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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 199

BOJANALA PLATINUM DISTRICT MUNICIPALITY



MUNICIPAL HEALTH SERVICES BY- LAW

*To regulate municipal health services in the area of jurisdiction of the municipality
and to provide for matters connected therewith.*

The Bojanala Platinum District Council, acting in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, read with sections 11 (3) (m) and 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), has made the Municipal Health Services By-law hereunder:

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CHAPTER 1

DEFINITIONS

In this By-law, unless the context indicates otherwise:—

“accommodation establishment” means any premises in or upon which the business of supplying lodging with or without one or more meals per day is conducted or intended to be conducted for reward or gain, but does not include any such premises which is duly registered as a hotel under any law relating to the registration of hotels, or which provides lodging with one or more meals per day and has fewer than five beds available for occupation, or which provides no meals and has fewer than three rooms that are let or intended for letting;

“adequate” when used to describe a standard or manner in which anything required by this By-law must be done, means the standard or manner that in the opinion of an environmental health practitioner is sufficient to safeguard municipal health, and to achieve the purpose and apply the principles of this By-law;

“agent” means a person specifically or generally appointed to attend to the affairs of another;

“animal” means horse, pony, mule, donkey, cattle, pig, sheep, goat, camel, reptile, indigenous animal and other wild or exotic animal, but excludes dogs and cats kept as domestic pets;

“approved” means approved by the Municipality;

“authorised official” means a designated official as authorized by the Municipality for the purposes of this By-law to perform and exercise any or all of the functions and powers specified in this By-law and subject to the provisions of that chapter and to the provisions of any other law;

“boarder” means any person to whom lodging or both lodging and meals in an accommodation establishment is or are supplied by the proprietor for reward or gain;

“boarding and lodging house” shall mean premises where boarding and lodging are provided for gain and shall include annexes to such establishment.

“bottle washing room” shall mean that portion of the factory premises in which the washing of bottles, syphons, casks or other vessels is conducted.

“carcass” means the remains of any animal or poultry;

“cattery” means any establishment where cats are bred or boarded;

“child care facility” means any building or premises maintained or used, whether for profit or otherwise, for the temporary or partial care of children under 18 years of age apart from their parents, but does not include any boarding school, school hostel or any establishment which is maintained or used mainly for the tuition or training of children and which is controlled by or which has been registered or approved by the State;

“communicable disease” means any disease which can be communicated directly or indirectly from any person suffering therefrom or who is a carrier thereof to any other person;

“cost” means the amount determined by a duly authorized employee of the Municipality;

“environmental health practitioner” means an official appointed by the Municipality, and who is duly registered as an environmental health practitioner with the Health Professions Council of South Africa in terms of the Health Professions Act, 1974 (Act No. 56 of 1974);

“filling room” shall mean that portion of the factory premises used for the filling of bottles, syphons, casks or other vessels with water or mineral water and shall include that portion of the premise in which the filling and filtering machinery is established.

“fumigation” means fumigation with hydrogen cyanide (hydro-cyanic acid gas), or other similar substance dangerous to human life, if any buildings or part thereof, and **“fumigate”** shall have a like meaning;

“fumigator” means a person in charge of the carrying out of a fumigation and who is duly licensed under this By-law to carry on the work of trade if fumigation;

“fumigation area” means any part of a building or premises into which there is reason to apprehend that the fumigant may penetrate from the fumigation area, and includes:

- (1) those parts of any building or premises which are both less than 12 metre measured horizontally from the nearest boundary of the fumigation area and not separated entirely from the fumigation area by any yard, street, or other space open to the area, of not less than 10,5 metre in width; and
- (2) all rooms immediately above or below the fumigation area and the area set out in the preceding paragraphs;
- (3) the fumigation area.

“generator” means a person who generates medical waste.

“hairstylist or barber” means a natural person who carries on business by cutting, shaving, shampooing, curling, straightening or otherwise treating or removing people’s hair or beards or providing beauty treatment for reward or gain;

“health nuisance” means any activity, condition, premises or thing which, on account of effluent, vapours, chemical effluvia, odours, noise, vibration, radiation, refuse, waste products, dirt, chemical or biochemical material, microbial infection, vermin, vegetation, overcrowding, lack of proper general hygiene, ventilation, lighting, design, situation or on account of any other cause or practice whatsoever, is/are in the opinion of the Municipality potentially injurious or dangerous to health or which is/are offensive, including, without affecting the generality of the foregoing, any facility for the storage, distribution or handling of water that is likely to be used by man for domestic purposes or consumption, including such water itself, which is contaminated or polluted;

“hotel” shall have the usual meaning assigned to that term;

“ice-cream” or other similar commodity shall mean and include ice-cream and any other frozen liquid, excluding ice, used or intended for human consumption.

“kennel” means any establishment that has as its business the breeding, training or boarding of dogs and includes pounds whether operated by the State or otherwise;

“laundry” shall mean any premises in which washing or ironing or laundry work is carried on for payment or other valuable consideration;

“medical certificate” means a certificate signed by a medical practitioner;

“medical practitioner” means a person registered as such under the laws relating to the registration of persons as medical practitioners;

“medical waste” includes—

(1) any waste, whether infected or not, resulting from a medical, surgical, veterinary or laboratory procedure on humans or animals, such as blood, body fluids, tissue, organs, body parts, extracted teeth, corpses (excluding corpses intended for burial in terms of the Births and Deaths Registration Act, 51 of 1992);

(2) used medical equipment and other medical material which is capable or is reasonably likely to be capable of causing or spreading disease or causing or spreading infection, such as used surgical dressings, swabs, blood bags, laboratory waste, blood collection tubes, colostomy- and catheter-bags; gloves, drip bags, administration lines and tongue depressors.

(3) contaminated and uncontaminated sharps, including clinical items which can cause a cut or puncture or injection, such as needles, syringes, blades and microscope slides;

(4) pharmaceutical products which have become outdated or contaminated or have been stored improperly or are no longer required, such as human and animal vaccines, medicines and drugs;

(5) genotoxic chemical waste and radio isotopes from experimental or diagnostic work or any other source;

“mineral water” shall include every kind of effervescent liquid, cordial, essence or flavouring prepared for human consumption or used for the preparation of liquids for human consumption.

“municipality” means the Bojanala Platinum District Municipality, established in terms of Section 12 and 14 of the Municipal Structures Act, 1998 (Act No. 117 of 1998)

“night soil” means human excrement not disposed of in an approved sanitary convenience;

“objectionable material” means garden litter, rubbish, waste material, rubble, scrap metal, article or thing, disused machinery, motor cars or other vehicles, as well as the disused parts thereof, refuse from any building operations, or any refuse capable of being deposited on any land or premises, including new or used building materials not necessarily required in connection with bona fide building operations actually in progress on any land, and includes any solid, liquid or gas which is or may become a nuisance or which materially interferes with the ordinary comfort or convenience of the public;

“occupier” in relation to any premises means and includes —

- (1) Any person in actual occupation of those premises; or
- (2) Any person legally entitled to occupy those premises; or
- (3) Any person having the charge or management of those premises, and includes the agent of any such person when he is absent from the Republic of South Africa or his whereabouts are unknown.

“offensive” means a state of affairs which is a health hazard or which has the potential to result in a health hazard

“offensive trades” shall include the work of a knacker, or blood boiling, bone boiling, soap boiling, tripe boiling or cleaning, tallow melting, fat melting if fax extracting, fell-mongering, skin storing, skin curing, blood drying, gut scraping, fish-mongering, fish frying, leather dressing, tanning, glue making, manure storing, bone storing, dealing in rags and bones, dealers in second-hand clothing, storage of rags, manufacture of flock from rags, manufacture of yeast, animal bristle and hair storing and sterilising, manufacture of chemicals, together with any other work or trade of an offensive nature which the Municipality may add to the above list.

“overcrowding” means -

- (1) a residential occupancy in excess of 12 occupants per sanitary convenience and/or

(2) occupancy of habitable rooms (being all rooms in a dwelling excluding kitchens, bathrooms and sanitary conveniences) for sleeping purposes where such occupation exceeds 1 adult person per 4 m² and/or 1 child under 10 years of age per 2 m².

“owner” includes—

(1). The person or persons in whom from time to time shall be vested the legal title to any immovable property.

(2). In any case where a property is subject to a registered lease the lessee of such property.

(3). In cases where the person in whom the legal title is vested is insolvent or deceased, or is of unsound mind or whose estate has been assigned for the benefit of his creditors, the person in whom the administration of the property is vested as trustee, executor, curator or assignee, or administrator.

(4). In cases where the owner as above described is absent the agent or person receiving the rent of the property in question.

(5). In any case where the property is beneficially occupied under a servitude or right similar thereto the occupier of such property.

“permit” means the written permission granted by the Municipality in terms of this By-law.

“person” includes any sphere of government; natural and juristic person includes any sphere of government; natural and juristic persons

“pest” means any animal that may create a municipal health hazard or municipal health nuisance if it is present in significant numbers and without limitation, and includes rats, mice, flies, mosquitoes and cockroaches;

“poultry” means any fowl, goose, ostrich, duck, pigeon, dove, turkey, muscovy, guinea-fowl, peacock and/or peahen or bird whether domesticated or wild;

“premises” means any building, tent or any other structure, together with the land on which the same is situated and the adjoining land used in connection therewith

and any land without buildings or tents, and includes any vehicle, conveyance, ship or boat;

“prescribed fee” means a fee determined by the Municipality in terms of this By-law;

“prohibition notice” means a notice issued to prohibit activities that violates principles and the purpose specified in terms of this By-law;

“proprietor”, in relation to an accommodation establishment, means the natural person who carries on or who is charged with carrying on business by supplying lodging or both lodging and meals for reward or gain and includes an owner of said property;

“Municipal health” means the mental and physical health and well-being of people in the Bojanala Platinum District Municipal area;

“Municipal health hazard” means any actual threat to municipal health, and without limitation, includes -

- (1) The circumstances referred to in section 5(3),
- (2) Unsanitary conditions
- (3) Circumstances that make it easier for a communicable disease to spread, Circumstances that make food or drink (including water for domestic consumption) unhygienic or unsafe to eat or drink; and
- (4) Circumstances that allow pests to infest any place where they may affect municipal health.

“municipal health nuisance” means the use of any premises in a manner that creates conditions that significantly increase the risk of a municipal health hazard occurring or that compromises any aspect of municipal health to an extent that is more trivial or significant, and without limitation includes those circumstances in which a municipal health nuisance is considered to exist in terms of the Schedules to this By-law.

“public place” means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, sidewalk, lane square, open space, garden park, path, bus or taxi rank, servitude or enclosed space vested in a municipality and includes any road, place or thoroughfare which is in the undisturbed use of the public, or which the public have the right to use;

“storeroom” shall mean that portion of the factory premises used for the storage of utensils, apparatus and materials used in the process of the business.

“structure” means any stable, shed, pigsty, kraal, aviary, paddock, covering structure, poultry house, enclosure, run, loft or building used for the keeping, housing or enclosing of animals and poultry;

“styptic” means a substance applied to stop bleeding.

“trades” for purpose of this By-law is restricted to the following: accommodation establishments, hairdressers and barbers, tattooing and body piercing of humans and child care facilities.

“swimming pool keeper” shall mean any person who maintains any swimming bath for the purposes of gain, either alone or in conjunction with any other form of business or activity.

“syrup and essence room” shall mean that part of the factory premises in which essences and flavourings are stored.

“transporter” means any person who removes medical waste from the premises of a generator or who transports medical waste or both.

“verminous” means being infested with vermin which includes but is not limited to lice, fleas and any organism which may infest or be parasitic on a person.

Purpose of By-law

2. The purpose of this By-law is to enable the Municipality to protect and promote the long term health and wellbeing of all people in the Bojanala Platinum District Municipal area by –

(a) providing, in conjunction with other applicable legislation, an effective legal and administrative framework within which the Municipality can manage and regulate activities that have the potential to impact adversely on Municipal health and require premises to be properly maintained and managed; and

(b) clearly defining the rights and obligations of the Municipality and the public in relation to this purpose.

Area in which By-Law applies

3. (1) This By-law applies in the jurisdictional area of the Bojanala Platinum District Municipality which includes the jurisdictional areas of the Moretele, Madibeng, Moses Kotane, Rustenburg, Kgetlengrivier Local Municipalities and any other local or other municipality that may be established in the Municipality's area of jurisdiction.

(2) In the event of any inconsistency between a provision of this By-law and any other By-law in force in any local or other municipality within the area of jurisdiction of the Bojanala Platinum District Municipality, when this By-law takes effect, and which regulates any of the aspects regulated by this By-law, the provisions of this By-law shall prevail.

CHAPTER 2

MUNICIPAL HEALTH PRINCIPLES

Principles

3. (1) Every person has a constitutional right to an environment that is not harmful to their health or wellbeing and to have access to sufficient water and the Municipality has a constitutional duty to strive, within its financial and administrative capacity, to promote a safe and healthy environment .

(2) The risk of a Municipal health hazard occurring, constituting or recurring must be eliminated wherever reasonably possible, and if it is not reasonably possible to do so, it must be reduced to a level acceptable to the Municipality.

(3) Any person who owns or occupies premises in the Bojanala Platinum District Municipal area must ensure that it is used for and maintained in a manner that ensures that Municipal health hazards and Municipal health nuisances do not occur on the premises.

(4) Any person who wishes to undertake an activity that creates a risk to Municipal health that is reasonably possible to reduce the risk, must reduce such risk to a level acceptable to the Municipality; and

(a) take all reasonably measures to eliminate that risk, and if that is not reasonably possible, to reduce the risk to a level acceptable to the Municipality; and

(b) bear the costs of taking those measures and of any reasonable costs incurred by the Municipality in ensuring that the risk is eliminated or reduced to an acceptable level.

(5) The Municipality must regulate all activities and administer all matters for which it is legally responsible in a manner that –

(a) avoids creating a Municipal health hazard or a municipal health nuisance;

(b) does not make it easier for human or animal diseases to spread;

(c) does not rise to unsanitary or unhygienic conditions

- (d) prevents unsafe food or drink from being eaten or drunk;
- (e) avoids creating conditions favourable for infestations by pests; or
- (f) whenever reasonably possible, improves municipal health in the municipal area.

6. In dealing with matters affecting municipal health the Municipality must –

- (a) adopt a cautious and risk-averse approach
- (b) prioritise the collective interests of the people of the Municipal area over the interests of any specific interest group or sector of society;
- (c) take account of historic inequalities in the management and regulation of activities that may have an adverse impact on municipal health and redress these inequalities in an equitable and non-discriminatory manner;
- (d) adopt a long-term perspective that takes into account the interests of future generation; and
- (e) takes account of, and whenever possible without compromising municipal health, minimise any on other living organisms and ecosystems.

Application of principles

4. The municipal health principles set out in section 3 must be considered and applied by any person-

- (a) exercising a power or function or performing a duty under this By-law;
- (b) formulating or implementing any policy that is likely to have a significant effect on, or which concerns the carrying on of activities likely to impact on, municipal health in the Municipality; or
- (c) exercising a public power or function or performing a public duty in the Municipality's jurisdiction that is likely to have an adverse effect on Municipal health.

Prohibition on causing a municipal health hazard

5 (1) No person may create a Municipal health hazard anywhere in the Municipal area of jurisdiction.

(2) Every owner or occupier of premises must ensure that a Municipal health hazard does not occur on the premises;

(3) An owner or occupier of premises creates a Municipal health hazard if –

(a) the premises are infested with or pests are breeding in large numbers on the premises;

(b) there are conditions on the premises that are conducive to the spread of a communicable disease;

(c) there are unsanitary conditions in any part of the premises; or (d) any water supply for domestic consumption on the premises is unsafe for human consumption

Duty to prevent and to eliminate a municipal health hazard

6. (1) The owner or occupier of premises who knows of a health hazard on the premises must within 24 hours of becoming aware of its existence

(a) eliminate the Municipal health hazard; or

(b) if the owner or occupier is unable to comply with subsection (a), he or she must take reasonable steps to reduce such risk and report the existence of the Municipal health hazard to the Municipality.

(2) An owner or occupier who does not comply with subsection (1) commits an offence and is upon conviction liable to a penalty as provided for in this By-law.

CHAPTER 3

MUNICIPAL HEALTH NUISANCE

Nuisances and related matters

7. (1) For the purpose of this By-law, unless the context indicates otherwise, the term “**nuisance**” shall include:

- (a) Any premises or part thereof of such a construction or in such a state as to be offensive or dangerous to health;
- (b) any street, stream, pool, lagoon, ditch, gutter, water-closet, earth-closet, privy, urinal, cesspool, drain, sewer, waste water receptacle, slop tank, dung pit, refuse container, refuse pit or manure heap so foul or in such a state or so situated or constructed as to be a nuisance, offensive or to be injurious or dangerous to health;
- (c) any well or water supply injurious or dangerous to health;
- (d) any tank or cistern used for the supply of water for domestic purposes so placed, constructed or kept as to render the water therein liable to contamination, causing or likely to cause risk to health or facilitate the breeding of mosquitoes;
- (e) any stable, cowshed, animal kraal, fowl-house or premises in which any animal or animals or birds are kept in such a manner or in such numbers as to be offensive, injurious or dangerous to health;
- (f) any accumulation or deposit of refuse, offal, manure or other matter which is offensive, injurious or dangerous to health, or any offensive matter, refuse, offal or manure lying or being within 45 metres of any public place;
- (g) any work, manufacture, trade or business causing or giving rise to smells of effluvia which are offensive or which are injurious to the health of the neighbourhood or so conducted as to be offensive, injurious or dangerous to health;
- (h) any house or part of a house or habitable structure so overcrowded as to be injurious or dangerous to the health of inmates, or in which there is not enough space for each person simultaneously occupying the same, whether by night or day 12 square meter space and 4 square meter of floor space;

- (i) any occupied dwelling for which a proper, sustainable and potable water-supply is not available;
- (j) any school, house or any factory, workshop or work place or portion thereof:
 - (i) which is not kept in a clean state and free from effluvia arising from any drain, privy, water-closet, earth-closet, urinal or other source of nuisance; or
 - (ii) which is not ventilated in such a manner as to render harmless, as far as practicable, any gasses, vapours, dust or other impurities generated in the course of the work carried on therein that are offensive, injurious or dangerous to health;
 - (iii) or acid in the air at about breathing level exceeds 10 volumes in 10 000 or,
 - (iv) where gas or oil is used for lighting purposes, exceeds 18 volumes in 10 000, while such gas or oil is in actual use as contemplated in relevant national legislation; or
 - (v) which is so overcrowded while work is carried on as to be injurious or dangerous to the health of those therein employed;
- (k) any chimney sending firth smoke in such quantity or in such a manner as to be offensive, injurious or dangerous to health;
- (l) any churchyard, cemetery or other place of burial so situated or so crowded or otherwise so conducted as to be offensive, injurious or dangerous to health;
- (m) any other condition whatever which is offensive, injurious or dangerous to health, the generality of this provision not being limited by the particular matters provided in the preceding subsections: Provided that:
 - (i) a penalty shall not be imposed on any person in respect of any accumulation or deposit necessary for or arising out of the carrying out of any business, trade or manufacture if the accumulation has not been kept longer than is necessary for the purposes of business, trade or manufacture, and the best available means have been taken for preventing injury or danger thereby to the Municipal health provided that the said business is being lawfully carried out and is lawfully carried out and is lawfully conducted at the premises in any locality; and

(ii) In considering whether any dwelling-house or part thereof which is also used as a factory or workshop, or whether any factory or workshop used also as a dwelling-house is a nuisance by reason of overcrowding, regard shall be to the circumstances of such other use.

Prohibition on causing a Municipal health nuisance

8 (1). No person may cause a Municipal health nuisance anywhere in the Bojanala Platinum District Municipality, notwithstanding the provision of any other By-law;

(a) No person may dump, accumulate or place or cause or permit to be dumped any objectionable material in or on any erf, street, drain, water furrow, sewer, thoroughfare, public square or commonage except at such place or places as the Municipality may from time to time set aside or approve for such purposes, provided however that the Municipality may permit public garages, workshops and other trades, subject to such conditions as may be imposed in each case, to keep, store, repair, dismantle or re-assemble any motor vehicle or other vehicle or apparatus on premises approved by the Municipality.

(b) do work on any erf or use any building or land for purposes calculated, in the opinion of the Municipality, to depreciate or to disfigure such erf or to interfere with the convenience or comfort of the neighbours thereof or to become a source of danger to any person;

(c) carry on any trade, business or profession on any erf in the municipal area which may in the opinion of the Municipality be a source or become a source of discomfort or annoyance to the neighbourhood;

(d) deposit, leave, spill, drop or place any fruit or vegetable peels, broken bottles, glass, refuse or any objectionable material or thing which is offensive or likely to cause annoyance, danger or injury to persons in or upon any erf, street or public place;

(e) allow any erf to be overgrown with bush, weeds or grass or other vegetation Except cultivated shrubs and grass to such extent that, in the opinion of the Municipality or any duly authorised employee of the Municipality it may be used as a

shelter by vagrants, wild animals or vermin or may threaten the Municipal health or the safety of any member of the community or may promote the spread of fires;

(f) allow any erf to be dirty, neglected or infested with rodents, snakes, mosquitoes, Flies, ticks, bugs or other insects harmful to health, or allow any offensive odours or gasses to emanate from such erf;

(g) allow any erf to be dirty, neglected or infested with rodents, snakes, mosquitoes, flies, ticks, bugs or other insects harmful to health, or allow any offensive odours or gasses to emanate from such erf;

(h) allow any building or structure or any portion thereof on any erf to fall into a dilapidated, neglected or unsightly state, or fail to maintain the roof-water disposal system, pipes, sewers, drains, water fittings, waste water fittings, water closet fittings and all other appurtenances forming part of or attached to any building or structure in good and sound repair, or fail to maintain the walls of any building or structure free from dampness;

(i) use or cause or permit to be used any veranda of any shop or business premises or vacant land adjoining such shop or business premises for the purpose of storing, tacking, dumping, disposing, displaying, keeping, selling or offering for sale any goods, articles or merchandise;

(a) the person directly or indirectly responsible for such accumulation, dumping, storing or depositing;

(b) the owner of such material article or thing. whether or not he is responsible for such accumulation, dumping, storage or depositing;

(c) the owner of the erf on which such accumulation, dumping, storage or depositing takes place, whether or not he is responsible thereof, or

(d) the owner of the erf on which there is an overgrowth of bush, weeds, grass or vegetation - requiring such persons or owners to dispose of, destroy or remove such material, article or thing or to clear such overgrowth to the satisfaction of the Municipality;

(2) Should any person or owner fail to comply with the requirements of a notice in terms of subsection (1) within the period stipulated by the Municipality, the Municipality may itself dispose of or destroy or remove such material, article or thing, or clear the overgrowth from any erf at the cost of any one or more of the persons or owners mentioned in subsection (1)(a), (b), (c) and (d).

(3) Where on any erf there is a contravention of section 3(b), (f), (g), (h) and (t) the Municipality may at its discretion serve a notice on either the owner of the occupier to abate the nuisance within a defined period to be stated in such notice.

(4) No person shall by any act, default or sufferance cause or permit a nuisance to exist on any premises, and every owner and every occupier of any premises shall at all times maintain such premises clean and free from any nuisance.

(5) No person shall conduct himself in such a manner as is liable to be injurious or dangerous to health or to create any state or condition of premises which is injurious or dangerous to health.

General Nuisances

9. An owner of occupier of premises creates a Municipal health nuisance if –

(a) any stream, pool, marsh, ditch, gutter, watercourse, cistern, water closet, earth closet, urinal, cesspool, cesspit, drain, sewer, dung pit, slop tank, ash heap or dung heap so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health;

(b) any stable, kraal, shed, run or premises used for the keeping of animals or birds and which is so constructed, situated, used or kept as to be offensive or to be injurious or dangerous to health;

(c) any accumulation of refuse, offal, manure or other matter which is offensive or is injurious or dangerous to health;

(d) any public building which is so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;

- (e) any building is erected on a premises without first removing or decontaminating in an approved manner, any faecal, animal or vegetable waste disposed of on the premises;
- (f) any occupied dwelling for which no proper and sufficient supply of pure water is available within a reasonable distance.
- (g) any factor or industrial or business premises not kept in a cleanly state and free from offensive smells arising from any drain, water closet, earth closet, urinal or any other source, or not ventilated so as to destroy, dust or other impurities generated, or so badly lighted or ventilated as to be injurious or dangerous to the health of those employed therein or thereon;
- (h) any factory or industrial or business premises causing or giving rise to smells or effluvia which are offensive or which are injurious or dangerous to health;
- (i) any area of land kept or permitted to remain in such a state as to be offensive; or
- (j) any other activity, condition or thing declared to be a nuisance by the Minister in terms of the provisions of section 39(2) of the Health Act No. 63 of 1977.

