

eThekweni, South Africa

## Public Health

Legislation as at 28 December 1911

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# eThekweni South Africa

## Public Health By-law, 1911

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*[The area of application of this by-law was extended to the whole area of jurisdiction of the eThekweni Municipality by MN 20 of 2012.]*

### 1. Prohibited trades, etc.

No person shall—

- (a) Carry on or conduct any trade, calling or manufacture in such a way or manner as to be a nuisance or likely to be injurious to public health.
- (b) Keep any factory, workshop, workroom, workplace, store, or shop in an insanitary or unclean condition, or not ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust, or other impurities generated in the course of the work carried on therein.
- (c) Use any bakehouse, store, or other place where articles of food or foodstuffs are prepared, manufactured, or stored for the purpose of sale, as a sleeping apartment; or keep, prepare, manufacture, or store in any sleeping apartment any article of food which is intended for sale.
- (d) Use any room or store where articles of merchandise are stored for the purpose of sale as a sleeping apartment.
- (e) Keep any bakehouse, store, or other place where articles of food or foodstuffs are prepared, manufactured or stored for the purpose of sale in an insanitary or unclean condition, or allow or suffer any person to be employed in or about such bakehouse, store, or such other place whose person or clothing is unclean.
- (f) Keep any fowl, goat, sheep, or pig in any sleeping or living apartment.
- (g) Keep any dead body or corpse in any room, building, or other place so as to be a nuisance or dangerous to health.
- (h) Bury or dispose of any dead body or carcase or part of a carcase in any unauthorised place or allow any carcase or any other dead matter or any decomposing of offensive material or thing, his property or in his charge or under his control, to be deposited or remain on his premises or elsewhere so as to be a nuisance.
- (i) Expose or exhibit or convey in public any object causing a nuisance or dangerous to health.
- (j) Keep in a foul or improper manner any pool, ditch, gutter, water-course, privy, urinal, cesspool, drain, yard, gully, water closet, sink or bath.
- (k) Otherwise than in conformity with the provisions of section 13, deposit in any street, highway, land or other unauthorised place, any refuse or rubbish.

*[Para. (k) substituted by r. 1 of PN 363 of 1979.]*

- (l) *[Para. (l) deleted by PN 200 of 1984.]*

- (m) Cause or allow any foul or polluted water, or any foul liquid or matter to run or flow from any factory or other premises into any public or private street, road, or lane; or allow any such water, liquid, or matter to run or flow into any land or premises so as to cause a nuisance.
- (n) Commit any act tending to the pollution of water intended for public use.
- (o) Cleanse or wash any vehicle, animal, or any offensive article or utensil in any street or road.
- (p) Bathe or wash in any public water trough or at any public hydrant or fountain, or wash any animal or any article of clothing or any offensive article in any public water trough or at any public hydrant or fountain.
- (q) Beat or shake any carpet, rug, or mat in or over any street, road, footpath, public garden, or public place.
- (r) Commit a nuisance by depositing human excrement or urine in any improper or unauthorised place.
- (s) Foul or misuse any public latrine, privy, water-closet, or urinal, or foul or misuse any latrine, privy, water-closet, or other convenience at any public building, theatre, or public place or entertainment.

**1bis.**

The owner of any premises shall ensure that all water supply pipes, including flush and sparge pipes, and all cisterns, taps or other water fittings or apparatus on such premises are maintained in good repair, order and condition, and provided, where necessary, with a constant, uninterrupted and adequate supply of water, and shall, whenever necessary, repair, renew or make good any such pipe, cistern, tap or other fitting or apparatus which becomes leaky, defective, broken, in disrepair or internally obstructed.

*[R. 1(bis) inserted by PN 3 of 1944 and substituted by PN 178 of 1958.]*

**1ter.**

- (1) Subject to the provisions of the Explosives Act, 1956 (Act No. 26 of 1956), and the Mines and Works Act 1956 (Act No. 27 of 1956), and to the provisions of any regulations made under the said Acts, the owner or manager of every quarry (including a disused quarry) within the City, shall comply with the following requirements—
  - (i) Blasting within the quarry shall only take place between the hours of 9 00 a.m. and 12 noon and 3 p.m. and 5 p.m.
  - (ii) Boulders which are too large to be fed into the crushers shall, wherever possible, be reduced to the required size by some method other than blasting.
  - (iii) All reasonably practicable steps shall be taken to reduce the amount of dust and noise arising from quarrying operations.
  - (iv) Every quarry shall be kept properly fenced off to the satisfaction of the City Engineer so as to preclude the unauthorised entry therein of members of the public.
- (2) Where in the opinion of the City Engineer, the dust or noise emanating from a quarry (including a disused quarry) causes a nuisance to or interferes with the reasonable comfort of persons residing in the vicinity thereof, the City Engineer may by notice in writing, require the owner or manager of such quarry to bring about within a period to be stated in the notice, the cessation of the emanation of such dust or noise.
- (3) In addition to the fences required in terms of paragraph (iv) of sub-section (1) hereof, the City Engineer may, by notice in writing, require the owner or manager of any quarry (including a disused quarry) to take such steps as are in his opinion, necessary in the interests of public safety.
- (4) Any person aggrieved by any order of the City Engineer in terms of subsections (2) or (3) hereof, may, within 14 days of receipt of the notice conveying such order, appeal to the Council.

- (5) Any person who fails to comply with the requirements of sub-section (1) or with an order of the City Engineer issued in terms of sub-sections (2) or (3) hereof, shall be guilty of an offence.

*[R. 1(ter) inserted by PN 71 of 1964.]*

## 2.

Any person being—

- (a) The occupier of any premises who shall keep such premises in such a state as to be a nuisance, or in a condition likely to be injurious to public health, or
- (b) The occupier of any dwelling-house or dwelling-room who shall keep the walls, floors, ceilings, windows, or other internal part of such house or room or the furniture or clothing in such a condition as to be a nuisance, or likely to be injurious to public health, or
- (c) The occupier of any dwelling-house or dwelling-room, which house or room is infested with bugs or other vermin, who shall not promptly take all reasonable measures for the destruction and eradication from such house or room of such vermin,

shall be deemed to have contravened this By-law.

### 2A. Nondiscrimination.

- (1) Subject to the provision of subsection (2) hereof, no provision of these By-laws shall be applied so as to discriminate between persons on the grounds of race, religion or gender nor shall it be so construed as to have the effect of authorising such discrimination.
- (2) Notwithstanding the provisions of subsection (1) hereof, discrimination on the grounds of gender may expressly be authorised in terms of any provisions of these Bylaws which prescribes the wearing of appropriate apparel in a public place or imposes a restriction upon the entry of persons into public ablution, toilet and change room facilities or prescribes different standards for such facilities.

*[R. 2A inserted by r. 5 of MN 43 of 1992.]*

### 3. Maintenance of Cleanliness.

- (1)
  - (a) The occupier of any premises shall at all times maintain in a clean condition all parts thereof used exclusively by such occupier, including closets, passages, staircases, yards and drains used in connection with such premises.
  - (b) Whenever any set of premises is occupied by a number of occupiers the owner of such premises shall at all times maintain in a clean condition all parts thereof used in common by such occupiers or any number of them, including closets, passages, staircases, yards and drains so used in common.
  - (c) Whenever any land or premises are unoccupied or occupied by vagrants, squatters or other unauthorised persons the owner of such land or premises shall at all times maintain all parts thereof in a clean and tidy condition.

*[Para. (c) substituted by para. (a) in PN 129 of 1986.]*

- (2) The occupier or owner of land or premises shall, on being served with a notice signed by the Medical Officer of Health, carry out such measures as may be specified therein for the cleaning or tidying of the land or premises within the time specified in the notice.

*[Sub-r. (2) substituted by para. (b) in PN 129 of 1986.]*

- (3) If the occupier or owner refuses to carry out the measures specified in a notice under this By-law or fails to do so within the time specified, the Medical Officer of Health may arrange for such measures

to be carried out and the expenses incurred in so doing shall be recoverable by the Council from the person on whom the notice is served.

*[R. 3 substituted by PN 1 of 1945 and by PN 204 of 1974.]*

### **3bis.**

- (a) Whenever, in the opinion of the Council, any premises are not provided with a permanent or sufficient supply of wholesome water for drinking or domestic purposes, it may cause notice to be served upon the owner thereof requiring him to take water from the Council and, for that purpose, to provide the necessary piping and fittings for connection to any pipeline of the Council situated within a reasonable distance from the premises.
- (b) In such notice the Council may prescribe the points upon the premises at which such water supply should be made available to the occupier thereof to constitute a sufficient supply in its opinion.
- (c) If the owner of the premises fails, within a period of one month from the date upon which such notice is served upon him, to comply therewith, he shall be guilty of an offence, and the Council shall be entitled by its officers and servants to enter upon the premises and carry out the works required by the notice and to recover the cost thereof from the owner.
- (d) For the purpose of this By-law, "the Council" shall include any Committee of the Council to whom the Council may delegate the matters referred to herein pursuant to Section 8 of Ordinance No. 11 of 1934.

*[R. 3(bis) inserted by PN 9 of 1949.]*

### **4. House, bedding, clothing, etc., to be purified on notice from Health Officer.**

If any house or part thereof or any article of bedding or clothing therein, is in such a filthy or unwholesome condition as to be a nuisance or likely to be injurious to public health, and if the occupier of such house or part thereof fails to promptly clean such house or part thereof or any article as aforesaid therein on receiving notice from the Medical Officer of Health or Inspector of Nuisances, requiring him, the said occupier, to clean and purify such house, or part thereof or any article as aforesaid therein, such Medical Officer of Health or Inspector of Nuisances is hereby authorised to cause such cleaning and purification of such house or part thereof or any such article, as he may deem necessary for the protection of public health.

### **5. Keeping animals so as to be a nuisance.**

Any person—

- (a) Who shall keep any animal or animals so as to be a nuisance or likely to be injurious to public health, or

*[Para. (a) amended by r. (i) of PN 73 of 1948 and by para. (a) (i) of PN 89 of 1951.]*

- (b) Who shall keep any stable or other building or premises or any enclosure in which any animal is kept in an unclean condition, or so as to be a nuisance or likely to be injurious to public health, or

*[Para. (b) amended by PN 249 of 1930, by r. (ii) of PN 73 of 1948 and by para. (a) (ii) of PN 89 of 1951.]*



- (c) Who shall keep animals other than those referred to in Section 101 of these By-laws in a kraal or other enclosure without the consent in writing of the Town Council, shall be deemed to have contravened this By-law.

*[Para. (c) amended by r. (iii) of PN 73 of 1948 and by para. (a) (iii) of PN 89 of 1951.]*

- (d) *[Para. (d) inserted by PN 249 of 1930 and deleted by PN 157 of 1953.]*

- (e) *[Para. (e) inserted by PN 249 of 1930 and deleted by PN 157 of 1953.]*

- (f) *[Para. (f) inserted by PN 249 of 1930 and deleted by PN 157 of 1953.]*

- (g) *[Para. (g) inserted by PN 249 of 1930 and deleted by PN 157 of 1953.]*

### **5bis.**

- (1) The occupier of any premises shall not use any dwelling, as defined in the Public Health Act, 1919, or any building approved by the City Council for any other purpose or any part thereof for the keeping of live poultry, but shall keep such poultry in a fowl-house or enclosure constructed and sited in accordance with the requirements of sub-sections (2) and (3) hereof.

- (2) No occupier shall erect or use any fowl-house or enclosure, any part of which shall—

- (a) be within 7,5 m of a door or window of any building used as a dwelling; or

*[Para. (a) amended by r. 1 (i) of PN 139 of 1971.]*

- (b) abut against the wall of any building used as a dwelling; or

- (c) be within 2 m of any boundary of the premises in which it is situate.

*[Para. (c) amended by r. 1 (ii) in PN 139 of 1971.]*

- (3) No occupier shall erect or use as a fowl-house any structure which does not conform to the following requirements—

- (a) Floor of brick, concrete, asphalt or other solid or impermeable material; and

- (b) walls and roof of unlined wood and iron or other solid or impermeable material; and

- (c) walls, floor and roof without hollow spaces capable of affording harbourages for rodents.

