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LOCAL AUTHORITY NOTICES

NOTICE 2504 OF 2007

KUNGWINI LOCAL MUNICIPALITY

BY LAW: THE KEEPING OF ANIMALS, BIRDS, POULTRY AND BUSINESSES INVOLVING THE
KEEPING OF ANIMALS, BIRDS, POULTRY OR PETS

The Acting Municipal Manager of the Kungwini Local Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the various By-Laws for the Kungwini Local Municipality as approved by it's Council as per Council Resolution KA7/28-2-2007, and as set out hereunder.

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1. KUNGWINI LOCAL MUNICIPALITY BY-LAW ON THE KEEPING OF ANIMALS, BIRDS AND POULTRY AND BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS, POULTRY OR PETS

The purpose of this by-law is to govern the keeping of animals, birds and poultry and businesses involving the keeping of animals, birds, poultry or pets. This will ensure the health and safety requirements of the Kungwini community are maintained and effective governance is achieved in a manner that complies with the objectives of the South African Constitution and the applicable provincial regulations.

2. DEFINITIONS

The following list of definitions is provided to facilitate the accurate interpretation of this by-law. For the purposes of this by-law, unless the context otherwise indicates:

"adequate"	means adequate in the opinion of the Kungwini Local Municipality
"animal"	means any cattle, sheep, goats, horses, mules, donkeys, pigs, rabbits, cats and dogs
"approved"	means approved by the Environmental health practitioner considering the reasonable public health requirements of the particular case
"avlary"	means a roofed or unroofed enclosure used for keeping birds. It does not include a portable cage
"battery system"	means the method of keeping poultry or rabbits in cages in either single rows or a tier formation within a building or structure
"bird"	means a feathered vertebrate other than poultry
"cattery"	means the premises at which boarding facilities for cats are provided. It includes premises where <i>cats</i> are kept and bred for commercial purposes
"Council"	means the Kungwini Local Municipality
"dwelling"	means any building or part of a building that is used for human habitation
"enclosure"	in relation to animals, means any kraal, pen, paddock or other such fenced or enclosed area that is used for accommodating, keeping or exercising animals
"Environmental health practitioner"	means an official appointed by the Council who is duly registered as an environmental health officer or environmental health practitioner with the Health Professions Council of South Africa
"kennels"	means the premises at which: <ul style="list-style-type: none"> • boarding facilities for dogs are provided • dogs are bred for commercial purposes or • dogs are kept to be trained or hired out with or without handlers
"livestock"	means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry
"nuisance"	means any injury, harm, damage, inconvenience or annoyance to any person which is caused in any way whatsoever by the improper handling of animals, birds or poultry
"permit holder"	means the person to whom a permit has been issued by the Environmental health practitioner in terms of these by-laws
"person"	refers, in this by-law, to both male and female, unless the context indicates the contrary
"person in control"	means the person actually managing or in control of premises or a business
"pet"	means any domestic or other animal that may lawfully be kept as a pet. It includes any bird or non-poisonous reptile
"pet salon"	means any premises at which beauty treatment is given to dogs or cats. This beauty treatment includes washing, drying, brushing, clipping, trimming or by attending to the nails or teeth of the <i>animals</i>

7. REQUIREMENTS FOR PREMISES FOR KEEPING ANIMALS

7.1. The following table details the requirements that must be met to keep animals. These requirements are applicable to all existing buildings, newly built buildings, renovated buildings or converted buildings after the date of implementation of these by-laws. The Environmental health practitioner may require that the bylaws be complied with in the interests of public health. If this is the case, the appropriate person will be notified and be given a reasonable time to meet the requirements. Should the person not agree with the decision made by the Environmental health practitioner, they will have one month from date of receiving the notice, to appeal the decision in writing with the Council.

ANIMAL	STRUCTURE	ENCLOSURE SIZE & REQUIREMENTS	LIGHTING AND VENTILATION	SITUATION OF THE ANIMALS
Cattle, horses, mules and donkeys	<p>All walls and partitions must be built of brick, concrete, stone or another durable material.</p> <p>Internal walls must be brought to a smooth finish</p> <p>Height of a pitched roof must be at least 2.4m.</p> <p>Height of a flat roof must be at least 2.7m</p> <p>Average height of a lean-to roof must be 3m with a minimum height of 2.4m on the one side</p> <p>Height of at least 2m for a stable that is open along the whole length of one of its sides</p> <p>Floor must be made of concrete or another durable and impermeable material.</p> <p>Floor must be graded to a channel. The channel must be drained to an external gully that is connected to the Municipality sewer</p>	<p>A stable must have a floor area of at least 9m² for each animal</p> <p>An enclosure must have a floor area of at least 10m² for each animal to be kept in the enclosure.</p> <p>Enclosure must be fenced so that the animals cannot break out.</p> <p>Fencing materials must be substantial.</p>	<p>Lighting and ventilation provided by openings.</p> <p>Opening can be glazed or have louvers.</p> <p>Openings need to total at least a.3m² per animal to be kept in the stables.</p> <p>Lowest level of the openings must be at least 1.8m above floor level.</p> <p>These requirements are not relevant when the stables are open along one entire side.</p>	<p>Enclosure must not be within 100m of any land boundary.</p> <p>Stable must not be within 15m of land, dwellings or structures that people live in.</p> <p>Stable must not be within 50m of a well or water source that is used for human consumption.</p>

ANIMAL	STRUCTURE	ENCLOSURE SIZE & REQUIREMENTS	LIGHTING AND VENTILATION	SITUATION OF THE ANIMALS
Pigs	<p>Where no sewer is accessible, the channel must be drained to another drainage facility that is approved by the Municipality.</p> <p>Walls must be constructed of brick, stone, concrete or another durable material.</p> <p>Internal walls must be brought to a smooth finish.</p> <p>Height of the waifs must not be less than 1.5m.</p> <p>The roof of the pigsty must be at a height of at least 1.5m from the ground.</p> <p>The joints between the walls and the floor must be cover-ed.</p> <p>The floor must be at least 150mm above the surrounding ground level.</p> <p>The floor must be made of concrete or another durable and impermeable mater. ial,</p> <p>The <i>floor</i> needs to be brought to a smooth finish.</p> <p>The floor needs to be graded to a channel that is outside the pigsty.</p> <p>The channel must be made of con.crete, glazed earthenware or another durable and impermeable material.</p> <p>The channel must be at least 100mm in diameter.</p> <p>The channel must be drained to an external gully that is connected to the Municipality sewer.</p>	<p>A pigsty must have a floor area of at least 3m² for each pig to be kept.</p> <p>The overall minimum floor area must not be less than 6m².</p>	<p>Lighting and ventilation must be provided by openings.</p> <p>Openings need to total at least 0.15m² per pig to be kept in the pigsty.</p>	<p>Enclosure must not be within 100m of any land boundary.</p> <p>Stable must not be within 100m of land, dwellings or structures that people live in.</p> <p>Stable must not be within 100m of a well or water source that is used for human consumption.</p>

ANIMAL	STRUCTURE	ENCLOSURE SIZE & REQUIREMENTS	LIGHTING AND VENTILATION	SITUATION OF THE ANIMALS
Pigs	<p>Where no sewer is accessible, the channel must be drained to another drainage facility that is approved by the Municipality.</p> <p>A roofed over platform must be provided for the storage of all swill in containers.</p> <p>Pig food must be prepared on this platform.</p> <p>The platform must be situated so that it meets with the requirements detailed in the above table under Situation of the Animals for pigs.</p> <p>The platform must have a curbing of at least 100mm on all its sides.</p> <p>The surface of the platform must be brought to a smooth finish.</p> <p>It must be graded to a channel that is drained to an external gully that is connected to the Municipality's sewer or an alternative drainage system that is approved by the Municipality.</p>			

ANIMAL	STRUCTURE	ENCLOSURE SIZE & REQUIREMENTS	LIGHTING AND VENTILATION	SITUATION OF THE ANIMALS
Goats and Sheep	<p>If a building or shed is provided, all the walls of the building or shed must be made of brick, stone, concrete or another durable material.</p> <p>The walls must be at least 2m high.</p> <p>The walls must have a smooth internal finish.</p> <p>The floor must be made of concrete or another durable material.</p> <p>Floor must be graded to a chan-net. The channel must be drained to an external gully that is connected to the Municipality sewer or an alternative drainage facility that is approved by the Municipality.</p>	<p>An enclosure must have at least 1.5m² for every animal that is kept.</p> <p>The overall mini-mum floor area must not be less than 30m².</p> <p>If a building or shed is provided for the animals, at least 1.5m² must be provided for each animal that is to be kept.</p> <p>The overall mini-mum floor area of the building or shed must not be less than 6m².</p>	<p>Lighting and ventilation must be provided in the building or shed</p> <p>The lighting and ventilation openings must total at least 0.15m² per animal to be kept in the building or shed.</p>	<p>A building or shed must not be within 15m of any land boundary.</p> <p>An enclosure must not be within 10m of any land boundary.</p> <p>A building or shed must not be within 15m of land, dwellings or structures that people live in.</p> <p>An enclosure must not be within 10m of land, dwellings or structures that people live in.</p> <p>A building, shed or enclosure must not be within 50m of a well or water source that is used for human consumption.</p>

ANIMAL	STRUCTURE	ENCLOSURE SIZE & REQUIREMENTS	LIGHTING AND VENTILATION	SITUATION OF THE ANIMALS
Poultry	<p>Poultry House A poultry house must be constructed of brick, stone, concrete or another durable material. The walls must have a smooth internal finish. The floor must be constructed of concrete or another durable and impermeable material. The floor must be brought to a smooth finish. If a poultry run is provided, it must be enclosed with wire mesh or another durable material.</p> <p>Battery System If a battery system is operated, that waifs of the building that the battery system is operated in must be at least 2.4m high. The walls must be built of concrete, stone, brick or another durable material. 150mm around its edges. The walls must have a smooth finish. If no walls are provided or the walls are made of metal, the floor must have a curb of at least All the joints between the floor, walls and curbing must be covered. The cages used in the battery system must be made of an impermeable material.</p>	<p>Poultry House The floor area must be at least a.2m² for every fowl, duck, Muscovy duck or guinea fowl that is to be kept in the poultry house. The overall floor must not be less than 4m².</p>	<p>Battery System Mechanical ventilation and artificial lighting or natural ventilation and lighting can be used. Natural ventilation and lighting must be provided through openings or windows. The windows and openings must be at least 15% of the total floor area of the building.</p>	<p>AU poultry must be situated to ensure that they do not disturb or hinder the comfort, convenience, peace or quiet of the public.</p>

ANIMAL	STRUCTURE	ENCLOSURE SIZE & REQUIREMENTS	LIGHTING AND VENTILATION	SITUATION OF THE ANIMALS
Poultry	<p>A tray that is also made of an impermeable material must be fitted under the cages to collect manure. This is only necessary if required by the Environmental health practitioner</p> <p>A basin must be provided in the building. It must be drained to an external gully that is connected to the Municipality's sewer. Where no sewer is accessible, the channel must be drained to another drainage facility that is approved by the Municipality.</p>			

ANIMAL	STRUCTURE	ENCLOSURE SIZE & REQUIREMENTS	LIGHTING AND VENTILATION	SITUATION OF THE ANIMALS
Rabbits	<p>A rabbit hutch must be built of brick, stone, concrete or another durable material. The walls must be brought to a smooth finish. The floor must be at least 150mm above ground level. The floor must be built from concrete or another durable and impermeable material. It must be brought to a smooth finish. The floor must be graded to a channel that is drained to an external gully that is connected to the Municipality's sewer. Where no sewer is accessible, the channel must be drained to another drainage facility that is approved by the Municipality. If a rabbit run is provided, it must be fenced with wire mesh or another durable material that will prevent the rabbits from escaping from the run.</p> <p>Battery System The building that the battery system is run in must have walls that are at least 2.4m high.</p> <p>The walls must be built of brick, stone, concrete or another durable material. The walls must be brought to a smooth finish. The floor must be built of concrete or another durable and impermeable material. The floor must be brought to a smooth finish. The floor must be graded to a channel that is drained to an external gully that is connected to the Municipality's sewer. Where no sewer is accessible, the channel must be drained to another drainage facility that is approved by the Municipality. If no walls are provided or the walls are made of metal,</p>	The rabbit hutch must have a minimum area of 0.4m ² for every rabbit kept.	<p>Natural light and ventilation must be provided.</p> <p>Battery System The building must be lit and ventilated by natural ventilation and light. Windows and openings will provide the ventilation and light. Windows and openings must total at least 15% of the total floor area of the building.</p>	<p>There must be at least 5m of unobstructed space between any structure that houses rabbits and the nearest land that houses any structures that are used for human habitation. An area that houses rabbits must not be within 5m of any land boundary. Any structure that houses rabbits must be at least 5m from any place where foodstuffs are stored or prepared for humans.</p>

ANIMAL	STRUCTURE	ENCLOSURE SIZE & REQUIREMENTS	LIGHTING AND VENTILATION	SITUATION OF THE ANIMALS
Rabbits	<p>the floor must have a curb of at least 150mm around its edges.</p> <p>All the joints between the floor, walls and curbing must be covered.</p> <p>A tray that is also made of an impermeable material must be fitted under the cages to collect urine.</p> <p>A basin must be provided in the building. It must be drained to an external gully that is connected to the Municipality's sewer.</p> <p>Where no sewer is accessible, the channel must be drained to another drainage facility that is approved by the Municipality.</p>			
Birds	<p>An aviary must be constructed from durable materials.</p> <p>The aviary must be rodent proof.</p> <p>The aviary must allow suitable access for cleaning purposes.</p> <p>If the aviary is constructed above ground level the base must be constructed from an impermeable and durable material.</p> <p>The base must be at least 300mm above ground level.</p>			<p>The birds must be kept in a manner that ensures that they do not disturb or hinder the comfort, convenience, peace or quiet of the public.</p>

