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No. 917

Buitengewoon

**Hu tshi katelwa na
Gazethe dza Nyingo**

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

PART 1 OF 3



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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 168**GREATER GIYANI MUNICIPALITY****FOODHANDLING BY-LAWS**

It is hereby notified in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended, that the Greater Giyani Municipal Council has adopted the Regulations relating to General Hygiene Requirements for Food Premises and the transport of food published under Government Notice No. R. 918 of 30 July 1999 and as corrected by: Government Notice No. R 723 of 12 July 2002, as By-laws made by the Municipal Council:

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Definitions

In these by-laws any word or expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context otherwise indicates -

"animal" means any member of the animal kingdom;

"available" includes available elsewhere than on the food premises in question;

"best available method" means a method which is practicable and necessary for the protection of food against contamination or spoilage, having due regard to local conditions and circumstances whether at or on food premises or elsewhere, the prevailing extent of established practice and the financial implications thereof;

"certificate of acceptability" means a certificate of acceptability referred to in section 3;

"clean" means free of any dirt, impurity, objectionable matter or contamination to the extent that a state of hygiene is attained, and **"keep clean"** has a similar meaning;

"container" or **"food container"** includes anything in which or with which food is served, stored, displayed, packed, wrapped, kept or transported and with which food is in direct contact;

"contaminate" means the effect exerted by an external agent on food so that it -

- (a) does not meet a standard or requirement determined by any law;
- (b) does not meet acceptable food hygiene standards or consumer norms or standards; or
- (c) is unfit for human consumption;

and **"contamination"** has a corresponding meaning;

"core temperature" means the temperature reading taken in the estimated centre of the food;

"council" means the Greater Giyani Municipal Council and any officer to whom the Council has delegated the powers, functions and duties vesting in the Council in relation to these by-laws;

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

“food” means a foodstuff intended for human consumption as defined in section 1 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), excluding food referred to in regulation 14;

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

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

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

“handle” includes manufacture, process, produce, pack, prepare, keep, offer, store, transport or display for sale or for serving, and **“handling”** has a corresponding meaning;

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

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

“inspector” means a medical officer of health appointed in terms of section 22(1) of the Act, or an environmental health officer or veterinary surgeon appointed in terms of section 24(1) of the Act;

“perishable food” means any foodstuff which on account of its composition, ingredients, moisture content and/or pH value and of its lack of preservatives and suitable packaging is susceptible to an uninhibited increase in microbes thereon or therein if the foodstuff is kept within the temperature spectrum of 4oC to 65oC, and includes the perishable foodstuffs listed in Government Notice No. R.1183 of 1 June 1990, as amended, excluding fruit and vegetables;

"person in charge", with regard to any food premises, means a natural person who is responsible for the food premises and/or the owner of such food premises, as the case may be;

"prepacked food", means food which, before it is presented for sale or for serving, has been packed as contemplated in section 7(3);

"ready-to-consume food" means any perishable food which may be consumed without having to undergo any further process of preparation to make it consumable;

"serve" includes the provision of food whether for a consideration or otherwise;

"the Act" means the Health Act, 1977 (Act No. 63 of 1977);

"thermometer" means an apparatus which can give the temperature readings referred to in these regulations, the combined accuracy of such a thermometer and its temperature-sensitive sensor being approximately 0,5°C;

"these by-laws" includes any annexure to these by-laws;

"unsound" means unwholesome sick, polluted, infected, contaminated, decayed or spoiled, or unfit for human consumption for any reason whatsoever;

"vehicle" means a train, trolley, wagon, cart, bicycle, sled, truck, boat, ship or aeroplane, and includes any other craft, vehicle or conveyance used in the handling or transport of food;

"water" means water that complies with the requirements set out in SABS 241: Water for domestic supplies.

Application

2. (1) If the council does not have the services of an inspector at its disposal for any reason may use the services of an inspector from another health authority or in private practice to exercise or execute the powers or duties of an inspector referred to in these by-laws.

- (2) No provision of these by-laws that is in conflict with regulations made under the Act with regard to the handling or transport of certain foods shall be valid in so far as it so conflicts.

Certificate of acceptability

3. (1) Subject to the provisions of subsection (2) and section 15(5), no person shall handle food or permit food to be handled -
- (a) on food premises in respect of which a valid certificate of acceptability has not been issued or is not in force
- (b) in contravention of any restriction or condition or stipulation contained in such certificate of acceptability.
- (2) The provisions of subsection (1) shall come into effect in the case of food premises existing at the time of publication of these by-laws on the first day following a period of six months after the date of promulgation of these by-laws.
- (3) The person in charge of any food premises wishing to obtain a certificate of acceptability in respect of such food premises shall apply therefor in writing to the council on a form containing at least the particulars that are substantially the same as those contained in the form in Annexure A to these by-laws.
- (4) Upon receipt of an application referred to in subsection (3), the council shall without delay refer the application to an inspector for consideration.
- (5) An inspector may, in considering such an application, request such further information as he or she may deem necessary or expedient from the applicant or from any other person.
- (6) If an inspector, after having carried out an inspection, is satisfied that the food premises concerned, having due regard to existing conditions of the adjacent land and facilities, subject to the provisions of sections 4(2) and 15 -

- (a) do in all respects comply with the provisions of section 5 and 6, the council shall issue a certificate of acceptability in the name of the person in charge on a form that is substantially the same as the form in Annexure B of these by-laws; or
 - (b) do not in all respects comply with the provisions of section 5 and 6, a local authority may, subject to the provisions of section 4(2), grant an extension for a maximum of six months to enable the person in charge so to change or equip the food premises that they comply with the provisions in question: Provided that during the said period of extension the provisions of subsection (1) shall not apply to the person concerned.
- (7) A certificate of acceptability shall be displayed in a conspicuous place for the information of the public on the food premises in respect of which it was issued or a copy thereof shall immediately be made available on request where the display thereof is impractical.
- (8) If the person in charge of food premises is replaced by another person, such person shall inform the local authority in writing of such replacement within 30 days after the date thereof and the local authority shall subject to the provisions of section 4(2), issue a new certificate of acceptability in the name of the new person in charge.
- (9) A certificate of acceptability -
 - (a) shall not be transferable from one person to another person and from one food premises to another food premises;
 - (b) shall be valid only in respect of the nature of handling set out in the application for a certificate of acceptability;
 - (c) may at any time be endorsed by the council by -
 - (i) the addition of any further restriction that may be necessary to prevent a health hazard; and

- (ii) the removal of any restriction with regard to the category or type of food or the method of handling;
 - (d) shall expire temporarily for the period during which a prohibition under section 4(2) is in effect
 - (e) shall expire permanently if a prohibition referred to in section 4(2) is not removed within a stipulated period which shall not exceed six months from the date on which a notice was issued in terms of section 4(2);
 - (f) shall expire permanently if the provisions of subsection (8) are not complied with.
- (10) No person may make any unauthorised changes or additions to or forge a certificate of acceptability.

Prohibition on the handling and transportation of food

4. (1) No person shall handle food in a manner contrary to the provisions of these by-laws.
- (2) If an inspector following an inspection of food premises or a facility is of the opinion -
- (a) that such food premises or facility -
 - (i) are or is in such a condition or used in such a manner; or
 - (ii) do or does not comply with these sections to the extent;
 - (b) that a particular activity with regard to the handling of food takes place in such a manner; or
 - (c) that such circumstances exist with regard to the food premises or facility or any other activity, that they or it constitute a health hazard and that the continued use of the food premises or facility or the activity should be prohibited, the council may summarily prohibit the use of the food

premises or facility for the handling of food or any of the activities that relate to the handling of food, by serving a written notice in terms of section 52 of the Act on the person in charge or, if he or she is not available, his or her representative informing such person of the prohibition.

- (3) A notice referred to in subsection (2) shall contain at least the following particulars:
 - (a) The reason(s) for the prohibition;
 - (b) a statement that the prohibition will in writing be removed by a local authority as soon as the reason(s) for the prohibition has (have) been removed and provided the inspector is satisfied that the reason(s) for the prohibition is (are) not likely to recur.
- (4)
 - (a) A prohibition shall come into operation from the time at and the date which a notice is served under subsection (2).
 - (b) No person shall perform any act that is contrary to such prohibition.
- (5) An inspector shall, within 72 working days hours of receiving a request for the removal of a prohibition, carry out an investigation of the food premises, facility, activity or circumstance which gave rise to the prohibition and council shall upon completion of such investigation in writing inform the person on whom the prohibition notice was served or, if he or she is not available, any other person representing such person that the prohibition has been removed or remains, as the case may be.
- (6) The council may levy an inspection fee equivalent to the expenses incurred by it for carrying out the inspection on the person in charge for each investigation carried out by an inspector in terms of subsection (5).

Standards and requirements for food premises

- 5. (1) Subject to section 15 no person shall handle food elsewhere than on food

premises that meet the requirements of this section and section 6.

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

- (a) without creating a health hazard; and
- (b) in such manner that food -
 - (i) can be handled hygienically on the food premises or with the equipment thereon; and
 - (ii) can be effectively protected by the best available method against contamination or spoilage by poisonous or offensive gases, vapours, odours, smoke, soot deposits, dust, moisture, insects or other vectors, or by any other physical, chemical or biological contamination or pollution or by any other agent whatsoever.

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

- (a) All interior surfaces of walls, sides or ceilings, or of roofs without ceilings, and the surfaces of floors, or any other similar horizontal or vertical surfaces that form part of or enclose the food-handling area shall-
 - (i) have no open joints or open seams and shall be made of smooth, rust-free, non-toxic, cleanable and non-absorbent material that is dust-proof and water-resistant: Provided that in a food-serving or storage area -
 - (aa) facebrick;
 - (bb) similar walls the joints of which are formed properly or are so formed and finished that they are easy to clean; or

- (cc) decorative wall or ceiling finishes which are easy to clean, may be used;
 - (ii) be of such a nature that they cannot contaminate or contribute to the contamination of food.
- (b) Each room of food premises shall be -
 - (i) ventilated effectively by means of -
 - (aa) natural ventilation through openings or openable sections which are directly connected to the outside air and so positioned in the external walls and/or roof that effective cross-ventilation is possible: Provided that such openings shall have a surface area equal to at least 5% of the floor area of the room concerned; or
 - (bb) artificial ventilation that complies with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), whichever of the two methods will facilitate the addition of adequate fresh air to and the effective removal of polluted or stale air from the food-handling area to the extent that air contaminants that could contaminate food, and that gas, vapours, steam and warm air that may arise during the handling of food are effectively removed, and that the emergence of any unhygienic or unhealthy condition in the food-handling area is prevented;
 - (ii) illuminated by means of -
 - (aa) unobstructed transparent surfaces in the external walls and/or roof which admit daylight, with an area equal to at least 10% of the floor area in the room concerned; and
 - (bb) artificial illumination which complies with the

requirements of the National Building Regulations and the Building Standards Act, 1977, and which permits an illumination strength equal to at least 200 lux to fall on all food-handling surfaces in the room concerned.

(c) Food premises shall -

- (i) have a wash-up facility with hot and cold water for the cleaning of facilities;
- (ii) be rodentproof in accordance with the best available method:

Provided that this requirement shall not apply in respect of food premises on which no food is handled or kept after the trading hours of the premises;

- (iii) be provided with effective means of preventing the access of flies or other insects to an area where food is handled;
- (iv) have a waste-water disposal system approved by the council.

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

- (i) The number of latrines, urinal stalls and hand washbasins specified in Annexure C to these by-laws for the use of workers on the food premises and for use by persons to whom food is served for consumption on the food premises: Provided that separate sanitary facilities for workers and clients shall not be required: Provided further that where persons of only one sex or no more than ten persons work on food premises, separate sanitary facilities shall not be required for workers of different sexes;
- (ii) hand-washing facilities which shall be provided with cold and/or hot water for the washing of hands by workers on the food premises and by persons to whom food is served for consumption on the food premises, together with a supply of soap (or other cleaning agents) and clean disposable hand-drying material or other hand-cleaning facilities or hand-drying

equipment for the cleansing and drying of hands by such workers and persons;

- (iii) liquidproof, easy-to-clean refuse containers with close-fitting lids suitable for the hygienic storage of refuse pending its removal from the food-handling area;
 - (iv) storage space for the hygienic storage of food, facilities and equipment and a suitable separate area for the hygienic storage of refuse containers on the food premises;
 - (v) a separate changing area with storage facilities for clothes;
 - (vi) an adequate supply of water.
- (e) No room in which food is handled shall have a direct connection with any area -
- (i) in which gas, fumes, dust, soot deposits, offensive odours or any other impurity is present or may arise in such a manner that food in the food-handling room could be contaminated or spoilt;
 - (ii) in which an act is performed in any manner or where any condition exists that could contaminate or spoil food in the foodhandling area;
- (f) A room in which food is handled may be connected to a room in which a latrine or urinal is situated -
- (i) only via a properly ventilated lobby: Provided that all relevant interconnecting doors shall cover the whole area of their apertures: Provided further that they shall be equipped with durable self-closing devices; or
 - (ii) without such a lobby between them: Provided that the connecting aperture shall have a self-closing door as contemplated in item (i): Provided further that the latrine or urinal room shall be equipped with effective mechanical

extraction ventilation to the outside air to render the atmosphere inside such room under a negative pressure in relation to the atmosphere in the food-handling room.

Standards and requirements for facilities on food premises

6. (1) The surface of any table, counter or working surface on which unwrapped food is handled and any equipment, utensil or basin or any other surface which comes into direct contact with food shall be made of smooth, rust-proof, non-toxic and non-absorbent material that is free of open joints or seams: Provided that wooden chopping blocks, cutting boards and utensils shall not be prohibited providing such items are kept in such a condition that dirt does not accumulate thereon or therein.
- (2) No surface referred to in subsection (1) and no crockery, cutlery, utensils, basins or any other such facilities shall be used for the handling of food if they are not clean or if they are chipped, split or cracked.
- (3) Any utensil or item which is suitable for single use only -
- (a) shall be stored in a dust-free container until used; and
 - (b) shall not be used more than once.
- (4) A surface referred to in subsection (1) and a facility referred to in subsection (2) shall be -
- (a) cleaned and washed before food comes into direct contact with it for the first time during each work shift; and
 - (b) cleaned and washed, as and when necessary, during and/or immediately after the handling of food, so that contamination of the food that comes into contact with any such surface or facility is prevented, and any such surface or facility shall, before food comes into direct contact therewith, contain -
 - (i) no more than 100 viable micro-organisms per cm² upon analysis,

conducted in accordance with acknowledged scientific microbiological methods of investigation, of a sample taken in accordance with the swab technique prescribed by SABS Standard Test Method 763: Efficacy of Cleaning Plant, Equipment and Utensils: Swab Technique; and (ii) no remains of cleaning materials or disinfectants which may pollute the food.

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

Standards and requirements for food containers

- 7. (1) No person shall sell canned or hermetically sealed food in a container which -
 - (a) bulges at the flat or round sides or ends or one side of which bulges when the other side is pressed;
 - (b) is in any way blown or from which gas escapes when it is opened or punctured, unless
 - (i) the container contains an aerated drink; or
 - (ii) gas has been used as a preservative;

- (c) is so rusted or damaged that it is liable to contaminate or spoil the food or that it leaks or has become unsealed;
 - (d) had a leak which was resealed.
- (2) A container shall be clean and free from any toxic substance, ingredient or any other substance liable to contaminate or spoil the food in the container.
- (3) Repacked food, depending on the type of food, shall be packed in a dustproof and liquidproof container that protects the product therein against contamination under normal handling conditions and shall be so packed or sealed that the food cannot be removed from its container without the stopper or lid or similar seal being removed or without the wrapping, container or seal being damaged.
- (4) Perishable food, excluding the products referred to in section 14 and products that are not prepacked, except food for consumption as meals on food premises, shall, when served to the consumer, be packed in a container that protects the food therein against contamination.

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

8. (1) Food that is displayed or stored shall not be in direct contact with a floor or any ground surface.
- (2) Any shelf or display case used for displaying or storing food or any container shall be kept clean and free from dust or any other impurity.
- (3) Non-prepacked, ready-to-consume food, including food served as meals and displayed in an open container, shall be protected in accordance with the best available method against droplet contamination or contamination by insects or dust.
- (4) (a) Subject to subsection (5) all food specified in Annexure D to these

by-laws shall, excluding the time taken by the food to cool down or to 10 be heated to the required temperature in accordance with good manufacturing practice, during the storage, transport or display thereof be kept at a core temperature not exceeding the core temperature specified in column 3 of Annexure D opposite the relevant category of food, and no food shall be sold if, in the case of frozen or chilled food products, the core temperature thereof is higher than the required core temperature or the surface temperature thereof is more than 20C higher than the required core temperature, and, in the case of heated food products, the core temperature thereof is lower than the required core temperature or the surface temperature thereof is more than 20C lower than the required core temperature.

- (b) The provisions of paragraph (a) shall not apply to -
- (i) any perishable food that will be sold directly to a consumer within one hour of being processed or prepared or that will be consumed on the food premises within one hour of being processed or prepared;
 - (ii) venison, for a period not exceeding eight hours after the animal concerned has been killed: Provided that the surface temperature thereof shall not exceed 25oC;
 - (iii) unprocessed raw fish, mollusks or crustaceans or raw meat or edible offal or the carcasses of cattle, sheep, goats, pigs, horses, mules, donkeys, rabbits or ostriches while being transported for a period not exceeding one hour during delivery: Provided that the surface temperature thereof shall not exceed 25oC.
 - (iv) any food exposed to higher temperatures than those referred to in this regulation during a maturation period or as part of a manufacturing process: Provided that exposure to such higher

temperatures shall be in accordance with good manufacturing practice.

- (5) Any food that is marketed as a frozen product and has thawed but the surface temperature of which has not exceeded 7°C may be refrozen: Provided that such refrozen product shall be handled in accordance with good manufacturing practice.
- (6) The code of practice for measuring the temperature of food set out in Annexure E to these by-laws shall, in so far as it is applicable, be applied to measuring the temperature of food.

Standards and requirements for protective clothing

- 9. (1) No person shall be allowed to handle food without wearing suitable protective clothing as specified in subsection (2).
- (2) (a) The protective clothing, including head covering and footwear, of any person handling food that is not packed so that the food cannot be contaminated shall (a) be clean and neat when such person begins to handle the food;
- (b) at all times during the handling of the food be in such a clean condition and of such design and material that it cannot contaminate the food;
- (c) be so designed that the food cannot come into direct contact with any part of the body, excluding the hands.

Duties of a person in charge of food premises

- 10. A person in charge of food premises shall ensure that -
 - (a) effective measures are taken to eliminate flies, other insects, rodents or vermin on the food premises;

- (b) any person working on the food premises is adequately trained in food hygiene by an inspector or any other suitable person;
- (c) refuse is removed from the food premises or from any room or area in which food is handled as often as is necessary and whenever an inspector requires it to be done;
- (d) refuse is stored or disposed of in such a manner that it does not create a nuisance;
- (e) refuse bins are -
 - (i) cleaned regularly; and
 - (ii) disinfected whenever necessary and whenever an inspector requires it to be done;
- (f) waste water on the food premises is disposed of to the satisfaction of the local authority;
- (g) the food premises and any land used in connection with the handling of food and all facilities, freight compartments of vehicles and containers are kept clean and free from any unnecessary materials, goods or items that do not form an integral part of the operation and that have a negative effect on the general hygiene of the food premises;
- (h) no person handling non-prepacked food wears any jewellery or adornment that may come into contact with the food, unless it is suitably covered;
- (i) no animal, subject to the provisions of any law, is kept or permitted in any room or area where food is handled, except that -
 - (i) a guide dog accompanying a blind person may be permitted in the sales or serving area of the food premises;

- (ii) fish, molluscs or crustaceans may be kept alive until prepared for consumption;
- (iii) a live animal may be killed in a separate room before the carcass is handled, subject to section 2(4);
- (j) no condition, act or omission that may contaminate any food arises or is performed or permitted on the food premises;
- (k) the provisions of these by-laws are complied with;
- (l) all persons under his or her control who handle food at all times meet the standards and requirements and execute the duties prescribed by sections 9 and 11, respectively;
- (m) a room or area in which food is handled shall not be used for -
 - (i) sleeping purposes;
 - (ii) washing, cleaning or ironing of clothing or similar laundry;
 - (iii) any other purpose or in any manner that may contaminate the food therein or thereon;
- (n) no food handler touches ready-to-consume non-prepacked food with his or her bare hands, unless it is unavoidable for preparation purposes, in which case such food shall be handled in accordance with good manufacturing practice;
- (o) the reporting of diseases and conditions contemplated in section 11(2)(b) are properly recorded and kept for perusal by an inspector.

Duties of a food handler

11. (1) Food, a facility or a container shall not be handled by any person –
- (a) whose fingernails, hands or clothes are not clean;

(b) who has not washed his or her hands thoroughly with soap and water or cleaned them in another effective manner -

- (i) immediately prior to the commencement of each work shift;
- (ii) at the beginning of the day's work or after a rest period;
- (iii) after every visit to a latrine or urinal;
- (iv) every time he or she has blown his or her nose or after his or her hands have been in contact with perspiration or with his or her hair, nose or mouth;
- (v) after handling a handkerchief, money or a refuse container or refuse;
- (vi) after handling raw vegetables, fruit, eggs, meat or fish and before handling ready-to-use food;
- (vii) after he or she has smoked or on return to the food premises; or
- (viii) after his or her hands have become contaminated for any other reason.

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

- (a) who has on his or her body a suppurating abscess or a sore or a cut or abrasion, unless such abscess, sore, cut or abrasion is covered with a moisture-proof dressing which is firmly secured to prevent contamination of the food;
- (b) who is or who is suspected of suffering from or being a carrier of a disease or condition in its contagious stage that can be transmitted by food, unless any such person immediately reports the disease or condition to the person in charge and a certificate by a medical practitioner stating that such person is fit to handle food is submitted;

- (c) whose hands or clothing are not clean.
- (3) No person shall -
- (a) spit in an area where food is handled or on any facility;
 - (b) smoke or use tobacco in any other manner while he or she is handling non-prepacked food or while he or she is in an area where such food is handled;
 - (c) handle non-prepacked food in a manner that brings it into contact with any exposed part of his or her body, excluding his or her hands;
 - (d) lick his or her fingers when he or she is handling non-prepacked food or material for the wrapping of food;
 - (e) cough or sneeze over non-prepacked food or food containers or facilities;
 - (f) spit on whetstones or bring meat skewers, labels, equipment, or any other object used in the handling of food or any part of his or her hands into contact with his or her mouth, or inflate sausage casings, bags or other wrappings by mouth or in any other manner that may contaminate the food;
 - (g) walk, stand, sit or lie on food or on non-hermetically sealed containers containing food or on containers or on food-processing surfaces or other facilities;
 - (h) use a hand washbasin for the cleaning of his or her hands and simultaneously for the cleaning of facilities; or
 - (i) while he or she is handling food, perform any act other than those referred to above which could contaminate or spoil food.

Standards and requirements for the handling of meat

12. (1) (a) No person shall on food premises handle meat derived from an animal slaughtered in contravention of section 3 of the Abattoir Hygiene Act, 1992 (Act No. 121 of 1992).
- (b) No person shall on food premises handle the meat of an animal exempted from the provisions of sections 3(1) and 10(1) of the Abattoir Hygiene Act, 1992, unless a notice that is clearly visible and legible and that contains the following information or information to that effect, in letters at least 18 mm high, is displayed at the food premises: "The meat sold on these premises has been exempted from inspection in terms of section 10(1) of the Abattoir Hygiene Act, 1992 (Act No. 121 of 1992).".
- (2) Meat on a carcass shall not be handled on food premises, unless -
- (a) the carcass has been properly bled;
- (b) the abdominal viscera were removed within 30 minutes after the killing of the animal in such a manner that neither the stomach and intestinal content nor any other matter polluted or spoiled the meat; and (c) the thoracic viscera were removed within three hours after the killing of the animal.
- (3) Unskinned carcasses shall not be so handled that the skin thereof comes into contact with other food on food premises or that the meat of such carcasses is contaminated or spoiled.
- (4) Subject to section 3 of the Abattoir Hygiene Act, 1992, no animal shall be killed, bled, eviscerated, skinned or dressed on food premises other than in a room used specifically and exclusively for that purpose in accordance with good manufacturing practice: Provided that no further handling or processing of any such carcass shall take place in that room.

Standards and requirements for the transport of food

13. (1) No person shall transport food including the products referred to in section 14

on or in any part of a vehicle -

(a) unless that part is clean and has been cleaned to such an extent that chemical, physical or microbiological contamination of the food is prevented;

(b) together with -

(i) contaminated food or waste food;

(ii) poison or any harmful substance;

(iii) a live animal; or

(iv) any object that may contaminate or spoil the food.

(2) Subject to subsections (1) and (4), the freight compartment of a vehicle that is used for the transportation of food that is not packed or wrapped in liquidproof and dustproof sealed containers

(a) shall have an interior surface made of an easy-to-clean and smooth, rustfree, non-toxic and non-absorbent material without open joints or seams and, before food is loaded into such freight compartment, no square centimetre of the said surface shall upon analysis as referred to in section 6(4) contain more than 100 viable micro-organisms;

(b) shall be dustproof;

(c) shall not be used simultaneously for the transport of any person or any other item that may contaminate the food.

(3) Notwithstanding any provisions to the contrary contained in this section, no non-prepacked food shall be -

(a) transported in such a manner that it comes into contact with the floor of a vehicle or the floor covering thereof or a surface thereof that can be walked on or with anything else that could pollute the food; or

(b) transported or carried in such a manner that the food could be spoiled or contaminated in any way.

- (4) Subsections (2) and (3) (a) shall not apply to the transport of venison, fish, mollusks or crustaceans between the food premises and the place where the animals are hunted or the place where the fish, molluscs or crustaceans are caught or harvested: Provided that such transport shall be by the best available method and within a suitable time limit for transport as required by circumstances.

Provisions concerning unprocessed products

14. Notwithstanding any provisions to the contrary contained in these regulations, an inspector shall, if he or she is of the opinion that conditions prevail that constitute a health hazard with regard to the packing, storage, display, sale or transport of fresh, raw and unprocessed fruit and vegetables and unprocessed maize, wheat, rye, unshelled peanuts, sugar cane, sunflower seed or other unprocessed agricultural crops, or with regard to the handling of food referred to in section 15(5)(a) -

- (a) subject to sections made in terms of section 35 of the Act relating to inspections and investigations in respect of the handling of food, order that any condition that led to or could lead to such or any other health hazard be corrected or that any provision of these regulations be complied with; or
- (b) prohibit the continued use of the facility or food premises for the packing, storage, display, sale or transport of any of the said products, and the provisions of regulation 4(2) to (5) shall *mutatis mutandis* apply to such prohibition.

Exemptions, additional requirements and reservations

15. (1) A person in charge of food premises may, subject to section 3(1)(a), apply to the council concerned for exemption from any of the provisions of these by-laws, excluding exemption from the issuing of a certificate of acceptability.

- (2) Upon receipt of an application referred to in subsection (1) a local authority shall refer the application to an inspector without delay, and exemption shall not be granted unless the inspector has submitted a report to the local authority to the effect that he or she is satisfied that -

 - (a) the provision from which exemption is requested imposes unreasonable requirements in the case in question; and
 - (b) the granting of such exemption does not or will not result in conditions that constitute a health hazard.
- (3) An exemption referred to in this section -

 - (a) shall be subject to the conditions listed by the council in the certificate of acceptability or notice of exemption, as the case may be; and
 - (b) shall be withdrawn by the council on the grounds of an inspection report and a recommendation by an inspector to the effect that he or she is of the opinion that such exemption will result in conditions that constitute a health hazard.
- (4) Subject to section 3(6)(a) the council may, on the grounds of an inspection report and recommendations from an inspector, set additional requirements to be met on any food premises where, despite compliance with any provision contained in these regulations, a health hazard exists which is not provided for in these regulations, which additional requirements shall, subject to the principles of the best available method and good manufacturing practice, be limited to the minimum necessary to remove the health hazard in question.
- (5) (a) Subject to the principles of the best available method and good manufacturing practice, the provisions of sections 3(1) and 5 shall not apply in respect of the killing, bleeding or evisceration of an animal after the hunting thereof or of fish, molluscs or crustaceans after the catching or harvesting thereof.

 - (b) The provisions of section 3(1) shall not apply to -

- (i) a private residence where food is handled for the purpose of making it available without compensation to a church, educational or amateur sports organisation or any registered welfare or fund-raising organisation for sale: Provided that the person in charge of any such organisation who receives such food shall keep a record of the type of food and the address of the private residence where the food was handled for a period of at least 30 days after receipt of the food; and (ii) any vehicle used by the person in charge of food premises, for which a certificate of acceptability exists, to transport, display or serve prepacked food deriving from such food premises, but shall apply in respect of a vehicle used for the transport of perishable food on behalf of another person.
- (c) These by-laws shall not apply to a private household which handles food for consumption by such household or, without compensation, by any other person.

Offences

16. Any person who contravenes a provision of these by-laws or allows such a contravention to take place shall be guilty of an offence and shall upon conviction be liable for a payment of a fine not exceeding R4000-00 or a period of imprisonment not exceeding 180 days or both.

ANNEXURE A
[Section 3(3)]

APPLICATION FORM OF A CERTIFICATE OF ACCEPTABILITY FOR FOOD PREMISES

A. PERSON IN CHARGE

Surname and first names of the person in whose name the certificate of acceptability must be issued.....	I.D. Number:
--	--------------------

ADDRESS	Postal address:		
	Residential address:		
Tel. No.:		Business	Residential
B. PARTICULARS FOR FOOD PREMISES			
Name of food premises (if any).....			
Erf No. (if applicable).....			
Type of food premises (e.g. building, vehicle, stall).....			

Location address or address where the food premises can be inspected

If the following are not situated on the food premises, note the address or describe the location thereof:

	Erf No.	Address
a) Sanitary (latrine) facilities		
b) Cleaning facilities (wash-basins for facilities)		
c) Hand-washing facilities		
d) Storage facilities for food/facilities		
e) Preparation premises		

C. FOOD CATEGORY

List and describe the food items or the nature or type of food involved

D. NATURE OF HANDLING

List and describe what your activities will entail (e.g. preparation or packing and processing)

E. STAFF

Number of persons employed or to be employed.....

Men

Women

F. PARTICULARS OF EXEMPTION BEING APPLIED FOR

[Section 15(1)]

G. PARTICULARS OF APPLICANT

Name.....

--

Capacity (e.g owner, managing director,
secretary, manager)

Postal address

Tel No.....

Date of application

Signature

ANNEXURE B
[Section 3(6)(a)]

CERTIFICATE OF ACCEPTABILITY FOR FOOD PREMISES
This certificate is not transferable from premises to premises.

A. ISSUING LOCAL AUTHORITY:
CERTIFICATE No.:

NAME

	Tel No.

**OFFICIAL
DATE
STAMP**

B. FOOD PREMISE

Name (if any)

Address: (Location or trading area, erf N. or vehicle registration No.):

Address where food is processed:

C. PERSON IN CHARGE

Name	
I.D. NUMBER	

D. CERTIFICATION AND RESTRICTION

It is hereby certified that the above-mentioned food premises comply with the provisions of section 5 and 6 of these foodhandling by-laws in respect of the handling of food in the manner specified

Restrictions, conditions or stipulation in terms of section 3 (1) (b)

E. SIGNATURE OF INSPECTOR

	DATE:
Name of inspector	
Official designation	

F. ENDORSEMENTS/ EXEMPTIONS
In terms of section 15

	DATE	SIGNATURE OF INSPECTOR

ANNEXURE C
[Section 5(3)(d)(i)]

SANITARY CONVENIENCES

Population: The number of staff members and the maximum number of customers for whom provision is made to consume food on any premises at any one time					Number of sanitary conveniences to be installed in relation to the population as given in the first column				
					Men			Women	
For a population up to					Latrines	Urinal stalls*	Hand washbasins	Latrines	Hand wash basins
10					1	1	1	1	1
20					1	2	2	2	2
40					2	3	2	3	3
60					3	3	2	4	4
80					4	4	3	6	5
100					4	4	3	8	6
120					5	5	4	9	7
140					5	5	4	10	8
180					5	6	5	11	8
					Add 1 latrine, 1 hand washbasin and 1 urinal for every 70 persons in excess of 180 persons			Add 1 latrine and 1 hand wash basin for every 35 persons in excess of 180 persons	

* Urinal stall: A single urinal basin or a urinal trough at least 60cm in length

ANNEXURE D
[Section 8(4)]

FOOD TEMPERATURES

Column 1 Category	Column 2 Type of food	Column 3 Required core temperature of food products that are stored, transported or displayed for sale
Frozen products	Ice cream and sorbet, excluding sorbet which is used for soft serve purposes.....	-18oC
	Any other food which s marketed as a frozen product.....	-12oC
Chilled products.....	Raw unpreserved fish, molluscs, crustaceans, edible offal, poultry meat and milk.....	+4oC
	Any other perishable food that must be kept chilled to prevent spoilage.....	+7oC
Heated products.....	Any perishable food not kept frozen or chilled..	>/+65oC

ANEXURE E

[Section 8(6)]

CODE OF PRACTICE FOR MEASURING TEMPERATURES OF FOOD

1. Informing the person in charge or person responsible

The inspector shall inform the person in charge, or a person supervising the operation if the person in charge is not available, that he or she wishes to measure the temperatures of the food concerned and shall explain to him or her all the procedures contained in this code.

2. Precautionary measures

- (1) All procedures shall be carried out as far as is practicable in a manner that is aseptic and free from chemical pollutants.
- (2) In the case of prepacked food, and if it is necessary, the inspector shall remove

the packaging in such a manner that the minimum and only the most reasonable essential damage is caused, or the person in charge or the person supervising the operation shall remove the packaging at his or her own risk.

- (3) The temperature of food shall as far as is practicable be measured without removing the food from a chilling, freezing or heating facility.

