



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

Provincial Gazette Provinsiale Koerant

(Registered as a newspaper) • (As 'n nuusblad geregistreer)

Vol. 23

NELSPRUIT
10 JUNE 2016
10 JUNIE 2016

No. 2701

PART 1 OF 2

We all have the power to prevent AIDS



**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

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ISSN 1682-4518



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Government Printing Works

Notice submission deadlines

Government Printing Works has over the last few months implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submit your notice request.

In line with these business rules, GPW has revised the notice submission deadlines for all gazettes. Please refer to the GPW website www.gpwonline.co.za to familiarise yourself with the new deadlines.

CANCELLATIONS

Don't forget!

Cancellation of notice submissions are accepted by GPW according to the deadlines stated in the table above.

Non-compliance to these deadlines will result in your request being failed. **Please pay special attention to the different deadlines for each gazette.**

Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

take note!

With effect **from 01 October**, GPW will not longer accept amendments to notices. The cancellation process will need to be followed and a new notice submitted thereafter for the next available publication date.

CUSTOMER INQUIRIES



Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While GPW deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a **2-working day turnaround time for processing notices** received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

PROOF OF PAYMENTS

REMINDER

GPW reminds you that all notice submissions **MUST** be submitted with an accompanying proof of payment (PoP) or purchase order (PO). If any PoP's or PO's are received without a notice submission, it will be failed and your notice will not be processed.

When submitting your notice request to submit.egazette@gpw.gov.za, please ensure that a purchase order (GPW Account customer) or proof of payment (non-GPW Account customer) is included with your notice submission. All documentation relating to the notice submission must be in a single email.

A reminder that documents must be attached separately in your email to GPW. (In other words, your email should have an Adobe Form plus proof of payment/purchase order – 2 separate attachments – where notice content is applicable, it should also be a 3rd separate attachment).

REMINDER OF THE GPW BUSINESS RULES

- Single notice, single email – with proof of payment or purchase order.
- All documents must be attached separately in your email to GPW.
- 1 notice = 1 form, i.e. each notice must be on a separate form
- Please submit your notice **ONLY ONCE**.
- Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
- The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.



eGazette



IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

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NOTICE SUBMISSION DEADLINES FOR ORDINARY GAZETTES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 12h00 - 3 days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00, to be published the following Friday	Tuesday, 12h00 - 3 days prior to publication
Petrol Price Gazette	As required	First Wednesday of the month	One week before publication	3 days prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00, to be published the following Friday	3 days prior to publication
Unclaimed Monies (justice, labour or lawyers)	January / As required 2 per year	Any	15 January / As required	3 days prior to publication
Parliament (acts, white paper, green paper)	As required	Any		3 days prior to publication
Manuals	As required	Any	None	None
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 12h00 - 3 days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 12h00 - 3 days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 days prior to publication
North West	Weekly	Tuesday	One week before publication	3 days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 days prior to publication
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
Mpumalanga Liquor License Gazette	2 per month	Second & Fourth Friday	One week before	3 days prior to publication

GOVERNMENT PRINTING WORKS CONTACT INFORMATION**Physical Address:**

Government Printing Works
149 Bosman Street
Pretoria

Postal Address:

Private Bag X85
Pretoria
0001

GPW Banking Details:

Bank: ABSA Bosman Street
Account No.: 405 7114 016
Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

E-mail: submit.egazette@gpw.gov.za

For queries and quotations, contact: Gazette Contact Centre:

E-mail: info.egazette@gpw.gov.za

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2016

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1000 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	250.00
Ordinary National, Provincial	2/4 - Half Page	500.00
Ordinary National, Provincial	3/4 - Three Quarter Page	750.00
Ordinary National, Provincial	4/4 - Full Page	1000.00

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3000** per page.

GOVERNMENT PRINTING WORKS BUSINESS RULES

Government Printing Works has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic Adobe Forms. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format, to the email submission address submit.egazette@gpw.gov.za. All notice submissions not on Adobe electronic forms will be rejected.
3. When submitting your notice request, please ensure that a purchase order (GPW Account customer) or proof of payment (non-GPW Account customer) is included with your notice submission. All documentation relating to the notice submission must be in a single email and must be attached separately. (In other words, your email should have an Adobe Form plus proof of payment/purchase order as 2 separate attachments. Where notice content is applicable, it should also be a 3rd separate attachment).
4. Notices brought to GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format.
5. All "walk-in" customers with notices that are not on electronic Adobe forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.
6. For National or Provincial gazette notices, the following applies:
 - 6.1 These notices must be accompanied by an electronic Z95 or Z95Prov Adobe form
 - 6.2 The notice content (body copy) MUST be a separate attachment.
7. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
8. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za)
9. All re-submissions will be subject to the standard cut-off times.
10. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
11. The electronic Adobe form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered.
12. Requests for Quotations (RFQs) should be received by the Contact Centre at least 24 hours before the submission deadline for that specific publication.

APPROVAL OF NOTICES

13. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

The Government Printer indemnified against liability

14. The Government Printer will assume no liability in respect of—
 - 14.1 any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;

- 14.2 erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
- 14.3 any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

15. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

COPY

16. Copy of notices must be submitted using the relevant Adobe PDF form for the type of notice to be placed and may not constitute part of any covering letter or document.
17. Where the copy is part of a separate attachment document for **Z95, Z95Prov** and **TForm03**
- 17.1 Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 17.2 The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

PAYMENT OF COST

18. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
19. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
20. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, Government Printing Works, PrivateBag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
21. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the Government Printing Works banking account.
22. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the Government Printing Works.
23. The Government Printer reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

24. Copies of the Government Gazette which may be required as proof of publication, may be ordered from the Government Printer at the ruling price. The Government Printer will assume no liability for any failure to post or for any delay in despatching of such Government Gazette(s).

IMPORTANT ANNOUNCEMENT**Closing times for the ORDINARY WEEKLY
MPUMALANGA PROVINCIAL GAZETTE 2016**

The closing time is 15:00 sharp on the following days:

- 13 May 2016, Friday for the issue of Friday 20 May 2016
- 20 May 2016, Friday for the issue of Friday 27 May 2016
- 27 May 2016, Friday for the issue of Friday 03 June 2016
- 03 June 2016, Friday for the issue of Friday 10 June 2016
- 09 June 2016, Thursday for the issue of Friday 17 June 2016
- 17 June 2016, Friday for the issue of Friday 24 June 2016
- 24 June 2016, Friday for the issue of Friday 01 July 2016
- 01 July 2016, Friday for the issue of Friday 08 July 2016
- 08 July 2016, Friday for the issue of Friday 15 July 2016
- 15 July 2016, Friday for the issue of Friday 22 July 2016
- 22 July 2016, Friday for the issue of Friday 29 July 2016
- 29 July 2016, Friday for the issue of Friday 05 August 2016
- 04 August 2016, Thursday for the issue of Friday 12 August 2016
- 12 August 2016, Friday for the issue of Friday 19 August 2016
- 19 August 2016, Friday for the issue of Friday 26 August 2016
- 26 August 2016, Friday for the issue of Friday 02 September 2016
- 02 September 2016, Friday for the issue of Friday 09 September 2016
- 09 September 2016, Friday for the issue of Friday 16 September 2016
- 16 September 2016, Friday for the issue of Friday 23 September 2016
- 23 September 2016, Friday for the issue of Friday 30 September 2016
- 30 September 2016, Friday for the issue of Friday 07 October 2016
- 07 October 2016, Friday for the issue of Friday 14 October 2016
- 14 October 2016, Friday for the issue of Friday 21 October 2016
- 21 October 2016, Friday for the issue of Friday 28 October 2016
- 28 October 2016, Friday for the issue of Friday 04 November 2016
- 04 November 2016, Friday for the issue of Friday 11 November 2016
- 11 November 2016, Friday for the issue of Friday 18 November 2016
- 18 November 2016, Friday for the issue of Friday 25 November 2016
- 25 November 2016, Friday for the issue of Friday 02 December 2016
- 02 December 2016, Friday for the issue of Friday 09 December 2016
- 08 December 2016, Thursday for the issue of Friday 16 December 2016
- 15 December 2016, Thursday for the issue of Friday 23 December 2016
- 22 December 2016, Thursday for the issue of Friday 30 December 2016

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 78 OF 2016

NOTICE OF APPLICATION FOR AMENDMENT OF TOWN PLANNING SCHEME IN TERMS OF SECTION 66 (REZONING) OF THE THABA CHWEU SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAWS, 2016
LYDENBURG AMENDMENT SCHEME 367/95

We, TERRAPLAN ASSOCIATES, being the authorised agent of the owners of Erf 4558 Lydenburg Extension 47 hereby give notice in terms of Section 66 (Rezoning) read with Sections 98 and 101 of the Thaba Chweu Spatial Planning and Land Use Management By-Laws, 2016, that we have applied to the Thaba Chweu Municipality, Lydenburg Administrative Unit for the amendment of the town-planning scheme known as Lydenburg Town Planning Scheme, 1995 by the rezoning of the property described above, situated on the corner of Bushwillow Street and Voortrekker Street, Lydenburg Extension 47, from "Business 2" to "Business 1" to be able to consolidate Erven 4557 and 4558. No extension of buildings is planned.

Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Thaba Chweu Municipality, Lydenburg Administrative Unit, Sentraal Street, Lydenburg for the period of 30 days from 03/06/2016.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at PO Box 61, Lydenburg, 1120, within a period of 30 days from 03/06/2016. Any person who cannot write may during office hours contact Ms. Innocent Sekgobela at the Lydenburg Administrative Unit, Sentraal Street who will assist with the transcription of said comments or objections.

Address of agent:

(HS 2559) Terraplan Associates, PO Box 1903, Kempton Park, 1620, First Floor, Forum Building, 6 Thistle Road, Kempton Park, Tel (011)394-1418/9

3-10

KENNISGEWING 78 VAN 2016

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 66 (HERSONERING) VAN DIE THABA CHWEU RUIMTELIKE BEPLANNING EN GRONDGEBRUIK BESTUURVERORDENING, 2016

LYDENBURG WYSIGINGSKEMA 367/95

Ons, TERRAPLAN MEDEWERKERS, synde die gemagtige agent van die eienaars van Erf 4558 Lydenburg Uitbreiding 47 gee hiermee ingevolge Artikel 66 (hersonering) saamgelees met Artikels 98 en 101 van die Thaba Chweu Ruimtelike Beplanning en Grondgebruik Bestuurverordening, 2016 kennis dat ons by die Thaba Chweu Munisipaliteit, Lydenburg Administratiewe Eenheid aansoek gedoen het om die wysiging van die dorpsbeplanningskema bekend as Lydenburg Dorpsbeplanningskema, 1995 deur die hersonering van die eiendom hierbo beskryf, geleë op die hoek van Bushwillow Straat en Voortrekker Straat, Lydenburg Uitbreiding 47, vanaf "Besigheid 2" na "Besigheid 1" ten einde Erwe 4557 en 4558 te kan konsolideer. Geen uitbreiding van geboue word beplan nie.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Thaba Chweu Munisipaliteit, Lydenburg Administratiewe Eenheid, Sentraalstraat, Lydenburg vir 'n tydperk van 30 dae vanaf 03/06/2016.

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf 03/06/2016 skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Posbus 61, Lydenburg, 1120 ingedien of gerig word. Enige persoon wat nie kan skryf nie kan Ms. Innocent Sekgobela by Lydenburg Administratiewe Eenheid, Sentraalstraat kontak waar hulle gehelp kan word om sodanige besware of kommentaar op skrif te stel.

Adres van agent:

(HS 2559) Terraplan Medewerkers, Posbus 1903, Kempton Park, 1620, Eerste Vloer, Forumgebou, Thistleweg 6, Kempton Park Tel (011)394-1418/9

3-10

NOTICE 79 OF 2016

NOTICE OF APPLICATION FOR AMENDMENT OF THE DELMAS TOWN PLANNING SCHEME, 2007 IN TERMS OF SECTION 56 (1)(b)(i) OF THE TOWNPLANNING AND TOWNSHIPS ORDINANCE, 1986, READ TOGETHER WITH SPLUMA, ACT 16 OF 2013

DELMAS AMENDMENT SCHEME 139/2007

I, Laurette Swarts Pr. Pln of Korsman & Associates being the authorised agent of the owner of Erf 26 Delmas Township, Registration Division I.R., Province of Mpumalanga hereby give notice in terms of section 56(1)(b)(i) of the Town Planning and Townships Ordinance, 1986, read together with SPLUMA, 2013, that I have applied to the Victor Khanye Local Municipality for the amendment of the town planning scheme known as the Delmas Town Planning Scheme, 2007 by the rezoning of the properties described above, situated at 6th Street from "Residential 2" to "Business 2" for the purpose of offices. Particulars of the application will lay for inspection during normal office hours at the office of the Chief Town Planner, corner of Van Der Walt Street and Samuel Road, Delmas for a period of 28 days from **3 June 2016**.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O Box 06, Delmas, 2210 within a period of 28 days from **3 June 2016**.

Address of applicant: Korsman & Associates, Private Bag X7294, Suite 295, Witbank, 1035, Phone: 013-650 0408, Fax: 086 663 6326, Email admin@korsman.co.za

Our ref: R16164-advGazette

3-10

KENNISGEWING 79 VAN 2016

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DIE DELMAS DORPSBEPLANNINGSKEMA, 2007 INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986, SAAMGELEES MET SPLUMA, WET 16 VAN 2013

DELMAS WYSIGINGSKEMA 139/2007

Ek, Laurette Swarts Pr. Pln van Korsman & Venote synde die gemagtigde agent van die eienaar van Erf 26 Delmas Dorpsgebied, Registrasie Afdeling I.R., Provinsie van Mpumalanga gee hiermee ingevolge artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, saamgelees met SPLUMA, 2013, kennis dat ek by die Victor Khanye Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema, bekend as die Delmas Dorpsbeplanningskema 2007 deur die hersonering van die eiendomme hierbo beskryf, geleë te Sesdestraat, vanaf "Residensieel 2" na "Besigheid 2" vir die doeleinde van kantore. Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Hoof Stadsbeplanner, hoek van Van Der Waltstraat en Samuelweg vir 'n tydperk van 28 dae vanaf **3 Junie 2016**. Besware teen of vertoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf **3 Junie 2016** skriftelik tot die munisipale Bestuurder by bovermelde adres of by Posbus 06, Delmas, 2210 ingedien of gerig word.

Adres van applikant: Korsman & Venote, Privaatsak X7294, Suite 295, Witbank, 1035, Tel: 013-650 0408 Faks: 086 663 6326, E-pos admin@korsman.co.za

Ons verwysing: R16164-advGazette

3-10

NOTICE 80 OF 2016**REMOVAL OF RESTRICTIONS ACT, 1967 [ACT 84 OF 1967]**

It is hereby noted in terms of Section 2(1) of the Removal of Restrictions Act, 1967 that the MEC for the Department of Agriculture, Rural Development and Land Administration has approved the removal of the following condition in terms of Section 3(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967):

- a) Condition (e) on Page 3 of Title Deed T4554/2000 applicable to Erf 1039 Siyathemba.

The approval was conditional and a copy of the decision letter can be obtained from the agent or the Department of Agriculture, Rural Development and Land Administration (Ref.: DALA 15/3/2/1/4 [4]).

Address of agent: Alida Steyn Stads- en Streekbeplanners BK, PO Box 2526, Wilropark, 1731 Tel: (011) 955-4450
E-mail: alidasteyn@mweb.co.za (Ref: 2010/29)

KENNISGEWING 80 VAN 2016**WET OP DIE OPHEFFING VAN BEPERKINGS, 1967 (WET 84 VAN 1967)**

Kennis geskied hiermee ingevolge die bepalings van Artikel 2(1) van die Wet op die Opheffing van Beperkings, 1967, dat die LUR van die Departement van Landbou, Landelike Ontwikkeling en Grond-administrasie die opheffing van volgende voorwaarde goedgekeur het ingevolge Artikel 3(1) van die Wet op die Opheffing van Beperkings, 1967 (Wet 84 van 1967):

a) Voorwaarde (e) op Bladsy 3 van Akte van Transport T4554/2000, van toepassing op Erf 1039 Siyathemba.

Die goedkeuring was voorwaardelik en 'n afskrif van die goedkeuring kan verkry word van die agent of die Departement van Landbou, Landelike Ontwikkeling en Grond-administrasie (Verw.: DALA 15/3/2/1/4 [4]).

Address of agent: Alida Steyn Stads- en Streekbeplanners BK, Posbus 2526, Wilropark, 1731 Tel: (011) 955-4450
E-pos: alidasteyn@mweb.co.za (Verw: 2010/29)

PROCLAMATION • PROKLAMASIE**PROCLAMATION 18 OF 2016****EMALAHLENI LOCAL MUNICIPALITY
NOTICE OF APPROVAL OF AMENDMENT SCHEME 1207**

The Local Municipality of Emalahleni declares hereby in terms of the provisions of Section 57(1)(a) of the Town-Planning and Townships Ordinance, 1986, that it has approved an amendment scheme, being an amendment of the Emalahleni Land Use Management Scheme, 2010, by the rezoning of Erf 1077, Tasbetpark from "Institutional" to "Residential 3" for the purpose of developing townhouses.

Map 3 and the scheme clauses of the amendment scheme are filed with the Director, Department of Agriculture, Rural Development and Land Administration Mpumalanga Province, and the Municipal Manager, Emalahleni Local Municipality and are open for inspection at all reasonable times. This amendment is known as Emalahleni Amendment Scheme 1207 and shall come into operation on date of publication of this notice.