Right of entry and inspection

10. An Environmental Health Practitioner or any other designated official of the Municipality duly authorised thereto may enter and inspect, or make enquiries on any premises with a view to ascertaining the connection therewith.

Municipality may act

11. The Municipality may do such work as may be necessary for ascertaining the existence or cause of any nuisance and for remedying the same, and may recover from the owner or occupier of the premises or from the author the amount of such expenses incurred by it in respect thereof, and such owner or occupier or author shall, on demand, refund such amount to the Municipality.

Procedure for Abatement of Nuisance

12. Whenever a nuisance exists, or has existed and is liable to recur on any premises, the Municipality may serve a notice either upon the author of the nuisance, or upon the owner or occupier of the premises on which the nuisance exists, or has existed and is liable to recur, requiring him to remove or abate the nuisance and to do such work (with specifying the nature thereof) within a reasonable time to be specified in the notice, as is necessary for the removal or abatement and the prevention of recurrence of the nuisance, as the case may be, provided that where the nuisance arises from want or defect of a structural character or where the premises are unoccupied, the notice shall be served on the owner.

Failure to comply with Notice

14. Where any person upon whom such notice has been served fails to comply with the terms thereof, the Municipality may enter upon the premises in respect of which such nuisance exists or is liable to recur, and may itself carry out such work as may be necessary for the removal or abatement and the prevention of recurrence of the aforementioned person the amount of any expense incurred by it in carrying out such work and such person shall, on demand, refund such amount to the Municipality.

Pest Control - Vector Control

15.(1) an owner or occupier of premises created a Municipal health nuisance if –

- (a) waste or plant matter is left or kept in a manner that attracts rodents or other pests to the premises;
- (b) flies are being attracted, or can breed, in significant numbers because –
 - (i) insufficiently rotted manure or any other organic material is being kept or used;
 - (ii) any other substance that attracts flies is used or kept other than for the purposes of trapping or killing flies;
- (c) mosquitoes can breed in significant numbers because –
 - (i) containers in which mosquitoes can breed, such as bottles, crockery, tins, have left or are kept on the premises;

(ii) tanks, barrels and similar containers in which mosquitoes can breed are not fitted with mosquito-proof covers or mosquito wire gauze screens in a manner that prevents mosquitoes gaining access to water contained in them;

(iii) gutters and down pipes are sagging or clogged so that stagnant water can accumulate in them; or

(iv) approved measures have not been taken to prevent mosquitoes breeding in ponds, excavations or wells.

2. The following measures are approve measures for the purposes of paragraph 1(c)(iv) –

(a) draining accumulated water at least once every seven days;

(b) covering accumulated water with oil at least once in every seven days; and

(c) in the case of wells, providing a mosquito-proof cover and a pump.

Interference with traps for rodents

16. No person shall remove, destroy, interfere or tamper with any contrivance or mechanism for the catching or destruction of rodents which has been set or placed by Municipal authorised person on any premises

Prevention of Fly-Breeding and Rat Harbourage on Manure or Refuse

17. No person shall:

(1) place, throw or leave or permit to remain on any premises any refuse or other Matter whatsoever in such a manner or for such a time as to favour the breeding of flies or to encourage rats or other vermin to frequent such premises

(2) use manure for gardening purposes that is not so matured or well rotted as to be capable of breeding flies;

(3) store or keep manure except in such a manner as to preclude the open attraction and breeding of flies;

(4) fail to keep any premises of which he or she is the owner or occupier of, free from stagnant water and from articles such as bottles or crockery, whether whole or broken tins, drums and similar articles which may contain water;

(5) fail to provide drums, barrels and similar containers on any premises of which he is the owner or occupier, with covers of wood or metal;

(6) fail to keep adequate measures to protect from mosquitoes the water ponds, excavations or well on any premises of which he is the owner or occupier by filling in draining off or covering with oil at least once in every seven days such ponds, excavations or wells, or in the case of wells by providing a mosquito-proof cover and pump.

Fouling and littering in public and open places

18. No person shall throw, deposit or drop or cause or permit to be thrown, deposit or dropped:

(1) any filth, rubbish or refuse in or on any public place;

(2) any object whether liquid or solid, on or in any street, road, bridge, thoroughfare, open space, vacant stand or spruit or watercourse; or cause or permit any such liquid to flow into any such place.

Air Pollution

19. Any owner of occupier of premises creates a Municipal health nuisance when—

(a) any waste is burned outside except in an approved appliance;

(b) ash, grit, soot or smoke is emitted from any chimney on the premises in a manner or quantity that is sufficient to have an adverse impact on Municipal health; or

(c) the erection or destruction of a building or structure causes dust to be discharged in to the surrounding atmosphere in a manner or quantity that is sufficient to have an adverse impact on Municipal health.

Emission of ash, grit and soot from chimneys

20. No person shall cause or permit ash, grit or soot to escape from any chimney so as to be offensive, injurious or dangerous to health.

Prevention of dust nuisance

21. No person shall cause or permit to be discharged into the surrounding atmosphere from any building or structure in the course of erection or demolition or from any premises at any time any dust in such quantities or in such a manner as to be offensive, injurious or dangerous to health.

Burning of refuse

22. No person shall burn any matter or object in such a manner as to be a nuisance or offensive, injurious or dangerous to health on any residential area.

CHAPTER 5

POTENTIAL HAZARDOUS USES OF PREMISES

Duty to list potentially hazardous uses in a schedule

23. If the Municipality reasonably believes that any premises in the Bojanala Platinum District Municipality area have been, or are likely to be, used from time to time for a purpose or in a manner that has caused or is likely to cause, a Municipal health hazard or to create a Municipal health nuisance unless reasonable measures are taken to avoid the risk or to reduce it to an acceptable level, the Municipality must list the activity in Schedule 4 and must prescribe measures that must be taken to avoid the risk or reduce it to a level acceptable to the Municipality.

Scheduled uses

24.(1) Any person who uses premises in a manner or for a purpose listed in Schedule four must comply with each of the provisions set out in the schedule relating to that use unless that person has been granted an exemption under section 10 from complying with any provision.

(2) Any person who uses premises in a manner or for a purpose that is listed in Part A of Schedule four must obtain a permit under section 11 before commencing the use and must comply with the terms and conditions of the permit.

Exemption certificate

25(1) Any person who wants to undertake a scheduled use on any premises but wishes to be exempted from complying with one or more of the requirements of the relevant schedule, may apply to the Municipality in accordance with section 13 for an exemption certificate.

(2) The Municipality may issue a Municipal Health Permit to the owner or occupier of any premises within the area of its jurisdiction if an environmental health practitioner is satisfied that the use for which the permit is required is not likely to cause a Municipal health hazard or a Municipal health nuisance.

(3) A Municipal Health Permit -

- (a) must be issued subject to conditions aimed at reducing the risk to Municipal health created by the scheduled use, to a level acceptable to the Municipality
- (b) may exempt the permit holder for complying with one or more of the provisions of the relevant schedule, if the person authorised to issue the permit reasonably believes that the permit requires the permit holder to take measures to avoid or reduce the risk to health arising from the activity that are equivalent to, or better than, the measures required by the relevant schedule; and
- (c) may approve any measure or material in connection with the activity authorised by the permit that must be approved in terms of this By-law.

Approval of measures and materials

26(1) The Municipality may approve any object or material used, or any measure taken, in specified circumstances as being adequate to eliminate the risk of any Municipal health hazard or public nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Municipality.

(2) An object, material or measure referred to in subsection (1) may be approved by the Municipality in –

- (a) a Municipal health permit; or
- (b) guidelines prescribed by the Municipality in terms of subsection (3)

(3) The Municipality may publish guidelines in the Provincial Gazette which described -

- (a) appropriate measures that can be taken and objects and materials that can be used, to eliminate the risk any Municipal health hazard or Municipal health nuisance occurring, continuing or recurring or recurring, or to reduce that risk to a level acceptable to the Municipality; and
- (b) the circumstances in which, taking these measures or using these materials or objects is acceptable to the Municipality.

Application procedure

27(1) Any person that wants to obtain a permit or an exemption certificate must apply to the Municipality in writing in a form stipulated by the Municipality, prior to undertaking the relevant scheduled use

(2) When the Municipality receives an application for a permit or an exemption certificate it must ensure that the relevant premises are inspected by an environmental health practitioner as soon as reasonably possible

(3) Before deciding whether or not to approve an application referred to in subsection (1), the Municipality -

(a) must ensure that any person in the vicinity of the premises whose health or Wellbeing may be affected if the premises are used for a scheduled use, have been consulted and have had an opportunity to make representations; and

(b) may request the application to provide any further information which the Municipality considers relevant to enable him or her to make a properly informed decision

(4) In deciding whether or not to issue a permit or an exemption certificate, and what terms and conditions, if any, to include it, the Municipality must apply the Municipal health principles set out in section 3.

General terms applicable to permits and certificates

28(1) A permit or an exemption certificate –

(a) is not transferable from one person to another; and

(b) applies only to the premises specified in the permit or certificate

(2) Every permit or exemption certificate -

(a) must specify the address and other relevant details regarding the location of the premises concerned;

(b) must describe the premises concerned;

(c) must describe the activity concerned;

(d) may specify terms and conditions; and

(e) may indicate when it expires

(3) The Municipality may charge applicants a prescribed fee for considering and granting the permit or exemption certificate

(4) The Municipality may refuse to consider an application until it has been provided with the information that it reasonably requires to make an informed decision and until the prescribed fee (if any) has been paid.

Suspension, cancellation and amendment of permits and of exemption certificates

29(1) An environmental health practitioner may by writing notice to the holder of a permit or exemption certificate, to amend or cancel the permit or certificate.

(2) An environmental health practitioner may suspend or cancel a permit or exemption certificate with immediate effect if –

(a) the environmental health practitioner reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to Municipal health posed by a Municipal health hazard or a Municipal health nuisance; and

(b) the holder of the permit or certificate fails to comply with a compliance notice that States that the permit or certificate may be suspended or cancelled without further notice if the holder fails to comply with the compliance notice.

(3) An environmental health practitioner may suspend or cancel a permit or exemption Certificate after giving the holder a reasonable opportunity of making representations as to why the permit or exemption certificate should not be suspended or cancelled if –

(a) the environmental health practitioner reasonably believes that it is desirable to do so to eliminate or reduce the risk to Municipal health posed by a municipal health hazard or a municipal health nuisance; or

(b) the holder of the permit or certificate fails to comply with compliance notice

(4) An environmental health practitioner may amend a permit or exemption certificate by endorsing the permit or certificate or by written notice to the holder, if

the environmental health practitioner reasonably believes that it is necessary to do so to protect municipal health or to take account of changed circumstances since the permit or exemption certificate was issued.

CHAPTER 6

IMPLEMENTATION AND ENFORCEMENT

Appointment and identification of environmental health practitioners

30(1) The Municipality must issue an identity card to each environmental health practitioner

(2) The identity card must –

- (a) contain a recent photograph of the environmental health practitioner;
- (b) be signed by the environmental health practitioner; and
- (c) identify the person as an environmental health practitioner

(3) The environmental health practitioner must display his or her identity card so that it is clearly visible or produce it at the request of any person in relation to whom the environmental health practitioner is exercising a power under this By-law

(4) If, for any reason, it is not practicable to comply with subsection (4), the environmental practitioner must produce the identity card for inspection by the person entitled to see at the first reasonable opportunity.

General powers of an environmental health practitioner

31(1) An environmental health practitioner may, for the purposes of implementing or administering any power or duty under this By-law –

- (a) exercise any power afforded to a designated officer in terms of section 32 of the Health Act, 1979
- (b) issue a compliance notice in terms of section 20 requiring any person to comply with the provisions of this By-law;
- (c) issue a prohibition notice in terms of section 21 prohibiting any person from conducting an activity
- (d) undertake measures in terms of section 23 to remove, reduce and/or minimise any Municipal health nuisance

- (e) apply to the magistrate's court in terms of section 19 for a demolition order;
- (f) issue a municipal health permit in terms of section 11;
- (ii) an exemption certificate in terms of section 10.
- (g) cancel, suspend or amend any permit or exemption certificate in terms of section 15; or
- (h) enter and inspect premises in terms of section 18;

Regulatory inspections

32. (1) An environmental health practitioner may, subject to subsection (3) -

- (a) enter and inspect any premises;
- (b) question any person on the premises;
- (c) inspect any relevant document;
- (d) copy any document referred to in subsection (c) or if necessary remove the Document or to make a copy of it;
- (e) take any sample that the environmental health practitioners considers necessary for examination or analysis;
- (f) monitor and take readings or make measurements; and
- (g) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises

(2) An environmental health practitioner who removes anything other than a substance contemplated in subsection 2 (e) from any premises being inspected must

—

- (a) issue a receipt for it to the owner, occupier or person apparently in control of the premises; and
- (b) return it as soon as practicable after achieving the purpose for which it was removed.

(3) An environmental health practitioner may conduct an inspection of any premises –

- (a) with a written authorisation issued by a magistrate in terms of section 37; or
- (b) without a written authorisation in the circumstances listed in section 38.

Demolition order

33. (1) If the Municipality believes that a municipal health hazard would be eliminated or a municipal health nuisance would be significantly reduced by demolishing a building or other structure, it may, subject to the provisions contained in any other law, apply to any court having jurisdiction for an order directing any person to demolish the building or structure or authorising the Municipality to do so from the owner or the occupier of the premises, or from both.

(2) The Municipality may not apply to court in terms of subsection (1) unless it has given the owner and the occupier of the premises not less than fourteen day's notice in writing of its intention to make the application.

Compliance notice

34(1) If an environmental health practitioner, after inspecting premises, reasonably believes that a municipal health hazard or municipal health nuisance exists on the premises or that the premises are being used for a scheduled use in contravention of this By-law, the environmental health practitioner may serve a compliance notice on one or more of the following persons;

- (a) the owner of the premise
- (b) the occupier of the premises
- (c) any person apparently in charge of undertaking the scheduled use on the premises

(2) A compliance notice must state -

- (a) why the environmental health practitioner believes that this By-law are being contravened;

- (b) the measures that must be taken -
 - (i) to ensure compliance with this By-law; or
 - (ii) to eliminate or minimise any municipal health nuisance;
 - (c) the time period within which the measures must be taken
 - (d) the possible consequences of failing to comply with the notice; and
 - (e) how to appeal against the notice.
- (3) If a person fails to comply with compliance notice that requires a particular action be taken, the Municipality may -
- (a) take the required action specified in the compliance notice; and
 - (b) recover, as a debt, from the person to whom the notice was given, the costs and expenses reasonably incurred in taking the required action.

Prohibition notice

35(1) An environmental health practitioner may, after inspecting premises, serve a prohibition notice prohibiting the premises from being used for specified purposes and requiring measures to be taken to ensure that this occurs, on one or more of the following person:

- (a) the owner or occupier of the premises if the environmental health practitioner reasonably believes that the premises are being used for a purpose or in a manner that is causing a municipal health hazard or a municipal health nuisance;
- (b) any person who is carrying on an activity or using premises for a purpose or in a manner that the environmental health practitioner reasonably believes is causing a municipal health nuisance; or
- (c) a person on whom a compliance notice was served if the environmental health practitioner reasonably believes that that person has not complied with the compliance notice

(2) The environmental health practitioner must give the person on whom he or she intends serving a prohibition notice a reasonable opportunity to make

representations before serving the notice unless the environmental health practitioner reasonably believes that the delay in doing so would significantly compromise municipal health, in which case the person on whom a prohibition notice is served must be given reasonable opportunity to make representations why it should be withdrawn.

(3) A prohibition notice must state –

(a) the reasons for serving the notice;

(b) whether or not the Municipality will withdraw the notice if certain measures are taken, and if so, the measures that must be taken;

(c) the possible consequences of failing to comply with the notice; and (d) how to appeal against the notice.

(4) Unless a prohibition notice provides otherwise, it comes into effect when it is served under subsection (1) and remains in force until it is withdrawn.

(5) The environmental health practitioner must as soon as possible affix a copy of the notice on a conspicuous position on the premises.

(6) It is a defence for anyone charged with failing to comply with a prohibition notice to prove that –

(a) he or she did not know the existence of the prohibition order and could not reasonably be expected to have known of its existence; and

(b) he or she had complied with the prohibition notice within 48 hours of the time that the notice was affixed to the premises in terms of subsection (5).

Withdrawal of prohibition notice

36.(1) An environmental health practitioner must, within 48 hours of receiving a written request for the withdrawal of a prohibition contained in a prohibition notice, carry out an investigation of the premises.

(2) After completing the investigation the environmental health practitioner must inform the person on whom the prohibition notice was served or that person's agent

in writing, whether or not the prohibition has been removed or the prohibition order withdrawn.

(3) The Municipality may charge the owner or occupier of any premises where an investigation is carried out in terms of subsection (1), a prescribed fee for undertaking the investigation.

Municipal remedial work

37(1) The environmental health practitioner may enter any premises and do anything on the premises that it reasonably considers necessary –

- (a) to ensure compliance with this By-law or with any compliance notice or prohibition notice;
- (b) to reduce, remove or minimise any municipal health nuisance; or
- (c) to reduce, remove or minimise any significant municipal health hazard.

(2) The environmental health practitioner may only enter premises to take measures under this section –

- (a) with a written authorisation issued by a magistrate in terms of section 37; or
- (b) without a written authorisation in the circumstances listed in section 38.

Procedure to undertake regulatory inspection or remedial work with a written authorisation

38(1) A magistrate may issue a written authorisation to enter and execute work or conduct an inspection of any premises, if, from information on oath, there are reasonable grounds to believe either –

- (a) that, in the interests of the public, it is necessary to execute work or obtain information that cannot be obtained without entering the premises; or
- (b) that there is non-compliance with the terms of this By-law.

(2) A written authorisation in terms of subsection (1) may be issued at any time and must specifically include –

- (3) A written authorisation issued in terms of subsection (2) is valid until –
 - (a) it is carried out;
 - (b) it is cancelled by the person who issued it or, in that person's absence, by a person with a similar authority;
 - (c) the purpose for which it was issued has lapsed; or
 - (d) three months have passed since the issuing date.
- (4) A written authorisation in terms of subsection (1) may only be carried out between 07h00 and 19h00, unless the magistrate who issues it states in writing that it may be carried out at a different time reasonable in the circumstances.
- (5) Before commencing any work or conducting an inspection, any person who carries out a written authorisation must either –
 - (a) if the owner of or a person apparently in control of the premises is present –
 - (i) identify themselves and explain their authority to that person or furnish proof of their authorisation; and
 - (ii) hand a copy of the written authority to that person.
 - (b) if the owner or person apparently in control of the premises is absent or refuses to accept a copy, attach a copy of the written authorisation to the premises in a prominent place.
- (6) Any inspection conducted or work undertaken in terms of this section must be conducted with –
 - (a) a person's right to, respect for and protection of his or her dignity;
 - (b) the right of a person to freedom and security; and
 - (c) the right of a person to his or her personal privacy.

Procedure to undertake regulatory inspection or remedial work without a written authorisation

Procedure to undertake regulatory inspection or remedial work without a written authorisation

39(1) An environmental health practitioner may enter and execute work or conduct inspections of premises without authorisation -

(a) with the consent of the owner, occupier or person apparently in control of the premises;

(b) where the environmental health practitioner reasonably believes that the premises being used for a scheduled use and the purpose of the inspection is to be determine whether or not the scheduled use complies with the provisions of this By-law;

(c) where a compliance notice relating the premises has been issued in terms of section 33, and the purpose of the inspection is to determine whether or not the notice has been complied with;

(d) where the owner of occupier of the premises has failed to comply with a compliance notice, issued in terms of section 33, or a prohibition notice, issued in terms of section 34, directing that relevant measures be taken; or

(e) the environmental health practitioner has reasonable grounds to believe that a municipal health hazard or municipal health nuisance exists on the premises and that the delay in obtaining written authorisation –

(i) may defeat the purpose of the inspection; or

(ii) is likely to endanger public health

(2) Before inspecting any premises or commencing any work in terms of this section, persons undertaking the inspection or commencing the work must identify themselves and explain their authority to the person apparently in control of the premises or the person who gave them permission to enter.

(3) Any inspection undertaken or work commenced in terms of this section must be carried out at a reasonable time, taking into account the circumstances of the specific situation

(4) Any inspection conducted or work undertaken in terms of this section must be conducted with strict regard to decency and order; including –

- (a) a person's right to. respect for and protection of his or her dignity;
- (b) the right of a person to freedom and security; and
- (c) the right of a person to his or her personal privacy

Cost orders

40(1) The Municipality may recover any costs reasonably incurred by it in taking measures under section 36 from any person who was under a legal obligation to take those measures, including –

- (a) a person on whom a compliance notice or a prohibition notice that required those steps to be taken, was served
- (b) the owner or occupier of the premises; or
- (c) any person responsible for creating a municipal health hazard or a municipal health nuisance;

(2) The municipal manager may issue a cost order requiring a person who is liable to pay costs and expenses incurred by the Municipality in terms of subsection (1) to pay those costs by a date specified in the order

(3) The person on whom a cost order has been served may, within 20 days of the order being served, appeal against the order in terms of section 40.

CHAPTER 7

MISCELLANEOUS

Appeals

41.(1) Any person may appeal against a decision taken by an authorized person under this By-law by giving written notice of an appeal, in which the reasons of the appeal are stated, to the Municipal Manager within 30 days of the date on which that person receives notification of the decision.

(2) Pending confirmation, variation or revocation of the decision in terms of subsection (4) above, unless the Municipality provides otherwise must nonetheless substantively comply with any obligations that may have been imposed as a result of the decision that is the subject of the appeal; and may not exercise any rights that may have accrued as a result of the decision that is the subject of the appeal application, provided that no other person may exercise any right that may have accrued either.

(3) Within 14 days of receipt of the notice of appeal, the municipal manager must:(a) submit the notice of appeal to the appropriate appeal authority mentioned in subsection (5);(b) take all reasonable measures to ensure that all persons whose rights may be significantly detrimentally affected by the granting of the appeal application, including any persons registered as interested and affected parties, are notified in writing of the notice of appeal and advised of their right to obtain a copy of the notice of appeal; and submit written objections to the notice of appeal to the municipal manager within 30 days of the date of notification.

(4) After the expiry of the 30 day period referred to in subsection 3(b) (ii) above, the appeal authority must consider the appeal and any objections raised to it, and confirm, vary or revoke the decision.

(5) When the appeal is against the decision taken by – (a) an authorized person other than the municipal manager, then the municipal manager is the appeal authority; or (b) the municipal manager, then the Municipality or such committee as it may delegate, is the appeal authority.

(6) An appeal authority must commence with the appeal within 60 days of receiving notification and must decide the appeal within a reasonable period.

Offences and Penalties

42. (1) Any person who contravenes any provisions of the By-law shall be liable on conviction to a fine or imprisonment or to both such a fine and imprisonment to be determined by a competent court of law.

(2) A fine contemplated in subsection (1) above:

(i) may not exceed an amount prescribed in terms of legislation regulating maximum fines for criminal offences; and

(ii) must be determined with due consideration of: the severity of the offence in terms of its impact, or potential impact on health and well-being, safety and the environment; the monetary or other benefits which accrued to the convicted person through the commission of the offence; and the extent of the convicted person's contribution to the overall pollution load of the area under normal working conditions.

Enforcement

43. The authorized person shall take all lawful, necessary and practicable measures to enforce the provisions of this By-law.

Exemptions

44(1) Any person may, in writing, apply for exemption from the provisions of this By-law to the Municipality.

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

(3) The Municipality may grant a temporary exemption in writing from one or all of the provisions of the By-law, provide that the Municipality is satisfied that granting the exemption will not significantly prejudice the objectives referred to in subsection 4(1) of the By-law; and grants any exemption subject to conditions that promote the attainment of the objectives referred to in subsection 4(1) of the By-law.

(2) The Municipality must not grant an exemption under subsection (1) until the Municipality has taken measures to ensure that all persons whose right may be significantly detrimentally affected by the granting of the exemption, including but not limited adjacent land owners or occupiers, are aware of the application for exemption and how to obtain a copy of it;

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

(b) duly considered and taken into account any objections raised.