ANIMAL	STRUCTURE	ENCLOSURE SIZE & REQUIREMENTS	LIGHTING AND VENTILATION	SITUATION OF THE ANIMALS
Dog Kennels and Catteries	<p>All kennels and catteries must be built from durable materials.</p> <p>The kennels and catteries must allow access for cleaning.</p> <p>The floor must be made of concrete or another durable and impermeable material.</p> <p>The floor must be brought to a smooth finish and graded to a 100mm wide channel.</p> <p>The channel needs to run along the full width of the floor and needs to be inside the building.</p> <p>The channel must be drained to a gully that is connected to the Municipality's sewer by a 100mm wide earthenware pipe.</p> <p>The channel must have a curb of 150mm.</p> <p>The curb must run entire length of the channel next to the outside edge of the channel to prevent storm water from coming into the channel.</p> <p>Each enclosure must have a roofed shelter area for the dogs and cats.</p> <p>The walls of the sheltered area must be made of brick, stone, concrete or another durable material.</p> <p>The walls must have a smooth internal surface.</p> <p>The floor must be made of concrete or another impermeable and durable material.</p> <p>All the joins between the walls and the floor must be covered.</p> <p>A concrete apron that is at least 1m wide must be built around the enclosure.</p> <p>This apron must be graded to ensure that storm water is drained away from the enclosure.</p> <p>A movable asbestos moulded kennel that is placed on a concrete platform can be used</p>	<p>Food Preparation</p> <p>The Environmental health practitioner will determine whether a food pre-paration area is required.</p> <p>If a food preparation area is required, it must be a separate room or roofed area.</p> <p>It must have a floor area of at least 6.5m².</p> <p>The height of the area must be at least 2.4m</p> <p>The width of the food preparation area must be at least 2.1m.</p> <p>Grooming of Cats and Dogs</p> <p>The bathroom must have a floor area of</p>		<p>There must be at least 5m of unobstructed space between any structure that houses dogs and cats and the nearest land that houses any structures that are used for human habitation.</p> <p>A structure that houses dogs and cats must not be within 5m of any land boundary.</p> <p>Any structure that houses dogs and cats must be at least 5m from any place where foodstuffs are stored or prepared for humans.</p> <p>Sick cats and dogs must be kept in the isolation facilities provided.</p> <p>Dogs and cats must be kept in a manner that ensures that they do not hinder or disturb the comfort, convenience, peace or quiet of the public.</p>

ANIMAL	STRUCTURE	ENCLOSURE SIZE & REQUIREMENTS	LIGHTING AND VENTILATION	SITUATION OF THE ANIMALS
Dog Kennels and Catteries	<p>instead of a fixed structure for dogs.</p> <p>If the base of the movable structure is not waterproof, a sleeping board must be provided for the dog. Isolation facilities must be provided for sick cats and dogs.</p> <p>Food Preparation The floor of the area must be made of concrete or another durable and impermeable material. The internal walls must be brought to a smooth finish and painted in a light coloured washable paint. The food preparation room must have metal tables and a double stainless steel sink that has hot and cold water in supply. The water supply must be drained to the Municipality's sewer. Where no sewer is accessible, the channel must be drained to another drainage facility that is approved by the Municipality. Each sink must have a minimum depth of 225mm and a minimum capacity of 55l.</p> <p>Grooming of Cats and Dogs If washing, clipping or grooming of pet is done a bathroom must be provided for this purpose. Baths or another ap-proved fitting must be fitted in the bathroom. A wash hand basin that has both hot and cold water must be fitted in the bathroom.</p>	<p>9m². The width must be at least 2.1m. The clipping and grooming room must have a floor area of at least 10m². It must be at least 2.1m wide. At least 30% of the floor space in both the bathroom and the cutting and grooming rooms must be unobstructed.</p>		
Dog Kennels and Catteries	<p>A clipping and grooming room must be provided. It must have tables that have impermeable tops. It must have sufficient waste</p>			

ANIMAL	STRUCTURE	ENCLOSURE SIZE & REQUIREMENTS	LIGHTING AND VENTILATION	SITUATION OF THE ANIMALS
	<p>storage receptacles for the storage of cut hair before removal.</p> <p>The floors of the bath-room and clipping and grooming rooms must be made of concrete or another durable material.</p> <p>The floors must be brought to a smooth finish and graded to a channel that is drained to the Municipality's sewer.</p> <p>Where no sewer is accessible, the channel must be drained to another drainage facility that is approved by the Municipality.</p> <p>Every join between the wall and the floor must be covered. The covering must be at least 75mm wide.</p> <p>If the cats are kept in cages, the cages need to be made of a durable and impermeable material that can be cleaned easily.</p>			

- 7.2. Any person keeping animals must make sure that there is a potable water supply that is suitable for drinking and cleaning provided next to or in every enclosure or structure in which animals are kept.

8. RESPONSIBILITIES OF ANIMAL KEEPERS

- 8.1. The following responsibilities apply to the keepers of all animals:
- 8.1.1. All animals must be kept in an enclosure. The enclosures must be built to ensure that the animals cannot break out.
 - 8.1.2. All animal keepers must make sure that the premises, equipment, apparatus, containers and receptacles that are used in the keeping of these animals are maintained in a clean and sanitary manner. The equipment, apparatus, containers and receptacles need to be kept in good repair.
 - 8.1.3. All animal keepers must provide manure storage receptacles. These receptacles must be made of an impermeable material.
 - 8.1.4. All manure receptacles must be kept on a platform. This platform must be made of concrete or another durable material. This is not applicable where fewer than 10 rabbits or poultry are kept.
 - 8.1.5. The manure receptacles must be placed next to the platform but sufficiently far away from water sources. The distance that the receptacles must be from a water source is defined in the above table in the area headed Situation of Animals.
 - 8.1.6. All food must be stored in a rodent proof store room.
 - 8.1.7. Loose food must be stored in rodent proof receptacles that have close fitting lids.
 - 8.1.8. Effective measures must be taken to prevent harbouring or breeding of flies, cockroaches, rodents and other vermin. Appropriate measures must be taken to destroy flies, cockroaches, rodents and other vermin.

ANIMALS	REFUSE AND MANURE FACILITIES	MANURE REMOVAL	STORAGE FACILITIES
Cattle, horses, mules and donkeys	<p>If it is impractical to use the storage receptacles as discussed in Section 8.1.3 then a midden can be used.</p> <p>The midden must be enclosed by three walls. These walls must be built from brick, stone, concrete or another durable material.</p> <p>The joint between the walls and the floor of the midden needs to be plastered to a smooth finish.</p> <p>The floor of the midden must be concrete. It must be graded and drained to a water channel at least 150mm in diameter.</p> <p>The water channel must be along the full length of the open side of the midden. It must be kept filled with water.</p>	<p>Manure must be removed from the stable and enclosure at least once a day.</p> <p>The manure must be put in the storage receptacles until it is removed from the premises.</p> <p>The midden or manure receptacles must be cleared at least every second day.</p> <p>The manure must be disposed of in a manner that does not create a nuisance.</p>	<p>All saddles, bridles, harnesses and other equipment of articles used for the animals must be kept in a store room or other storage facilities that are approved by the Kung-wini Local Municipality.</p>

ANIMALS	REFUSE AND MANURE FACILITIES	MANURE REMOVAL	STORAGE FACILITIES
Pigs	<p>The manure receptacles must be kept next to the pigsty on a platform.</p>	<p>Manure must be removed from the pigsty at least once a day.</p> <p>The manure must be put in the storage receptacles until it is removed from the premises.</p> <p>The manure receptacles must be cleared at least once every second day.</p> <p>The manure must be disposed of in a manner that does not create a nuisance.</p>	

ANIMALS	REFUSE AND MANURE FACILITIES	MANURE REMOVAL	STORAGE FACILITIES
Goats and Sheep	The manure receptacles must be kept next to the enclosure} shed or building on a platform.	Manure must be removed from the enclosure, building or shed at least once every seven days. The manure must be put in the storage receptacles until it is removed from the premises. The manure receptacles must be cleared at least once every seven days. The manure must be disposed of in a manner that does not create a nuisance.	

ANIMALS	REFUSE AND MANURE FACILITIES	MANURE REMOVAL	STORAGE FACILITIES
Poultry	If the Environmental health practitioner determines that a manure storage facility is necessary, a roofed over platform must be built. The platform must be built from concrete or another durable and impermeable material. This is not applicable if fewer than 10 poultry are kept. It must have a curb of at least 100mm around its edges. The platform must be drained to an external gully that is connected to the Municipality'S sewer. Where no sewer is accessible, the channel must be drained to another drainage facility that is approved by the Municipality. The roof above the platform must extend 1m beyond the edges of the platform. All manure receptacles must be kept in a clean and sanitary manner.	Manure must be removed to make sure that the premises are free of offensive odours. Poultry House Manure must be removed from the poultry house or run at least once every second day. The manure must be put in the storage receptacles until it is removed from the premises. The manure receptacles must be cleared at least once every seven days. This is not applicable if fewer than 10 poultry are kept. The manure must be disposed of in a manner that does not create a nuisance. Battery System Manure must be removed from the battery system building at least once every fourth day. The manure must be put in the storage receptacles until it is removed from the premises. The manure recep-	A rodent proof store room must be provided to store feed. The floor area of the store room must be at least 7m ² . The width of the store room must be at least 2.2m. The height of the store room must be at least 2.4m. A smaller store room may be used if this is approved by the Environmental health practitioner. A curbed washing platform or stainless steel trough with a draining board and a constant supply of water must be provided for the store room. The water supply must be next to or inside the building. The washing platform or trough must be

ANIMALS	REFUSE AND MANURE FACILITIES	MANURE REMOVAL	STORAGE FACILITIES
Poultry		tacles must be cleared at least once every seven days.	drained to an external gully that is connected to the Municipality's sewer. Where no sewer is accessible, the channel must be drained to another drainage facility that is approved by the Municipality. Nothing may be stored in the poultry house, run or building that houses the battery system that is not used in these areas.

ANIMALS	REFUSE AND MANURE FACILITIES	MANURE REMOVAL	STORAGE FACILITIES
Rabbits	The manure receptacles must be kept on a platform next to the area where the rabbits are kept.	<p>Manure must be removed to make sure that the premises are free of offensive odours. Manure must be removed from the structure housing the rabbits at least once every second day. The manure must be put in the storage receptacles until it is removed from the premises. The manure receptacles must be cleared at least once every seven days. The manure must be disposed of in a manner that does not create a nuisance.</p>	<p>A store room must be provided to store feed. The floor of this store room must be at least 7m². The width of the store room must be at least 2.2m. The height of the store room must be at least 2.4m. A smaller store room can be used if this is approved by the Environmental health practitioner.</p> <p>A curbed washing platform or stain-less steel trough with a draining board and a constant supply of water must be provided for the store room. The water supply must be next to or in-side the building. The washing platform or trough must be drained to an external gully that is connected to the Municipality's sewer.</p> <p>Nothing may be stored in the rabbit hutch, run or building that houses the battery system that is not used in these areas.</p>

Birds	The aviary must be kept clean and free of vermin.		
Dog Kennels and Catteries	Refuse receptacles must be provided in the food preparation room or roofed area.	Manure must be removed from the enclosures at least once a day. The manure must be put in the storage receptacles until it is removed from the premises. The manure receptacles must be cleared at least once every seven days. The manure must be disposed of in a manner that does not create a nuisance.	All food must be stored in a rodent proof store room. The floor area of the store room must not be less than 6.5m ² . The width of the store room must not be less than 2.1m. The Environmental health practitioner can approve the use of a smaller store room. All perishable foods must be stored at a temperature of 10C or lower.

9. **REQUIREMENTS FOR DEALING IN LIVESTOCK AND OTHER BUSINESSES THAT INVOLVE KEEPING ANIMALS OR POULTRY**

- 9.1. Every person that commercially deals or speculates in livestock or runs another business that involves keeping animals or poultry must meet the following requirements and comply with the Occupational Health and Safety Act 85 of 1993. This does not apply to pet shops.
- 9.1.1. An enclosure must have an area of at least 10m² for each cow, horse mule or donkey that is to be kept. At least 1,5 m² must be kept for each goat or sheep that is to be held in the enclosure. An overall minimum area of 50 m² must be provided.
- 9.1.2. A separate change-room must be provided for each gender if more than 3 people are employed to keep the animals or poultry. These change rooms must be clearly designated.
- 9.1.2.1. Every change-room must have a floor area of at least 0.5 m² per employee. The overall minimum area must be at least 6.5m² and the change room must have a minimum width of 2.1m.
- 9.1.2.2. Every Change-room must have a metal clothes locker where employees can keep their personal clothing.
- 9.1.3. One wash hand basin and one shower-bath must be provided for every 15 people employed. This also applies to every fraction of 15 people that are employed. These washing facilities must be in or next to the change rooms. They must have a constant supply of hot and cold running water. The water must be drained to an external gully that is connected to the Municipality's sewer. Where no sewer is accessible, the gully must be drained to another drainage facility that is approved by the Municipality.
- 9.1.4. Soap and towels must be provided at the wash hand basin and shower-bath.

- 9.1.5. Overalls or other protective clothing, including protective footwear, must be provided for the employees that are responsible for looking after the animals or poultry.
- 9.2. Employees that are resident on the premises must be provided with:
- 9.2.1. Sleeping accommodation that has a bed for each employee;
- 9.2.2. Ablution facilities that have one wash hand basin and one shower-bath or bath for each gender must be provided for every 10 or fraction of 10 people of each gender that are resident. Every wash hand basin, shower-bath or bath must have a constant supply of hot and cold running water. The water must be drained in line with the Municipality's requirements.
- 9.2.3. Cooking facilities and a scullery for the cleaning of cooking and eating utensils must be provided.
- 9.2.3.1. The scullery must be fitted with a double bowled stainless steel sink that has a constant supply of hot and cold running water that is drained in line with the Municipality's requirements.
- 9.2.3.2. Each sink must have a minimum capacity of 55 litres. The sink must be fitted with a 150 mm high splash screen on the side nearest the wall and must be positioned at least 100 mm away from any wall surface.
- 9.2.4. Laundry facilities that consist of a stainless steel laundry trough with a constant supply of hot and cold running water that is drained in line with the Municipality's requirements must be provided.
- 9.2.5. A refuse receptacle must be provided in the scullery.
- 9.2.6. A locker or another approved facility must be provided in the room where the cooking facilities are situated for the storage of non-perishable food.
10. REQUIREMENTS FOR PET SHOPS AND PET SALONS
- 10.1. No person may conduct a business of a pet shop or pet salon at any premises:
- 10.1.1. Where there is direct internal access to any room or place used for human habitation, where clothing is stored or sold or where food for human consumption is prepared, stored, sold or consumed.
- 10.1.2. Unless the premises meet the following requirements:
- 10.1.2.1. Every wall must be constructed of brick, concrete or another durable material. The walls must have a smooth internal surface and must be painted with a light coloured washable paint or another approved finish.
- 10.1.2.2. The floor must be made of concrete or another durable and impermeable material that is brought to a smooth finish.
- 10.1.2.3. The ceiling must be made of a durable material, have a smooth finish, be dust proof and be painted with a light coloured washable paint.
- 10.1.2.4. One wash hand basin that has a constant supply of hot and cold running water must be provided for every 15 or fraction of 15 people employed. The water must be drained in line with the Municipality's requirements.
- 10.1.2.5. A rodent proof store-room must be provided. This store room must have a floor area of at least 10m². A smaller store room can be used if this is approved by the Municipality's Environmental health practitioner.
- 10.1.3. Facilities where the cages, trays and other equipment can be washed must be provided in the form of either:
- 10.1.3.1. A curbed platform with a roof. The platform must have an overall area of at least 1.5m². It must be at least 100mm above the floor. The platform must be made of concrete or another durable and impermeable material that is brought to a smooth finish. A constant supply of water must be available at the platform; or
- 10.1.3.2. A stainless steel sink or trough that is at least 304mm deep. The sink or trough must have a drainage board and a constant supply of water.