**T JANSEN VAN VUUREN
MUNICIPAL MANAGER**

Civic Centre
Mandela Street
eMALAHLENI
1035

P.O. Box 3
eMalahleni
1035

Notice Number : 20/2016
Publication date : Provincial Gazette of Mpumalanga: 10 June 2016

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 43 OF 2016****EMALAHLENI AMENDMENT SCHEME 2115 and 2116**

We, Khano Afrika (Pty) Ltd, being the authorized agent of the registered owners of the Erven mentioned below, hereby give notice in terms of Section 56(1) (b) (i) of the Town Planning and Township Ordinance (Ordinance 15 of 1986) in addition to Section 2 (2) in terms of the Spatial Planning and Land Use Act, (Act 16 of 2013) (SPLUMA), that I have applied to the Emalahleni Local Municipality for the amendment of Land Use Scheme, known as Emalahleni Land Use Management Scheme, 2010, in the following manner:

- ✚ Amendment scheme number 2115: Rezoning of Erf 208 Tasbet Park from "Residential 1 to Residential3" For the purpose of erecting a residential building.
- ✚ Amendment scheme number 2116: Rezoning of Erf 3053 Witbank Ext 16 from "Residential 1 to Business 4" for the purpose of erecting offices.

Particulars of the application will lie for inspection during normal office hours at the office of the municipal manager Emalahleni Local Municipality, Mandela Street, Witbank for a period of 28 days from 03 June 2016. Objections to or representations in respect of the application must be lodged with or made in writing to the municipal manager at the above address or at Emalahleni Local Municipality, PO Box 3, Witbank, 1035, within a period of 28 days from the 03 June 2016.

Address of agent: 420 C Thenus van Niekerk Street Centurion | Pretoria | 0157, Tel: 078 453 6444, Fax; 086 239 8342, Email: info@khanoafrika.co.za

PLAASLIKE OWERHEID KENNISGEWING 43 VAN 2016**EMALAHLENI WYSIGINGSKEMA 2115 en 2116**

Ons, Khano Afrika (Edms) Bpk, synde die gemagtigde agent van die geregistreerde eienaars van die erwe hieronder, gee hiermee ingevolge Artikel 56 (1) (b) (i) van die Ordonnansie op Dorpsbeplanning en Dorpe (Ordonnansie 15 van 1986) bykomend tot Artikel 2 (2) ten opsigte van die Ruimtelike Beplanning en Grondgebruiksbeheer (Wet 16 van 2013) (SPLUMA), kennis dat ek aansoek gedoen het by die Emalahleni Plaaslike Munisipaliteit vir die wysiging van Grondgebruikskema, wat bekend staan as Emalahleni Grondgebruikskema, 2010, op die volgende wyse:

- ✚ Wysigingskema getal 2115: Die hersonering van Erf 208 Tasbetpark vanaf "Residensiële 1 tot Residential3" Vir die doel van die oprigting van 'n residensiële gebou.
- ✚ Wysigingskema getal 2116: Die hersonering van Erf 3053 Witbank Uitbreiding 16, vanaf "Residensiële 1 na Besigheid 4" met die doel om die oprigting van kantore.

Besonderhede van die aansoek le te insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder Emalahleni Plaaslike Munisipaliteit, Mandela Straat, Witbank vir 'n tydperk van 28 dae vanaf 3 Junie 2016 Besware teen of vertoe ten opsigte van die aansoek moet binne ' met of voorlegging op skrif aan die Munisipale Bestuurder by bovermelde adres of by Emalahleni Plaaslike Munisipaliteit, Posbus 3, Witbank, 1035, binne 'n tydperk van 28 dae vanaf die 3 Junie 2016.

Adres van agent: 420 C Thenus van Niekerk Street Centurion| Pretoria|0157, Tel: 078 453 6444, Faks; 086 239 8342, E-pos: info@khanoafrika.co.za

3-10

LOCAL AUTHORITY NOTICE 45 OF 2016**NKANGALA DISTRICT MUNICIPALITY****AIR QUALITY MANAGEMENT BY-LAW, 2015**

WHEREAS section 156(2) and (5) of the Constitution of the Republic of South Africa, 1996 provides that a Municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

AND WHEREAS Part B of Schedule 4 to the Constitution lists air pollution as a local government matter to the extent set out in section 155(6) (a) and (7);

AND WHEREAS the Nkangala District Municipality seeks to ensure the management of air quality and the control of air pollution within the area of its jurisdiction and to ensure that air pollution is avoided or, where it cannot be altogether avoided, is minimized and remedied.

AND NOW THEREFORE, BE IT ENACTED by Nkangala District Municipality as follows:—

The Council of Nkangala District Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 read with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 3 of 2000) enacts the following By-law –

ARRANGEMENT OF BY-LAW

CHAPTER 1: INTERPRETATION AND DUTY OF CARE

1. Definitions
2. Objectives
3. Application
4. Duty of care

CHAPTER 2: PLANNING AND LOCAL EMISSION STANDARDS

5. Air Quality Management Plan
6. Identification of substances
7. Development of local emission standards
8. Consequences of identification
9. Consultation and publication

CHAPTER 3: SPECIFIC REGULATORY MEASURES

Part 1: Vehicles and Small boilers

10. Emissions from compressed ignition powered vehicles
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12. Transitional arrangements in respect of existing small boilers
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14. Dust emissions
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16. Emissions caused by open burning

17. Emissions caused by the burning of industrial waste, domestic waste and garden waste
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Part 3: Noise Pollution

21. Designation of Noise Controlled Areas
22. Prohibition of Disturbing Noise
23. Prohibition of Noise Nuisance
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CHAPTER 4: AUTHORISATION PROCEDURES

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27. Decisions on applications
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30. Consequences of the unlawful commencement of an activity

CHAPTER 5: COMPLIANCE AND ENFORCEMENT

31. Appointment of authorised persons
32. Power to issue compliance orders
33. Offences
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CHAPTER 6: GENERAL MATTERS

- 35. Appeals
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- 37. Delivery of documents
- 38. Delegation
- 39. State and Municipality bound
- 40. Savings
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SCHEDULE 1

SCHEDULE 2

CHAPTER 1: INTERPRETATION AND DUTY OF CARE

Definitions

(1) In this By-law, unless the context indicates otherwise—

“air pollution” means any change in the composition of the air caused by smoke, soot, dust (including fly ash), cinders, solid particles of any kind, gases, fumes, aerosols and odorous substances;

“air quality officer” means a person appointed in terms of section 14 of the National Environmental Management: Air Quality Act, 2004;

“authorisation” means any consent, permission, permit or authorisation contemplated in this By-law;

“ambient sound level” means the reading on an integrating impulse sound level meter taken at a measuring point in the absence of any alleged disturbing noise at the end of a total period of at least 10 minutes after such meter was put into operation;

“authorised person” means any employee authorised by the Municipality to monitor and enforce one or more provisions of this By-law in terms of section 31;

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

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

“Constitution” means the Constitution of the Republic of South Africa Act, 1996;

“control measure” means a technique, practice or procedure used to prevent or minimise the generation and emission of gaseous substances or dust;

“dark smoke” means smoke -

- (a) that in relation to emissions from turbo-charged compressed ignition powered engines, has a density 66 Hartridge smoke units or more; or
- (b) which has a light absorption co-efficient of more than 2.123 m^{-1} or more, or, in relation to emissions from turbo-charged compressed ignition powered engines, means a light absorption co-efficient of more than 2.51 m^{-1} ;

“dBA” means the value of the sound pressure level in decibels, determined using a frequency weighting network A and derived from the following equation -

$$L_{P_A} = 10 \log_{10} [P_A / P_0]^2, \text{ where}$$

P_A = the “A” – weighted sound pressure; and

P_0 = the reference sound pressure

$$(P_0 = 20 \mu\text{Pa})$$

“disturbing noise” means a noise level that causes the ambient sound level measured continuously at the same measuring point to rise by 5 dBA or more;

“dust” for the purposes of this By-law means any inhalable particle matter or any material composed of particles small enough to pass through a 1 mm screen and large enough to settle by virtue of their weight into the sampling container from the ambient air;

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

the land, water and atmosphere of the earth;

micro-organisms, plant and animal life;

any part or combination of (i) and (ii) and the interrelationships among and between them; and

the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

“flammable gas” means a gas which at 20 degrees Celsius and a standard pressure of 101, 3 kilopascals-

is ignitable when in a mixture of 13% or less by volume with air; or

has a flammable range with air of at least 12%, regardless of the lower flammable limit;

“flammable liquid” means a liquid or combustible liquid which has a closed-cap flash point of 93 degrees Celsius or below;

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

“free acceleration test” means the method employed to determine whether vehicles are being driven or used in contravention of section 25;

“measuring point” relating to –

a piece of land from which an alleged disturbing noise emanates, means a point outside the property projection plane where noise shall be measured in accordance with the provisions of SANS 10103 and/ or SANS 10328;

a building with more than one occupant, means a point in or outside the building where noise shall be measured in accordance with the provisions of SANS 10103 and/ or SANS 10328; and

a stationary vehicle, means a point as described in SANS 10181 where a measuring microphone shall be placed;

“micro boiler” means any boiler with a design capacity of less than 10 MW net heat input per unit, based on the lower calorific value used;

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

“Municipality” means the Nkangala District Municipality, established by

Provincial Extraordinary Notice No. 631 of 1 October 2000, as amended, in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“National Environmental Management Act, 1998” means the National Environmental Management Act, 1998 (Act 107 of 1998);

“National Environmental Management: Air Quality Act, 2004” means the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004);