(3) The Municipality may from time to time review any exemptions granted in terms of this section; and (b) on good grounds withdraw any exemption.

Severability

(45) If a section, subsection, sentence, clause or phrase of this By-law is declared invalid by a competent court, the invalid portion shall be severed and shall not affect the validity of the remaining portions of this By-law.

Right of entry and inspection

46.(1) An Environmental Health Practitioner duly authorised and appointed by the Municipality to inspect any premises within the municipal area in order to determine whether there is compliance with the provisions of this By-law.

(2) When entering premises in terms of sub-section (1), the authorised employee must on request by any person identify him/her-self by producing written proof of authorisation.

(3) The authorised employee may be accompanied by a person reasonably required to assist in conducting the inspection.

Service of documents and process

47.(1) Whenever any notice, order, demand or other document is authorised or required to be served to a person in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such person-

- (a) when it has been delivered to him personally;
- (b) when it has been left at his place of residence or business in the Republic with a person apparently over the age of sixteen (16) years;
- (c) when it has been posted by registered or certified mail to his last known residential or business address in the Republic and an acknowledgement of the posting thereof is produced;
- (d) if his/her address in the Republic is unknown, when it has been served on his authorised agent or representative in the Republic in the manner provided by paragraph (a), (b) or(c),or
- (c) if his address and agent in the Republic are unknown, when it has been pasted in a conspicuous place on the immovable property (if any) to which it relates.

(2) When any notice, order, demand or other document as aforesaid is authorised or required to be served on a person by reason of his being or having been the owner or occupier of or holding some other right in respect of immovable property, it shall be sufficient if he/she is therein described as the owner, occupier or holder of such immovable property or other right, as the case may be.

Penalties

48(1) Any person convicted of an offence under this By-law shall be liable to a fine and/or imprisonment for a period to be determined by Municipality.

(2) In the case of a continuing offence, an additional fine and/or imprisonment for a period not exceeding ten (10) days for each day on which such offence continued may be imposed.

(3) In addition to any penalty imposed in terms of subsections (1) and (2), the person so convicted shall be liable to pay the costs of repair for any damage caused or costs incurred in remedying any damage resulting from such offence.

Exemptions

(49) Notwithstanding the provisions of this By-law, the Municipality may, entirely in its own discretion, exempt any person and/or class of persons from any or all of these requirements and may impose any other requirements it deems appropriate.

Application

(50) This By-law shall apply in the whole area of jurisdiction of the Municipality, including the areas of jurisdiction of the Local Municipalities of Moretele, Madibeng, Rustenburg, Moses Kotane and Kgetlengrivier. The By-laws within the aforementioned local municipalities, as listed in Schedule 1 be inconsistent with this By-law, the provisions of this By-law shall prevail.

Short title and commencement

(51) This By-law shall be known as the Municipal Health Services By-law and comes into operation on the date of publication in the North West Provincial Gazette.

SCHEDULE 1

Existing Ordinances, Regulations and By-laws

All Ordinances, Regulations and By-laws that regulate any aspect of municipal health services in the local municipal areas of Moretele, Madibeng, Rustenburg, Moses Kotane and Kgetlengrivier that were valid and enforceable on the date of publication of this By-law, shall remain valid and apply *mutatis mutandis* unless it is inconsistent with this By-law in which event this By-law takes precedence.

SCHEDULE 2**FOOD HANDLING FOR PUBLIC CONSUMPTION****AND FOOD PREMISES REQUIREMENTS**

1. **Definitions** In this Schedule unless the context indicates otherwise –

“available” indicates available elsewhere than 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 regulation clause 3 of regulation 918 of 30 July 1999.

“clean” means free from 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, 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 - does not meet a standard or requirement determined by any law; does not meet acceptable food hygiene standards or consumer norms or standards; or 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;

“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 unprocessed food;

“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;

“handle” includes manufacture, process, produce, pack, prepare, keep, offer, store, transport or display for sale or for serving, and

“handling” has a corresponding meaning;

“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;

“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 4 °C to 65 °C, and includes the perishable foodstuffs listed in the Government Notice No.R.1183 of 1 June 1990;

“prepacked food” means food which, before it is presented for sale or for serving, has been packed;

“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;

“unsound” means unwholesome, sick, polluted, infected, contaminated, decayed or spoilt, or unfit for human consumption for any reason whatsoever;

“vehicle” means a train, trolley, wagon, cart, bicycle, sled, truck, boat, ship or airplane, and includes any other craft, vehicle or conveyance used in the handling or transportation of food;

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

Requirements

2. No person shall prepare food in a manner that does not comply with the requirements set out in the Regulation 918 of 30 July 1999;

Certificate of Acceptability

3. (1) 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 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 subparagraph (1) shall come into effect immediately after the date of promulgation of this By-law.

(3) The person in charge of any food premises wishing to obtain a Certificate of Acceptability in respect of such food premises shall apply therefore in writing to the municipality in whose area of jurisdiction the food premises are situated on a form prescribe by the municipality.

(4) Upon receipt of an application referred to in subparagraph (3), the municipality shall without delay refer the application to an Environmental Health Practitioner for consideration.

(5) If an Environmental Health Practitioner, after conducting an inspection, is satisfied that the food premises concerned comply in all respects with the requirements of this By-law, the municipality shall issue the Certificate of Acceptability in the name of the person in charge, as prescribed in the application form;

(6) In a case where the premises do not comply with the requirements, the Municipality may grant an extension for a maximum of six months to enable the person in charge so to change or equip the food premises, in order to comply with the provisions in question.

(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 a food premises is replaced by another person, such person shall inform the municipality in writing of such replacement within 30 days after the date thereof and the municipality shall, subject to the provisions of subparagraph 4(2), issue a new Certificate of Acceptability in the name of the new person in charge.

(9) Conditions attached to Certificate of Acceptability:

The certificate of acceptability –

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

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

(c) May at any time be endorsed by the municipality by: the addition of any further restriction that may be necessary to prevent a health hazard; and the removal of any restriction with regard to the category or type of food or the method of handling; shall expire temporarily for the period during which a prohibition under subparagraph 4 (2) is in effect; shall expire permanently if a prohibition referred to in subparagraph 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 subparagraph 4 (2)(f) shall expire permanently if the provisions of subparagraph (8) are not complied with.

(10) No person may make any authorized changes or additions to or forge the 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 this by-

(2) If an Environmental Health Practitioner, following an inspection of food premises or facility is of the opinion that such food premises or facilities are in such a condition or used in such a manner; or do or does not comply with this By-law to the extent that a particular activity with regard to the handling of food takes place in such a manner; or 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 continues use of the food premises or facility or the activity should be prohibited, the municipality may summarily prohibit the use of the food premises 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 no available , his or her representative, informing such person of the prohibition.

(3) A notice referred in subparagraph (2) shall at least contain the following particulars:

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

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

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

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

(5) An Environmental Health Practitioner shall, within 72 hours of receiving request for the removal of a prohibition, carry out an investigation of the premises, facility, activity or circumstance which gave rise to the prohibition and the municipality shall upon completion of such investigation in writing inform the person to 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 municipality may levy an inspection fee equivalent to the expenses incurred by the municipality for carrying out the inspection on the person in charge for each investigation carried out by the Environmental Health Practitioner in terms of subparagraph (5).

STANDARDS AND REQUIREMENTS FOR FOOD PREMISES

5(1) No person shall handle food elsewhere than on the food premises that meet requirements of this subparagraph and subparagraph (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 a manner that food-

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

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

(3) For the purpose of subparagraph (2) food premises shall meet the following requirements -

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

(aa) face brick:

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

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

(ii) be of such 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 open able 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 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; 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 of the room concerned; or

(bb) artificial illumination which complies with the requirements of the National Building Regulations and 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 or warm and cold water for the cleaning of facilities;

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

(v) have a waste-water disposal system approved by the municipality;

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

(i) the number of sanitary facilities specified for the use of workers on the food premises and for the use by persons to whom food is served for consumption on the food premises: Provided further that where persons of only one sex or no more than ten (10) persons work on food premises, separate sanitary facilities shall not be required for workers of different sexes;

(ii) a hand-washing facility and hot and/or cold water for the washing of hands by workers on the food premises and by persons to whom food is served for consumption on the food premises, together with a supply of soap (or other cleaning agents) and clean disposable hand-drying material or other hand-cleaning facilities or hand-drying equipment for the cleansing and drying of hands by such workers and persons;

(iii) liquid-proof, easy-to-clean refuse containers with close-fitting lids suitable for the hygienic storage of refuse pending its removal from the food-handling area; storage space for the hygienic storage of food, facilities and equipment and a suitable separate area for hygienic storage of refuse containers on the food premises; A separate changing area with storage food clothes; An adequate supply of water.

(e) No room in which food is handled shall have a direct connection with any area

—

(i) toilet/ablution facilities;

(ii) 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 spoiled;

(iii) in which an act is performed in any manner or where any condition exists that could contaminate or spoil food in the food-handling room.

(f) A room in which food is handled may be connected to a room in which a latrine or urinal is situated – 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: 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 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, rustproof, 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 provided that such items are kept in such a condition that dirt does not accumulate thereon or therein.

(2) No surface referred to in subparagraph (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 subparagraph

(1) and a facility referred to in subparagraph

(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 herewith contain - 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 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 provide 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 take 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 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 the other side is pressed; bulges at the flat or round sides or ends or one side of which bulges when the other side is pressed; is in any way blown or from which gas escapes when it is opened or punctured, unless - the container contains an aerated drink; or gas has been used as a preservative; is rusted or damaged that it is liable to contaminate or spoil the food or that it leaks or has become unsealed; 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) Pre-packaged food, depending on the type of food, shall be packed in a dustproof and liquid-proof container that protects the product therein against contamination under normal handling conditions and shall be so packed or sealed that the food cannot be removed from its container without the stopper or lid or similar seal being removed or without the wrapping, container or seal being damaged.

(4) Perishable food, excluding the products referred to in regulation 14 (of the R918 of 30 July 1999) and products that are not pre-packed, except food for consumption as meals on food premises, shall, when served to the consumer, be packed in a container that protects the food therein against contamination.

STANDARDS AND REQUIREMENTS FOR THE DISPLAY, STORAGE AND TEMPERATURE OF FOOD

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 pre-packaged, ready-to-consume food, except 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) 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 2°C 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 2°C lower than the required core temperature.

(b) The provision 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 25⁰ C;
- (iii) unprocessed raw fish, molluscs 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 25⁰C;
- (iv) Any food exposed to higher temperatures than those referred to in this By-law 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 ⁰C 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 shall, in so far as it is applicable, be applied by the Environmental Health Practitioner(s).

STANDARDS AND REQUIREMENTS FOR PROTECTIVE CLOTHING

- 9(1) No person shall be allowed to handle food without wearing suitable protective clothing as specified in sub regulation (2) (of Regulations 918 of 30 July 1999).
- (2) The protective clothing, including head covering and footwear, of any person handling food that is not packed to prevent food contamination shall – be clean and neat when such person begins to handle the food; at all times during the handling of food be in such a clean condition and of such design and material that it cannot contaminate food; 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 on food hygiene by an Environmental Health Practitioner 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 required so by an Environmental Health Practitioner;
- (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 required so by an Environmental Health Practitioner;
- (f) waste water on the food premises is disposed of to the satisfaction of the municipality;
- (g) the food premises and any land used in connection with the handling of food and all facilities, freight compartments of vehicles and containers are kept clean and free from any unnecessary materials, goods or items that do not form an integral part of the operation and that have a negative effect on the general hygiene of the food premises;
- (h) no person handling non pre-packed food wears any jewellery or adornment that may come into contact with the food, unless it is suitably covered;
- (i) no animal, subject to the provisions of any law, is kept or permitted in any room or area where food is handled, except that -A guide dog accompanying a blind person may be permitted in the sales or serving area of the premises; Fish, molluscs or crustaceans may be kept alive until prepared for consumption; A live animal may be killed in a separate room before the carcass is handled, subject to regulation 12(4) (of the R918 of 30 July 1999);
- (j) no condition, act or omission that may contaminate food arises or is performed or permitted on the food premises;

- (k) the provisions of this By-law are complied with;
- (l) all persons under his/her control who handle food at all times meet the standards and requirements and execute the duties prescribed by subparagraphs 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/her 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 subparagraph 11 (2)
- (b) are properly recorded and kept for perusal by an Environmental Health Practitioner.

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/her hands thoroughly with soap and water or cleaned them in another effective manner -Immediately prior to the commencement of each work shift; At the beginning of the day's work or after a rest period; After every visit to a latrine or urinal; Every time he/she has blown his/her nose or after his/her hands has been in contact with perspiration or with his/her hair, nose or mouth; After handling a handkerchief, money or a refuse container or refuse; After handling raw vegetables, fruit, eggs, meat or fish and before handling Ready-to-use food; After he/she has smoked or on return to the food premises; or After his/her hands have become contaminated for any other reason.
- (2) Food, a facility or container shall not be handled by any person –

(a) who has on his/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 and 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 or snuff in any other manner while he/she is handling food or while he/she is in an area where food is handled;

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

(d) lick his/her fingers when he/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/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 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/her hands and simultaneously for the cleaning of facilities; or

(i) while he/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 provisions of section 10(1) of the Abattoir Hygiene Act, 1992, unless a notice that is clearly visible and legible and that contains the following 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 subparagraph 14 on or in any part of the vehicle -Unless that part is clean and has been cleaned to such an extent that chemical, physical or microbiological

contamination of the food is prevented Together with -Contaminated food or waste food Poison or any harmful substance A live animal; or Any object that may contaminate or spoil the food.

(2) Subject to subparagraph (1) and (4), the freight compartment of a vehicle that is used for the transportation of food that is not packed or wrapped in liquid-proof and dustproof sealed containers- Shall have an interior surface made of an easy-to-clean and smooth, rust-free, non- toxic and non-absorbent material without open joints or seams and, before food is loaded into such freight compartment, no square centimetre of the said surface shall upon analysis as referred to in subparagraph 6(4) contain more than 100 viable micro-organisms shall be dustproof and shall not be used simultaneously for the transport of any person or any other item that may contaminate the food.

(3) Notwithstanding any provisions to the contrary contained in this By-law, no non- pre-packed food shall be –

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

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

(4) Subparagraphs (2) and (3) shall not apply to the transport of venison, fish, molluscs 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 this By-law, an Environmental Health Practitioner shall, if he/she is of the opinion that conditions prevail that constitute a health hazard with regard to packaging, 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 subparagraph 15(5)(a) -subject to the regulations 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 any other health hazard be corrected or that any provision of this By-law be complied with; or prohibit the continuous 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 subparagraphs 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 subparagraph 3(1) (a), apply to the municipality for exemption from any provisions of this By-law, excluding exemption from the issuing of a Certificate of Acceptability;

(2) Upon receipt of an application referred to in subparagraph (1) the municipality shall refer the application to an Environmental Health Practitioner without delay, and exemption shall not be granted unless the Environmental Health Practitioner has submitted a report to the municipality to the effect that he/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 By-law –

(a) shall be subject to the conditions listed by the municipality in the certificate of acceptability or notice of exemption, as the case may be; and

(b) shall be withdrawn by the municipality on the grounds of an inspection report and recommendation by an Environmental Health Practitioner to the effect that he/she is of the opinion that such exemption will result in conditions that constitute a health hazard.

(4) Subject to subparagraph 3(6)(a) the municipality may, on the grounds of an inspection report and recommendations from the Environmental Health Practitioner,

set additional requirements to be met on any food premises where, despite compliance with any provision contained in this By-law, a health hazard exist which is not provided for in this By-law, 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 subparagraph 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 subparagraph 3(1) shall not apply to –

(i) a private residence where food is handled for the purpose of making it available without compensation to the church, educational or amateur sports organization or any registered welfare or fund-raising organization for sale: Provided that the person in charge of any such organization 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 the 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. This By-law 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 this By-law or allows such a contravention to take place shall be guilty of an offence.

CONVEYING AND HANDLING OF MEAT INTENDED FOR HUMAN CONSUMPTION

17(1) Any person conveying any meat for sale and intended for human consumption, in accordance with the following requirements, shall:

(a) If the conveyance is by means of a vehicle within the municipal area, a vehicle of 1 ton or over:

(i) Its internal walls, floor and roof shall be continuously lined with corrosion resistant metal or other approved impervious suitable material. Such lining shall be rounded at all corners, junctions, intersections and all joints shall be seamless. The vehicle shall be maintained externally, internally and mechanically in good order and repair.

(ii) Its body shall be insulated in such a way that the core temperature of the meat shall not be more than 5 ° Centigrade per hour. The rear end or sides of its body shall be fitted with a closely fitting metal door or doors, the interior of which shall also be of non-corrodible metal and be as far as possible free of projections and ledges. A fixed observation panel of glass in the partition between the driver's cab and the body of the vehicle is permissible.

(v) A non-corrodible metal bar or bars with fixed or movable non-corrodible metal hooks shall be fitted to the roof of the vehicle, and all carcasses or portion of carcasses shall be hung there from during transit. Such bar or bars shall be fixed high enough to ensure that carcasses hang clear of the floor of the vehicle.

(vi) All chains or bars used for stabilizing the load shall be of non-corrodible metal and so installed that they can be easily removed for cleaning. A loose non-corrosive container, approved by the Municipality, and easily removable for cleaning, shall be provided inside the vehicle for conveying cleansed offal, and no offal shall be conveyed in such vehicle except in such container. Such container may be carried on the outside of the vehicle, provided it is fitted into another container that will protect its contents from contamination and can be easily removed for cleaning.

(b) If the conveyance is by means of a trailer, it shall comply with the provisions of sub-section (a)(i),(ii), (iii), (v), (vi).

(c) If the conveyance is by means of a vehicle of under 1 ton:

(i) It shall comply with the requirements of subsection (a)(i) and (iii).

(ii) It shall be permissible for retail butchers to convey therein meat from an abattoir to their trading premises without hanging such meat, provided that it is

conveyed in non-corrosive containers of adequate size, approved by the Municipality, and easily removable for cleaning and that no offal is conveyed in any container used for conveying meat, but is conveyed in a separate container complying with the requirements of (a) (vii) above.

(d) If the conveyance is by means of a vehicle conveying meat to a retail customer, the provisions of sub-section (a) (i) and (ii) shall be complied with.

(e) Cooked or prepared meats shall be conveyed in non-corrodible containers approved by the Municipality and shall be wrapped or covered so as to prevent contamination.

(f) Same as provided in sub-section (c) (ii) and (e), no meat shall be conveyed on the floor of any vehicle.

(g) No person, animal or article liable to contaminate meat shall be carried in any vehicle used for conveying for sale any meat intended for human consumption.

PROTECTIVE COVERS

18(1) All persons engaged in the handling of meat for sale intended for human consumption shall wear clean protective covers of a material approved by the Municipality in accordance with the requirements of the National Health Regulations, over their heads, necks and shoulders, so as to prevent contact between the meat and any part of their bodies, except their hands.

(2) All employers of persons mentioned in sub-section (1) above, shall provide them with such covers and shall ensure that the provisions of sub-section (1) are complied with.

SCHEDULE 3

FISH-FRYERS AND FISH MONGERS

Requirements of premises

19(1) No person shall carry on in or upon premises the trade or business of a fish-fryer or fishmonger unless:

the floors and yard surface thereof are of cement, concrete or similar impervious material brought to a smooth finish;

the floors thereof are sufficiently graded and drained for the efficient run-off of all liquids there from to an outside gully which shall be connected to a sewer, or, where no sewer is available, to other means for the harmless disposal of waste-water;

the yard is sufficiently graded and drained for the efficient run-off of storm water except where glazed or glass bricks or tiles are used, the walls are plastered with cement plaster and the surface brought to a smooth finish and painted in a light coloured washable paint;

the premises are adequately lighted and ventilated in accordance with the standards laid down in this Chapter;

such premises are so constructed that when any fish are laid out or exposed for sale, such fish are adequately protected from contamination by dust, dirt or flies or other cause; the tops of tables or counters are constructed of impervious material; cooling facilities lined with impervious material is provided for the storage of fish; a suitable and sufficient metal fish scaling container is provided and placed so as to catch all refuse drippings produced during the process of cleaning; a sufficient number of portable vessels or receptacles (having regard to the size and nature of the trade or business is provided, each property constructed of galvanized iron or other non-impervious material and furnished with closely fitting covers for the purpose of receiving or conveying from the premises filth or refuse of any kind; there is provided a proper, sustainable and potable supply of hot and cold running

water free from pollution and laid over an adequate number of wash hand basins fitted with waste pipes in accordance with the municipal drainage bylaw;

Duties of trader

20(1) Any person carrying on the trade or business of a fish-fryer or fishmonger shall:

- (a) maintain the premises at all times in a clean and sanitary condition and in good repair;
- (b) maintain every part of the internal wall surface of the premises including every floor and pavement at all times in such good order and repair as to prevent the absorption therein of any liquid, filth or refuse;
- (c) maintain all machinery, plant, apparatus, furniture, fittings, utensils, implements, vessels, containing receptacles and vehicles in a clean and sanitary condition and in good repair;
- (d) cleans after each day's usage, every floor, pavement, yard or approach thereto of the premises;
- (e) cause all trade refuse to be placed as soon as practicable in a covered receptacle and at least once in every twenty-four (24) hours dispose thereof;
- (f) prevent effectively the escape of noxious or injurious or offensive gases, fumes, vapours or created during any process of handling, preparing, frying, boiling or storing;
- (g) provide clean and sound overalls of light coloured, washable material for the use of all employees, and to maintain such overalls in a clean and sound condition;
- (h) ensure that such overalls are worn at all times when fish is being handled by him/her-self and all employees;
- (i) provide and maintain effective measures to preclude attraction of flies, prevent breeding and destroy flies on the premises;
- (j) maintain the premises in accordance with the provisions of this Chapter at all times.

Fish-fryer to prevent offensive smell

21. Every fish-fryer shall provide and use suitable means for preventing offensive smells by effectively controlling the oil temperature or the provision of adequate means for the harmless disposal of the fumes given off from the frying apparatus.

Prohibition against escape of dripping and storage of receptacles used in transport

22. In the process of loading, unloading, transporting, storing, handling or cleaning fish, no drippings must be allowed to escape on to any road, pavement, or on other approaches to a fishmonger's or fish-fryer's shop or store;

Prohibition against cleaning of fish at certain places

23. No person shall clean any fish at any sink, wash-basin or standpipe which is used for general sanitation purposes or over any waste-water tank.

SCHEDULE 4

TRADE LICENSING FOR BUSINESS OPERATIONS

1. Definitions

“sell” includes offer or expose for sale;

“shop” means any building (or portion of a building) or any structure, room, tent, booth or any other premises or place, or any vehicle used for the sale or supply of any goods or for the packing or storage of any goods in connection therewith and includes any place or premises -in, on from which an auctioneer ordinarily carries on is business; and of a hairdresser or barber, if that hairdresser or barber sells or supplies goods in, or from that premises;

“trade” or **“trading”** in relation to a business, means open or keep open to sell or supply goods to or serve or attend to any person;

“license” means a trade license in terms of the North West Business Act No.6 of 1977

“issuing officer” means the administrator or any officer designated by him to exercise the powers and perform the duties conferred on or assigned to an issuing officer by this by-law;

Trade License Requirements

2. For the purpose of ensuring proper control of business operation and trade undertakings in the Bojanala Platinum District Municipality, as well as compliance to the provisions of the North West Business Act, 1997 (Act No.6 of 1997), the following shall apply - No person shall carry on any business or trade undertaking without the necessary trade license issued by the municipality within which the business premises is (are) situated;

Details of the trade license

3(1) The trade license issued shall contain full details of the applicant including-

(a) Particulars of the applicant(s)

- (b) Details of the premises where trading will be operated;
- (c) The type of business undertaking;
- (d) Physical and postal address of the business
- (e) Any other particulars that will be required by the municipality.

Trade licensing authority

4. The trade licensing authority shall be the local municipalities in the Bojanala Platinum District Municipality jurisdiction, designated as such in terms of the North West Business Act, 1997 to issue trade licenses for specified business operations.

Duration of the trade license

5. The trade license issued by the municipality shall be renewable on a renewal basis to be determined by the municipality;

Terms and conditions of a trade license

6. The municipality shall determine terms and conditions for the issuing, renewal and withdrawal of a trade license;

Application for new license

7. Any person requiring to be issued with a new trade license shall apply by filling a prescribed form to the municipality at which his/her business is situated;

Renewal of the trade license

8. Any application for the renewal of the trade license shall be made to the local municipality at which the business trade is situated.