- (4) Any occupier using a fowl-house or enclosure shall—

- (a) keep same thoroughly clean and free from vermin and flies at all times; and

- (b) prevent the accumulation of fowl manure therein and keep any fowl manure removed therefrom in a sound metal refuse bin kept covered with a close-fitting lid until such manure is disposed of; and

- (c) store all poultry food in sound metal containers so as to preclude rodent access thereto.

- (5) Whenever any premises are occupied by two or more occupiers, the owner shall not keep or allow to be kept poultry in any portion of the premises used in common by such occupiers except in conformity with the requirements of this By-law.

- (6) For the purpose of this By-law the term “poultry” shall mean fowls, ducks, geese and turkeys.

*[R. 5(bis) inserted PN 157 of 1953.]*

### **6. Stables.**

No person shall keep any horse or any other draught animal or any cattle in any stable or other building of which the floor is not properly and sufficiently

paved, or otherwise so prepared and maintained as to prevent stagnation of any urine or other liquid on such floor or the absorption by the ground of liquids or other noxious matter, or which floor is not provided with a sufficient drain constructed in such a manner and of such materials and maintained at all times in such condition as effectually to convey all urine or other liquids therefrom into a drain or other proper receptacle.

## 7. Mosquitoes, flies, rats, etc.

- (1) It shall be, the duty of every occupier of land or premises or, in the case of vacant land, unoccupied premises or premises used in common by a number of occupiers, the owner of the land of premises to prevent mosquitoes flies rodents or other vermin from developing or being harboured thereon, and any such occupier or owner who shall fail to comply with the provisions hereof shall be deemed to have contravened this By-law.

*[Sub-r. (1) previously r. 7 amended by r. 1 of PN 370 of 1971 and substituted by para. (c) of PN 129 of 1986.]*

- (2) The occupier or owner of premises shall, on being served with a notice signed by the Medical Officer of Health, carry out such measures as may be specified therein for the removal of conditions favourable to the prevalence or multiplication of mosquitoes, flies, rodents or other vermin, or their harbouring thereon, within the time to be specified in the notice.

*[Sub-r. (2) inserted by r. 7 of PN 370 of 1971 and substituted by para. (d) of PN 129 of 1986.]*

- (3) If the occupier or owner refuses to carry out the measures specified in a notice under this By-law or fails to do so within the time specified, the Medical Officer of Health may arrange for such measures to be carried out and the expenses incurred in so doing shall be recoverable by the Council from the person on whom the notice is served.

*[Sub-r. (3) inserted by r. 7 of PN 370 of 1971.]*

*[R. 7 substituted by PN 414 of 1954.]*

## 8. Removal of weeds, undergrowth, etc.

- (a) The owner of any vacant land or premises and the owner or occupier of any occupied land or premises shall destroy or cut down and remove therefrom all rank grass or weeds and the undergrowth of bush growing on such land or premises, on being served with a notice to that effect signed by the Medical Officer of Health or any officer duly authorised by him to do so, indicating that such conditions constitute a public health nuisance, and these measures shall be carried out within the time specified in such notice.

*[Para. (a) substituted by PN 421 of 1988.]*

- (b) Any owner or occupier who fails to carry out or comply with the requirements of any notice as aforesaid shall be guilty of an offence.
- (c) If the owner or occupier refuses to carry out the measures specified in a notice under this By-law or fails to do so within the time specified the City Medical Officer of Health may arrange for such measures to be carried out and the expenses incurred in so doing shall be recoverable by the Council from the person on whom the notice is served.
- (d) *[Para. (d) amended by r. 2 in PN 139 of 1971, by PN 596 of 1974, by PN 45 of 1976, substituted by MN 10 of 1977 and deleted by PN 205 of 1987.]*

*[R. 8 amended by PN 166 of 1942, substituted by PN 207 of 1955 and by PN 373 of 1962.]*

### 8bis.

*[R. 8(bis) inserted by PN 491 of 1948, amended by r. 3 of PN 139 of 1971 and deleted by PN 660 of 1973.]*

## 9. Smoke from furnaces, chimneys, etc.

Every fireplace or furnace in connection with any engine, mill, manufactory, bakery, or other business or trade process shall be so constructed or so regulated or used as to consume, as far as practicable, the smoke arising from the combustible matter used therein, and every chimney of any such engine, mill, manufactory, bakery or other place where any business or trade is carried on shall be carried to such a height as the Council may from time to time in each particular case direct.

Any person using any fireplace or furnace as aforesaid, which shall not consume, as far as practicable, the smoke arising from the combustible matter used therein, or

Any person using any engine, mill, or carrying on any manufactory, bakery, or other business or trade who shall allow smoke or soot from any chimney in connection with any such engine, mill, manufactory, bakery, or other business or trade process, to be emitted in such quantity as to be a nuisance, or

Any person using any engine, mill, or carrying on any manufactory, bakery, or other business or trade who shall fail to construct or raise to such a height any chimney in connection therewith, as the Council may from time to time direct,

shall be deemed to have contravened this By-law.

## 10. Nuisance arising from defective premises.

The owner of any premises shall—

- (a) maintain all buildings, hardened areas and stormwater drains in good order and condition;
- (b) maintain all sanitary fitments, waste pipes, soil pipes, drains, drainage connections and other drainage fittings and pipes, together with the necessary accessories, in good order and condition;
- (c) provide suitable and effective means of drainage and disposal of all waste liquids and stormwater;
- (d) ensure that every room or other structure or accommodation used for human habitation or occupation is adequately lighted and ventilated in accordance with the requirements of the Building By-laws;
- (e) paint, colour-wash, lime-wash or otherwise suitably renovate any exterior part of the premises when so required by the Medical Officer of Health.

*[R. 10 amended by PN 1 of 1945 and substituted by r. (ii) of PN 178 of 1958.]*

## 11. Water from roof of premises, how to be conveyed away.

No owner or occupier of any house or building shall permit or suffer the water from the roof or top of any such house or building, or from any balcony, verandah, or portico belonging thereto, to be conveyed or to pass or fall to the ground on any street or public thoroughfares otherwise than by suitable eaves-troughing and down-piping, and no owner or occupier of any such house or other building shall permit or suffer the water from the roof or top of any such house or building, or from any balcony, verandah, or portico belonging thereto, to fall upon or flow or pass over any public footpath or thoroughfare, but such water shall be conveyed across and below the surface of any footpath into the gutter or channel of any street or thoroughfare by proper and substantial pipes or other appliances, subject to the approval of the City Engineer.

## 12.

*[R. 12 substituted by r. (i) of PN 561 of 1959, amended by para. (a), (b) and (c) of PN 462 of 1961, by r. 4 (i) and (ii) of PN 139 of 1971, by r. 1 of PN 612 of 1971, by r. 1 and r. 2 of PN 118 of 1978 and deleted by PN 97 of 1985.]*

### 13. Removal of Refuse.

- (1) *[Sub-r. (1) amended by PN 33 of 1970, substituted by r. 2 of PN 363 of 1979, amended by PN 349 of 1981 and deleted by PN 97 of 1985.]*
- (2) *[Sub-r. (2) substituted by para. A of MN 12 of 1962, amended by para. (a) of PN 23 of 1966, substituted by PN 357 of 1969, amended by r. 5 (i) of PN 139 of 1971, by PN 432 of 1971, by r. 2 of PN 612 of 1971, substituted by r. 1 (i) of PN 660 of 1974, amended by para. (C) 1 of MN 96 of 1976, by para. (a) of MN 73 of 1978, by para. (a) and (b) of MN 96 of 1979, by para. (a) and (b) of MN 67 of 1980, by para. (a) and (b) of MN 78 of 1981, by r. 4 of MN 80 of 1981, by r. 1 and r. 2 of MN 155 of 1982, by para. (a) and (b) of MN 85 of 1983, by r. (1) and (2) of MN 211 of 1983, by r. 1 and r. 2 of MN 104 of 1984 and deleted by PN 97 of 1985.]*
- (3) *[Sub-r. (3) substituted by para. A of MN 12 of 1962, amended by para. (b) of PN 23 of 1966, substituted by PN 357 of 1969, amended by r. 5 (ii) of PN 139 of 1971, by PN 432 of 1971, by r. 1 (ii) of PN 660 of 1974, by para. (C) 1 of MN 96 of 1976, by para. (a) of MN 73 of 1978, by para. (b) of MN 67 of 1980, by para. (a) of MN 78 of 1981, by MN 155 of 1982, by para. (a) of MN 85 of 1983, by r. (1) of MN 211 of 1983, by r. 1 of MN 104 of 1984 and deleted by PN 97 of 1985.]*
- (4) *[Sub-r. (4) substituted by para. A of MN 12 of 1962, amended by para. (c) of PN 23 of 1966, substituted by PN 357 of 1969, amended by r. 5 of PN 139 of 1971, by PN 432 of 1971, substituted by r. 3 of PN 612 of 1971, amended by PN 325 of 1973, by r. 1 (iii), (iv) and (v) of PN 660 of 1974, by para. (C) 2 of MN 96 of 1976, by r. 1 of MN 124 of 1977, by para. (C) of MN 125 of 1977, by para. (b) of MN 73 of 1978, by para. (c) of MN 96 of 1979, by para. (c) of MN 67 of 1980, by para. (c) of MN 78 of 1981, by r. 3 of MN 155 of 1982, by para. (c) of MN 85 of 1983, by r. (3) of MN 211 of 1983, by r. 3 of MN 104 of 1984 and deleted by PN 97 of 1985.]*
- (5) The following charges shall be payable for the removal of nightsoil and for other services supplied in connection therewith—
  - (a) For the removal of nightsoil from premises (other than religious or charitable institutions) within the City which are wholly exempted from the payment of rates; or
  - (b) For temporary or casual nightsoil services supplied to rateable property:

For a service thrice weekly, per pail per calendar month or part thereof R40,00

*[Para. (b) amended by para. (d) (i) and (ii) of PN 23 of 1966, by r. 1 (1) and (2) of PN 327 of 1973, by r. 1 of PN 330 of 1975, by r. 3 of MN 96 of 1976, substituted by MN 200 of 1976, by r. 1 of MN 161 of 1979, by r. (i) of MN 172 of 1980, by para. (E) 1 of MN 156 of 1982, by r. 1 of MN 84 of 1983, by r. 1 of MN 98 of 1984, by r. 1 of MN 112 of 1985, by r. 1 of MN 55 of 1986, by r. 1 of MN 78 of 1987 and by r. 1 of MN 38 of 1988]*
  - (c) For nightsoil services supplied to premises where the owner or occupier has failed, after due notice, to connect to the sewerage system:

For a service thrice weekly, per pail per calendar month or part thereof R70,00

*[Para. (c) amended by PN 23 of 1961, substituted by para. A of MN 12 of 1962, by PN 263 of 1975, by MN 200 of 1976, by r. (2) of MN 161 of 1979, by r. (ii) of MN 172 of 1980, by para. (E) 2*

*of MN 156 of 1982, by r. 2 of MN 84 of 1983, by r. 2 of MN 98 of 1984, r. 2 of MN 112 of 1985, by r. 2 of MN 55 of 1986, by r. 2 of MN 78 of 1987 and by r. 2 of MN 38 of 1988.]*

- (d) *[Para. (d) amended by para. (d) (iii) of MN 23 of 1966, by r. (3) of PN 327 of 1973, by r. 2 of PN 330 of 1975, by para. (C) 3 of MN 96 of 1976, by para. (E) 3 of MN 156 of 1982, by para. (E) 3 of MN 84 of 1983, by para. (E) 3 of MN 98 of 1984 and deleted by r. 3 of MN 112 of 1985.]*
- (e) *[Para. (e) amended by para. (d) (iv) of MN 23 of 1966, by r. (4) of PN 327 of 1973, by r. 3 of PN 330 of 1975, by para. (C) 3 of MN 96 of 1976, by para. (E) 4 of MN 156. of 1982, by para. (E) 4 of MN 84 of 1983 and deleted by r. 4 of MN 112 of 1985.]*
- (f) *[Para. (f) amended by para. (d) (vi) of MN 23 of 1966, by r. (5) of PN 327 of 1973, by r. 4 of PN 330 of 1975, by para. (E) r. 5 of MN 156 of 1982 and deleted by r. 5 of MN 112 of 1985.]*

*[Sub-r. (5) amended by r. (ii) of PN 61 of 1959, substituted by para. A of MN 12 of 1962.]*

- (6) *[Sub-r. (6) substituted by para. A of MN 12 of 1962, amended by r. 2 of PN 327 of 1973 and by r. (3) of MN 161 of 1979, substituted by MN 87 of 1976, amended by r. 2 and r. 3 of MN 80 of 1981, by r. 6 and r. 7 of MN 156 of 1982, by r. 5 and r. 6 of MN 84 of 1983 and by r. 4 of MN 98 of 1984 and deleted by PN 97 of 1985.]*

- (7) Charges for services supplied at public conveniences.