- 10.1.4. The platform, sink or trough must be drained to an external gully that is connected to the Municipality's sewer. If a sewer is not accessible, the water must be drained to an alternative drainage facility that is approved by the Municipality. All walls that are within 0.5m of the platform or sink must be permanently covered with a durable waterproof material. The covering needs to be to a height of at least 1.4m above floor level.
 - 10.1.5. The Environmental health practitioner may require that separate change rooms for each gender be provided. This may be required if more than two people of the same gender are employed on the premises.
 - 10.1.5.1. If these change rooms are required they must have a floor area of at least 0.5m² for each employee. The overall floor area must be at least 6.5m². The width of the change rooms must be at least 2.1m.
 - 10.1.5.2. Every change-room must have a metal clothes locker where employees can keep their personal clothing.
 - 10.1.5.3. In the event that no change room is required, a metal clothes locker must be provided for each employee.
 - 10.1.6. No door, window or other opening on the premises may be within 2 m of any door, window or opening to any building where food is prepared, stored, sold or consumed by humans.
- 10.2. Every person who conducts the business of a pet shop must:
- 10.2.1. Provide cages where the animals, birds or poultry are kept. These cages must meet the following specifications:
 - 10.2.1.1. The cages must be made of metal or another durable and impermeable material. Each cage must have a metal tray fitted underneath it to facilitate cleaning. This metal tray must be removable.
 - 10.2.1.2. The cages must be able to be cleaned. If an area of the cage cannot be easily cleaned, it must be sealed from the inside of the cage.
 - 10.2.1.3. The cages must be of a size and mass so that it can be easily moved.
 - 10.2.1.4. If rabbits are kept in a cage, the metal tray that is attached underneath the cage must be drained to a removable receptacle.
 - 10.2.1.5. Every cage must be fitted with a drinking vessel that is filled with water. This drinking vessel must be accessible to the pets that are kept in the cage.
 - 10.2.1.6. There must be at least 150mm between the cage and the nearest wall.
 - 10.2.1.7. The cages must be kept at least 450mm above floor level. The area underneath the cages must be kept unobstructed.
 - 10.2.2. Loose pet food must be kept in receptacles that are both rodent proof and have close fitting lids. These receptacles must be kept in a store room. ;
 - 10.2.3. All perishable pet food must be kept in refrigeration facilities that are provided on the premises. The food must be kept at a temperature of 10°C at most.
 - 10.2.4. At least 30% of the floor area of a room where pets are kept must be kept clear. There must be at least 800mm between the rows of cages that are in this room.
 - 10.2.5. The entire premises and all equipment that is used on the premises must be kept clean, free from vermin and in good repair.
 - 10.2.6. Effective measures must be taken to prevent harbouring or breeding of flies, cockroaches, rodents and other vermin. Appropriate measures must be taken to destroy, cockroaches, rodents and other vermin.
 - 10.2.7. Effective measures must be taken to prevent offensive odours from arising from the premises where pets are kept.
 - 10.2.8. Provide protective clothing for the employees to use while they are working in the pet shop. The trader needs to ensure that the employees wear the protective clothing that is provided.
 - 10.2.9. Not keep any pet in the yard or other open space on the premises, unless that has been approved by the Environmental health practitioner.

- 10.2.10. Provide isolation facilities where sick pets can be kept while they are on the premises.
- 10.2.11. Ensure that there is a constant and potable water supply for drinking and cleaning purposes.
- 10.2.12. Ensure that the premises are always ventilated in a manner that allows for sufficient movement of air to ensure the comfort and survival of the pets.
- 10.2.13. Ensure that the number of pets kept in each cage does not impede the free movement of the pets.

11. REQUIREMENTS FOR HAWKING RABBITS AND POULTRY

- 11.1. No person may hawk poultry or rabbits, unless the following requirements are met:
 - 11.1.1. The business of a hawker must be conducted from premises where poultry or rabbits are kept in compliance with the details in the relevant areas of Section 7 and Section 8.
 - 11.1.2. Facilities must be provided for parking the vehicle used for hawking during and after normal trading hours.
 - 11.1.3. Facilities must be provided on the premises for washing and disinfecting the cages, crates and trays that are used in the hawking process. These facilities can take the form of either:
 - 11.1.3.1. A curbed platform that has an overall area of at least 1.5m². It must be at least 100mm above the floor. The platform must be made of concrete or another durable and impermeable material that is brought to a smooth finish. A constant supply of water must be available at the platform. The platform must be drained in line with the Municipality's requirements; or
 - 11.1.3.2. A stainless steel sink or trough that is at least 304mm deep and has an overall area of at least 0.6m². The sink or trough must have a drainage board and a constant supply of water. The water must be drained in line with the Municipality's requirements.
 - 11.1.4. A vehicle of sound construction must be used for hawking. The vehicle must be oil painted. The name, residential and business address must be clearly marked, in letters that are at least 50mm high, on both sides of the vehicle.
 - 11.1.4.1. The part of the vehicle where poultry or rabbits are kept and transported must be covered with a heat resistant material. Metal may not be used. The top covering needs to have appropriate ventilation facilities.
 - 11.1.5. The rabbits or poultry must be transported in cages or crates. These cages or crates must have removable trays or an impermeable material that will receive poultry or rabbit droppings. If the cages are used for transporting rabbits, the trays must be drained to a removable receptacle.
 - 11.1.6. Every cage, crate or division must be provided with a drinking vessel that is not less than 100 mm deep. This drinking vessel must be filled with water and it must be fixed to an inside corner of the cage, crate or division.
- 11.2. Every person hawking poultry or rabbits must:
 - 11.2.1. Clean the part of the vehicle where the rabbits or poultry are kept on a **daily** basis
 - 11.2.2. The cages, crates and trays that the animals are kept in need to be cleaned on a daily basis, after each day's trading
 - 11.2.3. All rabbits or poultry that appear to be sick need to be removed from the cages or crate and kept in a separate cage
 - 11.2.4. Keep the vehicle and all other facilities used in the hawking process clean, vermin free and in a good condition
 - 11.2.5. Store all feed in rodent proof receptacles

12. MISCELLANEOUS ISSUES

- 12.1. Discharge of Taps
- 12.1.1 The taps must be placed over a dished top that is connected to an external gully that drains to the Municipality's sewer. If no sewer is accessible, this gully needs to drain to an alternative drainage facility that is approved by the Municipality. This does not apply to taps that are in a building that connects to either the Municipality's or a Municipality approved drainage system.
- 12.2. Nuisance.
- 11.2.1 No person may:
- 12.2.1.1 Keep any animal or pet in a manner that will cause a nuisance
- 12.2.1.2 Fail to remove faeces deposited by a dog in a public place while the dog is under his control or supervision. The removed faeces must be disposed of in a refuse receptacle
- 12.2.1.3 Fail to dispose of dead animals in a manner set out in the by-laws as prescribed by the Environmental health practitioner
- 12.3. Illness Attributable to Animals.
- 12.3.1 The **illness** of any person which is attributable to the keeping of any animal, poultry, bird or pet must be reported to the Environmental health practitioner within 24 hours of the illness being diagnosed. The person that makes the diagnosis is responsible for informing the Environmental health practitioner.
- 12.4. Inspection
- 12.4.1 The Environmental health practitioner and any officer authorized by the Municipality may, to ensure that these by-laws are being complied with, enter any premises where:
- 12.4.1.1 Animals, poultry, birds or pets are kept
- 12.4.1.2 Kennels or a cattery is run
- 12.4.1.3 The business of a dealer or speculator in livestock or a pet shop is conducted
- 12.4.1.4 A hawker of poultry or rabbits is conducting business
- 12.4.1.5 He suspects animals, poultry, birds or pets are kept or such business is being conducted, at all reasonable times
- 12.4.1.6 Inspect the premises, anything in or on the premises or any vehicle used for such a business
- 12.4.1.7 Question any person on the premises, in the vehicle or any person who has recently been on the premises or in the vehicle

13. OFFENCES AND PENALTIES

Any person contravening or failing to comply with any provision of these by-laws will be guilty of an offence and on conviction will be liable to a fine not exceeding R5000.00 or to imprisonment for a period not exceeding 12 months or both.

SCHEDULE 1

MUNICIPALITY: _____ PERMIT NO. _____
 _____ DATE: _____

**PERMIT: BY-LAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND POULTRY AND
BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS, POULTRY OR PETS**

With reference to your application, dated _____, a permit to keep the animals/poultry*, as specified hereunder, at address as specified, is hereby granted:

*ANIMALS/POULTRY: _____
 ADDRESS: _____

The granting of the permit is subject to your complying with the provisions of the aforementioned by-laws.

Your attention is invited to the provisions of Section 5.4 of the by-law that requires a permit holder to notify the Municipality's Environmental Health Practitioner of any increase in the number of animals or poultry authorized by the permit and Section 5.5 regarding the cancellation of a permit.

Yours faithfully

For Environmental Health Practitioner

* Specify number and kind of animals or poultry

**SCHEDULE 2
LOCAL MUNICIPALITY**

For office use

APPLICATION NO: _____
 DATE RECEIVED: _____
 APPLICATION GRANTED/REFUSED*: _____
 PERMIT NO: _____
 DATE: _____

**APPLICATION FOR A PERMIT: BY-LAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND
POULTRY AND BUSINESSES INVOLVING THE KEEPING OF
ANIMALS, BIRDS, POULTRY AND PETS**

If/Ne, _____ (full name of
applicant/s)

hereby apply for a permit to keep animals/poultry/rabbits* on premises situated at -
House No./Stand No./Plot No. _____

Street _____
Township _____

in terms of the aforementioned by-laws of the Kungwini Local Municipality

Details of the animals/poultry/rabbits* to be kept are as follows:

SPECIES	NUMBER

I/We accept the responsibility for the keeping of animals/poultry/ rabbits* in accordance with the provisions of the said By-laws and acknowledge that, in the event of my/our* failure to effect such compliance, this permit may be cancelled in terms of Section 5 of the by-laws.

SIGNATURE OF APPLICANT/S*

CAPACITY:

DATE:

* Delete whichever is not applicable

LOCAL AUTHORITY NOTICES

NOTICE 2505 OF 2007

KUNGWINI LOCAL MUNICIPALITY

BY LAWS: BURSARY FUND

The Acting Municipal Manager of the Kungwini Local Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the various By-Laws for the Kungwini Local Municipality as approved by it's Council as per Council Resolution KA7/28-2-2007, and as set out hereunder.

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8. Obligations of the Bursary holder
9. Non-compliance with the obligations by the bursary holder

1. KUNGWINI LOCAL MUNICIPALITY BURSARY FUND BY-LAW

The purpose of this by-law is to govern the funding of bursaries. This will ensure the financial interests of the Kungwini community are maintained and effective governance is achieved in a manner that complies with the objectives of the South African Constitution.

2. DEFINITIONS

The following list of definitions is provided to facilitate the accurate interpretation of this by-law. For the purposes of this by-law, unless the context otherwise indicates:

"bursary grant"	means the conditional grant of a bursary by the Municipality of an amount from the bursary fund to a person for the purpose of full-time or part-time studying
"bursary holder"	means a person that has been granted a bursary
"bursary fund"	means the fund established by the Municipality for the purpose of sponsoring the study costs of various people
"Council"	means the Kungwini Local Municipality
"course"	in the case of officials means a study course related to Local Government. In the case of other applicants "course" means any other study course
"person"	refers, in this by-law, to both male and female, unless the context indicates the contrary

3. OBJECTIVES OF THIS BY-LAW

The objective of this by-law is to enable the Council to grant bursaries to people to facilitate studying. These by-laws are also used to regulate the processes related to the granting and management of these bursaries.

4. BURSARY FUND

The Municipality may establish a bursary fund. The amount of funding that is deposited into this fund will be determined by a Council resolution that will be taken on an annual basis.

5. ALLOCATION OF A BURSARY

- 5.1 The Municipality may award bursaries for part time or full time study.
- 5.2 The awarding of these bursaries must be done through an application process and the signing of an appropriate agreement with the Council.
- 5.3 Any student can be the recipient of a bursary award.
- 5.4 The conditions that are detailed in this set of by laws will apply to the allocation of the bursary.
- 5.5 The Municipality may impose additional conditions should it feel that this is necessary.

6. AMOUNT OF A BURSARY GRANT

6.1 The Municipality grants bursaries that cover costs for study stationery, registration fees and hostel fees, in such an amount as may be determined by the Council from time to time. The Municipality will make the payment directly to the educational institution once the appropriate documentation has been received.

6.2 The Council will determine the maximum value that will be paid for the stationery, registration fees and hostel fees on an annual basis.

6.3 The Council will determine the maximum that may be made payable to anyone bursary holder from time to time.

7. LEAVE

- 7.1 If an employee of the Municipality is a bursary holder, he or she is entitled to special leave for the preparation and writing of the course examination. The leave entitlement includes the day of the exam and the working day preceding the exam.
- 7.2 The following information must be submitted to secure the special leave:
- 7.2.1 The original examination timetable.
- 7.2.2 The prescribed special leave application forms. These forms must be submitted and approved timeously.