Application of a trade licensing

9. Trade licensing shall apply to all formal and informal business operations conducted in the Bojanala Platinum District Municipality, in terms of the North West Business Act, 1977.

Authorization for conducting inspections on premises for trade licensing

10. Any authorized municipal official who in terms of the provisions of any law is charged with duties and responsibilities relating to Municipal Health, may at any time enter any premises in respect of which a trade license has been issued and carry out an investigation in relation to the business or trading undertaking carried on in, on or from such premises; require any person who carries on any business or trading undertaking for which a license is required by the North West Business Act, 1997, to produce the required license; and where applicable close and bar access to any building or premises in, on or from which any business or trading undertaking is carried on, or on reasonable grounds suspected to be carried on, in contravention to the provisions of the Act.

Offences and Penalties

11(1) Any person who –

- (i) carries on any business or trading undertaking without the necessary license required by this By-law;
- (ii) contravenes or fails to comply with any provision of this By-law;
- (iii) in connection with any application in terms of this furnishes false information for the purpose of obtaining in that manner a license or an endorsement on a license; pretends to be the holder of any license issued to any person;
- (b) who obstructs or hinders any official referred to above in the exercise or performance of any power, function or duty conferred or imposed upon such officer by or in terms of this By-law;
- (c) being a license-holder, refuses to surrender to any peace officer or issuing officer, any license cancelled in terms of the provisions of this By-law;
- (d) who, after having been required by an officer referred to above, to produce a license in respect of a business or trading undertaking carried on by him/her, fails or refuses to produce same, shall be guilty of an offence and liable on conviction to a fine or, in default of payment, to imprisonment for a period not exceeding a period that will be determined by the municipality;

(2) when a person has been convicted of an offence under this By-law, the court may declare goods used for the purposes of the commission of the offence, or the proceeds of the sale of any such goods, forfeit to the municipality.

Revenue

12. All moneys collected in terms of the provisions of this By-law, shall be paid to the municipal revenue fund.

SCHEDULE 5

SANITARY SERVICES

Compulsory connection to municipal sewage system

1. Every owner of premises to which municipal sewage services are available, must ensure that all waste water pipes from any baths, wash-hand basins or kitchen sinks are connected to the municipal sewer in an approved manner.

Prohibition against obstruction of sanitary services

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

Requirements in respect of toilet facilities

3. Every owner must ensure that the number of toilets provided on any premises comply with the provisions of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), as amended.

Toilets for workers

4. Every contractor must provide his or her workers with toilet facilities as prescribed by the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), as amended.

Prohibition against use of a bucket toilet under the same roof as a dwelling

5. No person may provide, erect retain or use a bucket toilet inside, or under the same roof, as a dwelling.

Condition of toilets, urinals, backyards and refuse areas

6. Every owner or occupier of any premises must keep every backyard, refuse area, toilet, and urinal in a sanitary condition and good state of repair.

Separate storage of urine

6(1) Any owner or occupier required by the Municipality to provide for the separate storage of urine, due to the size, extent of occupation or use of any premises, must comply with any notice issued by the Municipality calling on him or her to provide an adequate urine tank or an adequate number of urine buckets on the premises.

(2) Every owner or occupier must use the urine or urine bucket exclusively for the reception of urine.

Provision of tank for waste water in areas without sewers

7(1) Any owner of premises not connected to a municipal sewer or not provided with other adequate measures for the disposal of waste water, must provide the premises with a tank big enough to contain the slops, bath water or other waste water produced on the premises in a period of 48 hours.

(2) Subject to subparagraph (3), the premises must be equipped either with -

(a) an overhead tank placed in a way that its contents can be gravity fed into the Municipality's waste removal vehicles; or

(b) an adequate filter, pump and indicator, with outlet pipes constructed and placed in a way that the tank may be easily emptied and cleansed

(3) The provisions contained in subparagraph (2) may not apply where -

(a) adequate arrangements have been made for dispersing waste water produced on the premises, other than urine, over land associated with any premises; and

(b) the waste water is dispersed in a way that will not create a municipal health nuisance.

Pumping of contents of underground tank so surface tank

8. Any occupier of premises on which both underground and overhead tanks are provided for storage of waste water, must pump the contents of the underground tank to the overhead tank immediately prior to the overhead tank being emptied by the Municipality.

Blocked or defective outlet pipes

9. Every owner or occupier of premises must keep any drainage system free from obstruction and in a good condition.

Prohibition against urine in slops tank

10. No person may allow any urine to be discharged into a slops tank situated on any premises.

SCHEDULE 6

PRIVATE SEWAGE WORKS

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

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

Permit for installation of sewage works

2. No person may, on any private premises install, alter, re-site, operate or maintain any septic tank, filter installation or other works for the disposal of sewage, except in terms of a permit.

Maintenance of sewage works

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

Disposal of sewage, sewage effluent and wastewater without causing a municipal health nuisance

4. No person may dispose of sewage or waste water from baths, wash-hand basins or kitchens sinks in a way or in a location that may;
 - (a) cause dampness in or on any premises;
 - (b) endanger the quality of any water supply; or
 - (c) create any municipal health nuisance

Compulsory use of Municipal's sewage removal service

5. Every occupier must use any sewage removal service provided by the Municipality for the premises

SCHEDULE 7

DOMESTIC WATER CONSUMPTION

Definitions

In this Schedule, unless the context indicates otherwise –

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

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

Pollution of sources of water supply

2. No person may pollute or contaminate any catchment area, river, canal, well, reservoirs, Filter beds, water purification or pumping works, tanks, cisterns or other source of water supply or storage in a way that creates a municipal health nuisance or a municipal health hazard.

Dangerous wells, boreholes and excavations

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

Provision of adequate water supply

4. Every owner of premises must provide all residents on the premises with an adequate and readily available portable water supply at all times.

Use of water from sources other than the municipal supply

5. No person may use, or permit to be used, any water obtained from a source other than the municipal supply for domestic consumption, unless the water has been approved for that purpose.

Certificate from Municipality before use of water

6. No person shall use or allow to be used the water from any well, tube well, borehole, spring, dam, river or any other source than the supply provided by the Municipality for human consumption or for any other domestic purposes or the cleansing of vessels or utensils used in process of preparing or manufacturing food or drink for human consumption unless such water has been certified as suitable for such purposes by the Manager Health Services.

Furnishing of particulars of the source of water

7(1) Any owner or occupier of premises on which there is located a well, borehole, spring, dam, river, or other water source, the water of which is used for domestic consumption, must within 14 days of receiving a notice from the Municipality calling on him or her to do so, provide the Municipality with all particulars of the water source reasonably available to the owner or occupier.

(2) Every person must provide, when requested to do so by the Municipality and at his or her own cost, a certificate of analysis and bacteriological investigation issued by a qualified analyst, as defined in section 13(2) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972, (Act No.54 of 1972), in respect of any water supply used for domestic consumption.

Notice of the sinking or digging of a borehole or well

8(1) No person may sink or dig, or cause or permit to be sunk or dug, a well or borehole, to obtain water for domestic consumption, unless –

- (a) it is done so in accordance with any relevant legislation; and
- (b) he or she has given the Municipality at least fourteen days written notice of his or her intention to do so.

(2). The notice referred to in paragraph (7) (1) (b) must state the proposed location and the purpose for which the water is to be used.

Storm water runoff from premises which may impact on municipal health

9(1) Every owner or occupier of premises must erect adequately designed, constructed and maintained hydraulic and hydrological structures on the premises – to divert the maximum storm water runoff, which could be expected within a period of 24 hours with an average frequency of recurrence of once in 100 years, from any part of the premises on which any waste, likely to create a municipal health nuisance,

- (a) is or was handled, produced, stored, dumped or spilled;
- (b) to collect all the runoff water from any part of the premises on which waste, likely to create a municipal health nuisance, for reuse, treatment or purification;
- (c) to separate all effluent from storm water systems;
- (d) to prevent the erosion or leaching of material from slime dams, ash dams and any dump or stock-pile on the premises, and to contain any eroded or leached material in the area where it originated;
- (e) to prevent any waste or waste water from entering any borehole, well, spring, or water course; and to prevent any adverse impacts to the quality of surface and/or ground water occurring, due to the location of any dump, stock-pile, dam, drain, canal, conduit, sewer or any other structure on the premises.

(2) Every owner or occupier must –

- (a) keep all water passages open and free of obstruction from matter which may impede the flow of water or effluent;
- (b) not locate any dump within the one hundred year flood line of any water resource; not use coal, coal discard, carbonaceous material or any material or any other material for the construction of any slurry, evaporation or catchment dam, or any embankment, road or railway in a way likely to create a municipal health nuisance; construct bund walls around any tank, or group of tanks containing any

substance that can create a municipal health nuisance, of a size that contains the volume of the largest tank in the event of any unlawful or accidental discharge from the tank or group of tanks; and clean any industrial surface area so as to prevent the pollution of storm water which may result in adverse impacts on the quality of any surface and/or ground water;

Containment of waste water

10 Dams, conduits or channels used for the containment of waste water must have a free board of at least 0.5 metres above the highest level of precipitation which could be expected within a period of 24 hours with an average frequency of recurrence of once in 100 years.

SCHEDULE 8**OFFENSIVE TRADES****PART A: GENERAL****Definitions**

1. In this schedule, unless the context indicates otherwise –

“effluent” means any waste water which may arise as a result of undertaking any scheduled use or an activity causing a municipal health nuisance;

“offensive trade” means any business listed below or that involves an activity listed below –

- (a) panel beating, spray painting;
- (b) operating a waste recycling plant;
- (c) scrap yard
- (d) blood boiling, bone boiling, tallow melting, fat melting or fat extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, hide boiling, skin curing, blood drying, gut scraping, leather dressing, tanning, glue or size making;
- (e) charcoal burning, brick burning, lime burning;
- (f) manure making or storing, compost making;
- (g) parchment making;
- (h) manufacturing malt and yeast;
- (i) sintering of sulphurous materials
- (j) cement works, coke-ovens, salt glazing works;
- (k) viscose works;
- (l) ore and mineral smelting, calcining, puddling and rolling of iron and other metals, conversion of pig iron, reheating, tempering, hardening, forging, conversion and compounding of carbon with iron and other metals;
- (m) works for the production of carbon bisulphide (bisulphide), cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, pyridine, liquid or gaseous sulphur dioxide, sulphur chlorides;
- (n) works for the production of amyl acetate, aromatic ethers, butyric acid, caramel, enamelled wire, glass, hexamine, lampblack, B-naphthol, resin products,

salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride and zinc oxide; or

- (o) the refining or processing of petrol, oil or their products;

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

Permit requirement

- 2. No person may conduct an offensive trade in or on any premises, except in terms of a valid permit.

Requirements for premises

- 3. No person may undertake an offensive trade in or on any premises unless –
 - (a) the floors of the premises are constructed of cement concrete or a similar impervious material, brought to a smooth finish;
 - (b) the floors of the premises are adequately graded and drained for the disposal of effluent to an approved disposal system;
 - (c) the inside walls, except where glazed or glass brick or glazed tiles are used, are plastered, brought to a smooth finish and painted with light-coloured, washable paint;
 - (d) the surface of any backyard or open space is paved with concrete or similar impervious material, brought to a smooth finish;
 - (e) the premises are provided with adequate light and ventilation as prescribed in the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977),
 - (f) an adequate supply of running potable water is provided;
 - (g) an adequate number of portable containers constructed of iron or another non-absorbent material, equipped with closely fitting lids, are provided for the removal of all waste and waste water from the premises;
 - (h) adequate means are provided for the disposal of all effluents arising from the manufacturing process performed on the premises;

- (i) adequate accommodation is provided for the storage of all finished products or articles or materials which are used in the manufacturing process and which may –
- (i) discharge offensive or injurious effluent or liquids; or
- (ii) decompose in the course of the work or trade;
- (j) adequate means are provided to control the discharge in the open air of any noxious, injurious or offensive gases, fumes, vapours or dust produced during any handling, preparation, drying, melting, rendering, boiling, grinding process or storage of material;
- (k) adequate toilet facilities are provided as prescribed in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), as amended;
- (l) a perimeter wall made of brick or some other impervious material, with a minimum height of 2 metres, is constructed around the premises;
- (m) all gates to the premises are of solid construction with a minimum height of 2 metres;
- (n) all perimeter walls and gates adequately screen activities from public view; and
- (o) all materials are stacked or stored on the premises below the height of the perimeter screening.

Duties of an offensive trader

4. Every offensive trader must –

- (a) maintain the premises in a clean sanitary condition and in good repair at all times;
- (b) maintain all walls and floors of the premises in a manner and condition that prevents the absorption of any waste or waste water;
- (c) maintain all machinery, plant, apparatus, furniture, fittings, tools, implements, vessels, containers, receptacles and vehicles in a clean and sanitary condition and in good repair at all times;
- (d) prevent any waste accumulating on the premises; and
- (e) prevent the emission of noxious, injurious or offensive gases, fumes, vapours or dust generated during any handling, preparation, drying, melting, rendering, boiling, grinding process or storage of any material on the premises.

- (f) cleanse after each day's usage every floor, pavement, yard or approach thereto, of the premises;
- (g) provide and maintain effective measures to preclude the open attraction of flies, to prevent fly breeding and to destroy flies on the premises;
- (h) maintain the premises at all times in accordance with the provisions of this Chapter.

Liquid refuse from bone and tripe boiler

5(1) Every bone boiler and every tripe boiler must adequately cool all waste water before it is discharged into any sewer or other receptacle.

(2) The cooling process referred to in subparagraph (1) must take place in a manner that prevents the generation of any noxious and injurious effluent.

Liquids, tanks and receptacles in leather making

6. Every fell-monger, leather dresser or tanner must –

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

Storage of soiled rags, bones and waste

7 No trader in rags, bones and waste may place or store, or cause or permit to be stored, rags or bones in any part of his or her premises that –

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

(c) is used or occupied as a living or sleeping room, or in any warehouse, building or room which is not provided with proper and sufficient means of ventilation.

Prevention of flies and effluvia in storage of soiled rags and bones

8. Every dealer in rags or bones shall cause all rags and bones to be stored in a suitable accommodation in such manner as to prevent the emission of noxious or injurious effluvia there from and in such a manner as to preclude the open attraction or the breeding of flies.

Brick and Lime burning Trade

Duties of a trader engaged in brick-burning and lime-burning

9. A person carrying on a trade or business of brick-burning or lime-burning upon any premises shall:

- (a) maintain such premises at all times in accordance with the requirements of this Chapter;
- (b) drain all excavations on such premises, and if such drainage is not practicable, to cause such excavations to be filled in as soon as possible, so as to prevent the accumulation of water therein;
- (c) take all effective measures for the prevention of mosquito breeding and the destruction of mosquitoes on the premises.

Requirements of premises for brick-burning and lime-burning

10. No person shall carry on the work of brick-burning or lime-burning on any premises unless – a proper, sufficient and potable supply of water, free from pollution is provided for the use of employees; all excavations are securely protected by a fence of not less than five strands of steel wire, supported by iron standards of not more than three meters apart, and such fence to be maintained in good condition; latrine accommodation is provided as prescribed in the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977) for the different sexes employed on such premises.

Safety measures

11. Every offensive trader must take the safety prescribed in the Occupation Health and Safety Act, 1993 (Act No. 85 of 1993).

PART B: MANUFACTURE OF RAG FLOCK

Requirements of premises

1. No person shall carry in or upon any premises the work or trade of manufacturing flock from rags unless: except where glazes or glass bricks or glazed tiles are used, the inside walls are plastered with cement plaster and the surface brought to a smooth finish; the floors are constructed of cement concrete or other similar impervious material brought to a smooth finish;
- (c) the premises are adequately lighted and ventilated in accordance with the standards laid down in this By-law;
- (d) effective means is provided for the exhausting of dust produced during the manufacture of flock from workrooms and for the discharge of such dust into efficient dust arrestors;
- (e) adequate apparatus is provided for the generation of live steam or the production of boiling water for the purpose of cleansing and sterilising all soiled or dirty rags used in the manufacture of flock;
- (f) separate accommodation is set for the storage of unclean and unsterilized rags;
- (g) there is provision of sufficient number of receptacles for the proper storage of refuse produced upon the premises;
- (h) suitable means is provide for the disposal of waste liquids;
- (i) a proper, sufficient and wholesome supply of water free from liability to pollution is provided;
- (j) separate change-rooms are provided for different sexes furnished with a proper, sufficient and wholesome supply of hot and cold running water free from liability to pollution and laid over an adequate number of wash-hand basins fitted with waste pipes in accordance with the Municipal Drainage By-law and the National Building Regulations;

- (k) latrine accommodation is provided for the different sexes employed on such premises.

Duties of Trader

2. Any person carrying on the work or trade of manufacturing flock rags shall:

- (a) maintain the premises at all times in a clean and sanitary condition and in good repair;
- (b) cleanse thoroughly and sterilise all rags prior to the uses thereof in the preparation of flock;
- (c) ensure that all rags stored in such a manner as to prevent nuisance from the smell and the harbourage of rodents, lice, bugs, fleas or other vermin;
- (d) prevent the escape into the atmosphere of any dust produced during any process of manufacture;
- (e) render innocuous all fumes or vapours emitted during any process of manufacture;
- (f) provide clean and sound overalls of light-coloured, washable material for the use of his/her employees, and to maintain such overalls in a clean and sound condition;
- (g) ensure that such are worn at all times when rags or flock are being handled;
- (h) keep such overalls in the change-rooms when not in use;
- (i) ensure that all change-rooms are used for no other purpose than as change-rooms;
- (j) maintain in all change-rooms an adequate supply of soap, clean towels, nail-brushes and wash basins for the use of employees.
- (k) maintain the premises at all times in accordance with the provisions of this Chapter.

Wearing of overalls (protective clothing)

3. Any person engaged or employed in the manufacturing flock from rags shall wear clean and proper overalls while handling rags or flock. All protective clothing not in use shall be put aside in the change-room or locker provided for this purpose.

Amount of soluble chlorine in flock

4. Any person who sells or have in his/her possession for sale, flock manufactured from rags, wherein the amount of soluble chlorine in the form of chlorides, removed by thorough washing with distilled water at temperatures not exceeding 25 degrees Centigrade from not less than 40 grams of a well-mixed sample of such flock, exceeds 30 parts of chlorine in 100, 000 parts of the flock intended to be used for any such purpose.

Defence of the person charged under this Chapter

5. In any proceedings against a person charged with an offence under this Chapter, it shall be a defence to prove that:

- (a) the purpose of the flock by such accused person was completed within the municipality from a person residing in South Africa who sold the flock under warranty that it complied with the prescribed standard of cleanliness; and
- (b) such accused person took reasonable steps to ascertain, and did in fact believe in the accuracy of the statement contained in the warranty.

Entry, inspection and taking of samples

6. The environmental health practitioner, duly appointed and authorised by the Municipality shall for any purpose connected with the carrying out of this By-law at all reasonable times without previous notice, enter any premises upon which he/she has reasons to believe that the work or trade of manufacturing flock from rags is being carried on and make such investigation and enquiry thereon as he may deem necessary. He/she may take samples for the purpose of analysis or examination of rags or flock therein, provided that where samples are so taken, the occupier of the premises may require the officer taking the sample to divide it into two parts and to mark, seal and deliver to him one.

PART C
TRADES WORKING WITH LEAD

Prevention of lead poisoning

1. No person shall use or permit to be used any premises in connection with any trade, business or manufacturing process or other work in which lead or any of its compounds are handled or stored unless:

(a) there has been proved for the use of persons actually engaged in the handling or smelling of lead or any of its compounds, overall fastening closely at the neck, wrists and ankles and suitable gloves and boots to be worn while engaged;

(b) such overalls, gloves and boots are worn by such persons at all times in good order and condition;

(c) such overalls, gloves and boots are worn by such persons at all times while lead or any of its compounds are being handled or processed;

(d) there has been provided wash hand basins, shower, baths with waste pipes in accordance with the Municipality's drainage By-law for the proportion of one of each for every five persons or portion thereof together with soap, towels, nail brushes and a proper sustainable and potable supply of hot and cold running water laid on the aforesaid fittings, for the use of the persons referred in paragraph (a) hereof;

(e) necessary steps have been taken to ensure that no food or drink is stored or consumed in any room or rooms in which lead or any of its compounds are handled or stored or having any direct opening into such room or rooms;

(f) each employee engaged in handling, processing or working with lead or any of its compounds or working in contact with any dust or fumes arising as a result of such handling if provided with at least a half a litre of pasteurised milk daily;

(g) provision has been made for the extraction and harmless discharge to the open air of all fumes and dust arising from any process involving the handling of lead or any of its compounds;

(h) all employees engaged on handling or working with lead or any of its compound is medically examined at least once every three months for evidence of lead poisoning.

PART D

HAIRDRESSING, BEAUTY AND COSMETOLOGY SERVICES

Definitions

1. In this Schedule, unless the context indicates otherwise –

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

“cosmetology or beauty” refers, but is not limited to, any one or more of the following services: manicure, pedicure, nail technology, or the application of artificial nails or nail extensions, whatever the substance used; eyebrow shaping and plucking including the application of false or artificial eyebrows and eyelashes and tinting of the eyelashes; cosmetic and camouflage makeup of the face and its features, whether by permanent, semi permanent or temporary means; facial skin care; removal of unwanted or superfluous hair from any part of the body by any means, other than shaving, including by means of waxing, chemical depilatories, electrical or mechanical means, whether or not any apparatus, appliance, heat, preparation or substance is used in any of these operations; body piercing of the skin and tattooing for cosmetic purposes, massaging; body bronzing by means of ultraviolet radiation or similar methods; or body contouring including all forms of slimming;

“hairdressing” refers, but is not limited to, any one or more of the following services:

- (a) shampooing and cleansing, conditioning and treating;
- (b) chemical reformation of the hair including permanent waving, relaxing and straightening of the hair;
- (c) hair colouring, including tinting, dyeing and colouring by means of permanent, semi- permanent or temporary means, and including the use of colour rinses, shampoos, gels or mousses; and lightening by means of tints, bleaches, highlights or high lifting tints or toners;
- (d) hair cutting and shaping;
- (e) barbering services including shaving and singeing of hair; or

(f) the adding to hair of natural and artificial hair and hair extensions, board work, pastiche, wig-making or the performing of any operation listed above on a wig or hairpiece to be worn by any person; or trichology and trichological treatment including the treatment of abnormalities and disorders of the hair;

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

- (a) any hairdressing service;
- (b) any hairdressing serving and any cosmetology/beauty service;
- (c) any cosmetology or beauty service;
- (d) body piercing and tattooing;
- (e) any massaging service;

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

Permit requirement

2. No person may operate a salon except in terms of a valid permit.

Requirements for premises

3. No person may operate a salon on any premises that does not comply with the following requirements – adequate lighting and ventilation, as prescribed in the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), as amended, is provided; all shelves, fixtures and table tops on which instruments are placed are constructed of an approved material that is durable, non-absorbent, and easy to clean; water and toilet facilities are provided as prescribed in the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), as amended; adequate facilities, with a supply of running potable water, are available for the washing of hair and hands; an approved system for the disposal of waste water is provided;

- (f) adequate storage facilities are provided;

- (g) the walls and floors are constructed of a material that is easy to clean and which prevents cut hair from being dispersed; and
- (h) the premises are not used for the storage and preparation of food or for sleeping unless it is clearly separated by an impervious wall.

