD:

No person shall transport food in any part of a vehicle:

- 1) Unless that part of a vehicle is clean and has been cleaned to such an extent that chemical contamination of the food is prevented;
- 2) together with
 - a) contaminated food or waste food,
 - b) poison or any harmful substance;
 - c) a live animal; or
 - d) Any object that may contaminate or spoil the food

28. Labelling of Foodstuffs:

- (1) All food intended for human consumption must be honestly and accurately Labelled.
- (2) No person shall erase or temper with the best before date, expiry date or sell by date displayed on labelling of foodstuffs products

CHAPTER 5**DISPOSAL OF THE DEAD****29. 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.

30. 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****31. Issue of a Certificate of Competence**

- (1) 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 sub -section (b) below.
 - (a) 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.

32. Application for the issue or transfer of a Certificate of Competence

- (1) 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 in Annexure 6 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.

CONTINUES ON PAGE 258 OF BOOK 3

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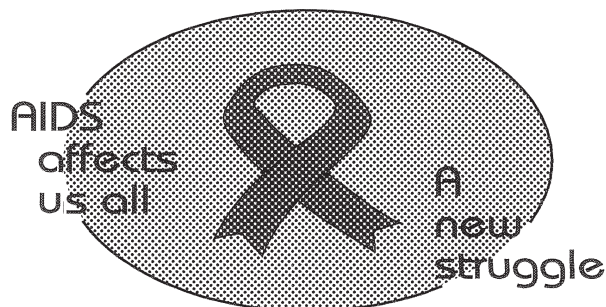
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- (6) No municipality shall consider any application for the issue or transfer of a certificate of competence unless a complete inspection of the premises concerned has been carried out by an Environmental Health Practitioner employed by the relevant municipality and his/her report including recommendation on such inspection, is available to the municipality.

33. 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-

- 1) comply with all requirements laid down in these By Laws;
- 2) are in all respect suitable for the preparation of corpses;and
- 3) 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.

34. 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.

35. Issue of provisional certificate of competence

- (1) If the municipality is not satisfied as contemplated in section 217, 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

- (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.these By Laws provided that the use of such funeral undertaker's premises or mortuary does not and will not create a nuisance.

- (3) Any such extension in sub-section 2 above will be granted for a period of not more than 12 months.

36. 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.

37. 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.
- a) 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.
 - b) Any funeral undertaker who fails to comply with the notice served on him/her in terms of these bylaws is guilty of an offence.
 - c) 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.

38. 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 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^2 for the first table of the kind referred to in paragraph (e) and 8m^2 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 5⁰ C within three hours of its being received on the premises and no higher than 15⁰ 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 gulley 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.

39. 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;
- (f) 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

40. 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.

41. Disposal of mortal remains by cremation

- 1) Mortal remains shall only be cremated in a crematorium
- 2) A crematorium shall be authorized in terms of the National Environmental Management Regulations, 2010 as amended with regards to environmental authorization;

42. 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.

43. 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).

44. 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.

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

- 1) Any person who intends to exhume a body or body ashes and reburial of human remains shall comply with the these bylaws or any other relevant legislation.

Part 4:**Exhumation and Reburials of Human Remains****46. 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 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 (1).

47. 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 may be 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:
 - g) 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;
 - i. an adequate supply of water, soap and disinfectants for cleansing shall be available at the grave for cleansing of persons handling the mortal remains;
 - ii. the correct grave is re-opened;
 - iii. 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;

- iv. 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;
- v. human remains exhumed and all pieces of the original coffin are placed in the new coffin;
- vi. a new coffin is properly sealed and identified;
- vii. the health and safety of the workers is maintained by use of protective equipment;
- viii. 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.
- ix. All used disposable protecting clothing to be placed into refuse bags and the disposal of such must be done in an approved manner.

48. 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

49. 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.

50. Conveyance of remains on public transportation

- 1) No person shall convey any mortal remains in any manner other than the manner prescribed in section 49
 - 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

51. 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.

52. 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.

53. 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.

54. Burial

- 1) 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.
- 2) All objects, clothes, and other material that might have been in contact with the deceased must be tested for contamination.
- 3) The body of a radioactive cadaver shall be marked with a radiation symbol.

CHAPTER 6

CHILD-CARE SERVICE

55. PERMIT REQUIREMENT

- 1) No person may provide a child-care service except on child-care premises which comply with the requirements of sections 58 to 64 and who is in possession of a permit issued by the council. such certificate shall state:
 - a) Details of certificate holder
 - b) Physical address of the premises
 - c) The number and both minimum and maximum age of the children permitted to be kept on such premises.
 - d) The hours during which such childcare institution may operate.
 - e) Prohibitions placed on the premise
 - f) Validity period

- 2) 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.
- 3) Health Certificate may not be transferred for one person to another or from one premises to another.
- 4) The health certificate must be renewed by an EHP
 - a) Anually
 - b) Incase of change of ownership
 - c) In the case of renovation .additions to the premises
- 5) If the services move from one premise to another

56. GENERAL REQUIREMENTS FOR CHILD-CARE PREMISES

- 1) A child-care service may only be provided in or on premises which are located, designed, constructed, finished, equipped and in such a condition that children –
 - a) can be cared for hygienically; and
 - b) can be adequately protected against any possible public health hazard and public health nuisance.

57. INDOOR PLAY AREAS

- 1) Child-care premises on which children under compulsory school-going age are cared for, must be provided with an indoor play area which must –
 - a) be enclosed by buildings and structures constructed of materials and in a manner that ensures the health and safety of children using that area;
 - b) have a floor which is smooth, easily washable and which prevents the permeation of dampness;
 - c) have a play area with a minimum of 1,5 m² free unobstructed floor space per child, or 3 m² if no outdoor play area is provided, and which is divided by walls or removable partitions into separate indoor play areas in which children of the following age groups are cared for separately at all times:
 - i. 0-2 years;
 - ii. 2-4 years; and
 - iii. 4 years up to compulsory school-going age.

58. OUTDOOR PLAY AREAS

- 1) If child-care premises have an outdoor play area it must –
 - a) be free of any excavations, steps, projections, levels or any surface which may adversely impact on the health and safety of children using that area;
 - b) provide a minimum outdoor play area of 2 m² per child;
 - c) have an adequate means of enclosure and a lockable gate to prevent a child leaving the premises on his or her own and to prevent the entrance of any animal and unauthorised person; and

59. TOILET AND WASH FACILITIES

- 1) Child-care premises must have adequate toilet and wash facilities for all children with -
 - a) a ratio of not more than 15 children for each toilet or chemical toilet;
 - b) a ratio of not more than 20 children for each hand wash facility; and
 - c) a supply of hot and cold running potable water must be available at every wash-hand basin, or if no running water is available, a minimum of 25 litres of potable water, stored in a hygienically clean container with a tap, must be available on the premises at all times.

60. TOILET AND WASH FACILITIES FOR CHILDREN UNDER THE AGE OF 2 YEARS

- 1) Child-care premises must provide the following additional toilet and wash facilities for children under the age of 2 years:
 - a) a separate napkin changing unit for changing the napkins of children under the age of 2 years;
 - b) adequate wash facilities to clean children wearing napkins;
 - c) adequate containers for the storage of clean and soiled napkins.

61. GENERAL REQUIREMENTS

- 1) No person may provide a child-care service unless the child-care premises comply with the following additional requirements:
 - a) separate toilet and hand wash facilities must be provided for staff members;
 - b) no child may, at any time, have access to living quarters of staff and adequate measures must be taken to keep the living quarters separate;
 - c) an adequate sick-bay area for the treatment and care of any child who falls ill or who is injured during day care, must be provided;
 - d) an adequate method for hand washing must be provided in the sick-bay area;
 - e) an approved lockable and adequately equipped first aid unit must be provided and maintained in the sick-bay area;
 - f) an adequate office area must be provided;
 - g) an adequate kitchen area, where food is to be handled, prepared, stored and provided to children, must be provided;
 - h) the kitchen area referred to in paragraph
 - i) must comply with any relevant law;
 - j) a separate storage area of adequate size must be provided for the storage of indoor and outdoor play materials, equipment, stretchers, sleeping mats, bedding and linen; and
 - k) a separate designated storage facility of adequate size for the storage of the personal belongings of each child and staff member must be provided.

62. RESTING AND PLAY EQUIPMENT

- 1) Any person who provides a child-care service must provide –
 - a) adequate child-sized seating and tables for each child;
 - b) adequate individual resting or sleeping places for each child;

- c) an approved blanket for the individual use of each child; and
- d) adequate indoor and outdoor play equipment for the children's use.

63. AFTER-SCHOOL FACILITIES

- 1) Any person who provides a child-care service for children of school-going age must provide the following after-school care facilities:
 - a) if an after-school care is provided on the same premises as for the care of children under school going age, the facilities for the two groups of children must be kept totally separate, except for the kitchen and office area;
 - b) an indoor care area of at least 1,5 m² free floor space for each child must be provided;
 - c) an outdoor play area of at least 2 m² for each child must be provided; (d) one toilet and one hand-wash facility must be provided for every 20 children, or part of that number, and the facilities must be separately designated for the use of each sex; and
 - d) adequate seating and tables must be provided for each child.

64. MEDICAL CARE FOR CHILDREN

- 1) Any person who provides a child-care service or is in charge of child-care premises must –
 - a) in respect of any child who becomes ill or has suffered an injury requiring medical attention -
 - i. immediately notify the parent or guardian of the child;
 - ii. immediately call for medical assistance; and
 - iii. provide necessary care and treatment in the sick-bay area required in terms of section 59(c);
 - b) immediately notify the Council in the event of the illness being a communicable disease;
 - c) ensure that every child has completed basic immunization schedules as considered necessary by the Council;
 - d) be trained in basic first aid; and
 - e) only administer medicine to a child with the written consent of that child's parent or guardian.