3. Measurement of temperature

Prepacked food

- (1) If the food is prepacked, the estimated temperature of the food may be measured by placing or at least one minute the stem of a thermometer (hereinafter referred to as the "stem") between two or more food packages or, in the case of a single food package, on the outer surface of the package.
- (2) If the temperature reading is not in compliance with the core temperatures specified in Annexure D to these regulations or if the inspector has any doubts regarding the temperature of the food inside the package, the surface of core temperature of the food may be measured to determine the actual temperature.

Core temperature

- (3) If the food product is frozen a hole shall be drilled in the food up to the estimated core of the food product with a sterilised stainless steel bit with an external measurement of about 4mm. The sterilised stem shall be inserted into the hole up to the estimated center of the product and a reading shall be taken after two minutes. In the case of a heated, chilled or unchilled product, the sterilised stem shall be inserted up to the estimated core of the food product and a reading shall be taken after one minute.

Surface temperature

- (4) The surface temperature shall be measured by placing the sterilised stem directly on the surface of the food for at least one minute or, in the case of liquid, in the liquid for at least one minute, and the reading shall be taken immediately thereafter.

4. Presumption in respect of representative temperature reading

The food temperature determined in accordance with this code of practice shall be regarded as being representative of the temperature of all food in the freezing, chilling or heating facility concerned if the inspector is satisfied that such food is in the same condition or has the same characteristics as the food the temperature of which was taken.

MUNICIPAL MANAGER:

MR S. MAKHUBELA
GREATER GIYANI MUNICIPAL OFFICES
MAIN ROAD TO GOVERNMENT OFFICES
OPPOSITE KHENSANI HOSPITAL

PRIVATE BAG X 9559

GIYANI

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LOCAL AUTHORITY NOTICE 169

GREATER GIYANI MUNICIPAL COUNCIL**ADOPTION OF STANDARD FOOD-HANDLING BY-LAWS**

It is hereby notified, in accordance with section 101 of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939) that the Giyani Municipal Council has adopted the By-laws of Standard Food-handling, as set out below:

INDEX**Section**

- 1 Definitions
- 2 Requirements for Premises
- 3 Duties of Person Carrying on or in Control of a Food-handling Business
- 4 Handling of Food
- 5 Milk sold for consumption on premises
- 6 Sale of Horsemeat
- 7 Public Halls
- 8 Public Gatherings
- 9 Prohibitions of Employment of Certain Persons
- 10 and 11 Vehicles
- 12 and 13 General
- 14,15
- and 16 Bacteriological Samples
- 17 Offences and Penalties

DEFINITIONS

1. For the purpose of these by-laws, unless the context indicates otherwise:-

"adequate" and **"effective"** means adequate or effective, as the case may be, in the opinion of, and **"approved"** means approved by, the medical officer of health, regard being had to the reasonable public health requirements of the particular case;

"code" means the code of practice for the taking of Bacteriological samples in terms of these by-laws;

"council" means the Greater Giyani Municipal Council and any officer to whom the Council has delegated the powers, functions and duties vesting in the Council in relation to these by-laws;

"food" and **"article of food"** include any animal product, fish, fruit, vegetables, condiments, spices, bread, confectionery, beverages and other article or thing whatsoever (other than a drug or water but including ice) in any form, state or stage of preparation and however packed, which is intended or ordinarily used for human consumption;

"handling" in relation to food means the manufacture, preparation, sale, conveyance, delivery, storage, serving or any other treatment or handling of food;

"horsemeat" means the meat of horses, mules, donkeys or camels;

"medical officer of health" means the medical officer of health of the council or any person duly authorised to act on his behalf or any person appointed by the council to give effect to the provisions of these by-laws;

"premises" means premises used for the carrying on of a business involving the handling of food and includes every part of premises so used and also any premises used in connection with the said business.

REQUIREMENTS FOR PREMISES

2. (1) Save as may be otherwise provided in these by-laws, no person shall carry on any business or occupation involving the handling of food unless the requirements prescribed in the succeeding subsections are at all times observed in respect of the premises on which it is carried on.
- (2) (a) Each room shall be provided with natural light by means of windows or louvres which shall have an unobstructed glass area equal to at least 10% of the floor area. Where it is not possible or reasonably practicable to provide the required window area approved means of artificial lighting shall be provided. The illuminance at the points of work in each room where food is prepared or stored shall be at least 250 lux: Provided that in the case of a warehouse the illuminance at the points of work shall be at least 150 lux.
- (b) Each room shall be ventilated by means of the windows required in subsection (2) (a) at least 50% of which shall be capable of being opened. Cross ventilation shall be obtained by siting the windows or louvres in opposite or adjacent walls or by means of opening fanlights or other approved ventilating devices equal to at least 1,5% of the floor area of each room with a minimum of 0,2m². Where it is not possible or not reasonably practicable to provide a room

with natural ventilation as prescribed it shall be provided with approved means of mechanical ventilation or air-conditioning.

- (3) The walls of every room shall be constructed of brick, cement-concrete or other approved substantial and impervious material.
- (4) Where a wall is constructed of brick or cement-concrete, it shall, unless otherwise approved, be plastered and brought to a smooth finish and covered with a light-coloured washable paint or effective plastic finish or otherwise so treated that it has a smooth light-coloured and impervious surface not being a distempered or other similar surface: Provided that a distempered surface of a light colour shall be permitted for the walls of a warehouse.
- (5) Every floor shall be cement-concrete, steel or other approved material and shall have a smooth finish.
- (6) Every room and store shall have a smooth-surfaced ceiling or other approved means of preventing, or in the case of a warehouse, adequately limiting, the entry into the room of dust from above.
- (7) (a) There shall be provided on the same erf or stand as the premises, except in the case of a warehouse, and with adequate access thereto, an approved storeroom which shall be properly ventilated, rodent-proof and equipped with adequate lighting, the said lighting to be effected as far as possible by natural means unless the use of artificial light is approved. Such storeroom shall have a floor area of not less than 16m², a height of not less than 2,7m and a horizontal dimension of not less than 3m: Provided that the requirements of this subsection relating to minimum

horizontal dimension, height and floor area shall not be enforced in respect of any premises existing at the date of publication of these by-laws if the medical officer of health is satisfied that it is not reasonably practicable by reason of the difficulty of reconstruction or the expense involved thereby to make those premises comply with any one or more of those requirements.

- (b) The storeroom shall be equipped with adequate and approved type dunnage boards, shelves or storage racks at least 250mm above floor level.
- (8) Any room in which any food-cleansing or washing-up operation is carried out shall have an adequate and wholesome supply of hot and cold running water effectively distributed and laid over an approved double-bowl sink or sinks with a minimum depth of 230mm and a capacity of at least 55 l, drained in an approved manner and which shall have an adequate drain board or drainage rack made of stainless steel or other approved impervious material. Separate sinks shall be provided for the cleaning of food.
- (9) Where any new sink or drain board is installed or any old sink or drain board is reinstalled or replaced, such sink or drain board shall be fixed in to the wall or alternatively located at a distance of at least 100mm from any wall and be provided on the side nearest to the wall with a splash screen rising to a height of 150mm above the top of the sink. Such sink shall be firmly secured and the space below it shall not be enclosed. Every part of any wall within 0,6m from any part of such sink or drain board shall be tiled or given some other approved finish to a height of at least 1,4m from the floor.

- (10) Where a dishwashing machine is installed it shall be of an approved type and adequate provision shall be made for removal of solids from and pre-rinsing of articles to be washed by such machine. The temperature of the wash water shall not be less than 60 degrees Celsius and of the final rinse water not less than 82 degrees Celsius.
- (11) (a) No door, window or other opening in any wall of any room in which food is handled shall be situated within 9m of any pit closet, stable, cowshed or other place where animals or birds are kept.
- (b) No door, window or other opening in any wall of any room in which food is handled shall be situated less than 3m from any door, window or other opening in any wall of any pit closet or pit urinal, or less than 1m from any door, window or other opening in any wall of any water closet or water flushed urinal.
- (c) No pit closet or pit closet shall be constructed or placed or allowed to be inside any building or part of any building in which food is handled.
- (12) (a) Notwithstanding the provision of subsection (11) (b), a water closet or urinal may be situated within a building containing a room or rooms in which food is handled so long as it only communicates with any such room by means of a passage or lobby which has a floor area of not less than 3m² and is separated by an effective door both from such room and from such water closet or urinal.

- (b) The passage or lobby prescribed in terms of paragraph (a) shall have an aperture, opening to the external air, of at least 0,4m² in area, containing fixed louvres or a fixed grid or such other fixed device as will ensure that the passage or lobby is adequately ventilated and lit.
- (13) Unless otherwise approved, no part of the premises shall be used as or communicate, otherwise than by means of an area open to the air, with any room or space used for living or sleeping.
- (14) Where on any premises more than two persons of the same sex are employed, there shall be provided for the employees a change room with a minimum floor area of 6,5m², having a minimum width of 2m or 0,5m² of unobstructed floor area for each person, whichever shall be the greater, and such change-room shall be equipped with an approved metal locker for each person.
- (15)
 - (a) Wash-hand basins provided with a wholesome supply of running hot and cold water shall be installed in the ration of one for every 15 persons or part thereof and such basins shall be located in an approved position.
 - (b) The wall surface above and adjacent to such wash-hand basin shall be tiled with glazed tiles or given some other approved finish to a minimum height of 500mm measured vertically from the upper edge of the wash-hand basin. The said area shall extend to a minimum of 200mm on either side of the wash-hand basin to a point 200mm below the upper edge of such basin.
- (16)
 - (a)
 - (i) proper water closet accommodation in the proportion

of at least one such closet to each 15 or part of 15 persons of each sex working on the premises shall be provided thereon: Provided that where no waterborne sewerage is available, other approved closet shall be provided. In the case of pail, closets at least one such closet shall be provided for each 10 or part of 10 persons of each sex working on such premises.

- (ii) Where 5 or more male persons are working on the premises, at least one urinal stall or at least 700mm of urinal space shall be provided for every 50 male persons.
- (b)
- (i) The closets or urinals and the approaches thereto shall be properly screened, appropriately and clearly designated and properly lit at night when the premises are in use.
 - (ii) A bin with a shelf-closing lid or other approved disposal unit shall be installed in each closet intended to be used by females.
 - (iii) Where urinals are provided, the requisite number of other sanitary conveniences may be reduced by the number of urinals provided but the number of such other sanitary conveniences shall at no time be less than 75% of the total required by paragraph (a) (i).
- (17) There shall be provided an adequate number of refuse receptacles of approved material and design which shall be kept at an approved place.

- (18) The premises shall be provided with an adequate and wholesome supply of water effectively distributed and free from liability to pollution and derived from the council's mains: Provided that if no such supply is available, the water supply may be derived from an approved source so long as the water remains suitable for human consumption, and the onus shall be upon the licensee or person in control of the premises to ensure this to the satisfaction of the medical officer of health.
- (19) All tables, other than tables at which persons consume food or drink, and all other working surfaces or appliances used in connection with the handling of transportation on the premises, of food shall be constructed of stainless steel or other approved material having similar non-absorbent properties, and all such surfaces shall be smooth and free from open joints. Where more than one table or appliance forms a working surface, such tables or appliances shall in no way be secured unless the joint is suitably welded and brought to a smooth level surface.
- (20) Unless otherwise approved by the medical officer of health, there shall be adequate access between the interior and the yard of the premises.
- (21) The surface of every yard shall be suitably graded and shall always be kept in a clean condition.
- (22) Where cooking is carried out on the premises there shall be provided immediately over every cooking stove, oven or similar apparatus an approved hood or canopy of adequate size having a flue at least 300mm in diameter, and where required by the medical officer of health such canopy and flue shall be fitted with

an approved exhaust to the atmosphere at such a height and in such a position or manner as is necessary to prevent the discharge there from constituting a nuisance to a neighbourhood: Provided that an approved mechanical device may be installed instead of a hood or canopy.

- (23) Fixtures and fittings shall be so installed or arranged as to allow adequate access for cleaning.
- (24) Approved facilities for the storage of unsound foods and damaged containers containing food pending disposal of such unsound foods or damaged containers, shall be provided on the premises.

**DUTIES OF PERSON CARRYING ON OR IN CONTROL OF A
FOODHANDLING BUSINESS**

- 3. No person carrying on or for the time being in charge or control of any business or occupation involving the handling of food, shall do or cause, permit or suffer to be done any of the following:
 - (a) Allow any part of the premises or any utensil, vessel, container, sack, basket or any other receptacle, or any apparatus, machinery or other equipment of any kind or any table linen, towels or washing or drying cloths or any vehicle to be otherwise than in a clean and sanitary condition and in good repair.
 - (b) Have, keep, sell or supply on the premises any food or drink which is not sound, wholesome and fit for human consumption or which does not comply with the provisions of the Food, Drugs and Disinfectants Act, 1929 (Act 13 of 1929), and the regulation made thereunder.

- (c) Use for or in connection with the containing, wrapping, covering or handling of food, any crockery, utensil, receptacle, container, paper wrapping or other appliance or material which is, as the case may be, chipped, cracked or in any way damaged or not in a clean or sanitary condition.
- (d) Handle any unwrapped cooked or prepared food otherwise than by the use of approved clean apparatus, instruments or material or in such a way that it comes into contact with the human hand:
Provided that this paragraph shall not apply:-
 - (i) to the actual cooking preparation of food, including all operations pertaining to the baking of bread, so long as no individual operation is carried out by hand which could in the opinion of the medical officer of health equally well be carried out by means of some machine or appliance; or
 - (ii) to the removing of bread or any bakery product from the container in which it is placed for delivery in the course of its sale by wholesale.
- (e) For the consumption of drinks, provide straws or other similar devices which are not separately wrapped in paper or other approved material.
- (f) Provide for human consumption any ice which has not been made on the premises or which has been used for any other purpose. Where crushed ice is served such ice shall be crushed in an approved appliance.

- (g) Not take effective measures for the prevention of harbouring or breeding, or for the destruction of flies, cockroaches and other insects and rodents.
- (h) Not protect effectively all food from contamination or contact with dirt, dust, insects or rodents or handling by the public.
- (i) Allow any perishable food to be stored at a temperature exceeding 10 degrees Celsius: Provided that the foregoing shall not apply to:-
 - (i) food kept at a temperature of at least 65 degrees Celsius;
 - (ii) any food which, for the avoidance of spoilage or other deterioration, is kept at a room temperature for an approved period to allow it to cool;
 - (iii) unfrozen fruit or vegetables; or
 - (iv) food required to be delivered at a temperature not exceeding 5 degrees Celsius, in terms of section 10 in which case the temperature of such food shall not exceed 5 degrees Celsius.
 - (v) Any other food which the medical officer of health is satisfied is not susceptible to deterioration that it should be kept at all times at a temperature not exceeding 10 degrees Celsius: Provided further that the medical officer of health may require such food to be stored at a lower temperature, regard being had to the reasonable public health requirements of the particular case.
- (j) Allow any wearing apparel of any person working on the premises to be kept elsewhere than in a change-room or locker.

- (k) Not provide and maintain for the use of all persons engaged in the handling of foodstuffs and adequate supply of soap and nail brushes and, in the absence of mechanical handdrying equipment, and adequate supply of continuous or other approved toweling at each wash-hand basin.
- (l) Not provide for the use of the persons mentioned in paragraph (k) clean and sound overalls of light-coloured material with sleeves of at least elbow length or other approved protective apparel, or not cause such overalls or apparel to be worn by such persons when on duty and kept in a change-room or locker when not being worn, or not have them maintained in a clean and sound condition.
- (m) Use any change-room for any purpose other than that of a change or rest-room for employees: Provided that where not more than 25 persons are employed on the premises, a change-room may be used also as an eating-room for employees if the area of unobstructed floor space is not less than 0,5m² for every person using the room.
- (n) Where more than 25 persons are employed on the premises, not provide for such persons eating-rooms with a minimum width of at least 2m and having not less than 0,4m² of floor space for each person.
- (o) Sleep in any part of the premises where food is handled or consumed or store food in any bedroom or living-room or elsewhere than in an approved part of the premises.
- (p) Whether by way of sale or otherwise part with the possession of, or convey through the street, any food sold or for sale by retail,

unless it is wrapped in its entirety in clean unprinted paper or other approved wrapping: Provided that:-

- (i) this paragraph shall not apply to a bakery from which in the course of wholesale business is delivered or conveyed bread or confectionery in the manner prescribed in the council's by-laws; to the conveyance of meat in the course of wholesale business through the street carried out in accordance with such-by-laws; to the supply of food for consumption on the premises; or to fruit, eggs or vegetables or any canned bottled or other factory wrapped food; and
 - (ii) bread sold by a retailer shall be adequately wrapped in clean unprinted paper or other approved wrapping.
- (q) Keep any animal or bird in, or permit any animal or bird to be introduced into, any part of the premises on which food is handled: Provided that this shall not apply to a guide-dog accompanying a blind person and attached to a leash.
- (r) Unless otherwise approved, display on premises any article of food otherwise than inside a shop.
- (s) Keep elsewhere than in a store-room any food not on display for sale or any article or material not reasonably and immediately required or necessary for the conduct of the business: Provided that empty mineral-water bottles and cases may be stored in any such other place and in such manner as may be approved, regard being had in particular to the maintenance of cleanliness and the prevention of infestation by rodents or insects.

- (t) Stock or store bulk goods in such a manner as to preclude effective inspection thereof and to ensure effective cleansing as well as insect and rodent control.
- (u) Use a food store-room for any purpose other than the storing of food: Provided that clothes-lockers of employees, for whom no change-room is required in terms of section 2(14), may be stored therein.

HANDLING OF FOOD

- 4. All persons engaged on the premises in work or in connection with any business or occupation involving the handling of food shall:-
 - (a) wear clean clothing and clean and sound overalls of a light-coloured material or other approved protective apparel at all times while so engaged and shall maintain themselves at all such times in a state of personal cleanliness;
 - (b) keep all clothing, headgear and footwear in a change-room or locker when not in use;
 - (c) immediately before beginning their work and immediately after any break therein liable to result in the contamination of their hands, and in particular after every visit to a closet, latrine or urinal, wash and scrub their hands and fingers with a nailbrush, soap and water.
 - (d) After handling unwrapped raw fruit or vegetables or any other material liable to contaminate their hands, first wash and scrub their hands with a nailbrush, soap and water before handling any other unwrapped food as permitted in terms of section 3(d);

- (e) Not smoke or use tobacco in any manner whatsoever in any part of the premises in which unwrapped food is handled.

MILK SOLD FOR CONSUMPTION ON PREMISES

5. Where milk is sold as a refreshment or beverage, or is sold or supplied for consumption on the premises either by itself as a refreshment or as part of a beverage, such milk shall be taken only from milk bottles or heatsealed containers as obtained from the licensed milk supplier.

SALE OF HORSEMEAT

6. No horsemeat shall be sold, offered or displayed for sale or kept on any premises on which any other food is handled.

PUBLIC HALLS

7. No owner or person in charge of a public hall shall handle or allow any other person to handle perishable foodstuff in such hall unless it complies with the following requirements:
- (a) It shall be provided with a kitchen or preparation room having a floor area of at least 45m² if the floor area of the hall, room or other part of the premises in which the foodstuffs are to be consumed does not exceed 250m² be increased by 9m² for every 90m² or part thereof by which the floor area of such hall, room or other part of the premises exceeds 250m².

- (b) At least 0,7m² of floor space shall be provided for each person to whom food is to be served.
- (c) It shall be provided with the following refrigeration space:
 - (i) where the number of persons, calculated on the basis of 0,7m² for each person, who can be served with the foodstuffs does not exceed 300: 0,28m³ and in addition 0,028m³ for every 10 persons;
 - (ii) where the number of persons as aforesaid exceeds 300 but does not exceed 500: 0,56m³ and in addition for every 15 persons;
 - (iii) where the number of persons as aforesaid exceeds 500: 0,84m³ and in addition 0,028m³ for every 20 persons.

PUBLIC GATHERINGS

Perishable foodstuffs intended for sale to the public at a public gathering other than in a public hall, shall be kept in adequate refrigeration accommodation at a temperature not exceeding 10 degrees Celsius on the premises upon which such gathering is held. Prepared foodstuffs intended to be sold and served hot at such a gathering shall be maintained at a temperature of not less than 65 degrees Celsius.

PROHIBITION OF EMPLOYMENT OF CERTAIN PERSONS

- 9. (1) No person engaged in the business of handling of food, whether as employer or employee, shall handle food while suffering from any illness or injury liable to contaminate it.

- (2) No person shall be engaged in the handling of food, whether as employer or employees, who after being called to do so by the medical officer of health, fails to submit himself to examination by the medical officer of health within the time specified by him.
- (3) The medical officer of health shall be entitled to take from any person referred to in subsections (1) and (2) such nasal, throat or other swab, or such blood or other sample or specimen, as he may deem necessary.

DELIVERY OF FOOD

10. The temperature of all processed meat products, fresh fish and seafoods shall, at the time of delivery to premises, not exceed 5 degrees Celsius: Provided that this requirement shall not apply to those products which by nature of their preparation, do not require refrigeration.
11. On every vehicle used in connection with a business or undertaking involving the handling of food, there shall appear in conspicuous position in any of the official languages, the name and address of that business or undertaking.

GENERAL

12. It shall be an offence to spit on the premises
13. It shall be an offence for any person not connected with the business being carried on on food-handling premises to touch any unwrapped food except food which he has purchased or selected for purchase or raw fruit and vegetables.

BACTERIOLOGICAL SAMPLES

14. The medical office of health shall be entitled for the purposes of bacteriological examination to inspect and take bacteriological samples from any knife, fork, spoon, plate, dish, cup, saucer, glass or other utensil or implement, or any container, receptacle or other equipment of any kind on the premises or any other article used for the serving, storage or preparation of or in connection with the handling of food, or from any part of a food vending machine in or from which food is stored, kept or dispensed.
15. The average plate count for every utensil or any surface thereof sampled shall not exceed 100 bacteria and where such count is exceeded, the licensee or the person in control of the premises from which the article sampled was taken, or both, shall be guilty of an offence.
16. Samples referred to in section 14 shall be taken and dealt with in accordance with the provisions of the code.

OFFENCES AND PENALTIES

17. Any person who contravenes or fails to comply with or who causes, permits or suffers any other person to contravene or to fail to comply with any provision of these by-laws, shall be guilty of an offence and liable on conviction to a penalty not exceeding R100, or in default of payment, to imprisonment for a period not exceeding three months, or to both such fine and such imprisonment, and in the event of a continuing offence, shall be deemed to be guilty of a separate offence for every 24 hours or part of such period during which the offence continues and shall be liable as aforesaid in respect of each such separate offence.

CODE OF PRACTICE FOR TAKING BACTERIOLOGICAL SAMPLES

1. Samples shall be taken by means of swabbing from a group of four articles or components of the same kind, and shall not include samples taken from any article or components of any other kind: Provided that if the number of the premises of an article or component of one kind sampled is less than four, the sample shall be taken from such lesser number.
2. Swabs used in the taking of bacteriological samples shall be prepared on wooden sticks from absorbent cotton wool and sterilized and maintained in a sterile condition until used.
3. Quarter strength Ringers Solution shall be prepared in screw topped McCartney bottles in amount of 10 ml and thereafter sterilized for use.
4. For the purpose of sampling, two bottles of solution, prepared in terms of paragraph 3, shall be used for each article or group of articles or component or group of components.
5. In taking samples the following procedure shall be followed:
 - (1) Area to be swabbed:
 - (a) In the case of cups, glasses and other drinking utensils the sample shall be taken from the exterior and interior surface to a depth of at least 12mm from the top of the rim.
 - (b) In the case of spoons and ice-cream scoops the samples shall be taken from the entire inner and outer surface of the bowl.

- (c) In the case of plates, saucers, bowls and the like, over an area of as nearly as possible 100mm² of the surface which comes in contact with food.
- (d) In the case of all other articles or components, from all parts of the surface likely to come into contact with food.

2. Method of swabbing:

The defined area or areas of each article or component or group of articles or components from which a sample is to be taken shall be swabbed.

- (a) first with a swab moistened with Ringers Solution from one of the McCartney bottles after the excess moisture has been expressed from the swab on the inside of the bottle before removal. The swab shall after the sample has been taken, immediately be replaced in the same bottle and the protruding portion of the stick above the neck of the bottle broken off and the screw top replaced;
 - (b) secondly and immediately afterwards, over the same defined area or areas with a dry swab which shall be placed in the second bottle of Ringers Solution.
6. In each case the bottles shall be suitably marked so as to identify the article or component from which the sample was taken and to distinguish the wet from the dry swab.
7. The person taking such sample shall at the time of taking the sample record in duplicate the name and address of the premises, the number or articles or components in the group sampled, the time of taking the sample and identification mark on each bottle as required by paragraph 6.

8. As soon as possible after taking the sample the bottles containing the swabs together with the duplicate copy of the particulars recorded under paragraph 7, shall be delivered to a bacteriological laboratory for examination within three hours after taking such sample. Where this is not possible, such sample shall be dispatched forthwith to such laboratory and at all times be kept at a temperature not higher than 5 degrees Celsius.
9. After completion of the test, the number of viable bacterial per article or component shall be determined for each sample, and reported.

MUNICIPAL MANAGER: MR S. MAKHUBELA
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LOCAL AUTHORITY NOTICE 170

GREATER GIYANI MUNICIPALITY**TRAFFIC BY-LAWS**

It is hereby notified in accordance with section 13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) that the Greater Giyani Municipal Council hereby publishes the Standard Traffic By-laws as setout below:

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14. Allocation and use of parking places for minibus taxis
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CHAPTER I

Definitions

1. In these by-laws, unless the context otherwise indicates:-

"bus" means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the Road Traffic Act, 1989 (Act No. 29 of 1989).

"council" means the Greater Giyani Municipal Council established in terms of section 12 of the Local Government: Municipal Structures Act 117 of 1998, as amended;

"cycle" means a bicycle or tricycle designed for propulsion solely by means of human power;

"minibus taxi" means a motor vehicle, or lawfully adapted by a registered manufacturer in compliance with the Road Traffic Act, 1989 (Act No. 29 of 1989), operating an unscheduled public transport service operated on a specific route or routes or where applicable, within a particular area, of the municipality, by means of a motor-car, minibus or midibus;

"public vehicle" means a public or tricycle designed for propulsion solely by means of human power;

"skate board" means a device, which includes a mainly flat object mounted on wheels, which is designed in such a manner as to provide room only for one person to stand or squat and is as such propelled by means of either human power of gravitation or both;

"street" means any street, road or thoroughfare indicated on the general map of the council, or to which the public has by prescription or in any other way obtained a right of way;

"toy vehicle" means a device designed, made or manufactured with the purpose for children to play with or to amuse themselves with, but excludes motorised vehicles designed to convey people, goods or both;

"tricycle" means a three-wheeled cycle exclusively designed or prepared for the conveyance of goods and propelled solely by human power;

"vehicle" means a device designed or prepared for the hauling of other vehicles or for the conveyance of passengers, animals or goods or more than one of these groups simultaneously, and moves principally on wheels or crawler tracks, with the exception of:-

- (a) a motor cycle to which a side-car is not attached;
- (b) a bicycle;
- (c) a toy vehicle;
- (d) roller skates;
- (e) skate board;
- (f) a device moving exclusively on rails; and

CHAPTER II

Application of the by-laws

- 2 (1) These by-laws shall apply within the area of jurisdiction of the Greater Giyani Municipality from the date of promulgation.

- (2) These by-laws will not apply in the municipality in so far as they relate to matters with regard to which there are replacing provincial or national legislation in force in the municipality to the extent that such replacing legislation deals with the matters.

Stopping Prohibited

3. No person shall stop any vehicle in any street within a distance of 3m from a fuel pump on the Kerbstone, except for the purpose to obtain fuel, oil, water or air, or in compliance with a direction given by an authorised officer.

Parking

4. (1) No person shall stop, wait or park a vehicle in a street:-
- (a) on approaches to or departures from major intersections and at-grade rail crossings;
 - (b) at or immediately adjacent to pedestrian crossings, fire hydrants, and public transport lanes and stops;
 - (c) in front of driveways or alleyways;
 - (d) where double 'no-overtaking' lines are provided at the centre of the carriageway;
 - (e) at locations which might interfere with the movement of emergency vehicles, e.g. at hospitals, ambulance and fire stations;
 - (f) in tunnels, on bridges, or on narrow streets.
 - (g) on or over the verge with perpendicular kerbstones;
 - (h) on or over the verge which, for purposes of this section also includes the portions commonly known as shoulders, with slanted kerbing or without kerbstones except between lines of marks on the surface indicating the required angle for the parking of vehicles, and then only in such a manner that the part of the vehicle nearest to the property boundary line, bordering on the street, where there is no paved

pedestrian pathway, less than 1m or more than 2m from such property boundary line, bordering on the street;

- (i) with the front of such vehicle facing the approaching traffic;
 - (j) in any other way than parallel with the kerbing or kerb of the roadway:
Provided that, subject to the provisions of paragraph (b), where a sidewalk, verge or shoulder is marked, or is broad enough for diagonal parking, while no part of such vehicle protrudes over the roadway which is not marked for such parking, a vehicle may be thus parked;
 - (k) for the washing or sale of or repair to such vehicle or for advertisement purposes; or
 - (l) next to any vehicle which is already parked parallel to the kerb or kerbing of the roadway in a demarcated parking area.
- (2) No person shall park a vehicle with a tare of 3 500kg or more for a period exceeding an hour at any time after sunset and before sunrise on the roadway.

Special Provisions Relating To Parking

5. (1) Notwithstanding anything to the contrary contained in any law, a local authority may exempt:-
- (a) in such circumstances and subject to such conditions as it may deem expedient:-
 - (i) a medical practitioner; or
 - (ii) a registered nurse or midwife as defined in section 1 of the Nursing Act, 1978 (Act 50 of 1978); or
 - (b) in the prescribed circumstances and subject to the prescribed conditions:-
 - (i) any person who, in the opinion of such local authority, has a prescribed physical disability; or

- (ii) any person who is conveying or assisting a person contemplated in subparagraph (i),
from the provisions of any law relating to the parking of a motor vehicle within its area of jurisdiction.
- (2) A local authority may, and shall in the prescribed circumstances, provide special parking places for the exclusive parking of vehicles driven by persons referred to in subsection (1) (b), and such parking places shall be identified by a road traffic sign.
- (3) A local authority shall control the use of the parking places referred to in subsection (2) in the prescribed manner.

CHAPTER III

Parking Meters

6. (1) For the purpose of this section:-

"demarcated parking place" means a demarcated parking place in conjunction with which a parking meter has been installed as contemplated in section 106 of the Road Traffic Ordinance, 1966;

"parking meter" means any device which registers and visibly records the passage of time of the parking period and which is brought into operation either automatically or manually according to the instructions indicated on the device and includes any pole, post or fixture to which such device is attached;

"parking period" means the parking period permitted in a demarcated parking place by the insertion of the applicable coin into a parking meter.

- (2) The period in which a vehicle may be parked in a demarcated parking place shall at all times be clearly indicated on the parking meter.
- (3) (a) No person shall park or cause to be parked any vehicle in a

demarcated parking place without immediately afterwards inserting a coin, as prescribed on such meter, into the slot of the meter to set it in motion: Provided that the obligation to place the coin in a meter shall apply only between such hours as determined by the council and shall be indicated by notice or sign in respect of each demarcated parking place, but shall not apply to the hours between 13h00 on Saturdays and 08h00 on the ensuing Monday or on public holidays as defined in section 1 of the Public Holidays Act, 1952 (Act 5 of 1952): Provided further that no motor cycle shall park on a demarcated parking place, except where the parking place for motor cycles is suitably indicated as such by a road traffic sign.

- (b) Where parking is restricted on a demarcated parking place as defined in paragraph (a), so that parking is permitted only during certain specified hours, or where money for parking is payable only during certain specified hours, a clearly legible notice to this effect shall be affixed to the parking meter.
- (4) No person shall park any vehicle, or cause any vehicle to be parked, in a demarcated parking place, unless a coin has been inserted in the parking meter in accordance with the provisions of these by-laws: Provided that-
 - (a) such a person may park a vehicle in a demarcated parking place for the unexpired period as indicated on the parking meter without the insertion of a coin in that parking meter;
 - (b) subject to any provisions to the contrary, in these by-laws, or any other ordinance or act, such a person may park a vehicle in a demarcated parking place where a parking meter is out of order without inserting a coin in such parking meter.
- (5) A clearly legible notice affixed to each parking meter shall indicate:-
 - (a) the amount payable for a specified period; and
 - (b) the various denominations of coins that may be placed in a parking meter.

(6) No person shall:-

- (a) insert, or attempt or cause to insert, into a parking meter any foreign object or coin other than a coin of South African currency on a denomination indicated on the parking meter;
- (b)
 - (i) damage or deface, write or draw on a parking meter; and
 - (ii) affix any handbill, poster, placard or other document to a parking meter without the council's consent;
- (c) cause a parking meter in any way whatever to record the passage of time otherwise than that of putting the meter into operation in the prescribed manner;
- (d) jerk, knock, shake or in any way tamper with a parking meter; and
- (e) cause the visibility of any road traffic sign or any sign or notice erected for the purposes of this section, to become less visible.

(7) Every vehicle parked in a demarcated parking place, shall be parked in such manner that no part of such vehicle protrudes over the parking marks: Provided that where any vehicle parked in a demarcated parking place occupies, by reason of its length, so much of an adjoining parking place that it is not possible to park another vehicle in that adjoining parking place, the person parking the first-mentioned vehicle, shall insert the prescribed coins in the parking meters of both such demarcated parking places.

(8) The passage of parking time as indicated by a parking meter shall, unless and until the contrary be proved, be deemed to be correct.

(9) The council may allocate and demarcate smaller parking places for the parking of two-wheeled vehicles, and the provisions of this chapter shall *mutatis mutandis* be applicable to such parking places.

CHAPTER IV***Prohibition of Certain Actions***

7. No person shall drive or ride on roller skates, skate boards or any other toy vehicle in any street without the written consent of the council and on such conditions as may be determined by the council.