Duties of a salon operator

4. Any person operating a salon must –

- (a) maintain the premises, tools, equipment and clothing in a hygienic and good condition at all times;
- (b) Equip the premises with an adequate means to disinfect and sterilise instruments or equipment that may come into direct contact with any customer's hair or skin;
- (c) Provide employees with approved protective clothing and equipment;
- (d) Collect all hair clippings and other waste in an approved container after every service;
- (e) Store or dispose of waste in an approved manner;
- (f) Adequately train any person working on the premises;
- (g) Not permit any animal on the premises unless it is a guide dog accompanying a blind person; and
- (h) Ensure that all persons working in the salon comply with the requirements prescribed in paragraphs 4, 5 and 6;

Required minimum health standards for the operation of a salon

5. Any person operating a salon must take the following specific additional measures:

- (a) Adequately disinfect the following instruments after each use:
 - (i) razors;
 - (ii) blades;
 - (iii) nail files; (iv) scissors; clippers combs; bristle brushes; metal clips; and rollers;

- (b) adequately sterilise the following instruments after each use:
 - (i) any instrument used for body piercing and tattooing;
 - (ii) any instrument which has come in contact with blood or any other body fluid;
- (c) wash and clean all plastic and cloth towels after each use;
- (d) dispose of all disposable gloves or other disposable materials after each use;
- (e) wash all aprons and caps daily;
- (f) wash his or her hands with soap and water and or disinfectant before and after rendering each service to each client;
- (g) wear disposal gloves when providing one of the following salon services:
 - (i) any chemical service;
 - (ii) any hair implants;
 - (iv) body piercing; or
 - (iv) tattooing;
- (h) wash all walls, floors, chairs and other surfaces found in the premise at least once a day with a disinfectant or household detergent;
- (i) dispose of all waste water, sharp instruments, bloodied and otherwise contaminated towels and towelling paper in an approved manner;
- (j) store razors, blades, needles and other sharp instruments separately in a "sharp instrument" box;
- (k) adequately treat any injury or wounds which may occur on the premises;
- (l) clean and disinfect all surfaces that have been contaminated by blood after each treatment; and
- (m) keep an approved first aid kit on the premises at all times.

Prohibition against the use of salon premises for other purposes

6. (1) Any person operating a salon must ensure that the premises are used exclusively for that purpose.

(2) Any person who wants to prepare beverages for customers on the premises, must provide a separate area, equipped with a facility for cleaning crockery and utensils, for this purpose.

General Requirements for Hairdressers and Barbers

7. (1) No person shall conduct the business of a hairdresser or barber in any premises within the municipal area unless -

(a) all parts of the premises are effectively lit and ventilated in accordance with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977), as amended

(b) wash hand basins with hot and cold running water and fitted with a trapped waste pipe have been provided in the proportion of at least one basin for every two persons engaged at the same time in cutting, dressing or shampooing hair or shaving any person or in any operation pertaining to the business of hairdresser or barber;

(c) all tables and shelves on which instruments are laid are constructed of or covered with glass, marble, glazed tiles or other similar smooth, impervious, durable and non- corroding material;

(d) the floor is even and suitably covered with impervious material or constructed with a smooth, impervious surface, maintained so that it may be easily swept and thoroughly cleansed, and

(e) he has provided adequate readily portable refuse receptacles with close-fitting lids made of impervious material in such a manner that they can be readily washed and cleaned.

(f) the premises in which such business is conducted and all instruments, appliances, implements, utensils and other articles belonging or pertaining thereto or

used or intended to be used in connection therewith, are maintained in a clean condition and a good state of repair at all times;

(g) all cut hair is immediately swept up and placed in a covered refuse receptacle provided for the purpose;

(h) every hairbrush used or intended to be used in the business is kept in a clean condition at all times and washed and thoroughly cleansed at least once a day;

(i) every towel which has been used upon any person is adequately laundered before being used upon any other person;

(j) precautionary steps are taken to prevent direct contact between the head or neck of any client and the chair in which he/she sits;

(k) every brush, comb, razor, scissors, clippers or other instruments, appliance or implement which has or have been used upon any person in such a way as to have come into contact with some exposed portion of such person's body has, or have, before being used upon any other person, been disinfected in one of the following ways:

(i) immersion in boiling water; or

(ii) immersion in a disinfectant solution

(iii) treatment in an appropriate disinfecting apparatus in an approved manner; a sufficient number of each kind of instrument, appliance or implement has been provided. person is subjected to shaving, haircutting or any other operation connected with such business in that part of the premises in which the business of a hairdresser or barber is ordinarily conducted, if such person appears to be verminous or to be suffering from any disease of the skin or hair and, should any such person have been subjected to any such operation, that all towels, instruments and other things used in connection with such operation have, notwithstanding anything to the contrary herein contained, immediately thereafter been sterilised by immersion in boiling water for at least fifteen minutes; No soap other than liquid, powder or tubed soap or shaving cream is used when any person is shampooed or shaved or is subjected to any other operation connected with the business of

hairdresser or barber; No styptic substance other than in liquid or powder form and applied as a spray or by means of a clean, new piece of cotton-wool is used on any person; No person whose being or clothing is in a dirty condition engages in cutting, dressing or shampooing the hair of any other person or in shaving any such other person, or engages in any other operation connected with the business of a hairdresser or barber to which such latter person is subjected; No person engages in cutting, dressing or shampooing the hair of any other person or in shaving any such other person, or engages in any other operation connected with the business of hairdresser or barber to which such latter person is subjected without washing his/her hands immediately before doing so; No person suffering from any communicable disease takes part in or is permitted or suffered to take any part in any operation connected with conducting the business of hairdresser or barber unless such person has produced a medical certificate to the effect that he/she is fit so to take part. Where waxing is practiced, the wax used in such a procedure may only be used for one application. The provisions of this By-law shall apply mutatis mutandis to any beauty treatment, manicuring or similar treatment .

PART E

TATTOOING AND BODY PIERCING OF HUMANS

Requirements

Only professional tattooing and body piercing machines designed and assembled in a manner that prevents contamination of sterilized needle sets may be used for applying permanent tattoos or body piercing. All clip cords and spray bottles must have triggers; and grasped areas must also be protected by a plastic covering which must be disposed of after use on each client. Work surfaces must be smooth and impervious and disinfected after rendering services to each client.

- (4) Equipment and supplies must be stored in clean, designated storage cabinets.
- (5) Instruments and equipment used for any procedure must be sterilised after each client.
- (6) All tubes and needles must be stored in single service, sterile, sealed autoclave bags that must be opened in the presence of the client.

- (7) A person responsible for tattooing or piercing must wash his/her hands with soap and hot water before attending to a client and new latex or nitrile examination gloves must be worn by the operator for the duration of the procedure for each client.

SCHEDULE 9

SECOND-HAND GOODS TRADING

Definitions

1. In this Schedule, unless the context indicates otherwise –

“Second-hand goods business” means any business that sells goods and materials, including, without limitation –clothing, furniture, scrapped motor vehicles, footwear, timber, building bricks or blocks, building material or fittings, machinery, drums, tins, bottles, packing cases, boxes, crates or other containers, metal , rags, bags or paper, which have previously been used; and bones or tallow.

“ second hand or used goods” means goods which have already been in use or which have at any time been possessed for his own account by any person other than the manufacturer or producer thereof or a person dealing therewith in the course of business.

Requirements for premises

2. No person may operate a second-hand goods business in or on any premises that does not comply with the following requirements -

- (a) any section of the premises where second-hand goods are stored and handled is enclosed by walls constructed of brick, rock or concrete, with a minimum height of two (2) metres;
- (b) all gates to the premises are of solid construction with a minimum height of two (2) metres;
- (c) all materials are stacked or stored below the height of the perimeter screening;
- (d) adequate lighting and ventilation, as prescribed in the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977), as amended, are provided;

- (e) all storage areas are paved with cement, concrete or other approved impervious material;
- (f) all backyard surfaces and open spaces of the premises are graded and drained to allow for the effective run-off of all precipitation;
- (g) adequate sanitary facilities for both sexes employed on the premises are provided, as prescribed in the National Building Regulations and Building Standard Act, 1977 (Act No. 103 of 1977); and
- (h) an adequate number of refuse containers are provided.

Duties of a second-hand goods trader

3. Any person who operates a second-hand goods business must –

- (a) store second-hand goods in a backyard, building or open space that is constructed of an approved material;
- (b) ensure that no water accumulates in any article stored on the premises;
- (c) keep the premises in a clean, neat and sanitary condition at all times;
- (d) immediately on receipt, disinfect all furniture, soft furnishings, clothing, bedding or other fabrics in an adequate manner;
- (e) keep any disinfected articles separate from articles that have been disinfected; and
- (f) label all articles that have been disinfected in a conspicuous place on each article.
- (h) take necessary means to obtain trade licensing or permission from the municipality that will allow him/her to operate the second-hand goods trading;

SCHEDULE 10

DRY-CLEANING ESTABLISHMENT/LAUNDRY

Definitions

1. In this Schedule, unless the context indicates otherwise –

“dry-cleaning or laundry business” means any business that cleans clothes or other fabrics with water or other solvents, or clothes or fabrics, dry-cleaning or laundry

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

Premises for dry-cleaning or laundry business

2. No person may operate a dry-cleaning or laundry business on premises that do not comply with the following requirements –

(a) a work-room or area used for housing the dry-cleaning machines or washing machines, ironing boards, presses and other fixed or movable equipment, with a minimum unobstructed floor area of 2,5m per worker, must be provided; adequate separate areas for marking clean and dirty articles must be provided with –

(i) tables having impervious surfaces;

(ii) adequate washable containers for dirty articles; and

(iii) hanging rails and shelves constructed of an impervious material in the area for marking clean articles;

(c) a separate room or area with separate designated counters, with impervious surfaces, must be provided for the receipt and dispatch of articles;

(d) a store-room or facility for the storage of packing material and other articles must be provided and equipped with adequate packing shelves of which the lowest shelf must be at least 250mm above floor level.

(e) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided, containing;

(i) an adequate metal locker for every employee;

(ii) a wash-hand basin provided with a supply of running hot and cold potable water; and

(iii) an adequate supply of soap and disposable towels at all wash-hand basins;

(f) where no change-room has been provided in terms of subparagraph (e) –

(i) where no hand basin must be provided in an accessible position in the work area;

(ii) the wash hand basin must have with a supply of running hot and cold potable water; and

(iii) an adequate metal locker must be provided for every employee; a tea kitchen with a single-basin stainless steel, supplied with running hot and cold potable water, must be provided; separate toilets for males and females must be provided which comply with the provisions of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), as amended;

(i) all toilets and change-rooms must be clearly gender designated.

(j) all internal walls must be constructed of an impervious material, brought to a smooth finish and

SCHEDULE 11

ACCOMMODATION ESTABLISHMENTS AND FACILITIES

Definitions

1. In this Schedule, unless the context indicates otherwise –

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

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

Requirements of for premises

2.(a) No person may operate an accommodation establishment on premises that do not comply with the requirements set out in paragraphs (b) to (w) below.

Sleeping accommodation

(b) No room wholly or partly used by persons for sleeping in may be occupied by a greater number of persons than will allow:

(i) less than 11,3 m³ of free air space and space 3,7 m² of floor space for each person over the age 10 years; or

(ii) less than 5,7 m³ of free air space and 1,9 m² of floor space for each person under the age of 10 years.

(c) No ablution facility, passage, staircase, landing, bathroom, cupboard, outbuilding, garage, stable, tent, storeroom, lean-to, shed, cellar or loft may be used as sleeping accommodation.

Dormitories

(d) Where a dormitory is provided on the premises –

- (i) a single bed, manufactured of metal or some other durable material and equipped with a mattress, must be provided for every person housed in the dormitory;
- (ii) a separate locker must be provided for every person making use of the dormitory for safeguarding the person's personal clothing and other possessions
- (iii) every bed in a dormitory must be placed such that its sides are at least one metre away from any part of any other bed.

Food preparation, dining and wash-up facilities

(e) The premises must be provided with –

- (i) an area for the preparation and cooking of food, adequate for the use of and easily accessible to any occupier residing in the premises, must be provided;
- (ii) adequate separate wash-up facilities; and where meals are provided to persons housed on the premises, a dining-room or adequate dining area with tables and chairs or benches and unobstructed floor area (including the area occupied by tables, chairs and benches) of at least 1,2 m² for every seat provided for dining purposes.

Ablution facilities

All premises must be provided with one or more shower, each suitably placed in a separate compartment, easily accessible to all occupiers of the premises, and fitted with waste pipes which comply with the provisions of the of the National Building Regulations and Building Standard Act, 1977 (Act No.103 of 1977), as amended. A bath fitted with a waste pipe may be substituted for each shower referred to in subparagraph (f). The facilities must be designated for the different sexes.

Sanitary facilities

All premises must be provided with sanitary facilities as prescribed in the National Building Regulations and Building Standards Act, 1977 (Act no. 103 of 1977). The facilities must be designated for the different sexes.

Potable water

All premises must be provided with an adequate supply of hot and cold running potable water.

Ventilation and Lighting

All rooms must be provided with adequate ventilation and lighting (Illumination) as prescribed in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977). Openings such as doors, windows or fanlights must not be obstructed in a manner that interferes with the lighting or cross ventilation they provide.

Laundry facilities

A separate room with metal bins or canvas laundry bags must be provided for the storage of dirty articles used in connection with the accommodation establishment, and if articles used in connection with the accommodation establishment are laundered on the premises, separate washing, drying and ironing facilities must be provided.

Storage facilities

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

Wall and floor finishes

- (p) (i) All walls and ceilings must have a smooth finish and be painted with a light-coloured washable paint, or have some other approved finish.
- (ii) The floor surface of every kitchen, scullery, laundry, bathroom, shower, ablution room, toilet and sluice room must be constructed of concrete or some other durable, impervious material brought to a smooth finish.
- (iii) The floor surface of every habitable room must be constructed of an approved material.

Facilities for resident employees

(q) The following facilities must be provided for people who are employed and also reside on the premises:

- (i) sleeping quarters equipped with a bed, mattress and locker that comply with the provisions of subparagraph (b) and (c) for each employee;
- (ii) where employees are not provided with meals on the premises, food preparation and dining facilities that comply with the provisions of subparagraph (e).

Facilities for employees

- (r) Adequate changing facilities must be provided for non-resident employees.
- (s) Adequate ablution and sanitary facilities, which comply with subparagraphs (f) to (j) inclusive, must be provided for employees and for non-resident employees.

Refuse

(t) The following facilities must be provided for refuse:

- (i) an adequate refuse holding area must be provided ; and
- (ii) an approved refuse removal system must be maintained.

Construction of walls, floors and roofs

- (u) All walls, floors and roofs must be constructed in a manner that prevents –
 - (i) wind and rain entering the premises;
 - (ii) dampness entering the interior surfaces of the walls and floors.

Doors

(v) All accesses to the premises must be constructed in a manner that prevents rain entering the premises when the windows are closed.

Windows

(w) All windows must be constructed in a manner that prevents rain entering the premises when the windows are closed.

3. Every accommodation establishment shall comply with the following requirements –

- (a) The premises intended to be used or already in use as an accommodation establishment shall be in good structural order and repair, both internally and externally;
- (b) All furniture, linen, utensils, fittings and equipment provided by the proprietor shall be clean and in good order and sufficient for the purpose thereof;
- (c) Every room shall be provided with adequate means of lighting and ventilation so as to enable such room to be used at all times without detriment to health or safety or constituting any nuisance;
- (d) It shall be provided with sufficient refuse receptacles with close fitting lids;
- (e) Adequate suitably equipped ablution facilities shall be provided on the premises;
- (f) Separate bathroom and toilet facilities shall be provided for male and female boarders and for employees, and shall be so located to provide easy access to persons intended to serve, provided, however, that where the number of boarders does not exceed twelve (12), separate facilities for the different sexes need not be provided.
- (g) Baths, Showers and Wash Hand Basins (WHB) on the premises shall be provided at all times with running hot and cold water;
- (h) It shall be provided with a suitable yard, paved and drained to the satisfaction of the Municipality;
- (i) If ten (10) or more boarders can at any one time be lodged on the premises, it shall have –
 - (i) a suitable sitting room or sitting rooms so furnished and of such capacity as to meet the reasonable requirements of the boarders, and
 - (ii) where meals are provided, a suitable dining room or dining rooms which shall provide seating accommodation on the basis of not less than one (1) square meter for each boarder; Where meals are provided or cooking taking place, an adequately equipped kitchen shall be provided.

Duties of the operators of accommodation establishments (proprietor)

4. Every person who operates an accommodation establishment must –

- (a) keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hangings and other soft furnishings, table linen, bed linen, other bedding, towels and cloths of whatever nature used in connection with the accommodation establishment in a clean, hygienic and good condition at all times;
- (b) clean and wash any bed linen, towel, bath mat or face cloth after each use by a different person;
- (c) take adequate measures to eradicate pests on the premises;
- (d) provide a container made of a durable and impervious material, equipped with a close-fitting lid, in every toilet used by females;
- (e) provide towel rails or hooks in every bathroom and in every room in which there is a wash-hand basin or shower;
- (f) store all dirty linen, blankets, clothing, curtains and other articles used in connection with the accommodation establishment in the manner referred to in paragraph (2)(n);
- (g) store all clean linen, towels, blankets, pillows and other articles used in connection with the accommodation establishment in the manner referred to in paragraph (2)(n);
- (h) keep all sanitary, ablution and water supply fittings in good working order;
- (i) keep every wall, surface and ceiling, unless constructed of materials not intended to be painted, painted at the intervals to ensure that the area painted remains clean and in a good state of repair; and
- (j) handle refuse in a manner referred to in paragraph (2)(t)

5. The proprietor of an accommodation establishment shall at all times and to the satisfaction of the Municipality -

- (a) maintain the whole of the accommodation establishment in a clean and sanitary condition;
- (b) keep the furniture, utensils, linen and equipment in a sound condition and clean state;
- (c) supply only wholesome food to the boarders and other persons on the premises, and
- (d) not knowingly cause or permit any person suffering from a communicable disease to be employed in or on the premises unless he is in possession of a medical certificate declaring that such person is fit to continue his employment.

Only approved bedrooms to be utilised

6(1) The proprietor of an accommodation establishment shall not –

- (a) allow any portion of the premises other than an approved bedroom to be utilised by any person for sleeping purposes; provided that the aforesaid prohibition shall not apply to any boarder occupying a bedroom in so far as it consists of a stoop or porch which has been suitably converted;
- (b) accommodate any boarder in the same bedroom with another person unless such persons are of the same family or both of them have given their consent thereto, and
- (c) conduct the business of the said accommodation establishment in such a manner so as to cause any nuisance or annoyance to residents of neighbouring properties.
- (d) permit cooking in a living room or an area designed as a living room; (e) permit the premises to become overcrowded.

Zoning of Property

7. Notwithstanding compliance with all of the proceeding provisions, No person may operate an accommodation establishment unless the property is appropriately zoned in accordance with Town Planning Scheme applicable thereto, and in compliance with all applicable legislation.

Breach by Proprietor

7. The proprietor of an accommodation establishment shall be responsible for the due compliance with and observation of the provisions of this By-law, and he/she shall further be responsible for the acts, omissions and defaults of his/her employees or agents in such regard, and any breach of this By-law by him/her self, by any member of his/her family or by any of his/her employees or agents shall be deemed to be a breach by the proprietor personally of this By-law.

SCHEDULE 12

SWIMMING POOLS AND SPA-BATHS

Definitions

1. In this Schedule, unless the context indicates otherwise –

“spa-bath” means a structure constructed of an approved material, provided with a controlled circulating water supply and used for bathing;

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

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

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

Requirements for premises

2. No person may operate a swimming pool or spa bath in or on any premises that do not comply with the following requirements –

(a) separate and readily accessible change-rooms, showers and toilet facilities must be provided for each sex in compliance with the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) as amended;

(b) every swimming pool must be surrounded by a wall or fence as prescribed by the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);

(c) the surface of the floor area surrounding the spa-bath or swimming –pool must be constructed of an impervious, non-slip material;

(d) an approved chemical gas mask must be provided at the chlorinator installation;

- (e) if notified in writing by an environmental health practitioner, any oxygen or air breathing apparatus must be provided, and
- (f) an adequate number of refuse receptacles must be provided on the premises;

Duties of the spa-bath keeper

3. Every spa-bath keeper must –

- (a) keep the premises in a safe, clean and sanitary condition and in good repair at all times;
- (b) provide a properly maintained approved first-aid box in a prominent, easily accessible and protected position
- (c) purify, treat and maintain the spa-bath water quality to an adequate level at all times;
- (d) provide and maintain, in proper working order, equipment for testing the quality of the swimming pool water;
- (e) be capable of undertaking routine tests on the water quality in the spa-bath and interpreting the tests results; and
- (f) be qualified and proficient in life saving, rendering first aid, use of the resuscitation appliance, the operation of the swimming pool and testing and maintaining the safety of the water;
- (g) maintain a daily record of the spa-bath water quality.

4.(1) No person operating a spa-bath or swimming pool may use water from a source other than a municipal supply to clean, fill or maintain the level in a swimming pool or spa-bath.

(2) An environmental health practitioner must –

(a) take samples of the swimming pool or spa-bath water, at intervals that he or she considers appropriate for the purpose of a chemical analysis or bacteriological examinations (b) Submit the samples to an analyst authorised in terms of section 12 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No 54 of 1972) to conduct analysis.

Safety of water

5 Every spa-bath keeper and swimming pool keeper must ensure that the water in the spa bath or swimming pool complies with the following requirements;

(a) it must be free from floating, suspended or settled debris or swimming organisms and the walls, floor, access ladders or steps and gutters must be free from slime and algae;

(b) the PH value of the water must be not less than seven (7) and not greater than eight (8);

(c) where chlorine based disinfectants are used, a minimum free available chlorine residual of 0,5mg/l with a maximum free available chlorine residual of 3mg/l must be maintained

(d) where a disinfectant other than chlorine is used, the residual level must be equivalent in effect to the requirements of subparagraph (c)

(e) the total viable bacteriological count of any sample submitted for analysis must not exceed 100 organisms per ml of water; and

- (f) *Escherichia coli* type 1 bacteria must not be present in any 100ml of water.

Order and behaviour

6. No person may –

- (a) Interfere with the spa-bath keeper, swimming pool keeper or any official of the Municipality in the execution of their duties;
- (b) allow any dog or other pet belonging to him or under his care to enter or to remain within the premises;
- (c) use any premises where he or she knows or suspects that he or she may be suffering from any communicable or contagious disease; and
- (d) urinate, defecate, spit or blow his or her nose in the spa-bath or swimming pool.

SCHEDULE 13

MEDICAL WASTE MANAGEMENT

Duty of Medical Waste Generators

1. Generators must handle and store medical waste in a safe manner that poses no threat to human health or to the environment and have a duty to ensure that medical waste is removed from their premises, transported and disposed of in accordance with the requirements of this By-law and applicable legislation.

Requirements for Medical Waste Generators

2. Without limiting the generality in Section 1, generators must comply with the following requirements :

- (a) separate medical waste from other waste at the point at which it is generated;
- (b) store medical waste in leak-proof, sealable containers and ensure that containers which are used for the storage of sharps and other clinical items which can cause cuts or punctures or injections are, in addition rigid and puncture-resistant that can pose threats to human and environmental health.
- (c) label each medical waste container indelibly and in large, legible lettering with —
 - (i) the name and address of the generator;
 - (ii) the words “Danger: Medical Waste”, “Gevaar: Mediese Afval” and “Ingozi: Inkunkuma yezamayeza”; and the International Biohazard logo; and also in the prevalent local language;
 - (iii) the date on which the medical waste container is removed from the generator's premises;
- (d) prevent public access to medical waste containers which are in use;

(e) tore filled medical waste containers in controlled, secure areas which are reserved for the storage of medical waste;

(f) make arrangements for the removal of medical waste from their premises and for the transportation of medical waste to a disposal site by a person authorised to transport medical waste in terms of this By-law and who is registered as a transporter in terms of this By-law;

(g) make arrangements for the disposal of medical waste by a person permitted to dispose of medical waste in terms of this By-law.

Exemption from Requirements

3(1) Generators may apply in writing to the Municipality for permission to handle, store and otherwise deal with their medical waste in a manner which does not comply with the requirements set out in this By-law.

(2) The Municipality may in writing grant the permission referred to in subsection (1), provided that such permission may be granted subject to conditions.

Keeping of Records

4(1) Medical Waste Generators must –

(a) maintain an up-to-date written record of medical waste removed from their premises in the format as prescribed from time to time by the Municipality.

(b) acquire from the disposer of medical waste written notification that the medical waste has been disposed of and, on receiving such notification, indicate in their written records that the medical waste has been thus disposed of;

(c) keep the written record referred to in (a) and the notification referred to in (b) for a period of One (1) year after the removal of medical waste from their premises.

Removal of Medical Waste

5(1) Transporters must remove medical waste from the premises of a generator, transport, store and deliver such medical waste to the site at which it will be disposed of in a safe manner which poses no threat to human health or the environment.