65. SAFETY MEASURES

- 1) No person may provide a child-care service unless the following safety measures are complied with:
 - a) children must be adequately protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other article, thing or substance that may be dangerous or cause injury 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, must be a minimum of 75 mm apart, must be installed and maintained in a good state of repair, and if painted, only non-toxic paint must be used;
 - c) all medicines, pesticides, detergents and other harmful substances must be stored in a locked place inaccessible to any child at all times;

- d) no noxious or poisonous or dangerous plant or shrub may be permitted on the premises;
- e) no animals or birds may be kept on the premises;
- f) no person known or suspected to be suffering from an infectious or contagious disease, and no person so suffering, may be allowed on the premises while, in the opinion of an environmental health practitioner, the person is capable of communicating the infectious or contagious disease to the children;
- g) no paddling pool, swimming pool or other structure may be permitted in any child-care service without adequate fencing and a safety net;
- h) any sandpit must be adequately covered when not in use and must be treated with a treatment agent on a regular basis; and
- i) any other reasonable measures which may, in the opinion of an environmental health officer, be necessary to protect the children from any physical danger, must be taken by the child-care service provider on the instruction of an environmental health practitioner.

66. GENERAL DUTIES OF A CHILD-CARE SERVICE PROVIDER

- 1) Any person who provides a child-care service must -
 - a) ensure that the children are properly cared for and supervised at all times;
 - b) maintain every part of the premises, including any equipment, in good repair and in a clean and hygienic condition at all times;
 - c) ensure that all persons on or in the premises are clean in person and clothing and are in good state of health;
 - d) ensure that no person smokes or uses any tobacco product in the presence of children;
 - e) ensure that the toys, books and other indoor play materials intended for day-to-day use are available in any indoor play area and suitably stored so that they are within easy reach of the children;
 - f) ensure that the children are at all times under the direct supervision of an adult in the following ratio:
 - i. one adult supervisor for every 6 babies between 0-6 months;
 - ii. one adult supervisor for every 18 children between 6 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; and
 - v. one adult supervisor for every 35 children of school going age;
 - g) if transport to or from a child care service is provided, 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 so that they cannot be opened from inside the vehicle;
 - iii. no children are transported in the front seat or the boot 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 driver of the vehicle holds a valid licence to transport the passengers; and
- vii. the vehicle is licensed and is in a road worthy condition;
- h) when children are transported in the back of an enclosed light commercial vehicle, ensure that no exhaust fumes enter the enclosed area and that it is adequately ventilated
- i) if meals are provided, display a two-weekly menu that must be visible to the parents;
- j) provide nutritionally balanced meals of adequate volume to satisfy the energy needs of the children in each age group;
- k) provide a laundry area an adequate distance from any area used to care for children or the kitchen, if laundry is done on the premises;
- l) provide an adequate number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste materials, inside the premises;
- m) provide an approved refuse area, with adequate refuse bins, for the storage of refuse pending removal;
- n) provide each child with a towel, preferably disposable, for his or her individual use on the premises;
- o) provide adequate individually marked pegs or hooks for each child to hang his or her towel on; and
- p) provide an adequate and easily available supply of toilet paper, soap and tissues for the children's use.

67. APPLICATION FOR ADMISSION

1) Any person who provides a child-care service must ensure that-

- a) an application form containing the following information is completed by the parent or guardian of every child when he or she is admitted to the child-care service:
 - i. the child's name and date of birth;
 - ii. the name, address and telephone number of the parent or guardian;
 - iii. the place of employment and telephone number of the parent or guardian;
 - iv. the name, address and telephone number of a responsible person other than the parent or guardian who may be consulted in emergencies; and
 - v. the name, address and telephone number of the child's doctor together with permission to consult him;
- b) all application forms are kept for a minimum period of three years from the date a child is discharged; and
- c) the date of admission and discharge of each child is written on the relevant application form.

68. REGISTERS

- 1) Any person who provides a child-care service must keep an admission and discharge register of all children admitted to and discharged from the child-care service, in which -
 - a) the presence or absence of each child is recorded daily; and
 - b) each child's date of birth is recorded.

69. MEDICAL REPORTS

- 1) Any person who provides a child-care service must obtain a report from the parent or guardian of each child containing the following health data:
 - a) information concerning the child's general state of health and physical condition;
 - b) operations, illnesses and any communicable diseases which the child has suffered and the relevant dates;
 - c) details of required immunizations; and
 - d) details of allergies and any medical treatment the child may be undergoing.

70. GENERAL JOURNAL

- 1) Any person who provides a child-care 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 explanation is recorded.

71. MEDICAL JOURNAL

- 1) Any person who provides a child-care service must keep a medical journal in which the details and quantity of any medicine given to a child is recorded, and the child-care provider must ensure that the journal is signed daily by the parent or guardian of any child to whom medicine was given.

72. CHILD CARE FROM RESIDENTIAL PREMISES

- a) No person may operate any child care facility from any residential premises without relevant permission obtained from the municipality.
- b) All requirements for a child care facility must be adhered to
- c) A maximum of 12 children may be accommodated at such a facility at a residential premises.

CHAPTER 7**ACCOMMODATION ESTABLISHMENTS****73. HEALTH CERTIFICATE REQUIREMENT**

- a) No person may provide an accommodation services except on an accommodation establishment which comply with the requirements of sections 72 and who is in possession of a permit issued by the Council, such certificate shall state:
 - i. Business name of an accommodation establishment
 - ii. Physical address of the premises
 - iii. Name and identity number of the owner or person in charge.
 - iv. Number of beds that a premise can accommodate.
 - v. Date of issue
 - vi. Validity period

- 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) Health Certificate may not be transferred for one person to another or from one premises to another.
- d) The health certificate must be renewed by an EHP
 - i. Anually
 - ii. Incase of change of ownership
 - iii. In the case of renovation .additions to the premises
 - iv. If the services move from one premise to another

74. REQUIREMENTS FOR PREMISES OF ACCOMMODATION ESTABLISHMENTS

- 1) No person may operate an accommodation establishment 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 than will allow-(i) less than 11,3 m³ of free air space and 3,7 m² of floor space for each person over the age of 10 years; and
 - b) less than 5,7 m³ of free air space and 1,9 m² of floor space for each person under the age of 10 years;
 - c) no latrine, passage, staircase, landing, bathroom, cupboard, outbuilding, garage, stable, tent, storeroom, lean-to, shed, kitchen, diningroom, food preparation area, cellar or loft may be used as sleeping accommodation;
 - d) 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 metre away from any part of any other bed;
 - e) an accommodation establishment must be provided with -
 - i. an area for the preparation and cooking of food, adequate for the use of and easily accessible to any occupier residing in the accommodation establishment;
 - 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 m² for every seat provided for dining purposes;
 - iv. 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 waste pipes which comply with the provisions of the National Building Regulations and Building Standards Act.

- v. a bath fitted with a waste pipe may be substituted for each shower referred to in subparagraph (i);
 - vi. the facilities referred to in subparagraphs (i) and (ii) must be designated for the different sexes;
- f) an accommodation establishment must be provided with sanitary fixtures as prescribed in the National Building Regulations and
 - g) Building Standards Act and such fixtures must be designated for the different sexes;
 - h) an accommodation establishment must be provided with an adequate supply of hot and cold running potable water;
 - i) all rooms and passages must be provided with adequate ventilation and lighting as prescribed in the National Building Regulations and Building Standards Act;
 - j) openings such as doors, windows or fanlights may not be obstructed in a manner that interferes with the lighting or cross ventilation they provide;
 - k) (j)(i) a separate room with metal bins or canvas laundry bags must be provided for the storage of dirty articles used in connection with an accommodation establishment, pending removal to be laundered; and
 - l) if articles used in connection with an accommodation establishment are laundered on the premises, a separate approved washing, drying and ironing area equipped with the necessary facilities for this purpose must be provided.
 - m) a store-room 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;
 - n) all walls and ceilings must have a smooth finish and be painted with a light-coloured washable paint, or have some other approved finish;
 - o) the floor surface of every kitchen, scullery, laundry, bathroom, shower, ablution room, toilet and sluice room must be constructed of concrete or some other durable, impervious material brought to a smooth finish; and
 - p) the floor surface of every habitable room must be constructed of an approved material;
 - q) 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 non-resident employees;
 - r) (o) adequate ablution and sanitary facilities, which comply with the provisions of paragraphs (e) and (f), must be provided for resident and non-resident employees;
 - s) (p) an adequate refuse holding area must be provided and an approved refuse removal system must be maintained;
 - t) (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;

- u) (r) all accesses to an accommodation establishment must have a door which when closed, prevents the wind or rain entering the premises; and
- v) (s) all windows must be constructed in a manner that prevents rain entering the accommodation establishment when the windows are closed.

75. DUTIES OF OPERATORS OF ACCOMMODATION ESTABLISHMENTS

- 1) Every person who conducts an accommodation establishment must –
 - a) keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hangings 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 establishment in the manner provided in section 74(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 74(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
 - i) handle refuse in the manner provided in section 74(p).

CHAPTER 8

SANITARY SERVICES

76. COMPULSORY CONNECTION TO MUNICIPAL SEWAGE SYSTEM

Every owner of premises to which a municipal sewage service is available, must ensure that all waste water drainage pipes from any bath, wash-hand basin, toilet, shower or kitchen sink is connected to the municipal sewer in an approved manner.

77. PROHIBITION AGAINST OBSTRUCTION OF SANITARY SERVICES

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

78. REQUIREMENTS IN RESPECT OF TOILET FACILITIES

1. 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 Standards Act.