- (a) For the use of reserved water closets R0,10
- (b) For wash and brush up R0,20

*[Sub-r. (7) substituted by para. A of MN 12 of 1962, amended by r. 3 of PN 327 of 1973, by r. 6 of MN 112 of 1985 and by r. 3 and r. 4 of MN 78 of 1987.]*

- (8) Charges for temporary waterborne toilet and/or showers—

- (a) *[Para. (a) amended by r. 6 of PN 330 of 1975, by para. (C) 4 of MN 96 of 1976, by r. 1 and r. 2 of MN 203 of 1979, by r. 8 of MN 156 of 1982, by r. 7 of MN 84 of 1983 and deleted by r. 7 of MN 112 of 1985.]*
- (b) *[Para. (b) amended by r. 7 of PN 330 of 1975, by para. (C) 4 of MN 96 of 1976, by r. 3 of MN 203 of 1979, by r. 5 of MN 80 of 1981, by r. 9 of MN 156 of 1982, by r. 8 of MN 84 of 1983 and deleted by r. 8 of MN 112 of 1985.]*

*[Sub-r. (8) inserted by r. 4 of PN 327 of 1973.]*

*[R. 13 amended by PN 178 of 1921, by r. (1) and (2) of PN 203 of 1926, amended by PN 64 of 1934, amended by PN 25 of 1938, substituted by r. (i) of PN 406 of 1956.]*

#### 14.

*[R. 14 substituted by r. (iii) of PN 61 of 1959 and deleted by PN 97 of 1985.]*

#### 15.

*[R. 15 amended by r. (iv) of PN 61 of 1959 and deleted by PN 97 of 1985.]*

#### 15bis.

*[R. 15bis inserted by r. (v) of PN 61 of 1959, substituted by r. 4 of PN 612 of 1971, amended by Proc. No. 199 of 1971, by r. 1 of PN 119 of 1972, by r. 2 (i) and (ii) of PN 660 of 1974, by para. (C) 5 of MN 96 of 1976, by r. 2 of MN 124 of 1977, by r. (4) of MN 161 of 1979, by MN 62 of 1981 and by r. 10 and r. 11 of MN 156 of 1982, by r. 9 and r. 10 of MN 84 of 1983, by r. 5, r. 6 and r. 7 of MN 98 of 1984 and deleted by PN 97 of 1985.]*

**15ter.**

*[R. 15ter inserted by PN 114 of 1972, amended by para. (a) of PN 391 of 1981 and deleted by PN 97 of 1985.]*

**15quat.**

*[R. 15quat inserted by PN 114 of 1972 and deleted by PN 97 of 1985.]*

**15quin.**

*[R. 15quin inserted by PN 391 of 1981 and deleted by PN 97 of 1985.]*

**15sext.**

*[R. 15sext inserted by PN 391 of 1981 and deleted by PN 97 of 1985.]*

**15sept.**

*[R. 15sept inserted by PN 391 of 1981 and deleted by PN 97 of 1985.]*

**16.**

*[R. 16 amended by r. (ii) of PN 406 of 1956, substituted by r. (vi) of PN 61 of 1959 and deleted by PN 97 of 1985.]*

**17.**

*[R. 17 substituted by r. (vii) of PN 61 of 1959, amended by PN 26 of 1977 and deleted by PN 97 of 1985.]*

### ***Slaughter of animals***

**18. Place of Slaughter.**

No person shall slaughter or cause or permit to be slaughtered any animal or bird within the City except as such place or places as shall be appointed or approved by the Medical Officer of Health; provided that this shall not apply to any case where—

- (a) it is necessary to destroy any injured, diseased or dangerous animal or bird and where it could not safely be taken to any authorised place of slaughter; or
- (b) the meat therefrom is not intended for consumption by humans, animals or birds and suitable means are available for the disposal of every part of such animal or bird; or
- (c) a rabbit or bird, is intended for consumption by such person or his household, exclusively.

*[R. 18 substituted by PN 345 of 1958, amended by r. 2 in PN 370 of 1971, and substituted by r. 1 in PN 585 of 1975.]*

**19. Introduction of Meat.**

- (1) The owner of any meat, or dead animal or bird which is intended for consumption, or the agent of any such owner, shall immediately it enters the City, convey it or cause it to be conveyed to a place appointed or approved by the Medical Officer of Health by the shortest possible route and there detain it for inspection and marking and stamping unless—
  - (a) such meat is derived from animals or birds slaughtered at an abattoir situated outside the City which is approved by the Medical Officer of Health and is accompanied by a certificate issued by an inspector duly appointed under the Animal Slaughter, Meat and Animal

Products Hygiene Act, 1967, certifying that such meat was personally examined by him and passed as fit for human consumption; or

- (b) such meat or dead animal or bird is intended for human consumption by such owner or his household; or
  - (c) such meat or dead animal or bird is intended for export beyond the boundaries of the Republic of South Africa and the owner thereof certifies in writing that it will be so exported and which has been inspected and stamped by an inspector duly appointed under the Animal Slaughter, Meat and Animal Products Hygiene Act, 1967.
- (2) Nothing contained in this section shall be deemed to refer to any cured or processed meat, including but without affecting the generality thereof, any hams, bacon or sausages.

*[R. 19 deleted by PN 221 of 1951 and inserted by r. 2 of PN 585 of 1975.]*

## 20. Inspected Meat.

No person shall sell, expose for sale, use or have in his possession in any premises, or cause or permit the same, any meat which has not been duly inspected, passed and marked or stamped in accordance with these By-laws unless such meat—

- (a) is not intended for consumption; or
- (b) is intended for the consumption by such person or his household exclusively; or
- (c) is being conveyed or detained in accordance with the requirements of Section 19.

*[R. 20 amended by PN 48 of 1983, by r. (i) of PN 340 of 1966 and substituted by r. 3 of PN 585 of 1975.]*

### ***Prevention of overcrowding or persons in houses and workshops***

## 21. Provisions for preventing overcrowding.

The following provisions shall have effect for the purpose of preventing the overcrowding of premises and buildings with human beings—

- (a) There shall not be at any time a larger number of persons living or sleeping in any house than the sleeping rooms or accommodation such house contains space for on the calculation of 8.5m<sup>3</sup> and 2.8m<sup>2</sup> of floor area for each and every person living or sleeping therein, any space taken up by furniture, boxes, or other articles to be deducted in calculating the space contained in any such house, and

*[Para. (a) amended by r. 6 of PN 139 of 1971.]*

any person, the occupier of or in whose charge or control any such house may be, who shall occupy or allow to be occupied any such house, by a greater number of persons than such house contains space for on the aforesaid calculation shall be deemed to have contravened this By-law.

- (b) If owing to the structural or other condition of any such house, or to the habits of the persons residing therein, and notwithstanding that there may be a space of 8.5m<sup>3</sup> and a floor area of 2.8m<sup>2</sup> in respect of each and every person living or sleeping in such house, if the air of any such house shall be so impure as to be a nuisance or likely to be injurious to the health of the occupants therein, any person, the occupier of, or in whose charge or control any such house may be, upon receiving a notice signed by the Medical Officer of Health, shall cause the number of persons residing in such house to be reduced to such extent as shall be specified in such notice, and any such occupier in whose charge or control any such house may be who shall fail to comply with such notice, or who shall comply or allow to be occupied any such house by a greater number of persons than shall be specified in the aforesaid notice shall be deemed to have contravened this By-law.

*[Para. (b) amended by r. 6 of PN 139 of 1971.]*

**21bis. Overcrowding, etc., in Flats in Ocean Beach Area.**

- (1) Notwithstanding any other By-law, any person who, after promulgation of this Bylaw, permits—
- (i) any single bedroom in any dwelling unit in a block of flats in the zones described in Sub-section (6) to be occupied by more than one person over the age of 10 years or who permits any double bedroom in such dwelling unit to be occupied by more than two persons over the age of 10 years;
  - (ii) more than one single bed in a single bedroom in such dwelling unit or more than two single beds or one double bed in a double bedroom in such dwelling unit;
  - (iii) any person to sleep in any portion of such dwelling unit other than a bedroom, a combined bedroom and living room, or, subject to the provisions of sub-section (2) hereof, a balcony;
- shall be guilty of an offence; provided that paragraph (ii) hereof shall not preclude the inclusion in a single bedroom of one additional bed, or in a double bedroom of two additional beds used or intended to be used by persons under the age of 10 years.
- (2) Notwithstanding the provisions of sub-section (1) hereof, persons may sleep on a balcony, provided;
- (a) such persons are not visible from any street;
  - (b) the total number of persons permitted to occupy the flat as determined by paragraph (i) of sub-section (1) hereof is not increased.
- (3) The provisions of sub-sections (1) and (2) hereof shall not apply to—
- (i) any dwelling unit in a block of flats while such dwelling unit is leased to any natural person for a period of not less than six months or for an indefinite period under a lease terminable on not less than three months' notice or to any dwelling unit which is occupied by the shareholder of the Company owning the block of flats where such shareholder is entitled by virtue of his shares to occupy a dwelling unit in such blocks of flats.
  - (ii) *[Para. (ii) deleted by para. (a) of PN 400 of 1966.]*
- (4) Every owner of a block of flats in zones described in sub-section (6) shall at all times display, in a prominent place in each bedroom or combined bedroom and living room in such block of flats, a notice indicating whether the bedroom is a single bedroom or a double bedroom and stating the number of persons who are permitted in terms of this By-law to sleep in such bedroom and the number of beds which are permitted therein;
- provided that it shall not be necessary to display such notice in a bedroom or combined bedroom and living room in a dwelling unit to which the provisions of paragraph (i) of sub-section (1) do not apply.
- (4bis) Every block of flats in the zones described in sub-section (6) which consists of twenty or more separate dwelling units, shall be under the control of a caretaker who shall permanently reside in a dwelling unit in the block of flats.
- [Sub-r. (4)bis inserted by para. (b) of PN 400 of 1966.]*
- (4ter) The owner of every block of flats in the zones described in sub-section (6) shall keep a register in which shall be entered the full name and permanent address of every adult person occupying or provided with lodging or sleeping accommodation in a dwelling unit in the block of flats and the number of the dwelling unit occupied by such person. Such register shall, in the case of a block of flats consisting of twenty or more separate dwelling units, be kept in the office of the caretaker in the flat occupied by him and, in all other cases, shall be kept in some convenient place within the City notified to the City Engineer. The register shall, at all times, be open to inspection by officers and servants of the Council and shall be prima facie proof that the persons whose names appear therein are occupying the dwelling unit to which the entry relates.



The keeping of a register in terms of Section 10 of the Aliens Registration Act (Act No. 20 of 1939), as amended, and the Regulations framed under Section 19 of that Act, shall be deemed to be a compliance with this sub-section, if such register is kept at the place required by this sub-section and is available for inspection by officers and servants of the Council.

*[Sub-r. (4)ter inserted by para. (b) of PN 400 of 1966.]*

- (4quat) No clothing, household linen, bathing costumes or towels shall be hung out or permitted to be hung out of any window or on any balcony or other part of the building so as to be visible from a public street.