8. OBLIGATIONS OF THE BURSARY HOLDER

- 8.1 The bursary holder must:
- 8.1.1 Attend the course at an accredited educational institution.
- 8.1.2 Inform the Municipality immediately of any change of address.
- 8.1.3 Immediately inform the Council in writing if he or she abandons the course. Under these circumstances, the bursary holder **will** be responsible for repaying the full amount of the bursary.
- 8.1.4 Provide the Municipality with an original certification of his or her examination results at the end of each year of study. «This transcript of results must be presented in the **official stationery of the educational institution**.
- 8.1.5 Repay the full bursary award in 24 equal monthly instalments should he or she fail to pass the relevant number of subjects to allow continuation of the course. Interest will be charged on the repayments at a rate determined by the Council from time to time, or *mora* interest. If an instalment is not paid promptly, the full amount outstanding will immediately become due.
- 8.1.6 Get written permission from the Municipality to change a course of study or an educational institution before undertaking this change.
- 8.1.7 Submit to the Municipality a sworn statement detailing the full value of bursaries and grant in aid income received. This sworn statement needs to be submitted by no later than 30 April of each year, or together with the application. This process will allow the Municipality to adjust the value of the bursary awarded if the total amount secured exceeds the costs for tuition, books, registration and accommodation.
- 8.2 A bursary holder that is an employee of the Municipality must:
- 8.2.1 Attend the course at an accredited educational institution.
- 8.2.2 Inform the Municipality immediately of any change of address.
- 8.2.3 Immediately inform the Council in writing if the person abandons the course. Under these circumstances, the bursary holder will be responsible for repaying the full amount of the bursary.
- 8.2.4 Provide the Municipality with an original certification of the person's examination results at the end of each year of study. This transcript of results must be provided by the educational institution.
- 8.2.5 Remain in the employ of the Municipality for an uninterrupted period of four months. This service period of four months is linked to each year for which the bursary was granted to the employee.
- 8.2.6 Repay the full bursary award in 24 equal monthly instalments should he or she fail to pass the relevant number of subjects to allow continuation of the course. Interest will be charged on the repayments at a rate determined by the Council from time to time, or *mora* interest. If an instalment is not paid promptly, the full amount outstanding will immediately become due.
- 8.2.7 Get written permission from the Municipality to change a course of study or an educational institution before undertaking this change.
- 8.2.8 Submit to the Municipality a sworn statement detailing the full value of bursaries and grant in aid income received. This sworn statement needs to be submitted by no later than 30 April of each year, or together with the application for the bursary. This process will allow the Municipality to adjust the value of the bursary awarded if

the total amount secured exceeds the costs for tuition, books, registration and accommodation.

9. **NON COMPLIANCE WITH THE OBLIGATIONS BY THE BURSARY HOLDER**

- 9.1 In the cases where the bursary holder is an employee, he or she will be required to repay the full amount of the bursary together with a minimum interest charge as determined by the Council from time to time if he or she:
- 9.1.1 Fails to remain employed by the Municipality for the required period of time,
 - 9.1.2 Abandons the subject and/or course of study that he or she is enrolled on;
 - 9.1.3 Resigns or is dismissed from the Municipality before half of the compulsory period of employment is completed or before the subject and/or course has been completed; or
 - 9.1.4 Is prevented from continuing with the course by the educational institution
- 9.2 If the bursary holder is an employee and ceases to be employed by the Municipality when less than half of the service period is still owing to the Municipality, the person will be required to repay the bursary in full and final settlement on termination of employment. The instalments will incur interest at a rate determined by the Council from time to time, or *mora* interest. In the event that an instalment is not paid promptly, the full outstanding value of the bursary will become due.
- 9.3 Notification of the required payment structure will be given to the employee in writing
- 9.4 Council will decide what legal action will be taken to collect any outstanding amounts. This decision will be made based on the merits of each individual case.
- 9.5 Should the bursar experience a change of circumstance that is considered exceptional that prevents them from being in a position to either repay the bursary or continue their studies, Council reserves the right to write-off the outstanding value of the bursary grant.

LOCAL AUTHORITY NOTICES

NOTICE 2506 OF 2007**KUNGWINI LOCAL MUNICIPALITY****BY LAWS: CAFES, RESTAURANTS AND EATING HOUSES**

The Acting Municipal Manager of the Kungwini Local Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the various By-Laws for the Kungwini Local Municipality as approved by it's Council as per Council Resolution KA7/28-2-2007, and as set out hereunder.

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1. **KUNGWINI MUNICIPAL COUNCIL BY-LAW ON CAFES, RESTAURANTS AND EATING HOUSES**
The purpose of this by-law is to govern the health and safety requirements of Cafe's, Restaurants and Eating Houses. This will ensure the health and safety interests of the Kungwini community are maintained and effective governance is achieved in a manner that complies with the objectives of the South African Constitution and the applicable provincial health and safety regulations.
2. **DEFINITIONS**
The following list of definitions is provided to facilitate the accurate interpretation of this by-law. For the purpose of this by-law, unless the context otherwise indicates:

"adequate" and "effective"	mean that the Environmental Health Practitioner deems the case to meet reasonable public health requirements
"approved"	means that the case has been approved by the Environmental Health Practitioner
"cafe"	means the premises at, or in which, the business of selling groceries, refreshments and take-away foods is conducted
"Council"	Means the Kungwini Local Municipality
"eating house"	means the premises at, or in which, refreshments and take-away foods can be bought and eaten
"Environmental health practitioner"	means an official appointed by the Council who is duly registered as an environmental health officer or Environmental Health Practitioner with the Health Professions Council of South Africa
"dining area"	means an unobstructed area that is put aside for the consumption of food and drink by patrons
"food" and "articles of food"	includes any animal product, fish, fruit, vegetable condiment, spice, bread, confectionery, beverage and any other article or thing that is intended or is ordinarily used for human consumption. This excludes water and drugs but includes ice
"handling"	means the manufacture, preparation, sale, conveyance, delivery, storage, serving or any other treatment of food
"preparation room"	means a room or area where the preparation of food is undertaken
"premises"	means the site used for carrying out the business of a cafe, restaurant or eating-house. It includes every part of premises used and any other premises used in connection with the carrying out of the said business. Where the premises are part of a building, the definition will not include any other part of the building that is not used for, or in connection with, the business
"restaurant"	means the premises at, or in which, meals can be bought and eaten
"road-house"	Means a café where meals or refreshments are provided and/or served for consumption in a vehicle for which parking facilities are provided on the premises. This does not include a drive-in cinema
"unobstructed floor area"	includes space occupied by tables and chairs. Where food or drink is consumed at counters, this unobstructed floor area includes the space occupied by the counters
3. **REQUIREMENTS OF PREMISES**
 - 3.1 No person will carry on the business of a café, restaurant or eating-house in or upon any premises unless the following requirements, as far as they are applicable, are met.
 - 3.2 Unless otherwise provided for in these by-laws, a room or area for the preparation of food or drink must be provided in every café, restaurant and eating-house. This preparation room must have a minimum floor area of 25 m² and a width of not less than 3 m. The preparation room must have an additional floor area calculated as follows:
 - 3.2.1 For every 1 m² that the dining area is above 40 m² up to and including 200 m² an additional 0,4m² is required and thereafter;

- 3.2.2 An additional 0,3 m² is required for every 1 m² that the dining area exceeds 200 m²;
- 3.2.3 In every road-house the minimum floor area of the preparation room shall be 55 m², plus an additional floor area of 0,75 m² for every 20 m² that the area of the parking facilities forming part of such road-house, including drive-ways and passage-ways, exceeds 800 m². If the Environmental Health Practitioner has reviewed the extent to which food is handled on the premises and is satisfied that a preparation room of dimensions less than the minimum dimensions required in terms of these by-laws, is adequate, he may permit a smaller preparation room;
- 3.3 In addition to the requirements prescribed for the preparation room (Section 2.2), a room or area with a minimum width of 2,5 m and a minimum floor area of 7 m² must be provided for the washing up of utensils and equipment: The minimum floor area provided for these purposes in every road-house shall be 14 m².
- 3.4 The room or area provided for the washing up of utensils and equipment (as per Section 3.3) must be equipped with:
- 3.4.1 washing-up facilities for utensils including:
- 3.4.1.1 An adequate supply of hot and cold running water that is effectively distributed over an approved double-bowl sink or sinks with a minimum depth of 230mm and a capacity of at least 55 litres. These sinks need to be drained in an approved manner into a proper sewer system. The sinks need to have an adequate drain board or drainage rack made of stainless steel or another approved impervious material. Separate sinks must be provided for the cleaning of food.
- 3.4.1.2 Where any new sink or drain board is installed or any old sink or drain board is reinstalled or replaced, the sink or drain board must be fixed in to the wall or alternatively located at least 100 mm from any wall. A splash screen rising to a height of 150 mm above the top of the sink must be provided on the side nearest the wall. The sink shall be firmly secured and the space below it must not be enclosed. Every part of any wall within 0,6 m from any part of the sink or drain board must be tiled or given some other approved finish to a height of at least 1,4 m from the floor.
- 3.4.1.3 Where a dishwashing machine is installed it must be of an approved type. Adequate provision must be made to remove solids and pre-rinse articles to be washed by the dishwashing machine. The temperature of the wash water must not be less than 60°C and the temperature of the final rinse water must not be less than 82 °C,
- 3.4.2 An approved table that is solely for the reception of soiled cutlery and crockery and for the removal of unconsumed food from the cutlery and crockery.
- 3.5 The floor surface of the preparation room and the room or area provided for the washing up of utensils and equipment must be of an approved impermeable finish in terms of the building regulations.
- 3.5.1 The junctions between the walls and the floor of the preparation room and of the room or area provided for the washing up of utensils and equipment, will be covered and be easy to clean.
- 3.5.2 Where required by the Environmental Health Practitioner, the floor of the preparation room and of the room or area provided for the washing up of utensils and equipment must be graded to an outside gully. This gully must be drained in accordance with the Municipality's Drainage By-laws.
- 3.5.3 Where the cooking and serving of food, but not the preparation of the food or the cleaning of utensils, is undertaken in an area of the preparation room open to the view of the patrons, the floor area of the part that is not open to the view of the patrons must be at least 75% of the total minimum floor area prescribed for the preparation room;

- 3.5.4 At least 50% of the floor area required for the preparation room will be unobstructed floor space.
- 3.6 Where the Environmental Health Practitioner decides that the storeroom is not conveniently accessible from the preparation room, a further storeroom or area, for the storage of foodstuffs required for the normal day's usage, must be provided. This storeroom needs to meet the requirements of the Environmental Health Practitioner. It must have a minimum floor area of 25m² per the discretion of the Environmental Health Practitioner.
- 3.7 Where the Environmental Health Practitioner decides it is necessary, an additional storeroom specifically for the storage, sorting and trimming of raw vegetables and fruit must be provided. This storeroom is in addition to the two storerooms described above. The nature of this storeroom must meet the Environmental Health Practitioner's minimum health requirements.
- 3.8 A minimum of 1.2 m² must be allowed for every intended patron of a *café*, restaurant or eating-house. This floor area must be unobstructed. This does not include the parking area for a road house.
- 3.9 Where an area is set aside for the consumption of food or drink by patrons at premises, sanitary facilities must meet the minimum health requirements. These sanitary facilities will be available for use by all patrons of the *café*, restaurant or eating-house.
- 3.9.1 In the premises that are, or are required to be, connected to the Municipality's sewers, toilets as stipulated below or in accordance with the National Legislation as amended from time to time, must be provided:
- 3.9.1.1 Not less than one toilet for every fifteen, or proportion of fifteen, people, residing or employed in a dwelling, hotel, boarding-house, boarding school, apartment, hostel or tenement;
- 3.9.1.2 Not less than one toilet for every twenty, or proportion of twenty, people employed in or at offices, factories, workshops, warehouses, shops and stores and other premises provided for elsewhere in this section;
- 3.9.1.3 Not less than one toilet for every 200, or proportion of 200 people for public buildings, cinema's, theatres, assembly and amusement halls or other meeting places, one water closet for every multiple, or portion thereof, of 200 persons for whom accommodations is provided in or on such premises with a minimum of one closet for each gender and on single stall urinal for every fifty or less males;
- 3.9.1.4 Not less than one toilet, and one urinal stall and one toilet will be provided for females and males respectively at public houses, hotels, bars, beer halls, restaurants, tearooms, eating-houses and billiard saloons.
- 3.9.2 For schools:
- 3.9.2.1 Not less than one toilet for every 25 or less male pupils or less; and
- 3.9.2.2 Not less than one toilet for every 20 or less female pupils.
- 3.9.3 In addition to the requirements referred to in Section 2.9, the sanitary accommodation must be provided with adequate artificial lighting. The sanitary accommodations must:
- 3.9.3.1 be equipped with adequate and approved hand washing facilities;
- 3.9.3.2 be under the direct supervision of the person in control of the *café*, restaurant or eating-house. This person shall be responsible for ensuring that the accommodations are maintained in a clean and sanitary condition and in good working order;
- 3.9.3.3 clearly indicate the gender for which such accommodation is intended;
- 3.9.3.4 be easily accessible to patrons from the *café*, restaurant or eating-house in the opinion of the Environmental Health Practitioner.
- 3.10 The requirements of Sections 2.2, 2.3, 2.5, 2.6 and 2.7, will apply to all premises that are newly constructed or reconstructed after the date of pronulqatlon of these by-laws. This is provided that, if the Environmental Health Practitioner feels that it is necessary to apply any one or more of these requirements to ensure public health, he can give notice, in writing, to

the owner or the appropriate person at the un-constructed or existing premises to meet these requirements in a defined reasonable time period.

4. PROTECTIVE CLOTHING

- 4.1 All people actually engaged in the cooking and preparation of food must wear an approved head-dress or hairnet. This head-dress or hairnet must be in a clean and sound condition.
- 4.2 It is the duty of the person in control of the café, restaurant or eating-house to provide the head-dress or hairnet and to ensure that the head-dress or hairnet is worn.

5. LAUNDRY FACILITIES

If articles other than drying cloths are laundered at the premises of the café, restaurant or eating-house, laundry facilities must be provided. If the laundering of these articles is not undertaken at the premises, they must be laundered at a licensed laundry.

6. APPROVED UTENSILS

- 6.1 Only approved pots, pans, crockery, cutlery and other equipment and utensils must be used for the handling of food and drink.
- 6.2 At all times section 6(1), 6(2) and 6(3) of Regulation 918 must be complied with.

7. INSPECTION

- 7.1 The Environmental Health Practitioner may, in order to satisfy himself that the provisions of these by-laws are being complied with:
 - 7.1.1 enter the premises at all reasonable times and on short notice;
 - 7.1.2 examine the premises and anything on the premises;
 - 7.1.3 examine and question any person on the premises, or who has recently been on the premises; and
 - 7.1.4 undertake tests and take any samples, which, in his/her opinion, are required in connection with the performance of his duties in terms of this by-law.

8. OBSTRUCTION

- 8.1 Any person who contravenes any of the following will be guilty of an offence: A person who:
 - 8.1.1 fails to give or refuses access to Municipal Environmental Health Practitioners duly authorized by these by-laws or by the Municipality to enter upon and inspect premises, if he requests entrance to the premises;
 - 8.1.2 obstructs or hinders such officer in the execution of his duties in terms of these by-laws;
 - 8.1.3 fails or refuses to give information that he may lawfully be required to give to such an officer;
 - 8.1.4 gives to such an officer false or misleading information knowing it to be false or misleading;
 - 8.1.5 unlawfully prevents any other person from entering upon such premises.

9. GENERAL

The provisions of these by-laws will be interpreted as supporting the Municipality's Food Handling By-laws. They will not override the Food Handling By-laws.