79. TOILETS FOR WORKERS ON BUILDING SITES

1. Every contractor must provide his or her workers with toilet facilities as prescribed by the National Building Regulations and Building Standards Act.

80. PROHIBITION AGAINST USE OF A BUCKET TOILET UNDER THE SAME ROOF AS A DWELLING

1. No person may provide, erect, retain or use any bucket toilet inside, or under the same roof, as a dwelling.

81. CONDITION OF TOILETS, URINALS, BACKYARDS AND REFUSE AREAS

1. Every owner or occupier of any premises must keep every backyard, refuse area, toilet, and urinal in a sanitary condition and good state of repair.

82. PROVISION OF TANK FOR WASTE LIQUIDS IN AREAS WITHOUT SEWERS

- 1) Any owner of premises not connected to a public sewer or not provided with other adequate measures for the disposal of waste liquid, must provide the premises with a tank big enough to contain the slops, bath water or other waste water produced on the premises during a period of 48 hours.
- 2) Subject to the provisions of subsection (3), premises referred to in subsection (1), must be equipped either with -
 - a) an overhead tank placed in a way that its contents can be gravity fed into the Council's waste removal vehicles; or
 - b) an adequate filter, pump and indicator, with outlet pipes constructed and placed in a way that the tank may be easily emptied and cleansed.
- 3) The provisions of subsection (2) do not apply if -
 - a) adequate arrangements have been made for dispersing waste water produced on the premises, other than urine, over land associated with the premises concerned; and
 - b) the waste water is dispersed in a way that will not create a public health nuisance.

83. PROVISION OF SANITARY SERVICES IN AREAS WITHOUT SEWERS

- 1) Any owner of premises without access to a municipal sewer must provide the premises with a acceptable means of disposal of all sewage effluent generated on the premises.

84. PUMPING OF CONTENTS OF UNDERGROUND TANK TO SURFACE TANK

- 1) Any occupier of premises on which both underground and overhead tanks are provided for the storage of waste water, must pump the contents of the

underground tank to the overhead tank immediately prior to the overhead tank being emptied by the Council.

85. BLOCKED OR DEFECTIVE OUTLET PIPES

- 1) Every owner or occupier of premises must keep any drainage system free from obstruction and in a good condition.
- 2) No owner or occupier of premises may allow any condition or action on that premises that causes a obstruction to any drainage system on an adjacent premises.

86. DISPOSAL OF SEWAGE, SEWAGE EFFLUENT AND WASTE WATER WITHOUT CAUSING A PUBLIC HEALTH NUISANCE AND/OR HAZARD

- 1) No person may dispose of sewage or waste water from any bath, wash-hand basin, toilet, shower or kitchen sink 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.

87. PROHIBITION AGAINST URINE IN SLOPS TANKS

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

CHAPTER 9

PRIVATE SEWAGE WORKS

88. PERMIT FOR PROVISION OF SERVICE FOR THE REMOVAL OF HUMAN EXCREMENT OR URINE

- 1) 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 authorising that service.

89. PERMIT FOR INSTALLATION OF SEWAGE WORKS

- 1) No person may, on any private premises, install, alter, re-site, operate or maintain any septic tank, filter installation or other works for the disposal of sewage, except in terms of a permit authorising that activity.

90. MAINTENANCE OF SEWAGE WORKS

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

91. COMPULSORY USE OF COUNCIL'S SEWAGE REMOVAL SERVICE

- 1) Every occupier of premises must use the sewage removal service prescribed by the Council for those premises.

CHAPTER 10

WATER

92. Pollution of sources of water supply

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.

93. Dangerous wells, boreholes and excavations

- 1) 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.

94. Provision of adequate water supply

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

95. Use of water from source other than the municipal supply

- 1) 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.

96. Furnishing of particulars of the source of water

- 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 the Municipality annually or at any time on request of an Environmental Health Practitioner.

97. Notice of the sinking or digging of boreholes or wells

- 1) No person may sink or dig, or cause or permit to be sunk or dug, a well or borehole, to obtain water, unless
 - a) it is done so in accordance with any relevant law; and
 - b) her or she has given the Municipality at least 14 days' written notice of his or her intention to do so.
- 2) The notice referred to in subsection (1)(b), must state the proposed location and the purpose for which the water is to be used.

98. Storm water runoff from premises which may impact on public health

- 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.

99. Containment of waste water

- 1) Any dam, conduit or channel used for the containment of waste water must have a free board of at least 0.5 metres above the highest level of precipitation which could be expected within a period of 24 hours with an average frequency of recurrence of one in 100 years.

CHAPTER 11 OFFENSIVE TRADES

100. Offensive trades:

- (1) No person may conduct an offensive trade in or on any premises, except in terms of a permit authorizing such trade issued by an environmental health practitioner.
- (2) A permit must be displayed-
 - (a) on the premises to which it relates;
 - (b) in such a manner as to be clearly visible at all times to any member of the public entering the premises.
- (3) The requirements for the premises, duties of offensive traders, requirements regarding liquid refuse from bone and tripe boiling, requirements for liquids, tanks and tubs in leather making and the storage of rags, bones and waste should comply with the requirements as stipulated in the Schedule G:
Offensive trades.

- (4) If the environmental health practitioner is of the opinion that such compliance is not reasonably practicable owing to the physical features and facilities of the premises, he or she may issue a provisional permit subject to compliance with such other reasonable requirements as he or she may deem necessary.
- (5) If a permit holder dies or ceases to operate the offensive trade to which his or her permit relates, the permit becomes invalid and is not transferable to any other person or any heir of or successor in title to the permit holder.
- (6) If a permit holder transferring an offensive trade operated on certain premises to other premises, he or she must obtain a permit in respect of such other premises before the offensive trade may be operated on those premises.

101. 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 light-coloured, 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 or grinding process or storage of material;
- (k) adequate sanitary fixtures are provided as prescribed in the National Building Regulations 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; and
- (o) all materials are stacked or stored on the premises below the height of the perimeter screening;
- (p) 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 wash-hand basin;
- (q) if no change-room 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.

102. 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, fittings, 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
- (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.

103. Liquid refuse from bone and tripe boiling:

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

104. Liquids, tanks and tubs in leather making:

Every fell-monger, 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 an 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 "puer".

105. Storage of rags, bones and waste:

- (1) 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 12

SURVEILLANCE AND PREVENTION OF COMMUNICABLE AND NON COMMUNICABLE DISEASES

106. Prevention and restriction of and control over communicable diseases:

(1) An environmental health practitioner may, when it comes to his or her notice that a communicable disease is present or has occurred in his or her area and if he/she is reasonably satisfied that the spread of such disease constitutes or will constitute a real danger to health, may, by written order and subject to conditions contained in such order –

- (a) close any public place;
- (b) regulate or restrict any person to any area;
- (c) place any person or persons or any premises or specific area under quarantine in order to prevent the spread of such disease or in order to control or restrict such disease.

107. Prevention and restriction of and control over non-communicable diseases:

A person is guilty of an offence if the person has directly or indirectly caused another person to suffer from a non-communicable disease.

CHAPTER 13

VECTOR CONTROL

108. Prevention of the transmission of communicable diseases by animals, insects and parasites:

(1) In order to prevent the transmission or development of a communicable disease among people an environmental health practitioner may, by means of a written notice, order the owner or occupier of any premises to remove or remedy conditions that permit or favour the occurrence or increase on such premises of any animal, animal carcass, animal product, animal parasite, arthropod, plant or plant material, plant parasite or micro-organism referred to in the notice.

(2) An owner or occupier of land shall take all reasonable measures to treat any collection of water or any other habitat in which mosquitoes can breed or live on

such land in such a way that the breeding of mosquitoes is prevented or kept to the minimum.

- (3) An owner or occupier of land shall take all reasonable measures to prevent the spread of communicable disease by flies or other insects, the extermination of flies or other insects and the removal or remedy of conditions permitting or favoring the prevalence or increase of flies and other insects
- (4) An owner or occupier of premises creates a 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 numbers 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 wire 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
 - (iv) 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.
- (5) The following measures are approved measures for the purposes of subsection (1)(c)(iv) -
 - (a) draining accumulated water at least once every seven days;
 - (b) covering accumulated water with oil at least once every seven days; and
 - (c) in the case of wells, providing a mosquito-proof cover and a pump.

CHAPTER 14

ENVIRONMENTAL POLLUTION CONTROL

109. Land and soil pollution control

- 1) 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;
- 2) No person may dispose of oil or any hazardous waste on any soil;
- 3) No person is allowed to dump any building rubble in any area unless permitted by the municipality;
- 4) No person may litter or dump any waste.

110. Water pollution control

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

111. WASTE MANAGEMENT:

- 1) General waste generated in the municipal area must be disposed of at a waste disposal facility where such disposal is permitted by the Council.
- 2) No person shall burn general waste either in a public or private place, for the purpose of disposing of that waste.
- 3) No person shall dump general waste on undesignated areas such as open public spaces
- 4) No person shall incinerate general waste either in a public or private place, except in an incinerator at a place where the relevant national or Eastern Cape provincial authorities permit such incineration, or at a place designated by the Council for that purpose.