Turn with Combination Vehicles

8. No person shall turn with any vehicle that draws a semi trailer, trailer or combination of vehicles at any crossing for the purpose of driving in the opposite direction.

Control of Animals In or Along a Street

9. (1) No person shall drive or cause any animal to be driven in a street except when drawing a carriage or vehicle: Provided that the council may grant permission to the driving of animals in certain streets on such conditions as it may deem fit.
- (2) No person shall in or along any street:-
- (a) train or break in an animal;
 - (b) allow an animal, which is his property or under his control, to be let loose or to wander uncontrolled;
 - (c) leave an animal which is hurt, weak, sick or dying. Except to obtain assistance to remove such animal; or
 - (d) by making noises, gestures, gesticulations or in any other way frighten or irritate an animal.
- (3) Subject to the provisions of subsection (4), no person shall leave or allow any bovine animal, horse, ass, mule, sheep, goat, pig or ostrich to be on any section of a street where that section is fenced or in any other manner closed along both sides, and no person shall leave such animal in a place from where it may stray onto such section of a street.

- (4) The provisions of subsection (3) shall not apply:-
 - (a) to any animal which is being ridden or is being used to draw a vehicle along a street; or
 - (b) to any animal which is being driven from one place to another in such manner as not to constitute a source of danger or injury to any person or vehicle using such road.
- (5) In any prosecution for a contravention of subsection (3), it shall be presumed, until the contrary is proved that any animal referred to in subsection (3) was left or allowed to be on the section of the street or place concerned by the owner of such animal, and a section of a street shall be regarded as fenced or enclosed along both sides even though there is an opening providing access to such street in the fence or other enclosure.
- (6) No person shall drive any animal referred to in subsection (1):-
 - (a) along a street during the period from sunset to sunrise, unless a person carrying a red light visible in clear weather for a distance of at least 150 metres tends such an animal or, in the case of a flock or herd of more than ten animals, a person tending such animals and carrying a light as aforesaid precedes and another such person carrying a light as aforesaid follows such animals; or
 - (c) along a street during any other period, unless a person displaying in a conspicuous manner a red cloth, of not less than 300 millimetres by 300 millimetres, tends such animal or, in the case of a flock or a herd of more than 10 animals, a person tending such animals and displaying a cloth as aforesaid precedes and another such person displaying a cloth as aforesaid follows such animals.
- (7) A person in charge of an animal on a street shall tend the animal in such a manner as not to constitute an obstruction or danger to other traffic.
- (8) A traffic officer may take charge of any animal referred to in subsection (1) on a public road or take such steps in respect of the animal as may be prescribed.

- (9) For the purpose of this section, the word "animal" does not include a dog or a cat.

Animal-drawn Vehicle

10. (1) No person shall operate an animal-drawn vehicle on a street unless the name and address of the owner thereof is affixed or painted in a conspicuous position on the left side of such vehicle in letter not less than 25 millimetres high: Provided that nothing herein contained shall apply to a vehicle used solely for the conveyance of persons otherwise than for hire or reward.
- (2) No person shall operate an animal-drawn vehicle on a street unless the vehicle and the harness and other equipment thereof are in an efficient and safe condition.
- (3) The owner of an animal-drawn vehicle shall not cause or permit such vehicle to be used on a street by any person who is not competent whether by any reason of his age or otherwise to drive and control such vehicle.
- (4) The driver of an animal-drawn vehicle on a street shall at all times give his undivided attention to the driving of the vehicle under his control, and if the vehicle is standing on a street, the driver shall not cease or retain control over every animal which is still harnessed to the vehicle, unless such animal, or every such animal is so fastened that it cannot move from the place where it has been left.
- (5) No person shall operate on a street a vehicle drawn by a team of animals not controlled by reins, unless there is a person leading the team and exercising control over such team.
- (6) The driver or other person in charge of a vehicle drawn by any animal shall not, on a street outside an urban area, permit such vehicle to follow any other vehicle similarly drawn at a distance of less than 150 metres reckoned from the foremost animal of such first-mentioned vehicle, except for the purpose of overtaking a vehicle travelling at a slower speed or when a vehicle travelling at a greater speed, having overtaken such vehicle, is drawing away from it.

Queues

11. (1) Persons waiting in a street for the purpose of gaining admittance to any public place shall form a queue not more than two persons abreast, or in a manner as required by an authorised officer.
- (2) Persons arriving first shall enjoy precedence in a queue.
- (3) An authorised officer may remove from a queue any person if such a person:-
 - (a) refuses to obey any lawful instruction; or
 - (b) behaves in a disorderly or improper manner.

Loads on Cycles

12. No person shall cause or permit to be used:-
 - (a) any cycle excluding a tricycle, to carry goods exceeding 50kg in mass; or
 - (b) any tricycle to carry goods exceeding 110kg in mass.

Public Transportation

13. (1) (a). No person may operate a road-based public transport service without holding the necessary permit or operating licence or, in the case of a special event, a temporary permit issued in terms of section 20 of the Road Transportation Act 1977 (Act No. 74 of 1977) or an authorisation obtained or in terms of a replacing provincial law, for such special event;
- (b) Any person who by means of any motor vehicle or other vehicle conveys any passengers or goods or both, shall be presumed to convey such passengers or goods for hire unless the contrary is proved and such motor vehicle or other vehicle shall be presumed to be a public vehicle unless the contrary is proved.

- (c) If any person has in his possession or under his control or uses or causes or permits any public vehicle to be used in contravention of the provisions of this section, he shall be guilty of a contravention of these by-laws.

Allocation and Use of Parking Places for Minibus Taxis

14. (1) Save for any provisions to the contrary in these by-laws or any other Ordinance or Act, the council may:-
- (a) demarcate parking places for minibus taxis and distinguish them by applicable traffic signs; and
 - (b) allocate to each taxi association a parking place as contemplated in paragraph (a).
- (2) The council may impose charges for the allocation of parking places in terms of subsection (1).
- (3) The driver of a minibus taxi who intends to park it on a parking place allocated for minibus taxis, shall park on the parking place immediately behind the other taxis already parked on such parking places.
- (4) A minibus taxi shall be parked on a parking place as contemplated in subsection (1), in such a manner that it always occupies parking places from the front end.

Conveyance of Dangerous or Offensive Articles or Dead Bodies.

15. No driver of any minibus taxi shall knowingly convey any goods or articles or things of a dangerous or offensive nature, and no driver of such minibus taxi shall at any time permit the dead body of any person or the carcas of an animal to be conveyed therein.

Disinfection after Conveyance of Infectious or Contagious Diseases Cases

16. Should any driver unwittingly have conveyed in a minibus taxi any person suffering from any infectious or contagious disease, he shall, as soon as it comes to his knowledge that he has conveyed such a person, immediately disinfect such a minibus taxi to the satisfaction of the medical officer of health.

Preventing Engagement

17. No driver of a minibus taxi or any other person shall by using force or threats, or in a clandestine manner or by any other means, prevent or seek to prevent any person from hiring any other taxi of the driver of such other minibus taxi from obtaining or conveying passengers or loads.

Unauthorised Handing over or Abandonment of a Taxi

18. No driver of any taxi shall abandon a minibus taxi which has been entrusted to him, or allow any other person to drive such vehicle without the knowledge or consent of the owner of such minibus taxi.

Behaviour and Clothing of Drivers

19. All drivers of minibus taxis shall be dressed cleanly and decently and shall conduct themselves in a proper, civil and decorous manner and no driver of any minibus taxi shall, whilst such minibus taxi is under hire, smoke any tobacco or other substance without the consent of the hirer or passenger.

Property Left in Taxi

20. The driver of any minibus taxi who discovers any property left behind therein, shall within eighteen hours deposit such property in safe custody, at the nearest police station.

Public bus routes

21. (1) No person shall drive or cause or allow any public bus to be used for the purpose of conveying passengers, except on a route approved by the council and/ or the relevant transport authority.
- (2) Notwithstanding anything to the contrary in these by-laws contained, every public bus operating over a route within the area of the municipality shall operate subject to the provisions of section 12 (1) (a).

Public Bus Stands and Stopping Places

22. No person shall attempt to ascend or alight from any public bus except at such stands or stopping places as have been approved by the council and no driver of a public bus shall allow such bus to stop for the purpose of picking up or allowing any passenger to alight, except at such stands or stopping places as have been approved by the council.

Intending Passengers to Board at Approved Stands or Stopping Places only

23. Every driver of a public bus used on any approved route upon being signalled at any approved stand or stopping place by any person wanting to travel on such bus shall stop and pick up such person if he is not prohibited by any act from boarding such public bus.

Public Bus to Stop on request

24. Every driver of a public bus having been requested by any passenger to stop his bus, shall do so at the next approved stopping place to enable such passenger to alight.

Public Bus not to be Left Unattended on a Stand

25. No driver shall allow a public bus to remain unattended at any stand or any route.

CHAPTER VI

Penalties

26. Any person contravening or failing to comply with any provision of these by-laws shall be guilty of an offence and liable, on conviction, to a fine not exceeding R2000-00 or in default of payment, to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

Short title and commencement

27. These by-laws shall be called Traffic By-laws and shall come into effect after being published in the Provincial Gazette.

MUNICIPAL MANAGER:

MR S. MAKHUBELA
GREATER GIYANI MUNICIPAL OFFICES
MAIN ROAD TO GOVERNMENT OFFICES
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LOCAL AUTHORITY NOTICE 171

GREATER GIYANI MUNICIPALITY**BY-LAWS REGULATING MILKING SHEDS AND THE TRANSPORT OF MILK**

The Greater Giyani Municipal Council hereby notify in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended, that it has adopted the Regulations relating to milking sheds and transport of milk under Government Notice No. 1256 of 27 June 1986 as amended by Government Notice No. 1111 of 30 August 2002, as by-laws made by the Municipal Council.

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CHAPTER I

Definitions

1. In these by-laws **"the Act"** shall mean the Health Act, 1977 (Act 63 of 1977), and any expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context otherwise indicates -

"adequately ventilated and illuminated" shall mean ventilated and illuminated by means of windows with an uninterrupted transparent area equal to at least ten percent of the floor area and with an area which can be opened equal to at least 5 percent of the floor area and so placed that cross ventilation is facilitated;

"approved milking shed" shall mean a milking shed in respect of which a certificate of acceptability has been issued and is in force, and shall, in the application of sections 2(1) and 7(1), include a milking shed in respect of which a provisional certificate of acceptability has been issued and is in force;

"certificate of acceptability" shall mean a certificate of acceptability as referred to in section 3;

"dairy stock" shall mean cows, she-goats, ewes, mares or jenny asses used in the production of milk for human consumption and **"milk animal"** shall have a corresponding meaning;

"disposal system" shall mean a subterranean or ground-level tank or other vessel, sewerage system, dam or farm-land into or onto which effluent may be discharged;

"effluent" shall mean any liquid, liquid or solid waste or liquid or solid manure emanating from a milking shed;

"existing milking shed" shall mean a milking shed legally used as such immediately before the date of commencement of these by-laws;

"holder" shall mean the person in whose name a certificate of acceptability has been issued;

"inspector" means a person contemplated in section 53(1) of the Act;

"milking parlour" shall mean that area of the milking shed in which dairy stock are milked;

"milk tanker" shall mean a vehicle for the transport of milk in bulk;

"new milking shed" shall mean a milking shed that was put into use as such after the date of commencement of these by-laws;

"own use" with regard to milk, shall mean milk-

- a. that is used, or meant to be used, exclusively by the owner or possessor of dairy stock or by such person's household; or
- b. that is provided free of charge to employees of such person for the use of such employees or their households;

"provisional certificate of acceptability" shall mean a certificate of acceptability as referred to in section 4; and

"pure water" shall mean clean and clear water that contains no *Eseherichia coli* organisms per 100ml and is free from any substance in concentrations detrimental to human health;

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

2. (1) No person shall use a milking shed for the purpose of milking dairy stock in order to produce milk for human consumption, unless the milking shed in which the dairy stock are milked is an approved milking shed and such milking

shed is used in accordance with the provisions of these by-laws and the conditions of the certificate of acceptability or provisional certificate of acceptability issued in respect of that milking shed.

(2) The provisions of subsection (1) shall -

a. not be applicable to a milking shed in which milk is produced solely for own use if the said owner or possessor does not so apply on 1 July 1989 or on the date of an order referred to in subsection (3)

b. come into effect in the case of an existing milking shed -

i. if the owner or possessor of the existing milking shed applies within 24 months after the commencement of these by-laws for a certificate of acceptability - on the date on which a certificate of acceptability or a provisional certificate of acceptability, as the case may be, is issued in respect of that milking shed or on the date on which the application is turned down; and

ii. if the said owner or possessor does not so apply - 24 months after the commencement of these by-laws or on the date of an order as referred to in subsection (3), whichever date may be first.

(3) If a council is of the opinion that an existing milking shed is being used in a way which constitutes an immediate and real health hazard or that a situation has developed in the milking shed constituting such an immediate and real hazard, the local authority may, notwithstanding the provisions of subsection (2) (b), order in writing the owner or possessor of an existing milking shed not to remove any milk for human consumption from the milking shed until the hazard or situation has been rectified to the satisfaction of the level authority.

CHAPTER II**Application for a certificate of acceptability**

3. (1) Any person wishing to apply for a certificate of acceptability in respect of a milking shed shall apply for it in writing and in his application furnish the following information:
- (a) The name, address and telephone number of the applicant;
 - (b) a title description of the premises; and
 - (c) an indication of the number of staff who are employed, or who will probably be employed, and the maximum number of animals that will be milked.
- (2) Such an application shall be submitted to the council authority in whose area of jurisdiction the milking shed is located or will be erected, together with -
- (a) a site plan with north indicated and with an indication of all adjacent and bordering buildings and their uses;
 - (b) a layout sketch to a scale of 1:100 of all the milking shed facilities referred to in section 9, consisting of a ground plan, a sectional view and a vertical elevation.
- (3) The council may, in considering the application, request from the applicant or any other person such further information as he may deem necessary or expedient.
- (4) The council shall not consider an application for the issue of a Certificate of acceptability unless a full inspection of the premises concerned has been carried out by an inspector of the council concerned, and his report on such inspection, and recommendation on such issue, is in the possession of the council.

- (5) If the council, upon consideration of an application for the issue of a certificate of acceptability, the relevant report and recommendation by the inspector and any other documents tabled or information obtained, is satisfied that the milking shed concerned -

- (a) complies with all the provisions of these by-laws; and
- (b) is deemed in all respects suitable for the production and hygienic handling of milk,

it shall issue in the name of the applicant a certificate of acceptability, in the form determined by the council, in respect of the milking shed concerned.

Provisional certificate of acceptability

4. (1) If, upon consideration of an application, the council has ascertained that the milking shed concerned is in all respects suitable for the production and hygienic handling of milk but does not comply with all the provisions of these by-laws-

- (a) it shall in the case of an existing milking shed; and
- (b) it may, in the case of a new milking shed-

issue in the name of the applicant a provisional certificate of acceptability, in the form determined by the council, in respect of the milking shed concerned to enable the applicant to modify the milking shed so that it complies with the provisions of these by-laws.

- (2) The council may, at the request of the holder of a provisional certificate of acceptability and on the strength of an inspection report and the recommendation of an inspector, revoke a provisional certificate of acceptability and replace it with a certificate of acceptability.

Conditions subject to which a certificate of acceptability or a provisional certificate of acceptability is issued

5. It is a condition of a certificate of acceptability and a provisional certificate of acceptability -

- (a) that it may be transferred by the holder to someone else only with the prior approval of the council;
- (b) that the milking shed, the staff that are employed there and the dairy stock may at any reasonable time be inspected or examined by an inspector; and
- (c) that the milking shed be used in accordance with the provisions of these by-laws.

Transfer of a certificate of acceptability

6. (1) A holder intending to transfer his certificate of acceptability to someone else shall submit the certificate of acceptability, together with a written application for approval of the transfer, to the council which issued the certificate of acceptability.
- (2) If the council approves the application it may in its own discretion endorse the existing certificate of acceptability accordingly and enter the new holder's name on it or cancel the existing certificate of acceptability and issue a new certificate of acceptability in the name of the new holder.

Suspension or withdrawal of a certificate of acceptability or a provisional certificate of acceptability

7. (1) If the council has approved a milking shed on the strength of an inspection report and the recommendation of an inspector, is of the opinion that the milking shed -
- (a) is being used in such a way that it constitutes an immediate and real health hazard or that a situation has developed in the milking shed constituting an immediate and real health hazard, the council may for

as long as, in its opinion, that hazard exists suspend the certificate of acceptability or provisional certificate of acceptability concerned and shall in writing notify the holder accordingly;

- (b) is being used contrary to the provisions of these by-laws or the terms and conditions of the certificate of acceptability or the provisional certificate of acceptability, the council shall in writing notify the holder accordingly.
- (2) Any notice referred to in subsection (1) shall state the particulars which shall be sufficient within reason to inform the holder concerned on what grounds the judgment of the council is based, and shall instruct the holder to reply within 21 days of receipt of notice to the allegations made in the notice.
- (3) If such a reply is received, the council may, after consideration of the reply so received, issue an order to the holder instructing him before a specified date to rectify the similarly specified matters complained about, and stating that if this is not done the certificate of acceptability or provisional certificate of acceptability, as the case may be, may be withdrawn without further notice.
- (4) A notice issued in terms of subsection (1), shall be served on the holder or person in charge of the milking shed concerned, and the person on whom the notice is served, shall deal, in the manner determined in the notice, with such notice and the certificate of acceptability or provisional certificate of acceptability concerned, in cases where the certificate concerned is suspended or withdrawn.
- (5) The suspension or withdrawal of a certificate of acceptability or provisional certificate of acceptability in terms of this section shall have the effect that as long as the certificate concerned is suspended and from the date on which the certificate is withdrawn, no milk,

produced or received in the milking shed concerned shall be used for human consumption.

CHAPTER III

REQUIREMENTS AND INSTRUCTIONS

Milking sheds

8. (1) (a) An approved milking shed shall consist of at least –
- (i) a milking parlour referred to in subsection (2);
 - (ii) a milk room referred to in subsection (3) where milk shall be received from the milking parlour, and where such milk shall be stored and where it may be treated, processed and packed;
 - (iii) a changeroom referred to in subsection (4); and
 - (iv) a scullery for the washing, cleansing disinfection and sterilisation of milk containers and other unfixed apparatus and equipment used in the handling of milk.
- (b)
- (i) The facilities referred to in paragraph (a) shall, subject to the provisions of subparagraph (ii), be erected as separate rooms in one building complex or as separate detached buildings
 - (ii) A scullery referred to in paragraph (a)(iv) may be erected as an integral part of a milk room or as a separate room.
- (2) In the case of a milking parlour-
- (a) there shall be no direct connection with a latrine or with a room where gases, smoke, vapours, dust or a soot deposit are present or may originate owing to the nature of the activities in such room;

- (b) which provides standing-room for more than one row of dairy stock parallel with one another, there shall be a dividing corridor of at least one metre wide between the rows;
- (c) the partitions, if any, that separate dairy stock from each other when they are being milked, shall be of a smoothly finished non-absorbing and corrosion resistant material free of any open seams and cracks;
- (d) managers shall be arranged so that fodder which accumulates behind the mangers can be removed;
- (e) the exterior walls -
 - (i) shall be at least 2,4 metres high on the inside;
 - (ii) shall, at places where dairy stock are milked, extend to at least 2,1 metres above the level on which the dairy stock stand;
- (a) the interior surfaces of the walls shall be smooth and washable;
- (b) the roof shall be of a water-resistant and washable material;
- (c) the floor shall -
 - (i) be of a material which is waterproof and cleanable;
 - (ii) drain thoroughly into a drain which is connected to a disposal system so that no pools of standing water are formed on the floor;
 - (iii) such parlour shall be adequately ventilated and illuminated;
 - (iv) such parlour shall be provided with at least one water tap with running pure water to which a flexible pipe may be connected for washing purposes; and
 - (v) the entrances and exits for dairy stock shall have a floor covering with an impenetrable surface connected to a

disposal system, and such floor covering shall be installed in such a way that any milk animal entering or leaving the milking parlour shall walk on it for a distance of at least 4 metres.

(3) In the case of a milk room -

- (a) such milk room shall comply *mutatis mutandis* with the provisions of subsection (2) (e)(i), (f), (g), (h) and (i);
- (b) where the scullery forms an integral part of the milk room as referred to in subsection (1) (b) (ii) there shall be sufficient space to allow for the cleansing and disinfection of all milk containers, and the storage of milk;
- (c) such milk room shall be provided with at least one sink, with hot and cold piped running pure water and with the run-off connected to a disposal system;
- (d) such milk room shall be erected so that a milk pipe from a milk tanker can be connected to a bulk farm tank through a door, and the distance between the two connection points shall not exceed 6 metres;
- (e) such milk room shall be rodent-proof;
- (f) the doors and Windows shall be dust-proof when closed; and
- (g) such milk room may be equipped with a bulk farm tank referred to in section 9(3) for the storage of milk.

(4) A changeroom shall -

- (a) comply *mutatis mutandis* with subsection (2)(e)(i), (f), (g), (h)(i) and (i);
- (b) have at least one hand wash-basin and one shower provided with piped running pure water for every 15 persons or part of this number working at the milking shed concerned, and shall be provided with soap, a nail brush and disposable towels, and the used water from such hand wash-basin and shower shall drain into a disposal system;
- (c) be within easy reach of the milking parlour and milk room.

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

- (a) not be stored, treated or dumped in any place except in or on a disposal system;
 - (b) not be conveyed to or dumped in or on a disposal system in any other way than by means of a pipeline, or cement ditches or in a container;
 - (c) no be dumped so that a water source is or may be polluted by it;
 - (d) not constitute a nuisance or cause a condition that is a health hazard.
- (6) Only pure water shall be used at a milking shed.
- (7) A holder shall see to it that -
- (a) in or at a milking shed -
 - (i) a nuisance or condition that is a health hazard is not caused or does not arise;
 - (ii) no poisonous or hazardous substances or gases are stored;
 - (iii) no activity is carried on which can pollute or harm the milk
 - (b) rodents and flies, cockroaches and other insects on the premises of the milking shed are controlled.
- (8) A milking shed shall not be used for any other purpose except the production and handling of milk.
- (9) Unfixed milk containers and other apparatus and equipment used in the handling of milk shall not be washed, cleansed, disinfected or sterilised in a place other than the scullery referred to in subsection (1)(a)(iv).
- (10) No person shall use or handle tobacco in any form or eat in a milking shed except in the changeroom or diningroom of a milking shed.
- (11) As soon as milk animal have left a milking shed, all manure shall be removed from the milking shed and the floor and all entrances and exits of the milking shed shall be washed clean.

Milk containers and milking machines

9. (1) A milk container -

- (a) shall not be made wholly or partly of copper, or any copper alloy or any toxic material;
- (b) shall have a smooth finish, free of open seams, cracks and rust stains;
- (c) shall be constructed in such a way that any surface that comes into contact with milk shall be accessible for the purpose of washing and disinfection; and
- (d) shall not be used for any other purpose except the handling of milk.

A milking machine shall –

- (a) be manufactured in such a way that the vacuum pipe of the machine can be drained to remove all the moisture;
- (b) be equipped with a device rendering visible the milk flow from each milk animal; and
- (c) comply *mutatis mutandis* with subsection (1)(a), (b) and (c).

(3) A bulk farm tank shall -

- (a) have a drainage incline leading directly to the outlet point;
- (b) be fitted with an outlet pipe manufactured and fitted in such a way that all liquid can drain out of such tank, and the end of such outlet pipe shall be screw-threaded and fitted with a screw-on cap permitting such end to be shut off;
- (c) be fitted with a stirring mechanism capable, within five minutes of being put into operation, of mixing milk in such tank;
- (d) be fitted with a thermometer capable of measuring the temperature of the milk in such tank accurately to the nearest 2°C;
- (e) be equipped to cool the milk in such tank to 5°C or a lower temperature within three hours, and of keeping such cooled milk at a temperature of between 1°C and 5°C;

- (f) be installed at a minimum distance of 0,5 metres from any roof, ceiling or wall;
 - (g) be insulated in such a way that when no cooling takes place, the temperature of the milk in such tank shall not increase by more than 3oC in 12 hours if the surrounding temperature is 32oC;
 - (h) comply *mutatis mutandis* with subsection (1)(a), (b) and (c).
- (4) The tank of a milk tanker shall -
 - (a) be installed in such a way that it has an incline leading to the outlet pipe so that the total contents of such tank can drain out of the tank through the outlet pipe while the vehicle itself is in a horizontal position;
 - (b) be insulated in such a way that the temperature of the milk in such tank shall not increase by more than 2oC every 48 hours; and
 - (c) have at least one opening fitted with a dust-proof lid through which the inside of such tank can be inspected and shall be equipped so that all surfaces that come into contact with milk may be washed and disinfected as prescribed in subsection (6);
 - (d) comply *mutatis mutandis* with subsection (1)(a), (b) and (c).
- (5) All apparatus used for heat treatment of milk, shall be fitted with dial thermometers and thermostats accurate to 0,5oC in respect of the entire given series of scales and, in addition to mechanical temperature and time regulators, such apparatus shall have flow-regulating and flow-averting valves by which milk not subject to heat treatment is automatically redirected to the balance tank.
- (6) Milk containers and other fixed and unfixed apparatus and equipment shall be so washed and disinfected after use that they are clean, that fats and milk residues are dissolved and removed and that the bacteriological count on

surfaces coming into contact with milk does not exceed 10 bacteria per 100 mm² of such surfaces after disinfection.

Milk

10. (1) The first milk from every teat shall be taken as a sample to be tested and shall be disposed of after testing and if such testing reveals any signs of an abnormality in the milk, the milk of the animal concerned shall be kept separate and shall not be mixed with other milk nor used for human consumption.
- (2) Milk obtained from dairy stock during the first seven days following parturition (post-partum) shall not be added to milk destined for human consumption.
- (3) Milk shall not be transferred from one milk container to another by means of a third container.
- (4) Milk shall be protected from direct sunlight.
- (5) Milk shall be transferred to the milkroom immediately after the stock have been milked.
- (6) Except when milk is being pasteurised or is undergoing some other heat treatment process, the milk shall, within three hours of being received in the milk room, be cooled to a temperature of 50C or lower, but above freezing-point, and kept at the temperature until it is removed from the milking

Dairy stock

11. (1) Every milk animal shall be marked with a distinguishing and indelible mark by which such an animal can be identified.
- (2) A register shall be kept of each separate milk animal's diseases each withdrawal from the dairy herd, each return to the dairy herd for milking purposes and all veterinary examinations and veterinary treatment with the name of the veterinary surgeon if a veterinary surgeon was involved in such examinations or treatments.

- (3) Each individual milk animal shall be examined by a veterinary surgeon at least once in every two-year cycle and a report shall be obtained from the veterinary surgeon.
- (4) The milk of any milk animal that is or appears to be ill shall not be made available for human consumption until such time as the holder has made sure that that animal is not suffering from a disease mentioned in subsection (5).
- (5) The milk of dairy stock that suffer or presumably suffer from mastitis, induration of the udder, a secretion of bloody or ropy milk or milk otherwise abnormal, tuberculosis, salmonellosis, acute fever (with the inclusion of anthrax, anaplasmosis, redwater, ephemeral fever and lumpy skin disease, septic metritis, septic multiple mange, serious tick infection or brucellosis, or that have any open or septic wounds which may contaminate milk, milk containers, or apparatus or equipment or people who work with the milk animals, shall not be made available or used for human consumption unless steps have been taken to the satisfaction of the council to eliminate such health hazard.
- (6) If lubricants are used in the milking process on teats of dairy stock, such lubricants shall be kept in containers that are free of foreign matter and dirt, and such containers when not in use shall be covered with tight-fitting lids.
- (7) All flanks, udders, bellies and tails of dairy stock shall before the milking process be free of visible dirt and if a flank, udder, belly or tail is washed it shall be dried with a clean towel.

Milkers and handlers of milk

12. (1) The hands and fingernails of every milker or handler of milk shall be washed thoroughly with soap and water, and there shall be no accretion of grime under the nails when milk is handled.
- (2) Each person handling milk, shall daily before the commencement of his activities don clean and undamaged over-clothes and gumboots and wear them continuously while he is handling milk.

- (3) No person who suffers from a communicable disease or who has an open sore or abscess on his arms, hands, head or neck shall handle milk.

CHAPTER IV

TRANSPORT OF MILK

Duties of the driver of a vehicle

13. If milk that is not already packed in its final retail packaging is loaded on a vehicle at a milking shed for transport to a further distribution point or processing point, the driver of such vehicle shall -
- (a) before any milk is loaded on such vehicle -
 - (i) carry out an alizarol test (68 percent alcohol) on a sample of the milk to be loaded, which sample shall be taken by himself or under this direct supervision from the milk container from which such milk is to be loaded; and
 - (ii) take the temperature of the milk in the bulk form tank and, if the alizarol test is positive, or if the temperature of such milk in the bulk form tank exceeds 50C, not accept such milk for transport;
 - (b) ensure that a milk tanker or milk container is so cleaned and disinfected as soon as all the milk has been unloaded therefrom that the bacteriological count on the surfaces coming into contact with milk does not exceed 10 bacteria per 100mm² of such surfaces after disinfection; and
 - (c) take a sample of milk at every milking shed where milk is loaded and mark such sample with a mark by which the milking shed concerned can be identified and keep that sample separate in a container so that the temperature of the sample does not exceed 50C at its final destination.

GENERAL PROVISIONS

Exemption

14. (1) The council may exempt in writing any person from compliance with some of these by-laws if in the opinion of the council, such non-compliance neither does nor will create a nuisance.
- (2) Such an exemption shall be subject to the conditions and valid for the period determined and stated in the said document by the council.

Appeal

15. (1) Any person who is of the opinion that an injustice has been done to him by a decision of the council made in terms of these by-laws may appeal to the Minister against such a decision.
- (2) Such an appeal shall be lodged within 42 days by the delivery to the council concerned, for submission to the Minister, of a notice in which the grounds for the appeal are stated clearly and concisely.
- (3) The local authority shall, within 14 days of receipt of the said notice, send a copy of -
 - (a) the said notice;
 - (b) a written statement setting out its reasons for the decision being appealed against; and
 - (c) the report and recommendation of the inspector considered by the council in making the decision being appealed against;
 - (d) to the Minister, and copies of the said statement and report to the appellant.
- (4) The appellant may, within 14 days of receipt of the copies of the said statement and report, submit to the Minister a written representation thereanent.
- (5) The Minister shall, upon receipt of the appellant's representation if the appellant submit a representation, consider the appeal subject to the notice, statement, report, recommendation and representation, so submitted to him and he may confirm, change or substitute for the

decision of the local authority being appealed against another decision which is his opinion should have been made by the local authority, and order the local authority to do what is necessary to carry out his decision.

- (6) The Director-General shall in writing inform the appellant and the council of the outcome of the appeal.
- (7) The commencement of the decision of the council being appealed against, shall be postponed from the date on which the notice referred to in subsection (2) is delivered to the date on which the appeal is withdrawn or is finalised by the Minister.

Penalties

- 16. Any person contravening or failing to comply with any provision of these by-law shall be guilty of an offence and liable, on conviction, to a fine not exceeding R2000-00 or in default of payment, to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

Short title and commencement

- 17. These by-laws shall be called by-laws regulating to milking sheds and the transport of milk and shall come into effect after being published in the Provincial Gazette.

MUNICIPAL MANAGER:

MR S MAKHUBELA

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LOCAL AUTHORITY NOTICE 172
GREATER GIYANI MUNICIPALITY

ABATTOIR BY-LAWS

It is hereby notified in accordance with section 13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) that the Greater Giyani Municipal Council hereby publishes the Abattoir By-laws as set-out herebelow:

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1. Definitions

In these by-laws, unless the context otherwise indicates:-

"abattoir" means a place where animals are slaughtered or are intended to be slaughtered, and includes all facilities which normally appertain or are attached to such a place, whether or not such facilities are situated at the same place as such place;

"Act" means the Abattoir Hygiene Act, 1992 (Act 121 of 1992) and the regulations published thereunder as amended from time to time;

"animal" means any animal of a prescribed kind;

"animal product" means any portion of an animal excluding the meat thereof, whether or not it is intended to be converted by treatment or processing into articles in daily use;

"approved abattoir" means an abattoir in respect of which a certificate of approval has been issued in terms of section 5;

"Council" means the Greater Giyani Municipality and any officer to whom the Council has delegated the powers, functions and duties vesting in the Council in relation to these by-laws

"infected" means suffering from, or in the incubation stage of, or contaminated with the infection of, any contagious or infectious disease;

"meat" means those portions of any animal which are ordinarily intended for human or animal consumption;

"meat inspector" means any person who holds the prescribed qualifications;

"Minister" means the Minister of Agriculture;

"officer" means an officer employed by the Council or any person contracted by the Council for purposes of these by-laws;

"owner" in relation to an abattoir, means the person in whom the ownership of the abattoir is vested or, in the case of any abattoir in respect of which the right of general control is vested in a person other than the person in whom the ownership is vested, that other person;

"prescribe" means prescribed by these by-laws;

"slaughter" in relation to an animal, means kill, skin and perform the usual accompanying acts with the intention of using the meat of the animal for consumption by human beings or animals;

"veterinarian" means a veterinarian as defined in section 1 of the Veterinary and Para-Veterinary Professions Act, 1982 (act 19 of 1982).

2.. Application

- (1) These by-laws are in accordance with the provisions of the Act and the Regulations and any expression not defined in these by-laws but defined in the Act or the Regulations shall have the meaning assigned to it therein. In the event of any conflict between these by-laws and the Act or the Regulations the latter shall prevail.
- (2) If the Council does not have the services of a veterinarian at its disposal for any reason may use the services of an inspector from another agricultural authority or in private practice to exercise or execute the powers or duties of an inspector referred to in these bylaws.