10. OFFENCES AND PENALTIES

Any person contravening or failing to comply with any provision of this by-law will be guilty of an offence and on conviction will be liable to a fine not exceeding R5000.00 or to imprisonment for a period not exceeding 12 months or both.

NOTICE 2507 OF 2007

KUNGWINI LOCAL MUNICIPALITY

BY LAWS: CEMETERY

The Acting Municipal Manager of the Kungwini Local Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the various By-Laws for the Kungwini Local Municipality as approved by it's Council as per Council Resolution KA7/28-2-2007, and as set out hereunder.

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1. **KUNGWINI LOCAL MUNICIPALITY BY-LAW ON CEMETERIES**

The purpose of this by-law is to govern the operation and running of cemeteries. This will ensure the health, safety and good order of the Kungwini community are maintained and effective governance is achieved in a manner that complies with the objectives of the South African Constitution and relevant provincial health and safety regulations.

2. **DEFINITIONS**

The following list of definitions is provided to facilitate the accurate interpretation of this by-law. For the purposes of this by-law, unless the context otherwise indicates:

"adult"	means any deceased person whose coffin will fit in the aperture of a grave as prescribed for adults
"caretaker"	means the person who is appointed as the caretaker or superintendent of any cemetery or acting in such capacity in the service of the Municipality
"cemetery"	means any piece of ground set apart by the Municipality as a public cemetery whether inside or outside the municipal area
"charges"	means the tariff of charges as determined from time to time by the Council
"child"	means any deceased person whose coffin will fit in the aperture of a grave as prescribed for children
"Council"	means the Kungwini Local Municipality
"memorial work"	means any tombstone, railing, monument, inscription or other work erected or which may be erected upon any grave
"owner"	means the person who has paid or has obtain the rights as defined in these by-laws. This includes anyone who has the right to have memorial work constructed or erected
"pauper"	Means a member of the Kungwini community who does not have the financial or other means with which to be buried
"person"	refers, in this by-law, to both male and female, unless the context indicates the contrary

"plot"	means any piece of ground laid out for two single graves within the cemetery in which the right to bury two bodies has been obtained in terms of these by-laws
"Private Cemetery"	means any piece of ground set apart by a person or persons as a private cemetery whether inside or outside the municipal area. All principles applied in these by-laws are applicable to a private cemetery with the exclusion of the hours of operation
"Registrar of Deaths"	means any person who is, from time to time, appointed by the Government to register deaths
"single grave"	means any piece of ground laid out for a single grave within the cemetery of which the exclusive rights to bury one body has been obtained in terms of these by-laws

3. ESTABLISHMENT OF A CEMETERY

The Council may from time to time set apart any ground for the purpose of a cemetery. No person will bury or cause any body to be buried in any other place in the municipality other than with the written consent of the Municipality.

4. PERMISSION OF CARETAKER FOR BURIALS

No person shall bury or cause anybody to be buried within a cemetery without the permission of the caretaker. This permission will only be given when a written order signed by the Registrar of Deeds authorizing a burial is provided to the caretaker together with the notice of internment. In all cases where an inquest has been held, a magistrate's warrant will also be given to the caretaker.

5. FREE BURIAL

5.1 The Council may bury any body free of charge in a cemetery and in a manner as determined by the Council from time to time. This decision will be made on application. The decision is made at the discretion of the Council.

5.2 The Council may bury the body of a person who has been declared a pauper free of charge.

6. CEMETERY HOURS FOR VISITORS

6.1 Every cemetery will be open to the public daily from 06h00 to 18h00. The Municipality will have the right to close any cemetery or portion of a cemetery for a period that is deemed necessary.

6.2 No person shall be or remain in any cemetery or portion of the cemetery when the cemetery is closed to the public.

7. VISIT BY CHILDREN

No person under the ages of 12 years may enter, be or remain in a cemetery unless this person is in the care of a responsible person.

8. KEEPING TO PATHS

All people must only walk on or use the roads and walks provided in the cemetery.

9. ENTRANCE TO AND EXITS FROM CEMETERY

All people entering and leaving the cemetery must do so through the gates. No person may enter any office or enclosed place in any cemetery other than on lawful business.

10. DISTRIBUTION OF TRACTS OR ADVERTISEMENT

No person may solicit any business, or exhibit, distribute or leave any religious pamphlets or advertisements within any cemetery. No person may use any cemetery road or walk for the conveyance of goods, parcels or other material, other than for use in the cemetery.

11. SITTING OR CLIMBING UPON MEMORIAL WORK

No person may sit, stand or climb upon or over any memorial work, gate, wall, fence or building in any cemetery.

12. COMMITTING NUISANCES

No person may be, commit or cause any nuisance within any cemetery.

13. ANIMALS IN CEMETERY

No person may bring into or allow any animals to wander inside any cemetery. The Municipality may impound any animals found in any cemetery. The Municipality will not be liable to pay the owner any compensation under these circumstances.

14. FORBIDDEN RIDING

No person may ride on any animals or cycle within any cemetery without the specific permission of the Council.

15. GAMES AND DISCHARGE OF ARMS

15.1 No person may shoot birds or animals in or within 100m of any cemetery.

15.2 No person may play any game or sport in any cemetery.

15.3 No person may discharge any firearms, except as a salute at a military funeral in any cemetery. This includes airguns and catapults.

16. SPEED OF VEHICLES

No vehicles may exceed a speed of 15 km/h within any cemetery.

17. DISTURBANCE OF SOIL OR PLANTS

Except where it is expressly permitted in terms of these by-laws, no person may disturb the soil, plant or uproot any shrub or flower, or in any way interfere with any grave or construction work in any cemetery.

18. DEMONSTRATIONS

No person may hold or take part in any demonstration in any cemetery.

19. COMPLAINTS

Any person wishing to make any complaint must forward the complaint to the Municipal Manager in writing.

20. DEFACING MEMORIAL WORK

No person may mark, draw, scribble, deface or display advertisements or other matter on any wall, building, fence, gate, memorial work or other construction within any cemetery including the external fencing and gates.

21. CHARGES

The Council will determine the charges in respect of the various items from time to time. These charges must be paid to the Municipality within the timeframes specified.

22. INTEREST IN GROUND IN A CEMETERY

22.1 No person may acquire any right to, or interest in any ground or grave in any cemetery other than the rights or interests that are obtainable in terms of these by-laws.

22.2 No person may transfer any single grave or plot to another person. Single graves and plots may only be transferred to the Council.

22.3 If by reason of the death or permanent absence of a person who has reserved a single grave of plot, or if such person abandons his interest in a grave or plot or if for other good reason the Council is satisfied that such a person will not exercise their rights in a grave or plot, the Council may dispose of such rights.

23. **TRANSFER**
The Municipality must register every transfer of an interest or share in a single grave or plot and the prescribed charges shall be paid to the Municipality.
24. **PURCHASE OF GRAVE OR PLOT**
The Municipality may, at its discretion, sell to any person the right to any piece of ground for a single grave or a plot. This sale is only complete on payment of the prescribed fees.
25. **RESERVATION OF GRAVE OR PLOT**
Any person desiring to reserve the use of a single grave or plot must apply in writing. Such grave or plot will be allotted and held subject to these by-laws, as amended from time to time.
26. **PAYMENT FOR BURIAL**
Any person wishing to have a body buried in a single grave or in a grave contained in a plot will pay the charges prescribed for each separate burial.
27. **NOTICE OF BURIAL**
Any person wishing to have a body buried in a grave must submit a written application on the prescribed form to the caretaker at least 48 hours before the burial. This application must be signed by nearest surviving relative of the person whose body will be buried in the grave or a person authorised by the nearest surviving relative to sign the application on the person's behalf. If the caretaker is satisfied that the signature of the nearest surviving relative cannot be obtained timeously, the person may, at his discretion, grant an application signed by any other interested person.
28. **ALTERATION IN DATE OR TIME OF BURIAL**
Should any alteration be made in the day or hour previously fixed for a burial, notice of the alteration must be given to the caretaker at the cemetery not less than 6 hours before the new time fixed for the burial.
29. **SECURITY FORCES**
Any person wishing to bury a body in the Security Force Grave Acre must apply in writing not less than 48 hours before the burial. This application must be submitted to the caretaker.
30. **OFFICE HOURS**
The office of the caretaker will be open between 07h30 and 16h00 on weekdays. The offices will be closed on Saturdays, Sundays and Public Holidays.
31. **STANDARD DIMENSIONS OF GRAVE APERTURES**
The Standard Dimensions for Grave plots will be as follows:

DESCRIPTION	LENGTH	WIDTH	DEPTH
Adult Single Grave	2300 mm	800mm	1800 mm
Adult Double Grave	2300 mm	800mm	2400 mm
Child	2000 mm	800mm	1500 mm

Any person requiring a grave plot of larger dimensions than the standard dimension for any burial must give the measurements of the coffin including fittings to the caretaker with the notice of internment.

- 3.2 **DEPTHS OF EARTH**
There will be at least 1 050 mm of earth between an adult's coffin and the surface of the ground and at least 500 mm of earth between a child's coffin and the surface of the ground.
33. **COFFIN IN GRAVES**
No person may place or cause any coffin constructed from any material other than wood or another perishable material to be placed in any grave without the written consent of the Municipal Manager or an

officer authorised by him. Any attachments to a coffin, which normally form part of the coffin, need not be made of wood or another perishable material.

34. NUMBER OF BODIES IN ONE GRAVE

In no case may the bodies of more than two adults and one child, or one adult and two children be buried within any grave at the same time.

35. COVERING COFFIN WITH EARTH

Every coffin containing a body, which is placed in any grave, must be covered at once with at least 300 mm of earth.

36. DISTURBING HUMAN REMAINS

No person may disturb any human remains, or any soil adjacent to the remains in any cemetery, except for purposes allowed by these by-laws.

37. RELIGIOUS CEREMONIES

The member of any religious denomination may conduct religious ceremonies in connection with any burial or memorial service in any cemetery, subject to the control and ruling of the Council.

38. MINISTER IN ATTENDANCE

Subject to the provisions outlined above, any person having a funeral conducted at any cemetery may arrange for the attendance of a minister of religion if the person desires.

39. HOURS OF BURIAL

39.1 Funerals may take place on the days that the cemetery is operating between the hours of 08:00 and 16:00.

39.2 Should a need arise for a burial to occur outside of the above times and days, the Municipal Manager may, if they are satisfied that the case warrants it, permit a burial.

40. NUMBERING OF GRAVES

No person may affix any number that has not been duly allotted in terms of these by-laws to any grave. No person may bury any body in any grave that has not been numbered by the caretaker.

41. EXPOSURE OF DEAD BODIES

No person may convey any dead body in an unseemly manner or expose any body, or part thereof, in any cemetery, street or public place.

42. DIRECTIONS OF CARETAKER

Every person taking part in any funeral procession or ceremony must comply with the directions and requirements of the caretaker while that person is in the cemetery.

43. MUSIC IN CEMETERY

Only sacred singing is allowed in any cemetery, except in the case of police or military funerals.

44. EXHUMATION OF BODIES AND REOPENING OF GRAVES

44.1 No grave may be opened -

44.1.1 Without a request from a competent authority;

44.1.2 Unless all medical health regulations are complied with;

44.1.3 within two(2) years from the date of the last burial therein;

44.1.4 without the written consent of the Council;

44.1.5 If the person buried therein died from an infectious disease, the abovementioned period will be six(6) years.

44.2 No exhumation or removal of any body may be made by any person, unless the Medical Health Practitioner and the caretaker are present.

44.3 No person may exhume or cause any body to be exhumed during the time that the cemetery is open to the public.

- 44.4 The grave from which any body is to be removed must be effectively screened from view during the exhumation.
45. TRANSFER BY COUNCIL OF BODY FROM ONE GRAVE TO ANOTHER GRAVE
If at any time the removal of any body may seem, to the Council, to be advisable or if any body has been buried in a grave in contravention of any provision of these by-laws, the Council may have the body removed to another grave, provided that any near relative of the deceased person will be notified if possible.
46. CARE OF GRAVES
- 46.1 No person may erect or place any railing or wirework on any grave without the consent of the Council.
- 46.2 Any person may, with the permission of the caretaker, plant any shrub, plant or flower on any grave. The shrub, plant or flower may be cut or carried away by any person with the consent of the caretaker, and the caretaker may prune, cut down, dig up or remove any such shrub, plant or flower at any time without paying any compensation.
47. ERECTION AND MAINTENANCE OF MEMORIAL WORK
- 47.1 No person may erect, alter, paint, clean, renovate, decorate, remove or otherwise interfere with any memorial work or cut any inscription on any memorial in any cemetery without the written consent of the Council and the owner of such memorial.
- 47.2 The Council may prohibit any proposed memorial work, which in its opinion, is of inferior workmanship or quality or which is likely to disfigure any cemetery.
- 47.3 If the owner of any memorial work allows it to fall into a state of disrepair that, in the opinion of the Council, constitutes a danger to or a disfigurement in the cemetery, the Council may, by written notice, require him or her to effect repairs that are deemed necessary. If the address of the owner is not known to the Council, the notice may be published in a newspaper circulating within the Municipality.
- 47.4 In the event of the required repairs not being effected within one month of the service or publication of the notice, the Council may itself effect the repairs or remove the memorial work without paying any compensation. These costs can be recovered from the owner.
48. ERECTION OF MEMORIAL WORK
- 48.1 No person may erect or construct or cause to be erected or constructed any memorial work or stonework on a grave without the written permission of the Council.
- 48.2 No person may erect any memorial work on any grave, except in a position that the Council approves.
49. SUPERVISION OF WORK
Any person engaged on work in any cemetery must affect the work under the supervision and to the satisfaction of the caretaker.
50. DAMAGE TO MEMORIAL WORK
The Council will not be liable for any damage that may at any time occur to any memorial work from any cause whatsoever.
- 5.1 REVERSING OF MEMORIAL WORK
The Council may at any time at its discretion reverse or alter the position of any memorial work in any cemetery and recover the expense incurred in connection therewith from the owner of such work: Provided that where a memorial work was originally placed in a certain position with the express permission of the Council, any alteration in the position will be effected at the expense of the Council.
52. BRINGING OF MATERIAL INTO CEMETERY
No person may bring any material into any cemetery for the purpose of constructing any memorial work or stonework upon any grave, unless:

- 52.1 A sketch detailing dimensions in figures and showing the position of the proposed work accompanied by a specification of the material to be used, and a copy of any proposed inscription, carving or ornamentation has been submitted to the caretaker not less than three(3) days before it is proposed to bring the material into the cemetery;
- 52.2 All charges in respect of such grave or plot have been duly paid;
- 52.3 Written approval of the proposed work has been given to the applicant by the Council.