112. Transport of General Waste

- 1) A person removing or conveying waste along any public place in or through an area owned or managed by any municipality within the Chris Hani jurisdiction :
 - a) Must ensure that the receptacle, vehicle or conveyance in which the waste is carried is of a type and design approved by the municipality
 - b) Must ensure that the receptacle, vehicle or conveyance has a body of adequate size and construction of the type of waste being transported
 - c) Must remove or convey the waste in such a manner as will prevent any nuisance resulting there from or the escape of the contents or materials therein
 - d) Must maintain the receptacle, vehicle or conveyance in a clean, sanitary and roadworthy condition at all times

- e) May not cause or permit any waste being transported to become detached, leak or fall from the receptacle, vehicle or conveyance transporting it, except at a waste disposal facility, and
 - f) Must ensure that the waste is deposited at a waste disposal facility that is permitted to accept such waste
- 2) Any person who contravenes a provision of subsection (1), commits an offence

113. Wastewater Management

- 1) No person shall discharge, or permit the discharge or inflow of sewage or other substance to an unauthorized disposal sewerage system
- 2) No person shall allow spillage of sewage or other substance to over flow for a period over than 24hours without taking any measures to stop the spillage from occurring.
- 3) Such person mentioned in subsection 113(2) above shall immediately take reasonable remedial actions to the environment affected by such pollution.

CHAPTER 15

HEALTH CARE WASTE

114. 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;
 - e) ensure that health care waste is properly labelled to identify point of origin;
 - f) ensure that all the employees in their employ are adequately trained in the identification, collection, separation, handling, storing of health care risk waste;
 - g) 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;
 - h) 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.
 - i) Prevent public access to health care risk waste containers which are in use;
 - j) Store full health care risk waste containers in controlled, secure areas which are reserved for the storage of health care risk waste;
 - k) 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 115 (3) of these Bylaws as a transporter of health care risk waste;
 - l) 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.
- 3) 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
 - 4) The Municipality may in writing grant the permission referred to in subsection (3) subject to certain conditions.
 - 5) Generators may transport, dispose of health care risk waste generated on their premises, provided they do so in terms of this Bylaw;
 - 6) Generators must:
 - i. 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;
 - ii. 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:
 - iii. Provide copies of the record referred to in (a) and the information in (b) to Municipality on a six-monthly basis or at any other frequency as may from time to be prescribed by Municipality.

115. Duty of transporters

- 1) Transporters must remove health care risk waste from the premises 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 threat 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: comply with all applicable legislation as from time to time promulgated by National and Provincial Government or in the absence of such legislation
 - I. are capable of containing the health care risk waste;
 - II. are designed to prevent spillage;
 - III. are constructed of materials which are easy to clean and to disinfect;
 - IV. 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 116
- 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.

116. 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.

117. 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.

118. Power of Environmental Health Practitioners

- 1) Any Environmental Health Practitioner in the employ of the Municipality may:
 - a) 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,
 - b) 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.

CHAPTER 16

HAZARDOUS WASTE

119. 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.

120. 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 17

DRYCLEANING AND LAUNDRY ESTABLISHMENTS

121. Premises for drycleaning or laundry business

- 1) No person may conduct a drycleaning 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 m² 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
 - (i) 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;
 - (ii) 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;
 - (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 wash hand basin,
- d) if no change rooms has been provided in terms of paragraph (e)
 - (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;
- e) a tea kitchen with a singlebasin 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
 - a. provisions of the National Building Regulations and Building Standards Act;
- g) every toilet and changeroom 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 lightcoloured washable paint;
- i) all ceilings must be dustproof, smoothly finished, and painted with a lightcoloured 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 metres;

- 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.

122. Premises for drycleaning or laundry receiving depots

- 1) No person may operate a drycleaning 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 washhand 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 washhand basin;
 - e) all internal wall and ceiling surface must be constructed of an impervious material, brought to a smooth finish and painted with a lightcoloured washable paint;
 - f) all floor surfaces must be constructed of cement or other impervious material, brought to a smooth finish;
 - g) lighting and crossventilation, 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.

123. Premises for coin-operated laundries

- 1) 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.

124. General requirements for dry-cleaning and laundry business

- 1) 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; comply with the requirements of the following legislation at all times:
 - i. the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) as amended;
 - ii. the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) as amended;
 - i) 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;
 - j) insulate all steam piping with an adequate material, and
 - k) dispose of all waste water in an approve manner.

CHAPTER 18

SWIMMING POOLS AND SPABATHS

125. Requirements for Premises

- 1) 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 changerooms, showers and toilet facilities must be provided separate for each sex in compliance with the National Building Regulations and Building Standards Act;

- b) every swimmingpool 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 spabath 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.

126. Duties of spa-bath keepers

1) Every spabath 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 spabath water to an adequate quality level at all times;
- d) provide and maintain, in good working order, equipment for testing the quality of the spabath water
- e) be capable of undertaking routine tests on the water quality in the spabath and interpreting the test results; and
- f)maintain a daily record of the spabath water quality.

127. Duties of swimming pool keepers

1) 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 firstaid 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.

128. Water supply

- 1) Unless the prior written approval of an Environmental Health Practitioner has been obtained, no person operating a spabath 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 spabath.
- 2) An Environmental Health Practitioner must
 - a) take samples of a swimming pool or spabath 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 accredited laboratory or lab participating in an approved proficiency testing scheme.

129. Safety of water

- 1) Every spabath keeper and swimming pool keeper must ensure that the water in the spabath 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.

130. Order and behaviour

- 1) No person may
 - a) interfere with a spabath 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 spabath or swimming pool, unless it is a guide dog accompanying a blind person;
 - c) enter or remain in any premises of a spabath 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 spabath or swimming pool

CHAPTER 19**SECOND-HAND GOODS****131. Requirements for premises**

- 1) 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 provided, as prescribed in the National Building Regulations and Building Standard Act;
 - h) an adequate number of refuse containers must be provided.
 - 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) 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.

132. Duties of secondhand goods traders

- 1) 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 20

RITUAL SLAUGHTER

133. Keeping of and slaughtering animals for religious and ceremonial purposes; 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 device 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 . A permit must be issued by the Municipality prior to the slaughtering on the premises.

CHAPTER 21

OPERATION AND MANAGEMENT OF INITIATION SCHOOLS

134. Reporting and registration of an 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.
- 4) No Initiation School will commence before due process to inform the municipality have been acknowledge by the Municipality.
- 5) 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 **Annexure 3B**.

- 6) The Environmental Health Practitioner shall after conducting an inspection of the proposed Initiation School, grant a registration certificate conditionally or unconditionally.
- 7) A registration certificate shall be issued if minimum requirements pertaining to water, shelter and sanitation have been complied with.
- 8) 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.

135. 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.

136. 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 (**Annexure 2**)...
- 3) Any male person below the age 18 years, who submits himself to an Initiation school without the parent's consent, shall be detained temporarily 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.

137. Closure of an Initiation School

- 1) The Municipality may close any Initiation School which has been operating without being registered with the Municipality.

138. 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:
- a) Medical, nursing, environmental health and emergency medical services.
 - b) The South African Police or Metro Police.
 - c) The Traditional Healers Association.
 - d) The Department of Education.
 - e) The Civic Association.
 - f) The association for the Initiation School Fraternity.
 - g) The local hospital.

139. 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. **Annexure 4.** 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.

140. 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.

141. 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.

142. Cultural ethics and inspection of an Initiation School

- 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 22

KEEPING OF ANIMALS

Part 1: General provisions relating to the keeping of animals

143. 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 144 apply to the keeping of animals at any

agricultural show and at research laboratory.

- 3) No person may, subject to the provision of section 144, 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

144. 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 its long sides be not less than 2 metres;
- d) the stable must have a floor area of at least 9m² 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 m² 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 145;
- h) an enclosure must have an area of at least 10m² 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
 - (iii) there must be a water supply adequate for drinking and cleaning purposes next to every stable or enclosure.

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

- 1) 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 once 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 used in connection with the keeping of the animals, in a storeroom or other adequate storage facility;
- i) store all feed in a rodentproof storeroom and all loose feed in rodentproof receptacles with close fitting lids; and
- j) Take adequate measures to keep the premises free of pests and to prevent offensive odours arising from the keeping of cattle, horses, mules and donkeys.

Part 3: Keeping of goats and sheep

146. Application

The provision of section 147 and 148 also apply to the temporary keeping of a goat on any premises for the provision of milk for medical reasons.

147. 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 30m²; and
 - (ii) at least 1,5 m² 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 145;
 - iv. at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it with an overall minimum floor area of 6 m²; and
 - v. lighting and ventilation opening totaling at least 0.15 m² 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.

148. Duties of keeper of goats and sheep

- 1) 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 rodentproof 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

149. Application

- 1) The provisions of sections 151(d), (e), (f) and (g), do not apply to any person keeping ten or less poultry.

150. Permit requirement

- 1) 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.

151. Requirement for premises

- 1) 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 m² for each grown fowl, duck, muscovite duck or guinea fowl;
 - (bb) 0,5 m² for each grown goose, turkey or peacock; and
 - (cc) 0,14 m² for each grown pigeon; and
 - v. the minimum aggregate floor area must be 4m²;
 - 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 145;
 - 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 145 and
- iv. the roof of the platform must extend a minimum of 1 meter beyond the edges of the base of the platform.

152. Duties of keeper of poultry

1) 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

153. Application

- 1) The provisions of section 155(b), (c), (d), (f) and (g), do not apply to any person keeping ten or less rabbits.

154. Permit requirement

1) 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.

155. Requirements for the premises

1) 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 145, 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 145;
 - (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 rodentproof storeroom must be provided for the storage of feed, and
- (g) adequate washing facilities must be provided for the cleaning of cages.

156. Duties of keepers of rabbits

1) 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.

10Part 6: Keeping of birds other than poultry**157. Requirements for the premises**

1) 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 rodentproof 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.

158. Duties of keepers of aviaries

1) 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**159. Requirements for premises**

1) 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.

160. Food preparation areas

1) 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 rodentproof storeroom must be provided for the storage of food.