3. Prohibition of slaughter of animals at places other than approved abattoirs.

- (1) No person shall:-
 - (a) slaughter any animal at any place other than an approved abattoir.
 - (b) permit the slaughter of any animal at any place under his control, unless such place is an approved abattoir.
- (2) The Council may exempt all persons belonging to a particular category from the provisions of subsection (1), subject to such conditions as may be prescribed.

4. Erection of abattoirs

- (1) Any person who wishes:-

- (a) to erect an abattoir;
- (b) to alter the outlay of any place which has before or after the commencement of these by-laws been designed and erected as an abattoir but in respect of which no approval contemplated in section 5 exists;
- (c) to demolish or substantially alter any building, structure or permanent equipment forming part of a place referred to in paragraph (b) in respect of which no such approval exists;
- (d) to erect any building or structure or install any permanent equipment at any place referred to in paragraph (b) in respect of which no such approval exists;

and who intends to make application for an approval in terms of section 5, shall, before commencing with such erection, alteration, demolition or installation, submit to the Council for approval design drawings, plans or sketches which have been drawn up in conformity with the prescribed requirements.

- (2) The Council shall not approve any design, drawing, sketch or plan submitted to it in terms of subsection (1) unless it is satisfied that, if the erection, alteration, demolition or installation is carried out in accordance with the design drawing, sketch or plan, or in compliance with any condition which the Council may deem fit to impose when it considers the application for the approval of the design drawing, sketch or plan, the place in question will be fit to be approved as an abattoir in terms of these by-laws.
- (3) An application for the approval of a design drawing, sketch or plan referred to in subsection (2) shall:-
 - (a) be made in the prescribed manner;
 - (b) be submitted to the Council; and
 - (c) be accompanied by the prescribed fee.

5. Applications for approval of abattoirs

- (1) An application for the approval of any place as an abattoir shall be submitted to the Council in the prescribed manner and shall be accompanied by the prescribed fee.
- (2) The Council shall, if satisfied that the place to which an application referred to in subsection (1) relates, has been erected or has been altered, or that the demolition, alteration, installation or erection of any building, structure or permanent equipment at such place, has been carried out in accordance with the design drawing, sketch or plan approved in terms of section 4, approve the abattoir, and shall issue a certificate of approval subject to such conditions as may be stated in the certificate.
- (3) The person to whom a certificate referred to in subsection (2) has been issued, shall deal with such certificate in the prescribed manner.
- (4) A certificate of approval issued in respect of an abattoir under section 4 of the **Animal Slaughter, Meat and Animal Products Hygiene Act, 1967 (Act 87 of 1967)**, and which is in force immediately prior to the commencement of this section, shall be deemed to be a certificate of approval issued under subsection (2) in respect of that abattoir.

6. Withdrawal and lapse of approval of abattoirs

- (1) Subject to subsection 2, the Council may withdraw the approval granted under section 5 (2) in respect of any abattoir if it is satisfied that:-
 - (a) the outlay of an approved abattoir has been altered, or that any building, structure, or fixed equipment erected or installed at such abattoir, has been demolished, removed or substantially altered;
 - (b) the abattoir in question no longer complies with any condition subject to which the approval was granted in terms of section 5 (2); or

- (c) the abattoir is not operated in the prescribed manner.
- (2) The Council shall not withdraw the approval of an abattoir unless it has informed the owner of the abattoir of its intention to do so, and of the grounds upon which its intention is based, and unless it has afforded the owner of the abattoir a reasonable opportunity to state its case or to rectify any matter with regard to the abattoir indicated by the Council.
- (3) The approval granted in terms of section 5 (2) in respect of an abattoir shall lapse:-
 - (a) when the person to whom the approval was granted ceased to be the owner of the abattoir;
 - (b) if the owner of the abattoir has informed the Council of his/ her intention to discontinue all activities relating to the slaughter of animals, with effect from the date following the date upon which such activities are discontinued.
- (4) If the owner of an approved abattoir disposes of the abattoir, or discontinues all activities with regard to the slaughtering of animals at such abattoir with the intention not to resume such activities, he shall as soon as possible after such disposal or discontinuance notify the Council of the fact and shall return the certificate of approval to the Council.

7. Veterinarians and meat inspectors to be employed at approved abattoirs.

- (1) The owner of an approved abattoir shall, unless such abattoir is one in respect of which exemption has been granted in terms of subsection (3), employ in respect of that abattoir a veterinarian who has been designated by the Council in respect of that abattoir, as well as a meat inspector who has been so designated.
- (2) The Council may at any time, without furnishing reasons, withdraw any such designation under subsection (1).

- (3)
 - (a) The Council grant exemption from the provisions of subsection (1), subject to such conditions as it may determine from time to time.
 - (b) The Council may on application in the prescribed manner grant to any person exemption from the provisions of subsection (1), subject to such conditions as may be set out in the document containing such exemption.
 - (4) The veterinarian and meat inspector referred to in subsection (1) shall in respect of that abattoir exercise and carry out the powers and duties of a veterinarian and a meat inspector with regard to the inspection of animals intended to be slaughtered at that abattoir, the inspection of the meat and animal products derived from animals slaughtered at the abattoir, the granting of approval for the removal from the abattoir of meat intended for human consumption, and deal with any matter at such abattoir which requires the attention and expertise of a veterinarian or meat inspector.
 - (5) The veterinarian appointed and designated in respect of any approved abattoir in terms of subsection (1) may amend or withdraw or substitute his own decision for any decision of a meat inspector designated and appointed in terms of that subsection in respect of that abattoir given with regard to animals intended to be slaughtered at that abattoir, the inspection of the meat and animal products derived from animals slaughtered at the abattoir, the granting of approval for the removal from that abattoir of any meat which is intended for human consumption, any direction with regard to the manner in which meat which has been found to be unfit for human consumption shall be dealt with or any other decision which such veterinarian is in terms of these by-laws authorised to give, unless the person who is by virtue of such decision obliged or competent to perform any act has commenced with the performance of such act, in which case the decision of the meat inspector may be amended, withdrawn or substituted only with the consent of such person, unless such amendment, withdrawal or substitution is to the benefit of such person.

8. Prohibition of slaughter of animals at approved abattoirs unless inspected and approved.

- (1) No person shall slaughter or permit the slaughter of any animal at an approved abattoir unless the animal has been inspected by a veterinarian or meat inspector and has been passed as fit for slaughter purposes.
- (2) The Council may on application in the prescribed manner, grant to any person exemption from the provisions of subsection (1), subject to such conditions as may be set out in the writing containing such exemption.

9. Prohibitions of removal of meat of animals slaughtered at approved abattoir unless meat has been inspected and approved

- (1) No person shall remove from any approved abattoir any meat of any animal slaughtered at such abattoir unless the meat has been inspected by a veterinarian or meat inspector and has been approved by him as fit for human consumption and unless it has been marked in the prescribed manner.
- (2) The director may on application in the prescribed manner, grant to any person exemption from the provisions of subsection (1), subject to such conditions as may be set out in the writing containing such exemption.

10. Prohibition of removal of animal products from approved abattoirs.

No person shall remove any animal product derived from any animal slaughtered at an approved abattoir from that abattoir unless such product has been inspected by a veterinarian or meat inspector and it has been found that the animal product is not infected.

11. Detention or making of or other steps to be taken in respect of certain animals, meat of animal products.

Any animal, meat of animal product which, when inspected in terms of section 9, 10 or 11, has been found not to be fit for slaughter purposes or for human consumption, or has been found to be infected, shall in the prescribed manner be detained, marked, destroyed or dealt with.

12. Permissible methods and procedures for slaughter of animals

- (1) (a) No person shall slaughter an animal at an approved abattoir otherwise than in a human manner and in accordance with the applicable prescribed methods and procedures.
- (b) Notwithstanding the provisions of paragraph (a), the Council may, on application made in the prescribed manner, grant exemption in writing from the provisions of that paragraph to the extent and subject to such conditions as it may determine and set out in the written exemption concerned.
- (2) The owner of an approved abattoir shall:-
 - (a) apply the prescribed hygienic practices when an animal is slaughtered in accordance with the provisions of subsection (1); and
 - (b) provide the prescribed means necessary for the application of such practices, and ensure that such means are utilised for that purpose.

13. Restriction on transportation of fresh meat.

- (1) (a) No person shall transport any fresh meat within the area of the Council except on the authority of transport permit issued by the Council or any relevant authority.
- (b) For the purposes of this section "fresh meat" means meat which has not undergone any processing except dressing, deboning, cooling or freezing.
- (c) The provisions of paragraph (1) shall not apply to fresh meat transported for a prescribed purpose or if the consignment in question does not exceed the prescribed mass.

- (2) An application for a transport permit referred to in subsection (1) (a) shall be made in the prescribed manner and shall be accompanied by the prescribed fee.
- (3) A transport permit referred to in subsection (1) (a) shall be issued only in respect of fresh meat derived from animals slaughtered at an abattoir which has for the purposes of the transportation of fresh meat been approved by the Council.
- (4) A transport permit referred to in subsection (1) (a) shall be issued subject to such conditions as the Council may determine and set out in the certificate concerned.
- (5) (a) Fresh meat transported contrary to the provisions of subsection (1) or in conflict with a condition determined under subsection (4) shall be forfeited to the Council and the Council may dispose of it at its discretion:-

(b) The Council may recover any expenses incurred in connection with the disposal referred to in paragraph (a) from the person concerned.

14. Protective transport to be provided for transport of live stock and carcasses

- (1) No person shall transport animals for purposes of slaughter or any other purpose otherwise than in a protective transport and in accordance with the applicable procedures.
- (2) A person transporting carcasses to and from an abattoir shall do so in a covered transport or any other manner that will not expose such carcasses to the public.

15. Powers of entry and investigation

- (1) (a) Any officer or person acting under a delegation, assignment or direction of the Council may, whenever he deems it necessary in the exercise of carrying out by him of any power or duty conferred or

imposed upon the Council in terms of these by-laws, enter at any reasonable time and without prior notice upon any place, premises or conveyance.

- (b) The provisions of paragraph (a) shall apply *mutatis mutandis* to a veterinarian or a meat inspector in so far as they relate to the exercising of a power and the carrying out of a duty at or in connection with the abattoir in respect of which such veterinarian or meat inspector has been appointed and designed in terms of these by-laws.
 - (c) Any person who enters upon any place, premises or conveyance in terms of this subsection shall show proof of his identity and authority when requested thereto by the person in charge of the place, premises or conveyance concerned.
- (2) A person entering upon a place, premises or conveyance in terms of the power conferred under subsection (1) may:-
- (a) take with him such assistants, appliances, instruments, tools or other things as he may deem necessary for the purposes of this subsection;
 - (b) demand from the owner or person in charge of the place, premises or conveyance concerned, all reasonable assistance which such person may deem necessary in order to enable him to exercise his powers and perform his duties in connection with that place, premises or conveyance;
 - (c) examine or cause to be examined any animal, meat, animal product or other article in respect of which these by-laws applies and that was in fact or is suspected of having been slaughtered, dressed, treated, prepared, graded, classified, packed, marked, labelled, kept, removed, transported, exhibited or sold there;
 - (d) inspect the operations or processes in connection with any action referred to in paragraph (c), and demand from the owner or custodian of the animal, meat, animal product or other article concerned, or from

the person supervising such operations or processes, any information or an explanation regarding the operation, process, animal, meat, animal product or other article concerned: Provided that such information or explanation shall only be admissible as evidence in a court of law against such owner, custodian or person on a charge referred to in section 20 (1) (g);

- (e) take such samples of the animal, meat, animal product or other article concerned as he may deem necessary, and for such purpose open any container in which that meat, animal product or other article is contained, and test, examine or analyse such sample or cause it to be tested, examined or analysed;
- (f) examine and make copies of or take extracts from any book or document in respect of which he on reasonable grounds suspects that it relates to such animal, meat, animal product or other article, irrespective of whether or not it is kept on or at the place, premises or conveyance concerned or any other place, and demand from the owner or custodian of that book or document an explanation regarding any record or entry therein: Provided that such explanation shall be admissible in evidence in a court of law against that owner or person only on a charge referred to in section 20 (1) (g).

16. Seizures

- (1) A person referred to in section 15 (1) may at any reasonable time and in any manner deemed fit by him, without prior notice to any person, seize any animal, meat, animal product or other article, or any book or document which:-
 - (a) is connected or is on reasonable grounds believed by him to be connected with the commission or suspected commission of any offence under these by-laws;
 - (b) may afford evidence of the commission or suspected commission of any such offence; or

- (c) is intended or is on reasonable grounds suspected by him to be intended to be used in the commission of any such offence.

(2) The person concerned:-

- (a) may remove anything thus seized, from the place, premises or conveyance where he has seized it, or leave it thereon and, if he deems it necessary, attach any identification mark or seal thereto, or to the container thereof; and
- (b) shall notify a police officer as defined in section 1 (1) of the Criminal Procedure Act, 1977, (Act 51 of 1977), forthwith, for the purposes of a prosecution under these by-laws, of such seizure.

- (3) Anything thus seized, shall be disposed of in accordance with the applicable provisions referred to in Chapter 2 of the Criminal Procedure Act, 1977: Provided that in the case of meat that is unfit for human consumption, or an animal product that is infected, the Council may direct that such meat or animal product be forfeited to the Council to be destroyed.

17. Directives

- (1) If a person referred to in section 15 (1) is of the opinion that:-

- (a) any approved abattoir or any part thereof or an appliance therein is in a dirty or unhygienic condition, or needs renovation, repair or alteration or does not in all respects comply with any requirement of these by-laws;
- (b) any water supplied to, used or suspected of being used for the purposes of such abattoir or in connection therewith, is impure, unhygienic or not fit for this purpose;
- (c) a conveyance which is used or apparently being used to convey or remove meat or any animal product from such abattoir is in a dirty or unhygienic condition, or requires renovation, repair or alteration;

- (d) any person at such abattoir is infected with disease or is dirty, or behaves in any manner detrimental to the maintenance of hygiene;
- (e) any person who performs or omits to perform any act at such abattoir which may defeat the achievement of the object of these by-laws, he may:-
 - (i) direct the owner of such abattoir in writing to forthwith clean, disinfect or bring such abattoir, portion thereof or appliance therein into a hygiene condition, or to renovate, repair or alter it or to ensure that it complies in all respects with the requirements of these by-laws;
 - (ii) direct the owner of such abattoir in writing to discontinue the use of such water until it is in all respects fit to be used;
 - (iii) direct the owner of such abattoir in writing to clean, disinfect or bring such conveyance into a hygienic condition or to renovate, repair or alter it;
 - (iv) direct such person in writing to leave such abattoir at once and remain absent until his return thereto is authorised by a person referred to in section 15 (1);
 - (v) direct such person in writing to cease to perform such action or to perform it.

- (2) A copy of each directive referred to in subsection (1) shall be filed in the records of the Council.

18. Secrecy

No person shall disclose any information acquired by him through the exercising of his powers or the performing of his duties in terms of these by-laws, except:-

- (a) as far as it is necessary for the proper application of the provisions of these by-laws;
- (b) for the purposes of any legal proceedings under these by-laws;
- (c) when required to do so by any competent court; or
- (d) if he is authorised thereto by the Council.

19. Offences and penalties

- (1) Any person who is convicted of an offence under this Act shall:-
 - (a) in the case of a first conviction of an offence, be liable to a fine not exceeding R8 000 or to imprisonment for a period not exceeding six months or to both that fine and that imprisonment;
 - (b) in the case of a second or subsequent conviction of an offence mentioned in paragraph (a), whether it be the same or some other offence mentioned in that paragraph, be liable to a fine not exceeding R16 000 or to imprisonment for a period not exceeding four years or to both that fine and that imprisonment;
- (2) Notwithstanding anything to the contrary in any other law contained, a magistrate's court shall be competent to impose any penalty provided for in these by-laws.

20. Vicarious liability

- (1) When a manager, representative, agent, employee or member of the family of a person (in this section referred to as the principal) performs or omits to perform any act, and it would be an offence under these by-laws for the principal to perform or omit to perform such act himself, that principal shall be deemed himself to have performed or omitted to perform the act, unless he satisfies the court that:-
 - (a) he neither connived at nor permitted the act or omission by the manager, representative, agent, employee or member concerned;

- (b) he took all reasonable steps to prevent the act or omission; and
 - (c) an act or omission, whether lawful or unlawful, of the nature charged, on no condition or under no circumstance came within the scope of the authority or employment of the manager, representative, agent, employee or member concerned.
- (2) In the application of subsection (1) (b) the fact that such principal issued instructions whereby an act or omission of that nature is prohibited, shall not in itself be regarded as sufficient proof that he took all reasonable steps to prevent the act or omission.
 - (3) When a principal is by virtue of subsection (1) liable for an act or omission by a manager, representative, agent, employee or member of his family, that manager, representative, agent, employee or member shall be liable therefore as if he is the principal concerned.
 - (4) Subsection (3) shall not release a manager, representative, agent, employee or member contemplated in that subsection from any other liability which he may have incurred apart from the liability which he shares with the principal concerned.

21. Repeal

- (1) Any law applicable in the jurisdiction of the municipality and which relates to abattoirs is repealed to the extent that it conflicts with these by-laws.
- (2) Repeal is effective from the promulgation of these by-laws.

22. Short title and commencement

These by-laws shall be called Abattoir By-laws and shall come into effect after being published in the Provincial Gazette.

MUNICIPAL MANAGER:

MR S. MAKHUBELA

GREATER GIYANI MUNICIPAL OFFICES

MAIN ROAD TO GOVERNMENT OFFICES

OPPOSITE KHENSANI HOSPITAL

PRIVATE BAG X 9559

GIYANI

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TEL: 015-812 3707

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LOCAL AUTHORITY NOTICE 173

GREATER GIYANI MUNICIPALITY**BY-LAWS RELATING TO DOGS**

It is hereby notified in accordance with section 13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) that the Greater Giyani Municipal Council hereby publishes the By-laws relating to Dogs as setout below:

INDEX**Section**

1. Definitions
2. Liability of tax
3. Person liable for tax
4. Exemption from payment of tax
5. Application to pay tax
6. Duplicate tax receipt
7. Transfer of tax receipt
8. Tax receipt to be produced for inspection
9. Impounding of dogs
10. Unclaimed dogs may be sold or destroyed
11. Collar of dog not be illegally used or removed
12. Certain dogs not allowed in public places
13. Dogs not to be incited
14. Dogs causing nuisance
15. Destruction of dogs
16. Number of dogs on premises
17. Control of dogs in public places
18. Entering of premises
19. Dog kennels
20. Establishment and leasing of dog pound
22. Penalties

Definitions

1. In these by-laws, unless the context indicates otherwise:-

"Council" means the Greater Giyani Municipal Council;

"dog" means both a male and a female dog;

"driving fees" means the fees payable when a dog has been seized and transported to the pound by an authorised officer of the council in terms of these by-laws;

"kennel" means any premises contemplated in item 18 (2) (a), (b) and (c) of Schedule 1 of the Licenses Ordinance, 1974;

"Owner" in relation to a dog includes any person who keeps or has in his possession or charge a dog excluding:-

- (a) a person contemplated in paragraph (2) (c) and (d) of item 18 of Schedule 1 to the Licenses Ordinance, 1974
- (b) a veterinary surgeon in respect of a dog left in his care for treatment;
- (c) a society for the prevention of cruelty to and the advancement of the welfare of animals registered as such in terms of the societies for the prevention of cruelty to Animals Act 169 of 1993.

"poundmaster" means a person in charge of a pound;

"tax" means the tax levied in the appropriate schedule to these by-laws;

"tax receipt" means a receipt issued by the Council as proof that tax has been paid;

"year" means a period of twelve months ending 24h00 on 31 December.

Liability For Tax

- (1) The owner shall pay the tax as determined in the appropriate schedule to these by-laws in respect of each dog which is six months old or older.
- (2) No owner may keep a dog which is six months old or older within the municipality unless such dog has been registered at the municipal offices and a tax receipt for such dog has been obtained.
- (3) In any legal proceedings instituted in terms of these by-laws against any person for not paying the tax prescribed in terms of sub-section (1), such dog shall be deemed to be six months old or older unless the contrary is proved.

Person Liable For Tax

3. For the purposes of these by-laws any person who keeps a dog within whose premises any dog is found or seen, shall be deemed to be the owner of such dog until the contrary shall have been proved.

Exemption From Payment Of Tax

4. The following owners shall be exempted from the payment of tax as contemplated in section 2:
 - (1) Any person residing outside the municipality:-
 - (a) who brings a dog into the municipality for a period not exceeding 30 days;
 - (b) who brings a dog into the municipality for treatment or boarding at a veterinary surgeon or a kennel: Provided that such dog shall be removed from the municipality immediately after such treatment or boarding: Provided further that the owner of such dog shall be in

possession of a license issued by the authority within whose jurisdiction such dog is normally kept.

- (2) A blind person using a dog as a guide or lead dog.

Application To Pay Tax

5. (1) Every person applying for a dog tax receipt shall furnish his full name and address as well as particulars with regard to the breed and sex of the dog.
- (2) The tax payable in terms of section 2 is levied annually and is payable:-
 - (a) on or before 31 January of each year in respect of each dog which has attained the age as determined in section 2 (1); or
 - (b) within 30 days after attaining such age in respect of each dog attaining such age after 31 January: Provided that in any case where a dog attains the age of six months after 30 June of the year concerned, only half the tax as prescribed in the appropriate schedule to these by-laws shall be payable.
- (3) Should tax due not be paid, interest as determined by the Council may be levied: Provided that such interest shall not exceed the tax due.

Application for tax may be refused when an application for the registration of dogs that are known to be vicious and may pose a danger to the public.

Duplicate Tax Receipt

6. Any person may obtain a duplicate tax receipt issued in terms of section 2 upon payment of the relevant charges as determined by the Council.

Transfer of Tax Receipt

7. Where the ownership in a dog is transferred to someone else, the transferee shall, after payment to the Council of the charges prescribed in the appropriate schedule to these by-laws, cause such transfer, together with his name and address, to be endorsed on the tax receipt or on the duplicate thereof.

Tax Receipt To Be Produced For Inspection

8. The owner shall produce the tax receipt for inspection to any authorised officer when reasonably requested to do so.

Impounding of Dogs

9. (1) Any authorised officer may seize and impound any dog:-
- (a) which he reasonably believes to be ownerless; or
 - (b) in respect of which he reasonably believes that the tax due in terms of these by-laws has not been paid.
- (2) Any person may seize and impound any dog found trespassing on property of which he is the owner or occupier and:-
- (a) which he reasonably believes to be ownerless; or
 - (b) in respect of which he reasonably believes that the tax due in terms of these by-laws has not been paid.
- (3) Notwithstanding the provisions of subsection (1) and (2) no person shall seize or impound:-

- (a) any dog if he reasonably believes that such dog is exempted from tax in terms of section 4;
 - (b) any bitch rearing unweaned young, unless such bitch and unweaned young are impounded together; or
 - (c) any diseased dog in respect of which the provisions of the Animal Diseases Act, 1984 as amended, apply.
- (4) Any person who has seized a dog in terms of this section shall ensure that such dog is not ill treated in any manner.
 - (5) Any person who has seized a dog in terms of this section shall forthwith cause such dog to be impounded.
 - (6) No person shall set free any dog that has been seized, is being kept in custody or has been impounded in terms of this section.
 - (7) Subject to any provisions to the contrary in these by-laws contained, any dog impounded shall be kept in the pound until the person claiming such dog produces to the poundmaster a tax receipt in respect thereof, and shall have paid to the poundmaster the charges prescribed in the appropriate schedule hereto.
 - (8) Where the name and address of a person appears on the collar of any dog impounded, the poundmaster shall forthwith give notice to such person that such dog has been impounded. A written notice addressed to the address appearing on the collar shall be deemed to be sufficient notice.

Unclaimed Dogs May Be Sold Or Destroyed

- 10. (1) Where an impounded dog is not claimed by any person entitled thereto within five days after it was impounded, an authorised officer may cause the dog to be sold or destroyed.

- (2) If the officer responsible for the pound is of the opinion that an impounded dog is so ill, or seriously injured or in such a physical condition that it would be inhuman to keep it alive, he may have it destroyed.

Dog's Collar Not To Be Unlawfully Used Or Removed

11. (1) The owner of every dog aged six months or older, shall provide it with a collar bearing a clear impression of the name and address of such owner.
- (2) No person shall unlawfully use or destroy the collar of a dog or remove it from the neck of the dog.

Certain Dogs Not Allowed In Public Places

12. (1) Subject to provisions to the contrary in these by-laws or any other law, no person shall bring or allow in a public place any dog that:-
- (a) is wild, dangerous or ferocious; or
 - (b) is in the habit of charging or chasing people, vehicles, animals, fowls or birds outside the premises where such dog is kept; or
 - (c) causes damage to any person or property; or
 - (d) is a bitch on heat.
- (2) Any authorised officer may impound a dog such as that described in subsection (1).

Dogs Not To Be Incited

13. No person shall, without reasonable cause:-
- (a) set any dog on any person, animal or bird; or

- (b) permit any dog under his supervision or in his custody to attack or terrify any person, animal or bird.

Dogs Causing Disturbance

14. No person shall keep a dog that:-

- (a) creates a disturbance or nuisance; or
- (b) suffers from a contagious disease, excluding a veterinary surgeon who keeps such dog in a clinic for treatment.

Destruction Of Dogs

15. (1) The Council may, subject to the provisions of section 10, order the destruction of a dog:-

- (a) where it appears that such dog is of the type described in section 12 (1)(a), (b) and (c) and that the person claiming such dog is not entitled to its return in terms of section 9(7), or
- (b) where such dog is found at large in any public place and appears to be ownerless;
- (c) where such dog is found at large in public place and the owner refuses or fails to pay the tax due in terms of these by-laws in respect of such dog; or
- (d) where such dog is in such a state of injury that it would, in the opinion of the Council, be humane to do so.

Number Of Dogs On Premises

16. No person shall keep more than three dogs on his premises unless a permission shall have been obtained from the Council to keep more dogs on good cause shown.

Control Of Dogs In Public Places

17. (1) No person shall allow any dog in a public place unless the owner or another person keeps such dog on a leash.
- (2) An authorised officer may impound any dog found wandering at large and uncontrolled in a public place.
- (3) Except in the event of a blind person being lead by a guide dog, any person in charge of a dog in a public place, shall remove any faeces left by such dog.

"Beware of dogs" sign

18. (1) Every person who keeps a vicious dog on his premises shall place on the gate of the premises a "Beware of dogs" sign.
- (2) Vicious animals shall always be bound or chained or kept at places where they do not pose a change to the public or municipal servants.

Entering Upon Premises

19. An authorised officer may for any purpose connected with the application of these by-laws:-
- (a) at a reasonable time and without notice, enter upon any premises, accompanied, if he deems it necessary, by an interpreter or other assistant with a view to:-
- (i) carrying out any examination, inspection or enquiry as he may deem necessary; or
- (ii) exercising any other power in terms of these by-laws and he may for that purpose take any necessary appliance with him onto the premises.
- (b) call upon the owner of a dog to render such assistance or to furnish information, including his full name and address, as such officer may reasonably require.

Kennels

20. Subject to the provisions of any other law, no person may establish, manage or keep any kennels or a pets' boarding establishment as defined in item 18(2)(a), (b) and (c) of Schedule 1 of the Licence Ordinance, 1974 in any residential area or in any area that has been classified in terms of an approved town planning scheme for residential usage, or within 500 metres thereof.

Establishment And Lease Of Dog Pound

21. (1) The Council may for the purposes of these by-laws establish a dog and lease such pound to any person or body on the terms and conditions deemed fit by the Council.
- (2) If a pound is leased to any person or body:-
- (a) the powers and duties set forth in section 9, 10 and 15 shall be deemed to have been delegated to such person or body or to any authorised official in the employ of such person or body, as the case may be, and the provisions of the said sections shall *mutatis mutandis* apply;
 - (b) such person or body shall accept in the pound any dog seized in terms of section 9 or 17 (2) for the purpose of impounding it and shall thereafter dispose thereof in accordance with these by-laws.
 - (c) Such person or body shall be entitled to any fees payable in terms of these by-laws for an impounded dog and to any amount derived from the sale of an impounded dog in terms of section 10 (1).

Duties Of Poundmaster

22. The Poundmaster:-
- (a) keeps the pound open between 08h00 during every day of the week;

- (b) receives any dog brought to the pound in terms of these by-laws during the hours when the pound is open and shall, subject to the provisions of these by-laws, keep such dog in the pound: Provided that the poundmaster may refuse to receive a dog any may release any dog if he at any time has reason to believe that such dog was not lawfully seized or impounded.
- (c) Keeps a register in which the following particulars in respect of every impounded dog are recorded:
 - (i) The name, residential address and telephone number of the person who impounded the dog;
 - (ii) The time at which and date on which the dog was impounded;
 - (iii) The place where the dog was seized or found;
 - (iv) The date on which and the time at which the dog was seized or found;
 - (v) The reason for impounding the dog;
 - (vi) The age, breed, sex, colour markings and any injury found on it when the poundmaster received it;
 - (vii) The manner in which the dog was disposed of;
 - (viii) The amount of money obtained for the release or sale of the dog;
 - (ix) The cost of any veterinary services incurred in respect of such dog.
- (d) ensures that all utensils used in connection with impounded dogs are at all times kept in a clean condition and in a good state of repair;
- (e) ensures that the pound is at all times free from flies, insects, rodents and odious smells;
- (f) ensures that every dog in the pound is properly fed and cared for;
- (g) isolates bitches on heat;

- (h) takes all reasonable steps to prevent fighting among dogs in the pound; and
- (i) isolates and diseased dog, have such dog treated by a veterinary surgeon and take all possible steps to recover the costs incurred in this respect from the owner.

Penalties

23. Any person contravening any of the provisions of these by-laws shall be guilty of an offence and liable, on conviction, to a fine not exceeding R1000 or in default of payment, to imprisonment for a period not exceeding three months, or to both such fine and imprisonment.

MUNICIPAL MANAGER:

MR S. MAKHUBELA
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LOCAL AUTHORITY NOTICE 174

GREATER GIYANI MUNICIPALITY**BY-LAWS FOR CONTROL OF ANIMALS**

It is hereby notified in accordance with section 13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) that the Greater Giyani Municipal Council hereby publishes the By-laws for control of animals as set-out herebelow:

INDEX**Section**

1. Definitions
2. Application
3. Animals not allowed in public places
4. Surrender of stray wild animals to Parks Board
5. Establishment and leasing of animal pound
6. Poundmaster may recover expenses
7. Duties of owners and managers regarding health of animals
8. Disposal of straying animals
9. Fences
10. Penalties
11. Short-title and commencement

1. Definitions

In these by-laws, unless the context indicates otherwise:-

"animal" means any animal belonging to the animal kingdom;

"Council" means the Greater Giyani Municipal Council;

"parks board" means the Limpopo Parks Board;

Application

2. (1) These by-laws shall only apply within the area of jurisdiction of the Greater Giyani Municipality and in the event of any conflict between these by-laws and any Provincial or National Act or the Regulations the latter shall prevail.
- (2) If the Council does not have the services of a veterinarian at its disposal for any reason may use the services of an inspector from another agricultural authority or in private practice to exercise or execute the powers or duties of an inspector referred to in these by-laws.

Animals not allowed in public places

3. (1) Animals shall not be allowed in public places and no person who has control over an animal shall allow such animal to be in a public place.
- (2) Should an animal be found at a public place, it shall be regarded as a stray animal and shall be dealt with in terms of these by-laws.

Surrender of stray wild animals to Parks Board

4. (1) Any sighting of an animal shall be reported to the Council and the Council shall immediately report such sighting to the Limpopo Parks Board.

Establishment and lease of Animal Pound

5. (1) The Council may for the purposes of these by-laws establish an animal pound and lease such pound to any person or body on the terms and conditions deemed fit by the Council.
- (2) If a pound is leased to any person or body:-

- (a) the powers and duties set forth in these by-laws shall be deemed to have been delegated to such person or body or to any authorised official in the employ of such person or body, as the case may be;
- (b) such person or body shall accept in the pound any animal seized for the purpose of impounding it and shall thereafter dispose thereof in accordance with these by-laws.
- (c) Such person or body shall be entitled to any fees as may be determined, in terms of these by-laws for an impounded animal and any amount derived from the sale of an impounded animal.

Poundmaster may recover expenses

6. any poundmaster shall be entitled to recover from any impounded animal any reasonable expenses necessarily incurred by him in rendering or providing veterinary or medical attention for such animal.

Duties of owners and managers regarding health of animals

7. (1) Any owner or manager of land on which there are animals and any owner in respect of animals shall, whether or not such owner or manager has obtained advice regarding the health or any certificate of fitness or health of the animals in terms of section 13 (1) (c) of the Animals Diseases Act 35 of 1984:-
- (a) take with due observance all reasonable steps to prevent the infection of the animals with any animal disease, or parasite and the spreading thereof from the relevant land or animals, or which are necessary for the eradication of animal diseases and parasites on the land or in respect of the animals; and
 - (b) whenever such animals:-
 - (i) have become or can reasonably be suspected of having become infected with any animal disease or parasite, apply in

respect of such animals the prescribed treatment or any other treatment which may be deemed suitable and customary in the particular circumstances; and

- (ii) have become or can reasonably be suspected of having become infected with any controlled animal disease, immediately report such incidence to the Council.

Disposal of straying animals

8. (1) Whenever an owner or manager of land finds among his animals, any animal which he knows has strayed thereto or has been unlawfully removed from its (enclosure) or which can reasonably be suspected of having so strayed or been removed, he shall:-
 - (a) forthwith isolate such animal and report the finding of the animal to the Council or authorised officer;
 - (b) detain the animal, and any progeny or product thereof, in isolation, pending the decision of the authorised officer as to its disposal.
- (2) The authorised officer may, after the presence of a stray animal is reported to him:-
 - (a) if-
 - (i) a person who claims ownership and proves that he is the owner of the animal submits, within two days after such report to the authorised officer, a written request to him for the restoration to the claimant of the animal, and reimburses the Council for any expenses incurred in connection with the animal within seven days after having been requested to do so; and
 - (ii) the authorised officer is of the opinion that the circumstances under which the animal was found justifies such a restoration,

direct that the animal and any such progeny or product thereof be restored to the owner.