(2) Without limiting the generality of the duty in subsection (1), transporters must comply with the following requirements:

(a) not remove medical waste from the containers in which the generator has stored the medical waste;

(b) transport and store medical waste in such a way that no member of the public can gain access to the medical waste or containers in which it is stored;

(c) transport medical waste in vehicles which are –

(i) capable of containing the medical waste;

(ii) designed to prevent spillage;

(iii) constructed of materials which are easy to clean and to disinfect;

(v) capable of being secured in order to prevent unauthorised access;

(d) deliver medical waste only to a person and site permitted to dispose of medical waste.

(3) Transporters may apply in writing to the Municipality for permission to remove, transport, store and deliver medical waste in a manner which does not comply with the requirements set out in subsection (2).

(4) The Municipality may in writing grant the permission referred to in subsection (3); provided that such permission is granted subject to conditions.

(5) Transporters may dispose of medical waste, provided that they do so in terms of this By-law.

(6) Transporters must maintain a written record in respect of each collection and delivery of medical waste, which must be updated simultaneously with each collection and delivery, and such record must be in a format as prescribed from time to time by the Municipality and must keep such record for a period of one year from the date on which the medical waste is delivered. Transporters must keep a copy of the relevant record in the vehicles used for the transportation of the medical waste.

Removal only by Permit Holder

6(1) Medical Waste may only be disposed of by a person –

(a) who holds a permit to operate a hazardous waste site in terms of section 20 of the Environment Conservation Act No. 73 of 1989, or who is authorised to incinerate medical waste by means of equipment which has been approved in terms of the Atmospheric Pollution Prevention Act 45 of 1965, or both; and

(b) who complies with all terms and conditions attached to such permit and authorisation.

Disposal at Permitted Site only

7(1) A person permitted in terms of subsection (1) to dispose of medical waste must do so at the site at which the permit or authorisation, or both, permits him or her to dispose of medical waste and may not dispose of medical waste at any other place.

Records of Disposal at Disposal Site

8(1) Persons who dispose of medical waste must –

(a) maintain an up-to-date written record of each delivery of medical waste to the disposal site in the format as prescribed from time to time by the Municipality.

(b) keep such record for a period of one year from the date on which the medical waste is disposed of.

Compulsory Registration with Municipality

9(1) Every Generator must register with the Municipality within 6 months of the coming into operation of this By-law by completing and submitting a written notification to the Municipality in the format prescribed from time to time.

(2) Every Transporter must register with the Municipality within 6 months of the coming into operation of this By-law by completing and submitting a written notification to the Municipality in the format prescribed from time to time.

(3) Generators and Transporters must advise the Municipality of any changes to the information provided in terms of subsections (1) and (2) as soon as such change takes place.

SCHEDULE 14

NURSING HOMES, PRIVATE HOSPITALS, SURGERIES, HOSPICES AND OLD AGE HOMES

Definitions

1. In this Schedule, unless the context indicates otherwise —

“general practice” when used to describe the purpose for which a nursing home is used, means all medical, gynaecological and surgical cases, excluding maternity cases;

“maternity home” means any nursing home, or part thereof, dealing exclusively with maternity cases;

“nursing home” means any premises where the nursing or care of patients is carried on for gain, but does not include —

- (a) any institution owned or controlled by the Government of the Republic of South Africa or a Provincial Administration; or
- (b) any consulting room, dental surgery or home for aged persons.

Use of premises

2.(1) Any person that operates a nursing home may use it for the purpose of either a maternity home or for general practice, but not for both functions, unless—

- (a) the nursing home carried on business prior to 25 April 1974; or
 - (b) the nursing home —
 - (i) complies with the provisions of paragraph (3);
 - (ii) is in possession of a valid permit; and
 - (iii) complies with the requirements of any relevant Town Planning Scheme.
- (2) Any person who operates a nursing home may use the premises as a maternity home and for general practice, provided that —

- (a) one part of the premises is set aside exclusively for maternity cases ("maternity area") and another part is set aside exclusively for general practice ("general practice area");
- (b) no room, passage, stairway, hall, corridor, lift, external entrance or exit or other portion of the premises may be used in common for any purpose whatsoever, except those that are used for the purpose of—
 - (i) laundries
 - (ii) central sterilising units, including ancillary units and stores;
 - (iii) pathological laboratories;
 - (iv) kitchens, sculleries, washing-up facilities, larders and any associated storage space;
 - (vi) storage space for unused or adequately sterilised stores;
 - (vii) an administrative office other than those used to admit and discharge patients;
 - (viii) central pharmaceutical units;
 - (viii) mortuaries; and
 - (ix) workshops;
- (c) access to common areas may not be gained from the maternity area by going through the general practice area, and vice versa.
- (d) any common area leading from the two exclusive areas is adequately ventilated;
- (e) there is no direct means of access between the two exclusive areas;
- (f) there is no opening, aperture or gap in any common wall dividing the two exclusive areas which could allow air to pass from one area to the other;
- (g) every floor of one exclusive area, which is located immediately above the other exclusive area, is made of reinforced concrete or other impervious material;

- (h) no member of the nursing or ward domestic staff who has performed duties in one exclusive area may, within 24 hours, perform duties in or enter the other exclusive area in an official capacity or in uniform;
- (i) the uniforms and protective clothing worn by persons employed in the common portion and the two exclusive areas, are clearly distinguishable from one another;
- (j) no furniture, equipment, utensils, apparatus, linen, blankets or any other articles located in a common areas, may be taken to any exclusive area until they have been adequately sterilised;
- (k) all furniture, equipment, utensils, apparatus and other articles, excluding linen, blankets, kitchen utensils, catering equipment, crockery, medical, surgical instruments and other incidental items, used in or intended for use in the exclusive areas, are clearly marked to indicate in which of the two exclusive areas they are used or originated;
- (l) no article identified for use in the one exclusive area may be taken into or kept in the other exclusive area unless a certificate is obtained from the medical officer of health that the article has been adequately sterilized.
- (m) all articles issued from the common area for use in the two exclusive areas, are returned to the common area:
- (n) any article issue for use in one exclusive area may not be used in the other exclusive area until it has been returned to the common area for adequate sterilisation; and
- (o) no patient from the maternity area may be accommodated, nursed or cared for in the general practice area, and vice versa.

General requirements.

3. No person may operate a nursing home that does not comply with the following requirements:

- (a) separate residential accommodation must be provided for staff required to reside on the premises;

(b) separate bathrooms and toilets must be provided, in the numbers prescribed in terms of subparagraphs 10(b) and (c), for each of the following classes of persons:

(i) patients;

(ii) nursing staff; and

(iii) domestic staff;

(c) the bathrooms and toilets must be designated for each sex and must be laid out in a manner that satisfies the medical officer of health;

(d) an adequate supply of running hot and cold potable water, drawn from the Municipality's main supply, must be provided;

(e) a water-borne sewerage system connected to the Municipality's sewer, a septic tank or other disposal system approved by the city engineer and medical officer of health in writing, must be provided;

(f) adequate accommodation for the administrative purposes of the nursing home, must be provided;

(g) adequate storage accommodation for articles that are reasonably necessary to store on the premises, must be provided;

(h) an adequate kitchen and scullery, having regard to the size and layout of the particular nursing home, must be provided;

(i) adequate accommodation and facilities for the storage and refrigeration of food, must be provided;

(j) a separate linen room, containing adequate cupboards or shelves for the storage of clean linen, must be provided;

(k) an incinerator, adequate for the complete incineration of any combustible article placed in it, must be provided;

(l) any laundry located on the premises must comply with the provisions of this By-law;

(m) no autopsy may be performed on the premises other than in a room that is used solely for the reception of dead bodies and is constructed as follows:

- (i) the room must be divided from any other room by a solid wall;
 - (ii) the floor and wafts must be constructed of an impervious material brought to a smooth finish;
 - (iii) all tables in the room must have impervious tops;
 - (iv) a sink, supplied with hot and cold running potable water, must be provided; and
 - (v) an adequately drainage system must be provided.
- (n) adequate facilities must be provided for the hygienic handling and disposal of flowers, vases and other related materials;
- (o) fire prevention equipment, which in the opinion of the chief fire officer is adequate, must be provided and maintained on the premises;
- (p) a fire escape, the stairs of which are a minimum of 1 metre wide with landings at each turning point measuring a minimum of 2.2 metres by 1.7 metres, must be affixed the premises;
- (q) the premises must provide adequate accommodation for the storage of any spare equipment, including particularly heavy equipment and gas cylinders, in such a manner that will not obstruct any passages or exits to the premises; and
- (r) an emergency stand-by electrical plant must be provided which is adequate to provide an immediate alternative supply of electricity to —
- (i) each operating theatre throughout the period of any power failure; and
 - (ii) any part of the nursing home to ensure the continued operation, throughout the period of the failure, of all electrically operated appliances and equipment which, in the opinion of the medical officer of health, are or may be life saving.

Floor requirements

4. No person may operate a nursing home unless the following are provided on each floor:

- (a) a duty-room equipped in terms of paragraph 15;
- (c) Adequate sluicing facilities, taking into account the number of beds on the floor;
- (c) a dressing room fitted with adequate sterilizing equipment, containing impervious shelves for the storage of sterile drums and other equipment, and used exclusively for:
 - (i) the sterilisation or preparation of instruments, dressings and other equipment; and
 - (ii) the treatment of patients;
- (d) a ward kitchen equipped with a sink served with hot and cold running potable , a refrigerator, a stove and cupboards for crockery and cutlery, except that each floor does not require a separate ward kitchen if all the needs of the floor are adequately catered for by the premise's main kitchen;
- (e) an adequate room or cupboard in which to store clean linen;
- (f) a portable receptacle for the collection of soiled linen;
- (g) a room reserved exclusively for sorting and handling linen, except that each floor does not require separate linen room if the entire premises are adequately served by one room;
- (h) a room for the storage of any spare equipment including heavy equipment and gas cylinders; and
- (i) where accommodation is provided for children under the age of six years, a separate milk room for the storage and preparation of milk and other such foods, unless a ward kitchen adequately fulfils this purpose.

Maintenance and construction

5. No person may operate a nursing home in or on premises that do not comply with the following requirements:

- (a) the premises must be kept in good and hygienic condition at all times;
- (b) all walls must be constructed of brick, stone, concrete or other impervious material;
- (c) except where glazed or glass bricks, glazed tiles or other similar material yielding a hard and smooth surface have been used, the internal walls of operating theatres, sterilizing rooms, wards, labour wards, scrubbing-up rooms, dressing-rooms, duty-rooms, kitchens, sculleries, pantries, food store-rooms, milk rooms, bathrooms, toilets, sluice-rooms, wash-houses and mortuaries must be —
 - (i) plastered and brought to a smooth finish; end
 - (ii) covered with a light-coloured washable paint, adequate plastic finish;
 - (iii) or other approved material;
- (d) the angles formed between each floor and wall, and between two walls, in operating units, wards, labour wards, sluice-rooms, milk rooms, bathrooms, toilets and kitchens, must be rounded;
- (e) wards, scrubbing-up rooms, dressing-rooms, duty-rooms, kitchens, sculleries, pantries, food store-rooms, milk rooms, bathrooms, toilets, sluice-rooms, wash-houses and mortuaries must be made of cement concrete or other impervious material brought to a smooth finish and maintained at in this way at all times;
- (f) all ceiling must be constructed so as not to attract dust; and
- (g) the ceilings of operating theatres, labour wards, sterilizing rooms and scrubbing-up rooms must have a hard, smooth and washable surface.

Ventilation

6. No person may operate a nursing home that does not comply with the following requirements:

- (a) all rooms must be provided with adequate light and ventilation as prescribed in the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977), as amended; and
- (b) where an adequate air-conditioning or artificial ventilation system is not provided, permanent cross-ventilation must be provided for every room as follow
 - (i) for every 1 0m of floor space, at least 2 air-bricks each measuring 21 5mm by 140mm;
 - (ii) the air-bricks must be equally divided between two opposite external walls, or between one external wall and one internal war, the opposite side of which is a well-ventilated passage;
 - (iii) the passage of air through the air-bricks must at all times be kept clear and unobstructed; and
 - (iv) the total area of all the openings in every air-brick must amount to at least half of the area of one whole air-brick

Ward requirements

7. No person may operate a nursing home that does not comply with the following requirements in respect of each ward:
- (a) all ceilings must have a minimum height of three metres, except in the case of existing nursing homes where the height may be minimum of 2.6 metres as long as the floor area of the ward is sufficient to provide 22m of air space for every bed;
 - (b) the size of the floor area must be such as to provide a minimum of 8m of air space for every bed;
 - (c) no bed may be placed —
 - (i) within 750mm of any wall or wall fixture, other than a wash-hand basin or central-heating radiator or
 - (ii) within one metre of any other bed;

- (d) no space left between beds in terms of subparagraph (c) may obstruct in any manner;
- (e) the following must be displayed on the outside of each ward door:
 - (i) the number of the ward; and
 - (ii) the number of patients that may be accommodated in the ward;
- (f) an adequate number of easily accessible wash-hand basins, complying with the following requirements, must be placed inside each ward:
 - (i) the basins must be of adequate size for scrubbing up; and
 - (ii) the basins must be provided with an adequate supply of hot and cold running potable water;
- (g) no room, any of the windows of which are situated less than 1.5 metres from an object which obstructs its light, may be used as a ward; and
- (h) every ward must have a door opening directly onto a passage.

Maternity nursing homes

8. My person who operates a maternity nursing home must, in addition to the requirements for nursing homes, comply with the following requirements:

- (a) one or more rooms, as the medical officer of health may think fit to avoid overcrowding and congestion, must be set aside for each of the following purposes:
 - (i) a nursery;
 - (ii) a labour ward;
 - (iii) a delivery ward; and
 - (iv) a milk room;
- (b) every delivery ward must have a scrubbing-up basin, provided with a supply of hot and cold running potable water, the taps of which are designed for operation by elbow or by foot;

- (c) newborn infants must be kept in the nursery except when brought to their mothers for feeding or for some other specific purpose, except that the infants may have kept with their mother at all times if there are no more than two maternity cases in a ward;
- (d) the floor area of any delivery ward in which a maximum of two maternity cases are accommodated, must provide a minimum of 1Dm for each bed and crib;
- (e) one separate crib for each baby, each with a minimum of least 2m of floor space, must be provided in every nursery;
- (f) the cribs must be to be situated as follows:
 - (i) a minimum of 750mm from any other crib; or
 - (ii) a minimum of 300mm from any wall or wall fixture, excluding a wash- hand basin or a central-heating radiator;
- (g) a baby's bathing and changing-room, fitted with adequate baby bathing equipment, must adjoin every nursery;
- (h) every milk room must be provided with a sink made of porcelain, enamel or stainless steel; hand wash basin; refrigerator; tables having impervious tops; and adequate equipment for sterilising utensils used in the handling of milk; and
- (i) the sink and wash-hand basin referred to in subparagraph (h) must each be supplied with a hot and cold running potable water.

Operating units

9. Any person who operates a nursing home which receives patients in need of surgical treatment must provided an operating unit used exclusively for surgical operations that complies with the following requirements:

- (a) every operating unit must be provided with the following:
 - (i) a scrubbing-up room or bay, which must immediately adjoin the operating theatres;
 - (ii) a sterilising room;
 - (iii) a theatre sluice-room: and

- (iv) a recovery room;
- (b) the sterilising room, which adjoins an operating theatre, must be separated by a swing door or other approved type of door;
- (c) the sluice-room, sterilising room and recovery room must be reasonably accessible to the operating theatre; and
- (d) one sluice-room, sterilizing room and recovery room may be used to serve more than one operating theatre.

Ablution and sanitary requirements

10. Any person who operates a nursing home must ensure that the premises comply with the following requirements:

- (a) all bathrooms must be fitted with porcelain enamel or cast-iron enamel baths provided with a supply of hot and cold running potable water
- (b) the following number of baths and toilets must be provided for patients:
 - (i) in a maternity nursing home —
 - (aa) the ratio of toilets to patients must not be less than 1:8; and
 - (bb) the ratio of bathrooms to patients must not be less than 1:12;
 - (ii) in other nursing homes —
 - (aa) the ratio of toilets to patients must not be less than 1:12; and
 - (bb) the ratio of bathrooms to patients must not be less than 1:12;
- (c) the following number of baths and toilets must be provided for nursing staff, domestic staff and employees
 - (i) the ratio of each of toilets and bathrooms to nursing and domestic staff must not be less than 1:12 respectively; and
 - (ii) the ratio of each of toilets and bathrooms or shower cubicles to other employees must not be less than 1:12 respectively;

(d) in calculating the number of toilets in terms of subparagraphs (b) and (c) for patients no account must be taken of any toilet contained in a bathroom; and

(e) every toilet must be equipped with an adequate flushing system maintained in proper working order.

Sluice-rooms

11. Any person who operates a nursing home must ensure that any sluice rooms located on the premises —

(a) are a minimum of 7m square in area and have a minimum width of 2.2 metres;

(b) open into a well-ventilated passage and be accessible to all the wards which it serves;

(c) have a sluice-pan of approved design and equipped with an adequate flushing system maintained in proper working order;

(d) have smooth and impervious shelves or other adequate apparatus for the storage of bed-pans or other sanitary utensils;

(e) have, in the case of a maternity nursing home, adequate apparatus for sterilizing bed-pans by steam or boiling water and in the case of nursing homes carrying on a general practice, adequate apparatus for cleaning bedpans;

(f) have an impervious receptacle, with a tight fitting lid and of adequate size, for the reception of soiled dressings: and

(g) are used only for —

(i) the storage and cleansing of bed-pans and other sanitary utensils;

(ii) the temporary deposits of soiled dressings; or

(iii) the testing of urine.

Kitchens and sculleries

12. Any person who operates a nursing home must ensure that any kitchen or scullery located on the premises complies with the following requirements:

- (a) every draining board and top of every table installed, whether as a new installation or by way of replacement, must be constructed of stainless steel, enamelled metal or of another adequate smooth and impervious material;
- (b) every sink installed, whether as a new installation or by way of replacement, must —
 - (i) be constructed of stainless steel;
 - (ii) have two compartments each supplied with of hot and cold running potable water; and
 - (iii) together with its draining board, be installed at least 100mm away from any wall;
- (c) any wall within 5 of any part of a sink, drain board or of any table on which food is prepared or handled, must be tiled or treated in some other adequate manner to a minimum height of 1.35 metres above the floor
- (d) a receptacle with a tight fitting lid and suitable for the reception of kitchen refuse, must be provided;
- (e) the receptacle must be kept tightly shut and emptied at least once a day into an external refuse receptacle; and
- (f) a hood or canopy of adequate size, having a flue at least 300mm in diameter and which emits fumes and gasses in such a manner that creates no municipal health nuisance, must be provided immediately over any stove where cooking is carried out on the premises.

Storage of foodstuffs

13. Any person who operates a nursing home must —

- (a) store all crockery, cutlery and foodstuffs in a hygienic place and manner;
- (b) provide adequate refrigeration facilities for the storage of perishable foodstuffs; and

- (c) adequately ventilate and equip with heavy wire shelves and racks, any rooms in which fruit and vegetables are stored.

Layout of rooms

14. No person who operates a nursing home may do so unless the rooms referred to in paragraphs 12 and 13 comply with the following additional requirements:

- (a) the rooms may not be situated in, or share an entrance with, any —
 - (i) ward or room used for sleeping;
 - (ii) sluice room; or
 - (iii) toilet and urinal;
- (b) the rooms must be provided with adequate racks, shelves and other means to store bulk goods at a minimum height of 225mm above the floor;
- (c) adequate lighting and ventilation, as prescribed by the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977), must be provided.

Medicines and poisons

15. Any person who operates a nursing home must -

- (a) set aside a room or cupboard, of adequate size, to be used solely for the storage of medicines and drugs;
- (b) keep every room or cupboard set aside in terms of subparagraph (a), locked at all times except when medicines or drugs are being removed or returned to it; and
- (c) reserve, within this room or cupboard, a separate lockable cupboard or locker for the storage of poisons, habit-forming drugs and potentially dangerous drugs.

Sterilization

16. Any person who operates a nursing home must provide —

- (a) in each dressing-room on every floor, adequate apparatus for the sterilisation of instruments; and
- (b) for the whole nursing home, apparatus adequate for the sterilisation of dressings and instruments.

Laundry room

17. Where laundering is carried out on the premises, this must take place in accordance with the provisions of this By-law.

Reception room

18. Any person who operates a nursing home must—
- (a) use the reception room exclusively for receiving and sorting of soiled articles;
 - (b) provide a wash-hand basin, supplied with running hot and cold potable water, in each reception room;
 - (c) ensure that each reception room is mechanically ventilated in a manner that ensures that any air generated in the room is discharged into the atmosphere; and
 - (d) provide a separate reception room in maternity nursing homes used exclusively for receiving and sluicing of baby napkins.

Washing room

19. Any person who operates a nursing home must provide a washing room that complies with the following requirements:

- (a) the washing room must contain —
 - (i) adequate facilities for the storage of soap, detergents and other material used for laundering; and
 - (ii) adequate machinery and equipment for washing, ironing and other laundering processes;
- (b) the machinery and equipment must be arranged in a manner that ensures that no physical contact between soiled articles and washed articles occurs during the

progression of the soiled articles through the laundering processes to the storage room; and

- (c) the floor of every washing room must be —
 - (i) made of cement, concrete or other impervious material brought to a smooth finish;
 - (ii) adequately graded and drained for running off Liquids to an outside gully; and
 - (iii) the outside gully must be connected to a sewer, or where no sewer is available, to some other device adequate for the disposal of waste water.

Storage room

20. Any person who operates a nursing home must ensure that —

- (a) any storage room is used exclusively for the storage and distribution of laundered articles;
- (b) any storage room contains adequate moveable shelving made of impervious material;
- (c) every shelf is a minimum height of 225mm above the floor
- (d) containers used for the reception or conveyance of soiled or laundered articles are adequately marked so That they can be easily distinguishable from one another; and
- (e) all persons employed in any part of the laundry are provided with, and wear, caps covering their hair and clean overalls made of light-coloured material, of a design approved by the medical officer of health.

Linen

21. Any person who operates a nursing home must ensure that at all times, all linen provided in the premises is —

- (a) of good quality;

- (b) maintained in good repair and
- (c) available in a quantity adequate to ensure the prompt replacement of soiled articles.

Refuse receptacles

22. Any person who operates a nursing home must provide an adequate number of refuse receptacles on the premises.

Accommodation for nursing staff

23. No person may operate a nursing home unless —

- (a) adequate sleeping accommodation is provided for the resident nursing staff employed on the premises;
- (b) adequate arrangements are made for the separation of the sleeping accommodation of members of the staff on day duty and those on night duty, so as to avoid the undue disturbance of staff on night duty; and
- (c) a dining-room and separate recreation room is provided for the nursing staff: Provided that one room may be used as a dining and recreation room if the room is adequate for both purposes the space below every cage must be unobstructed;
- (d) provide rodent-proof receptacles, of an impervious material and with close fitting lids, for the storage of all loose pet food in the store room;
- (c) provide adequate refrigeration facilities to store all perishable pet food on the premises.

SCHEDULE 15**KEEPING OF ANIMALS AND POULTRY****PART A****GENERAL PROVISIONS RELATING TO KEEPING OF ANIMALS**

1. In this Schedule, unless the context indicates otherwise -

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

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

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

“cattery” means premises in or upon which —

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

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

“keeper” means —

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

“kennels” means premises in or upon which —

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

“livestock” means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;

“pet” means a tame animal kept in a household for companionship or amusement;

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

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

“poultry” means fowls, ducks, muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowls;

“poultry house” means any roofed-over building or structure in which poultry is kept, other than one in which a battery system is operated;

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

“proclaimed township” means an approved township as contemplated in sections 79, 103, 111 and 141(4) of Ordinance 15 of 1986, or a township approved in terms of any prior law relating to townships;

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

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

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

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

Permission required

(4) No person shall keep or permit to be kept on any premises or property any animal or poultry without the permission of the Municipality.

Number and of animals and poultry to be kept

(5) For the purpose of promoting municipal health and restricting municipal nuisances, the Municipality may from time to time determine the number of animals or poultry that may be kept per unit area and the areas within which such animals or poultry shall be prohibited.

Kinds of animals or poultry to be kept on premises

(4) The Municipality may from time to time, determine the kinds of animals and poultry for which a permit is required and the relevant application fee and annual fee for such permit. Applications for such permits must be made on the prescribed form made available by the Municipality for such purposes.

Permit status for keeping animals and poultry

(5) Permits issued in terms hereof are not transferable and shall only be valid for the specific property in respect of which the application was made.