“National Framework” means the National Framework for Air Quality Management in the Republic of South Africa, as published in terms of section 7(1) of the National Environmental Management: Air Quality Act, 2004;

“noise controlled area” means an area designated by the Municipality in terms of section 21 where, in the case of -

road traffic noise directly adjacent to a road -

- (i) the reading on an integrating impulse sound level meter, taken outdoors at the end of a period of 24 hours while such meter was in operation, exceeds 60 dBA; or
- (ii) the outdoor equivalent continuous “A” –weighed sound pressure level at a height of at least 1,2 meters, but not more than 1,4 metres, above the ground for a period extending from 06:00 to 24:00 as calculated in accordance with SABS 0210, and projected for a period of 15 years following the date on which the local authority has made such designation, exceeds 65 dBA;

air traffic noise directly adjacent to an airfield, the calculated noisiness index, projected for a period of 15 years following the date on which the local authority made such designation, exceeds 65 dBA;

industrial noise directly adjacent to an industry –

- (i) the reading on an integrating impulse sound level meter, taken outdoors at the end of a period of 24 hours while such meter was in operation, exceeds 61 dBA; or
- (ii) the calculated outdoor equivalent continuous “A” weighted sound pressure level at a height of at least 1,2 metres, but not more than 1,4 metres, above the ground for a 24 hours, exceeds 61 dBA, or

noise from any other source directly adjacently to that source –

- (i) the reading on an integrating impulse sound level meter, taken outdoors at the end of a period extending from the time when such source of noise became active until the time when it was no longer active, while such meter was in operation, exceeds 65 dBA; or
- (ii) the outdoor equivalent continuous “A” weighted sound pressure level at a height of at least 1,2 metres, but not more than 1,4 metres, above the ground, as calculated in accordance with acceptable mathematical / acoustic methods for a period extending from the time when the source of noise became active until the time when it was no longer active, and projected for a period of 15 years following the date on which the local authority made such designation, exceeds 65 dBA: Provided that methods of calculation as described in SANS ARP 1020 may be used for the purpose;

“noise nuisance” means any sound which impairs the convenience or peace of a reasonable person;

“nuisance” means an unreasonable interference or likely interference caused by air pollution with -

the health or well-being of any person or living organism;

the use or enjoyment by an owner or occupier of his or her property or the environment; or

ordinary comfort, convenience and peace;

“open burning” means the combustion of material by burning without a closed system that has a chimney to vent the emitted products of combustion to the atmosphere;

“pave” means to apply and maintain concrete or any other similar material to a road surface or walkway;

“person” includes a juristic person;

“pest” means an injurious, noxious or troublesome living organism;

“pesticide” means a micro-organism or material that is used or intended to be used to prevent, destroy, repel or mitigate a pest and includes herbicides, insecticides, fungicides, avicides and rodenticides;

“premises” means any building or other structure together with the land on which it is situated and any adjoining land occupied or used in connection with any activities carried out on or in that building or structure, and includes any land without any buildings or other structures and any locomotives or other vessel which operates or is present within the area of the Municipality;

“public road” means a public road as defined in section 1 of the National Road Traffic Act, 1996 (Act 93 of 1996);

“recreational vehicle” means -

an off-road vehicle, scrambler, dune buggy or ultra-light aircraft;

a model aircraft, vessel or vehicle;

any aircraft or helicopter used for sport or recreational purposes;

a vessel used for sport on water; or

any other conveyance vessel or model which is used for sport or recreational purposes;

“rubber product” means anything composed of rubber, including anything containing or coated with rubber;

“SABS ARP 020” means South African Bureau of Standards publication No. 0201 titled: “Sound impact investigations for integrated environmental management”, or a standard which substitutes SABS ARP 020;

“SANS 10103” means the latest edition of Standards South Africa publication No. 10103 titled: “The measurement and rating of environmental noise with respect to land use, health, annoyance and to speech communication”;

“SANS 0181” means the latest edition of the Standards South Africa publication No: 10181 titled: “The measurement of noise emitted by road vehicles when stationary”;

“SANS 10210” means the latest edition of the Standards South Africa publication No. 10210 titled: “Code of Practice for calculating and predicting road traffic noise”;

“SANS 10281” means the latest edition of the Standards South Africa publication No. 10281 titled: “Engine speed (S values), reference sound levels and permissible sound levels of stationary road vehicles”;

“small boiler” means any boiler with a design capacity equal to 10 MW but less than 50 MW net heat input per unit, based on the lower calorific value used;

“smoke” means the gases, particulate matter and products of combustion emitted into the atmosphere when material is burned or subjected to heat and includes soot, grit and gritty particulates emitted in smoke;

“use” in relation to all terrain vehicles includes driving, operating or being conveyed by that vehicle;

“**vehicle**” means any motor car, motor carriage, motor cycle, bus, motor lorry or other conveyance propelled wholly or partly by any volatile spirit, steam, gas or oil, or by any means other than human or animal power.

(2) In this By-law, a word or expression derived from a word or expression defined in subsection (1) has a corresponding meaning unless the context indicates that another meaning is intended.

(3) Neither -

a reference to a duty to consult specific persons or authorities, nor

the absence of any reference in this By-law to a duty to consult or give a hearing;

exempts the official or authority exercising a power or performing a function from the duty to act fairly.

(4) Any administrative process conducted or decision taken in terms of this By-law must be conducted or taken in accordance with the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000), unless otherwise provided for in this By-law.

Objectives

(1) The objectives of this By-law are to –

give effect to the environmental right contained in section 24 of the Constitution;

provide, in conjunction with any other applicable law, an effective legal and administrative framework within which the Municipality can manage and regulate activities that can or do cause air emissions that have the potential to adversely impact the environment, public health and well-being; and

ensure that air pollution is avoided, or where it cannot be altogether avoided, that it is mitigated or minimised.

- (2) Any person exercising a power or performing a duty under this By-law must exercise that power or perform that duty in a manner that gives effect to the objectives.

Application

- (1) This By-law applies within the jurisdiction of the Municipality and must be read with any applicable provisions of the –
- National Environmental Management Act, 1998;
 - National Environmental Management: Air Quality Act, 2004;
 - National Framework adopted in terms of the National Environmental Management: Air Quality Act, 2004;
 - National Health Act, 2003 (Act 61 of 2003); and
 - National Environmental Management: Waste Act, 2008 (Act 59 of 2008).
- (2) In the event of any conflict between this By-law and –
- (a) any other by-law which directly or indirectly regulates air quality within the jurisdiction of the Municipality, the provisions of this By-law shall prevail;
 - (b) any national or provincial legislation which regulates air pollution, the national or provincial legislation shall prevail.
- (3) Notwithstanding the provisions of subsection (2), the Council may –
- enter into a service level agreement with a local municipality in the jurisdiction of the Municipality regarding the carrying out of air quality management functions; and
 - by notice in the *Gazette*, rescind the application of all or part of this By-law where a local municipality has promulgated air quality management by-laws.
- (4) Compliance with this By-law does not absolve a person from complying with

any other statutory requirement to obtain authorisation in respect of air quality management.

Duty of care

(1) Every person who causes or may cause air pollution must take all reasonable measures -

to prevent the air pollution from occurring; or

where the causing of any air pollution is permitted, not prohibited, or cannot reasonably be avoided or stopped; to minimise that pollution.

(2) Without limiting the generality of the duty in subsection (1), the persons on whom subsection (1) imposes an obligation to take reasonable measures, includes an owner of land or premises, a person in control of land or premises or a person who has a right to use or work at the land or premises on which or in which -

any activity or process is or was performed or undertaken; or

any other situation exists,

which causes, has caused or is likely to cause air pollution.

(3) The measures required in terms of subsection (1) may include measures to -
investigate, assess and evaluate the impact of the air pollution on the environment;

inform and educate employees about the environmental risks of their work and the manner in which their tasks must be performed in order to avoid causing air pollution;

cease, modify or control any act, activity or process causing the air pollution;

contain or prevent the movement of pollutants;

eliminate any source of the air pollution; or

remedy the effects of the air pollution.

- (4) The Municipality may direct any person who is causing, has caused or may cause significant air pollution to -
- cease any activity, operation or undertaking;
 - investigate, evaluate and assess the impact of specific activities and report thereon;
 - commence taking specific measures before a given date;
 - diligently continue with those measures; and
 - complete those measures before a specified date.
- (5) Prior to issuing a directive contemplated in subsection (4), the Municipality must give the affected person adequate opportunity to inform the Municipality of their relevant interests: Provided that if urgent action is necessary for the protection of the environment, health or people's well-being, the Municipality may issue such directive, and give the affected person an opportunity to make representations as soon thereafter as is reasonable.
- (6) Should a person fail to comply, or inadequately comply, with a directive issued under subsection (4), the Municipality may take reasonable measures to remedy the situation or apply to a competent court for appropriate relief.
- (7) The Municipality may recover the costs for reasonable remedial measures to be undertaken under subsection (6), before such measures are taken and all costs incurred as a result of it acting under subsection (6) from any or all of the following persons –
- any person who is or was responsible for, or who directly or indirectly contributed to, the air pollution;
 - the person in control of the land or any person who has or had a right to use or work on the land at the time when -
 - (i) the activity or the process is or was performed or undertaken; or
 - (ii) the situation came about; or
 - any person who negligently failed to prevent -

- (i) the activity or the process being performed or undertaken; or
- (ii) the situation from coming about:

Provided that such person failed to take the measures required of him or her under subsection (1).