161. Duties of a keepers of kennels or catteries

1) 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 parlours**162. Requirements for premises**

1) No person may operate a pet shop or pet parlour 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 145;
- (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 1,5m², 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 145
- (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 0,5m² for each employee;

- (ii) have a minimum overall floor area of 6m² 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 145;
- (m) all buildings, including storage areas, must be rodentproof; 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

163. Duties of pet shop or pet parlour keepers

- 1) 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 floortray 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 rodentproof 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 160 (d)
- (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 10: Keeping of pigs

164. Requirements for premises

1) 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 3m² for each pig accommodated in the pigsty, with an overall minimum floor area of 6m²;
- (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 m² 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 145;
- (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.

165. Duties of keepers of pigs

1) 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 145 (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.

Part 11: Keeping of pets

166. Duties of keepers of pets

- 1) 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

167. Drainage

1) Any person keeping animals must ensure that all sinks, wash hand basins, baths, showerbaths, 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.

168. 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 an 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.

169. 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 23

APPOINTMENT, RESPONSIBILITY AND POWERS OF AN ENVIRONMENTAL HEALTH PRACTITIONER

170. Appointment of environmental health practitioner

- (1) The municipality must only appoint an environmental health practitioner who is registered at the Health professionals Council of South Africa (HPCSA) who will be vested with the authority to exercise a power granted by and within the scope of the provisions of these By-laws.
- (2) In appointing an environmental health practitioner, the municipality must have regard to -
 - (a) a person's technical understanding and experience of matters related to environmental health; and

- (b) any other factor that may be relevant to supervision and enforcement of these By-laws, whether technical or administrative.
- (3) An environmental health practitioner may be an employee of the municipality or a service provider of the municipality, and in the instance where an environmental health practitioner is an employee of a service provider, there may be no conflict of Interest between his or her duty as an environmental health practitioner and as an employee of the service provider.
- (4) Upon appointment the municipality must issue the environmental health practitioner with an identity card which must state the name and function of the environmental health practitioner and which includes a photograph of him or her.
- (5) An environmental health, practitioner, acting within the powers vested in him or her by these By-laws or a specific environmental management Act must, on demand by a member of the local community, produce the identity card.

171. Responsibility

- (1) An environmental health practitioner, within his or her mandate –
 - (a) must monitor and enforce compliance with these By-laws;
 - (b) may investigate any act or omission which on reasonable suspicion may constitute –
 - (i) an offence in terms of these By-laws;
 - (ii) a breach of a provision of these By-laws; or
 - (iii) a breach of a condition of a permit, authorisation or other instrument issued in terms of these By-laws.
- (2) An environmental health practitioner –
 - (a) must exercise the powers referred to in subsection (1) –
 - (i) in accordance with any instructions issued by the municipality; and
 - (ii) subject to any limitations and procedures that may be prescribed; and
 - (b) may be accompanied by an interpreter or any other person whose assistance may be reasonable required.

172. General powers:

- (1) An environmental health practitioner may –
 - (a) require a person to disclose information, either orally or in writing, and either alone or in the presence of a witness, about any act or omission which, on reasonable suspicion, may constitute –
 - (i) an offence in terms of these By-laws;
 - (ii) a breach of a provision of these By-laws; or
 - (iii) a breach of a condition of a permit, authorisation or other instrument issued in terms of these By-laws;
 - (b) question a person about or inspect any document, book or record or any written or electronic information –
 - (i) which may be relevant for the purpose of paragraph (a); or
 - (ii) to which these By-laws relate;
 - (c) copy, or make extracts from any document, book or record, or any written or electronic information, referred to in paragraph (b), or remove such document, book or record or written or electronic information to make copies or extracts;
 - (d) require a person to produce or deliver to a place specified by the environmental health practitioner, any document, book or record or any written or electronic information referred to in paragraph (c) for inspection;
 - (e) question a person about or inspect, and if necessary remove, any specimen, article, substance or other item which on reasonable suspicion may have been used in –
 - (i) committing an offence in terms of these By-laws;
 - (ii) breaching a provision of these By-laws; or
 - (iii) breaching a condition of a permit, authorisation or other instrument issued in terms of these By-laws;
 - (f) record information by any method, including by taking photographs or making videos;
 - (g) demand the name, address and identification number of any person who –
 - (i) is reasonably suspected of having committed an offence in terms of these By-laws;
 - (ii) is reasonable believed to be able to give evidence relating to an offence in terms of these By-laws; or

- (iii) is reasonable suspected of having evidence that an offence in terms of these By-laws has been committed;
- (h) instruct a person who –
 - (i) commits an act in contravention of a provisions of these By-laws or of a condition of a permit, authorisation or other instrument issued in terms of these By-laws, to cease committing that act immediately or within a specified period; or
 - (ii) fails to perform an act required by a provision of these By-laws, or by a condition of a permit, authorisation or other instrument issued in terms of these By-laws, to perform that act immediately or within a specified period;
- (i) dig or bore into the soil;
- (j) take samples;
- (k) seize and remove any item in respect of which, on reasonable suspicion, an offence in terms of these By-laws or a condition of a permit, authorisation or other instrument issued in terms of these By-laws; has been or is being committed;
- (l) carry out any other duty that may be prescribed in terms of these By-laws.

(2) An environmental health practitioner must –

- (a) provide a receipt for –
 - (i) any document, book, record or written or electronic information removed in terms of subsection (1)(d); or
 - (ii) any specimen, article, substance or other item removed in terms of subsection (1)(f); and
- (b) return anything removed within a reasonable period.

173. Powers to enter and search premises or land

- (1) An environmental health practitioner may, subject to subsection (3), enter and search any premises or land on reasonable suspicion, and provided the necessary warning has been given in terms of s(2) hereof
- (a) that an offence in terms of these By-laws has been or is being committed on, in or in respect of such premises or land;

- (b) that a provision of these By-laws, or a condition of a permit, authorisation or other instrument issued in terms of a these By-laws has been or is being breached on, in or in respect of such premises or land; or
- (c) that a thing which may serve as evidence of such offence or breach is kept on or in such premises or land.

(2) Fair warning of at least 7 days in writing must be given to all owners or occupiers of land that there is an alleged infringement of these by-laws and giving them an opportunity to remedy this infringement within 7 days, failing which an environmental health practitioner will be entitled to exercise the powers specified herein. This warning need not be given in the event of a possible or real environmental emergency.

(3) An environmental health practitioner may –

- (a) exercise on such premises or land any of the powers mentioned in section 65; or
- (b) be accompanied by assistants, vehicles, vessels, materials, equipment or things that are necessary for the purpose of –
 - (i) gaining entry to or carrying out the search on such premises or land; or
 - (ii) exercising any of the powers referred to in paragraph (a).

174. Offences relating to environmental health practitioner

1) A person commits an offence if he or she –

- a. hinders or interferes with an environmental health practitioner in the execution of that practitioner's official duties;
- b. falsely professes to be an environmental health practitioner, or the interpreter or assistant of such a practitioner;
- (c) furnishes false or misleading information when complying with a request of an environmental health practitioner; or
- (d) fails to comply with a request of an environmental health practitioner.

175. Approval of measures and materials:

- (1) The municipality may approve any object or material used or any measure taken in specified circumstances as being adequate to eliminate the risk of any environmental health hazard or environmental 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 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 environmental health hazard or environmental 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 measures or using these materials or objects are acceptable to the municipality.

176. Application for permit

- (1) A person who wishes to obtain a permit must, before he or she undertakes the relevant activity, apply to the municipality in writing in a form stipulated by the municipality.
- (2) Before the municipality issues a permit, the environmental health practitioner –
 - (a) must inspect the relevant premises as soon as reasonably possible;
 - (b) must, where applicable, ensure that any persons in the vicinity of the premises have been consulted and have had an opportunity to make representations; and
 - (c) may request the applicant to provide any further information which the municipality may consider to be relevant to make a properly informed decision.

(3) The municipality must keep a register which is open to public inspection at all reasonable hours and which contains the following particulars in respect of an application for a permit that was approved:

- (a) The application which was made to the municipality;
- (b) the name and address of the applicant;
- (c) the date of the application;
- (d) the decision of the municipality;
- (e) the prescribed fee that was paid; and
- (f) the conditions contemplated for such a permit

177. General terms applicable to permits:

(1) A permit –

- (a) is not transferable from one person to another;
- (b) applies only to the premises specified in the permit; and
- (c) must –
 - (i) specify the address and other relevant details regarding the location of the premises concerned;
 - (ii) describe the premises and activity concerned;
 - (iii) specify the terms and conditions, if any; and
 - (iv) indicate when it expires.

(2) The municipality may charge the applicant a prescribed fee for considering and granting the permit.

(3) The municipality may refuse to consider an application until –

- (a) it has been provided with the all the necessary information regarding such application and
- (b) the prescribed fee, if any, has been paid.

178. Suspension, cancellation and amendment of permit:

(1) The municipality may, by written notice to the holder of a permit, suspend, amend or cancel the permit.

(2) The environmental health practitioner may suspend or cancel a permit –

- (a) with immediate effect if –

- (i) he or she reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to environmental health posed by an environmental health hazard or an environmental health nuisance; or
 - (ii) the holder of the permit fails to comply with a compliance notice that states that the permit may be suspended or cancelled without further notice if the holder fails to comply with the compliance notice.
- (b) after giving the holder a reasonable opportunity of making representations as to why the permit or exemption certificate should not be suspended or cancelled if –
 - (i) he or she reasonably believes that it is desirable to do so to eliminate or reduce the risk to environmental health posed by an environmental health hazard or an environmental health nuisance; or
 - (ii) the holder of the permit or certificate fails to comply with a compliance notice.
- (3) The municipality may amend a permit by endorsing it or by written notice to the holder, if he or she reasonably believes that it is necessary to do so to protect environmental health or to take account of changed circumstances since the permit or exemption certificate was issued.