*[Sub-r. (4)quat inserted by para. (b) of PN 400 of 1966.]*

- (5) For the purposes of this section—

“bed” means any article of furniture used, or designed or intended to be used for sleeping on;

“double bedroom” means—

- (a) in the case of a block of flats erected in accordance with plans approved before 1st July, 1966—
- (i) in Zone 1, a bedroom with a floor area of not less than 14.9 m<sup>2</sup> or a combined bedroom and living room with a floor area of not less than 16.3 m<sup>2</sup>;
  - (ii) in Zone 2, a bedroom with a floor area of not less than 12.1 m<sup>2</sup> or a combined bedroom and living room with a floor area of not less than 14 m<sup>2</sup>.
- (b) in the case of flats erected in accordance with plans approved on or after 1st July, 1966—
- (i) in Zone 1, a bedroom with a floor area of not less than 180.6 m<sup>2</sup> or a combined bedroom and living room with a floor area of not less than 32.5 m<sup>2</sup>; provided that where a balcony having a minimum width of 1.85 m adjoins any such bedroom or combined bedroom and living room, the prescribed minimum area thereof may be reduced by an area equivalent to a quarter of the area of balcony or 4.7 m<sup>2</sup> whichever is the less;
  - (ii) in Zone 2, a bedroom with a floor area of not less than 14 m<sup>2</sup> or a combined bedroom and living room with a floor area of not less than 24.4 m<sup>2</sup>; provided that where a balcony having a minimum width of 1.85 m adjoins any such bedroom or combined bedroom and living room, the prescribed minimum area thereof may be reduced by an area equivalent to a quarter of the area of balcony, or 2.4 m<sup>2</sup>, whichever is the less;

*[Definition of “double bedroom” substituted by para. (c) (ii) of PN 400 of 1966 and amended by r. 7 (i) of PN 139 of 1971.]*

“single bedroom” means—

- (a) in the case of a block of flats erected in accordance with plans approved before 1st July, 1966, any bedroom or any combined bedroom and living room, the floor area of which is less than the minimum floor area prescribed in respect of a bedroom or a combined bedroom and living room respectively in paragraph (a) of the definition of double bedroom; and
- (b) in the case of any block of flats erected in accordance with plans approved on or after 1st July, 1966—
- (i) in Zone 1, a bedroom with a floor area of not less than 9.3 m<sup>2</sup> or a combined bedroom and living room with a floor area of not less than 16.3 m<sup>2</sup>;

- (ii) in Zone 2, a bedroom with a minimum floor area of not less than 8.4 m<sup>2</sup> or a combined bedroom and living room with a floor area of not less than 14 m.

*[Definition of "single bedroom" substituted by para. (c) (ii) of PN 400 of 1966 and amended by r. 7 (ii) of PN 139 of 1971.]*

"block of flats" shall include an apartment house;

*[Definition "block of flats" inserted by para. (c) (i) of PN 400 of 1966.]*

(6) Zone 1:

Beginning at the intersection Bell Street and the south-western boundary of Sub Beach of 6 to 9, Block D, Erskine Terrace of Addington and portion of the Point No. 5891; thence successively along the south-western and northern boundaries of the said Sub Beach, the south-western and boundaries of Sub 14 and the western boundary of Sub 13 both of 6 to 9, Block D, Erskine Terrace of Addington and portion of the Point No. 5891 and the western boundary of Lot 5, Block D, Erskine Terrace to its north-western corner; thence to the south-western corner of Sub 7 of 6 to 9, Block D, Erskine Terrace of Addington and portion of the Point; thence successively along the south-western boundaries of the said Subs 7, 6, 5 and 4 all Block D, Erskine Terrace and the prolongation of the last-mentioned boundary to its intersection with the centre line of South Beach Avenue; thence along the centre line of South Beach Avenue to its intersection with the centre line of Erskine Terrace; thence in a south-easterly direction along the centre line of Erskine Terrace to its intersection with the centre line of Bell Street; thence in a south-westerly direction along the centre line of Bell Street to the prolongation of the south-western boundary of Sub Beach of 6 to 9, Block D, Erskine Terrace of Addington; thence in a north-westerly direction along said prolongation to the point of commencement. Thereafter, beginning at the intersection the centre lines of Erskine Terrace and Rutherford Street, thence along the centre line of Rutherford Street to its intersection with the centre line of Hitchins Street; thence along the centre line Hitchins Street to its intersection with the centre line of Sturdee Place; thence along the centre line of Sturdee Place to its intersection with the centre line Gillespie Street; thence along the centre line Gillespie Street to its intersection with the centre line of Brighton Place, thence eastwards along the centre line of Brighton Place to its intersection with the centre line of an unnamed road 6 m wide; thence along the centre line of the said unnamed road 6 m wide to its intersection with the northern side of Smith Street; thence eastwards along the northern side of Smith Street to the south-western corner of Sub A of 16, Block Y, of the Town Lands No. 1737; thence along the western boundary of the said Sub A to its north-western corner; thence across Tyzack Street to the south-western corner of Sub 3 Block Y; thence successively along the western boundaries of Subs 3, 2 and 1, Block Y, and across West Street to the south-western corner of Sub 5, Block X; thence successively along the western boundaries of Subs 15, 16 and 17, Block X, to the north-western corner of the said Sub 17; thence to the south-western corner of Sub 15, Block ZA; thence along the western boundary of the said Sub 15 to its north-western corner; thence to the intersection of the northern boundary of Sea View Street with the eastern boundary of Boscombe Place; thence along the eastern boundary of Boscombe Place to the north-western corner of Lot P, Block VP of the Town Lands of Durban No. 1737, thence along the eastern boundary of Sub E of Victoria Park Extension of the Town Lands of Durban No. 1737 to the north-eastern corner of the said Sub E; thence along the prolongation of the eastern boundary of the said Sub E to its intersection with the centre line of an unnamed road, being a road along the southern boundary of Lot 10, Block Snell; thence along the centre line of the said unnamed road to its intersection with the centre line of another unnamed road, being a road along the western boundaries of Lots 9 and 10, Block Snell; thence along the centre line of the last-mentioned unnamed road in a north-westerly direction to the centre line of Playfair Road; thence along the centre line of Playfair Road to its intersection with the centre line of Argyle Road; thence eastwards along the centre line of Argyle Road to its intersection with the centre line of Snell Parade; thence southwards successively along the centre lines of Snell Parade, Marine Parade and Erskine Terrace to the intersection of the last-mentioned with the northwestern boundary of Bell Street; thence along the said north-western boundary of Bell Street to the point of commencement.

*[Zone 1 amended by r. 8 of PN 139 of 1971.]*

**Zone 2:**

Commencing at the south-western corner of Sub 15, Block ZA, of the Town Lands of Durban No. 1737, thence along the western boundary of the said Sub 15 to its northwestern corner; thence to the intersection of the northern boundary of Sea View Street with the eastern boundary of Boscombe Place; thence along the eastern boundary of Boscombe Place to the north-western corner of Lot P, Block VP, of the Town Lands of Durban No. 1737; thence along the eastern boundary of Sub E of Victoria Park Extension of the Town Lands of Durban No. 1737 to the north-eastern corner of the said Sub E; thence to the intersection of the prolongation of the southern boundary of Lot 10, Block Snell, with the centre line of Playfair Road; thence along the centre line of Playfair Road to its intersection with the centre line of Argyle Road; thence westerly along the centre line of Argyle Road to its intersection with a line to the west of Brickhill Road running parallel to and 45 m from the western boundary of the said road; thence generally southwards along the said line to its intersection with the centre line of Old Fort Road; thence westwards along the centre line of Old Fort Road to its intersection with the northern prolongation of the centre line of Stanger Street; thence southwards along the said prolongation of the centre line of Stanger Street to its intersection with the centre line of Durnford Road; thence eastwards along the centre line of Durnford Road to its intersection with the centre line of Brickhill Road; thence generally southwards along the centre line of Brickhill Road to its intersection with the centre line of Palmer Street; thence eastwards along the centre line of Palmer Street to its intersection with the line adjoining the north-western corner of Sub 17 Block X to the south-western corner of Sub 15 Block X both of the Town Lands of Durban No. 1737; thence to the south-western corner of the said Sub 15 which is the point of commencement.

*[R. 21(bis) inserted by PN 190 of 1965 and amended by r. 8 of PN 139 of 1971.]*

**22. 8,5m<sup>3</sup> to be allowed for each person.**

There shall not be a greater number of persons employed in any factory, workshop, or workroom than such factory, workshop, or workroom contains space for on the calculation of 8.5m<sup>3</sup> for each and every person employed or being therein.

Any person, the occupier of, or person carrying on any business or trade in any such factory, workshop, or workroom in which a greater number of persons shall be or shall be employed than such factory, workshop, or workroom contains space for on the aforesaid calculation, shall be deemed to have contravened this By-law.

*[R. 22 amended by r. 9 of PN 139 of 1971.]*

**23. Floors, Light and Ventilation of Houses.**

No person shall let, hire, occupy, or cause or allow to be let, hired, or occupied for human habitation any house, building, barrack, room, or apartment unless the ground floor shall be constructed of concrete, tiles, or boards, or of such other material as will admit of thorough cleansing, nor in case of any boarded floor unless there shall be a clear space of 225 mm least in every part between such floor and the ground, and with sufficient through ventilation between such floor and such ground.

*[R. 23 amended by r. 10 of 1971.]*

**24. Windows.**

No person shall let, hire, occupy, or cause or allow to be let, hired, or occupied for human habitation any house, building, barrack, room, or apartment unless there shall be in such house, building, barrack, room or apartment one or more windows of an area equal at least to one-tenth of the floor space of such house, building, barrack, room, or apartment, and so constructed that one-half at least of every such window can be opened at all times into the external air.

**25. Ventilation.**

No person shall let, hire, occupy, or cause or allow to be let, hired, occupied for human habitation any house, building, barrack, room, or apartment unless there shall be provided special and adequate means of ventilation in addition to any window or chimney which may be in such house, building, barrack, room, or apartment.

**25A. Sleeping Rooms.**

No person shall let, hire, occupy, or cause or allow to be let, hired, occupied any room for sleeping in—

- (a) which was approved as—
  - (i) a kitchen, pantry or food preparation room;
  - (ii) a bathroom, water closet, privy or laundry;
  - (iii) a hallway, stairway, landing or passage; or
- (b) which does not comply with the relevant standards prescribed in the Building By-laws relating to minimum dimensions, and lighting and ventilation by natural means.

*[R. 25A inserted by PN 471 of 1972.]*

***Relating to privies and cesspools*****26. Privies.**

No persons shall have or use a privy at any place within the Borough where sewerage is available. Provided that this shall not apply to any privy which the Inspector of Nuisances may authorise to be used on any premises as a temporary convenience and for a specified time only.

Every privy shall be—

- (a) Constructed in a manner as provided for in the Building By-laws of the Borough.
- (b) In such a position as will be proper for the purpose of decency, and for avoiding unsightliness or nuisance therefrom.
- (c) In such a position as will admit of all nightsoil being removed from such privy and from the premises on which such privy shall be situated without being carried through any dwelling-house, shop, or public building, and any person, the owner of any premises, who shall fail to comply with any of the provisions hereof shall be deemed to have contravened this By-law.

**27. Repair.**

Every owner or occupier of premises shall make such necessary privy or water-closet provision as shall be requisite for the proper accommodation of the persons residing or being employed on or using such premises, and shall also maintain every such privy or water-closet in a proper condition of repair.

*[R. 27 amended by PN 529 of 1953.]*

**28. Night soil buckets.**

No occupier of premises shall put or allow to be put into any night soil receptacle in any privy any matter other than faecal matter, disinfectants only excepted.

**29. Cesspools.**

No person shall construct a cesspool or allow a cesspool to be on his premises.