- (8) Any person may, after giving the Municipality 30 days' notice, apply to a competent court for an order directing the Municipality to take any of the steps listed in subsection (4) if the Municipality fails to inform such person in writing that it has directed a person contemplated in subsections (1) and (2) to take one of those steps, and the provisions of section 32(2) and (3) of the National Environmental Management Act, 1998 shall apply to such proceedings.

CHAPTER 2: PLANNING AND LOCAL EMISSION STANDARDS

Air Quality Management Plan

- (1) The Municipality shall prepare an air quality management plan and include that plan in its integrated development plan contemplated in Chapter 5 of the Municipal Systems Act.
- (2) The air quality management plan is binding on the Municipality.

Identification of substances

- (1) The Municipality has identified the substances in ambient air, as set out in Schedule 1 to this By-law, which may present a threat to the health and well-being of people in the municipal area.
- (2) The Municipality may, from time to time, identify additional substances that present a threat to the health and well-being of people in the municipal area, or which it reasonable believes may present such a threat.
- (3) The Municipality must apply the following criteria when identifying and

prioritising the substances in terms of subsection (2) -

the possibility, severity and frequency of effects, with regard to human health and the environment as a whole, with irreversible effects being of special concern;

widespread and high concentration of the substance in the atmosphere;

potential environmental transformation and metabolic alterations of the substance, as these changes may lead to the production of chemicals with greater toxicity or introduce other uncertainties;

persistence in the environment, particularly if the substance is not biodegradable and is able to accumulate in humans, the environment or food chain;

the impact of the substance taking the following factors into consideration

–

(i) the size of the exposed population, living resources or ecosystems; and

(ii) the existence of particularly sensitive receptors in the zone concerned; and

the fact that a substance is regulated by an international convention.

Development of local emission standards

(1) The Municipality may develop and adopt local emission standards in respect of a substance identified in Schedule 1 or in terms of section 6(2).

(2) The Municipality must, when developing a local emissions standard -

identify the critical factors for public health impacts;

identify sensitive sub- populations;

review available databases for public health status;

review available databases for ambient air quality information; and

review and assess international guidelines and standards.

(3) The Municipality may take the following factors into consideration in setting a local emission standard -

health, safety and environmental protection objectives;

analytical methodologies;

technical feasibility;

monitoring capacity; and

socio-economic consequences.

(4) A local emission standard may-

differentiate between different geographical areas;

differentiate between different sources or types of emissions;

provide for the phasing in of its provisions; and

be amended.

Consequences of identification

Any person emitting substances or mixtures of substances identified in Schedule 1 or in terms of section 6(2) must comply with the relevant emission standards contemplated in section 7.

Consultation and publication

(1) The Municipality must conduct a public participation process as contemplated in Chapter 4 of the Municipal Systems Act before identifying a substance in terms of section 6 or adopting a local emission standard in terms of section 7.

(2) Any substance that is identified in terms of section 6 or any local emission standard that is adopted by the Municipality in terms of section 7 must be published in the *Provincial Gazette*.

CHAPTER 3: SPECIFIC REGULATORY MEASURES

Part 1: Vehicles and Small boilers

Emissions from compressed ignition powered vehicles

- (1) No person may drive or use, or cause to be driven or used, a compressed ignition powered vehicle that emits dark smoke on a public road.
- (2) In order to enable an authorised person to monitor and enforce the provisions of this section, the driver of a vehicle must comply with any clear directive, whether orally, visually by show of hand signs or otherwise, given by an authorised person -
 - to stop the vehicle; and
 - to facilitate the inspection or testing of the vehicle.
- (3) When a vehicle has stopped in compliance with a directive given under subsection (2), the authorised person may test the vehicle at the roadside, in which case testing must be carried out -
 - at or as near as practicable to the place where the directive to stop the vehicle was given; and
 - as soon as practicable, but no later than one hour after the vehicle was stopped in accordance with the directive.
- (4) The testing procedure to be followed in order to determine whether a compressed ignition powered vehicle is being driven or used in contravention of subsection (1) is the following -
 - when instructed to do so by the authorised person, the driver of the vehicle must start the vehicle, place it in neutral gear and engage the clutch;
 - for a period required the authorised person, the driver of the vehicle must smoothly and completely depress the accelerator throttle pedal of the vehicle, until the engine reaches a revolution level of 3 000 revolutions per minute or, in the absence of a revolution counter, to the extent directed by the authorised person; and

while the throttle pedal is depressed, the authorised person must measure the smoke emitted from the vehicle's emission system in order to determine whether or not dark smoke is emitted:

Provided that an authorised person may perform the actions required of the driver where the driver fails or refuses to comply with the authorised person's instructions.

(5) If, after having conducted the test in accordance with subsection (4), the authorised person is satisfied that the vehicle -

is not emitting dark smoke, then the authorised person must furnish the driver of the vehicle with a certificate indicating that the vehicle is not being driven or used in contravention of subsection (1); or

is emitting dark smoke, the authorised person must issue the driver of the vehicle with a compliance notice in terms of section 32 of this By-law, in addition to any other action that the authorised person may take.

Small boilers

No person may install, alter, extend or replace any small boiler on any premises without the prior written authorisation of the Municipality, which may only be granted –

if an application is made on or in a form as prescribed by the Municipality from time to time;

after consideration of all relevant information required by the Municipality;
and

if any applicable emission standards and requirements passed in terms of the National Environmental Management: Air Quality Act, 2004 can be complied with.

Transitional arrangements in respect of existing small boilers

The owner of any small boiler that has been installed prior to the commencement of this By-law must –

comply with any applicable emission standards and requirements for existing small boilers passed in terms of the National Environmental Management: Air Quality Act, 2004; and

obtain authorisation for the use of that boiler from the Municipality within 180 days of the commencement of this By-law.

Micro boilers

- (1) No person may install, alter, extend or replace any micro boiler on any premises without first registering that boiler with the Municipality.
- (2) The owner of any small boiler that has been installed prior to the commencement of this By-law must apply to be registered within 180 days of the commencement of this By-law.

Part 2: Emissions Caused by Dust, Burning and Spraying

Dust emissions

- (1) Any person conducting an activity or providing a facility that customarily produces emissions of dust which may be harmful to public health, well-being or cause a nuisance shall implement one or more control measures to effectively prevent dust emissions into the atmosphere.
- (2) The control measures contemplated in subsection (1) include -
 - paving;
 - using dust palliatives or dust suppressants;
 - uniformly applying and maintaining any surface gravel;
 - erecting physical barriers and signs to prohibit access to the disturbed areas;
 - using ground covers;
 - re-vegetating which is similar to adjacent undisturbed native conditions;

in the case of an unpaved road, reducing speed limits or restricting access to certain types of vehicles; or

any alternative control measure approved in writing by the Municipality.

(3) Any person who transports substances that may cause dust during the transportation process must take all reasonable steps to prevent that dust, including the covering of the substance with a tarpaulin or similar material.

(4) The provisions of this section are not applicable to -

emergency maintenance activities on publicly maintained roads, road shoulders and rights of way;

non-commercial and non-institutional private driveways; and

horse trails, hiking paths, bicycle paths or other similar paths.

Sand Blasting Emissions

Any person conducting sand blasting activities which customarily produce emissions of dust that may be harmful to public health or well-being or cause a nuisance shall implement dust extraction control measures or such other dust control measures that reduce the impact of the emissions to within national standards published in terms of the National Environmental Management: Air Quality Act, 2004 and that are approved in writing by the Municipality, to prevent emissions into the atmosphere.

Emissions caused by open burning

(1) No person may carry out or permit the carrying out of open burning of any material on any land or premises unless -

the prior written authorisation of the Municipality has been obtained, which authorisation may be granted by the Municipality with conditions, and

the owners and occupiers of all adjacent properties have been notified in writing of -

(i) all known details of the proposed open burning; and

- (ii) the right of owners and occupiers of adjacent properties to lodge written objections to the proposed open burning with the Municipality within 7 days of being notified.
- (2) The Municipality may not authorise, nor itself conduct, any open burning - unless it is satisfied that the requirements set out in subsection (1) above have been adequately addressed or fulfilled; or where a warning under section 10(1)(b) of the National Veld and Forest Act, 1998 (Act 101 of 1998); has been published for the region.
- (3) The Municipality may not authorise, nor itself conduct, the open burning of – any material between the hours of 18:00 and 06:00; the burning of any tyres, rubber products, cables or any other related products, on any land or premises.
- (4) Notwithstanding the provisions of subsection (1), the provisions of this section shall not apply to - recreational outdoor activities on private premises; and controlled fires in dwellings for the purposes of heating any area within the dwelling, cooking, heating water and other domestic purposes.