179. Notice of compliance and representations:

- (1) Where a person fails to comply with a requirement relating to premises, the municipality may serve a notice of compliance on the person, which notice must state –
 - (a) the name and residential or postal address of the affected person;
 - (b) the requirement which has not been complied with;
 - (c) in detail the measures required to remedy the situation;
 - (d) that the person must within a specified period take the measures to comply with the notice and to complete the measures before a specified date; and
 - (e) that the person may within 14 days make written representations in the form of a sworn statement or affirmation to the municipality at a specified place.

- (2) The municipality, when considering any measure or period envisaged in subsection (1)(c) or (d), must have regard to the principles and objectives of these By-laws, the nature of the non-compliance, and other relevant factors.
- (3) Where a person does not make representations in terms of subsection (1)(e), and the person fails to take the measures before the date contemplated in subsection (1)(d), he or she commits an offence, and the municipality may, irrespective of any fines which may be imposed under section 80, act in terms of subsection (5).
- (4)(a) Representations not lodged within the time contemplated in subsection (1)(e) will not be considered, except where the person has shown good cause and the municipality condones the late lodging of the representations.
- (b) The municipality must consider the timely representations and any response thereto by the environmental health practitioner.
- (c) The municipality may, on its own volition, conduct any further investigations to verify the facts if necessary, and the results of the investigation must be made available to the permit holder, who must be given an opportunity of making a further response if he or she so wishes, and the municipality must also consider the further response.
- (d) The municipality must, after consideration of the representations and any response and further response make an order in writing and serve a copy of it on the person, which order must confirm, in whole or in part, alter, or set aside the notice of compliance, and where the notice of compliance is confirmed, in whole or in part, or altered, the municipality must inform the person that he or she must, within the period specified in the order, discharge the obligations set out in the order and that failure to do so constitutes an offence.
- (e) Where a person fails to discharge the obligations contemplated in paragraph (d), he or she commits an offence and the municipality may, irrespective of any fines which may be imposed under section 190, act in terms of subsection (5).

- (5) The municipality may take such measures as it deems necessary to remedy the situation, and the cost thereof must be paid to the municipality in accordance with section 183.

180. Prohibition notice:

- (1) a municipality 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 or occupier of the premises if the municipality reasonably believes that the premises are being used for a purpose or in a manner that is causing an environmental health hazard or an environmental health nuisance;
 - (b) any person who is carrying on an activity or using premises for a purpose or in a manner that the municipality reasonably believes is causing an environmental health hazard or an environmental health nuisance; or
 - (c) a person on whom a compliance notice was served if the municipality reasonably believes that that person has not complied with the compliance notice.
- (2) The municipality 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 municipality reasonably believes that the delay in doing so would significantly compromise environmental 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.
- (2) 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;
 - (d) the possible consequences of failing to comply with the notice; and
 - (e) how to appeal against the notice.

- (4) Unless a prohibition notice provides otherwise, it comes into effect when it is served under subsection (1) and remains in force until it is withdrawn.
- (5) The municipality must as soon as possible affix a copy of the notice in a conspicuous position on the premises.
- (6) It is a defence for anyone charged with failing to comply with a prohibition notice to prove that –
 - (a) he or she did not know of the existence of the prohibition order and could not reasonably be expected to have known of its existence; and
 - (b) he or she had complied with the prohibition notice within 48 hours of the time that the notice was affixed to the premises in terms of subsection (5).

181. Withdrawal of prohibition notice:

- (1) The municipality 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 land or premises.
- (2) After completing the investigation, the municipality must inform, in writing, the person on whom the prohibition notice was served or that person's agent whether or not the prohibition has been removed or the prohibition order withdrawn.
- (3) The municipality may charge the owner or occupier of the land or premises where an investigation is carried out in terms of subsection (1), a prescribed fee for undertaking the investigation.

182. Municipal remedial work:

- (1) The municipality may enter any premises and may conduct an environmental health investigation on the premises that it reasonably considers necessary –

- (a) to ensure compliance with these By-laws or with a compliance notice or prohibition notice;
 - (b) to eliminate or reduce an environmental health nuisance; or
 - (c) to eliminate or reduce a significant environmental health hazard.
- (2) The municipality may enter and execute work on or conduct inspections of premises –
 - (a) where a compliance notice relating to the premises has been issued in terms of section 185, and the purpose of the inspection is to determine whether or not the notice has been complied with;
 - (b) where the owner or occupier of the premises has failed to comply with a compliance notice that was issued in terms of section 185, or a prohibition notice that was issued in terms of section 180, directing that relevant measures be taken; or
 - (c) the environmental health practitioner has reasonable grounds to believe that an environmental health hazard or environmental health nuisance, which is likely to endanger environmental health, exists on the premises.
- (3) Before inspecting any premises or commencing any work in terms of this section, persons undertaking the inspection or commencing the work must identify themselves and explain their authority to the person apparently in control of the premises or the person who gave them permission to enter.
- (4) Any inspection undertaken or work commenced in terms of this section must be carried out at a reasonable time, taking into account the circumstances of the specific situation.
- (5) Any inspection conducted or work undertaken in terms of this section must be conducted with strict regard to decency and order, including –
 - (a) a person's right to, respect for and protection of his or her dignity;
 - (b) the right of a person to freedom and security; and
 - (c) the right of a person to his or her personal privacy.

183. Costs:

- (1) Should a person fail to take the measures required of him or her by a notice of compliance contemplated in section 185, the municipality may, subject to subsection (3) recover, as a debt, and in accordance with municipality's debt collection regulations, all costs incurred as a result of it acting in terms hereof from that person and any or all of the following persons:
 - (a) the owner of the land, building or premises; or
 - (b) the person or occupier in control of the land, building or premises or any person who has or had a right to use the land at the time when the situation came about.
- (2) The costs recovered must be reasonable and may include, without being limited to, costs relating to labour, water, equipment, administrative and overhead costs incurred by the municipality.
- (3) If more than one person is liable for costs incurred, the liability must be apportioned as agreed among the persons concerned according to the degree to which each was responsible for the emergency resulting from their respective failures to take the required measures.
- (4) The municipal manager may issue a cost order requiring a person who is liable to pay costs incurred by the Council 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.
- (5) Any person in receipt of such a costs order shall be entitled to object to the charging or amount of the said costs order by way of notice to the issuing officer specifying his or her objections. The objection shall then be adjudicated upon by the Chief Financial Officer who will make a decision and communicate this to the Municipal Manager.
- (6) Any costs charged to any person can also include legal costs required in the process of enforcement.

CHAPTER 24

MISCELLANEOUS PROVISIONS

184. Presumptions:

- (1) When an employee of a person in the course of his or her employment performs any act or is guilty of an omission which constitutes an offence under these By-laws, the employer is deemed also to have performed the act or to be guilty of the omission and the employer is liable on conviction to the penalties referred to in section 190, unless the employer proves to the satisfaction of the Court that –
 - (a) in performing the act or being guilty of the omission, the employee was acting without the employer's knowledge or permission;
 - (b) all reasonable steps were taken by the employer to prevent the act or omission in question; and
 - (c) it was not within the scope of the authority or the course of the employment of the employee to perform an act of the kind in question.
- (2) The fact that an employer issued instructions forbidding any act or omission of the kind referred to in subsection (1) is not itself sufficient proof that he or she took all steps referred to in paragraph (1)(b).
- (3) When an employer is by virtue of the provisions of subsection (1) liable for any act or omission of his or her employee, that employee shall also be liable to prosecution for the offence.
- (4) In any prosecution for an offence under these By-laws an allegation in the charge concerned that any place was situate in a street or public place or within a particular area or was a place of a specified kind shall be presumed to be correct unless the contrary is proved.
- (5) In any prosecution for an offence under these By-laws the accused is deemed to know the provisions of these By-laws and to know that the offence with which he or she is charged is a contravention thereof unless he or she proves to the satisfaction of the Court that he or she did not have and could not reasonably be expected to have that knowledge.

185. Authentication and service of notices and other documents:

- (1) Where in the opinion of an environmental health practitioner a condition has arisen in its area of jurisdiction which is of such nature as to be offensive or a danger to health unless immediately remedied, he or she may serve a written notice on the person responsible for such condition having arisen or on the occupier or owner of the premises on which such condition exists, calling upon him or her to remedy the condition within such period as may be specified in such notice
- (2) A notice issued by the municipality in terms of these By-laws is deemed to be duly issued if it is signed by the environmental health practitioner.
- (3) Any notice or other document that is served on a person in terms of these By-laws is regarded as having been duly served –
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;
 - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of the body corporate; or
 - (g) when it has been delivered, at the request of that person, to his or her e-mail address.
- (4) Service of a copy is deemed to be service of the original.

- (5) When any notice or other document is served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, or holder of the property or right in question, and it is not necessary to name that person.

186. Appeal:

- (1) A person whose rights are affected by a decision of the municipality in terms of these By-laws may appeal against that 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 appeal authority contemplated in subsection (3) 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.
- (3) 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;
 - (b) the Municipal Manager, the Executive Mayor is the appeal authority;
 - or
 - (c) a political structure or political officer bearer, or a councillor the Council is the appeal authority.
- (4) The appeal authority must commence with an appeal within six weeks of receipt of the notice of appeal and decide the appeal within a reasonable time.

187. Co-operation between municipalities

- (1) In an effort to achieve optimal service delivery, the municipality may enter into agreements with the local municipalities within its area of jurisdiction in respect of the following:

- (a) Practical arrangements with regard to the execution of the provisions of these By-laws;
 - (b) recovery of costs and expenses;
 - (c) mechanisms for the settlement of disputes with regard to the execution of powers or the matters on which there have been agreements;
 - (d) any other matter regarded necessary by the district and local municipalities to achieve optimal service delivery.
- (2) The provisions of these By-laws are applicable to the jurisdictional area of the Chris Hani District Municipality, including the District Management Area.