53. REMOVAL OF MEMORIAL WORK BY THE COUNCIL

Any memorial work placed, constructed, altered, decorated, painted or otherwise dealt with in any cemetery in such a way as to contravene any provision of these by-laws, may be removed by the Council without payment of any compensation.

54. REQUIREMENTS FOR ERECTION OF MEMORIAL WORK

Any person, erecting any memorial work, must comply with the following requirements:

- 54.1 Whenever any part of the memorial work is joined to any other part, copper or galvanised iron clamps, pins or dowels shall be used for such purpose. The holes into which any such clamps, pins or dowels fit, shall not be less than 50 mm deep, unless otherwise authorized by the Council.
- 54.2 Any part of this work that rests upon the ground or any stone or other foundation must be fairly squared and bedded.
- 54.3 No stones of uneven thickness or having any corner wanting may be used
- 54.4 The under sides of every flat stone memorial and the base of every monument or head stone must be set at least 50 mm below the natural level of the ground.
- 54.5 Other than with the consent of the Council, no kerbstone shall be more than 225 mm above the surface of the ground or in total more than 200 mm deep.
- 54.6 All head and kerbstones must be securely clamped from the outside with round copper or galvanised iron clamps.
- 54.7 All head stones up to 150 mm in thickness must be securely attached to the base in an approved manner.
- 54.8 Every kind of memorial work must be completed as far as possible before it is brought into any cemetery.
- 54.9 Footstones must consist of one solid piece.
- 54.10 If the memorial work is not constructed or made of marble or granite, the prior permission of the Municipal Manager must be obtained. The Municipal Manager has the authority to approve or refuse the erection of such a memorial.
- 54.11. No person may do any stonework, chiselling or other work upon any memorial work not connected with the fixing of such work in position in a cemetery unless this work is expressly allowed in terms of the provisions of these by-laws.
- 54.12 In all cases where memorial works have a base:
- 54.12.1 The work must have a brick, stone or concrete foundation as prescribed by the caretaker;
- 54.12.2 The work must be set with good cement mortar;
- 54.12.3 The bottom base of the work must not be less than 910 mm x 305 mm x 305 mm;
- 54.12.4 Any lettering on memorial works must be engraved into the work and must not be raised above the level or surface of the work. With the owner's consent, the name of the maker may be placed upon the top of any footstone: This is provided that no address or other particulars are added.

55. APPROVAL MUST BE OBTAINED

No person may bring any memorial work into the cemetery that has not been approved.

56. CONVEYANCE OF MEMORIAL WORK

No person may convey any stone, brick or memorial work or any portion thereof into any cemetery on any vehicle or truck that is not furnished with wheels which, in the opinion of the caretaker, are not likely to damage the paths or ground of the cemetery.

57. **VEHICLES AND TOOLS**
Any person engaged to work on any grave or plot must provide vehicles, tools and other appliances that may be required by him provided that none of the vehicles, tools or appliances are of such a nature as to contravene the provisions of these by-laws.
58. **COMPLYING WITH REQUIREMENTS**
Any person carrying out work within any cemetery must comply with the provisions of these by-laws in all respects.
59. **REFUSE AND DEBRIS**
No person may, at any time, leave any refuse, rubble, soil, stone or other debris within any cemetery or in any way damage or deface any part of the cemetery or anything contained therein.
60. **WORKING HOURS IN CEMETERY**
No person may bring memorial work or material or do any work within any cemetery, except between Monday and Friday from 07h30 to 16h00.
61. **INCLEMENT WEATHER**
No person may fix or place any memorial work during inclement weather or while the ground is in an unfit state.
62. **PRODUCTION OF PERMIT**
Any person in charge of work who is on his way to or from work within any cemetery shall, upon demand at any time by the caretaker or his authorized assistant, produce his written permission to carry out such work.
63. **GRAVE OR PLOT RESERVED BEFORE PROMULGATION OF THESE BY-LAWS**
For any grave or plot that was reserved before the coming into operation of these by-laws, the charges payable in terms of the tariff of charges must be paid when a deceased person is buried in such a grave or plot.
64. **PENALTIES**
Any person contravening or failing to comply with any provision of these by-laws will be guilty of an offence and on conviction will be liable to a fine not exceeding R5000.00 or to imprisonment for a period not exceeding 12 months or both.
65. **REPEAL OF BY-LAWS**
The Cemetery By-laws of the Bronkhorstspuit Municipality, published under Administrator's Notice dated 4 November 1987 as amended are hereby repealed.

NOTICE 2508 OF 2007**KUNGWINI LOCAL MUNICIPALITY****BY LAWS: CONTROL OF OUTDOOR ADVERTISING**

The Acting Municipal Manager of the Kungwini Local Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the various By-Laws for the Kungwini Local Municipality as approved by it's Council as per Council Resolution KA7/28-2-2007, and as set out hereunder.

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1. **KUNGWINI LOCAL MUNICIPALITY BY-LAW ON CONTROL OF OUTDOOR ADVERTISING**
The purpose of this by-law is to govern the control of outdoor advertising. **This will ensure** that the interests of the Kungwini community are maintained and effective governance is achieved in a manner that complies with the objectives of the South African Constitution.
2. **DEFINITIONS**
The following list of definitions is provided to facilitate the accurate interpretation of this by-law. For the purposes of this by-law, unless the context otherwise indicates:

"aerial sign"	means any sign exhibited or displayed or performed in the air by the use of balloons, searchlights, aeroplanes or similar means
"Council"	means the Kungwini Local Municipality
"direction sign"	means a sign directing the public to either an event of public, religious or cultural interest
"forecourt canopy"	means the canopy built in the forecourt over the petrol pumps of a filling station
"hoarding"	means any screen or fence which is used or capable of being used for, or intended for the use of posting, exhibiting or displaying any advertisement, sign or device in or in view of any street
"outdoor advertising"	means any advertisement or advertisement device of any sort, in or visible from any street whether it be on private land or not, and whether the sign be out doors or not
"poster"	means any advertising device which advertises any meeting, event or gathering of a religious, sporting, educational, political or charitable character or the candidature of any person nominated for election to the Parliament, the Council or any similar body
"sign"	means any device or article with or without characters, letters, numerals or illustrations applied thereto and displayed in any manner whatsoever in view of any street for the purpose of advertising or to give information regarding or to attract the public to any place, public performance, article or merchandise whatsoever, and which surface or structure is attached to, forms part of any building, or fixed to the ground or to any pole, screen, or hoarding, or is in any other way displayed, and includes a temporary sign
"sky sign"	means any sign erected or placed on or above the topmost roof or roof parapet or eaves of a building but will not include any signs painted on the roof of a building
"street verandah"	means any verandah, roof or structure projecting over an erf boundary over a street or sidewalk
"tariff"	means the charges as determined from time to time by the Council
"temporary sign"	means a sign which will be displayed for a time not exceeding ninety days
3. **SCOPE OF BY-LAWS**
 - 3.1 The provisions of these by-laws are not applicable to temporary advertisements required in terms of any other law or statutory measure. This is provided that the provisions that are detailed below are complied with.
 - 3.2 The provisions of these by-laws will be considered as supplementary to the Municipality's Street and Miscellaneous By-laws and will not detract from any part thereof, provided that, should a provision therein be incompatible with these by-laws, these by-laws will apply.
 - 3.3 The governance of any billboards will be dealt with in accordance with the appropriate provincial legislation as amended from time to time.
4. **SIGNS**
 - 4.1 No person may erect, maintain or display or allow any person to erect, maintain or display any sign or handling so as to be visible from any street, or on any object, unless he has obtained the written permission of the Council. This provision does not apply to authorised advertisement trailers.

- 4.2 Where the sign forms an integral part of the design of a building stating only the name of the building on which the sign is displayed, no application for approval need be made in respect of such a sign.
- 4.3 No person will erect, maintain or display or permit any sign hoarding or advertisement of any nature whatsoever on the outside, in the window or at the entrance of any building whether situated on private property or not, without prior consent or permission of the Council.
- 4.4 Should the sign however form an integral part of the activity or business in that building, the provisions of this subsection will not apply as long as, in the opinion of the Council, the neighbourhood is not likely to be affected or disfigured.

5. APPLICATION

- 5.1 Every application for approval will be made in writing on a form supplied by the Council, and must be submitted together with the charges prescribed in the tariff.
- 5.2 Every application will be accompanied by two sets of plans of which one set will be in full colour. The plans must include:

PLAN TYPE	SCALE	SCOPE
Locality Plan	1:500	Position of sign on the premises
Sign Plan	1:20	Plan of sign design and structure
Elevation Drawing of building	1:100	Drawing of the building on which the sign is to be erected or displayed
Structural Plan	1:20	Diagram drawn demonstrating the structural detail.

- 5.3 Every application will include the following information:
- 5.3.1 The dimensions and weight of the sign;
- 5.3.2 The location, position on the building or other supporting framework and the method to be adopted to affix the sign to the ground or to any other suitable object;
- 5.3.3 Where applicable, the number of lights, the type of lighting and all other relevant details;
- 5.3.4 The name and address of the contractor manufacturing and/or erecting the sign;
- 5.3.5 Whether the sign is to be temporary or permanent, or the time period for which it will be displayed;
- 5.4 The Council may request any further information regarding the sign that it considers necessary;
- 5.5 An applicant must comply with any and all condition/s imposed by the Council;
- 5.6 Any person who contravenes or fails to comply with any conditions that have been defined above will be guilty of an offence;
- 5.7 Further consent must be obtained and charges paid where any alteration is to be made to an existing approved advertising sign.
- 5.8 An applicant for a temporary sign will not be required to provide plans to Council for approval.

6. CONSTRUCTION OF SIGNS AND HOARDINGS

- 6.1 All signs and hoardings must be strongly constructed of durable material.
- 6.2 All glass used in signs other than glass tubing used in neon or similar signs must be glass as prescribed in the National Building Regulations and Building Standards Act, 1977.
- 6.3 All electrical signs:
- 6.3.1 that are likely to interfere with radio and television reception, must be fitted with efficient suppressors;
- 6.3.2 Must be fitted with a fire switch, situated at such a place as may be directed by the Council;
- 6.3.3 Must, as to their electrical installation, be in accordance with the provisions of the Standard Regulations of the Wiring of Premises (SASS Code 0142 1981, as amended) and should also comply with the Council's Electricity By-laws.

7. SECURING OF SIGNS AND HOARDINGS

- 7.1 All signs must be secured in such a manner so as not to constitute a source of danger to the public. They must be fixed to the satisfaction of the Council.
- 7.2 The owner of a sign or hoarding will assume all liability and responsibility in connection therewith, maintenance thereof and will undertake at least two annual inspections of the sign to ensure that it meets the safety requirements.
- 7.3 Should any sign or hoarding, in the opinion of the Council, become dilapidated, in a state of bad repair, dangerous or a nuisance, the owner thereof will, within 21 days from receiving the request in writing to do so by the Council, repair or remove the sign. Failure to do so will constitute an offence.
- 7.4 In the event of the owner of such a sign failing to comply with the terms of the written request referred to above, the Council may remove the sign or hoarding at the expense of the owner. No compensation will be payable by the Council to any person as a result of such a removal.

8. PROHIBITED SIGNS

- 8.1 No person may erect, maintain or display or permit any person to erect, maintain or display any of the following signs:
- 8.1.1 Any sign that is painted on, or fixed onto or between the columns of a street verandah.
- 8.1.2 Any sign which projects above or below any:
- 8.1.2.1 fascia, beam or balustrade of a street verandah or balcony.
- 8.1.2.2 Any luminous or illuminated sign which is fixed to any fascia, beam or balustrade of a street verandah.
- 8.1.3 Any streamer across any street.
- 8.1.4 Any sign on calico, paper mache, woven or similar material.
- 8.1.5 Any sign which interferes with or which is likely to interfere with any sign or signal for the control of traffic: Provided that
- 8.1.5.1 No sign in red, amber or green colours will be erected, maintained or used within 6m of any traffic sign;
- 8.1.5.2 All signs reflecting or illuminated by light at a height of less than two storeys or 5m above the footway, whichever is the greater, will be suitably screened so as to satisfactorily prevent any interference with any sign or signal for the control of traffic.
- 8.1.6 Any sign or signs, of which the total area is more than 30m², which is painted or affixed to a wall of a building that is not a street wall of such a building. This requires Council approval.
- 8.1.7 Any sign painted on a fence that is not an approved hoarding.
- 8.1.8 Any sign that is objectionable, unsightly or detrimental to the neighbourhood, or of such intense illumination as to disturb residents in adjacent buildings directly or indirectly, or generally to be a source of disturbance to the public.
- 8.1.9 Any sign which is indecent or suggestive of indecency or prejudicial to public morals..
- 8.1.10 Any sign erected or displayed on any chimney or silo unless such sign states only the name of the firm and the type of business carried out on the premises. No such sign on such chimney or silo will be illuminated other than by floodlight.
- 8.1.11 Any sign which does not comply with the requirements of or which is permitted by these by-laws.
- 8.2 No person may, without the written consent of the Council, make use of any form of audible or aromatic advertising.
- 8.3 Only posters and directions signs may be affixed to or displayed on a natural object or street pole provided that such object or pole is not in any way damaged by such display.

9. HANGING SIGNS UNDER VERANDAH OVER STREETS

Every sign under a veranda over a street must have a clearance of not less than 2,5m between the surface of the pavement and the lowest portion of the sign.

10. PROJECTING SIGNS

- 10.1 All projecting signs must be fixed at a height of not less than 2,5m above the pavement.
- 10.2 Other than as defined above, no projecting signs may exceed 1,5m height and may not project more than 900 mm from the building to which they are attached.
- 10.3 Notwithstanding the provisions outlined above, larger projecting signs may be erected provided:
- 10.3.1 The owner of the building or the person for whom the sign is being erected, will apply for, and assume all responsibility in connection with such sign. This includes maintenance, an annual inspection to satisfy himself regarding its safety and liability for all loss or damage caused to any person or property by reason of or in any way arising out of the erection, maintenance or existence of such signs;
- 10.3.2 The design thereof is to the satisfaction of the Council, and it complies in all respects with these by-laws;
- 10.3.3 Such sign will be fixed at right angles to the street and the front of the building on which it is erected;
- 10.3.4 Such sign will not exceed 9m in height or 1,5m total projection from the building, or in the case of a sign consisting only of the name of a central public entertainment building 14m in height and 1,8m in total projection from the building: This is provided that these terms will not apply to any sign that has been erected prior to the date of the publication of these by-laws.