- (b) direct that the person who found the stray animal takes it to a place as directed by the authorised officer for the performance of veterinary acts, or destroy it, or otherwise dispose of it in accordance with the instructions of the authorised officer;
- (c) dispose of it for the benefit of the Council.

Fences

- 9. (1) (a) The Council may for any controlled purpose or, in order to control in connection therewith the movement, removal or transport of animals, erect permanent fences along, on or across public or private roads or along the boundaries of any land and temporary fences on or across any land, and may install gates, grids or other passages in any such fence.
- (b) The Council shall maintain fences erected and passages installed and may from time to time effect such alterations thereto as it may deem necessary.
- (2) Any person who removes, or in any way damages a fence erected or a passage installed by the Council in terms of subsection (1) (a) shall be guilty of an offence

Penalties

- 10. (1) Any person contravening or failing to comply with any provision of these by-laws shall be guilty of an offence and liable, on conviction, to a fine not exceeding R2000-00 or in default of payment, to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

Short title and commencement

11. (1) These by-laws shall be called **by-laws for control of animals** and shall come into effect after being published in the Provincial Gazette.

MUNICIPAL MANAGER: MR S. MAKHUBELA
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LOCAL AUTHORITY NOTICE 175

GREATER GIYANI MUNICIPALITY**CONTROL OF PUBLIC RECREATIONAL FACILITIES BY-LAWS**

It is hereby notified in accordance with section 13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) that the Greater Giyani Municipal Council hereby publishes the Control of public recreational facilities by-laws as set-out herebelow:

INDEX

1. Definitions
2. Application of the by-laws
3. Planning of recreational facilities
4. Financing and development of recreational facilities
5. Environment, sport and recreation
6. Control of recreation facilities
7. Restriction on entry into or residence in parks and recreational facilities and prohibition of certain acts therein
8. Purposes for which permission to enter or reside in a recreational premises may be granted
9. Sale of food
10. Sale of other goods
11. Charges relating to the use of municipal recreational facilities
12. Safety measures to be observed
13. Repeal
14. Short title and commencement

1. Definitions

In these by-laws, unless the context otherwise indicates:-

"animal" means any animal of the animal kingdom;

"Council" means the Greater Giyani Municipal Council and any officer to whom the Council has delegated the powers, functions and duties vesting in the Council in relation to these by-laws;

"municipality" means the Greater Giyani Municipal Council;

"municipal entertainment facility" means a public entertainment facility controlled by the Council;

"public entertainment facilities" means parks, public halls, stadia, sports grounds and any other places of public entertainment controlled by the Municipality;

"recreational facilities" means municipal entertainment facilities;

Application of the by-laws

2. (1) These by-laws shall apply within the area of jurisdiction of the Greater Giyani Municipality from the date of promulgation.
- (2) These by-laws will not apply in the municipality in so far as they relate to matters with regard to which there are replacing provincial or national legislation in force in the municipality to the extent that such replacing legislation deals with the matters.

Planning of recreation facilities

3. The Municipality will, when planning such facilities for sport and recreation ensure that special consideration is given to the accessibility of such facilities to sports people and spectators with disabilities.

Financing and development of recreation facilities

4. (1) The Council may form partnership with other related sport organisations that have an interest in sport and recreation and mass participation, in order to:-
 - (a) enlist financial assistance towards the expansion of mass participation in sport and recreation programmes and services; and

- (b) provide physical facilities for sport and recreation.
- (2) The Council will ensure that:
 - (a) women;
 - (b) the youth attending school and those who are no longer attending school;
 - (c) the disabled;
 - (d) senior citizens; and
 - (e) neglected rural areas within the area of the municipality;

receive priority regarding programmes for development and delivery of sport and recreational facilities.

Environment, sport and recreation

- 5. All sport and recreation activities shall be conducted in such a way that the environment is not adversely affected.

Control of recreation facilities

- 6. (1) The Council shall control, manage and maintain the recreational facilities within its municipal area:
- (2) The Council may:-
 - (a) construct and erect such roads, bridges, buildings, dams, fences, breakwaters, seawalls, boathouse, landing stages, mooring places, swimming pools, oceanariums and underwater tunnels and carryout such other works as it may consider necessary for the control, management or maintenance of the facilities;
 - (b) take such steps as will ensure the security of visitors, the animal and plant life and the preservation of the facilities premises and the animals and vegetation therein in a natural state;

- (c) provide meals and refreshments for visitors to the facilities;
- (d) carry on any business or trade for the convenience of visitors to parks and other recreational facilities;
- (e) supply any other service for the convenience of visitors to the recreational premises;
- (f) establish, erect, equip and maintain any building, structure or depot required for the use of the premises;
- (g) determine such charges which are to be paid in respect of permission to enter or reside in a recreational premises;
- (h) authorise any person to carry on, subject to such conditions and to the payment of such charges as the Council considers fit any activity, except the sale of liquor, which in terms of this subsection may be carried on by the Council;
- (i) the Council may temporarily lease or in any other manner make available any land, building, structure or other facility which has been acquired or erected in terms of these by-laws to another person for the purposes and on the conditions agreed upon with that person.

Restriction on entry into or residence in parks and recreational facilities and prohibition of certain acts therein.

- 7. (1) No person other than an officer or employee acting under the authority of the Council may:-
 - (a) enter or reside in a park, sporting facility or public hall without the permission of the Council or any officer or employee authorised to grant such permission;
 - (b) convey into or within a park, sporting facility, public hall or any place of public entertainment or be in possession of any weapon, explosive, trap or poison;

- (c) within a park or sporting facility hunt or otherwise wilfully or negligently kill or injure any animal;
- (d) within a park or sporting facility take, damage or destroy any egg or nest of any bird, or take honey from a beehive;
- (e) wilfully or negligently cause a veld fire, or any damage to any object of geological archeological, historical, ethrological, oceanographic, educational or other scientific interest in a park, public hall or any place of public amusement;
- (f) introduce any animal or permit any domestic animal to stray into or enter a place of public amusement;
- (g) cut, damage, remove or destroy any tree or any part thereof, dry firewood, grass or other plant (including any marine plant) in a place of amusement;
- (h) remove seed from any tree or other plant within a place of public amusement without the permission of the Council or any officer or employee authorised to grant such permission;
- (i) feed any animal in a park or sporting facility;
- (j) drive a motor vehicle in a place of amusement without a valid driver's licence, or permit any other person to drive a motor vehicle in a place of public amusement without a valid driver's licence.

Purposes for which permission to enter or reside in a recreational premises may be granted

8. (1) The permission to reside or enter a recreational premises or public hall other than in a normal course of a recreational activity may be granted subject to such conditions as may be deemed necessary and shall be granted only for the purposes of:-
- (a) health, educational or recreational or matters incidental thereto;

- (b) transacting any lawful business with or concerning any person within the premises;
- (c) enabling any person in the employ of the government or of any provincial administration to carry out any official duty.

Sale of food

9. (1) No person shall handle or sell food at or near a place of public entertainment unless a valid certificate of acceptability has been obtained from the Council in terms of the food handling by-laws.
- (2) Such food shall be sold subject to the restrictions or conditions or stipulations contained in such certificate of acceptability and such terms as may be determined by the Council from time to time.

Sale of other goods

10. (1) No person shall sell any other product at or near a place of entertainment unless a valid permission is obtained from the Council, at the request of such person;
- (2) Any person who intends to sell goods as contemplated in subsection (1) shall, on the form prescribed by the Council apply for an allocation of stand.

Charges relating to the use of municipal recreational facilities

11. (1) Save where otherwise provided in these by-laws a person authorised to utilise entertainment facilities or to whom any other service mentioned in these by-laws has been rendered by the Council shall be liable to the Council for the tariff charge in respect thereof.
- (2) Any person desiring to utilise any entertainment facility of the Council shall apply therefor in a form prescribed by the Council seven days in advance.

- (3) A minimum of ten percent of the gate takings shall be charged for the use of public entertainment facilities provided by the Council.
- (4) The Council may exempt any person or organisation from paying the charge mentioned in subsection (3).
- (5) The payment contemplated in subsection (3) shall be made to the Council within a period of three days after the event.
- (6) The Council may determine any other charge payable for the use of its facilities in terms of these by-laws.
- (7) Any person who fails to pay the charges contemplated in this section in respect of services rendered by the Council shall be guilty of an offence.

Safety measures to be observed

12. The Council shall maintain public entertainment facilities in accordance with the provisions of the Disaster Management Act, Act of 2000.

Repeal

13. (1) Any law applicable in the jurisdiction of the municipality and which relates to the control of recreational facilities is repealed to the extent that it conflicts with these by-laws.
- (2) Repeal is effective from the promulgation of these by-laws.

Short title and commencement

14. These by-laws shall be called Control of Public Recreational Facilities By-laws and shall come into effect after being published in the Provincial Gazette.

MUNICIPAL MANAGER:

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LOCAL AUTHORITY NOTICE 176

GREATER GIYANI MUNICIPALITY**LIBRARY BY-LAWS**

It is hereby notified in accordance with section 13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) that the Greater Giyani Municipal Council hereby publishes the Library By-laws as set-out herebelow:

INDEX

1. Definitions
2. Objects of the library
3. Functions of the library
4. Employees of the library
5. Library to keep records
6. Council may entrust certain property to care of the library
7. Financing of library
8. Cost of lost documents to be recovered
9. Defacing or damaging of documents prohibited
10. Library hours
11. Use, removal of fitting equipment and furniture
12. Cleanliness
13. Lending of library material to children

1. Definitions

In these by-laws, unless the context indicates otherwise:-

"bibliographic service" means

- (a) the creation of bibliographic records and the compilation of catalogues, bibliographies, indexes and other bibliographic databases;
- (b) the compilation and dissemination of relevant statistics;

- (c) the exchange, sale, dissemination or making available of the records and compilations referred to in paragraph (a);

"Council" means the Greater Giyani Municipal Council;

"document" means any object which is intended to store or convey information in textual, graphic, visual, auditory or other intelligible format through any medium;

"medium" means any means of recording or transmitting information intended for subsequent reading, listening or viewing;

"Municipality" means the area under the control and jurisdiction of the Council;

"Librarian" means the person referred to in section 4 (1) (b) (i);

"Library" means the Greater Giyani Municipal Library;

"published" means produced to be made available in multiple copies or at various locations to:-

- (a) any member of the public, whether through purchase, hire, loan, subscription, licence or free distribution; or
- (b) the members of an association or a society, whose membership is open to any qualifying member of the public;

"record" means recorded information regardless of form or medium;

2. Objects of the Library

The objects of the municipal library are to contribute to socio-economic, cultural, educational, scientific and innovative development by collecting, recording, preserving and making available documentary material to the public and to foster information literacy, and to facilitate access to the world's information resources.

3. Functions of the Library

- (1) The functions of the Library are:-

- (a)
 - (i) to build up a complete collection of published documents emanating from or relating to South Africa;
 - (ii) to maintain and extend any other collections of published and unpublished documents with the emphasis on documents emanating from and relating to Southern Africa;
 - (iii) to promote the optimal management of collections of published documents held in both South African and international libraries;
 - (b)
 - (i) to record the documents contemplated in paragraph (a); and
 - (c) to promote optimal access to published documents, nationally and internationally;
 - (d) to provide reference and information services, nationally and internationally;
 - (e) to promote information awareness and information literacy.
- (2) In order to achieve its objects and promote the development of library and information services in the municipal area, the library must, in relation to the functions referred to in subsection (1):-
 - (a) provide appropriate information products and services;
 - (b) undertake planning and co-ordination in co-operation with other library and information services;
 - (c) present, in consultation and co-operation with appropriate educational institutions and professional bodies, courses of training and education relating to the functions referred to in subsection (1);
 - (d) undertake research and development; and
 - (e) liaise with libraries and other institutions in and outside South Africa.

4. Employees of the library

- (1) (a) The Council may appoint such employees as are necessary to perform the functions of the library.
- (b) (i) The Council must appoint a librarian who must be responsible for the management of the affairs of the library and who must report on those affairs to the Council as the Council may require.
- (ii) The librarian shall be charged with the responsibility of accounting for all money received and the utilisation thereof and is responsible for the property of the library.
- (2) The Council determines the remuneration, allowances, conditions of service, subsidies and other benefits of the employees of the library.

5. Council may appoint a body to run library

- (1) The Council may form or constitute a body of persons appointed from the community to run the affairs of the library.
- (2) Such body shall report and account to the Council as may be directed from time to time.

6. Library to keep records

- (1) The librarian shall keep records of all documents removed from the library by a member of the public, an officer or a councillor.
- (2) Such register shall be updated at all times.

7. Council may entrust certain property to care of the library

The Council may, in such manner and on such conditions as it thinks fit, entrust any movable property or part thereof which has been donated or bequeathed to the municipality or its

inhabitants or which has been donated or bequeathed for the use or benefit of the municipality or its inhabitants, to the care of the library unless the donor or testator has made other provisions for the care thereof.

8. Financing of the Library

- (1) The funds of library consist of:-
 - (a) money appropriated by Council;
 - (b) donations or contributions received by the library
 - (c) money accruing to the library from any other source.
- (2) Subject to this section, the Council must use funds accrued to the Library to defray expenditure in connection with the performance of library functions.
- (3) The Library may not enter into any financial commitment beyond its approved budgets.

9. Cost of lost documents to be recovered

- (1) The Library shall recover the replacement cost of lost documents from any person under whose control or care a document is lost.

10. Defacing or damaging of documents prohibited

No person shall wilfully deface or in any manner damage any document, fitting, equipment or furniture in the library.

11. Library hours

The library shall be open for all purposes every day except Saturdays and Sundays and public holidays, during such hours as the Council may determine.

12. Use, Removal of Fittings, Equipment and Furniture

No person shall use any machinery, fitting, equipment, document in the library, except for the purpose for which it is intended, nor remove the same from the library without the written permission of the librarian.

13. Cleanliness

No person shall throw or deposit any refuse or litter in any place in the library elsewhere than in the receptacles provided by the Council for that purpose.

14. Lending of library material to children

Children shall be accompanied by adults when items are being borrowed from the library.

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LOCAL AUTHORITY NOTICE 177

GREATER GIYANI MUNICIPAL COUNCIL**WATER BY-LAWS**

It is hereby notified, in accordance with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) that the Greater Giyani Municipal Council has adopted the water supply by-laws as set out herebelow:

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4. Prescribed tariffs and charges for water services
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- 13. 13. Termination of agreement for the provision of water services
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- 18. 18. Unauthorised use of water services
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- 20. 20. Interference with water supply system or any sanitation services
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- 22. 22. Notice and documents
- 23. 23. Power to serve and compliance with notices
- 24. 24. Power of entry and inspection
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- 28. 28. Provisions of connection pipe
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CHAPTER I: General Provisions**Part 1 Definitions****Definitions**

(1) (1) In these regulations, unless the context otherwise indicates:-

"accommodation unit" in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for any purpose;

"Act" means the Water Services Act, 1997 (Act No. 108 of 1997), as amended from time to time;

"approved" means approved by an authorised officer;

"authorised agent" means a person authorised by the municipality to perform any act, function or duty in terms of, or exercise any power under, these by-laws

"best practicable environmental option" means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long terms as well as in the short term;

"borehole" means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;

"Building Regulations" means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);

"communal water"

"services work" means a consumer connection through which water services are supplied to more than one person;

"connecting point" means the point at which the drainage installation joins the connecting sewer;

"connecting sewer" means a pipe owned by the municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a wayleave or by agreement;

"connection pipe" means a pipe, the ownership of which is vested in the municipality or its authorised agent and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SABS 0252 Part I;

"consumer" means:-

- (a) (a) any occupier of any premises to which or on which the municipality or its authorised agent has agreed to provide water services or is actually providing water services, or if there be no occupier, then any person who has entered onto a current agreement with the municipality or its authorised agent for the provision of water services to or on such premises, or, if there be no such person, then the owner of the premises; provided that where water services is provided through a single connection to a number of occupiers, it shall mean the occupier, or person, to whom the municipality or its authorised agent has agreed to provide water services; or
- (b) (b) person that obtains access to water services are provided through a communal water services work;

"drain" means that portion of the drainage installation that conveys sewage within any premises;

"drainage installation" means a system situated on any premises and vested in the owner thereof and is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of or ancillary to such systems;

"drainage work" includes any drain, sanitary fitting, water supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or otherwise connected with the drainage of any premises;

"duly qualified sampler" means a person who takes samples for analysis from the sewage disposal and stormwater disposal systems and from public water and who has been certified to do so by an authorised agent;

"effluent" means any liquid whether or not containing matter in solution or suspension;

"emergency" means any situation that poses a risk or potential risk to life, health, the environment or property;

"environmental cost" means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident;

"fire hydrant" means a potable water installation that conveys water for fire fighting purposes only;

"fixed quantity water delivery system" means a water installation, which delivers a fixed quantity of water to a consumer in any single day;

"flood level (1 in 50 year)" means that level reached by flood waters resulting from a storm of a frequency of 1 in 50 years;

"flood plain (1 in 50 year)" means the area subject to inundation by flood waters from a storm of a frequency of 1 in 50 years;

"high strength sewage" means sewage with a strength or quality greater than standard domestic effluent;

"Industrial effluent" means effluent emanating from industrial use of water, includes for purposes of these by-laws, any effluent other than standard domestic effluent or stormwater;

"installation work" means work in respect of the construction of, or carried out on a water installation;

"main" means a pipe, other than a connection pipe, vesting in the municipality or its authorised agent and used by it for the purpose of conveying water to a consumer;

"measuring device" means any method, procedure, process or device, apparatus, installation that enables the quantity of water services provided to be quantified and includes a method, procedure or process whereby quantity is estimated or assumed;

"meter" means a water meter as defined by the Regulations published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973), or, in the case of water meters of size greater than 100mm, a device which measures the quantity of water passing through it;

"municipality" means the water services authority as defined in the Act;

"occupier" means a person who occupies any premises or part thereof, without regard to the title under which he or she occupies;

"owner" means:-

- (a) (a) the person in whom from time to time is vested the legal title to premises;
- (b) (b) in the case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) (c) in any case where the municipality or its authorised agent is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;
- (d) (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
- (e) (e) in relation to:-
 - (i) (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or body corporate in respect of the common property; or

- (ii) (ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under sectional title deed and includes the lawfully appointed agent of such a person;

"person" means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

"pollution" means the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it:-

- (a) (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or
- (b) (b) harmful or potentially harmful:-
 - (i) (i) to the welfare, health or safety of human beings;
 - (ii) (ii) to any aquatic or non-aquatic organism;

"premises" means any piece of land, the external surface boundaries of which are delineated on:-

- (a) (a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No. 9 of 1927), or in terms of the Deed Registries Act, 1937 (Act No. 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937); or
- (b) (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986);
- (c) (c) a register held by a tribal authority;

"prescribed tariff or charge" means a charge prescribed by the municipality;

"public notice" means a notice in a newspaper in at least two of the official languages in general use within the Province or area in question, and, where possible, the notice shall be published in a newspaper appearing predominantly in the language utilised in the publication of the notice;

"public water" means any river, watercourse, bay, estuary, the sea and any other water to which the public has the right of use or to which the public has the right of access;

"sanitation services" has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws water for industrial purposes and the disposal of industrial effluent;

"sea outfalls" means the discharge of effluent directly into the sea;

"service pipe" means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier and which is connected or to be connected to a connection pipe to serve the water installation on the premises;

"sewage" means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include stormwater;

"sewage disposal system" means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the municipality or its authorised agent and which may be used by it in connection with the disposal of sewage and shall include the sea outfalls;

"sewer" means any pipe or conduit which is the property of or is vested in the municipality or its authorised agent and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;

"standard domestic effluent" means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the municipality or its authorised agent, but shall not include industrial effluent;

"stormwater" means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;

"terminal water fitting" means a water fitting at an outlet of a water installation that controls the discharge of water from a water installation;

"trade premises" means premises upon which industrial effluent is produced;

"water fitting" means a component of a water installation, other than a pipe, through which water passes or in which it is stored;

"water installation" means the pipes and fittings which are situated on any premises and vested in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the municipality or its authorised agent;

"water services" has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws water for industrial purposes and the disposal of industrial effluent;

"water supply system" means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are vested in the municipality or its authorised agent and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;

"wet industry" means any industry which discharges industrial effluent; and

"working day" means a day other than a Saturday, Sunday or public holiday.

Any word or expression used in these by-laws to which a meaning has been assigned in:-

- (a) (a) the Act will bear that meaning; and
- (b) (b) the National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1997), the Building Regulations will in respect of Chapter III bear that meaning, unless the context indicates otherwise.

- (3) Any reference in Chapter I of these by-laws to water services or services must be interpreted as referring to water supply services or sanitation services depending on the services to which is applicable.

PART 2: APPLICATION FOR WATER SERVICES

Application for water services

2. (1) No person shall gain access to water services from the water supply system, sewage disposal system or through any other sanitation services unless he or she has applied to the municipality or its authorised agent on the prescribed form for such services for a specific purpose and to which such application has been agreed.
- (2) Where a premises or consumer are provided with water services, it shall be deemed that an agreement in terms of Sub-Section (1) exists.
- (3) A municipality or its authorised agent must on application for the provision of water services by a consumer inform that consumer of the different levels of services available and the tariffs and/ or charges associated with each level of services.
- (4) (4) A consumer must elect the available level of services to be provided to him or her or it.
- (5) (5) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such services are available and that any costs and expenditure associated with altering the level of services will be payable by the consumer.
- (6) (6) An application agreed to by the municipality or its authorised agent shall constitute an agreement between the municipality or its authorised agent and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.

- (7) (7) A consumer shall be liable for all the prescribed tariffs and/ or charges in respect of water services rendered to him or her until the agreement has been terminated in accordance with these by-laws or until such time as any arrears have been paid.
- (8) (8) In preparing an application form for water services the municipality or its authorised agent will ensure that the document and the process of interaction with the owner, consumer or any other person making application are understood by that owner, consumer or other person. In the case of illiterate or similarly disadvantaged persons, the municipality or its authorised agent will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.
- (9) (9) An application form will require at least the following minimum information.
- (a) (a) certification by an authorised agent that the applicant is aware of and understands the contents of the form;
 - (b) (b) acceptance by the consumer of the provisions of the by-laws and acceptance of liability for the cost of water services rendered until the agreement is terminated or until such time as any arrears have been paid;
 - (c) (c) name of consumer;
 - (d) (d) address or stand number of premises to or in which water services are to be rendered or the communal water services work where water services will be used;
 - (e) (e) address where accounts will be sent;
 - (f) (f) source of income of the applicant;
 - (g) (g) name and address of the applicant's employer, where appropriate;
 - (h) (h) be supplied, for which the water is to be used; and

- (i) (i) the agreed date on which the provision of water services will commence.
- (10) (10) Water services rendered to a consumer are subject to the provisions of these by-laws and the conditions contained in the relevant agreement.
- (11) (11) If the municipality or its authorised agent refuses an application for the provision of water services, is unable to render such water services on the date requested for such provision of water services to commence or is unable to render the water services the municipality or its authorised agent will inform the consumer of such refusal and/ or inability, the reasons therefore and, if applicable, when the municipality or its authorised agent will be able to provide such water services.

Special agreements for water services

- 3. 3. The municipality or its authorised agent may enter into a special agreement for the provision of water services to:-
 - (a) (a) an applicant inside its area of jurisdiction, if the services applied for necessitates the imposition of conditions not contained in the prescribed form; and
 - (b) (b) an applicant outside its area of jurisdiction, if such application has been approved in the area in which the premises is situated.

PART 3: TARIFFS AND CHARGES

Prescribed tariffs and charges for water services

- 4. 4. All tariffs and/or charges payable in respect of water services rendered by the municipality or its authorised agent in terms of these by-laws, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest in respect of failure to pay such tariffs or charges on the specified date will be set by the municipality:-

by a resolution passed by the Council in accordance with:

- (i) (i) its tariff policy;
- (ii) any by-laws in respect thereof;
- (iii) (iii) any regulations in terms of Section (10) of the Act.

Fixed charges for water services

5. (1) The municipality may in addition to the tariffs or charges prescribed for water services actually provided, levy a monthly fixed charge, annual fixed charge or once-off fixed charge in respect of the provision of water services in accordance with-
- (a) (a) its tariff policy;
 - (b) (b) any by-laws in respect thereof;
 - (c) (c) any regulations in terms of Section (10) of the Act.
- (2) Where a fixed charge is levied in terms of Sub-section (1), it shall be payable by every owner or consumer in respect of water services provided by the municipality or its authorised agent to him, her or it, whether or not water services are used by him, her or it.

PART 4: PAYMENT

Payment of deposit

6. (1) Every consumer must on application for the provision of water services and before such water services will be provided by the municipality or its authorised agent, deposit with the municipality or its authorised agent a sum of money equal to the estimated tariff and/or charge for an average month's water services as determined by the municipality or its authorised agent except in the case of a pre-payment measuring device being used by the municipality or its authorised agent.
- (2) The municipality or its authorised agent may require a consumer to whom services

are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period

- (3) The municipality or its authorised agent may from time to time review the sum of money deposited by a consumer in terms of Sub-Section (1) and, in accordance with such review:-
- (a) (a) require that an additional amount be deposited by the consumer;
or
 - (b) (b) refund to the consumer such amount as may be held by the municipality or its authorised agent in excess of the reviewed deposit.
- (4) (4) Subject to Sub-section (5), an amount deposited with the municipality or its authorised agent in terms of Subsections (1) or (2) shall not be regarded as being in payment or part payment of an account due for water services rendered.
- (5) (5) If, upon the termination of the agreement for the provision of water services, an amount remains due to the municipality or its authorised agent in respect of water services rendered to the consumer, the municipality or its authorised agent may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer.
- (6) (6) No interest shall be payable by the municipality or its authorised agent on the amount of a deposit held by it in terms of this Section.
- (7) (7) An agreement for the provision of water services may contain a condition that a deposit shall be forfeited to the municipality or its authorised agent if it has not been claimed within twelve months of the termination of the agreement.

Payment for water services provided

7. (1) Water services provided by the municipality or its authorised agent to a consumer shall be paid for by the consumer at the prescribed tariff or charge set in accordance with Sections (4) and (5), for the particular category of water services provided.

- (2) A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof.
- (3) The municipality or its authorised agent may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements and may render an account to a consumer for the services so estimated.
- (4) (4) If a consumer uses water supply services for a category of use other than that for which it is provided by the municipality or its authorised agent in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the municipality or its authorised agent may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the tariffs and charges payable in accordance with such adjustment.
- (5) (5) If amendments to the prescribed tariffs or charges for water services provided become operative on a date between measurements for the purpose of rendering an account of the tariffs or charges:-
 - (a) (a) it shall be deemed that the same quantity of water services was provided in each period of twenty-four hours during the interval between the measurements; and
 - (b) (b) any fixed charge shall be calculated on a pro rata basis in accordance with the charge that applied immediately before such amendment and such amended charge.
- (6) (6) A consumer must pay his or her account at an approved agent of the municipality or its authorised agent. A consumer shall remain liable for the payment of an account not paid with the municipality, its authorised agent or approved agent.

- (7) (7) A municipality or its authorised agent must inform a consumer as to who the approved agents for payment of accounts are.

PART 5: ACCOUNTS

Accounts

8. (1) Monthly accounts will be rendered to consumers for the amount due and payable, at the address last recorded with the municipality or its authorised agent.
- (2) Failure by the municipality or its authorised agent to render an account does not relieve a consumer of the obligation to pay any amount due and payable.
- (3) An account rendered by the municipality or its authorised agent for water services provided to a consumer shall be paid not later than the last date for payment specified in such account, which date will be at least twenty one days after the date of the account.
- (4) (4) If payment of an account is received after the date referred to in Sub-Section (3), a late payment charge or interest as may be prescribed must be paid by the consumer to the municipality or its authorised agent.
- (5) (5) Account will:-
- (a) (a) show the following:-
- (i) the consumption or estimated consumption or assumed consumption as determined for the measuring and/ or consumption period;
- (ii) the measuring or consumption period;
- (iii) the applicable tariff;
- (iv) the amount due in terms of the consumption;
- (v) the amount due and payable for any other service rendered by the municipality or its authorised agent;

- (vi) (vi) the amount in arrears, if any;
 - (vii) (vii) the interest payable on any arrears, if any;
 - (viii) (viii) the final date of payment;
 - (ix) (ix) the methods, places and approved agents where payment may be made; and
- (b) (b) state that:-
- (i) the consumer may conclude an agreement with the municipality or its authorised agent for payment of the arrears amount in instalments, at the municipality or its authorised agent's offices before the final date for payment, if a consumer is unable to pay the full amount due and payable;
 - (ii) if no such agreement is entered into the municipality or its authorised agent will limit the water services after sending a final demand notice to the consumer;
 - (iii) legal action may be instituted against any consumer for the recovery of any amount 60 (sixty) days in arrears;
 - (iv) the defaulting consumer's name may be listed with a credit bureau or any other equivalent body as a defaulter;
 - (v) the account may be handed over to a debt collector for collection;
 - (vi) (vi) proof of registration, as an indigent consumer, in terms of the municipality or its authorised agent's indigent policy must be handed in before the final date for payment; and
 - (vii) (vii) an indigent consumer is only entitled to basic water services and that an indigent consumer will be liable for payment in respect of water services used in excess of the quantity of basic services.

Queries or complaints in respect of account

9. (1) A consumer may lodge a query or complaint in respect of the accuracy of the amount due and payable in terms of an account rendered to him, her or it.
- (2) A query or complaint must be lodged with the municipality or its authorised agent before or on the due date for payment of the account or as soon as reasonably possible thereafter.
- (3) Where a query or complaint is lodged after the due date of the account queried or complained about, such query or complaint must be accompanied by the payment of at least an amount equal to the average amount that was due and payable during the preceding three months.
- (4) (4) The municipality or its authorised agent will register the query or complaint and provide the consumer with a reference number.
- (5) (5) The municipality or its authorised agent shall:-
- (a) (a) investigate or cause the query or complaint to be investigated within 14 (fourteen) days after the query or complaint was registered; and
 - (b) (b) must inform the consumer, in writing, of his or her finding as soon as possible thereafter.

Appeals against finding of municipality or its authorised agent in respect of queries or complaints

10. (1) A consumer may in writing appeal against a finding of the municipality or its authorised agent in Section 9.

- (2) An appeal and request in terms of Sub-section (1) must be made in writing and lodged with the municipality or its authorised agent within 21 (twenty one) days after the consumer became aware of the finding referred to in Section 9 and must-
- (a) (a) set out the reasons for the appeal;
 - (b) (b) lodge the appeal with the municipality or its authorised agent within 14 (fourteen) days after the receipt of the account in question; and
 - (c) (c) be accompanied by any deposit determined for the testing of a measuring device, if applicable.
- (3) The municipality or its authorised agent may on appeal by a consumer request him, her or it to pay the full amount due and payable in terms of the account appealed against.
- (4) (4) The consumer is liable for all other amounts, other than that appealed against, falling due and payable during the adjudication of the appeal.
- (5) (5) An appeal must be decided by the municipality or its authorised agent within 21 (twenty one) days after an appeal was lodged and the consumer must be informed of the outcome in writing, as soon as possible thereafter.
- (6) (6) The decision of the municipality or its authorised agent is final and the consumer must pay any amounts due and payable in terms of the decision within 14 (fourteen) days of him, her or it being informed of the outcome of the appeal.
- (7) (7) The municipality or its authorised agent may condone the late lodging of appeals or other procedural irregularities.
- (8) (8) If it is alleged in an appeal that a measuring device is inaccurate, the device must be subjected to a standard industry tests to establish its accuracy. The consumer must be informed of the possible cost implications including the estimated amount of such test, as set out in Sub-section (9) (a) below, prior to such test being undertaken.

- (9) (9) If the outcome of any test shows that a measuring device is:-
- (a) (a) within a prescribed range of accuracy, the consumer will be liable for the costs of such tests and any other amounts outstanding. Such costs will be debited against the consumer's account.
 - (b) (b) is outside a prescribed range of accuracy, the municipality or its authorised agent will be liable for the costs of such test and the consumer must be informed of the amount of any credit to which he, she or its is entitled.
- (10) (10) The prescribed charge referred to in Sub-section (2)(c) if applicable may be:-
- (a) (a) retained by the municipality or its authorised agent is the measuring device is found not to be defective; or
 - (b) (b) refunded to the applicant if the measuring device is found in terms of those Sub-sections to be defective.
- (11) (11) A measuring device shall be deemed to be defective if, when tested in accordance with a standard industry tests or if the measuring device is a meter, the regulations published under Section 9 of the Act, it does not meet generally accepted specifications or the specification as set out in the regulations.
- (12) (12) In addition to Sub-section (11) the municipality or its authorised agent must if the measuring device is found defective:-
- (a) (a) repair the measuring device or install another device which is in good working order, without charge to the consumer, unless the costs thereof are recoverable from the consumer due to a contravention of Section 37 (6); and
 - (b) (b) determine the quantity of water services for which the consumer will be charged in lieu of the quantity measured by the defective measuring

device by taking as basis for such determination, and as the municipality or its authorised agent may decide:-

- (i) the quantity representing the average monthly consumption of the consumer during the three months preceding the month in respect of which the measurement is disputed and adjusting such quantity in accordance with the degree of error found in the reading of the defective water meter;
- (ii) the average consumption of the consumer during the succeeding three metered periods after the defective water meter has been repaired or replaced; or
- (iii) the consumption of water on the premises recorded for the corresponding period in the previous year.

Arrears

11. (1) If a consumer fails to pay the amount/s due and payable on or before the final date for payment, the unpaid amount is in arrears and a final demand notice may be hand delivered or sent, per registered mail, to the most recent recorded address of the consumer, within 7 (seven) working days.
- (2) Failure to deliver or send a final demand notice within 7 (seven) working days does not relieve a consumer from paying such arrears.
- (3) The final demand notice must contain the following statements:-
- (a) the amount in arrears and any interest payable;
 - (b) that the consumer may conclude an agreement with the municipality or its authorised agent for payment of the arrears amount in instalments within 14 (fourteen) days of the date of the final demand notice.