***Houses unfit for habitation*****30. Notices to owners.**

Where a notice, in the form hereunto appended, or to be like effect, signed by the Town Clerk, has been duly served upon the owner of a building or part of a building, by which notice such owner shall be informed that it has been represented to the Town Council that such building or part of a building is unfit for human habitation, and that, unless on or before such day as shall be specified in such notice, such owner by a statement in writing under his hand, or under the hand of his agent, and addressed to and duly served upon the Town Clerk, shall, in the opinion of the Town Council, show sufficient cause why such building or part of a building shall not be declared unfit for human habitation, or unless, on such day and at such time and place as shall be specified in such notice, such owner personally or by his agent shall attend before the Council, and, in the opinion of the Town Council, show sufficient cause why such building or part of a building shall not be declared unfit for human habitation, the Council may declare such building or part of a building unfit for human habitation, and direct that such building or part of a building shall be closed, and prohibit the use of human habitation of such building or part of a building until the same shall have been rendered fit for human habitation and authority given by the Council, in writing, for such building or part of a building to be again used for human habitation.

Any where such owner shall disregard any notice as aforesaid served by the Corporation or fail to show sufficient cause to such Council why such building or part of a building shall not be declared unfit for human habitation the Council may declare that such building or part of a building is unfit for human habitation and direct that such building or part of a building shall be closed and the use thereof for human habitation prohibited until such building or part of a building shall have been rendered fit for human habitation and authority given by the Council, in writing, for such building or part of a building to be again used for human habitation—

Any person who shall inhabit or continue to inhabit or cause or suffer to be inhabited such building or part of a building after having been served with notice of such declaration of unfitness by the Council and before the aforesaid authority in writing shall having been given for such building or part of a building to be again used for human habitation shall be liable to be prosecuted for contravening this By-law.

***Form of notice***

Town Office,

Durban

To

Whereas by a statement in writing under the hand of ....., Medical Officer of Health, of which statement a copy is hereunto annexed, it has been certified to the Town Council that a certain building or part of a building situate at ..... within the Borough of Durban is unfit for human habitation.

And whereas it has been shown to the said Council that you are the owner of such building;

Now, I ....., Town Clerk to the said Council, do hereby give you notice that, unless on or before the ..... day of .....19....., by a statement in writing under your hand or under the hand of an agent duly authorised by you in that behalf, and addressed to any duly served upon or delivered to the said Council, you shall show to the said Council sufficient cause why such building or part of a building shall not be declared unfit for human habitation;

Or unless you shall attend personally or by an agent duly authorised in that behalf before the said Council on day of 19....., at ..... o' clock in the noon, and shall then and there show to the said

Council ..... on ..... day of ....., 19....., at ..... o'clock in the noon, and shall then and there show to the said council sufficient cause why such building or part of a building shall not be declared unfit for human habitation;

The said Council may declare that such building or part of a building is unfit for human habitation, and direct that such building or part of a building shall be closed and the use thereof for human habitation prohibited, until such building or part of a building shall have been rendered fit for human habitation and authority given by the Council in writing, for such building or part of a building to be again used for human habitation.

Witness my hand, this ..... day of ....., 19.....

Town Clerk

### ***Relating to infectious diseases and quarantine***

#### **31. If any person—**

- (a) While suffering from any infectious disease wilfully exposes himself without proper precautions against spreading the said disease in any street, public place, shop, store, hotel, boarding or lodging house, place of refreshment, entertainment, or assembly, or any place used in common by any person other than members of the family or household to which such infected person belongs; or
- (b) Being in charge of a person suffering from any infectious disease, wilfully exposes such sufferer without proper precautions against spreading the said disease in any street, public place, shop, store, hotel, boarding or lodging house, place of refreshment, entertainment, or assembly, or any place used in common by any person other than members of the family or household to which such infected person belongs; or
- (c) Knowingly gives, lends, sells, pawns, transmits, removes, or exposes any bedding, clothing, or other articles which have been exposed to infection from any infectious disease without previous disinfection to the satisfaction of the Medical Officer of Health; or
- (d) Permits any person to assemble or congregate in any house, room, or place over which he has control in which there shall be the body of any person who has died of any infectious disease;
- (e) After receiving a written or printed notice to this effect, deposits, or causes or permits to be deposited any filth, rubbish, or matter has been exposed to infection, without previous disinfection, in any sewer or drain, or any receptacle or elsewhere than in a receptacle specially provided by the Medical Officer of Health or other person employed under him, to receive and contain such filth, rubbish, or matter;

He shall be liable to a penalty for a breach of these By-laws; Provided, however, that any person transmitting with proper precautions any bedding, clothing, or other articles for the purpose of having the same disinfected shall not be liable to any penalty hereunder.

#### **32. Handling of goods likely to cause infection may be stopped.**

The Medical Officer of Health is hereby authorised and empowered to stop the removal or handling of goods, articles, or materials which, in the opinion of the Medical Officer of Health, are likely to convey infection. A written order prohibiting such removal and handling shall be served on the owner of, or person under whose care or control such goods, articles or materials may be, and no person shall remove or handle, or in any way attempt to remove or handle such goods, articles or materials, after such order shall have been so served, until the order prohibiting such removal has been cancelled in writing by the Medical Officer of Health. The Medical Officer of Health may further, on an order countersigned by the Mayor, order the whole or any part of such goods, articles or materials, the removal or handling of which shall have been prohibited as aforesaid, to be destroyed or otherwise dealt with as he may consider necessary to prevent the spread of infection, and any person failing to comply with such written order or

who removes or handles or attempts to remove or handle any such goods, articles and materials after such prohibitive order shall be deemed to have contravened this By-law.

### **33. Children suffering from infectious diseases restricted as regards attending school.**

Every parent or person having care or charge of a child who is or has been suffering from any infectious disease, or resides in a house where such disease exists, or has existed within a period of three months, who shall knowingly or negligently permit such child to attend school without procuring and producing to the teacher or other person in charge of such school a certificate from the Medical Officer of Health, which he shall grant free of charge, that such child has become free from disease and infection, and that the house and everything therein exposed to infection has been disinfected to the satisfaction of the Medical Officer of Health, shall be deemed to have contravened this By-law.

### **34. Contravention by teacher.**

Any teacher or person in charge of any school who shall knowingly permit any child as aforesaid to attend such school without first receiving from the parent or guardian of such child a certificate as aforesaid shall be deemed to have contravened this By-law.

### **35. Person suffering from infectious disease may be removed under order signed by Mayor.**

When any person is suffering from any infectious disease and is without proper lodging or accommodation, or is so lodged that proper precautions cannot be taken for preventing the spread of the disease, or is lodged in a room occupied by others besides those necessarily in attendance on such person, or in any lodging-house, boarding-house, hotel, or any other premises where such person cannot be effectually isolated so as to prevent the spread of the disease, the Medical Officer of Health may, with an order countersigned by the Mayor, direct the removal of such person at the cost of the Council to any suitable hospital, or place provided or used for the reception of the sick, and his detention therein for so long as he continues in an infected condition, or may direct the removal from the room or house occupied by such person of all others not in attendance on him, the Council providing suitable accommodation for such person or persons. Any person who wilfully disobeys or obstructs the execution of such order shall be liable to a prosecution for a contravention of this By-law. Provided always that no such order shall be necessary where the removal is carried out with the consent of the patient or his parent or guardian.

### **36. Plague and Smallpox, special powers.**

Notwithstanding any of the foregoing provisions as to infected persons, the Medical Officer of Health may direct the removal to hospital of any person found to be suffering or suspected to be suffering from Plague or Smallpox, and such Medical Officer of Health, when authorised thereto by an order signed by the Mayor, shall have power, if circumstances appear to him to warrant such action, to order the removal to any place appointed therefor of any persons who may have been exposed to infection, either by living in the said premises with any person affected with Plague or Smallpox, or by visiting any such person, or by entering any such premises, or on account of unusual mortality among rats, mice, or other animals in or around such premises in which the aforesaid persons live or to which they rest.

If any order or removal or detention as aforesaid shall be resisted or disobeyed by any person the Medical Officer of Health may take all reasonable steps for the carrying out of such order.

Any person so removed to hospital or other place of accommodation under the provisions of this By-law shall be detained until discharged by order of the Medical Officer of Health, and during his stay he shall conduct himself in accordance with the rules of the institution and the instructions of the Officer or person in charge of such hospital or place of accommodation.

### **37. Unburied bodies.**

No person shall, without the sanction of the Medical Officer of Health, in writing, retain unburied elsewhere than in a public mortuary, for more than twenty-four hours the body of any person who has died from any infectious disease.

**38. Persons dying from infectious disease.**

If any person dies from any infectious disease in a hospital or place of temporary accommodation for the sick the dead body shall not be removed from such hospital or place except for the purpose of being forthwith buried, and it shall not be lawful for any person to remove such body except for that purpose; and the body when taken out of such hospital or place shall be forthwith taken direct to the place of burial and there buried. Nothing in this section shall prevent the removal of a dead body from a hospital or place of temporary accommodation to a public mortuary, and such mortuary shall for the purpose of this By-law be deemed part of such hospital or place as aforesaid.

**39. Regulations as to disposal of body.**

If the dead body of any person who has died from an infectious disease is retained or kept in any house, building, or other place so as to be, in the opinion of the Medical Officer of Health, dangerous to health, he may order that the body shall be removed, or he may order that such body shall be removed to a burial place and there buried within a time to be specified in such order, and in the event of such order not being complied with in all respects, the Medical Officer of Health may cause the body to be removed and buried, and any person who shall retain or keep any such dead body in any house, building, or other place contrary to any order as aforesaid, served on or received by him shall be liable to be prosecuted for contravening this Bylaw.

**40. Disinfection of clothing.**

No person shall knowingly send or deliver to any person engaged in a laundry or washing business any clothing, linen, or other textile article which has been used by or in connection with any person suffering from an infectious disease, until such clothing, linen, or such other article shall have been disinfected to the satisfaction of the Medical Officer of Health, and no person shall knowingly send or deliver as aforesaid such article without first giving notice in writing to the person carrying on such laundry or washing business that the same has been so used and disinfected.

**41. Laundry-keepers to furnish names of customers.**

Any person or company earning a livelihood or deriving gain by the washing of clothes shall furnish to the Medical Officer of Health, when requested by him, a full and complete list of the names and addresses of the owners of clothes for whom such person or company washes or has washed during the previous six weeks; and every person who shall refuse to furnish such list, or shall furnish an incomplete or incorrect list, shall be liable to prosecution for contravening this By-law.

**42. Books exposed to infection - lending libraries.**

No person shall return to any lending library any book which has to his knowledge been exposed to infection from any infectious disease, but any person having in his charge any such book belonging to any lending library shall at one give notice that it has been exposed to infection to the Medical Officer of Health, who shall take possession of such book, and deal with it as he may consider necessary to prevent the spread of infection.

**43. Vehicles.**

If any owner or person in charge of a public vehicle knowingly convey therein, or any other person knowingly place therein, a person suffering from any infectious disease, or if a person suffering from any such disease enter any public vehicle, he shall be deemed to have contravened this By-law.

**44. Disinfection of vehicles.**

The owner or person in charge of any public vehicle in which a person suffering from any infectious disease has been conveyed or been placed or has entered shall forthwith inform the Medical Officer of



Health and shall send such vehicle to such place as the Medical Officer of Health shall then appoint to be disinfected by such Medical Officer, and any owner or person as aforesaid failing to comply with the provisions hereof shall be deemed to have contravened this By-law.

#### **45. Transportation of body through Borough.**

Any person who shall transport through the Borough the body of any person who has died from any infectious disease unless and until the Medical Officer of Health shall be satisfied that every precaution necessary for the public safety has been taken shall be deemed to have contravened this By-law.

#### **46. Driver or owner of vehicle to be notified.**

Any person who hires or uses a public vehicle other than a hearse for the conveyance of the body of a person who has died from any infectious disease, without previously notifying to the owner or driver or puller of such public vehicle that the person whose body is intended to be conveyed has died from such disease, and any owner or driver or puller of a public vehicle, other than a hearse, which had to the knowledge of such owner or driver or puller has been used for conveying the body of a person who has died from any infectious disease, who shall not immediately provide for the disinfection of such vehicle, shall be deemed to have contravened this By-law.