11. SIGNS FLAT ON BUILDING

- 11.1 The total area of all signs placed on flat or painted on a street wall of a building will not exceed 50% of the area of the street wall: This is provided that such signs will not exceed 200m² and will not be smaller than 3m².
- 11.2 The maximum projection of such a sign over the footway or pavement will be 75mm where such sign is less than 2,5m above the footway or pavement and 230mm where the sign is more than 2,5m above the footway or pavement.
- 11.3 Notwithstanding the provision outlined above, the Council may, where it considers it desirable and in the interest of the aesthetic appearance of the building on which the sign is placed or painted, or of the neighbourhood of such building, allow, permit or require the dimensions of any such sign to be greater than those prescribed.

12. SKY SIGNS

No sky signs are allowed, except on the forecourt canopy of filling stations.

13. PYLON SIGNS AND HOARDINGS

- 13.1 No sign or hoarding that is not placed on a building and no billposting hoarding may exceed 5 m in height above ground level.
- 13.2 Free-standing pylon signs may be erected and displayed with the approval of the Council and may not exceed 12m height above the ground level.
- 13.3 Drawings to a scale of 1:20 showing structure details of the supports, framework etc. must be submitted to the Council together with other details required under these by-laws.
- 13.4 The design of such hoardings and signs must be to the satisfaction of the Council.

14. AERIAL SIGNS

Aerial signs are only permitted temporarily and then only with the approval of the Council as obtained in accordance with the provisions of these by-laws.

15. FLAG ADVERTISING

No person may erect, display or permit to be erected or displayed any banner or signs such as flags for the purpose of advertising without the written approval of the Council, obtained in terms of the provisions of this by-law.

16. DECORATIONS DURING PUBLIC CELEBRATIONS
All decorations, illuminating and other devices erected on occasions of public celebrations will be so erected, arranged and secured as to minimise the danger of fire and in these respects safeguard the public against danger. These decorations must be erected to the satisfaction of the Council.
17. "FOR SALE", "FOR HIRE", "SOLD" SIGNS
17.1 No "For Sale", "For Hire" or "Sold" sign may be erected unless the signs conform to the following requirements:
7.1.1 The sign may not be larger than 900mm x 600mm.
7.1.2 The sign must be made of a strong material so that it will not be wholly or partially damaged by wind or rain.
7.1.3 Signs may only contain the following information, i.e., "For Sale", "For Hire" or "Sold", as well as the names of the owner and his authorized agent, telephone number and/or address.
17.2 The signs may only be erected at, on or to the property or premises.
17.3 Notwithstanding the provisions as outlined below, such a sign may not be fixed on or placed at municipal property.
17.4 Not more than two signs per property will be allowed: This is provided that the owner of such property be responsible for the control thereof.
17.5 The signs are not subject to approval of the Council: This is provided that the Council may remove the signs or instruct that it should be removed if the Council is of the opinion that:
17.5.1 The signs are aesthetically not acceptable; or
17.5.2 The sign is no longer in use,
after which the advertiser may be held responsible for the removal cost thereof.
18. DIRECTION SIGNS
18.1 The Council may permit direction signs on application by persons, including licensed graded hotels, religious bodies and societies concerned with the welfare of persons or animals. Such signs will be permitted by the Council at such place, for such period, on payment of the charges as provided for in the tariff, and on such terms as it may impose.
18.2 Except as outlined above, only temporary direction signs may be erected. Application for such temporary direction signs will clearly indicate:
18.2.1 The length of time and location thereof;
18.2.2 The number of signs displayed; and
18.2.3 The number to be advertised;
and will be accompanied by the charges as prescribed in the tariff.
18.3 Only signs directing the public to exceptional events of public or cultural interest will be permitted. These signs will not be displayed for a period longer than seven days prior to the event and 48 hours after the conclusion of such event.
19. TEMPORARY NEWSPAPER POSTERS
19.1 A temporary sign that is a poster for a newspaper offered for sale to the public at a certain time will be displayed only on the date of the publication alongside or within view of any street, only if such display occurs:
19.1.1 On a street or holder approved by the Council beforehand; and
19.1.2 At a place and a manner approved by the Council before-hand.
19.2 A sign contemplated above will contain news headlines only of the newspaper concerned.
20. ENTRANCE PREMISES
The Council will have the right, at all reasonable hours, to inspect any sign and to request the written approval be produced.
21. EXISTING SIGNS
All signs existing at the date of promulgation of this by-law that are not in accordance with the by-laws must be removed or made to comply therewith within a period of two(2) years from the date of promulgation.

22. REMOVAL OF SIGNS

Any person who, in contravention of the provisions of these by-laws, erects a sign or cause a sign to be erected on or over any street, footway or pavement, or who possesses such sign or whose name appears on the sign, will be regarded as the owner of such sign, and the Council may instruct the owner in writing to remove the sign within a period of fourteen(14) days of notice, failing which the Council may remove such sign itself or cause such sign to be removed.

23. AREAS WHEREIN SPECIAL RESTRICTIONS PERTAIN

The Council may, from time to time, determine a policy in which conditions are made applicable to certain areas and conditions with which signs in those areas will comply or whereby signs will be restricted to certain areas.

24. POSTERS APPROVAL

- 24.1 No person may, in or in view of any street or other public place within the area defined by the Council display, cause or permit to be displayed any poster with a view to advertise before he has obtained written approval from the Council.
- 24.2 Posters may only be displayed to advertise a meeting, function or event of a sporting, religious, educational, charitable, political or any other character, or to promote candidature or nominations for, or other concerns with a national, provincial or municipal election or event.
- 24.3 Any person who displays, causes or permits to be displayed any poster or other advertisement, except posters relating to an election, must first have presented the Council with a statement, in writing, identifying either:
- 24.3.1 the area or street in which the advertisement will be displayed or
 - 24.3.2 The intersection nearest to the position in which the poster will be displayed or
 - 24.3.3 The area, street or intersection that is closest to where the poster will be able to be viewed from.
- 24.4 No poster or other advertisement relating to a meeting, function or event, other than an election, may be displayed for longer than fourteen(14) days before the day on which it begins and longer than three(3) days after which it ends.

25. SECURING

- 25.1 Any person who, in the exercise of a permission granted as detailed above, displays, causes or permits to be displayed in a street or other public place a poster of other advertisement, must comply with or cause to be complied with the following requirements:
- 25.1.1 The poster or other advertisement must be attached in such a manner that it cannot become wholly or partially dislodged by wind or rain. It must be attached to a neat and strong board made of wood or other suitable material approved by the Council and such board, other material, poster or the advertisement itself may not be larger than 900mm x 600mm.
 - 25.1.2 Any board or material as prescribed above may only be placed on or against an electricity or telephone pole or other structure or object erected by the Council, or the South African Government if attached by means of a cord or strong string.
 - 25.1.3 Without prejudice to anything contained above, a board or material as prescribed above must be firmly fastened to a strong and stable support by means of cable ties not exceeding 4mm in diameter.
 - 25.1.4 No board or material may be placed on such a place in such a manner as is likely, in the opinion of the Council, to constitute a danger to vehicular traffic or pedestrians in any street or other public place.

26. ELECTION POSTERS

- 26.1 The requirements prescribed below must be complied with in respect of posters or other advertisements relating to a Parliamentary or municipal election: This is providing that nothing in this section will apply to a poster or other advertisement relating to such an election which:

- 26.1.1 Is located entirely inside fixed premises, that is to say, is displayed elsewhere on such premises than on an exterior wall or on the outside of any fence forming the apparent boundary of the premises;
- 26.1.2 Is displayed in or on a private motor vehicle parked or being driven in a street or other public place in the course of its normal use as such a vehicle;
- 26.1.3 Is displayed at the committee rooms, clearly marked as such, of a candidate in an election.
- 26.2 No poster or other advertisement may be displayed for longer than the period extending from the beginning of the day of nomination to the end of the fourth day after midnight of the day of election.
- 26.3 Advertisements may be displayed in the form of banners not exceeding 1m x 4m in size in each municipal ward, and five(5) in each parliamentary constituency.
27. NUMBER OF POSTERS
Not more than 40 posters or other advertisements per built up area may be displayed at anyone time in relation to any meeting, function or event, other than an election.
28. DEPOSIT
- 28.1 No poster or other advertisement may be placed in a street or other public place, whether or not by virtue of permission given as detailed above, unless the appropriate amount prescribed in the tariff has been paid to the Council by way of deposit.
- 28.2 Every deposit paid as detailed above will be refunded when, and not before, all the posters or other advertisements to which the deposit relates, have been removed to the satisfaction of the Council. This is subject to the no offences being committed as outlined below.
- 28.3 Should posters not be removed within ten(10) days of an event, such posters will be removed by the municipality and the deposit will be forfeited.
29. OFFENCES
- 29.1 Any person who, having displayed or caused to be displayed any posters or other advertisement, fails to remove it or cause it to be removed within the periods prescribed will be guilty of an offence and will, in addition to any penalty imposed upon him, forfeit the deposit relating to it or such proportionate part of that deposit as the Council will assess having regard to the number of posters or advertisements not removed.
- 29.2 Any person who display, or causes or permit to be displayed, any poster or other advertisement in or in view of any street or other place without having obtained permission to do so and any person who, having obtained permission as aforesaid, fails in respect of a poster or advertisement to comply with the provisions of the by-law or who otherwise contravenes any provision thereof, will be guilty of an offence and liable on conviction thereof, to a penalty as prescribed below.
- 29.3 Any person who display, or causes or permits to be displayed, in or in view of any street or other public place any poster or other advertisement will be deemed to be the displayer thereof so long as it is displayed as aforesaid.
- 29.4 Any person who is either alone or jointly with any other person responsible for organizing, or in control of, any meeting, function or event to which a poster or other advertisement relates will, until the contrary is proved, be deemed to have caused or permitted to be displayed every poster which is displayed relating to that meeting, function or event.
- 29.5 The owner and the occupier of land or premises on which any poster or other advertisement is displayed in contravention of this by-law, will be deemed to be guilty of an offence unless, in either case, he proves that he did not know of or could not by the exercise of reasonable vigilance have known of or prevented such display of a poster or other advertisement.
30. REMOVAL OF POSTERS
- 30.1 The Council will be entitled, without giving notice to anyone, to remove and destroy a poster or other advertisement displayed without its permission having been obtained as detailed above or in contravention of any provision of this by-law, or which had not been removed within the

period specified in this by-law or which constitutes in any respect contravention of this chapter.

30.2 The person who erects a poster or causes a poster to be erected or whose name appears on a poster, will be deemed to be the owner of such poster.

30.3 The provisions detailing the removal of a sign will be applicable in all respects to this section.

31. **OFFENCES AND PENALTIES**

Any person contravening or failing to comply with any provision of these by-laws will be guilty of an offence and on conviction will be liable to a fine not exceeding R5000.00 or to imprisonment for a period not exceeding 12 months or both.

NOTICE 2509 OF 2007**KUNGWINI LOCAL MUNICIPALITY****BY LAWS: CRECHES, PRE-SCHOOL INSTITUTIONS & NURSERY SCHOOLS**

The Acting Municipal Manager of the Kungwini Local Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the various By-laws for the Kungwini Local Municipality as approved by it's Council as per Council Resolution KA7/28-2-2007, and as set out hereunder.

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1. KUNGWINI LOCAL MUNICIPALITY BY-LAW ON CRECHE'S, PRE-SCHOOL INSTITUTIONS AND NURSERY SCHOOLS

The purpose of this by-law is to govern health and safety in the creches, pre-school institutions and nursery schools. This will ensure the interests, health and safety of the children, parents and all parties involved in the use of the child-care facilities within the Kungwini community are maintained and effective governance is achieved in a manner that complies with the objectives of the South African Constitution and applicable provincial health and safety regulations.

2. DEFINITIONS

The following list of definitions is provided to facilitate the accurate interpretation of this by-law. For the purposes of this by-law, unless the context otherwise indicates:

"adequate" and "suitable"	means adequate or suitable, as the case may be, in the opinion of the Head of Social Services
"approved"	means approved by the Head of Social Services, regard being had to the reasonable public health requirements of the particular case, or to the physical and mental health of the children, as the case may be
"child"	means a child admitted to a pre-school institution in terms of these by-laws
"Council"	means the Kungwini Local Municipality
"creche"	A child-care facility that can accommodate 15 or more children
"day-care facility"	A child-care facility that can accommodate up to a maximum of 16 children
"domestic staff"	means staff employed in a pre-school institution for cleaning, cooking and other domestic purposes
"Head of Social Services"	means the Director/Head of the Council's Community & Health Services, or any person duly authorized by the Council to act on the person's behalf
"health certificate"	means a certificate issued in terms of section 3
"health certificate holder"	means a natural or artificial person, or a partnership, or an association of persons, to whom a health certificate has been issued in terms of section 3
"pre-school institution"	means any undertaking or institution involving the custody, care or tuition or any combination of these functions, during the whole or part of the day on all or any of the days of the week of children under the age of seven years. Including the building or the premises maintained or used for the purpose of conducting such undertaking or institution thereon as the case may be, and which undertaking or institution or building or premises has been registered or which required registration by the Department referred to in the definition of "registering body"
"registering body"	means the State Department or Local Municipality authorized to issue a registration certificate
"registration certificate"	means a certificate issued by the authorized State Department or Local Municipality

3. APPLICATION OF BY-LAWS

These by-laws will apply to all pre-school institutions for children. This is provided that if, in the opinion of the Head of Social Services, compliance would not be reasonable practicable, the Head of Social Services may give notice in writing to the health certificate holder to comply with such other reasonable requirements that he may consider necessary in the circumstances, within such reasonable period as stated in the notice, and such health certificate holder will forthwith comply with such notice.

4. HEALTH CERTIFICATE

4.1 No person or body of persons will conduct a pre-school institution unless such person or body of persons is in possession of a health certificate to the effect that the premises, general health facilities and services to which such health certificate relates, comply with these by-laws.

- 4.1.1 Such a certificate will state the number and the minimum and maximum age of the children permitted to be kept on such premises, and the hours during which such pre-school institution may operate.
- 4.1.2 The Head of Social Services or an authorised person will issue the health certificate if the person is satisfied that the by-laws are being complied with.
- 4.2 A health certificate issued in terms of this section, will not be transferable.
- 4.3 If a health certificate holder proposes to transfer a pre-school institution conducted on certain premises to other premises, the person will obtain a health certificate in respect of the new premises before such pre-school institution may be conducted on such new premises.