- (c) that if no such agreement is entered into within the stated period that the water services will be limited and that legal action may be instituted against any consumer for the recovery of any amounts 60 (sixty) days in arrears;
 - (d) that the defaulting consumer's name may be listed with a credit bureau or any other equivalent body as a defaulter;
 - (e) that the account may be handed over to a debt collector for collection;
 - (f) proof of registration, as an indigent consumer, in terms of the municipality or its authorised agent's indigent policy must be handed in before the final date of the final demand notice;
 - (g) that an indigent consumer will be liable for payment in respect of water services used in excess of the quantity of basic services.
- (4) (4) Interest may be levied on all arrears at a rate prescribed by the municipality or its authorised agent from time to time.
- (5) (5) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the following order:-
- (a) towards payment of the current account;
 - (b) towards payment of the arrears; and
 - (c) (c) towards payment of interests.
- (6) (6) The municipality or its authorised agent will, within 7 (seven) working days after the expiry of the 14 (fourteen) day period allowed for payment in terms of the final demand notice:-
- (a) (a) limit the provision of water services to the defaulter; and

- (b) (b) hand deliver or send, per registered mail, to the last recorded address of the consumer, a discontinuation notice informing him, her or it that the provision of water services will be disconnected within 14 (fourteen) days of the date of the discontinuation notice;

if:-

- (i) no payment was received within the allowed period;
- (ii) no agreement was entered into for the payment of arrears in installments;
- (iii) no proof of registration as indigent was handed in within the 14 (fourteen) day period allowed; or
- (iv) no payment was received in accordance with an agreement for payment of arrears.

(7) (7) A discontinuation notice must contain:-

- (a) (a) the amount in arrears and any interest payable;
- (b) (b) a statement that the consumer may conclude an agreement with the municipality or its authorised agent for payment of the arrears amount in instalments, within 14 (fourteen) days of the date of the discontinuation notice;
- (c) (c) that if no such agreement is entered into within the stated period, the municipality or its authorised agent may discontinue the provision of water services with immediate effect, notwithstanding any legal action instituted or in the process of being instituted against the consumer for the recovery of the arrears amount; and
- (d) (d) proof of registration, as an indigent consumer, in terms of the municipality or its authorised agent's indigent policy must be handed in within 14 (fourteen) days of the date of the discontinuation notice.

- (8) (8) The municipality or its authorised agent may, within 10 (ten) working days after the expiry of the 14 (fourteen) day period allowed for payment in terms of the discontinuation notice, discontinue water services to the defaulting consumer, if:-
- (a) (a) no payment was received within the allowed period;
 - (b) (b) no agreement was entered into for the payment of arrears in instalments;
 - (c) (c) no proof of registration as indigent was furnished within the 14 (fourteen) days period allowed; and
 - (d) (d) no payment was received in accordance with an agreement for payment of arrears.
- (9) (9) Where an account rendered to a consumer remains outstanding for more than 60 (sixty) days:-
- (a) (a) the defaulting consumer's name may be listed with a credit bureau or any other equivalent body as a defaulter, provided that the agreement for the provision of water services provided therefore; and
 - (b) (b) may be handed over to a debt collector or an attorney for collection.
- (10) (10) A consumer will be liable for any administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit.
- (11) (11) Where a body corporate is responsible for the payment of any arrears amount to the municipality in respect of a sectional title development, the liability of the body corporate shall be extended to the members thereof, jointly and severably.
- (12) (12) No action taken in terms of this section due to non-payment will be suspended or withdrawn, unless the arrears, any interest thereon, administration

fees, additional charges, costs incurred in taking relevant action and any penalties, including the payment of higher deposit, payable in full.

- (13) (13) The municipality or its authorised agent will not be liable for any loss or damage suffered by a consumer due to his, her or its water services being disconnected.
- (14) (14) An agreement for payment of the arrears amount in instalments, entered into after the water services was discontinued, will not result in the water services being restored until the arrears, any interest thereon, administration fees, costs incurred in taking relevant action and any penalties, including payment of a higher deposit, are paid in full.

Agreement for the payment in installments

12. (1) Only a consumer with positive proof of identity or a person authorised, in writing, by that consumer, will be allowed to enter into an agreement for the payment of arrears in installment.
- (2) The amount due and payable by the consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the following order:-
- (a) (a) towards payment of the current account;
 - (b) (b) towards any payment of arrears;
 - (c) (c) towards payment of interest; and
 - (d) (d) towards costs incurred in taking relevant action to collect amounts due and payable.
- (3) A consumer may be required to complete a debit order for the payment of arrears.
- (4) (4) No agreement for the payment of arrears will be longer than twenty-four months, unless the circumstances referred to in Sub-section (5) prevail.

- (5) (5) The municipality or its authorised agent may, on an individual basis, allow a longer period than thirty-six months for the payment of arrears if special circumstances prevail, that in the opinion of the municipality or its authorised agent warrants such an extension and which the consumer reasonably could not prevent or avoid. Documentary proof of any special circumstances must be furnished by the consumer on request by the municipality or its authorised agent.
- (6) (6) The municipality or its authorised agent may, in exercising his or her discretion under Sub-section (5) have regard to a consumer's:-
- (a) (a) credit record;
 - (b) (b) consumption;
 - (c) (c) level of service;
 - (d) (d) previous breaches of agreements for the payment of arrears in instalments; and
 - (e) (e) any other relevant factors.
- (7) (7) A copy of the agreement will, on request, be made available to the consumer.
- (8) (8) If a consumer fails to comply with an agreement for the payment of arrears in instalments, the total of all outstanding amounts, including the arrears, any interest thereon, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, will be immediately due and payable, without further notice or correspondence.
- (9) (9) If a consumer fails to comply with an agreement for the payment of arrears in instalments entered into after receipt of a discontinuation notice, access to services may be discontinued without further notice or correspondence in addition to any other actions taken against or that may be taken against such a consumer.
- (10) (10) No consumer will be allowed to enter into an agreement for the payment of arrears in instalments where that consumer failed to honour a previous agreement

for the payment of arrears in instalments, entered into after the receipt of a discontinuation notice.

PART 6: TERMINATION, LIMITATION AND DISCONTINUATION OF WATER SERVICES

Termination of agreement for the provision of water services

13. (1) A consumer may terminate an agreement for the provision of water services by giving to the municipality or its authorised agent not less than thirty working days' notice in writing of his or her intention to do so.
- (2) The municipality or its authorised agent may, by notice in writing of not less than thirty working days, advise a consumer of the termination of his, her or its agreement for the provision of water services if:-
- (a) (a) he, she or it has not used the water services during the preceding six months and has not made arrangement to the satisfaction of the municipality or its authorised agent for the continuation of the agreement;
 - (b) (b) he, she or it has failed to comply with the provisions of these by-laws and has failed to rectify such failure to comply on notice in terms of Section 23 or to pay any tariffs or charges due and payable after the procedure set out in Section 11 was applied;
 - (c) (c) in terms of an arrangement made by it within another water services institution to provide water services to the consumer.
- (3) The municipality or its authorised agent may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.

Limitation and/ or discontinuation of water services provided

14. (1) The municipality or its authorised agent may limit or discontinue water services provided in terms of these by-laws:-
- (a) (a) on failure to pay the prescribed tariffs or charges on the date specified, after the provisions of Section 11 were applied;
 - (b) (b) on failure to comply with any other provisions of these by-laws, after notice in terms of Section 23 was given;
 - (c) (c) at the written request of a consumer;
 - (d) (d) if the agreement for the provision of services has been terminated in terms of Section 13 and it has not received an application for subsequent services to the premises within a period of 90 (ninety) days of such termination;
 - (e) (e) the building on the premises to which services were provided has been demolished;
 - (f) (f) in an emergency.
- (2) The municipality or its authorised agent will not be liable for any damages or claims that may arise from the limitation or discontinuation of water services provided in terms of Sub-section (1).

Restoration of water services

15. 15. When a consumer enters into an agreement for the payment of the arrears amount in instalments after the receipt of a final demand notice or a discontinuation notice, the water service will be restored to the type of service the consumer elected in terms of the agreement for the provision of water services, within 7 (seven) working days.

PARTT 7: GENERAL PROVISIONS**Responsibility for compliance with these by-laws**

16. (1) The owner of premises is responsible for ensuring compliance with these by-laws in respect of all or any matters relating to any installation.
- (2) The consumer is responsible for compliance with these by-laws in respect of matters relating to the use of any installation.

Exemption

17. (1) The municipality or its authorised agent may, in writing exempt an owner, consumer, any other person or category of owners, consumers or other persons from complying with a provision of these by-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, provided that the municipality or its authorised agent shall not grant exemption from any section of these by-laws that may result in:-
- (a) (a) the wastage or excessive consumption of water;
 - (b) (b) the evasion or avoidance of water restrictions;
 - (c) (c) significant negative effects on public health, safety or the environment;
 - (d) (d) the non-payment for services;
 - (e) (e) the installation of pipes and fittings which are not approved in terms of these by-laws; and
 - (f) (f) the Act, or any regulations made in terms thereof, is not complied with.
- (2) The municipality or its authorised agent may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of Sub-section 1.

Unauthorised use of water services

18. (1) No person may gain access to water services from the water supply system, sewage disposal systems or any other sanitation services unless an agreement has been entered into with the municipality or its authorised agent for the rendering of those services.
- (2) The municipality or its authorised agent may, irrespective of any other action it may take against such person in terms of these by-laws, by written notice order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services without an agreement with the municipality or its authorised agent for the rendering of those services:-
- (a) (a) to apply for such services in terms of Sections 2 or 3; and
 - (b) (b) to undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of these by-laws.
- (3) The provisions of Section 23 shall apply to a notice in terms of Sub-Section (2) above.

Change in purpose for which water services are used

19. 19. Where the purpose or extent for which water services are used is changed, the consumer must enter into a new agreement with the municipality or its authorised agent.

Interference with water supply system or any sanitation services

20. (1) No person other than the municipality or its authorised agent shall manage, operate or maintain the water supply system or any sanitation system unless authorised by these by-laws or an authorised agent.

- (2) No person other than the municipality or its authorised agent shall effect a connection to the water supply system or sewage disposal system or render any other sanitation services.

Obstruction of access to water supply system or any sanitation services

21. (1) No person shall prevent or restrict physical access to the water supply system or sewage disposal system.
- (2) If a person contravenes Sub-section (1), the municipality or its authorised agent may:-
- (a) (a) by written notice require such person to restore access at his or her own expense within a specified period; or
 - (b) (b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

Notice and documents

22. (1) A notice or document issued by the municipality or its authorised agent in terms of these by-laws must be deemed to be duly authorised if the authorised agent signs it.
- (2) If a notice or document is to be served on an owner, consumer or any other person in terms of these by-laws such services shall be effected by:-
- (a) (a) delivering it to him or her personally or to his or her duly authorised agent;
 - (b) (b) delivering it at his or her residence, village or place of business or employment to a person not less than sixteen years of age and apparently residing or employed there;
 - (c) (c) if he or she has nominated an address for legal purposes, delivering it to such address;
 - (d) (d) if he or she has not nominated an address for legal purposes, delivering it to the address given by him or her in his or her application for the provision of water services, for the reception of an account for the provision of water services;

- (e) (e) sending by pre-paid registered or certified post addressed to his or her last known address;
 - (f) (f) in the case of a legal person, by delivering it at the registered office or business premises of such legal person; or
 - (g) (g) if service cannot be effected in terms of Sub-section (a) to (f), by affixing it to a principal door of entry to the premises concerned.
- (3) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of delivery or sending of such notice.

Power to serve and compliance with notices

23. (1) The municipality or its authorised agent may, by written notice, order an owner, consumer or any other person who fails, by act or omission, to comply with the provisions of these by-laws or of any condition imposed thereunder to remedy such breach within a period specified in the notice, which period shall not be less than thirty days.
- (2) If a person fails to comply with a written notice served on him or her by the municipality or its authorised agent in terms of these by-laws within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including:-
- (a) (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
 - (b) (b) limiting or discontinuing the provision of services; and
 - (c) (c) instituting legal proceedings.
- (3) A notice in terms of Sub-section (1) will:-
- (a) (a) give details of the provision of the by-laws not complied with;
 - (b) (b) give the owner, consumer or other person a reasonable opportunity to make representation and state his or her case, in writing, to the municipality or its authorised agent within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
 - (c) (c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;

- (d) (d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
- (e) (e) indicate that the municipality or its authorised agent:-
 - (i) may undertake such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, consumer or other person; and
 - (ii) may take any other action it deems necessary to ensure compliance.
- (4) (4) In the event of an emergency the municipality or its authorised agent may without prior written notice undertake the work required by Sub-section (3)(e)(i) and recover the costs from such person.
- (5) (5) The costs recoverable by the municipality or its authorised agent in terms of Sub-sections (3) and (4) is the full cost associated with that work and includes, but is not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

Power of entry and inspection

24. (1) A municipality or its authorised agent may enter and inspect any premises:-
- (a) (a) for the purposes set out in and in accordance with the provisions of Section 80 of the Act;
 - (b) (b) for any purpose connected with the implementation or enforcement of the by-laws, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation.

False statements or information

25. 25. No person shall make a false statement or furnish false information to the municipality or its authorised agent or falsify a document issued in terms of these by-laws.

Offences

26. (1) A person who:-

- (a) (a) unlawfully and intentionally or negligently interfere with any water services works of the municipality or its authorised agent;
- (b) (b) fails to provide information or provide false information reasonably requested by the municipality or its authorised agent;
- (c) (c) fails or refuses to give access required by a municipality or its authorised agent in terms of Section 24;
- (d) (d) obstructs or hinders a municipality or its authorised agent in the exercise of his or her powers or performance of his or her functions or duties under these by-laws;
- (e) (e) contravenes or fails to comply with a provision of these by-laws;
- (f) (f) contravenes or fails to comply with any condition or prohibition imposed in terms of these by-laws;
- (g) (g) contravenes or fails to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption or authority in terms of these by-laws; or
- (h) (h) fails to comply with the terms of a notice served upon him or her in terms of these by-laws;

shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000-00 or in default on payment, to imprisonment for a period not exceeding 4 months and in the event of a continued offence to a further fine not exceeding R1 000-00 for every day during the continuance of such offence after a written notice from the municipality or its authorised agent has been issued, and in the event of a second offence to a fine not exceeding R4 000-00 or, in default on payment to imprisonment for a period not exceeding 8 months.

Availability of by-laws

27. (1) A copy of these by-laws shall be included in the municipality's Municipal Code as required in terms of Local Government: Municipal Systems Act 32 of 2000.
- (2) A copy of these by-laws shall be available for inspection at the municipal offices or at the offices of its authorised agent at all reasonable times.
- (3) A copy of the by-laws may be obtained against payment of R10-00 from the municipality or its authorised agent.

CHAPTER II: WATER SUPPLY SERVICES

PART 1: CONNECTION TO WATER SUPPLY SYSTEM

Provisions of connection pipe

28. (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the prescribed charge for the installation of such a pipe.
- (2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the municipality or its authorised agent may agree to the extension subject to such conditions as it may impose.

Location of connection pipe

29. (1) A connection pipe provided and installed by the municipality or its authorised agent shall:-
- (a) (a) be located in a position agreed to between the owner and the municipality or its authorised agent and be of a suitable size as determined by the municipality or its authorised agent;
 - (i) the boundary of the land owned by or vested in the municipality or its authorised agent, or over which it has a servitude or other right; or
 - (ii) the outlet of water meter if it is situated on the premises; or
 - (iii) the isolating valve if it is situated on the premises
- (2) In reaching agreement with an owner concerning the location of a connection pipe, the municipality or its authorised agent shall ensure that the owner is aware of:-
- (a) (a) practical restrictions that may exist regarding the location of a connection pipe;
 - (b) (b) the cost implications of the various possible locations of the connection pipe;
 - (c) (c) whether or not the municipality or its authorised agent requires the owner to indicate the location of the connection pipe by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the municipality or its authorised agent to connect to such installation.
- (3) A municipality or its authorised agent may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a main other

than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for any extension of the water installation to the connecting point designated by the municipality or its authorised agent and for obtaining at his or her cost, such servitudes over other premises as may be necessary.

- (4) (4) An owner must pay the prescribed connection charge.

Provision of single water connection for supply to several consumers on same premises

30. (1) Notwithstanding the provisions of Section 29 only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the municipality or its authorised agent may, in its discretion, provide and install either:-
- (a) (a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
- (b) (b) a separate measuring device for each accommodation unit or any number thereof.
- (3) Where the municipality or its authorised agent has installed a single measuring device as contemplated in Sub-section (2) (a), the owner or the person having the charge or management of the premises, as the case may be:-
- (a) (a) must, if the municipality or its authorised agent so requires, install and maintain on each branch pipe extending from the connection pipe to the different accommodation units:-

- (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (b) (b) will be liable to the municipality or its authorised agent for the tariffs and charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) (4) Notwithstanding Sub-section (1), the municipality or its authorised agent may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising sectional title units or if, in the opinion of the municipality or its authorised agent, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (5) (5) Where the provision of more than one connection pipe is authorised by the municipality or its authorised agent under Sub-section (4), the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.

Interconnection between premises or water installation

31. An owner of premises shall ensure that no interconnection exists between:-

- (a) (a) the water installation on his or her premises and the water installation of other premises; or
- (b) (b) where several accommodation units are situated on the same premises, the water installations of the accommodation units;

unless he or she has obtained the prior written consent of the municipality or its authorised agent, and complies with any conditions that it may have imposed.

Disconnection of water installation from connection pipe

32. 32. The municipality or its authorised agent may disconnect a water installation from the connection pipe and remove the connection pipe if:-
- (a) (a) the agreement for supply has been terminated in terms of Section 13 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
 - (b) (b) the building on the premises concerned has been demolished.

PART 2: COMMUNAL WATER SERVICES WORKS**Provision of a water services work for water supply to several consumers**

33. (1) A municipality or its authorised agent may install a communal water services work for the provision of water services to several consumers at a location it deems appropriate, provided that:-
- (a) (a) the consumers to whom water services will be provided through that water services work has been consulted in respect of the level of service, tariff that will be payable and location of the work.

PART 3: TEMPORARY SUPPLY**Water supplied from a hydrant**

34. (1) The municipality or its authorised agent may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and period as may be prescribed by it.
- (2) A person who desires a temporary supply of water referred to in Sub-section (1) must apply for such water services in terms of Section 2.

- (3) The supply of water in terms of Sub-section (1) must be measured.
- (4) (4) The municipality or its authorised agent may for purposes of measuring provide a portable water meter to be returned to the municipality or its authorised agent on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant, shall remain the property of the municipality or its authorised agent and will be provided subject to any conditions imposed by the municipality or its authorised agent.

PART 4: STANDARDS AND GENERAL CONDITIONS OF SUPPLY

Quantity, quality and pressure

35. 35. Water supply services provided by the municipality or its authorised agent will comply with the minimum standards set for the provision of water supply services in terms of Section 9 of the Act.

General conditions of supply

36. (1) The municipality or its authorised agent may specify the maximum height to which water will be supplied from water supply system. Where a consumer requires water to be supplied at a greater height or pressure the consumer will be responsible therefor.
- (2) The municipality or its authorised agent may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (3) If in the opinion of the municipality or its authorised agent the consumption of water by a consumer adversely affects the supply of water to another consumer, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned consumer in order to ensure a reasonable supply of water to the other consumer and will inform that consumer of such restrictions.

PART 5: MEASUREMENT OF WATER SUPPLY SERVICES**Measuring of quantity of water supplied**

37. (1) The municipality or its authorised agent will measure the quantity of water supplied at regular intervals.
- (2) Any measuring device through which water is supplied to a consumer by the municipality or its authorised agent and its associated apparatus shall be provided and installed by the municipality or its authorised agent, shall remain its property, and may be changed and maintained by the municipality or its authorised agent when deemed necessary by it.
- (3) The municipality or its authorised agent may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- (4) (4) If the municipality or its authorised agent installs a measuring device on a service pipe in terms of Sub-section (3), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water supply system.
- (5) (5) If the municipality or its authorised agent installs a measuring device together with its associated apparatus on a service pipe in terms of Sub-section (3), the owner shall:-
- (a) (a) provide a place satisfactory to the municipality or its authorised agent in which to install it;
- (b) (b) ensure that unrestricted access is available to it at all times;
- (c) (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;

- (d) (d) ensure that no connection is made to the pipe in which the measuring device and the connection pipe serving the installation; and
 - (e) (e) make provision for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the municipality or its authorised agent on the measuring device.
- (6) (6) No person other than an authorised agent shall:-
- (a) (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - (b) (b) break a seal which the municipality or its authorised agent has placed on a meter; or
 - (c) (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) (7) If the municipality or its authorised agent considers that, in the event of the measuring device being a meter that the size of a meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed charge for the installation of the meter.
- (8) (8) The municipality or its authorised agent may require the installation, at the owner's expense, of a measuring device to each dwelling unit, in separate occupancy, on any premises, for use in determining quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

Quantity of water supplied to consumer

38. (1) For purposes of assessing the quantity of water measured by a measuring device

installed by the municipality or its authorised agent on the premises of a consumer or, where applicable, estimated or determined by the municipality or its authorised agent in terms of any provision of these by-laws, it will for the purposes of these by-laws be deemed, unless the contrary can be proved, that:-

- (a) (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
 - (b) (b) the measuring device was accurate during such period;
 - (c) (c) the entries in the records of the municipality or its authorised agent were correctly made; and
 - (d) (d) provided that if water is supplied to, or taken by, a consumer without its passing through a measuring device, the estimate by the municipality or its authorised agent of the quantity of such water shall be deemed to be correct.
- (2) Where water supplied by the municipality or its authorised agent to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the municipality or its authorised agent, the municipality or its authorised agent may for the purpose of rendering an account estimate, in accordance with Sub-section (3), the quantity of water supplied to the consumer during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer.
- (3) For the purposes of Sub-section (2), an estimate of the quantity of water supplied to a consumer shall be based on, as the municipality or its authorised agent may decide:-
- (a) (a) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months' period prior to the date on which the taking of water in the manner mentioned in Sub-section (2) was discovered; or

- (b) (b) the average monthly consumption on the premises registered over three succeeding measuring periods after the date referred to in Sub-section 3 (a).
- (4) (4) Nothing in these regulations shall be construed as imposing on the municipality or its authorised agent an obligation to cause any measuring device installed by the municipality or its authorised agent on any premises to be measured at the end of every month or any other fixed period, and the municipality or its agent may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device and render an account to a consumer for the quantity of water so estimated.
- (5) (5) The municipality or its authorised agent, must on receipt from the consumer of written notice of not less than 7 (seven) days and subject to payment of the prescribed charge, measure the quantity of water supplied to consumer at a time or on a day other than that upon which it would normally be measured.
- (6) (6) If a contravention of Sub-section 36(6) occurs, the consumer shall pay to the municipality or its authorised agent the cost of such quantity of water as in the municipality or its authorised agent's opinion was supplied to him or her.
- (7) (7) Until such time a measuring device has been installed in respect of water supplied to a consumer the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises is situated, during a specific period.
- (8) (8) Where in the opinion of the municipality or its authorised agent it is not reasonably possible or cost effective to measure water supplied to each consumer within a determined zone, the municipality or its authorised agent may determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.

- (9) (9) A tariff charge determined in terms of Sub-section (8) will be based on the estimated average consumption of water supplied to that zone.
- (10) (10) Where water supply services are provided through a communal water services work, the amount due and payable by consumers gaining access to water supply services through that communal water services work must be based on the estimated average consumption of water supplied to that water services work.

Defective measurement

39. (1) If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her by the municipality or its authorised agent is defective he or she may, against payment of the prescribed charge, make application in writing for the measuring device to be tested.
- (2) The provisions of Sections 10(8) to 10(12) will apply to such an application.

Special measurement

40. (1) If the municipality or its authority agent wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may by written notice advise the owner concerned of its intention to install a measuring device at such point in the water installation as it may specify.
- (2) The installation of a measuring device referred to in Sub-section (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the municipality or its authorised agent.
- (3) The provisions of Sections 37(5) and 37(6) shall apply in so far as they may be applicable in respect of a measuring device installed in terms of Sub-section (1).

No reduction of amount payable for water wasted

41. 41. A consumer shall not be entitled to a reduction of the amount payable for water wasted or water losses in a water installation.

Adjustment of quantity of water supplied through defective measuring device

42. (1) If a measuring device is found to be defective in terms of Section 10 (11), the municipality or its authorised agent may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over:-
- (a) (a) a period between two successive measurements subsequent to the replacement of the measuring device; or
 - (b) (b) a period in the previous year corresponding to the period in which the measuring device was defective; or
 - (c) (c) the period between three successive measurements prior in which measuring device becoming defective; whichever it considers the most appropriate.
- (2) If the quantity of water supplied to a consumer during the period when his or her measuring device was defective cannot be estimated in terms of Sub-section (1), the municipality or its authorised agent may estimate the quantity on any basis that is available to it.

PART 6: INSTALLATION WORK

Approval of installation works

43. (1) If an owner wishes to have installation work done, he or she must first obtain the municipality or its authorised agent's written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations

where no fire replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.

- (2) Application for the approval referred to in Sub-section (1) shall be made on the prescribed form and shall be accompanied by:-
 - (a) (a) the prescribed charge, if applicable;
 - (b) (b) copies of the drawings as prescribed by the municipality or its authorised agent, giving information in the form required by Clause 4.1.1 of SABS Code 0252: Part 1; and
 - (c) (c) a certificate certifying that the installation has been designed in accordance with SABS Code 0252: Part 1 or has been designed on a rational basis.
- (3) The provisions of Sub-sections (1) and (2) shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- (4) Authority given in terms of Sub-section (1) shall lapse at the expiry of a period of twenty-four months after the first day of the month succeeding the month in which authority is given.
- (5) (5) A complete set of approved drawings of installation works shall be available at the site of the work at all times until such works has been completed, where approval was required in terms of Sub-section (1).
- (6) (6) If installation work has been done in contravention of Sub-section (1) or (2), the municipality or its authorised agent may by written notice require the owner of the premises concerned to:-
 - (a) (a) comply with that regulation within a specified period;
 - (b) (b) if work is in progress, to cease the work; and

- (c) (c) to remove all such work which does not comply with these by-laws.

Permission and maintenance of water installations

45. (1) An owner must provide and maintain his or her water installation at his or her own cost and, where permitted in terms of Sub-section (2), must ensure that the installation is situated within the boundary of her premises.
- (2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his or her premises, an owner shall obtain the written consent of the municipality or its authorised agent or the owner of the land on which such portion is situated, as the case may be.

Use of pipes and water fittings to be authorised

46. (1) No person shall, without the prior written authority of the municipality or its authorised agent, install or use a pipe or water fitting in a water installation within the municipality or its authorised agent's area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings as compiled by the municipality or its authorised agent.
- (2) Application for the inclusion of a pipe or water fitting in the Schedule referred to in Sub-section (1) must be made on the form prescribed by the municipality or its authorised agent and be accompanied by the prescribed charge.
- (3) A pipe or water fitting may be included in the Schedule referred to in Sub-section (1) if:-
- (a) (a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or

- (b) (b) it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS Mark specification or a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years.
- (4) The municipality or its authorised agent may, in respect of any pipe or water fitting included in the Schedule, impose such additional conditions, as it may deem necessary in respect of the use or method of installation thereof.
- (5) A pipe or water fitting shall be removed from the Schedule if it:-
 - (a) no longer complies with the criteria upon which its use was based; or
 - (c) (c) is no longer suitable for the purpose for which its use was accepted.
- (7) (7) The current schedule shall be available for inspection at the office of the municipality or its authorised agent at any time during working hours.
- (8) (8) The municipality or its authorised agent may sell copies of the current schedule at the prescribed charge.

Labeling of terminal water fittings and appliances

47. 47. All terminal water fittings and appliances using or discharging water shall be marked, or have included within the packaging of the item, the following information:
- (a) (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate;
 - (b) (b) the flow rates, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following water pressures:-
 - (i) (i) 20 kPa

- (ii) 100 kPa
- (ii) 400 kPa

PART 7: WATER POLLUTION, RESTRICTION AND WASTEFUL USE OF WATER

Owner to prevent pollution of water

48. 48. An owner shall provide and maintain approved measures to prevent the entry of a substance, which may be a danger to health or adversely affect the portability of water or affect its fitness for use; into:-

- (a) (a) the water supply system; and
- (b) (b) any part of the water installation on his or her premises

Water restrictions

49. (1) The municipality or its authorised agent may by public notice to prevent the wasteful use of water in terms of Section 51 or in the event of a water shortage, drought or flood:-

- (a) (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for:-
 - (i) specified purposes;
 - (ii) during specified hours of the day or on specified days; and
 - (iii) in a specified manner; and
- (b) (b) determine and impose:-
 - (i) limits on the quantity of water that may be consumed over a specified period;

- (ii) charges additional to those prescribed in respect of the supply of water in excess of a limit contemplated in Sub-section (1) (b) (i); and
 - (iii) a general surcharge on the prescribed charges in respect of the supply of water; and
 - (c) (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- (2) The municipality or its authorised agent may limit the application of the provisions of a notice contemplated by Sub-section (1) to specified areas and categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.
- (3) The municipality or its authorised agent may:-
- (a) (a) take, or by written notice require a consumer at his or her own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of Sub-section (1); or
 - (b) (b) discontinue or, for such period as it may deem fit, limit the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of Sub-section (1), subject to notice in terms of Section 23; and
 - (c) (c) where the supply has been discontinued, it shall only be restored when the prescribed charge for discontinuation and reconnecting the supply has been paid.

- (4) The provisions of this section shall also apply in respect of water supplied directly by the municipality or its authorised agent to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of Sub-section (1).

Waste of water unlawful

50. (1) No consumer shall permit:-

- (a) (a) the purposeless or wasteful discharge of water from terminal water fittings;
 - (b) (b) pipes of water fittings to leak;
 - (c) (c) the use of maladjusted or defective water fittings;
 - (d) (d) an overflow of water to persist; or
 - (e) (e) an inefficient use of water to persist.
- (2) An owner shall repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in Sub-section (1).
- (3) If an owner fails to take measures as contemplated in Sub-section (2), the municipality or its authorised agent shall, by written notice in terms of Section 23, require the owner to comply with the provisions of Sub-section (1).
- (4) A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- (5) (5) The municipality or its authorised agent may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the municipality or its authorised agent.

PART 8: WATER AUDIT**Water audit**

51. (1) Water users using more than 3 650 KJ per annum, excluding those comprising multiple dwelling units, must within one month after the end of each financial year of the municipality or its authorised agent undertake an annual water audit at their own cost.
- (2) A copy of the audit must be available for inspection by officials from the Department of Water Affairs and Forestry, the water board, if applicable, and the municipality or its authorised agent.
- (3) The audit must contain details in respect of:-
- (a) (a) the amount of water used during the financial year;
 - (b) (b) the amount paid for water for the financial year;
 - (c) (c) the number of people living on the stand or premises;
 - (d) (d) the number of people permanently working on the stand or premises;
 - (e) (e) the seasonal variation in demand through monthly consumption figures;
 - (f) (f) the water pollution monitoring methods;
 - (g) (g) the current initiatives to manage demand for water;
 - (h) (h) the plans to manage their demand for water;
 - (i) (i) a comparison of the above factors with those reported in each of the previous three years (where available);
 - (j) (j) estimates of consumption by various components of use; and
 - (k) (k) a comparison of the above factors with those reported in each of the previous three years, where available.

PART 9: GENERAL PROVISIONS**Notification of boreholes**

52. (1) The municipality or its agent may, by public notice, require:-
- (a) (a) the owner of any premises within the area of jurisdiction of the municipality or its authorised agent upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and
 - (b) (b) the owner or occupier of any premises who intends to sink a borehole on such premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.
- (2) The municipality or its authorised agent may require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact assessment for such intended borehole, to the satisfaction of the municipality or its authorised agent, before sinking the borehole.
- (3) Boreholes are subject to any requirements of the National Water Act, 1998 (Act No. 136 of 1998).
- (3) The municipality or its authorised agent may by notice to an owner or occupier or by public notice require owners and occupiers on who has existing boreholes used for water services to:-
- (a) (a) obtain approval from it for the use of a borehole for water services in accordance with Sections 6, 7 and 22 of the Act;
 - (b) (b) impose conditions in respect of the use of a borehole for water services; and

- (c) (c) impose a fixed charge in respect of the use of such a borehole.

Sampling of water

53. (1) The municipality or its authorised agent may take samples of water obtained from a source, authorised in terms of Sections 6 or 7 of the Act, other than the water supply system for domestic purposes and cause the samples to be tested for compliance with any national standards prescribed in terms of Section 9 of the Act.
- (2) The prescribed charge for the taking and testing of the samples referred to in Sub-section (1) shall be paid by the person to whom approval to use the water for portable water was granted in terms of Section 9 of the Act.

Supply of non-potable water by municipality or its authorised agent

54. (1) The municipality or its authorised agent may on application in terms of Section 3 agree to supply non-potable water to a consumer, subject to such terms and conditions as the municipality or its authorised agent may impose.
- (2) Any supply of water agreed to in terms of Sub-section (1) shall not be used for domestic or any other purposes, which, in the opinion of the municipality or its authorised agent, may give rise to a health risk.
- (3) No warrant, express or implied, shall apply to the purity of any non-potable water supplied by the municipality or its authorised agent or its suitability for the purpose for which the supply was granted.
- (4) The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss arising to himself, herself or others arising directly or indirectly therefrom, including the consequences of any bona fide fault of the municipality or its authorised agent or the malfunction of a treatment plant.