#### **47. Swimming and other Pools.**

- (1) No owner or occupier of premises on which there is a pool shall cause or permit such pool to be used or to be available for use—
  - (a) unless there is installed and maintained in proper working order, suitable plant and equipment for purifying and sterilising the water which would satisfy the requirements of the City Medical Officer of Health;
  - (b) unless the water leaving the pool after use for purification and sterilisation contains a free residual chlorine in excess of 0,2 parts per million or contains an equivalent level of such other disinfectant as approved by the City Medical Officer of Health;
  - (c) unless the total organisms found in the water as determined by the Standard plate count at 37°C are less than 100 colonies per ml;
  - (d) unless faecal coliforms are absent in 100 ml of water leaving the pool;
  - (e) unless the pH of the water is between 7,0 and 8,0.
- (2) Every owner or occupier referred to in subsection (1) shall ensure that—
  - (a) the pool and its surroundings and amenities are kept in a clean and hygienic condition at all times;
  - (b) all towels, bathing costumes and other articles of apparel issued to users are properly washed before being re-issued;
  - (c) in addition to meeting the requirements of paragraphs (b) and (c) of subsection (1), the water in the pool is preserved in a clean condition and is changed if necessary in order to maintain such condition.
- (3) The City Medical Officer of Health or his duly authorised representative may enter upon any premises upon which he has reason to believe a pool referred to in subsection (1) exists and make such examination and enquiry and conduct such tests in respect thereof as he may deem necessary in order to determine whether the provisions of this section are being observed.
- (4) The provisions of this section shall not apply to pools owned and maintained by the City Council or premises comprising permanent residential flats or duplex, simplex or other permanent residential accommodation or other private dwelling houses unless a charge for the use of the pool is made or swimming tuition for gain takes place therein.

- (5) For the purposes of this section “pool” includes a swimming or paddling pool and a plunge pool.

*[R. 47 substituted by PN 71 of 1928, repealed by PN 78 of 1928, inserted by PN 361 of 1971, amended by PN 172 of 1976 and substituted by MN 44 of 1992.]*

**48. Harboursing Plague or Smallpox patient.**

Any person who shall harbour, or conceal, or assist to harbour or conceal any person suffering from Plague or Smallpox shall be deemed to have contravened this By-law.

**49. Compensation for goods destroyed.**

The owner of any goods, articles, or merchandise which shall be destroyed or unnecessarily damaged in the course of the carrying out of measures for the arrest or prevention of the spread of infectious disease, shall be entitled to compensation.

**50. Duties of dairymen.**

Whenever the Medical Officer of Health shall be of opinion that the outbreak or spread of sickness or disease within the Borough is attributable to milk sold by any dairyman such dairyman shall on request being made to him by the Medical Officer of Health furnish forthwith to such Medical Officer of Health—

- (a) A full and complete list of the names and addresses of the customers or persons supplied with milk by such dairyman, and
- (b) A full and complete list of the names and addresses of the farmers, cowkeepers, or other parties from whom during a period to be specified by such Medical Officer of Health the milk or any part of the milk sold or distributed by such dairyman was obtained,

and any dairyman who shall fail to comply with the provisions hereof shall be deemed to have contravened this By-law.

ADDITIONAL BY-LAWS FOR THE BOROUGH OF DURBAN RELATING TO INFECTIOUS DISEASE AND QUARANTINE

**51. Demolition of premises.**

The Medical Officer of Health shall have power to order the demolition of any hut, shanty, shed, or like structure, and -the destruction or removal of the materials thereof, when, in his opinion, such is necessary for then prevention of the spread of infection.

*[R. 51 previously r. 66 inserted by PN 12 of 1912 and renumbered by r. (vii) of PN 285 of 1954.]*

**52. Compulsory disinfection or decontamination.**

Where any person who is known or suspected to have been exposed to any infection or to have been exposed to contamination by any matter to thing which the Medical Officer of Health considers to be actually or potentially dangerous to health refuses or is unable to wash and cleanse himself to the satisfaction of the Medical Officer of Health, such officer may order the bathing, cleansing, disinfection or decontamination of such person at such place and in such manner as he deems fit free of charge.

*[R. 52 previously r. 67 inserted by PN 12 of 1912, renumbered by r. (vii) of PN 285 of 1954 and substituted by r. 1 of PN 20 of 1971.]*

**53.**

*[R. 53 previously r. 68 inserted by PN 12 of 1912, substituted by r. 1 of PN 92 of 1927, renumbered by r. (vii) of PN 285 of 1954 and deleted by r. 2 of PN 20 of 1971.]*

**54. Destruction of bedding, etc.**

The Medical Officer of Health may order the destruction of any bedding, clothing, or other articles which have been exposed or are suspected of having been exposed to infection from any infectious disease.

*[R. 54 previously r. 69 inserted by PN 12 of 1912 and renumbered by r. (vii) of PN 285 of 1954.]*

**55. Notice to purify premises.**

If the Medical Officer of Health or the Inspector of Nuisance is of opinion that the limewashing, cleansing, purifying, or disinfecting of any premises, or part thereof, or of any articles therein likely to retain infection, or the destruction of such articles would tend to prevent the incidence of or check the spread of infectious disease, he shall give notice to the owner or occupier of such premises, or part thereof, to whitewash, cleanse, purify, or disinfect, or (as regards the articles) destroy the same to his satisfaction, within a time specified in the notice, and if the person to whom such notice is so given fails to comply therewith he shall be deemed to have contravened this By-law, and the Medical Officer of Health or the Inspector of Nuisances may forthwith cause such premises, or part thereof, to be limewashed, cleansed, purified, or disinfected, and such articles aforesaid to be purified or disinfected or destroyed.

*[R. 55 previously r. 70 inserted by PN 12 of 1912 and renumbered by r. (vii) of PN 285 of 1954.]*

**56. Entry on premises by Health Officer.**

If infectious disease shall exist in any premises the Medical Officer of Health may, by such persons as he may authorise, enter upon such premises and carry out such process of disinfection to such premises and any furniture and effects therein as he may deem necessary both during the period of infection and also at the termination of the disease.

*[R. 56 previously r. 71 inserted by PN 12 of 1912 and renumbered by r. (vii) of PN 285 of 1954.]*

**57. Knowingly letting infected house.**

Any person who knowingly lets for hire any house, or part of a house, in which any person has been suffering from any infectious disease without having such house, or part of house, and all articles therein liable to retain infection, disinfected to the satisfaction of the Medical Officer of Health, shall be deemed to have contravened this By-law.

For the purpose of this By-law, the keeper of an hotel, boarding-house, or lodginghouse shall be deemed to let for hire part of a house to any person receiving lodging or food in such hotel, boarding-house, or lodging-house.

*[R. 57 previously r. 72 inserted by PN 12 of 1912 and renumbered by r. (vii) of PN 285 of 1954.]*

**58. Neglecting to disinfect rooms.**

Any person who shall cease to occupy any house, room, or part of a house in which any person has within six weeks previously been suffering from any infectious disease without having such house, room, or part of house, and all articles therein liable to retain infection, disinfected to the satisfaction of the Medical Officer of Health, shall be deemed to have contravened this By-law.

*[R. 58 previously r. 73 inserted by PN 12 of 1912 and renumbered by r. (vii) of PN 285 of 1954.]*

**59. Entry by Health Officer on suspected premises.**

The Medical Officer of Health, or any official specially authorised by him in writing, may enter upon any premises in which infectious disease has been reported or is suspected to exist, and may make such inquiries and inspections of premises as may be necessary, and the Medical Officer of Health may further, for the purpose of discovering infectious disease, inspect such persons as he may deem it necessary to

inspect, and any person who directly or indirectly wilfully hinders, obstructs, or resists such entry, inquiry, or inspection or refuses to answer or knowingly makes false answers to any such inquiry, shall be deemed to have contravened this By-law.

*[R. 59 previously r. 74 inserted by PN 12 of 1912 and renumbered by r. (vii) of PN 285 of 1954.]*

#### **60. House may be closed if likely to be a source of danger.**

If it shall appear to the Medical Officer or Health that any premises are, owing to their condition or that of the neighbourhood, or to the condition of their occupation, for any other reason, likely to be a source of danger to the public health or to favour the spread of plague or small-pox, it shall be lawful for the Medical Officer of Health, on the authority of the Mayor, to order that any house or building on such premises shall be closed and the inmates removed therefrom until such time as the Medical Officer of Health shall advise that such house or building may with safety be re-occupied. If such order be not complied with within the time specified by the Medical Officer of Health he may instruct any person to remove the inmates therefrom and close up with the provisions hereof shall be deemed to have contravened this By-law.

*[R. 60 previously r. 75 inserted by PN 12 of 1912 and renumbered by r. (vii) of PN 285 of 1954.]*

#### **61. Regulations for persons dealing in grain, produce, etc.**

Every person keeping, storing, or dealing in any corn, grain, rice, meal, flour, forage, hay, fodder, sugar, potatoes, foodstuffs, or fruit, shall comply with the following regulations—

- (a) Such goods, articles, or materials shall be kept or stored at all time in such a manner as will protect them as far as possible from rats and mice.
- (b) Any building or store in which any such goods, articles, or materials are kept or stored shall be maintained as far as possible free from rats and mice.
- (c) Such building or store shall also, as regards the floor, walls, and roof, and all other parts thereof, be made and kept inaccessible to rats and mice.

In addition to the foregoing, any person as aforesaid shall carry out such other works as may be notified to him by the Borough Medical Officer of Health as being necessary for the prevention of the spread of plague.

*[R. 61 previously r. 76 inserted by PN 12 of 1912 and renumbered by r. (vii) of PN 285 of 1954.]*

#### **62. Duties of employers of coloured labour in time of plague.**

If at any time the Borough is affected by or threatened with plague or small-pox, and notice to this effect is published in one or other of the local newspapers every person employing coloured workers in the said Borough shall ascertain each morning whether any of such workers are sick. If any such workers shall be sick the employer of such worker shall immediately engage the services of a qualified medical practitioner to examine such worker then and each day subsequently until he shall be restored to health. Such employer shall obtain from the medical practitioner a certificate stating the nature of the sickness from which such worker is suffering, and such medical practitioner shall clearly state in such certificate

if there is anything in the nature of the sickness to arouse any suspicion of the disease being plague or small-pox.

In the event of any such statement being endorsed on the certificate the employer shall forthwith despatch the certificate to the Medical Officer of Health, together with the name in full and the accurate address of the place where the patient is residing or is to be found.

It shall also be the duty of the employer in such case to make adequate provision against the possibility of the person so sick with symptoms suspicious of plague or smallpox leaving the place where he then is until he shall have been dealt with or removed by order of the Medical Officer of Health.

Every employer hereinbefore referred to shall keep proper records of the persons in his employ, and of cases of absence and of sickness amongst them, which records, as well as all medical certificates granted under the foregoing regulations, shall at all times be open to inspection by the Medical Officer of Health, or by any officer acting under his instructions. Any employer or medical practitioner as hereinbefore mentioned who shall fail to comply with any of these provisions herein contained shall be deemed to have contravened this By-law.

*[R. 62 previously r. 77 inserted by PN 12 of 1912 and renumbered by r. (vii) of PN 285 of 1954.]*

### ***Infectious diseases and quarantine***

#### **63. Mayor may declare a quarantine area.**

Notwithstanding anything contained in the provisions of Sections 35, 36 and 60 of the By-Laws for the Borough of Durban relating to Infectious Diseases and Quarantine, in the event of the occurrence of Smallpox, Scarlet Fever, or other infectious as defined by Proclamation to be infectious, it shall be lawful for the Mayor, upon the certificate in writing of the Medical Officer of Health that such a case of infectious disease exists in the Borough, and that persons residing, or being within, or being in near proximity to the dwelling-house or other place where such case of infectious disease has taken place, are likely, under the circumstances, to be infected with any such infectious disease, to declare the dwelling-house or other place as aforesaid, and also an area; within a radius not exceeding 180 m from such dwellinghouse or other place as aforesaid, to be a quarantine; area, and to issue such orders and give, such directions as may be necessary to cut off all communication between any person infected within the said area or under the circumstances likely to be infected, and the rest of the inhabitants of the Borough.

The Mayor may appoint such officers, agents, or servants as he may consider necessary for the purpose of preventing any such communication as aforesaid and for rendering effectual the quarantine established.