5. **ACCOMMODATION AND STORAGE, SANITARY, KITCHEN AND OTHER FACILITIES IN RESPECT OF PRE-SCHOOL INSTITUTIONS FOR CHILDREN BETWEEN THE AGES OF THREE AND SEVEN YEARS**

In respect of a pre-school institution for children between the ages of three and seven years, the following accommodation and facilities will be provided:

- 5.1 A room adequate in size to be used as an office and staff room with an area allocated solely for isolation purposes.
 - 5.1.1 Such room will have a minimum floor area of 12m².
 - 5.1.2 A hand-wash basin with a constant supply of hot and cold running water in the isolation area of such room.
 - 5.1.3 An approved first-aid cupboard and a bed or stretcher in the isolation area.
- 5.2 If full-day care is provided and more than four members of staff are employed on a full-day basis, a separate room of a minimum size of 6m² for use as a meeting place or rest room staff.
 - 5.2.1 Adequate storage facilities for food, stretchers, sleeping mats, bedding, linen, indoor and outdoor play equipment.
 - 5.2.2 Separate storage facilities for the personal belongings of each child and staff member.
 - 5.2.3 Sanitary and ablution facilities for children which will have:
 - 5.2.3.1 Ready access between such facilities and the room and outdoor play area;
 - 5.2.3.2 One(1) approved water closet for every fifteen(15) children or part of 15, which will be of a reduced size (juvenile type);
 - 5.2.3.3 One hand-wash basin for every fifteen(15) children or part of 15. This hand-wash basin to be installed at such height as to be conveniently used by children;
 - 5.2.3.4 A sink made of stainless steel for the cleaning of play equipment;
 - 5.2.3.5 In respect of the facilities referred above, only fixed facilities will be provided;
 - 5.2.3.6 A constant supply of running water and the sink;
 - 5.2.3.7 An adequate number of bins with self-closing lids for the disposal of paper towels, tissues and other waste articles;
 - 5.2.3.8 At least one(1) mirror installed at such height as to be conveniently used by children;
 - 5.2.3.9 A minimum of two(2) towels and one(1) face cloth for each child's individual use unless the Head of Social Services permits the use of disposable paper towels;
 - 5.2.3.10 Individual pegs or hooks for each child's towel which will be placed 225 mm apart and within the child's reach, and marked in such a manner as to be easily recognised by each child;
 - 5.2.3.11 Reasonable supply of toilet paper, tissues and soap available and accessible to the children.
- 5.3 Sanitary and ablution facilities for the staff which:
 - 5.3.1 Will have one(1) water closet and one(1) hand-wash basin for every fifteen(15) persons or part of 15;

- 5.3.2 Will have a constant supply of hot and cold running water, soap, toilet paper and clean towels;
- 5.3.3 Will have a bin with self-closing lid or other approved disposal unit installed in each closet intended to be used by females.
- 5.4 Separate approved laundry facilities on the premises, unless laundering is done on other approved premises.
- 5.5 A room for playing, eating and sleeping purposes:
 - 5.5.1 Where a minimum area of 2m² is available for every child. The indoor area may be reduced to a minimum of 1,5m² per child, provided that a covered verandah of a minimum of 0,5m² per child is provided. Such covered verandah will adjoin the playroom and be protected against wind, rain and other inclement weather conditions. Both playroom and covered verandah will have a minimum width of 3m.
 - 5.5.2 Such room will have ready access to an outdoor play area as detailed below.
 - 5.5.3 Adequate heating facilities to be provided to a room as described above.
- 5.6 A minimum outdoor play area of 5m² per child comprising lawns or other surfaces and shady areas, which are adequately drained, properly fenced off from any parking or other area which, in the opinion of the Head of Social Services, may constitute a danger to the children, and which will be free of any excavation, step, projection, level or surface which, in the opinion of the Head of Social Services, is dangerous or may constitute a hazard: Provided that if the pre-school institution is in a high density area and is entirely enclosed within a building, the outdoor play area may be substituted by an additional indoor play area of 5,5m² per child.

6. KITCHENS

- 6.1 If meals are provided:
 - 6.1.1 The kitchen will have a minimum floor area of 12m² for every fifty(50) children or part of 50. The minimum floor area will be increased by 0,1m² per child in excess of 50;
 - 6.1.2 The kitchen will be provided with an approved double compartment sink, and a hand-wash basin and, if the Head of Social Services deems it necessary, a pot-washing sink and vegetable washing sink and such sinks will be made of stainless steel or other impervious material and will have a constant supply of hot and cold running water.
- 6.2 If only half-day care is provided and the Head of Social Services is satisfied, having regard to the type and quantity of food supplied to the children, a kitchen of 9m² will be provided with an approved double compartment sink of stainless steel and a hand-wash basin and will have a constant supply of hot and cold running water.
- 6.3 The following general requirements will apply to all kitchens referred to in this paragraph:
 - 6.3.1 All cupboards, shelves and other storage space for kitchen utensils and equipment will be so fitted as to be easily cleaned.
 - 6.3.2 All tables will have an approved surface.
 - 6.3.3 The stove or other cooking unit will be so installed as to allow easy access between the stove or cooking unit and the adjoining wall surface to facilitate cleaning.
 - 6.3.4 Adequate storage facilities for vegetables will be provided.
 - 6.3.5 Refrigeration facilities for perishable foodstuff will be provided.
 - 6.3.6 An adequate number of refuse bins will be provided.
 - 6.3.7 No laundering or laundry equipment will be permitted in any kitchen.

7. ACCOMMODATION AND STORAGE, SANITARY, KITCHEN AND OTHER FACILITIES IN RESPECT OF PRE-SCHOOL INSTITUTIONS FOR CHILDREN UNDER THREE YEARS OF AGE

In respect of pre-school institutions for children under the age of three years, the following accommodation and facilities will be provided:

- 7.1 A room adequate in size, to be used as an office and staff room with an area allocated solely for isolation purposes.
 - 7.1.1 Such a room will have a minimum floor area of 12m².
 - 7.1.2 A hand-wash basin with a constant supply of hot and cold running water in the isolation area of such room.

- 7.1.3 An approved first-aid cupboard and a cot or stretcher in the restroom for the staff.
- 7.2 If full-day care is provided and more than four(4) members of staff are employed on a full-day basis, a separate room of a minimum size of 6m² as a meeting place or restroom for the staff.
- 7.3 The facilities referred to above may be combined with the facilities provided in terms of children aged between three and seven years if the Head of Social Services is satisfied that such facilities are adequate and suitable for combined use.
- 7.4 If children under two years of age are accommodated:
- 7.4.1 A nursery for playing, eating and sleeping purposes where a minimum area of 3,5m² is available for every child. Cots will be arranged so that there will be a minimum of 750mm between the cots. The indoor area may be reduced to a minimum of 2m² per child, provided that a covered veranda of minimum of 0,5m² per child is provided. Such covered veranda will adjoin the playroom and be protected against wind, rain and other inclement weather conditions. Both playroom and covered veranda will have a minimum width of 3m and will have ready access to the outdoor area referred below.
- 7.4.2 Adequate heating facilities to be provided in the room referred to above.
- 7.5 If children aged two years and over are accommodated:
- 7.5.1 A minimum outdoor area of 3m² per child for the use of perambulators, play-pens and outdoor activities, as required above is necessary. This is provided that in high density areas where the pre-school institution is situated in a building, the outdoor play area may be substituted by an additional indoor play area of 3m² per child.
- 7.5.2 An outdoor area complying with the above requirements is necessary, save that the minimum area will be increased to 5m² per child. In high density areas where the pre-school institution is suitable in a building, the outdoor play area may be substituted by an additional indoor play area of 5,5 m² per child.
- 7.5.3 If a nursery school which has been registered is conducted in the same premises as such pre-school institution, the areas referred to above, will be separated from any outdoor area used by children attending such nursery school.
- 7.6 An after school care centre will not be permitted on the same premises as a pre-school institution, unless in completely separate facilities are available or the business is conducted at different times.
- 7.7 A kitchen as detailed above is required.
- 7.8 If bottles and teats are used for feeding of children, the kitchen as contemplated above will be increased by a minimum of 3m² to provide a separate area for milk kitchen purposes. Where the number of children is in excess of 50, the floor area will be increased to the satisfaction of the Head of Social Services. The milk kitchen will be partitioned off from the rest of the kitchen.
- 7.8.1 Such milk kitchen will have the following:
- 7.8.1.1 An approved double compartment sink of stainless steel with a constant supply of hot and cold running water.
- 7.8.1.2 A separate refrigerator for the sale storage of milk and milk bottles.
- 7.9 Adequate storage facilities for food, linen perambulators and other equipment is required.
- 7.10 Separate storage facilities for the personal belongings of each child and staff member is necessary.
- 7.11 Sanitary and ablution facilities for children under two years will have the following:
- 7.11.1 Ready access to the room referred to above.
- 7.11.2 A separate sluice area with a minimum size of 6m² that will have:
- 7.11.2.1 An approved combined sluice sink and hopper. Such sink and hopper will be fitted with an 150mm splash screen and will be installed 100 mm away from any wall surface and will have a constant supply of hot and cold running water. Every part of the wall surface within 600mm from the sink and hopper will be tiled or have some other approved finish;
- 7.11.2.2 A hand-wash basin installed at a height, which can be conveniently used, by an adult and having a constant supply of hot and cold running water;

- 7.11.2.3 An approved water closet (juvenile type). If deemed necessary by the Head of Health Services, the number of water closets will be increased.
- 7.11.3 A separate bathing area of a minimum size of 6m² will be provided with an approved bathing unit for ten(10) children or part of ten. Such units will have a constant supply of cold and thermostatically controlled hot running water. If such bath area is provided in the nursery, an additional floor area of 6m² will be provided and will have ready access to the sluice and hopper.
- 7.11.4 Separate facilities for the storage of clean and soiled nappies.
- 7.11.5 Disposable and approved material for the cleaning of children wearing nappies.
- 7.11.6 A minimum of two(2) towels and one(1) face cloth for each child's use.
- 7.11.7 Individual pegs or hooks for each child's towels and face cloths and such pegs or hooks will be placed 225mm apart, and individually marked: Provided that separate hooks will be provided for towels and face cloths respectively.
- 7.11.8 An adequate number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste articles.
- 7.11.9 If necessary in the opinion of the Head of Social Services, chamber pots (reduced size) will be provided. Such chamber pots will be suitably store, kept in good repair and used only in the sluice area save where such equipment may be required for use in the isolation area defined above.
- 7.12 If children aged two years and over are accommodated, sanitary and ablution facilities must comply with the requirements of this by-law.
- 7.13 Sanitary and ablution facilities for the staff must comply with the requirements of this by-law.
- 7.14 Storage facilities must be provided for indoor and outdoor play equipment.
- 7.15 Approved laundry facilities must be provided on the premises, unless laundering is done on other approved premises.

8. GENERAL REQUIREMENTS RELATING TO ALL BUILDINGS USED FOR PRE-SCHOOL INSTITUTIONS

Notwithstanding the provisions of the National Building Regulations as amended from time to time, every building or part thereof used for a pre-school institution will comply with the following requirements:

- 8.1 The windows of all playrooms and isolation area will be so designed and installed as not to constitute a danger to the children when open and so that the lower level is not more than 750mm from ground level.
- 8.2 The internal walls throughout will have a smooth surface and will be covered with a light coloured durable and washable paint.
- 8.3 Floors and skirtings will be finished with a smooth surface, free of sharp edges or other dangerous defects.
- 8.4 All rooms will have a ceiling and such ceilings will have no open joints and will be painted with a light coloured durable and washable paint.

9. SANITARY AND ABLUTION FACILITIES FOR STAFF RESIDENT ON THE PREMISES

- 9.1 The following separate facilities for males and females will be provided in respect of staff living on the premises:
 - 9.1.1 One water closet and one hand-wash basin for every fifteen(15) persons or apart of 15.
 - 9.1.2 One(1) bath and shower for every eight(8) persons or part of eight.
 - 9.1.3 A constant supply of hot and cold running water to the hand-wash basins, baths and showers referred to above.
 - 9.1.4 An adequate supply of soap, toilet paper and clean towels.
- 9.2 The area occupied by staff living on the premises will have no direct communication with any area used by the children and will be inaccessible to the children and adequately screened from the rest of the premises.

10. RESTING, FEEDING AND PLAY EQUIPMENT

- 10.1 Equipment for children will comply with the following:
- 10.1.1 An adequate number of approved children's chairs will be provided. For children under 18 months of age, an adequate number of approved feeding chairs will be provided.
 - 10.1.2 An adequate number of approved children's tables will be provided.
 - 10.1.3 An adequate supply of approved individual resting or sleeping equipment will be provided for each child. Such equipment will be marked with the relevant child's name or symbol, and so arranged that there is a minimum of 450mm between each child.
 - 10.1.4 An adequate supply of bedding will be provided and correspondingly marked with the name or symbol of each child.
 - 10.1.5 An adequate supply of approved indoor and outdoor play equipment will be provided.
- 10.2 If bottles and teats are required for any children approved bottles and teats will be provided for the individual use of such child, and such feeding bottles and teats will be sterilised by an approved method before use.
- 10.3 If cutlery and crockery are required for any children, an adequate supply of cutlery and crockery will be provided for the convenient use of such children.
- 10.4 No paddling pool, swimming pool, sand pit or other structure will be permitted on the premises of any pre-school institution without the approval of the Head of Social Services, subject to such conditions concerning safety and coverage as he may lay down from time to time.

11. MEDICAL CARE OF CHILDREN

- 11.1 Every child will be kept under observation for any signs of illness, indisposition or other abnormal condition.
- 11.2 The parent or guardian of the child concerned will be notified immediately when any illness, indisposition or abnormal condition is observed.
- 11.3 Whenever a child becomes ill or has suffered an injury requiring medical attention, a medical practitioner will be summoned. A telephone will be available for this purpose.
- 11.4 Any child who is ill or has suffered an injury will be isolated and will receive the necessary care and comfort.
- 11.5 All instructions issued by the medical practitioner treating an ill or injured child will be carried out and in the event of a communicable disease, the Head of Social Services will be notified immediately.
- 11.6 A record of all injuries and illnesses of every child will be kept.

12. SAFETY MEASURES

The following safety measures will be taken:

- 12.1 Children will be adequately protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other article or thing, which may be dangerous or cause injury to any child.
- 12.2 Any slats or rails forming part of an enclosure, playpen, bed, cot or any other object or structure whatsoever, will not be more than 75mm apart and will be suitably installed and maintained in a good state of repair and a non-toxic paint will be used when painted.
- 12.3 The premises will be entirely enclosed by an approved wall or other approved means of enclosure so as to prevent a child leaving the premises on his own accord, and to prevent the entrance of domestic animals.
- 12.4 All gates or doors to such enclosure will be close fitting and securely locked or otherwise closed so as to prevent a child opening them.
- 12.5 The first aid cupboard as detailed above will be fully and adequately equipped to the satisfaction of the Head of Social Services. Such equipment will be readily available for use and kept out of every child's reach.
- 12.6 All medicines, pesticides, detergents and other harmful substances will be stored so as not to be accessible to any child.