188. Liaison forums in community:

- (1) The municipality may establish liaison forums in a community for the purposes of -
 - (a) creating conditions for a local community to participate in the affairs of the municipality;
 - (b) encouraging a local community to participate in the implementation and enforcement of these by-laws; and
 - (c) promoting the achievement of a safe and healthy environment.
- (2) The forums contemplated in sub-section (1) may consist of-
 - (a) a member or members of an interest group or an affected person in the spirit of section 2(4) (f) to (h) of the National Environmental Management Act, 1998 (Act 107 of 1998).
 - (b) a member or members of a community in whose immediate area an environmental health hazard or environmental health nuisance occurs or may occur;
 - (c) a designated official or officials of the municipality; and
 - (d) the councillor responsible for Municipal Health Services.
- (3) The municipality may, in the implementation and enforcement of these by-laws, or when considering an application for a permit or consent in terms of these by-laws –

- (a) request the input of a forum;
 - (b) employ any skills or capacity that may exist in such a forum.
- (4) A forum, or a person or persons contemplated in sub-section 2, may, on own initiative, in pursuance of the aim of section 69 (2) (c), and having regard to the provisions of section 31 of the National Environmental Management Act, 1998 (Act 107 of 1998) submit an input to the municipality for consideration.

189. Repeal:

- (1) The existing by-laws are hereby repealed: all by-laws of both district and region that relate to the aspects covered in this by-law.

190. Offences and penalties:

- (1) A person is guilty of an offence under these by-laws if he or she, in respect of an official of the Municipality duly authorised under these by-laws or by the Municipality to enter and inspect any premises –
- (a) denies the official entry to the premises or causes or permits any other person to deny the official entry;
 - (b) obstructs or hinders the official in the performance of the official's duties or causes or permits any other person to so obstruct or hinder the official;
 - (c) fails or refuses to give the official information that he or she is lawfully required to give or causes or permits any other person to refuse to give the official such information; or
 - (d) knowingly gives the official false or misleading information or causes or permits any other person to give the official such information.
- (2) A person is guilty of an offence under these by-laws if he or she fails or refuses to comply with any provision of these by-laws or any requirement imposed by the Environmental Health Practitioner.
- (3) A person who is guilty of an offence under these by-laws is liable on conviction to a fine not exceeding R20 000,00, to community service or to imprisonment for a period not exceeding one year, or both such fine

and such community service or such imprisonment for a period not exceeding R20 000,00 to community service or to imprisonment for a period not exceeding one year, or to both such fine and such community service or such imprisonment in respect of every day or part of a day during which the offence continues.

191. Short title and commencement:

These By-laws are called the Chris Hani District Municipality: Municipal Health By-laws and will take effect on the date of publication hereof in the Provincial Gazette

SCHEDULE 1

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
16	Food Control
29	Disposal of the dead
55	Child care services
73	Accommodation Establishments
88	Provision of service to remove human excrement or urine
89	Installations of sewage works
100	Offensive trades
149	Keeping of poultry
153	Keeping of rabbits
159	Dog kennels and catteries
178	Keeping of bees

Part B: Scheduled Uses

Chapter	Scheduled Uses
6	Child- Care Services
8	Sanitary services
9	Private Sewage Works
10	Water
11	Offensive Trades
17	Dry Cleaning and Laundry Establishments
18	Swimming Pools and Spa- Baths
19	Second- Hand Goods
21	Operating and Managing an Initiation School for Boys
22	Keeping of Animals

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		
DOB/ID		
B. PHYSICAL 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:		
<p>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.</p>		

ANNEXURE 3B**CERTIFICATE BY ENVIRONMENTAL HEALTH PRACTITIONER**

I the undersigned: _____

confirm as follows: _____

1. I am presently employed by the Chris Hani District Municipality as an Environmental Health Practitioner;

On _____ I inspected a certain terrain which was pointed out to me by the applicant as a proposed Initiation School.

2. 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 PRE-CIRCUMCISION MEDICAL EXAMINATION PATIENT'S PARTICULARS**

NAME: _____

SURNAME: _____

DOB/ID: _____

RESIDENTIAL
ADDRESS: __________

_____**1. 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**APPLICATION FOR RITUAL SLAUGHTER PERMIT**

Date of Application:
Name of Applicant:
Postal Address:
Telephone Number (Residential):
Cellular Phone Number:

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	Type of Animal	Number to be slaughtered

Signature of Applicant: _____

ANNEXURE: 5 B**RITUAL SLAUGHTER PERMIT**

Date of Application:
Name of Applicant:
Postal Address:
Telephone Number (Residential):
Cellular Phone Number:

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>

Comments (If any):

Particulars of EHP: _____
SIGNATURE

DATE

Particulars of Manager: _____
SIGNATURE

DATE

ANNEXURE 6

APPLICATION FORM FOR A CERTIFICATE
OF ACCEPTABILITY FOR FOOD PREMISESAPPLICATION FORM FOR A CERTIFICATE OF ACCEPTABILITY FOR MILKING SHEDSIssued under R691 of 15 November 2012**A. ISSUING LOCAL AUTHORITY:** Chris Hani District Municipality

CERTIFICATE No.: CH/.....//20..../20.....

Name and Surname:

I.D. No. :

Tel :

Cell Number :

Fax Number :

E-mail address :

Date of application:.....

Description of Premise (As stipulated in title deed)

.....

.....

.....

.....

Residential Address :

Business Address :

Number of Personnel Employed:.....

Maximum number of milk animals to be milked:.....

Name of Holder or Manager:.....

NB: This section must be completed by the Environmental Health Practitioner during his/her inspection of the premises.

Aspects of food Premises:	Available	Not Available	Condition
Milking Parlour			
Milk Room			
Change Rooms			
Washing Facilities			
Effluent Management System			

--	--	--	--

Comments:

Nature of handling (preparation, packing or processing)

Particulars of exemption: [under Regulation 4]

Particulars of applicant: _____

SIGNATURE

DATE:

Particulars of EHP : _____

SIGNATURE

DATE:

NB: Application fee is non-refundable
OFFICE USE:

Name of Applicant/Company :	
Service required (Indicate if New/Review/Renewal):	
Price of service/tariff to be paid by Client:	New Application- R Renewal/Lost – R
Contact details of Client:	
Reference: MHS/CoA & name of Client/Business	

Account Holder: Chris Hani District Municipality Bank: First National Account no.: 62002510693
Branch: Queenstown Branch Code: 210920

ANNEXURE 7**APPLICATION FORM FOR A CERTIFICATE
OF COMPETENCE FOR FUNERAL PARLOURS****A. ISSUING LOCAL AUTHORITY:** Chris Hani District Municipality

CERTIFICATE No.: CH (.....)/20.....

Name:

Tel:

I.D. No.:

Date of application:

Name/ premises:

Type of premises:

Residential Address

.....
.....
.....

Business Address:

.....
.....
.....***NB: This section must be completed by the Environmental Health Practitioner during his/her inspection of the premises.***

<u>Aspects of Premises:</u>	<u>Available</u>	<u>Not Available</u>	<u>Condition</u>
Preparation room	<u>Floor Area</u>		
Wash hand basin			
Tap with running water			
Preparation table			
Cleaning hose			
Floors			
Inner walls			
Light			
Ventilation			
Change room	<u>Male / Female</u>		
Refrigeration facilities	<u>Temperature</u>		
Facilities for cleansing utensils			

Facilities for cleansing vehicles			
Loading & unloading zone for corpse (private)			

Comments:

Particulars of applicant: -----
 SIGNATURE

 DATE:

Particulars of EHP: -----
 SIGNATURE

 DATE:

OFFICE USE (EHP):

Name of Applicant/Company :	
Service required (Indicate if New/Review/Renewal):	
Price of service/tariff to be paid by Client:	
Contact details of Client:	
Reference: MHS/COC & name of Client/Business	

Account Holder: Chris Hani District Municipality
Bank: First National Bank
Account: 62002510693
Branch: Queenstown
Branch Code: 210920

ANNEXURE 8
PROHIBITION NOTICE

PROHIBITION ORDER

ADDRESS OF
PREMISES.....

PERSON IN CHARGE
.....

POSTAL
ADDRESS:.....

NAME OF
INSPECTOR:.....

DATE OF
INSPECTION:.....

1. It is hereby instructed that the following condition(s) existing on the above -mentioned premises be Rectified immediately, or by the following date

- (a).....
- (b).....
- (c).....
- (d).....
- (e).....

2. The reason(s) for the prohibition:

.....

.....

.....

.....

.....

3. The permit/certificate may not be displayed until such time the prohibition has been removed

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

5. No person shall perform any act that is contrary to this prohibition. Any person performing an act contrary to this prohibition order will be guilty of an offence and liable for prosecution.

SIGNATURE OF INSPECTOR:.....

TIME:.....

DATE:.....

PROVINCIAL NOTICE 860 OF 2024

**Nelson Mandela Bay Municipality (EASTERN CAPE)
Removal of restrictions in terms of the Spatial Planning and Land Use
Management Act, 2013 (Act 16 of 2013)**

ERF 870 Summerstrand, PORT ELIZABETH, EASTERN CAPE

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice given that condition/s C(e)(a)-(d) in Deed of Transfer No. T70513/2017 applicable to ERF 870 Summerstrand is/are hereby removed.

PROVINCIAL NOTICE 861 OF 2024

NELSON MANDELA BAY MUNICIPALITY (EASTERN CAPE)

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013
(Act 16 of 2013)

ERF 1618 LORRAINE, PORT ELIZABETH, EASTERN CAPE

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that condition B re building lines contained in Deed of Transfer No T14409/2020 applicable to Erf 1618 Lorraine, is hereby removed.