The Medical Officer of Health may, by writing under his hand, release from the operation of any such quarantine as aforesaid any person whom he may deem to have been sufficiently vaccinated (in the case of Small-pox being the infectious disease aforesaid), or who may, in his opinion, have otherwise

been sufficiently disinfected, and he may also release from the quarantine area any goods wares, letters, merchandise, which shall have been, to his satisfaction, sufficiently purified or disinfected.

The period of time during which the persons residing or being within such area as aforesaid shall be kept in quarantine shall be determined by the Mayor upon the written advice and recommendation of the Medical Officer of Health.

Any person—

Who, having been ordered to remain in quarantine, shall escape from quarantine, or who shall depart therefrom without being released from the operation of such quarantine by authority in writing of the Medical Officer of Health, or

Who shall disobey or disregard any proper instruction or order given by any official, agent, or servant appointed for the establishing or carrying out of quarantine, shall be guilty of an offence.

*[R. 63 previously r. 78 inserted by PN 117 of 1912, renumbered by r. (i) of PN 285 of 1954, amended by r. (vii) of PN 285 of 1954, by r. (ii) of PN 340 of 1966 and by r. 11 of PN 139 of 1971.]*

### ***Additional public health by-laws for the borough of Durban relating to Typhus***

*[Additional Public Health By-laws for the Borough of Durban relating to Typhus inserted by PN 8 of 1918.]*

#### **64.**

If it shall appear to the Medical Officer of Health that any premises are, owing to their condition or that of the neighbourhood, or to the condition of their occupation, or for any other reasons, likely to be a source of danger to the public health or to favour the spread of Typhus, it shall be lawful for the Medical Officer of Health, on the authority of the Mayor, to order that any house or building on such premises shall be closed and the inmates removed therefrom until such time as the Medical Officer of Health shall advise that such house or building may with safety be re-occupied. If such order be not complied with within the time specified by the Medical Officer of Health he may instruct any person to remove the inmates therefrom and close up such premises, and any person neglecting to comply with the provisions hereof shall be deemed to have contravened this By-law.

*[R. 64 previously r. 94 renumbered by r. (ix) of PN 285 of 1954.]*

#### **65.**

If at any time the Borough of Durban is affected or threatened with Typhus, and notice to this effect is published in one or other of the local newspapers, every person employing Natives or coloured persons or Asiatics within the Borough of Durban shall ascertain each and every morning whether any of such employees are sick. If any such employees shall be sick, the employer shall immediately engage the services of a qualified medical practitioner to examine such employee then and each day subsequently until he shall be restored to health. Such employer shall obtain from the medical practitioner a certificate stating the nature of the sickness from which such employees is suffering, and such medical practitioner shall clearly state in such certificate if there is anything in the nature of the sickness to arouse any suspicion of the disease being Typhus.

In the event of any such statement being endorsed on the certificate, the employer shall forthwith despatch the certificate to the Medical Officer of Health for the said Borough, together with the name in full and the accurate address of the place where the patient is residing or is to be found.

It shall also be the duty of the employer in such case to make adequate provision against the possibility of the persons so sick with symptoms of Typhus leaving the place where he then is until he shall have been dealt with or removed by order of the said Medical Officer of Health.

Every employer hereinbefore referred to shall keep proper records of the persons in his employ and of cases of absence and of sickness amongst them, which records, as well as all medical certificates granted under

the foregoing Regulations, shall at all times be open to inspection by the said Medical Officer of Health or by any official acting under his instructions

*[Editorial Note: Wording as per original Provincial Gazette. It is suggested that the word "herinbefore" is intended to be "hereinbefore".]*

Any employer or medical practitioner as hereinbefore mentioned who shall fail to comply with any of the provisions herein contained shall be deemed to have contravened this By-law.

*[R. 65 previously r. 95 renumbered by r. (ix) of PN 285 of 1954.]*

**66.**

In terms of Sections 3 and 8 of Act No. 14 of 1899, the Medical Officer of Health, the Inspector of Nuisances, or any Assistant Inspector of Nuisances or any Sanitary Inspector are authorised to carry out within the Borough the functions prescribed by Section 3 of the said Act. Any officer authorised to act under this By-law is hereby further authorised to take any person within the Borough whom (by reason of the foul condition of his clothing or person or otherwise) the officer may have reasonable cause to suspect of being infested (whether in respect of clothing or person) with lice or other parasites capable of causing or conveying the disease known as Typhus Fever to a cleansing station to be there subjected to such cleansing as may be necessary for the purpose of cleansing his person and clothes of vermin.

*[R. 66 previously r. 96 renumbered by r. (ix) of PN 285 of 1954.]*

**67.**

Every owner and/or occupier of premises within the Borough of Durban on which premises there shall be employed or housed Natives or coloured persons or Asiatics shall provide means and facilities for the washing, cleansing, and freeing from vermin of such persons and all their clothing, effects, and dwellings, and any such occupier who, after reasonable notice from the Mayor or Medical Officer of Health for the said Borough, fails to provide such means and facilities shall be deemed to have contravened this By-law.

*[R. 67 previously r. 97 renumbered by r. (ix) of PN 285 of 1954.]*

**68.**

Any Sanitary Inspector or any member of the Police or any other person duly authorised thereto by the Mayor or the Medical Officer for the Borough of Durban is hereby empowered to use such force as may be necessary to enforce any requirement under or to prevent any contravention of these By-laws in relation to Typhus Fever.

*[R. 68 previously r. 98 renumbered by r. (ix) of PN 285 of 1954.]*

**69.**

It shall be lawful for the Mayor to issue an order prohibiting the movement of Native or Coloured persons or Asiatics into or out of any area within the Borough (such area to be defined in such order) in which typhus exists or is suspected to exist.

Every owner or occupier or manager or person in charge of any premises within the Borough and every employer of Native or coloured persons or Asiatics shall restrict the movements of or detain such persons and their families on his premises or in his employ in such manner as the Mayor or Medical Officer of Health, Sanitary Inspector, or any officer of police or other duly authorised officer may direct.

*[R. 69 previously r. 99 inserted by PN 138 of 1918 and renumbered by r. (ix) of PN 285 of 1954.]*

**70.**

- (a) Whenever the Medical Officer of Health is of opinion that it is necessary to do so for the purposes of safeguarding the public health and the personal safety of the inhabitants, or with a view

to avoiding an outbreak or spread of any infectious or contagious disease or of any formidable epidemic disease enumerated or proclaimed as such under Section 37 of the Public Health Act, No. 36 of 1919, he may, by written notice directed to and served upon the owner or the occupier or both, order that any premises ordinarily used or intended to be used for ally public entertainment, public meeting or any other gathering of people shall not be used for any such purpose within a period not exceeding seven (7) days, which period shall be defined by the said order.

For the purpose of this By-law, the words "Occupier," "Owner" and "Premises" shall have the meanings assigned to them in Section 159 of the said Act.

- (b) On the advice of the Medical Officer of Health, the City Council may by resolution from time to time extend or re-impose any such prohibition, provided that no such prohibition may be so extended or re-imposed for a longer period than fourteen (14) days by anyone such resolution. Notice of any such extension or re-imposition shall be directed to and served upon the owner or occupier or both, as provided for in Sub-section (a) hereof.
- (c) Any person who contravenes any prohibition made by the Medical Officer of Health under Sub-section (a) or any extension or re-imposition thereof by the City Council under Sub-section (b), after written notice thereof has been given to him, shall be guilty of an offence.

*[Para. (c) amended by r. (iii) of PN 340 of 1966.]*

*[R. 70 previously r. 100(bis) inserted by PN 1 of 1945 and renumbered by r. (xi) of PN 285 of 1954.]*

### ***Relating to hairdressers' and barbers' establishments***

*[Relating to Hairdressers' and Barber's Establishments inserted by PN 95 of 1912.]*

## **71.**

Every person who shall conduct or carry on or assist in conducting or carrying on the business of a hairdresser or barber shall, in the conducting or carrying on of such business, comply with the following Regulations, that is to say—

- (a) Every shelf, fitting and table on which any haircutting, hairdressing or shaving instrument or implement shall be placed, shall be of glass, marble, slate, enamel or similar material;
- (b) All combs, razors, scissors, clippers, brushes, shaving brushes or other instruments, appliances or implements after being used on any person shall be sterilised by being immersed in boiling water or by being placed for at least five minutes in a disinfecting solution;
- (c) Razors when used for shaving any person shall be wiped of lather on clean paper or other clean material of a similar nature;
- (d) No cake, stick or tablet soap shall be used in shaving or shampooing any person, but liquid or powder soap or shaving cream may be used;
- (e) No alum or other astringent shall be used as a styptic on any person in stick or block form;
- (f) No sponge or general powder puff shall be used on any person, but a liquid or powder may be applied by spray or by use of a clean piece of cotton wool for each customer.;
- (g) A clean towel shall be used for each and every person attended to, and a towel once used shall not be again used on another person until it has been washed.
- (h) All hair falling on the floor shall be immediately swept up and removed;
- (i) No person or customer suffering from any cutaneous disease shall be attended to, shaved or have his hair cut in any general room, but any such person or customer may be attended to in any private room;



- (j) All hairdressers' or barbers' shops or premises shall be kept at all times in a good state of cleanliness and ventilation, and every implement, appliance, instrument, overall or other article used in such business shall be kept clean;
- (k) Every hairdresser or barber shall, after attending to a customer, wash his hands before attending to a subsequent customer;
- (l) Every hairdresser and barber shall, when cutting, washing, or dressing the hair of or shaving any person or customer, wear a clean overall garment of cotton, linen, or other similar material;
- (m) A copy of these Regulations shall be conspicuously displayed in, every hairdresser's and barber's shop,

Any person conducting or carrying on or assisting in conducting or carrying on the business of a hairdresser or barber who shall fail to carry out any of the aforesaid Regulations shall be deemed to have contravened this By-Law.

*[R. 71 previously r. 93 renumbered by r. (viii) of PN 285 of 1954.]*

## 72. Keeping of Animals.

No person shall use or permit to be used any premises or any stable, kraal, shed, sty, kennel or other enclosure thereon for—

- (i) the keeping of bovines, horses, mules, donkeys, goats, sheep or pigs; or
- (ii) the accommodation for reward of dogs or cats which are the property of some other person;

except under and in terms of the authority of a permit issued by the Medical Officer of Health.

*[R. 72 previously r. 101 renumbered by r. (xii) of PN 285 of 1954 and substituted by para. (a) of PN 447 of 1974.]*

## 73.

Application for a permit shall be made to the Medical Officer of Health in the form presented in Schedule "A" hereto, and every applicant, when so required by the Medical Officer of Health, shall lodge with his application the following—

- (i) A locality plan, drawn to a scale of not less than 1:1 000, showing all roads and dwellings within a radius of 90 m from the premises in respect of which a permit is sought.

*[Sub-para. (i) amended by r. 12 (i) of PN 139 of 1971.]*

- (ii) Plans and sections to a scale of at least 1:1 000 of the buildings erected and to be used or proposed to be erected and used for the purposes for which the permit is sought.

*[Sub-para. (ii) amended by r. 12 (i) of PN 139 of 1971.]*

- (iii) Particulars with any necessary explanatory drawings of the means proposed to be adopted for the disposal of and to prevent nuisance arising from—

- (a) fluids and liquid waste matters discharged from the premises;
- (b) solid waste matters.

- (iv) Particulars of—

- (a) the materials used or to be used in the construction of and the dimensions of the Native quarters (including sleeping, living, mess and change rooms, kitchens, bath or wash rooms and latrines and the like) proposed to be used;
- (b) the nature of the proposed water supply and the situation of the proposed points of distribution;

- (c) the type of sanitation proposed and the number of seats to be provided.
- (v) Particulars of the total area of the land to be used in connection with the animals in respect of which the permit is sought, the portion or portions to be used as paddocks and the number of bovines, horses, mules, donkeys, goats, sheep, pigs, or dogs be kept.