Emissions caused by the burning of industrial waste, domestic waste and garden waste

No person may carry out or permit the burning of any industrial, domestic or garden waste on any land or premises, for the purpose of disposing of that waste, unless the industrial, domestic or garden waste is legally disposed of in terms of section 20 of the Environment Conservation Act, 1989 (Act 73 of 1989) or the National Environmental Management: Waste Act, 2008 (Act 59 of 2008).

Pesticide spraying emissions

- (1) No person may carry out or permit the spraying of pesticides, except as permitted by section 3 of the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947).

(2) A person who intends carrying out the spraying of pesticides, either by tractor or aerial means, must obtain the prior written authorisation of the Municipality, which authorisation must specify -

the name of the person to whom the authorisation is issued;

the areas on which the pesticide may be applied;

the period of time within which or when the pesticide may be applied;

the period for which the authorisation is valid;

obligations regarding the notification of owners and occupiers of all adjacent properties within 150 metres of the treatment area including the right of owners and occupiers of adjacent properties to lodge written objections to the proposed spraying of pesticides with the Municipality within 7 days of being notified; and

any other conditions that the Municipality considers necessary to protect the environment.

(3) The provisions of this section are not applicable to -

(a) buildings or inside buildings, including the domestic use of pesticides;
or

(b) any other defined area or defined activity to which the Municipality has declared this section not to apply.

Spray Painting Emissions

(1) No person may spray, coat, plate, or epoxy-coat any vehicle, article, object or allow them to be sprayed, coated, plated, or epoxy-coated with any flammable substance unless -

a spraying permit has been obtained from the Municipality; and

it is carried out in a spray booth or room approved by the designated fire officer in the Municipality, in consultation with the air quality officer, on premises registered for that purpose.

- (4) A spray room or booth or area designated for the application of a flammable substance must be constructed and equipped according to the requirements in Schedule 2 to this By-law and must be operated in such a manner as to comply with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as may be amended from time to time.

Emissions that cause a nuisance

Notwithstanding any other provisions of this By-law, no person may generate or cause emissions, including odour, or allow emissions to be generated or caused, that cause a nuisance.

Part 3: Noise Pollution

Designation of Noise Controlled Areas

- (1) The Municipality may designate an area to be a noise controlled area by notice in the *Provincial Gazette*.
- (2) A notice contemplated in subsection (1) may –
- designate maximum sound levels for noise in the area;
 - identify activities that may not be undertaken; and
 - prescribe times during which certain activities may only be undertaken.
- (3) The designation of a noise controlled area may be amended or cancelled by notice in the *Provincial Gazette*.
- (4) No person may –
- undertake an activity that generates noise, or causes noise to be generated in a noise controlled area unless it is in accordance with any requirements specified in terms of subsection (2);
 - erect educational, residential, high density, hospital, church or office buildings in an existing township in a noise controlled area unless acoustic screening measures have been provided in the building to limit the reading

on an integrating impulse sound level meter, measured inside the building after completion, to 40 dBA or such level as may be determined in accordance with subsection (1): Provided that any air-conditioning or ventilating system shall be switched off during the course of such noise measurements; or

situate educational, residential, hospital or church erven within a noise controlled area in a new township or an area that has been rezoned: Provided that such situation may be allowed by the Municipality in accordance with the acoustic screening measures mentioned by the Municipality.

- (5) The Municipality must conduct a public participation process as contemplated in Chapter 4 of the Municipal Systems Act before designating a noise controlled area.

Prohibition of Disturbing Noise

No person may cause a disturbing noise, or allow it to be caused by any person, animal, machine, device, vehicle or apparatus or any combination thereof.

Prohibition of Noise Nuisance

Where it may cause a noise nuisance, no person shall –

operate or play, or allow to be operated or played, a radio, television set, drum, musical instrument, sound amplifier, loudspeaker system or similar device producing, reproducing or amplifying sound;

offer any article for sale by shouting, ringing a bell or making other sounds or by allowing shouting, the ringing of a bell or making of other sounds;

allow an animal owned or controlled by him or her to make a noise;

discharge fireworks in a residential area, without prior permission from the Municipality;

build, make, construct, repair, rebuild, modify, operate or test a vehicle, vessel, aircraft or object, or allow it to be built, made, constructed,

repaired, rebuilt, modified, operated or tested on or near residential premises;

erect, demolish or alter a building or structure or allow it to be erected, demolished or altered if it affects a residential zone or premises unless permission is granted by the Municipality or a local municipality to conduct building operations within the hours specified in SANS 10400 for the control of noise;

use or discharge any explosive, firearm or similar device that emits impulsive sound or allow it to be or discharged, except with the prior consent in writing of the Municipality and subject to such conditions as the Municipality may deem necessary, unless the person may be otherwise authorised in law to use or discharge the explosive, firearm or similar device;

on a piece of land or in water or in airspace above a piece of land used for residential or recreational purposes –

- (i) operate a recreational vehicle; or
- (ii) as the owner or person in control of the piece of land, water or airspace, allow any person to operate a recreational vehicle on such land or in such water or airspace;

except in an emergency, emit a sound, or allow a sound to be emitted, by means of a bell, carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device;

drive a vehicle on a public road; or

use any power tool or power equipment used for construction work, drilling work or demolition work, or allow it to be used, in or near a residential area, unless permission was granted by the Municipality to conduct normal construction or repair work to public or private property.

Music, Open-Air Music Festivals, Shows, Inclusive of Air Shows and Similar Gatherings

- (1) No person may stage any open-air entertainment festival, such as, but not limited to, a show, an air show, music concert, festival, sports event or similar gathering without obtaining prior written consent from the Municipality.
- (2) Any consent that is granted by the Municipality –
must contain conditions regarding the notification of the public; and

any other conditions that are appropriate in the circumstances to reduce the impact of the event on the community.
- (3) If any music causes or may cause a noise nuisance or a disturbing noise, the Municipality may instruct, in writing, that such music be discontinued until such conditions as the Municipality may deem necessary have been complied with.
- (4) Subject to the provisions of subsection (3) and the applicable provisions of any other law, the Municipality may attach any instrument or equipment used to generate music if no permission has been obtained in terms of subsection (1).

Motor vehicles

- (1) No person may drive a vehicle, or allow it to be driven, on a public road, if the sound level at the measuring point measured, when stationary, in accordance with the procedure prescribed in SANS 10181 exceeds -

in the case of a non-exempted vehicle listed in Annexure A to SANS 10281, the stationary sound level specified in SANS 10281 for that type of vehicle; or

in the case of an exempted vehicle – a vehicle not listed in Annexure A to SANS 10281, by more than 5dBA the applicable reference sound level indicated in SANS 10281, for that type of vehicle.
- (2) The Municipality may in order to determine whether a vehicle being used on any road in the area of jurisdiction of the Municipality, including a private,

provincial or national road crossing its area of jurisdiction, complies with the provisions of this By-law, instruct the owner or person in control of the vehicle

–

to stop the vehicle or cause it to be stopped; and

to have any appropriate inspection or test conducted on the vehicle as the Municipality may deem necessary, on the roadside where it was stopped or on a date and at a time and place determined by the Municipality in writing.

CHAPTER 4: AUTHORISATION PROCEDURES

Authorisation procedures

- (1) An application for any authorisation contemplated in this By-law must be –
- (a) in or on a form prescribed by the Municipality from time to time;
 - (b) supported by such documentation as the Municipality may require; and
 - (c) accompanied by proof of payment of the administrative fee, if any.
- (2) If the environment or the rights or interests of other parties are likely to be adversely affected by a decision on the application, the applicant must conduct a public participation process that is approved by the Municipality and which afford the public an opportunity to make representations on the application.

Decisions on applications

- (1) The Municipality may, in writing, reject an application that is not in order because –
- (a) the application form has not been properly completed;
 - (b) the required supporting documentation has not been submitted or is substantively inadequate; or

- (c) a public participation process that was required has not been conducted or conducted adequately.
- (2) An application that has been rejected may be corrected by the applicant and resubmitted.
- (3) On receipt of an application that is in order, the Municipality must decide to –
grant authorisation in respect of all or part of the application; or
refuse authorisation in respect of all or part of the application.
- (4) After the Municipality has reached a decision to grant or refuse an application, it must within five days and in writing –
- (a) notify the applicant of its decision;
 - (b) give reasons for the decision;
 - (c) where applicable, inform the applicant of the right to appeal the decision;
 - (d) instruct the applicant to draw the decision, and the rights to appeal the decision, to the attention of interested and affected parties; where a public participation process has been conducted.and
 - (e) issue the authorisation subject to any conditions that the Municipality deems appropriate.

Conditions of authorisation

- An authorisation contemplated in this By-law must indicate –
- the name and address of the holder of the authorisation;
 - the premises where the activity may take place, if those premises differ from the holder of the authorisation's address;
 - the activity that is authorised;
 - requirements in respect of monitoring, sampling and reporting, if any;

the maximum allowed amount, volume, emission rate or concentration of pollutants that may be discharged in the atmosphere, if applicable;

the period for which the activity is authorised, if applicable;

any mandatory requirements indicated in the section of this By-law in terms of which the authorisation is granted; and

any other conditions that are necessary to achieve the objectives of this By-law.