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 1048 OF 2024****BUFFALO CITY METROPOLITAN MUNICIPALITY, EAST LONDON, EASTERN CAPE****REMOVAL OF RESTRICTIONS IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) AND THE BUFFALO CITY METROPOLITAN MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW (2016)****ERF 115 BEACON BAY**

Under section 47(1) of the Spatial Planning and Land Use Management Act, 2013, (Act of 2013) read with section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management Bylaw of 2016 and upon instructions given by the Local Authority a notice is hereby given that condition C.3. (a - d) and D (1 - 3) contained in Deed Transfer No. T68/2013 applicable to the remainder of Erf 115, Beacon Bay are hereby removed.

LOCAL AUTHORITY NOTICE 1049 OF 2024**BUFFALO CITY METROPOLITAN MUNICIPALITY, EAST LONDON, EASTERN CAPE****REMOVAL OF RESTRICTIONS IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) AND THE BUFFALO CITY METROPOLITAN MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW (2016)****ERF 10274 EAST LONDON**

Under section 47(1) of the Spatial Planning and Land Use Management Act, 2013, (Act of 2013) read with section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management Bylaw of 2016 and upon instructions given by the Local Authority a notice is hereby given that condition C.1 (a - d) and C.2 contained in Deed Transfer No. T31308/2023 applicable to the remainder of Erf 10274 East London are hereby removed.

LOCAL AUTHORITY NOTICE 1050 OF 2024**EASTERN CAPE PROVINCE
NELSON MANDELA BAY MUNICIPALITY (EASTERN CAPE)****REMOVAL OF RESTRICTIONS IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013
(Act 16 of 2013)****ERF 3259 Newton Park, Port Elizabeth**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instruction by the Local Authority, a notice is hereby given that conditions I&IIC.6, I&IIC.7, I&IIC.8, I&IIC.9, I&IIC.10 and D in Deed of Transfer No. T21588/09 CTN applicable to Erf 1991 Newton Park is hereby removed.

LOCAL AUTHORITY NOTICE 1051 OF 2024**EASTERN CAPE PROVINCE
NELSON MANDELA BAY MUNICIPALITY (EASTERN CAPE)****REMOVAL OF RESTRICTIONS IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT
ACT, 2013 (Act 16 of 2013)****ERF 1991 Newton Park, Port Elizabeth**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instruction by the Local Authority, a notice is hereby given that conditions C.6, C.7 and D in Deed of Transfer No. T48825/2010 CTN applicable to Erf 1991 Newton Park is hereby removed.

LOCAL AUTHORITY NOTICE 1052 OF 2024**Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013
(Act 16 of 2013)****ERF 467, SUMMERSTRAND, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions C. 4. And 5. (a-d). contained in Deed of Transfer No. T16291/2022 and any subsequent deed applicable to Erf 467, Summerstrand is hereby removed.

LOCAL AUTHORITY NOTICE 1053 OF 2024**Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013
(Act 16 of 2013)****ERF 401, NEWTON PARK, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions B. 6. – B.9. contained in Deed of Transfer No. T154/2005 and any subsequent deed applicable to Erf 401, Newton Park is hereby removed.

LOCAL AUTHORITY NOTICE 1054 OF 2024

MUNISIPALITEIT **SARAH BAARTMAN** MUNICIPALITY**PUBLIC PARTICIPATION : DRAFT SARAH BAARTMAN SPATIAL DEVELOPMENT FRAMEWORK (SDF)**

Notice is hereby given, in terms of Section 20 of the Spatial Planning & Land Use Management Act, 2013 (Act 16 of 2013), that the Draft Sarah Baartman Spatial Development Framework is available for inspection at the following venue:

- **32 Govan Mbeki Avenue, Ground Floor, Standard Bank Building, Central, Gqeberha**
- **Municipal website (www.sarahbaartman.co.za)**

The main objective of the Spatial Development Framework is to provide a spatial vision and land use development guidelines for the District Municipal Area. It further outlines District Land Use Management Policies and alignment with the IDP.

Comments, input, technical inquiries and/or objections on the Spatial Development Framework should be submitted in writing to Mr Mlamleli Maqokolo, 32 Govan Mbeki Avenue, Ground Floor, Standard Bank Building, Central, Gqeberha, 6000 or mmagokolo@sbdm.co.za not later than 60 days from the date of this notice.

U Daniels
Municipal Manager
Notice No. 15/2024

PUBLIEKE DEELNAME : KONSEP SARAH BAARTMAN DISTRIK MUNISIPALITEIT RUIMTELIKE ONTWIKKELINGSPLAN (SDF)

Kennis word hiermee gegee, in terme van Artikel 20 van die Ruimtelike Ontwikkelings & Grondgebruik Wet, 2013 (Wet 16 van 2013), dat die Konsep Sarah Baartman Distrik Munisipaliteit Ruimtelike Ontwikkelingsplan (SDF) beskikbaar is ter insae by die volgende lokaal:

- **32 Govan Mbeki Avenue, Grond Vloer, Standard Bank Gebou, Central, Gqeberha**
- **Munisipale webwerf (www.sarahbaartman.co.za)**

Die hoofdoel van die Sarah Baartman Ruimtelike Ontwikkelingsplan is om die ruimtelike visie en grondgebruik riglyne vir die Munisipale area te stel en om te koordineer met die Distrik se Geïntegreerde Ontwikkelingsplan (IDP).

Kommentaar, insette, tegniese navrae en/of besware op die Ruimtelike Ontwikkelingsplan kan ingedien word, op skrif, aan Mr Mlamleli Maqokolo, 32 Govan Mbeki Avenue, Grond Vloer, Standard Bank Gebou, Central, Gqeberha, 6000 of mmagokolo@sbdm.co.za nie later as 60 dae vanaf die datum van hierdie kennisgewing.

U Daniels
Munisipale Bestuurder
Kennisgewing Nr. 15/2024

Closing times for **ORDINARY WEEKLY** **2024** **EASTERN CAPE PROVINCIAL GAZETTE**

*The closing time is **15:00** sharp on the following days:*

- **21 December 2023**, Thursday for the issue of Monday **01 January 2024**
- **29 December 2023**, Friday for the issue of Monday **08 January 2024**
- **08 January**, Monday for the issue of Monday **15 January 2024**
- **15 January**, Monday for the issue of Monday **22 January 2024**
- **22 January**, Monday for the issue of Monday **29 January 2024**
- **29 January**, Monday for the issue of Monday **05 February 2024**
- **05 February**, Monday for the issue of Monday **12 February 2024**
- **12 February**, Monday for the issue of Monday **19 February 2024**
- **19 February**, Monday for the issue of Monday **26 February 2024**
- **26 February**, Monday for the issue of Monday **04 March 2024**
- **04 March**, Monday for the issue of Monday **11 March 2024**
- **11 March**, Monday for the issue of Monday **18 March 2024**
- **15 March**, Friday for the issue of Monday **25 March 2024**
- **22 March**, Friday for the issue of Monday **01 April 2024**
- **28 March**, Thursday for the issue of Monday **08 April 2024**
- **08 April**, Monday for the issue of Monday **15 April 2024**
- **15 April**, Monday for the issue of Monday **22 April 2024**
- **22 April**, Monday for the issue of Monday **29 April 2024**
- **26 April**, Friday for the issue of Monday **06 May 2024**
- **06 May**, Monday for the issue of Monday **13 May 2024**
- **13 May**, Monday for the issue of Monday **20 May 2024**
- **20 May**, Monday for the issue of Monday **27 May 2024**
- **27 May**, Monday for the issue of Monday **03 June 2024**
- **03 June**, Monday for the issue of Monday **10 June 2024**
- **10 June**, Monday for the issue of Monday **17 June 2024**
- **14 June**, Friday for the issue of Monday **24 June 2024**
- **24 June**, Monday for the issue of Monday **01 July 2024**
- **01 July**, Monday for the issue of Monday **08 July 2024**
- **08 July**, Monday for the issue of Monday **15 July 2024**
- **15 July**, Monday for the issue of Monday **22 July 2024**
- **22 July**, Monday for the issue of Monday **29 July 2024**
- **29 July**, Monday for the issue of Monday **05 August 2024**
- **02 August**, Friday for the issue of Monday **12 August 2024**
- **12 August**, Monday for the issue of Monday **19 August 2024**
- **19 August**, Monday for the issue of Monday **26 August 2024**
- **26 August**, Monday for the issue of Monday **02 September 2024**
- **02 September**, Monday for the issue of Monday **09 September 2024**
- **09 September**, Monday for the issue of Monday **16 September 2024**
- **16 September**, Monday for the issue of Monday **23 September 2024**
- **20 September**, Friday for the issue of Monday **30 September 2024**
- **30 September**, Monday for the issue of Monday **07 October 2024**
- **07 October**, Monday for the issue of Monday **14 October 2024**
- **14 October**, Monday for the issue of Monday **21 October 2024**
- **21 October**, Monday for the issue of Monday **28 October 2024**
- **28 October**, Monday for the issue of Monday **04 November 2024**
- **04 November**, Monday for the issue of Monday **11 November 2024**
- **11 November**, Monday for the issue of Monday **18 November 2024**
- **18 November**, Monday for the issue of Monday **25 November 2024**
- **25 November**, Monday for the issue of Monday **02 December 2024**
- **02 December**, Monday for the issue of Monday **09 December 2024**
- **09 December**, Monday for the issue of Monday **16 December 2024**
- **13 December**, Friday for the issue of Monday **23 December 2024**
- **19 December**, Thursday for the issue of Monday **30 December 2024**

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 Tel. (040) 635-0052.