*[R. 73 previously r. 102 renumbered by r. (xii) of PN 285 of 1954.]*

#### 74.

- (a) The Medical Officer of Health shall not issue any permit authorising the keeping of pigs upon any premises situate outside of the area described in Schedule B.
- (b) Except in the case of premises so used prior to 1951, the Medical Officer of Health shall not issue a permit for the keeping of bovines, horses, donkeys or mules for trading purposes or in connection with any business in respect of premises having an area of less than 0,8 ha.

*[Para. (b) amended by r. 13 of PN 139 of 1971 and substituted by para. (b) of PN 447 of 1974.]*

- (c) Save as above provided, the Medical Officer of Health shall issue a permit, subject to such conditions, limitations or restrictions as he may deem necessary, if he is of opinion that the premises proposed to be used are fit for the purpose proposed and that if the situation and construction of the premises is such that if a permit were issued in respect thereof a nuisance or a danger to health would not be likely to arise therefrom.

*[R. 74 previously r. 103 renumbered by r. (xii) of PN 285 of 1954.]*

#### 75.

Every permit issued by the Medical Officer of Health shall be in the form prescribed in Schedule "C" hereof, and shall be valid only for the period stated thereon and shall be subject to any conditions, restrictions or limitations or restrictions contained therein.

*[R. 75 previously r. 104 renumbered by r. (xii) of PN 285 of 1954.]*

#### 76.

Every permit issued by the Medical Officer of Health shall be deemed to contain the conditions that the person to whom it is issued shall—

- (a) provide, maintain and use in connection with the premises to which the permit relates—
  - (i) a pure, sufficient and convenient water supply; and
  - (ii) means, approved by the Medical Officer of Health, for the temporary storage, if necessary, of liquid waste and manure pending the final disposal thereof and means similarly approved for the disposal of stormwater, liquid wastes and manure; and
  - (iii) a rodent-proof and fly-proof feed store; and
  - (iv) washing and sanitary accommodation, approved by the Medical Officer of Health, for all persons employed on the premises;
- (b) maintain all buildings, drains, drainage connections and other appurtenances of the premises in good repair and condition and in the case of any building, kraal, sty or kennel or any hardened surface—
  - (i) cause the floors thereof to be cleaned and thoroughly washed daily; and
  - (ii) cause all manure to be removed therefrom at least once daily and to be so treated in accordance with any directions the Medical Officer of Health may give to avoid the creation of a nuisance or a danger to health; and

- (iii) cause the inner surface of all walls to be thoroughly cleansed and limewashed at least once in three months and whenever the Medical Officer of Health so directs;
- (c) not make any structural alterations to the premises to which the permit relates without the approval in writing of the Medical Officer of Health.

*[R. 76 previously r. 105 renumbered by r. (xii) of PN 285 of 1954.]*

#### 77.

No person to whom a permit has been issued shall use any padlock or the like for the exercising of any animal in respect of which the permit has been issued (except racehorses) unless such paddock or the like has been fenced, paved and drained to the satisfaction of the Medical Officer of Health, so as not to give rise to any nuisance, and has been surrounded by a curb of not less than 300 mm in height and inverted at the top so as to prevent the escape of fly larvae; provided that in any case in which the Medical Officer of Health is of opinion that the soil is sufficiently absorbent he may by endorsement on the permit exempt the holder thereof from this By-law or any part of it.

*[R. 77 previously r. 106 renumbered by r. (xii) of PN 285 of 1954 and amended by r. 14 of PN 139 of 1971.]*

#### 78.

The Medical Officer of Health or any officer thereto deputed by him may, at any reasonable time, inspect and examine any premises upon which any animals referred to in By-law No. 72 are kept, whether or not a permit has been issued in respect thereof, and no person shall—

- (i) without lawful reason fail or refuse to give access to any such officer if he requests entrance to or upon any premises;
- (ii) without lawful reason fail or refuse to give any information lawfully required by such officer;
- (iii) obstruct or hinder such officer in the execution of any of his duties or the exercise of any of his powers under these By-laws.

*[R. 78 previously r. 107 amended by r. (ii) of PN 285 of 1954 and renumbered by r. (xii) of PN 285 of 1954.]*

#### 79.

These By-laws shall be additional to and not in substitution of the requirements of the Building By-laws.

*[R. 79 previously r. 108 renumbered by r. (xii) of PN 285 of 1954.]*

#### 80.

- (1) Any person who—
  - (a) contravenes any provision of these By-laws; or
  - (b) contravenes any conditions imposed upon the granting of any application, consent, approval concession, relaxation, permit or authority in terms of these By-laws; or
  - (c) fails to comply with the terms of any notice served upon him in terms of these By-laws,shall be guilty of an offence and liable upon conviction, to the maximum penalty prescribed for the offence by section 266 (7) (a) of the Local Authorities Ordinance, No. 25 of 1974.
- (2) Failure to comply with the terms of any condition or notice referred to in subsection (1) (b) or (c) above shall constitute a continuing offence and a person failing to comply with the terms of such

condition or notice shall be guilty of a separate offence for each day during which he fails to comply with such terms.

[R. 80 previously r. 109 renumbered by r. (xii) of PN 285 of 1954, substituted by r. (iv) of PN 340 of 1966, amended by r. 5 of PN 612 of 1971, by r. (VI) of PN 241 of 1976 and substituted by PN 366 of 1983.]

**“A”**

[Schedule “A” amended by r. (iii) of PN 285 of 1954.]

Application No ..... New/Renewal. (For office use only.)

CITY OF DURBAN

To: City Medical Officer of Health,

City Health Department P.O. Box 2443, Durban.

APPLICATION FOR PERMIT FOR THE KEEPING OF CERTAIN ANIMALS.

I/We ..... (Block letters)

of ..... by occupation

..... hereby apply, in terms of Section 73 of the Public Health By-laws for the City of Durban for a permit to enable me/us to keep the undermentioned animals for the period ..... to the 31st December, 19 ..... on and from the premises situate .....

Bovines (i.e., Cows, Bulls, Oxen, etc.)

Pigs No.....

Horses No.....

Mules No.....

Donkeys No.....

Goats No.....

Sheep No.....

Dogs No.....

Person by whom the premises will be actually occupied and supervised—

Name in full .....

Address .....

Signature of Applicant .....

Postal Address.....

Date .....

**“B”**

[Schedule B amended by r. 3 of PN 20 of 1971.]

CITY OF DURBAN

APPROVED ZONES FOR THE KEEPING OF PIGS.

“That portion of the City of Durban situated at Newlands comprising subdivision 19 of Newlands Township.”

**Schedule C**

[Schedule C amended by r. (iv) of PN 285 of 1954.]

VALID FOR CURRENT YEAR. No ..... New/Renewal.

PERMIT FOR THE KEEPING OF CERTAIN ANIMALS

In terms of Section 75 of the Public Health By-laws for the City of Durban, the undermentioned person/s is/are hereby authorised to keep the undermentioned animals for the period ..... to 31st December, 19 ....., and subject to the conditions set out below—

Bovines No.....

Pigs No.....

Horses No.....

Mules No.....

Donkeys No.....

Goats No.....

Sheep No.....

Dogs No.....

Name .....

Postal Address .....

Premises .....

Conditions .....

.....

City Medical Officer of Health.

Date.....

Note.—This permit is issued in terms of the abovementioned section of the City Public Health By-laws relating to the keeping of certain animals and authorises the holder to keep the said animals, but does not authorise the sale and/or distribution of milk and does not absolve the holder from compliance with the Building By-laws.

***Relating to the drainage, of manufactories, mills, or other workplaces***

**81.**

Any person who shall conduct or carry on any trade, business, industry, manufacture, or occupation within the Borough in the course of which trade, business, industry, manufacture, process, or occupation any offensive waste liquid or water is produced or discharged, or which is likely to become offensive or to cause a nuisance, shall comply with the following provisions, that is to say—

- (a) If the main sewerage scheme or system of the said Borough is available or accessible for connection by drainage with the premises where such trade, business, industry, manufacture, process, or occupation is conducted or carried on, such person shall carry out such drainage works, at such premises as may be prescribed by the By-laws in that behalf, under the provisions of the Main Sewerage Law of the said Borough, or other Law or Act applying thereto.

- (b) If the main sewerage scheme or system of the said Borough is not available or accessible for connection by drainage with the premises where such trade, business, industry, manufacture, process, or occupation is conducted or carried on, such person shall carry out such works and make such arrangements as will effectually prevent such waste liquid or water being or causing a nuisance on his own premises, or being or causing or becoming a nuisance after leaving or being discharged or conveyed away from such premises.

The following words and expressions shall have, in the By-laws for the Borough of Durban, the meaning hereby assigned to them, unless such shall be repugnant to or inconsistent with the context or subject matter in which such words or expressions may occur, that is to say—

“Borough” shall mean the Borough of Durban.

“Burial” shall include cremation.

“Dairyman” shall include cowkeeper, dairyman, and purveyor of milk.

“Food” shall include any article, whether solid or liquid, intended for human consumption.

“House” shall include part of a house, room, apartment, or barrack.

“Land” shall include buildings and all other accessories of real or immovable property.

“Mayor,” “Acting Mayor,” “Town Clerk,” “Medical Officer. of. Health,” or “Inspector of Nuisances” shall mean the persons from time to time, holding the said appointments respectively, for the Borough of Durban, or acting in any such capacity.

“Occupier” means and includes any person in actual occupation of any land or premises or having the charge or management thereof, without regard to the title under which he occupies it, and in the case of premises sub-divided and let to various lodgers or tenants, the person receiving the rent payable by lodgers or tenants, whether on his own account or as agent for any person entitled thereto or interested therein.

*[Definition of “Occupier” substituted by PN 206 of 1955.]*

“Owner” in relation to any premises, means—

- (a) the person in whose name the title to those premises is registered in terms of the Deeds Registries Act No. 47 of 1937 and includes the holder of the stand licence;
- (b) the person in whose name the certificate of sectional title to those premises is registered in terms of the Sectional Titles Act, No. 66 of 1971 and in addition includes the owner (as defined in the said Act), the body corporate and the developer in relation to such premises;
- (c) if such person or holder is dead, insolvent, mentally disordered or defective, a minor, or under any legal disability, the person in whom the administrator of that person’s or ,holder’s estate is vested, whether as executor, guardian or in any other capacity whatsoever; or
- (d) if the premises are under lease, the registration whereof is in law necessary for the validity of such lease, the lessee.

When an owner as herein defined is absent from the Republic or his whereabouts are unknown or is under a disability (other than a legal disability) of such a kind as to prevent him from personally attending to any matter relating to the premises, the expression “owner” includes an agent of such owner or any person

receiving or entitled to receive rent in respect of the premises or any "unit" (as defined in the Sectional Titles Act No. 66 of 1971) of such premises.

*[Definition of "Owner" substituted by PN 253 of 1973 and amended by PN 541 of 1975.]*

"Premises" shall include all buildings, rooms, tenements, sheds, huts or other structures or erections and also yards or lands in connection therewith and shall also include any 'unit' (as defined in the Sectional Titles Act No. 66 of 1971 ) thereof.

*[Definition of "Premises" substituted by PN 253 of 1973.]*

"Privy" shall mean a building or privy having a portable receptacle or receptacles for containing and removing night soil or human excrement, as distinct from waterclosets.

"Public Vehicle" shall include tramcar, or any motor car, cab, ricksha, or other vehicle hired or let for the conveyance of passengers.

"Town Council" or "Council" shall mean the Town Council of the Borough of Durban.

"Trade" shall mean, in the By-laws relating to offensive trades, any trade, business, industry, occupation, works or manufacture mentioned in such By-laws.

Words applying to any individual shall include persons, companies, and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and vice versa.

In the promulgation of these By-laws all By-laws previously known or described as "Sanitary By-laws," "Additional Sanitary By-laws," "Cowshed and Dairy By-laws and Regulations," "Amended Cow shed and Dairy Regulations," "By-laws relating to the Prevention of Infectious Disease," "Special Infectious Disease By-laws relating to Plague and Small-pox," "Public Health By-laws," and all amendments and additions thereto, in respect of the Borough of Durban shall, ipso facto, be repealed.

*[R. 81 previously r. 65 amended and renumbered by r. (v) and r. (vi) of PN 285 of 1954 respectively.]*