Site Plan for structures of animals and poultry

(6) The Municipality may require an application for a permit to be accompanied by a detailed site plan indicating all existing or proposed structures and fences on the property for which the permit is required.

Specifications for structures of keeping animals and poultry

(7) The Municipality may require detailed plans and specifications of structures wherein it is proposed to keep animals and/or poultry, in order to evaluate whether or not to grant a permit applied for.

Conditions for keeping animals or poultry

(8) Notwithstanding anything to the contrary contained in this By-law, the Municipality may refuse to approve an application or grant approval subject to specific conditions if, in its opinion, the property owing to its location, sitting or geographical features or size, is unsuitable for the keeping of animals or poultry.

Placement of structure for keeping animals or poultry

9(1) No structure that accommodates animals or poultry shall be placed:

- (a) within 15m of any boundary of the erf which abuts another residential erf; and
- (b) within 6m of any boundary of the erf which abuts any road or public open space.
- (c) within 4,5m from any dwelling, workers' quarters, inhabited outbuilding and shop or building where food is processed.
- (d) where a structure in which animals will be kept forms part of an outbuilding used for human habitation, such structure must be sited at least 4,5m from such habitable room and must not be under the same roof space as the habitable room.
- (e) No structure in which poultry shall be sited:
 - (i) within 1,5m from any boundary of a residential erf; and
 - (ii) within 1,5m from any dwelling, workers/dwelling quarters, inhabited outbuilding and shop or building where food is processed, sold or stored.

(10) All structures in which animals or poultry are kept shall be suitably screened from any street to the satisfaction of the Municipality.

(11) No structure in which poultry is kept shall have a height in excess of 3,5m.

Right to waive conditions

(12) Notwithstanding the provisions of section 8 (3), the Municipality may after considering conditions particular to the property and on condition that no objection is received from adjoining neighbours, waive any or all of the requirements of this part and impose other conditions if appropriate.

Manure on premises

(13) All manure resulting from the keeping of animals and poultry shall, pending removal from the premises be stored under shelter in sealed fly-proof containers and disposed of on a regular basis so as to prevent any nuisance from being created, provided that such disposal may not include composting on the premises.

Storage of Feed

(14) All feed shall be stored in a rodent proof place, container or storeroom for the keeping of Animals and poultry.

Harbourage of Rodents

(15) The premises for keeping of animals and poultry shall be kept in such condition as not to attract or provide harbourage for rodents.

Disposal of Carcasses

(16) Carcasses are to be disposed of at the owner's expense and in a manner approved by the Municipality.

Fly and Rodent Proof Storage

(17) The Municipality may from time to time determine that a fly and rodent proof manure store and feed store of adequate size and constructed of permanent material, is required on premises where animals are kept.

Enclosures for Dogs and Cats

(18) No person shall keep a kennel or cattery unless the following requirements are complied with:

(1) Dogs and Cats shall be kept in a separate enclosures:

(a) Constructed of durable materials and with adequate access for cleaning, disinfecting and devermination purposes with a floor constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100mm wide, extending over the full width of the floor and situated within the enclosure, which channel shall drain into a gully connected to the Municipality sewer system by means of a pipe of approved material with a minimum diameter of 100mm or to another approved disposal system. with a kerb 150mm high along the entire length of the channel referred to in subparagraph

(ii), to prevent storm water from such area from entering the channel.

(2) Every enclosure referred to in sub-paragraph (1) shall contain a roofed shelter for the accommodation of dogs and cats of which:

(a) Every wall shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface without cracks or open joints.

(b) the floor shall be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints and the surface between the floor and the walls of a permanent structure shall be covered.

(3) In the case of dogs, a dog kennel of moulded fibre cement or other similar material which is movable and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter and if the base of such kennel is not rendered waterproof, a raised sleeping board which will enable the dog to keep dry shall be provided in every such kennel.

(4) A concrete apron at least 1m wide shall be provided at the entrance of the enclosure over its full width, the apron to be graded to allow for the drainage of water away from the enclosure.

(5) A supply of potable water, adequate for drinking and cleaning purposes, shall be provided in or adjacent to every enclosure.

(6) Separate isolation facilities for sick dogs and cats shall be provided to the satisfaction of the Municipality.

(7) If cages are provided for the keeping of cats, such cages shall be of durable, impervious material and constructed so as to be easily cleaned.

Permissible number of Dogs on the premises

(19) Depending on the size and the environmental health conditions of the premises, no person shall keep or cause to keep more than three dogs on the same premises.

Owner to upkeep structure

(20) All structures shall at all times be kept in a proper state of repair by the owner or occupier of the premises.

Notice to remove

21(1) If, in the opinion of the Municipality, any animals kept on any property in terms of which a permit has been issued by the Municipality under this By-law cause a health nuisance, danger to health endanger the safety of the public or where more animals are kept than authorised in the permit issued, the Municipality may serve written notice on the holder of the permit, or in his absence the person in charge, to remove or cause to be removed such nuisance or danger or excess number of animals within a specified period.

(2) The holder of a permit or the person in charge, on receiving a notice, shall comply with the requirements as specified by the Municipality in such notice, failing which may at its discretion-

(a) cancel the permit to keep animals on such property, or

(b) amend the permit.

Return of Permit

(22) The holder of a permit shall, when requested by Municipality to do so, return the permit issued to him for amendment or cancellation, as the case may be.

Alteration of approved structure

(23) No person shall alter or use a structure for the keeping of animals or poultry for purposes other than those specified in the permit.

Exemptions

(24) Any premises on which animals or poultry are already being kept shall be exempted from complying with requirements in respect of accommodation for animals for a period of 12 months from date of coming into operation of this By-law.

Permits granted in terms of this By-law

(25) All permits, authorisations and concessions to keep animals or poultry granted in terms of any By-law or regulation repealed by this By-law shall be deemed to have been granted in terms of this By-law.

PART B**KEEPING OF CATTLE, HORSES, MULES AND DONKEYS****Requirements for premises**

1(1) No person may keep any cattle, horse, mule or donkey in a stable or enclosure that does not comply with the following requirements:

- a) every wall and partition of the stable must be constructed of brick, stone,
- (b) the internal wall surfaces of the stable must be constructed of smooth brick or other durable surface brought to a smooth finish;
- (c) the height of the walls to the wall plates of the stable must -
 - (i) if the roof is a pitched roof be 2,4 metres;
 - (ii) if the roof is a flat roof be 2,7 metres;
 - (iii) if the roof is a lean to roof be a mean height of 3 metres with a minimum of 2,4 metres on the lowest side;
- (iv) in the case of a stable which has an opening along the entire length of one of its long sides be not less than 2 metres;
- (d) the stable must have a floor area of at least 9m for each head of cattle, horse, mule or donkey accommodated in it;
- (e) lighting and ventilation must be provided by openings or glazed opening windows or louvers totalling at least 0,3m for each animal to be accommodated in it except in the case of a stable open along the entire length of one of its long sides;
- (f) the lowest point of every opening, window or louvers must be at least 1,8 metres above floor level;

(g) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish graded to a channel and drained in terms of paragraph 27;

(h) any enclosure must have an area of at least 10m for each head of cattle, horse, mule or donkey accommodated in it and the fencing must be strong enough to prevent the animals from breaking out;

(i) no enclosure or stable may be situated within -

(i) 15 metres of the boundary of any land, property, dwelling or other structure used for human habitation; or

(ii) 50 metres of any water resource or water supply intended or used for human consumption;

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

Duties of keeper of cattle, horses, mules and donkeys

2(1)(a) maintain the premises, and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair;

(b) provide portable manure storage receptacles of an impervious material and with close fitting lids;

(c) keep every manure storage receptacle on a platform constructed of concrete or other durable and impervious material near the stable or enclosure;

(d) if there is so much manure and bedding that storage receptacles are impractical, provide a manure heap complying with the following requirements:

(i) the heap must be enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish; and

(ii) the floor must be of smoothly finished concrete that is inclined so that it drains to a water channel along the full length of the open side, which is at least 150mm in diameter and is kept filled with water;

- (e) remove all the manure from the stable and enclosure at least once every 24 hours and place it in the manure storage receptacles or heap until it is removed from the premises;
- (f) remove the contents of the manure storage receptacles or heap from the premises at least once every second day and dispose of the manure in a way which will not create a municipal health nuisance;
- (g) remove all bedding from the stable at least once a week and store it in the manure receptacles or heap until it is removed from the premises;
- (h) store all saddles, bridles, harnesses and other equipment or articles used in the keeping of the animals, in a storeroom or other adequate storage facility and
- (i) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids.

PART C

KEEPING OF GOATS AND SHEEP

Application

1. The provisions of paragraphs 6 and 7 do not apply to the temporary keeping of a goat on any premises for the provision of milk for medical reasons.

Requirements for premises

- 2(1) No person may keep sheep or goats in -

- (a) an enclosure that does not comply with the following requirements:
 - (i) the minimum overall floor area must be 30m and
 - (ii) at least 1,5 m of floor space must be provided for every goat or sheep accommodated in it; or
- (b) a stable that does not comply with the following requirements:
 - (i) every wall must be constructed of brick, stone, concrete or other durable material;

(ii) every wad must be at least 2 metres in height and have a smooth internal finish;

(iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and grade to a channel drained in terms of paragraph 27;

(iv) at least 1,5 m of floor space must be provided for every goat or sheep accommodated in it with an overall minimum floor area of 6m²;

(v) lighting and ventilation openings totalling at least 0,15m per goat or sheep must be provided;

(3) No person may keep sheep or goats in an enclosure or stable within:

(a) 15 metres of any boundary of any land, dwelling, building or other structure used for human habitation; or

(b) 50 metres of any water resource or water supply intended or used for human consumption.

(4) Every person must provide a water supply adequate for drinking and cleaning purposes situated next to or in every enclosure or stable used to accommodate sheep or goats.

Duties of keeper of goats and sheep

7. Any person who keeps goats or sheep must -

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

(b) provide portable manure storage receptacles of an impervious material and with close fitting lids:

(c) keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned;

- (d) remove all manure from the enclosure, building or shed at least once every seven days and place it in the manure storage receptacles;
- (e) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way that will not create a municipal health nuisance;
- (f) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.

PART D

KEEPING OF POULTRY

Application

9. The provisions of paragraphs 3 (d) to (g) inclusive and 4 (e), do not apply to the persons keeping ten or less poultry.

Permit requirements for poultry

10. No person may keep more than 10 poultry birds on an erf in a proclaimed township or 100 poultry birds on premises zoned for agriculture except in terms of a permit.

Requirements for premises

11. No person may keep poultry in premises that do not comply with the following the requirements:
- (a) in relation to a poultry house –
 - (i) every wall must be constructed of brick, stone, concrete or other impervious material brought to a smooth internal surface;
 - (ii) The floor must be constructed of concrete or other impervious material brought to a smooth finish.
 - (iii) The upper floor of a two or more storey structure must be constructed of an impervious and easily cleanable material;
 - (iv) The minimum aggregate floor must be –
 - (aa) 0.20m² for each grown fowl, duck, muscovy duck or guinea fowl;

- (bb) 0.5m²for each grown goose, turkey, peacock; and
- (cc) 0.14m²for each grown pigeon;

- (v) the minimum aggregate floor area must be 4m²

- (b) a poultry run, if provided, must be enclosed with wire mesh or other durable material;
- (c) in relation to buildings or structure housing a battery system –
 - (i) Every wall if provided, must be at least 2,4m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface;
 - (ii) if walls are provided, the building must be ventilated and lighted by means of technical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building;
 - (iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and the floor surface must be graded and drained by means of a channel drained in terms of paragraph 27;
 - (iv) if no walls are provided, or the walls are made of metal the floor must be provided with a curb at least 150 mm high around its edges.
 - (v) the cages of the battery system must be made of an impervious material;
 - (vi) a tray of an impervious material must be fitted under every cage for the collection of manure
- (d) a water supply adequate for drinking and cleaning must be provided in or next to every poultry hutch or building or structure housing a battery system;
 - (i) any wall must –
 - (aa) be a minimum of least 2,4 metres high;
 - (bb) be constructed of concrete, stone, brick or other durable material;
 - (cc) must have a smooth internal surface;
 - (ii) if walls are provided, the building must be ventilated and lighted by means of natural openings or windows of an area equal to not less than 15% of the floor area of the building;

- (iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish, and if required by an environmental health practitioner, the floor surface must be graded a channel drained in terms of paragraph 27;
 - (iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its outside edges; and
 - (v) every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure;
- (d) a water supply adequate for drinking and cleaning purposes must be provided in or next to every rabbit butch or building or structure housing a battery system;
- (e) no person may erect a rabbit hutch, rabbit run or building or structure housing a battery system within five metres or so from
- (i) any dwelling, building or other structure used for human habitation;
 - (ii) any place where foodstuffs are stored or prepared for human consumption; or
 - (iii) nearest boundary of any land;
- (f) an adequate rodent-proof storeroom must be provided for the storage of feed; and
- (g) adequate washing facilities must be provided for the cleaning of the cages.

PART E

KEEPING OF BIRDS OTHER THAN POULTRY

Requirements for the premises

11. No person may keep any bird, other than poultry, in an aviary that does not comply with the following requirements:

- (a) the aviary must be constructed of durable rodent-proof materials;
- (b) adequate access must be provided for cleaning purposes;

- (c) if the aviary is constructed above ground level, its base must be constructed of an impervious and durable material and must be situated a minimum of 300 mm above ground level;
- (d) the aviary may not be situated within three metres of any building or structure, boundary fence or boundary wall; and
- (e) a water supply adequate for drinking and cleaning purposes must be situated in or next to every aviary.
- (f) The Municipality may limit the maximum number of birds that may be kept one time.

Duties of keeper of an aviary

12. Any person who keep birds in an aviary must -

- (a) ensure that the aviary and the premises are kept in a clean condition and free from pests;
- (b) provide and use rodent-proof facilities for the storage of bird food; and
- (c) ensure that the birds do not disturb the comfort, convenience, peace or quiet of the public.

Definitions

"poultry" means fowls, ducks, muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowls;

"poultry house" means any roofed-over building or structure in which poultry is kept, other than one in which a battery system is operated;

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

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

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

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

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

Requirements of a stable

- a) a stable that does not comply with the following requirements:
 - (i) every wall must be constructed of brick, stone, concrete or other durable materiel;
 - (ii) every wall must be at least 2 metres in height and have a smooth internal finish;
 - (iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and grade to a channel drained in terms of paragraph 27;
 - (iv) at least 1,5 m of floor space must be provided for every goat or sheep accommodated in it with an overall minimum floor area of 6m²;
 - (v) lighting and ventilation openings totalling at least 0,15m per goat or sheep must be provided;
- (2) No person may keep sheep or goats in an enclosure or stable within
 - (a) 15 metres of any boundary of any land, dwelling, building or other structure used for human habitation; or

(b) 50 metres of any water resource or water supply intended or used for human consumption.

(3) Every person must provide a water supply adequate for drinking and cleaning purposes situated next to or in every enclosure or stable used to accommodate sheep or goats.

Duties of keeper of goats and sheep

13. Any person who keeps goats or sheep must -

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

(b) provide portable manure storage receptacles of an impervious material and with close fitting lids:

(c) keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be clean

(d) remove all manure from the enclosure, building or shed at least once every seven days and place it in the manure storage receptacles;

(e) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way that will not create a municipal health nuisance

(e) no poultry house, poultry run, or building or structure housing a battery system may be constructed within 3 metres of -

(i) any dwelling, other building or structure used for human habitation;

(ii) any place where foodstuff are stored or prepared for human consumption; or

(iii) the nearest boundary of any land.

(f) feed must be stored in an adequate rodent-proof storeroom;

- (g) adequate washing facilities must be provided for the cleaning of the cages;
- (h) due to the amount of manure stored on the premises awaiting removal, a storage area complying with the following requirements must be provided;
- (i) a roofed platform constructed for concrete or other impervious material;
- (ii) the platform's outside edges must have a minimum curb of 100mm high;
- (iii) the platform must be graded and drained in terms of paragraph 27; and
- (iv) the roof of the platform must extend a minimum of 1 metre beyond the edges of the base of the platform

Duties of keeper of poultry

14. Any person who keeps poultry must –

- (a) ensure that all poultry is kept within the poultry house, poultry run or building or structure housing a battery system;
- (b) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the poultry in a clean, sanitary condition and in good repair;
- (c) maintain the premises free from offensive odours and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from pests;
- (d) ensure that the poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;
- (e) provide portable manure storage receptacles of an impervious material and with close fitting lids and keep the manure storage receptacles on a platform;

- (f) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every four days from a building or structure housing a battery system.
- (g) place the manure and other waste matter in manure storage receptacles;
- (h) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way which will not create a municipal health nuisance; and
- (i) take adequate measures to keep the premises free of flies, cockroaches and rodents to prevent offensive odours arising from the keeping of poultry on the premises

PART F

KEEPING OF RABBITS

Application

15. The provisions of paragraphs 141(b) to (d) inclusive and 15(d) to (U) inclusive, do not apply to persons keeping ten or less rabbits.

Permit requirements for rabbits

16. No person may keep more than 5 adult rabbits on an art in a proclaimed township or 20 adult rabbits on premises zoned for agriculture except in terms of a permit.

Requirements for the premises

- 17. No person may keep rabbits in premises that do not comply with the following requirements:
 - (a) in relation to a rabbit hutch

- (i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
- (ii) the floor surface must be -
 - (aa) constructed of concrete or other impervious material brought to a smooth finish;
 - (bb) situated at least 150 mm above ground level; and
 - (cc) graded to a channel drained in terms of paragraph 27, if required by an environmental health practitioner;
- (iii) adequate ventilation must be provided:
- (b) any rabbit run must be enclosed with wire mesh or other durable material and constructed in a way that prevents the escape of rabbits from the run;
- (c) in relation to a building or structure housing a battery system -
- (d) provide portable manure storage receptacles of an impervious material with close-fitting lids; and every receptacle shall be kept on a platform;
- (e) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system, at least once every 48 hours;
- (f) keep the manure and waste in manure storage receptacles until it is removed from the premises;
- (g) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a way which will not create a municipal health nuisance.

PART G

DOG KENNELS AND CATTERIES

Requirements for the premises

18. No person may use premises as kennels or a cattery unless the premises comply with the following requirements:

(a) every dog or oaf must be kept in an enclosure that complies with the following requirements:

(i) the enclosure must be constructed of impervious materials and must provide adequate access for cleaning purposes;

(ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending the full width of the floor, which channel must be graded and drained into a gully connected to the Municipality's sewer by means of a pipe 100 mm in diameter; and

(iii) a curb 150 mm high must be provided along the edge of the channel, referred to in subparagraph (ii), to prevent any storm water runoff entering the channel;

(b) subject to subparagraph (c), every enclosure referred to in subparagraph (a), must be situated in a roofed shelter that complies with the following requirements:

(i) every wall must be made of brick, stone, concrete or other impervious material;

(ii) the internal surface of every wall must have a smooth internal surface;

(iii) the floor must be made of concrete or other impervious material brought to a smooth finish; and

(iv) every shelter must have adequate access for cleaning and eliminating pests;

(c) a dog kennel that complies with the following requirements may be provided instead of the shelter contemplated in subparagraph (b):

(i) the kennel must be constructed of moulded asbestos or other similar material;

(ii) the kennel must be movable;

(iii) the kennel must be placed on a base constructed of concrete or other impervious material with an easily cleanable finish; and

(iv) a sleeping board, which will enable the dog to keep dry, must be provided in any kennel that does not have a waterproof base;

- (d) a concrete apron extending at least one metre wide around the edges of the enclosure must be provided;
- (e) the apron must be graded and drained in a way that drains storm water away from the enclosure;
- (f) a potable water supply, adequate for drinking and cleaning purposes, must be in or adjacent to the enclosure;
- (g) any cages in which cats are kept must be constructed of durable impervious material and in a manner that they may be easily cleaned;
- (h) any shelter, enclosure or kennel may not be situated within five metres of any —
 - (i) dwelling or other building or structure used for human habitation;
 - (ii) place where food is stored and prepared for human consumption; or
 - (iii) the boundary of the premises.

Food preparation area

19. Any keeper of kennels or a cattery who is instructed by an environmental health practitioner to provide a food preparation area, must provide a separate room or roofed area for the preparation of food that complies with the following requirements:

- (a) the floor of the room or roofed area must be constructed of concrete or other impervious material brought to a smooth finish;
- (b) the internal wall surfaces of the room or roofed area must be smooth and easily cleanable;
- (c) adequate washing facilities for food bowls and utensils must be provided; and
- (d) a rodent-proof storeroom must be provided for the storage of food.

Duties of a keeper kennels or catteries

20. Any person operating a kennel or cattery must —

- (a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
- (b) provide portable storage receptacles, of an impervious material with close fitting lids, for the storage of dog and cat faeces;
- (c) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in subparagraph (b);
- (d) remove the contents of the storage receptacles from the premises at least twice every seven days and dispose of it in a manner that will not create a municipal health nuisance;
- (e) store all loose food in receptacles, with close fitting lids, in the food store;
- (f) provide adequate refrigeration facilities to store perishable foods on the premises;
- (g) provide adequate separate refuse receptacles, with close fitting lids, on the premises for refuse other than faeces;
- (h) keep any sick dog or cat isolated from any other animals; and
- (i) maintain the premises free from offensive odours and every enclosure, shelter, kennel, cage or food store clean and free from pests.

PART H

PET SHOPS AND PET PARLOURS

Requirements for premises

21. No person may operate a pet shop or pet parlour in or on any premises that does not comply with the following requirements:

- (a) all walls, including any partition, must —
 - (i) be constructed of brick, concrete or other impervious material;
 - (ii) have a smooth and easily cleanable internal surface; and
 - (iii) be painted with a washable paint or other adequate finish;
- (b) all floor surfaces must be constructed of concrete or other impervious material brought to a smooth finish;
- (c) all ceilings must be dust proof and easily cleanable;
- (d) at least one wash hand basin, with a supply of running hot and cold potable water, must be provided for employees and the ratio of wash hand basins to persons employed on the premises must not be less than 1:15;
- (e) the wash hand basins, referred to in subparagraph (d), must be drained in terms of paragraph 27;
- (f) adequate storage facilities must be provided;
- (g) Facilities for the washing of cages, trays and other equipment must be provided in the form of either —
 - (i) a curbed and roofed over platform with a minimum surface area of 1,5 m raised at least 100 mm above the floor and constructed of concrete or other impervious material brought to a smooth finish, which platform must be provided with a supply of running potable water; or
 - (ii) a stainless steel sink or trough of adequate size with a drainage board and provided with a supply of running potable water;
- (h) the platform, sink or trough referred to in subparagraph (g) must be drained in terms of paragraph 27;

- (i) any wall surface within 0,5 metres of the platform, sink or trough referred to in subparagraph (g), must be permanently covered with waterproof material to a minimum height of 1,4 metres above the floor
- (j) a clearly designated change room must be provided if more than six persons are employed on the premises and every change room must —
 - (i) have a floor area providing at least 0,5 in for each employee;
 - (ii) have a minimum overall floor area of 6m and width of two metres; and
 - (iii) be equipped with an adequate metal locker for each employee;
- (k) where no change room is required in terms of subparagraph U), each employee must be provided with an adequate metal locker;
- (l) for the purposes of washing, clipping or grooming of pets —
 - (i) a bathroom fitted with a bath, or similar fitting, and a wash hand basin supplied with running potable water must be provided;
 - (ii) a clipping and grooming room fitted with impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids, for the storage of cut hair pending removal, must be provide
 - (iii) at least 50 % of the floor area of the rooms referred to in subparagraphs (i) and (ii) must unobstructed; and
 - (iv) the floors of the rooms referred to in subparagraphs (i) and (ii) must be graded to a channel drained in terms of paragraph 27;
- (m) all buildings, including storage areas, must be rodent-proof; and
- (n) the premises may not have direct internal access with any room or place
 - (i) used for human habitation;
 - (ii) where clothing is stored or sold; or
 - (iii) where food is prepared, stored or sold for human consumption.