Amendments of Authorisations

(1) An authorisation issued in terms of this By-law may be amended –
on application by the holder of the authorisation; or

on the initiative of the Municipality if it is necessary or desirable –

(i) to prevent impacts on human health or the deterioration or further deterioration of air quality in the municipality;

(ii) for the purposes of achieving prescribed air quality standards; or

(iii) to accommodate demands brought about by impacts on socio-economic circumstances and it is in the public interest to meet those demands.

(2) An authorisation may be amended by –

changing the name of the holder;

attaching an additional condition or requirement;

substituting a condition or requirement;

removing a condition or requirement;

changing a condition or requirement;

updating or changing any detail on the authorisation; or

correcting a technical or editorial error.

- (3) If the application is made by the holder of the authorisation and is for a substantive amendment, or if the environment or the rights or interests of other parties are likely to be adversely affected, the Municipality must, before deciding the application, request the applicant to the extent appropriate –
- to conduct a public participation process approved by the Municipality and which affords the public an opportunity to make representations on the application;
 - to conduct such investigations and assessments as the Municipality may direct and to prepare reports on those investigations and assessments; and
 - to submit to the Municipality those reports, together with any comments on those reports from interested and affected parties.
- (4) On having reached a decision on whether or not to grant the application, the Municipality must comply with the provisions of section 28(3) and (4), read with such necessary changes as the context may require.
- (5) If an application for amendment is approved, the Municipality must issue an amended authorisation to the applicant.
- (6) If the Municipality intends amending an authorisation in terms of subsection (1) it must first –
- notify the holder of the authorisation, in writing, of the proposed amendment;
 - give the holder of the authorisation an opportunity to submit representations on the proposed amendment; and
 - conduct an appropriate public participation process to bring the proposed amendment to the attention of interested and affected parties and to afford them an opportunity to make representations.

- (7) On having reached a decision on whether or not to amend the authorisation, the Municipality must notify the holder of the authorisation and any interested parties that commented during a public participation process of the decision.
- (8) If the decision is to amend the authorisation, the Municipality must –
- give reasons to the holder of the authorisation for the decision;
 - draw that person's attention to the fact that an appeal may be lodged against the decision in terms of; and
 - issue an amended authorisation to the holder of the authorisation.

Consequences of the unlawful commencement of an activity

- (1) A person who conducts an activity without an authorisation required in terms of this By-law may apply to the Municipality for authorisation.
- (2) On receipt of an application contemplated in subsection (1) the Municipality may direct the applicant to -
- immediately cease the activity pending a decision on the application submitted in terms of this section;
 - investigate, evaluate and assess the impact of the activity on the environment, including the ambient air and human health;
 - remedy any adverse effect of the activity on the environment, including the ambient air, and human health;
 - cease, modify or control any act, activity, process or omission causing atmospheric emission;
 - eliminate any source of atmospheric emission;
 - compile a report containing—
 - (i) an assessment of the nature, extent, duration and significance of the consequences for or impacts on the environment, including the ambient air, and human health of the activity, including the cumulative effects and the manner in which the geographical,

physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity;

- (ii) a description of mitigation measures undertaken or to be undertaken in respect of the consequences for or impacts on the environment, including the ambient air, and human health of the activity;
- (iii) a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how issues raised have been addressed;
- (iv) an environmental management programme; or

provide such other information or undertake such further studies as the licensing authority may deem necessary.

(3) Where the applicant has also applied for authorisation in terms of section 24G of the National Environmental Management Act, 1998 or section 22A of the National Environmental Management: Air Quality Act, the Municipality may allow the applicant to adopt a consolidated process.

(4) The Municipality must consider any reports or information submitted in terms of subsection (2) and thereafter may -

refuse to issue the relevant authorisation;

issue the relevant authorisation, subject to such conditions as the Municipality may deem necessary, which authorisation shall only take effect from the date on which it has been issued; or

direct the applicant to provide further information or take further steps prior to making a decision in terms of paragraphs (a) or (b).

(5) The Municipality may as part of the decision contemplated in subsection (3), direct a person to -

rehabilitate the environment within such time and subject to such conditions as the Municipality may deem necessary;

prevent or eliminate any source of atmospheric emission from the activity within such time and subject to such conditions as the Municipality may deem necessary; or

take any other steps necessary under the circumstances.

- (6) If the Municipality has established a system for imposing and collecting administrative fines, a person contemplated in subsection (1) must pay an administrative fine, which may not exceed R5 million for each activity that has commenced unlawfully and which must be determined by the Municipality, before the Municipality may act in terms of subsection (3).
- (7) In considering a decision contemplated in subsection (3), the Municipality may take into account whether or not the applicant complied with any directive issued in terms of this By-law.
- (8) The submission of an application in terms of subsection (1) or the issuing of an authorisation in terms of subsection 3 or the payment of the administrative fine in terms of subsection (5) shall in no way derogate from -
- an authorised person or the South African Police Services' authority to investigate any transgression in terms of this By-law; or
 - the National Prosecuting Authority's legal authority to institute any criminal prosecution.
- (9) If, at any stage after the submission of an application in terms of subsection (1), it comes to the attention of the Municipality, that the applicant is under criminal investigation for the contravention of or failure to comply with a provision of this By-law in respect of which the application is made, the Municipality may defer a decision on the application until such time that the investigation is concluded and -
- the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;
 - the applicant concerned is acquitted or found not guilty after prosecution in respect of such contravention or failure has been instituted; or

the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review.

CHAPTER 5: COMPLIANCE AND ENFORCEMENT

Appointment of authorised persons

- (1) The Municipality must appoint as many authorised persons as it considers necessary for undertaking compliance monitoring and enforcement with this By-law.
- (2) The appointment of an authorised officer may confer compliance monitoring and enforcement powers in respect of all or part of this By-law.
- (3) Any municipal official appointed as a peace officer or as an environmental management inspector in terms of the National Environmental Management Act, 1998 and who is mandated to undertake compliance monitoring and enforcement activities in respect of the National Environmental Management: Air Quality Management Act, 2004 shall be deemed to be an authorised person for the purposes of this By-law.
- (4) Authorised persons must take all lawful and necessary measures to secure compliance with and to enforce the provisions of this By-law.

Power to issue compliance orders

- (1) An authorised person may issue a compliance notice in the determined form and following a determined procedure if there are reasonable grounds for believing that a person -
 - has not complied with a provision of this By-law falling within the authorised person's mandate in terms of section 24(2);

has not complied with a term or condition of an authorisation or exemption issued in terms of this By-law; or

is causing a nuisance, or is allowing a nuisance to be caused.

(2) A compliance notice must set out -

the name and address of the person to whom the notice is issued;

details of the authority of the person issuing the notice to issue that notice;

details of the conduct constituting non-compliance;

any steps the person must take and the period within which those steps must be taken;

anything which the person may not do, and the period during which the person may not do it, if applicable;

the procedure for lodging an appeal; and

information regarding the penalties that may be incurred if the notice is not complied with.

(3) In the event of an authorised person issuing a compliance notice in respect of a contravention of section 32 the notice must direct the owner of the vehicle to repair the vehicle within a specified period of time, and to take the vehicle to a place identified in the notice for re-testing before the expiry of that period.

(4) A compliance notice contemplated in subsection (4) must contain, amongst others, the following information -

the make, model and registration number of the vehicle;

the name, address; identity number or other positive identification of the driver of the vehicle; and

if the driver of the vehicle is not the owner of the vehicle, the name and address of the vehicle owner.

(5) Where a small boiler has been installed, altered, extended or replaced on premises in contravention of section 11 the compliance notice may instruct

the owner of the premises to remove the small boiler from the premises at the expense of the owner and within the period stated in the notice.

- (6) An authorised person may, on good cause shown, vary a compliance notice and extend the period within which the person must comply with the notice.
- (7) An authorised person may withdraw a compliance notice if it is necessary to substitute the compliance notice with a new one.
- (8) Where required by the Promotion of Administrative Justice Act, 2000, the person to whom a compliance notice is to be issued must be afforded an opportunity to make representations to the authorised person before the notice is issued.

Offences

- (1) A person is guilty of an offence if that person –
 - (a) contravenes an obligation or prohibition stipulated in this By-law;
 - (b) fails to comply with a condition of any authorisation issued to that person in terms of this By-law;
 - (c) refuses or fails to comply with a directive or compliance notice issued in terms of this By-law;
 - (d) supplies false or misleading information to an authorised person in respect of any issue pertaining to this By-law;
 - (e) refuses to co-operate with the request of an air quality officer or authorised person made in terms of this By-law;
 - (f) tampers with, removes, puts out of action, damages or impairs the functioning of a noise monitoring system, noise limiter, noise measuring instrument, acoustic device, road traffic sign or notice placed in a position by or on behalf of the Municipality;
 - (g) hinders or obstructs an authorised person in the execution of their duties; or

- (h) unlawfully and intentionally or negligently commits any act or omission which causes or is likely to cause significant air pollution.