Testing of pressure in water supply systems

55. 55. The municipality or its authorised agent may, on application by an owner and on payment of the prescribed charge, determine and furnish the owner with the value of the pressure in the water supply system relating to his or her premises over such period as the owner may request.

Pipes in streets or public places

56. 56. No person shall for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by, vested in, or under the control of any municipality or its authorised agent, except with the prior written permission of that municipality or its authorised agent and subject to such conditions as it may impose.

CHAPTER III: SANITATION SERVICES**PART 1: STANDARDS AND GENERAL PROVISIONS****Standards for sanitation services**

57. 57. Sanitation services provided by the municipality or its authorised agent will comply with the minimum standard set for the provision of sanitation services in terms of Section 9 of the Act.

Objectionable discharge to sewage disposal system

58. (1) No person shall discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance.

- (a) (a) which does not comply with the standards and criteria prescribed in sections 73, 74, 76 below;
- (b) (b) which contains any substance in such concentration as will produce or be likely to produce in the effluent produces for discharge at any sewage treatment plant or sea outfalls discharge point or in any public water any offensive, or otherwise undesirable taste, colour, odour, temperature or any foam;
- (c) (c) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use or treated to produce sludge for disposal;
- (d) (d) which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;
- (e) (e) which contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant or discharge from any sea outfalls not complying with standards prescribed under the National Water Act, 1998 (act No. 36 of 1998);
- (f) (f) which may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal or may prejudice the use of any ground used by the municipality or its authorised agent for the sewage disposal system, other than in compliance with the permissions issued in terms of these by-laws; and
- (g) (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.

- (2) No person shall cause or permit any stormwater to enter to sewage disposal system.
- (3) The municipality or its authorised agent may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures which would ensure compliance with these by-laws and to report such findings to an authorised agent.
- (4) If any person contravenes any provision of Sub-section (1) or Sub-section (2) he or she shall within twelve hours, or earlier if possible, advise the municipality or its authorised agent of the details of the contravention and the reasons for it.

PART 2: ON SITE SANITATION SERVICES AND ASSOCIATED SERVICES

Application for infrastructure

59. (1) If an agreement for on site sanitation and associated services in accordance with Section (2) exists and no infrastructure in connection therewith exists on the premises, the owner must immediately make application on the approved form and:-
- (a) (a) pay the prescribed charge for the installation of necessary infrastructure; or
 - (b) (b) with the approval by the municipality or its authorised agent and at the request of the owner, install the connecting sewer or on site sanitation services in accordance with the specifications of the municipality or its authorised agent.
- (2) A municipality or its authorised agent may specify the type of on site sanitation services to be installed.

Services associated with on-site sanitation services

60. (1) The removal or collection of conservancy tank contents, night soil or the emptying

of pits will be undertaken by the municipality or its authorised agent in accordance with a removal and collection schedule determined by the municipality or its authorised agent.

- (2) Copies of the collection and removal schedule will be available on request.

Charges in respect of services associated with on-site sanitation services

61. (1) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will cover all the operating and maintenance costs in the removal of the pit contents, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues.
- (2) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will be based on the volume removed by the vacuum tank or otherwise.
- (3) If the volume of conservancy tank contents, night soil or the emptying of pits removed or collected cannot be quantified the municipality or its authorised agent may charge a fixed charge as prescribed.
- (4) Charges may be in the form of a monthly contribution or it may be levied as a single payment when the service is rendered.

PART 3: SEWAGE DISPOSAL

Provision of a connecting sewer

62. (1) If an agreement for the use of the sewage disposal system in accordance with Section 2 exists and no connecting sewer exists in respect of the premises, the owner must immediately make application on the approved form and:-
- (a) (a) pay the prescribed charge for the installation of such a connecting sewer; or

- (b) (b) with the approval by the municipality or its authorised agent and at the request of the owner, install the connecting sewer in accordance with any specification of the municipality or its authorised agent.

- (2) If an application is made for use of the sewage disposal system to a premises which is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the municipality or its authorised agent may agree to the extension subject to such conditions as it may impose.

Location of connecting sewer

63. (1) A connecting sewer provided and installed by the municipality or its authorised agent or owner in terms of section 62 shall:-

- (a) (a) be located in a position agreed to between the owner and the municipality or its authorised agent and be of a size determined by an authorised officer;
- (b) (b) terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the municipality or its authorised agent or over which it has a servitude or other right or when Sub-section (3) applies, at the connecting point designated in terms of that Sub-section.

- (2) In reaching agreement with an owner concerning the location of a connecting sewer, the municipality or its authorised agent shall ensure that the owner is aware of:-

- (a) (a) practical restrictions that may exist regarding the location of a connecting sewer pipe;
- (b) (b) the cost implications of the various possible locations of the connecting sewer;

- (c) (c) whether or not the municipality or its authorised agent requires the owner to fix the location of the connecting sewer by providing a portion of his or her water installation at or outside the boundary of his or her premises where the connection is required, for the municipality or its authorised agent to connect to such installation.
- (3) A municipality or its authorised agent may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises, provided that the applicant shall be responsible for any extension of the drainage installation to the connecting point designated by an authorised officer and for obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (4) An owner must pay the prescribed connection charge.
- (6) (6) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations the rate and time of discharge into the sewer shall be subject to the approval of the municipality or its authorised agent.

Provision of one connecting sewer for several consumers on same premises

64. (1) Notwithstanding the provisions of Section 62 only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.
- (2) Where the owner, or the person having charge or management of any premises on which several accommodation units are situated, requires the disposal of sewage from such premises for the purpose of disposal from the different accommodation units, the municipality or its authorised agent may, in its discretion, provide and install either:-

- (a) (a) a single connection sewer in respect of the premises as a whole or any number of such accommodation units; or
 - (b) (b) a separate connecting sewer for each accommodation unit or any number thereof.
- (3) Where the municipality or its authorised agent has installed a single connecting sewer as contemplated in Sub-section (2) (a), the owner or the person having the charge or management of the premises, as the case may be:-
 - (a) (a) must if the municipality or its authorised agent so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units:-
 - (i) a separate connecting sewer;
 - (ii) an isolating valve; and
 - (b) (b) will be liable to the municipality or its authorised agent for the tariffs and charges for all sewage disposed from the premises through such a single connecting sewer, irrespective of the different quantities disposed by the different consumers served by such connecting sewer.
- (4) Notwithstanding Sub-section (1), the municipality or its authorised agent may authorise that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the municipality or its authorised agent, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.
- (5) Where the provision of more than one connecting sewer is authorised by the municipality or its authorised agent under Sub-section (4), the tariffs and charges for the provision of a connecting sewer is payable in respect of each sewage connection so provided.

Interconnection between premises

65. 65. An owner of premises shall ensure that no interconnection exists between the drainage installation on his or her premises and the drainage installation on other premises, unless he or she has obtained the prior written consent of the municipality or its authorised agent and complies with any conditions that it may have imposed.

Disconnection of draining installation from connecting sewer

66. 66. The municipality or its authorised agent may disconnect a drainage installation for the connecting sewer and remove the connecting sewer if:-
- (a) (a) the agreement for provision has been terminated in terms of Section 12 and it has not received an application for subsequent provision to the premises served by the sewer within a period of 90 days of such termination; or
 - (b) (b) the building on the premises concerned has been demolished.

PART 4: SEWAGE DELIVERED BY ROAD HAULAGE**Acceptance of sewage delivered by road haulage**

67. (1) The municipality or its authorised agent may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to the municipality's sewage treatment plants by road haulage

Written permission for delivery of sewage by road haulage

68. (1) No person shall discharge sewage into the municipality's sewage treatment plants

by road haulage except with the written permission of the municipality or its authorised agent and subject to such period and any conditions that may be imposed in terms of the written permission.

- (2) The charges for any sewage delivered for disposal to the municipality's sewage treatment plants shall be assessed by the municipality or its authorised agent in accordance with the prescribed tariffs of charges.

Conditions for delivery of sewage by road haulage

69. (1) When sewage is delivered by road haulage:-

- (a) (a) the time of delivery shall be arranged with the municipality or its authorised agent; and
- (b) (b) the nature and composition of the sewage shall be established to the satisfaction of the municipality or its authorised agent prior to the discharge thereof and no person shall deliver sewage that does not comply with the standards laid down in terms of these by-laws.

Withdrawal of permission for delivery of sewage by road haulage

70. (1) The municipality or its authorised agent may withdraw any permission, after giving at least 14 (fourteen) days written notice if a person fails to comply with any or all of the conditions of the said permission.

MUNICIPAL MANAGER:

MR S. MAKHUBELA
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LOCAL AUTHORITY NOTICE 178

GREATER GIYANI MUNICIPALITY**STANDARD CHILD-CARE FACILITIES BY-LAWS**

It is hereby notified in accordance with section 13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) that the Greater Giyani Municipal Council hereby publishes the Standard Child-Care Facilities By-laws as set out below:

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1. 1. Definitions

In these by-laws, unless the context indicates otherwise:-

- 1.1. 1.1. **"Child"** means any person under the age of 18 (eighteen) years who is in the care of a child-care facility;
- 1.2. 1.2. **"child-care facility"** means any undertaking involving custody and care of a minimum of 6 (six) children apart from their parents during the whole part of the day;
- 1.3. **"council"** means the Greater Giyani Municipal Council established in terms of section 12 of the Local Government: Municipal Structures Act 117 of 1998;
- 1.4. **"the Health Act"** means the Health Act (No. 63 of 1977);
- 1.5. 1.5. **"Municipality"** means the Greater Giyani Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) as amended;
- 1.6. 1.6. **"National Building Regulations"** means the regulations published under the National Building Regulations and Building Standards Act (No. 105 of 1977);
- 1.7. 1.7. **"operator"** means the approved person who runs the child-care facility and is the applicant under section 4;
- 1.8. 1.8. **"owner"** means the person in whose name the premises is registered at the Deeds Office;
- 1.9. 1.9. **"organ of state"** means any organ of state as defined in section 239 of the Constitution;
- 1.10. 1.10. **"premises"** means any building, or part thereof, including the erf or plot in or on which a child-care facility is carried out;
- 1.11. 1.11. **"staff member"** means any person employed as such by a registered child-care facility and whose details appears in the staff register as contemplated in section 12.

2. 2. CLASSIFICATION OF CHILD-CARE FACILITY

- 2.1. 2.1. No person may conduct a child-care facility (other than a place of care operated and controlled by an organ of state) unless that child-care facility has been registered under section 3 and 4, or in any way not according to the conditions on which such place of care has been so registered.
- 2.2. 2.2. No person may conduct a child-care facility unless they are in possession of a valid certificate issued under section 4.
- 2.3. 2.3. Any person who is, at the date of commencement of these by-laws, conducting a child-care facility must, within 6 (six) months of that date, apply for registration of such facility as set out in section 4.

3. REGISTRATION OF THE PREMISES

- 3.1. 3.1. Any owner of property on which a child-care facility is intended to be carried out or where a child-care facility is being carried out as contemplated in subsection 2.3, must apply, in a manner and form as near as possible to Form 1 of the Schedule, to the Council for such property to be registered as suitable premises for the intended purpose.
- 3.2. 3.2. An application under subsection 3.1. should accompany the application by the applicant as set out in section 4.
- 3.3. 3.3. The Council may, before or during the consideration of the application, request further information that relates to the application that it considers necessary.
- 3.4. 3.4. The Council must approve an application and register the premises if it is satisfied that the premises complies with:-
- 3.4.1. 3.4.1. the National Building Regulations;
 - 3.4.2. 3.4.2. the Health Act;
 - 3.4.3. 3.4.3. the Municipality's Zoning Scheme Regulations; and

- 3.4.4. 3.4.4. the minimum requirements relating to the premises on which the child-care facility is to be conducted.
- 3.5. 3.5. The Council may impose such further conditions on the child-care facility when it approves an application for registration.
- 3.6. 3.6. Once the application for registration has been approved, the Council must issue a certificate which:-
- 3.6.1. 3.6.1. states the name of the person to whom it is issued;
- 3.6.2. 3.6.2. describes the premises in respect of which the application was approved;
- 3.6.3. 3.6.3. specifies any conditions or restrictions imposed under subsection 3.5;
- 3.6.4. 3.6.4. states the period for which the premises will be so registered.
- 3.7. 3.7. Registration shall lapse and the certificate issued under subsection 3.6 shall cease to be valid:-
- 3.7.1. 3.7.1. on the owner's death; or
- 3.7.2. 3.7.2. if the person ceases to be the owner of the premises.
- 3.8. 3.8. Neither registration nor the certificate is transferable to any other person, heir or successor-in-title to the certificate holder.

4. REGISTRATION OF CHILD-CARE FACILITY

- 4.1. 4.1. Every person who intends to conduct a child-care facility must apply in writing, in a manner and form as near as possible to Form 2 of the Schedule.
- 4.2. 4.2. The Council may, before considering the application, request further information that relates to the application that it considers necessary.

- 4.3. 4.3. The Council may approve an application and register the applicant as an operator if it is satisfied that the applicant is a fit and proper person to conduct a child-care facility:-
- 4.3.1 4.3.1 after considering a social report on the qualifications and criminal background of such applicant;
- 4.3.2 4.3.2 there are no circumstances that are likely to be prejudicial to the health, safety and welfare of the children who are to be cared for at the facility;
- 4.3.3 4.3.3 the premises on which the child-care facility is to be conducted complies with the minimum requirements.
- 4.4. 4.4. The Council may, at any time before or after approving an application in terms of section 4, require the applicant to give the Council a report from a registered psychologist detailing the applicant's state of mental health.
- 4.5. 4.5. When approving an application for registration, the Council may impose such further conditions and restrictions on the child-care facility as it deems fit.
- 4.6. 4.6. Once the application for registration is approved, the Council must issue a certificate to the applicant which:-
- 4.6.1 4.6.1 states the name of the person to whom it is issued;
- 4.6.2 4.6.2 describes the premises in respect of which the application was approved;
- 4.6.3 4.6.3 specifies any conditions or restrictions imposed under subsection 4,5;
- 4.6.4 4.6.4 states the period for which the child-care facility will be so registered.
- 4.7. 4.7. The certificate referred to in subsection 4.6 is valid only in respect of the person to whom it was issued and the premises to which it refers.

4.8. 4.8. The Council must make its decision within 30 (thirty) days of receipt of a complete application or as soon as reasonably possible thereafter.

4.9. 4.9. If the Council does not approve an application for the registration of a child-care facility, the Council must within 14 (fourteen) day of the decision:-

4.9.1. 4.9.1. inform the applicant of such a decision;

4.9.2. 4.9.2. must provide written reasons to the applicant if so requested; and

4.9.3. 4.9.3. may give the applicant an opportunity to comply with the requirements of subsection 4.3 and section 8 or any other conditions and/or requirements the Council may stipulate.

4.10. 4.10. Registration shall lapse and a certificate issued under subsection 4.5 shall cease to be valid:-

4.10.1. 4.10.1. on the certificate holder's death; or

4.10.2. 4.10.2. if the person ceases to carry on a child-care facility.

4.11. 4.11. Neither registration nor the certificate is transferable to any other person, heir of or the successor-in-title to the certificate holder.

5. CONTROL OF THE CHILD-CARE FACILITY

The registered operator must be in effective management and control of the child-care facility on a day-to-day basis.

6. CANCELLATION OF REGISTRATION

6.1. 6.1. The Council may, after giving written notice to the operator, cancel registration of the child-care facility if:-

- 6.1.1. 6.1.1. the operator is convicted of an offence as contemplated in section 15;
 - 6.1.2. 6.1.2. the operator fails to comply with any condition or restriction imposed under this by-law; or
 - 6.1.3. 6.1.3. the Council believes that the operator is an unsuitable person to conduct the child-care facility; or
 - 6.1.4. 6.1.4. circumstances exist that are likely to prejudice the health, safety and welfare of children being cared for at the facility.
- 6.2. 6.2. The Council must summarily cancel the registration of the child-care facility in the event of the certificate holder being charged with child abuse and/ or any crimes of violence provided for under the criminal procedure laws of the Republic of South Africa.
- 6.3. 6.3. On cancellation, the Council may appoint an interim operator to run the child-care facility until all the children have been placed in alternative facilities, or the Council may summarily close the child-care facility.

7. INSPECTION

- 7.1. 7.1. Any person authorised by the Council may enter any registered child-care facility to:-
- 7.1.1. 7.1.1. inspect the child-care facility and all books, including registers and documents relating thereto;
 - 7.1.2. 7.1.2. observe and interview any child therein, or refer the child to a medical officer or psychologist for examination with the parents' consent;
 - 7.1.3. 7.1.3. observe and interview any staff member of the child-care facility.

- 7.2. 7.2. Any authorised person must be in possession of a letter of authority from the Council. They must produce at the request of any manager or staff member of the child-care facility.
- 7.3. 7.3. The authorised person must submit a report to the Municipality, reporting on the inspection.

8. PREMISES

- 8.1. 8.1. The owner and/ or the operator must ensure at all times that the premises comply with National Building Regulations, the Health Act, the Municipality's Zoning Scheme Regulations and any other relevant legislation.
- 8.2. 8.2. The person in charge of the child-care facility must ensure that:-
- 8.2.1. 8.2.1. there is at least 1 (one) staff member in charge of a maximum of 30 (thirty) children, provided that the ratio of staff member to the amount of children may be increased or decreased at the discretion of the Municipality in any particular case;
- 8.2.2. 8.2.2. the indoor space is of an adequate size for the number of children;
- 8.2.3. 8.2.3. there is an outdoor play area which complies with the provisions of subsection 8.2.4;
- 8.2.4. 8.2.4. if the outdoor play is attached to the child-care facility it must be properly fenced, with the fence having a child-proof lockable gate;
- 8.2.5. 8.2.5. if an outdoor play area cannot be provided, public parks may be used as long as it is safe for children. If there is a swimming pool on the premises, the area surrounding the swimming pool must be securely fenced;

- 8.2.6. 8.2.6. a kitchen is provided, which is separate from the play area and suitable for the preparation of food;
- 8.2.7. 8.2.7. the toilet and wash facilities are suitable for children and must include:-
- 8.2.7.1. 8.2.7.1. flush toilets where running water is available;
- 8.2.7.2. 8.2.7.2. commodes or potties where running water is not available or children are not toilet trained;
- 8.2.7.3. 8.2.7.3. an adequate supply of toilet paper and soap which must be available and accessible to the children;
- 8.2.7.4. 8.2.7.4. a towel and facecloth for each child which must be marked and kept separately;
- 8.2.7.5. 8.2.7.5. a bucket with a lid for each baby for sterilising or soaking nappies, where the child-care facility provides for the care of babies. These nappies must be washed daily and the bucket cleaned;
- 8.2.7.6. 8.2.7.6. steps where the children cannot reach toilets or washbasins;
- 8.2.7.7. 8.2.7.7. a sickbay or quiet space away from other children is provided for children who are ill; and
- 8.2.7.8. 8.2.7.8. all equipment used by the children is suitable and safe for their use.

9. MINIMUM NUTRITIONAL REQUIREMENTS

- 9.1. 9.1. Clean water must be available for drinking and cooking at all times in clean covered containers.
- 9.2. The drinking water must be accessible to all staff.

- 9.2. 9.2. Where the child stays with the child-care facility for longer than 4 (four) hours, the person in charge of such facility must provide at least 2 (two) meals a day, which must be balanced and meet the child's daily nutritional requirements.

10. HEALTH

The staff at a child-care facility must:-

- 10.1. 10.1. have the contact telephone numbers of each child's parents or guardian, if available;
- 10.2. 10.2. establish and maintain contact with the local clinic, doctor or hospital;
- 10.3. 10.3. be trained and skilled in first aid;
- 10.4. 10.4. be able to identify and refer physically and/or mentally handicapped children to the relevant municipal, provincial or national departments;
- 10.5. 10.5. ensure that all children admitted to the child-care facility have been immunised: provided that if any child is too young, the staff member must encourage the parents to have the child immunised as soon as he or she is old enough.

11. HEALTH REGISTER

The staff at the child-care facility shall keep a health register which reflects the following details of the children:-

- 11.1. 11.1. the child's name and date of birth;
- 11.2. 11.2. the name of each child's parents or guardian and their addresses and telephone numbers;
- 11.3. 11.3. the name and telephone number of each child's doctor who may be consulted in an emergency;

- 11.4. 11.4. all information relating to each child's medical history including:-
- 11.4.1. 11.4.1. the child's general state of health and physical conditions;
 - 11.4.2. 11.4.2. details of operations which each child has undergone;
 - 11.4.3. 11.4.3. details of any illness, allergies or any other chronic conditions which the child may have suffered;
 - 11.4.4. 11.4.4. details of any illnesses, allergies or any other chronic conditions which may require medical attention;
 - 11.4.5. 11.4.5. details of immunisation;

12. STAFF REGISTER

- 12.1. 12.1. The staff at the child-care facility must keep a staff register which reflects the following details of each staff member including the operator:-
- 12.1.1. 12.1.1. name, identity number, date of birth, home address and contact telephone number;
 - 12.1.2. 12.1.2. a curriculum vitae, which should be updated once a year;
 - 12.1.3. 12.1.3. a health record; and
 - 12.1.4. 12.1.4. a history of misconduct for every staff member;
 - 12.1.5. 12.1.5. In the event of cancellation of registration as set out in section 6, the staff register must be updated.

13. MEDICAL CARE

- 13.1. 13.1. The staff at the child-care facility must:
- 13.1.1. 13.1.1. observe all children for signs of illness, injury or other abnormal conditions, including signs of child abuse;

13.1.2. 13.1.2. immediately notify the parent or guardian of such observation: provided that where child abuse is suspected, the relevant social welfare department must be contacted;

13.1.3. 13.1.3. devote all care necessary to the comfort and treatment of the children while they are still on the premises; and

13.1.4. 13.1.4. if necessary and after getting consent from the parents or guardian, contact a medical doctor, a clinic or hospital.

13.2. 13.2. In the event of an emergency, or where the staff member was unable to reach a parent for consent, the staff member may contact the medical doctor or a hospital.

14. SAFETY MEASURES

14.1. 14.1. The children at the child-care facility must always be under the direct supervision of a staff member 18 (eighteen) years or older.

14.2. 14.2. The staff at the child-care facility must:-

14.2.1. 14.2.1. see that all gates and doors which lead to the outside of the facility are securely locked at all times;

14.2.2. 14.2.2. have and maintain a first-aid cupboard with first-aid materials and equipment which is readily available but out of reach of the children;

14.2.3. 14.2.3. store all harmful substances, including alcohol, out of the reach of children;

14.2.4. 14.2.4. ensure that no poisonous or dangerous plants grow on the premises; and

14.2.5. 14.2.5. if pets are kept, keep them clean and hygienic, and out of reach of the children.

15. OFFENCES

Any person is guilty of an offence who:-

- 15.1. 15.1. provides false information when applying for the registration of the premises and/ or of a child-care facility; or
- 15.2. 15.2. contravenes any of the provisions of this by-law.

16. PENALTIES

Any person who is convicted of an offence under any provision of these by-laws is liable to:-

- 16.1.1 16.1.1 imprisonment for a period of 12 (twelve) months ;
- 16.1.2 16.1.2 a fine not exceeding R2000-00; or
- 16.1.3 16.1.3 to both a fine and imprisonment.
- 16.2. 16.2. A court convicting a person of an offence under these by-laws may impose a sentence of community service in *lieu* of fine or imprisonment.

17. 17. APPLICATION OF THESE-BY-LAWS

These by-laws shall apply within the area of jurisdiction of the Greater Giyani Municipality from the date of promulgation.

18. SHORT TITLE AND COMMENCEMENT

These by-laws shall be called the Child-Care Facilities By-Laws and shall come into effect after being published in the Provincial Gazette.

FORM 1

SCHEDULE

To be completed by an applicant as contemplated in section 3 of this by-law.

PERSONAL

(A) (A) Details of applicant

1.	1.	Full	Name(s):
		
2.	2.		Surname:
		
3.	3.	Gender: Male Female (tick whichever is applicable)	
4.	4.		Nationality
		
5.	5.	Identity No. (annex certified copy of ID document)	
6.	6.		Residential
		
7.	7.	Address:	Postal
		
8.	8.	Address of proposed	
		
		Child-care facility:	

(B) (B) Details of premises intended for child-care facility

1.	1.	Address:
	
	
2.	2.	Erf No. (annex certified copy of the title deed)

FORM 2

SCHEDULE

To be completed by an applicant as contemplated in section 4 of this by-law

PERSONAL

(A) (A) Details of applicant

9. 9. Full Name(s):
.....
10. 10. Surname:
.....
11. 11. Gender: Male Female (tick whichever is applicable)
12. 12. Nationality
.....
13. 13. Identity No. (annex certified copy of ID document)
14. 14. Residential Address:
.....
15. 15. Postal Address:
.....
16. 16. Address of proposed Child-care facility:

(B) (B) Qualifications

1. Highest standard passed: (if matric, annex certified copy of certificate)

2. List all other relevant qualifications (annex certified copies of certificates)

.....

3. Have you ever been convicted of a criminal offence? Yes No
 (tick whichever is applicable)

If yes, provide details with regard to:-

(a) offence, including date of commission

(b) sentence, including date of conviction

(c) Police Station where offence was reported, including case number

(C) (C) Medical History

1. Do you suffer from any chronic illness for which you are currently receiving medical treatment? Yes No *(tick whichever is applicable)*
2. 2. If yes, state the nature of the medical condition and treatment being administered an annex a recent doctor's medical report.

THE MUNICIPAL MANAGER:

MR S. MAKHUBELA

MUNICIPAL OFFICES
MAIN ROAD TO GOVERNMENT OFFICES
OPPOSITE KHENSANI HOSPITAL

PRIVATE BAG X 9559
GIYANI
0826
TEL: 015-812 3707
FAX: 015-812 2068

LOCAL AUTHORITY NOTICE 179

GREATER GIYANI MUNICIPALITY**CEMETRY AND CREMATORIUM BY-LAWS**

The Greater Giyani Municipal Council hereby, in terms of section 13 of the Local Government Municipal systems Act, 2000 (Act No. 32 of 2000), publishes the by-laws set forth in the Schedule here below:

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SCHEDULE**Municipality of Greater Giyani Cemetery and Crematorium By-laws****CHAPTER 1****Definitions, Establishment and Control****Definitions**

1. Under these by-laws the following terms shall have the meanings assigned to them respectively-

"bern" means a concrete strip laid by the Council at a grave plot on which a memorial, if any, shall be erected;)

"Body" means any human dead body including the body of any stillborn child;

"burial place" means any burial ground duly set aside by the Council for the interment, cremation or other disposal of bodies within any area under the Council's control;

"burial" means burial in earth, interment, or any other form of sepulture, and includes the cremation or any other mode of disposal of a body;

"burial order" means an order issued in terms of the Births, Marriages and Deaths Registration Act of 1923;

"cremation" means the disposal of a body by means of incineration;

"Council" means the Municipal Council of Greater Giyani;

"director" means the person appointed by the Council as Director of Parks and Recreation

or his duly authorised representative;

"medical officer of health" means the officer appointed thereto by the Council or any person acting in the capacity of medical officer of health;

"municipal manager" means the official so appointed by the Municipality in terms of the Local Government: Municipal Structures Act 1998 (Act 117 of 1998) or any person acting in such a capacity

"name" includes any identifying description of a deceased human being who possessed to name or whose name is unknown;

"reservation certificate holder" means a person to whom a certificate has been issued in terms of section 24 or transferred in terms of section 26.

"responsible officer" means a person appointed by the council responsible for the enforcement of these by-laws.

"superintendent" means the person appointed by the Council as a superintendent of burial places or his duly authorised representative;

Establishments

2. 2. The Council may from time to time set apart any land for the purposes of a burial place.

Control

3. Burial places which have been established, or which may be established in future, shall be under the control of the Council.

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CHAPTER II**Burial Places (Interment)****General**

4. (1) No person shall bury by interment, or cause any body to be so buried within the Council's area of jurisdiction, other-wise than in a burial place.
- (2) A Register of Burials by Interment and of Graves shall be kept in duplicate by the Council. Such register shall be completed as far as possible immediately after a burial has taken place. One copy of such register shall be kept at the office of the municipal manager and at another place as the Council may from time to time determine.
- (3) No body shall be buried by interment within any burial place within the area of jurisdiction of the Council without the permission of the Council, issued by and through the municipal manager. Such permission shall not be given unless a burial order authorising such interment is delivered to the municipal manager and the relative fees payable in terms of the Fourth Schedule to these by-laws shall have been paid; Where the grave plot has been reserved in terms of section 24, the relative certificate shall be produced in lieu of payment of the relative prescribed fees.
- (4) The offices of the officer responsible for graves and crematoria shall be open between the hours of 9 a. m. and 5 p. m, daily
- (5) Every burial place shall be open daily from 7.a.m to 6.p.m during the months of October to April and from 7.a.m to 5.p.m during the months of May to September in each year.

- (6) The Council may allow at its discretion burial or interment of any body without charge in that portion of a burial place set aside for such purpose and in such manner as it may deem fit.
- (7) No person under the age of twelve years shall enter any burial place unless he is in the care of an adult or with the approval of the Council.
- (8) No person shall enter or leave any burial place except by the gates thereto provided nor shall enter any office or enclosed place in any burial place except on business.
- (9) No person shall carry on any trade or solicit any business, or exhibit, distribute or leave any business card or advertisement within any burial place or on any public thoroughfare within 100m of the boundary, any burial place, except on sites specifically determined and set aside for such purposes.
- (10) No person shall sit, stand or climb upon or over any grave, tombstone, work, gate, wall, fence or building in any burial place.
- (11) No person shall, except with the permission of the Council, introduce or cause any animal drawn vehicle to be introduced into any burial place.
- (12) No person shall bring or allow any animal into a burial place. Any animal found in any burial place may be impounded or destroyed by the Council without rendering the Council liable to pay any compensation to the owner thereof.
- (13) No person shall obstruct, resist or oppose the municipal manager or any servant of the Council in the course of his duty or refuse to comply with any other or request which the Council may make under these by-laws.
- (14) No person shall conduct a burial or interment of any body at any time not specified in these by-laws without an approval of the council first being had.
- (15) No person shall wantonly destroy or do or cause to be done any damage to, or shall mark, draw or erect any advertisement, bill or placard upon or in any way deface

any grave, tombstone monument, wall, building, fence, railing, path or other construction within any burial place.

- (16) No person shall, except where it is expressly permitted by these by-laws or with the consent of the Council, disturb the soil or plant or uproot any plant, shrub or flower, or in any way interfere with any grave or construction in any burial place.
- (17) (17) No person shall play any game or sport within any burial place, or discharge any firearms except as a salute at a military funeral, or discharge any airgun or catapult therein or disturb or annoy any person present therein.
- (18) Nobody shall be buried in any burial place other than in the burial place or part thereof set aside by the Council.

Reservation of Grave Plots

- 5. 5. (1) Except in the case of grave plots reserved in terms of sub-section (2), every grave plot upon which a burial by interment has been authorised in terms of these by-laws shall be reserved in the name of the next of kin and in the event of there being no known next of kin, in the name of the person applying for the grave. Where a burial by interment has been authorised upon an application received from a body, association, institution or the Government, the plot allotted for such burial shall be reserved in the name of such body, association, institution or the Government as the case may be.
- (2) (2) A grave plot for persons of nine years or over as specified in section 33, may in the discretion of the Council, be reserved in advance, upon application submitted to the Council and upon payment of the respective grave plot charges prescribed in (item 1 of item 6) or both as the case may be, of the Fourth Schedule: Provided that no reservation effected in terms of this sub-section, shall entitle the burial by

interment on the grave plot in respect of which such reservation shall have been made, of the body of a person who at the time of his death would have been liable for payment of the additional charges specified in (item 6) of the Fourth Schedule, unless such additional charges are paid.

- (3) (3) A certificate of reservation in the form prescribed in the First Schedule shall be issued in respect of every grave plot reserved in terms of this section.

Transfer of Reservation Certificate

6. 6. (1) A reservation certificate in respect of grave plot may be transferred, assigned or alienated with the written consent of the council in the form as prescribed in the Second Schedule to these by-laws.
- (2) All particulars in regard to every reservation or transfer in terms of sections 21 and 22 shall be entered and shown in the register of burials by interment and graves.
- (3) The Council may, upon the request of any religious denomination, and in such manner as the Council shall deem fit, set apart within a burial place, such area of ground as the Council may deem necessary for the burial of the bodies of persons belonging to such denomination and for the use of such ground by persons belonging to such denomination for such other purposes as may in the discretion of the Council be incidental to the purposes of the burial place: Provided that the Council may, at its discretion, utilise the ground so set apart for other purposes.
- (4) (4) No person shall acquire any title, ownership or dominion of any grave plot reserved in terms of section 21 or of any land set apart in terms of section 34 and no person shall acquire any right to or interest in any such grave plot or land in any burial place other than such rights or interests as may be permitted under these by-laws.

Orders for Interment Numbering of Graves

7. (1) Notice of every burial by interment in the form prescribed in the third Schedule to these by-laws shall, together with the relative burial order be delivered at the offices of the Council not less than eight working hours before any interment is to take place: Provided that where a grave is to be re-opened for a second interment or where a new grave is to be dug the said notice shall be delivered not less than twenty-four hours before it is intended that such interment shall take place unless, in the opinion of the medical officer of health, the burial of a body in a matter of urgency, in which case the time limit specified in this section shall not apply. Every such notice shall be accompanied by the requisite fees and dues prescribed in the Fourth Schedule to these by-laws, and in the case of a prior reservation of a grave plot, also by the relative reservation or transfer certificate, as the case may be. The responsible officer shall, as soon as possible, issue the necessary authority for such interment.
- (2) If it be necessary to remove a monument or other structure for the purpose of an interment, it shall be removed by the holder of the reservation certificate in respect of such plot or by his duly authorised representatives not less than eight working hours before the interment is to take place.
- (3) In every case in which a burial by interment has been authorised in terms of section 26, the Council shall affix to this plot allotted for such burial, a peg with the number of grave marked upon it, and no person shall enter any body in any grave other than that allotted by the Council for such purpose.