Duties of pet shop or pet parlour keeper

22. Any keeper of a pet shop or pet parlour must —

(a) provide cages for housing the pets complying with the following requirements:

(i) the cages must be constructed of metal or other impervious material and fitted with a removable metal floor-tray to facilitate c

(ii) the exterior cavity of any tubular or hollow material used to construct a cage must be sealed;

(iii) the cages must be able to be moved easily;

(iv) where rabbits are kept in a cage, the metal floor-tray referred to in subparagraph (i), must be drained to a removable receptacle;

(iv) the cages must be fitted with a drinking vessel filled with water;

(v) the distance from any cage to the nearest wall must be a minimum of 150

(vi) the cages must be kept a minimum of 450 mm above floor level; and

(vii) the space below every cage must be unobstructed;

(b) provide rodent-proof receptacles, of an impervious material and with close fitting lids, for the storage of all loose pet food in the store room;

(c) provide adequate refrigeration facilities to store all perishable pet food on the premises;

(d) ensure that in any room in which the pets are kept —

(i) 50 % of the floor space is unobstructed; and

(ii) the cages are placed a minimum of 800 mm from one another;

(e) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment or appliances used in connection with the pet shop, in a clean and sanitary condition, free from pests and in good repair;

(f) provide overalls or other protective clothing for employees and ensure that the employees wear them when on duty;

- (g) provide isolation facilities in which every pet which is, or appears to be, sick must be kept while on the premises;
- (h) provide an adequate supply of potable water for drinking and cleaning purposes;
- (i) provide adequate ventilation to ensure the comfort and survival of the pets; and
- (j) ensure that the number of pets contained in each cage does not impede their free movement.

PART I

KEEPING OF WILD ANIMALS

Requirements for the premises

23. No person may keep wild animals on premises that do not comply with the following requirements:

- (a) all wild animals must be kept in enclosures constructed and equipped as follows —
 - (i) the enclosure must satisfy the needs of the specific animal as specified by the relevant nature conservation authorities;
 - (ii) the enclosure may not be situated within 50 metres of —
 - (aa) any boundary of the premises;
 - (bb) any dwelling, building or structure used for human habitation;
 - (cc) any dwelling, building or structure where food is stored, handled or prepared for human consumption; or
 - (dd) any water resource intended for domestic consumption;
 - (iii) an adequate supply of potable water for drinking and cleaning purposes must be provided; and

- (iv) the enclosure must be graded and drained in a way that does not pollute any water resource or create a municipal health nuisance;
- (b) a separate room, equipped with a preparation table and wash-up sink, supplied with running potable water and drained in accordance with paragraph 27, must be provided for the preparation of food;
- (c) adequate facilities must be provided for washing any cages, trays, crates, refuse receptacles and food containers in the form of either —
 - (i) a curbed platform constructed of concrete or other impervious material brought to a smooth finish; or
 - (ii) a stainless steel sink or trough adequate in size to accommodate the equipment to be washed;
- (d) both facilities referred to in subparagraph (c) must be provided with a supply of running potable water and be drained in accordance with paragraph 27; and (e) all areas and rooms in which fodder and food are stored must be rodent-proof.

Duties of keeper of wild animals

24. Any person that keeps wild animals must —

- (a) maintain the premises in a clean and sanitary condition at all times;
- (b) clean all manure and food scraps from any enclosure at adequate intervals; and
- (c) prevent the soil beneath or around any enclosure from becoming saturated with urine.

PART J

KEEPING OF PIGS

Requirements for premises

25. No person may keep pigs in or on residential premises but only on agricultural premises which must comply with the following requirements:

- (a) every wall must —
 - (i) be constructed of brick, stone, concrete or other durable material;
 - (ii) have a minimum height of 1,5 metres; and
 - (iii) have a smooth, impervious internal surface;
- (b) the floor area must provide at least 3m for each pig accommodated in the pigsty, with an overall minimum floor area of 6 m
- (c) the roof over any portion of a pigsty must have a minimum height of 1,5 metres;
- (d) except in the case of a roofed structure having one of its long sides completely open, the lighting and ventilation openings must —
 - (i) be situated opposite one another in the external walls; and
 - (ii) provide a minimum of 0,15 m for each pig;
- (e) the floor must be —
 - (i) at least 150 mm above the surrounding ground level;
 - (ii) constructed of concrete or other durable and impervious material brought to a smooth finish; and
 - (iii) graded for the run-off of liquids into an open channel outside the pigsty;
- (f) the open channel referred to in subparagraph (e)(iii) must—
 - (i) be constructed of concrete or other durable and impervious material;
 - (ii) be a minimum of 100 mm in diameter; and
 - (iii) be drained in terms of paragraph 27:
- (g) the pigsty must be strong enough to prevent the pigs breaking out:
- (h) the pigsty may not be situated within 100m of-
 - (i) the boundary of the premises:

- (ii) any dwelling, building or structure used for human habitation;
- (iii) any dwelling, building or structure in which food is prepared, stored or sold for human consumption;
- (iv) any water resource intended for domestic consumption:
 - (l) a roofed over concrete platform must be provided for —
 - (i) the storage of all swill in containers; and
 - (ii) the preparation of pig feed;
 - (j) the platform referred to in subparagraph (l) must comply with the provisions of subparagraph (e) and in addition, must have a curbing of a minimum height of 100 mm on each edge; and
- (k) a potable water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the pigsty.

Duties of keeper of pigs

26 Every person keeping pigs must

- (a) ensure that every pig is kept within a pigsty;
- (b) maintain the premises and any equipment, apparatus, container or receptacle in a clean and sanitary condition and in good repair;
- (c) provide portable storage receptacles, of impervious material and with close fitting lids, to store manure;
- (d) keep all manure storage receptacle on a platform that complies with paragraph
- (e) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles;
- (f) remove the contents of the manure storage receptacles from the premises at least once every second day and dispose of the manure in a manner that will not create a municipal health nuisance;

- (g) provide a rodent-proof store-room in which all feed, other than swill, must be stored; and
- (h) provide rodent-proof receptacles, with close fitting lids, in which to store all loose feed.

PART K

MISCELLANEOUS

Drainage

27. Any person keeping animals must ensure that all sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, channels and washing platforms required to be drained in terms of this Schedule, must be drained in accordance with provisions of the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977).

Dangerous animals

28.(1) No person may without a permit issued by an environmental health practitioner, keep any wild animal of a species that is dangerous to humans, including without limitation, large carnivores, highly venomous snakes, spiders or scorpions.

(2) Any person who keeps any animal that is known to behave in a manner that is dangerous to humans must keep it in an adequate enclosure and take adequate measures to ensure that it does not escape from the premises or pose a danger to the residents of, or visitors to, the premises.

Requirements for keeping of bees

29.(1) No person may keep bees on any premises unless —

- (a) the person is in possession of a valid permit and
- (b) the bee hive is situated —
 - (i) a minimum of five metres from any boundary of the premises; and

- (ii) a minimum of ten metres from any public place or building used for human habitation;
- (c) the bees are kept in an approved bee hive; and
- (d) the bee hive is —
 - (i) kept in an area inaccessible to children and animals;
 - (ii) kept in the shade at all times; and
 - (iii) supplied with a source of drinking water within five metres of the hive.
- (2) No person may dump or deposit any garbage, compost, grass cuttings or manure within five metres of any bee hive;

Illness attributable to animals

30.(1) The illness of any person, which that may be attributed to any animal kept or handled by that person, must be reported to an environmental health practitioner within 24 hours of diagnosis, by the person making the diagnosis.

(2) An environmental health practitioner may order the removal of the animal from the premises if he or she reasonably believes that the animal poses a municipal health hazard or municipal health nuisance.

Keeping of and slaughtering animals for religious and ceremonial purposes

31.(1) Any parson that keeps en animal prior to slaughtering it for religious or ceremonial purposes must comply with the provisions of this By-law.

- (2) A person intending to slaughter en animal in any place other than in a recognized abattoir must:
- (a) notify the Municipality in writing, fourteen days prior to the event;
 - (b) notify all neighbours in writing, seven days prior to the event;
 - (c) screen doe slaughtering process from the public;
 - (d) use the meat derived from the slaughtered animal solely for the purposes of the religious or ceremonial feast;

- (e) handle the meat in a hygienic manner at all times; and
- (f) dispose of any portions of the animal that are not used or consumed, in the manner prescribed by the environmental health practitioner.

SCHEDULE 16
DISPOSAL OF THE DEAD

PART A
FUNERAL UNDERTAKERS AND BURIALS

1. Definitions

“authorised person” means an Environmental Health Practitioner registered in terms of the Health Professions Act, 1974 (Act No.56 of 1974) and appointed in terms of the National Health Act, 2003 (Act No.61 of 2003) to provide Municipal Health Services.

“body” means a dead human body or the remains thereof and **“corpse”** has a corresponding meaning.

“Department” means the relevant Municipal Health Services

“designated facility” means a mortuary designed for purposes of storing bodies and where applicable, to perform post mortem examinations and autopsies,

“funeral undertaker” has a corresponding meaning.

“designated vehicle” means a public mortuary vehicle, especially adapted in terms of applicable specifications to transport bodies;

“unnatural death”, for the purpose of medico-legal investigation of death, the following shall be deemed to be deaths due to unnatural causes -

any death due to physical or chemical influence, direct or indirect, or related complications;

any death, including those deaths which would normally be considered to be a death due to natural causes, which in the opinion of a medical practitioner, has been the result of an act of omission or commission which may be criminal in nature; or where

the death is sudden and unexpected, or unexplained, or where the cause of death is not apparent.

Operation of Funeral Undertakers

2. Unless otherwise indicated, the following provisions shall apply –

Funeral Undertaking Services

3. (1) The service contemplated in this By-law includes, but not limited to, - (a) taking responsibility for the collection of a body and removal from the scene of death;

(b) taking custody of a body from the scene of death until released for burial or cremation, and the processes attached thereto;

(c) maintaining evidence relating to a body and any associated items at all times;

Removal and transportation of body

4. (1) The service referred to in this By-law shall be responsible for the handling and transportation of a body in a designated vehicle to a designated facility.

(2) A person in charge of a health establishment where a person has been declared dead and the cause of death appears to be unnatural must immediately notify the South African Police Service and the Service of such death.

(3) The Service may only remove a body from the scene of death or health establishment after the South African Police Services has given written authority for removal of such body by the Service.

(4) (a) A body may only be removed from one designated facility to another after the written approval of a person in charge of the facility from where a body is being removed.

(b) The approval contemplated in paragraph (a) must be given after consultation with the South African Police Services.

Admission of body

5 (1). The Service may not admit a body to a designated facility unless –

(a) Such body is certified dead or it is in such a state that it is accepted with certainty that the person is dead.

(b) An individual case file is opened for such a body and a register number assigned, and

(c) Such body is provisionally identified either by name or register number contemplated in paragraph (b)

6(1). The person in charge of a designated facility to which a body has been admitted in accordance with paragraph (5) must ensure that a photograph of the face of the deceased is taken and all fingerprints of the deceased are taken.

Storage of body

7 (1) (a) The person in charge of a designated facility must ensure that a refrigerated facility, maintained at a set temperature, is used to store all bodies.

(b) All bodies must be labelled, provided with a registration number and each body must be enclosed in a bag made for that purpose.

(2) The person in charge of a designated facility must ensure that the temperature of each fridge that contains a body is recorded on a graph at least twice per day.

(3) The person in charge of a designated facility must set up control measures to ensure that only authorized persons have access to the bodies, areas related to post mortem examinations and to the storage facility in which bodies are kept.

(4) The official authorized to admit or remove bodies must record any removal of a body in an incident log, including its identity, where available, date, time and purpose of such removal.

(5) The person in charge of a designated facility must keep a register in which any file or any part thereof, that is removed from the storage facility is recorded, and in which he/she must enter all particulars of the person authorised to remove such file or any part thereof, purpose, date and time removed and returned and information extracted from there from.

Identification of body

8 (1). A body must only be identified by a spouse, partner, major child parent, guardian, major brother, major sister, care-giver or any person with personal knowledge of the deceased and is in possession of such deceased person's authentic identification document.

Release of body

9 (1). A body must only be released from the Service after –

(a) the spouse, partner, major child, parent, guardian, major brother, major sister, care-giver has given a written consent, or by order of the Court;

(b) the authorised person, after consultation with the investigation officer, has given approval for such release of the body; and

(c) where necessary, an appropriate tissue or blood sample has been procured or other investigations done, in order to assist with the medico-legal investigation and to facilitate the scientific identification of the deceased.

10. where the person giving consent as contemplated in subparagraph 13(a) is unable to pay for the burial of the body, the local municipality having jurisdiction of the area where the body was stored, must provide for a proper burial or cremation of such a body.

Unidentified body

11. A body that has not been identified must be moved to a freezer within seven days of admission and if such body remains unidentified for 30 days, the local municipality under whose jurisdiction the designated facility is, must provide for a pauper burial or cremation of such a body.

PART B

EXHUMATIONS AND RE-INTERMENT OF HUMAN MORTAL REMAINS

12 (1). No person shall undertake any exhumation or re-interment of human mortal remains in or from any grave in the Bojanala Platinum District without permission or order from Municipal Health Services.

(2) No exhumations and re-interments of human mortal remains shall take place without the presence of all relevant departments, affected members and stakeholders;

(3) All exhumations and re-interment activities shall be communicated to relevant affected members ;

(4) All activities shall be conducted in such a manner that will not pose any health threat to members of the public or affected members;

(5) The departments involved shall take all measures necessary to screen activities from direct public view.

(6) The Funeral Undertaker conducting the exhumation process shall take all necessary steps to ensure that its employees are provided with personal protective equipment and clothing when engaged in the activities.

SCHEDULE 17

CHILD-CARE FACILITIES AND SERVICES

Definitions

1. In this Schedule, unless the context indicates otherwise –

“child care premises” means premises on which child-care services are offered; and

“child care services” means any residence or home maintained or used, whether for gain or otherwise, for the reception, protection, care and bringing –up of more than six children apart from their parents, but does not include any reform school, boarding school, school hostel or any establishment which is maintained or used mainly for the tuition or training of children and which is controlled by or which has been registered or approved by the State, including a provincial administration as defined in the Child Care Act, 1983 (Act No. 74 OF 1983).

Permit requirements

3. No person may provide child-care services except on child-care premises that comply with paragraph 3 to 18 of this Schedule an in terms of a valid permit.

General requirements for child care premises

4. No person may provide a child-care services in or on premises that do not comply with the requirements that all premises must be located, designed, constructed, finished, equipped and be in such condition that children –

(a) can be cared for hygienically; and

(c) can be adequately protected against all possible municipal health hazards and municipal health nuisance.

CHILD CARE FACILITIES

Requirements

4. (1) No Child Care Facility may be operated without the written approval of the Municipality, which approval may be subjected to conditions.

(2) Applications for approval must be made on the prescribed form and will only be processed after payment of the application fee approved from time to time by the Municipality.

(7) Written approval in terms of subsection (1) does not exempt any person from the requirements of any other law related to the care of children and/or the use of the premises concerned.

(4) Notwithstanding subsection (1) all child care facilities legally in operation at the time of promulgation of this By-law shall be exempted from requiring written approval for a period of one year from such promulgation.

Indoor play areas

5. Child-care premises that care for children under compulsory school-going age, must be provided with an indoor play area which must –

(a) be enclosed by buildings and structures, constructed of materials and in a manner that ensures the health and safety of children using these areas;

(b) have a floor that is smooth, easily washable and which prevents the permeation of dampness;

(c) have an indoor play area with a minimum of 1,5m free unobstructed floor space per child, or 3m if no outdoor play area is provided, and that is separated by

walls or removable partitions into separate indoor play areas in which children of the following age groups are cared for separately at all times;

- (i) 0-2 years
- (ii) 2 -4 years;
- (iii) 4 years up to compulsory school-going age; and
- (iv) school going children;

Outdoor play areas

6. If child-care premises have an outdoor play area it must –

- (a) be free of any excavations, steps projects, levels or any surface which may adversely impact on the health and safety of children using these areas;
- (b) provide a minimum outdoors play area of 2m per child;
- (c) have an adequate means of enclosure and lockable gates to prevent a child leaving the premises on his or her own and to prevent the entrance of animals or unauthorised persons;
- (d) have separate outdoor play areas for the following different age groups;
 - (i) 0 -2 years;
 - (ii) 2 – 4 years;
 - (iii) 4 up to compulsory school going age;
 - (iv) school-going children.

Toilet and wash facilities

7. Child-care premises must have adequate toilet and wash facilities for all children with;

- (a) a ratio of not more than 15 children for each toilet or chemical toilet;
- (b) a ratio of not more than 20 children for each hand wash facility, and

- (c) a supply of hot and cold running potable water must be available at the wash hand basins, or if no running water is available, a minimum of 25 litres of potable water, stored in a hygienically clean container, must be available at all times on the premises.

Toilet and wash facilities for children under the age of 2 years

8. Child-care premises must provide the following additional toilet and wash facilities for children under the age of 2 years –

- (a) a separate napkin changing unit for changing the napkin under the age of 2 years;
- (b) adequate wash facilities to clean children wearing napkins
- (c) adequate containers for the storage of clean and soiled napkins.

General requirements

9. No person may operate a child-care service unless the child-care premises comply with the following additional requirements;

- (a) separate toilet and hand wash facilities must be provided for staff members;
- (b) no children may have, at any time, access to living quarters of staff and adequate measures must be taken to keep the living quarters separate;
- (c) an adequate area for the treatment and care of any child who falls ill or who is injured during day care, must be provided ("sick bay area");
- (d) an adequate method for hand washing must be provided in the sick bay area;

- (e) an approved lockable and adequately equipped first aid unit must be provided and maintained in the sick bay area;
- (f) an adequate office area must be provided;
- (g) an adequate kitchen area, where food is to be handled, prepared, stored or provided to children, must be provided;
- (h) the kitchen area referred to in subparagraph
- (g) must with any relevant legislation;
- (i) a separate storage area must be provided for the storage of indoor and outdoor play materials, equipment, stretchers, sleeping mats, bedding and linen; and
- (j) a separate designated storage facility for the storage of the personal belongings of each child and staff member must be provided .

Resting and play equipment

10. Any person who undertakes child-care services must provide;
- (a) adequate child-sized seating and tables for each child;
 - (b) adequate individual resting or sleeping places for each child;
 - (c) an approved blanket for the individual use of each child; and
 - (d) adequate indoor and outdoor play equipment for the children's use.

After School facilities

11. Any person who operates a child-care service must provide the following after-school care facilities in respect of school-going:

- (a) where an after-school care is provided on the same premises as for the care of children under school going age, the facilities must be kept totally separate, except for the kitchen and office area;
- (b) an indoor care area of at least 1,5m² free floor space for each child must be provided;
- (c) an outdoor play area of at least 2m for each child must be provided;
- (d) one toilet and one hand-wash facility must be provided for every 20 children, or part of that number, and the facilities must be separately designated for the use of each sex; and
- (e) adequate seating and tables must be provided for each child.

Medical care for children

12. Any person who offers a child-care service or is in charge of child-care premises must –

- (a) in respect of any child who becomes ill or has suffered an injury requiring medical attention-
 - (i) immediately notify the parent or guardian of the child
 - (ii) immediately call for medical assistance; and
 - (ii) provide necessary care and treatment in a designated sick bay area;
- (b) immediately notify the Municipality in the event of the illness being a communicable disease;
- (c) ensure that all children have completed basic immunization schedules as deemed necessary by the Municipality;
- (d) comply with the provisions of any relevant legislation and regulations published under the Health Care Act, 1977 (Act No. 63 of 1977), as amended,

regarding the exclusion of children from day-care services on account of infectious diseases;

- (e) be trained in basic first aid; and
- (f) only administer medicine to a child with the written consent of that child's parent or guardian.

Safety Measures

13. No person may operate a child-care service unless the following safety measures are complied with;

- (a) children must be adequately protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other articles or thing or substance that may be dangerous or cause injury to any child;
- (b) any slats or rails forming part of an enclosure, security gate, play pen, bed, cot or any other object or structure whatsoever, must be a minimum of 75mm apart, must be installed and maintained in a good state of repair, and if painted, only non-toxic paint must be used;
- (c) all medicines, pesticides, detergents and other harmful substances must be stored in a locked place inaccessible to any child at all times;
- (d) no noxious or poisonous or dangerous plant or shrub may be permitted on the premises;
- (e) no animals or birds may be kept on the premises
- (f) no person known or suspected to be suffering from an infectious or contagious disease, and no person so suffering from any infectious or contagious disease, and no person so suffering, may be allowed on the premises while in the

opinion of the environmental health practitioner, the person is capable of communicating the infectious or contagious diseases;

(g) no paddling pool, swimming pool or other structure may be permitted in any child-care service without an adequate fencing and safety net;

(h) any sandpit must be adequately covered when not in use and must be treated with a treatment agent on a regular basis; and

(i) any other reasonably measures that may in the opinion of the environmental health practitioner be necessary to protect the children from any physical danger, must be taken by the child-care service provider on instruction of the environmental health practitioner.

General duties of a child-care service provider

14. Any person who operates a child-care service must-

(a) ensure that the children are properly cared for and supervised at all times;

(b) maintain every part of the premises, including any equipment, in good repair and in a clean and hygienic condition at all times;

(c) ensure that all persons on or in the premises are clean in person and clothing and are in good state of health;

(d) ensure that no person may smoke or use any tobacco product in the presence of children;

(e) ensure the toys, books and other indoor play materials intended for day-to-day use are available in the indoor play areas and suitably stored so that they are within easy reach of the children;

(f) ensure that the children are at all times under the direct supervision of adults in the in the following ratio:

- (i) one adult supervisor for every 6 babies between 0-18 months
- (ii) one adult supervisor for every 12 children between 18 months and 3 years;
- (iii) one adult supervisor for every 20 children between 3 and 5 years
- (iv) one adult supervisor for every 30 children between 5 and 6 years; and
- (iv) one adult supervisor for every 35 children of school going age;

(g) if transport to or from a child care service is provided, the provider of the child-care service must ensure that -

- (i) the children are supervised by at least one adult apart from the driver during transport;
- (ii) the doors of the vehicle are lockable so that they cannot be opened from inside the vehicle;
- (iv) no babies are placed under the seat of a vehicle;
- (v) no babies are placed under the seat of a vehicle
- (vi) the driver of the vehicle holds a valid licence to transport the passengers;
- and (vii) the vehicle is licensed and is in a road worthy condition;
- (viii) the vehicle is licensed and is in a road worthy condition;

(h) when children are transported in the back of an enclosed light commercial vehicle, ensure that no exhaust fumes enter the enclosed area and that it is adequately ventilated;

(j) if meals are provided, display a two weekly menu that must be visible to the parents;

(j) provide nutritionally balanced meals of adequate volume to satisfy the energy needs of the children in each age group;

(k) provide a laundry area an adequate distance from any area used to care for children or the kitchen, if laundry is done on the premises.

- (l) provide and an adequate number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waster materials, inside the premises;
- (m) provide an approved refuse area, with adequate refuse bins, for the storage of refuse pending removal;
- (n) provide each child with a towels, preferably disposable, for the individual use on the premises;
- (o) provide adequate individually marked pegs or hooks for each child to hang his or her towel on;
- (p) Provide an adequate and easily available supply of toilet paper, soap and tissues for the for the children's use.

Application for admission

15. Any person who operates a child-care service must ensure that

- (a) an application form containing the following information is completed by the parent or parent of guardians of every child when he or she is admitted to the child-care service;
 - (i) the child's name and date of birth;
 - (ii) name, address and telephone number of the parent or guardian
 - (iii) place of employment and telephone number of the child's doctor together with permission to consult him;
 - (iv) name, address and telephone number of a responsible person other than the parent or guardian who may be consulted in emergencies; and
 - (v) name, address and telephone number of the child's doctor together with permission to consult him;
 - (vi) all application forms are kept for a minimum of three years; and
- (b) the date of admission and discharge of each child is written on each form;

Registers

16. Any person who operates a child-care service must keep an admission and discharge register of all children admitted to and discharged from the child-care service, in which –

- (d) the presence or absence of each child is recorded daily; and
- (e) each child's dates of birth are recorded.

Medical report

17. Any person who operates child-care services must obtain a report from the parent or guardian of each child containing the following health data;

- (a) information concerning the child's general state of health and physical condition;
- (b) operations, illnesses, and any communicable diseases which the child has
- (c) details of required immunizations; and
- (d) details of allergies and any medical treatment the child may be undergoing.

General journal

18. Any person who operates a child-care service must keep a journal, diary, log book or book of similar nature in which important or outstanding events, including accidents and explanations are recorded.

Medical Journal

19. Any person who operates a child-care service must keep a medical journal in which the details and quantity of any medicine given to a child is recorded, and the child-care provider must ensure that the journal is signed daily by the parent or guardian of any child to whom medicine was given.