Dimensions of Grave Excavations

8. (1) The excavation for a single grave for a deceased person of the age of nine years and over shall be at least 2 000mm deep, 2 200 mm long and 750mm wide.

- (2) (2) The excavation for a single grave for a deceased person under the age of nine years shall be at least 1 500mm deep, 1 200mm long and 750mm wide.

Extent of Grave Plots

9. (1) The extent of a grave plot for a deceased person of the age of nine years and over shall be 2 500mm by 1 500mm, (Provided that in the case of a grave plot which is supplied with a bern the width shall be diminished by 300mm).
- (2) (2) The extent of a grave plot for a deceased person under the age of nine years shall be 1 500 mm by 1 000mm.
- (3) (3) The width of a kerb on any grave plot shall be 150mm.
- (4) (4) The extent of any double grave plot shall be double the extent of any single grave plot.
- (5) Where graves of a greater depth, length or width than those specified are required, application in respect thereof, together with payment of the extra fee payable in terms of the Fourth Schedule to these by-laws, shall be made when notice of burial by interment is given.
- (6) All graves shall be prepared by the Council with the exception of brick-lined (or concrete-lined) graves, in which the brickwork (or concrete-work) shall be carried out by the undertaker/ family of the deceased under the supervision of the Council and in conformity with the specifications applicable to ordinary graves.

Interments in One Grave

10. In the case of members of one family, more than two bodies may be placed in one single grave and any number of coffins and bodies may be placed in any one grave at the discretion of the Council

Funerals

11. (1) No person shall, without the permission of the Council, previously obtained, conduct any religious ceremony or service according to the rites of any denomination in any portion of any burial ground which may be reserved by the Council in terms of section 24 for the use of some other denomination.
- (2) No person shall cause any hearse, while within a burial place, to leave the carriage drive and every hearse, shall leave the burial place as soon as possible after the funeral for which it was engaged.
- (3) (3) Every person taking part in any funeral procession or ceremony shall comply with the directions of the Council as to the route to be taken within the burial place.
- (4) (4) The chapel in the crematorium shall not be occupied for the purpose of any service or ceremony for longer than thirty minutes without the express permission of the Council.

Exhumations

12. (1) No person shall, unless authorised by written order under the hand of a Magistrate exhume or cause any body to be exhumed.
- (2) Any person duly authorised to exhume a body in terms of section 41 shall hand the order in respect thereof to the municipal manager and shall give to him not less than eight working hours notice of the date and time proposed for the exhumation of such body and shall, at the same time, pay to the Council the fees as set out in the fourth schedule to these by-laws.

- (3) No exhumation or removal of any body shall be made by any person unless the municipal manager or his authorised representative is present.
- (4) The grave from which any body is to be removed shall, if the responsible officer so requires, be effectively screened from view during the exhumation.

Memorial or Monument Work

13. (1) No person shall bring or cause any material to be brought into any burial place for the purpose of constructing any memorial work or any burial brick or stonework upon any grave and no person shall erect any tombstone, kerbing, monument or any erection of any kind on any grave unless and until:-
- (a) the grave plot shall have been reserved in terms of section 21 in the name of the person authorising the construction of such work;
 - (b) a drawing with dimension figured thereon showing the position of the proposed work accompanied by a specification of the material to be used, a statement showing the price of the supply and erection of such work and a copy of any proposed inscription or ornamentation, all in duplicate, shall have been handed to the municipal manager or his authorised representative not less than three working days before it is intended to bring such material into the burial place.
 - (c) All fees due in respect of such works shall have been duly paid in terms of the Fourth Schedule to these by-laws.
 - (d) The Council's written approval of the proposed work shall have been given to the reservation certificate holder or his authorised representative.
Provided that the graves of persons fallen in any war and which are in the care of or maintained by the War Graves Commission or any other recognised body of the Government of any foreign country, shall upon application to the Council, be exempt from the requirement of this section

save payment of the digging fees specified under (item 1) of the Fourth Schedule.

- (2) The Council may refuse its consent to any proposed memorial or monumental work if the plan and specification whereof reveals that it will be of inferior quality or likely in any way to disfigure any burial place, or which bears any inscription, which is likely to cause offence to users of the burial place or visitors thereto.
- (3) No person shall convey any stone, brick or memorial work or any portion thereof within any burial place upon any vehicle or truck which is not fitted with wheels having pneumatic tyres and which is of any kind not likely to cause damage to the paths and grounds of such burial place.
- (4) No person engaged upon any memorial or monumental work shall at any time disturb any adjacent grave plot, or leave, on completion of the work, the grave plot before it is in a clean and tidy condition.
- (5) (5) All monumental work effected within any burial place shall be completed in terms of the drawing and specifications as approved in terms of section 45.
- (6) (6) Persons constructing any memorial or monumental work shall observe the following provisions.
 - (a) All separate parts of any memorial or monumental work other than masonry construction, shall be affixed by copper or galvanised iron dowel pins of a length and thickness sufficient to ensure the permanent stability of the work;
 - (b) any part of such work which rests upon any stone, or other foundation shall be fairly squared and pointed;
 - (c) the undersides of every flat stone memorial and the base or landing of every monument or head stone shall be set at least two inches below the natural level of the ground;

- (d) (d) all head stones shall be securely attached to the base;
 - (e) (e) foot stones shall consist of one solid piece in the case of single grave plots;
 - (f) (f) all headstones shall consist of granite, marble or bronze;
 - (g) (g) all kerbing or monuments on single-grave plots shall be erected on concrete foundations at least 610 mm wide, and 205mm deep over the full width;
 - (h) (h) all kerbing on larger than single grave plots shall be fixed on substantial concrete mats at the four corners and where joints occur;
 - (i) (i) the Council may require any concrete foundation on any grave plot to be reinforced where such is, due to the weight of the monument or headstone, necessary in the interests of safety.
- (7) (7) No person shall erect any memorial work within any burial place unless the number and section letter of the plot upon which such work is to be placed shall be indelibly engraved thereon in such a position as to be legible at all times from a pathway. With the consent of the registered certificate holder, the name only of the maker of such memorial work may be placed upon any footstone.
- (8) (8) No person shall bring any memorial work or material nor do any work within any burial place in connection with any memorial or monumental work from twelve noon on Sunday until opening hour on the following Monday.
- (9) (9) Every person carrying out work within any burial place shall in all matters comply with the directions of the Council.
- (10) (10) In any burial place which may be established after the coming into operation of these by-laws, no slab, tombstone or monument shall exceed 1 200mm in height

Grave plots supplied with Bern

14. Notwithstanding anything to the contrary contained in these by-laws a grave plot which is supplied with a Bern shall be subject to the following conditions:-
- (a) (a) No kerbing shall be erected at such a plot
 - (b) (b) The base of a memorial shall not be larger than 610mm by 260mm:
Provided that the base of a memorial which is erected over two adjoining grave plots may be 1 220mm by 260mm.
 - (c) (c) A memorial which is erected shall not protrude beyond the base and shall be at least 120mm from the front edge of the bern.
 - (d) (d) No object, excepting a memorial and a vase for flowers of foliage which may be placed in the orifice provided in the bern, may be placed and kept on any grave for longer than two months after the burial of a body.
 - (e) (e) Save as provided in paragraph (d), the Council may remove any object placed on such a grave plot.
 - (f) (f) No memorial, apart from the vase for flowers of foliage in the bern, may have more than one container for flowers or foilage.

Upkeep of Graves

15. (1) All monumental or memorial work constructed or erected upon any grave shall at all times be maintained in good order and condition by the reservation certificate holder of such grave. If any such work be allowed to fall into a state of disrepair or to constitute a danger or disfigurement of the burial place, the Council may, by written notice given to the reservation certificate holder by registered post addressed to his

last known postal address require him to effect such repairs as may be necessary. Failure on the part of the reservation certificate holder to effect the required repairs within one month of the date of such notice, shall be a breach of these by-laws and the Council may have the repairs effected or may have the memorial or monumental work removed as it deems fit and may recover the expense of such repairs or removal from the reservation certificate holder

- (2) All monumental or memorial work which shall have been dismantled for the purpose of a further burial shall be re-erected or removed from the burial place by the reservation certificate holder within two months of the date of such dismantling. Failure to do so shall constitute a breach of these by-laws. The Council shall, in the event of such failure, be entitled to remove any such dismantled erection from the burial place without further notice to the reservation certificate holder and recover from him the expense of such removal.
- (3) The Council shall not be liable for any loss or damage which may at any time occur to any memorial or monumental work or any article placed upon any grave plot from any cause whatsoever, nor for any compensation in respect of any monumental or memorial work repaired or removed in terms of sections 52 and 53.
- (4) The Council may, upon application by the interested party and upon payment of the fees prescribed in the Fourth Schedule to these by-laws provide, for the period specified, such seasonal plants as may be available and undertake the planting and the maintenance thereof and render services for the general upkeep of any grave.
- (5) No person shall, without first having obtained the written permission of the Council plant any tree, shrub, bush or any other plant on the area of any grave plot, nor shall any such tree, shrub, bush or plant be planted upon any portion of such plot other than that indicated by the Council. No reservation certificate holder shall permit any shrub, bush or plant to overhang or extend beyond the boundaries of such grave plot.

- (6) The Council has the right to remove, trim or prune any plants which extend beyond the limits of the grave plot upon which they are planted, or which are untidy.

CHAPTER III

Burial Places (Cremation)

16. (1) No burial or cremation shall take place elsewhere within the area of jurisdiction of the Council than in a crematorium established by the Council in a burial place under the control of the Council, and no cremation shall be carried out otherwise than under the supervision of the Council or of officials appointed for the purpose by the Council and otherwise than in terms of these by-laws.
- (2) Where it is desired to bury by cremation, notice thereof shall be given to the Council in the form prescribed in the fifth schedule to these by-laws, which notice shall be accompanied by the fees prescribed in the seventh schedule to these by-laws. Such notice shall be signed and declared to by the nearest surviving relative of the deceased, and, in the event of there being no such relative by the executor nominated of the deceased estate, Provided that on satisfactory reason being shown, such notice may be given by and accepted from a person other than the nearest relative of the deceased or his executor nominate.
- (3) Every notice in terms of section 59 shall be delivered to the Council not later than 3.p.m on the day previous to that on which it is desired that the cremation shall take place, unless the medical officer of health shall certify that the matter of disposal of the body is one of urgency.
- (4) Every notice lodged in terms of section 59 shall be accompanied by the following documents:-
- (a) (a) A burial order duly issued and endorsed.
 - (b) (b) A certificate issued by a Magistrate, authorising the cremation.
 - (c) (c) Written directions by the person giving such notice stating how the ashes are to be disposed of.

- (5) The Council may refuse to allow burial by cremation at its discretion.
- (6) Where it is desired to bury by cremation the human remains of any deceased person delivered in terms of the Anatomy Act. No. 3 of 1911, to an authorised school of anatomy, the notice required in terms of section 59 shall, in addition to the documents referred to in section 61 be accompanied by a certificate from the Inspector of Anatomy authorising the cremation of the remains.

Duties of the Council

17. (1) The Council shall:-
- (a) keep a register which shall reflect the information specified in the Sixth Schedule to these by-laws in respect of every burial by cremation carried out in any burial place under its jurisdiction.
 - (b) make the entries relative thereto immediately after cremation has taken place with the exception of the entry under item 13 of the Schedule which shall be made as soon as the ashes of the deceased person have been handed to the person signing the notice required by section 59 or his duly authorised representative, or have been otherwise disposed.
- (2) All persons present in a crematorium shall be subject to the orders and control of the Council which shall have full power to exclude any person whose presence, in its opinion, would be likely to cause pain or annoyance to other persons attending the cremation, and to remove any person who refuses to comply with any order or direction given in the exercise of its powers in terms of this section.

The coffin shall furthermore contain no metal nails, and have no projections on the bottom thereof, which shall be perfectly smooth. The handles of the coffin and breastplate shall be readily combustible or so affixed as to be easily removable, and no coffin shall contain any pitch or sawdust. Where a metal case is necessary, no metal other than a thin zinc lining shall be used.

- (3) Burials by cremation shall take place during weekdays only between the hours of 9.a.m and 4.p.m: Provided that in special cases of necessity, the cremation may, with the consent of the Council, take place at any time.
- (4) Where two or more notices for burial by cremation have been received for the same day, the Council may arrange such cremation in the order it considers most suitable.
- (5) (5) Not less than four men shall be provided by the representative of the deceased for the purpose of carrying the coffin into the chapel and depositing it on the catafalque.
- (6) (6) In connection with any burial by cremation, a member of any religious denomination may conduct a religious service in the chapel at the crematorium: Provided that such service shall not exceed thirty minutes in duration. Where the organ is used in connection with any such religious service, it shall be played only by a fully qualified organist.
- (7) (7) No person except authorised officials, shall be in the furnace chamber at any time without the special permission of the Council.
- (8) (8) No body shall be removed from any coffin for the purpose of incineration, and no coffin shall be opened in the crematorium, except when so required by the Council.
- (9) (9) An urn for receiving the ashes shall be provided by the representative of the deceased or by the undertaker unless the ashes are to be scattered in the place designated by the Council for that purpose. If the ashes are to be removed by the representative of the deceased, and are not collected within four weeks after cremation, the Council shall have the right to dispose thereof in any manner it may deem fit without any further notice. Any urn which has to be placed in a niche in the columbium shall be made of terra-cotta or other approved material. The size and design of such urn shall be subject to the approval of the Council. An inscription plate of design approved of by the Council may be placed on the urn or the niche may be closed off with an approved tablet of granite, brass, copper or other

approved material, and a similar tablet may be placed upon any space reserved in the designated place. No urn containing ashes and deposited either in the columbarium or other designated place shall be removed without the consent in writing of the Council previously obtained.

- (10) (10) No person shall wilfully conceal the fact that a deceased person has left directions that he be not cremated, nor wilfully conceal any other material fact, nor make any false statement when giving any notice in terms of section 59.

CHAPTER IV **General**

Persons dying outside the area of jurisdiction of the Council

18. (1) The provisions of these by-laws shall apply *mutatis mutandis* to any burials by interment or cremation within the area under the Council's jurisdiction of the human remains of any person who has died outside such area. Subject to the condition that a removal order in terms of section 27 of Act 17 of 1923 shall be delivered to the Council together with the necessary burial order.
- (2) Every application and every document relating to any burial whether by interment or cremation, shall be marked with a number corresponding with the number in the register referred to in sections 5 and 67 and shall be filed in order, and shall be preserved by the Council for a period not less than ten years.
- (3) All fees payable in respect of burials, whether by interment or cremation are set out in the Schedule to these by-laws.
- (4) Any person contravening the provisions of these by-laws shall be guilty of an offence and on conviction shall be liable in respect of each such offence to a penalty not exceeding R100 or in default of payment thereof to imprisonment with or without compulsory labour for a period not exceeding three months, and in the case of a continuing offence, to a further penalty not exceeding R6 or in default thereof, to imprisonment with or without compulsory labour to a period not exceeding five days

in respect of each day for which such offence continues, subject to the condition that the fine in respect of any particular contravention shall not exceed R100.

FIRST SCHEDULE

MUNICIPAL COUNCIL OF GREATER GIYANI CEMETERIES

Certificate of Reservation No.

Issued in terms of section 21 of the Cemetery and Crematorium By-laws

This serves to certify that.....
of having paid the
prescribed (fees) of R..... is entitled to use the site(s) described hereunder for
the purposes of burial thereon:

Grave Plot No. Section

Measuring:

Cemetery:

Dated at this day of 2002

.....
Municipal Manager

-
-
-
-
-
-
-
-
-
-
-

SECOND SCHEDULE

MUNICIPAL COUNCIL OF GREATER GIYANI
CEMETERIES

Reservation of Certificate Transfer No.
Issued in terms of Section 22 of the Cemetery and Crematorium By-laws

This served to certify that Reservation Certificate No. in respect of grave
plot No. has been transferred from
..... of to
..... of

.....
Transferor

Confirmed on behalf of the Municipal Council this day of
2002.

.....
Municipal Manager

THIRD SCHEDULE**MUNICIPAL COUNCIL OF GREATER GIYANI****Application for Burial Interment**

No.....

To the Municipal Manager

Giyani 200

Please supply grave in

Denomination

Size of coffin lid

Time at gate

For the late (state name and surname in full)

Nationality race

Sex age

Whether the registered owner of rateable property in Giyani?

Address:

1. 1. Place where death occurred

.....

2. 2. Residential

.....

Date of death.....

Cause of death

1. (Name of Next-of-skin).....

(Name of Applicant).....

.....
Undertaker

N.B.- must be attached to burial order and presented at the office of the municipal manager before burial can take place in accordance with Section 26 of Cemetery and Crematorium By laws.

FOURTH SCHEDULE

Cemetery Charges

The following charges shall be payable to the Council for cemetery services in respect of residents, owner of immovable property and their dependants within the area under the control of the Council. All fees shall be paid in advance.

1. **Grave-plot Charges and Digging fee:**

	Digging charge:
	per single
Grave-plot	grave or per
charges:	reopening of
per single	grave for
grave plot	second or sub-
as defined	sequent burial
in section	as the case
33	33 may be
R	R

- (1)
 - (a) Nine years of age
 - (b) Under nine years of age
 - (a) (a) 21 years of age or over
- (2) (2) Where a plot, as defined in section 33, and containing more than one grave is required, the charges shall be a multiple of the respective charges for single-grave plots according to the number of graves available in such plot.

2. **Variations required in Standard Graves**

An additional charge of R50 per grave shall be payable in respect of each of the following variations:-

- (1) (1) Deepening of grave
- (2) (2) Enlarging of grave
- (3) (3) Preparing grave for brick lining

3. Layout and Maintenance of Grave Garden

- (1) (1) R18 per single adult grave and R12 per single child's grave for the minimum period of 12 months and thereafter R15 per single adult grave and R9 per single child's grave for every succeeding minimum period of 12 months.
- (2) (2) if upon the expiry of any period of 12 months it is desired that the services shall continue, the reduced charge shall be payable. Should this charge not be paid within 30 days after the date of expiry, all plants and improvements may be removed without further notice and upon renewal of the service at a subsequent date, the full charge as for the first 12 months shall be payable.
- (3) (3) Notwithstanding the provisions of sub-items (1) and (2), the charges prescribed therein shall not apply in respect of any grave for which a payment for maintenance in perpetuity had been made in terms of item V of the tariff of charges of the Greater Giyani Cemetery by-laws.
- (4) (4) The provisions of sub-items (1), (2) and (3) shall not apply to a grave plot supplied with a Bern.

4. Exhumation Charges

- (1) (1) Adult: R200-00
- (2) (2) Child: R100-00

5. Erection fees for a memorial

Fees for permission to erect any memorial on a grave:-

- | | | |
|-----|-----|----------------|
| (a) | (a) | Adult: R150-00 |
| (b) | (b) | Child: R100-00 |

(6) **Charges for Non-Residents and Non-Property Owners in Areas under the control of the Council**

An increase of 75 per cent on all charges as set out in item 1 of this Schedule, save in respect of reservation charges on plots reserved under section 31.

FIFTH SCHEDULE

MUNICIPAL COUNCIL OF GREATER GIYANI

Application for Burial Cremation

I, (full name in block letters)

(address)

the Council to undertake the cremation of the remains of (full name in block letters)

.....

(address) (occupation)

(age) (date of birth)

(sex)

Whether the registered owner of rateable property in Giyani

Whether single, married, widower or widow

The true answers to the questions as set out below are as follows:

1. 1. Are you the nearest serving relative of the deceased?
.....

2. 2. If not, state:

- (a) (a) your relation to the deceased
.....
- (b) the reason why the application is made by you and not by the nearest relative
.....
- 3 Did the deceased leave any written directions as to the mode of disposal of his remains, if so, which?
- 4 Have the near relatives of the deceased been informed of the proposed cremation?
.....
5. 5. Has any near relative of the deceased expressed any objection to the proposed cremation?
6. 6. What was the date and hour of death of deceased?
.....
7. 7. What was the place where the deceased died?
.....
(give address or place and say whether own residence, lodgings, hotel, hospital, nursing home, etc).
8. 8. Cause of death?
.....
9. 9. Have you any reason to suspect that the death of the deceased was due directly or indirectly to:-
- (a) (a) violence
- (b) (b) Poison
- (c) (c) Privation or neglect
- (d) (d) Illegal operation
10. (a) Do you know if any reason whatever for supposing that an examination of the remains of the deceased or enquire into the cause of death may be desirable?
.....

- (b) (b) If deceased was a miner or ex-miner, have the requirements of the Miner's Phthisis Bureau been fulfilled?
11. Give the name and address of the ordinary medical attendant of the deceased
12. 12. Give the name and address of the ordinary medical attendant of the deceased during his last illness
13. 13. Give directions for the disposal of the ashes

.....
Signature of Applicant

NOTE: The terms 'near relative' as here used includes widow or widower, parents, children above the age of 16, and any relative usually residing with the deceased.

Undertaker

Telephone number

SIXTH SCHEDULE

Register of Burials by Cremation Particulars which shall appear in

- | | | |
|----|----|---------------------|
| 1. | 1. | Number of cremation |
| 2. | 2. | Name of deceased |
| 3. | 3. | Sex |
| 4. | 4. | Age |
| 5. | 5. | Date of Birth |
| 6. | 6. | Place of Death |
| 7. | 7. | Cause of Death |

- | | | |
|-----|-----|---|
| 8. | 8. | Date of burial order and by whom issued |
| 9. | 9. | Date of cremation |
| 10. | 10. | Method of disposal of ashes |
| 11. | 11. | Date of disposal of ashes |
| 12. | 12. | If ashes given to representative of deceased, to whom given |
| 13. | 13. | Whether a body from an anatomy school or so |

SEVENTH SCHEDULE

CREMATION CHARGES

1. **1. Charges payable to the Council for Cremation Services in respect of Residents, Ratepayers and their Dependants within any Area under the Control of the Council**

- (1) (1) For the cremation of the remains, including the use of the chapel, and all attendance after the body has been placed on the catafalque:-

		R
(a)	Adult	250,00
(b)	Child	175,00
(c)	Remains of anatomy subject	100,00

2. **Charges payable to the Council for cremation services in respect of Non-residents and Non-property Owners in the area under the control of the Council**

The applicable charges in terms of 1(1), plus a surcharge of 75 per cent shall be payable.

3. Payment of Charges

Charges levied in terms of items 1 and 2 shall be payable in advance.

MUNICIPAL MANAGER:

**MR S MAKHUBELA
GREATER GIYANI MUNICIPAL OFFICES
MAIN ROAD TO GOVERNMENT OFFICES
OPPOSITE KHENSANI HOSPITAL**

**PRIVATE BAG X 9559
GIYANI
0826
TEL: 015-812 3707
FAX: 015-812 2068**

LOCAL AUTHORITY NOTICE 180**GREATER GIYANI MUNICIPALITY****BY-LAWS RELATING TO STREETTRADING**

In accordance with Section 6A of the Business Act, 1991 (Act 71 of 1991) notice is hereby given that the Greater Giyani Municipal Council hereby in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the by-laws set forth hereinafter:

INDEX**Section**

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| 4. | 4. | Offences |
| 5. | 5. | Removal and Impoundment |
| 6. | 6. | Sale of meat and medicine prohibited |
| 7. | 7. | Penalty |
| 8. | 8. | Annexure A |
| | | Application for selling point |
| 9. | 9. | Annexure B |
| | | Lease agreement |

1. DEFINITIONS

- (1) In these by-laws, unless the context indicates otherwise, any word or expression to which a word has been assigned in the Business Act, 1991 (Act 71 of 1991) shall have the meaning thus assigned and:-
- (i) (i) **"Act"** means the Business Act, 1991 (Act No. 71 of 1991);
 - (ii) (ii) **"authorised officer"** means:-
 - (a) (a) a traffic officer appointed under Section 3 of the National Road Traffic Act, 1996 (Act 93 of 1996); or
 - (b) (b) a peace officer contemplated by Section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977);
 - (iii) (iii) **"business"** in relation to any park or public road, means any act of selling or supplying goods coupled with the intention, at the time of such selling or supplying, to continue such activities;
 - (iv) (iv) **"carry on a business"** means to expose goods for sale by inviting others to come and buy the goods so exposed;
 - (v) (v) **"council"** means the Greater Giyani Municipal Council established in terms of section 12 of the Local Government: Municipal Structures Act 117 of 1998;
 - (vi) (vi) **"goods"** means any movables exposed in a street by any person for the purpose of carrying on a business and includes any article, receptable, vehicle or movable structure;
 - (vii) (vii) **"lease"** means a lease as contemplated in Section 3 (2);
 - (viii) (viii) **"park"** includes any square or other open or enclosed space to which the general public has the right of access;
 - (ix) (ix) **"municipality"** means the area under the jurisdiction of the Council'

- (x) (x) **"public road"** means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, side-walk or lane vested in the Council as contemplated in Section 63 of the Local Government Ordinance, 1939 (Ordinance 17, 1939);
 - (xi) (xi) **"service"** means the performance on a public road or park of any act for gain or reward;
 - (xii) (xii) **"side-walk"** means that portion of a verge intended for the exclusive use of pedestrians;
 - (xiii) (xiii) **"stand"** means a stand on a sidewalk set apart and demarcated by the Council as contemplated in Section 6A (3) (b) of the Act;
 - (xiv) (xiv) **"street vendor"** means a person carrying on business and includes a person to whom a stand has been leased or allocated in terms of Section 3, for as long as he is carrying on business of a street vendor thereon;
 - (xv) (xv) **"verge"** means a verge as defined in Section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996).
- (2) (2) For the purpose of these By-laws a single act of selling or offering services in a public road or public place shall constitute trading.

2. PROHIBITION OF CARRYING ON BUSINESS

No person shall in the municipality carry on the business of a street vendor:-

- (a) (a) in a garden or park;
- (b) (b) on a verge contiguous to:-
 - (i) (i) a building belonging to or occupied solely by the State or the Council;
 - (ii) (ii) a church or other place of worship;
 - (iii) (iii) a building declared to be a national monument in terms of the National Monuments Act, 1969 (Act No. 28 of 1969);
- (c) (c) in an area declared by the Council as a prohibited area in terms of Section 6A (2) of the Act, except by virtue of a lease of a stand as contemplated in Section 3;
- (d) (d) at a place where:-
 - (i) (i) it causes an obstruction in front of a fire hydrant or an entrance to or exit from a building;
 - (ii) (ii) it causes an obstruction to vehicular traffic; or
 - (iii) (iii) it substantially obstructs pedestrians in their use of side-walk;
- (e) (e) on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control or any occupier of the building objects thereto.

3. APPLICATION TO LEASE A STAND

1. 1. Any person who intends to carry on business as contemplated in Section 2 (C) shall, on the form prescribed in Annexure A, apply to the Council for the lease or other allocation of a stand.

2. 2. Where such application is successful:-
- (i) (i) The applicant shall, in respect of such stand, enter into a lease agreement with the Council at such rental as prescribed in Annexure B.
- (ii) (ii) A token shall be issued to the applicant (who shall thereafter be known as a "street vendor"), as proof of his right to occupy such stand for the purpose of carrying on business as contemplated in Section 2 (C).
- (iii) (iii) The street vendor shall while carrying on business on the stand, retain such token on his person for ready production to any authorised officer who call therefore.
- (iv) (iv) The Council may, at the written request of the street vendor, issue a token to one bona fide employee of the street vendor and the provisions of subsection (c) shall be *mutatis mutandis* applicable on such employee.
3. 3. A person carrying on the business of a street vendor on a stand who is unable to produce a token as contemplated in subsection 2 (b), shall be guilty of an offence.

4. OFFENCES

- (1) (1) A street vendor who:-
- (a) (a) place or stack goods on a stand in such manner that it constitutes a danger to any other person or is likely to injure any person or damage any other goods or property;
- (b) (b) attaches any goods by any means to any building, structure, pavement, tree, parking meter, lamp-pole, electricity pole, telephone booth, post box, traffic sign or bench;
- (c) (c) makes fire on or near any stand;
- (d) (d) stores goods in a manhole or stormwater drain;

- (e) (e) disposes of any litter in a manhole, stormwater drain or any other place not intended for the disposal thereof;
- (f) (f) contravenes any provision of these by-laws or fails to comply herewith or with any condition imposed in terms hereof;

shall be guilty of an offence.

- (2) (2) A street vendor who fails to:-

- (a) (a) keep his stand, including any goods used by him in the carrying on of the business, in a hygienic and neat condition;
- (b) (b) take all reasonably necessary precautions to prevent the spilling onto a public road of any litter, including fat, oil and grease;
- (c) (c) arrange or move his goods on request of an authorised officer or a person whose lawful duty requires or is related to the supply of an essential public service, so as to permit or facilitate the carrying out of such service.

shall be guilty of an offence.

5. REMOVAL AND IMPOUNDMENT

- (1) (1) An authorised officer may impound and remove goods:-
- (a) (a) which he on reasonable grounds suspects is being used or is intended to be used or has been used in connection with the carrying on of the business of a street vendor; or
 - (b) (b) which he finds in a park or on a public road and which, in his opinion, constitutes an infringement of these by-laws;

whether or not such goods are in the possession of or under the control of any person at the time of such removal or impoundment.

- (2) (a) An authorised officer acting by virtue of Subsection (1), shall give receipt to the person who appears to be in control of the goods concerned.
- (c) (c) Any goods contemplated in Subsection (a) shall be marked in a suitable manner and kept in safe custody pending criminal proceedings being instituted.

6. SALE OF MEAT AND MEDICINE PROHIBITED

No person shall sell raw meat or medicine to the public or in a street or public place or place demarcated for purposes of street trading unless if such a person has a permission to do so by the relevant authority.

7. PENALTY

A person who contravenes or fails to comply with the provisions of these by-laws shall be guilty of an offence and shall, upon conviction, be liable to a fine not exceeding R2 000-00 or imprisonment for a period not exceeding three months.

ANNEXURE A

APPLICATION FOR SELLINGPOINT

FULL NAME AND SURNAME:

.....

IDENTITY NUMBER :

POSTAL ADDRESS:

.....

.....

RESIDENTIAL ADDRESS:

.....

.....

.....

TELEPHONE NUMBER:

DESCRIPTION OF THE LOCATION WHERE BUSINESS WILL BE CARRIED ON:

SUBURB:

STREETNAME:

SKETCH PLAN OF LOCATION OF PROPOSED SELLING POINT:

THE FOLLOWING GOODS WILL BE OFFERED FOR SALE:

1. 1.
2.
3.
4.
5.
6.

SIGNATURE:

DATE:

NOTE:

1. 1. A refundable deposit of R shall be payable on allocation of selling point.
2. 2. The following monthly rental shall be payable for a selling point situated in:

Area R

ANNEXURE B

LEASE AGREEMENT

Memorandum of lease between:

GREATER GIYANI MUNICIPAL COUNCIL

herein duly represented by:

in his capacity as

registered office situated at Giyani Main Road, Road to Government Offices, Next to Khensani Hospital (hereinafter referred to/ as the "Council"), on the one hand;

AND

Name:

I.D. No:

Address:

.....

..... (hereinafter referred to as the "Street Vendor"),
on the other hand.

WHEREAS the STREET VENDOR is desirous to lease stand No. situated at
..... (hereinafter referred to as "the Stand")
from the Council, for the purpose to carry on business as a street vendor;

AND WHEREAS the Council is willing to let to the Street Vendor the Stand subject to certain terms
and conditions;

NOW THEREFORE the parties hereby agree as follows:

1. 1. This agreement will commence from the date of signature and shall continue for a period of 12 (twelve) months from such date.
2. 2. The rental in respect of the stand will be the sum of R (R) which rental is exempted from Vat, per month or any such amount as the Council may from time to time determine. The rental will be payable in advance on or before the 7th working day of each and every month at the Council's Treasurer Room
Giyani Main Road, Road to Government Offices, Next to Khensani Hospital, or at such other place as the Council may from time to time determine.
3. 3. Should the street vendor fail to comply with any of the terms and conditions of this agreement and fails to remedy such breach within 14 (fourteen) days after the date of written notification from the Council to do so, the Council shall be entitled to cancel this agreement with immediate effect. All outstanding amounts owing to the Council in respect of this Agreement, shall immediately become payable upon such cancellation.
4. 4. The Street Vendor shall observe and adhere to all relevant statutory provisions in force from time to time.
5. 5. Either parties may cancel this agreement by giving the other party one month's written notice to that effect.
6. 6. The Street Vendor will under no circumstances sub-lease the Stand or transfer, cede or assign any of his/ her rights or obligations in terms of this agreement.
7. 7. The Street Vendor hereby indemnifies the Council against and holds it harmless for any claim, legal costs on attorney/ client scale included, which may arise from the existence of this Agreement, including personal damages to any employee of the Street Vendor, as well as damages suffered by any third party, irrespective of any such claim arising from the negligent act or omission of the Council, its workers or agents.
8. 8. The parties chooses their respective *domicilium citandi et executandi* at the following addresses:

The Street Vendor:

.....

.....

The Council:

.....

.....

This agreement constitutes the whole agreement between the parties and no amendment, addition or omission hereto shall be binding upon the parties, unless reduced to writing and signed by both parties and no indulgence which either party may show to the other party, shall in any way be construed as a waiver or novation of this Agreement by that party.

9. 9. The parties agree to the jurisdiction of the Magistrate's Court in respect of any action which may arise from this Agreement, the cancellation thereof or any other related matter.

Signed at _____ on this the _____ day of _____ 2002.

Witnesses:

1. _____

COUNCIL

2. _____

Signed at _____ on this the _____ day of _____ 2002.

Witnesses:

1. _____

STREET VENDOR

2. _____

MUNICIPAL MANAGER:

**MR S MAKHUBELA
GREATER GIYANI MUNICIPAL OFFICES
MAIN ROAD TO GOVERNMENT OFFICES
OPPOSITE KHENSANI HOSPITAL**

PRIVATE BAG X 9559

GIYANI

0826

TEL: 015-812 3707

FAX: 015-812 2068

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