Penalties

- (1) A person convicted of an offence in terms of section 33 is liable on conviction to a fine not exceeding five million rand or to imprisonment not exceeding five years and in the case of a second or subsequent conviction, to a fine not exceeding R10 million rand or imprisonment for a period not exceeding 10 years, or in both instances to both a fine and such imprisonment.
- (2) Any person convicted of an offence in terms of this By-law, and who after such conviction persists in the act or omission which constituted the offence, shall be guilty of a continuing offence and liable on conviction to a fine not exceeding R10 000,00 or to imprisonment for a period not exceeding 20 days or to both such fine and such imprisonment in respect of every day on which he persists with such act or omission.
- (3) Whenever any person is convicted of an offence in terms of this By-law and it appears that such person has by that offence caused loss or damage to any organ of state or other person, the court may in the same proceedings at the written request of the Municipality or other organ of state or other person concerned, and in the presence of the convicted person, inquire summarily and without pleadings into the amount of the loss or damage so caused.
- (4) Upon proof of such amount contemplated in subsection (3), the court may give judgement therefor in favour of the organ of state or other person concerned against the convicted person, and such judgement shall be of the same force and effect and be executable in the same manner as if it had been given in a civil action duly instituted before a competent court.
- (5) Whenever any person is convicted of an offence under any provision of this By-law the court convicting such person may summarily enquire into and assess the monetary value of any advantage gained or likely to be gained by such person in consequence of that offence, and, in addition to any other punishment imposed in respect of that offence, the court may order-

the award of damages or compensation or a fine equal to the amount so assessed; or

that such remedial measures as the court may determine must be undertaken by the convicted person.

- (6) Notwithstanding the provisions of subsection (1) an authorised person who is a peace officer as contemplated in the Criminal Procedures Act, 1977 who has reason to believe that a person has committed an offence specified in terms of section 33 may issue to the alleged offender a written notice referred to in section 56 or section 341, as the case may be, of the Criminal Procedure Act, 1977 (Act 51 of 1977).
- (7) The amount of the fine stipulated in the notice referred to in subsection (6) may not exceed the amount -
- (a) prescribed for the offence; and
 - (b) which a court would presumably have imposed in the circumstances.
- (8) The provisions of sections 56, 57; 57A and 341 of the Criminal Procedure Act, 1977, apply subject to such modifications as the context may require, to written notices and admission of guilt fines referred to in this section.

CHAPTER 6: GENERAL MATTERS

Appeals

- (1) Any person whose rights are affected by a decision taken in terms of this By-law may appeal against that decision in terms of section 62 of the Municipal Systems Act.
- (2) An appeal must –
- (a) be submitted to the Municipal Manager within 21 days of the appellant being notified of the decision;

- (b) be in writing and accompanied by the reasons for the appeal; and
 - (c) comply with the requirements and procedures set out in any guideline published by the Municipality.
- (3) Pending a decision on an appeal, the appellant must, unless permitted otherwise by the Municipality, comply with any obligations that have been imposed as part of the decision.

Exemptions

- (1) Any person may apply for exemption from the provisions of this By-law to the Municipality, in a form prescribed by the Municipality from time to time.
- (2) An application in terms of subsection (1) above must be accompanied with sound reasons for such exemption and any documentation that the Municipality requires in order for it to consider the application.
- (3) The Municipality may grant an exemption or temporary exemption, in writing and subject to conditions, from one or more provisions of this By-law, provided that the Municipality is satisfied that granting the exemption will not significantly prejudice the objectives referred to in section 2 of this By-law.
- (4) The Municipality may not grant an exemption under subsection (1) -
from the need to obtain authorisation where the activity in question has the potential to cause serious harm to health or the environment; and
where exemption is applicable, until the Municipality has –
- (i) taken measures to ensure that all persons whose rights may be detrimentally affected by the granting of the exemption, including but not limited to adjacent land owners or occupiers, are made aware of the application for exemption and how to obtain a copy of it;
 - (ii) provided such persons with a reasonable opportunity to object to the application; and

(iii) duly considered and taken into account any objections that are raised.

(5) The Municipality may—

from time to time review any exemptions granted in terms of this section;
and

on good grounds withdraw any exemption.

Delivery of documents

(1) A notice or other document in terms of this By-law may be issued to a person—
by delivering it by hand;

by sending it by registered mail -

(i) to that person's business or residential address; or

(ii) in the case of a juristic person, to its registered address or principal place of business;

by faxing a copy of the notice or other document to the person, if the person has a fax number;

by e-mailing a copy of the notice or other document to the person, if the person has an e-mail address;

by posting a copy of the notice or other document to the person by ordinary mail, if the person has a postal address; or

where an address is unknown despite reasonable enquiry, by publishing it once in the *Provincial Gazette* and once in a local newspaper circulating in the area of that person's last known residential or business address.

(2) A notice or other document issued in terms of subsection (1)(b) to (f) must be regarded as having come to the notice of the person, unless the contrary is proved.

Delegation

- (1) The Municipality, as represented by the Council, may delegate a power or duty vested in it in terms of this By-law to –
- the Municipal Manager;
 - the air quality officer appointed in terms of the National Environmental Management: Air Quality Act, 2004; or
 - the holder of an office in the Municipality.
- (2) A delegation in terms of this By-law –
- must be in writing;
 - may be subject to conditions;
 - does not prevent the exercise of the power or the performance of the duty by the Council itself;
 - may include the power to sub-delegate;
 - may be withdrawn; and
 - must not conflict with section 160 of the Constitution of the Municipal Systems Act.
- (3) The power to delegate excludes the power to delegate the setting and adoption of tariffs, administrative fees and emission standards.

State and Municipality bound

This By-law is binding on the State.

Savings

Anything done or deemed to have been done under another By-law remains valid to the extent that it is consistent with this By-law or until anything done under this By-law overrides it.

Short title and commencement

This By-law may be cited as the Nkangala District Municipality Air Quality Management By-law, 2015 and take effect on the date of publication in the *Provincial Gazette*.

SCHEDULE 1: LIST OF IDENTIFIED SUBSTANCES

- 1) Ammonia (NH₃)
- 2) Benzene (C₆H₆)
- 3) Cadmium (Cd)
- 4) Carbon Monoxide (CO)
- 5) Chlorine (Cl₂)
- 6) Dioxins and Furans (PCDD/PCDF)
- 7) Dustfall
- 8) Fluorene, Phenanthrene, Fluoranthene
- 9) Formaldehyde
- 10) Hydrogen chloride (HCl)
- 11) Hydrogen fluoride (HF)
- 12) Hydrogen sulphide (H₂S)
- 13) Lead (Pb)
- 14) Mercury (Hg)
- 15) Nitrogen Dioxide (NO₂)
- 16) Oxides of nitrogen (NO_x)
- 17) Ozone (O₃)
- 18) Particulate Matter (PM_{10, 2.5, 1})
- 19) Poly Aromatic Hydrocarbons (PAH)
- 20) Sulphur Dioxide (SO₂)
- 21) Sulphur trioxide (from sulphonation processes) (SO₃)
- 22) Sum of arsenic, antimony, lead, cobalt, copper manganese, vanadium and nickel (As; Sb; Pb; Co; Cu; Mn; V & Ni)
- 23) Thallium (Tl)
- 24) Total fluorides measured as Hydrogen fluoride (F as HF)
- 25) Total reduced sulphur compounds measured as H₂S (H₂S)
- 26) Total volatile organic compounds (thermal treatment)

SCHEDULE 2: SPRAY BOOTH CONSTRUCTION REQUIREMENTS

WALLS	225mm Brickwork or an approved material
ROOF	Reinforced concrete or an approved material
FLOOR	Concrete or other impervious material
DOORS	<p>(A) – Constructed of 50mm hardwood completely covered, including the edges, with 24 s.w.g. metal secured to the door with bolts at 30mm centres along the edges. The doors to open outwards and to be hung on Tee hinges bolted to the door.</p> <p>(B) – Close fitting metal doors not less than 3mm in thickness, carried on an angle iron frame and having an all round overlap or not less than 50mm.</p>
NOTE:	Where the floor area exceeds 18 square metres 2 doors must be provided.
WINDOWS	Metal frames with no opening sections glazed with wire-woven glass not exceeding 460mm x 460mm. Putty approved by the SANS Code No. 680/59 only to be used and the occupier to furnish proof of this to the designated fire officer.
NOTE:	The Factory Inspector requires natural light to the extent of 20% of the floor area.
VENTILATION	30 Lineal metres/minute velocity across the room must be provided by means of mechanical ventilation, with the center line of the inlets 460mm above the floor level and to discharge through vertical metal ducting terminating 1 metre above the apex of the roof. No right angle bends to be used in the ducting system. Exhaust fans to be installed at 4 metre centres or horizontal metal ducting extending the entire length of the wall with suitable inlets, must be provided.
NOTE:	If the ducting is external to the Spray Booth and in communication with the Workshop etc., it must be protected by either 110mm brick cement lagging.

VENTILATION INLETS	The wall opposite the exhaust fans to be honeycombed with airbricks installed from 100mm above floor level to a height of not less than 2 metres.
MINIMUM NUMBER OF AIRBRICKS	SIZE OF THE ROOM
40	Up to but not exceeding 140 cubic metres
65	Up to but not exceeding 280 cubic metres
90	Up to but not exceeding 470 cubic metres
150	Up to but not exceeding 650 cubic metres
NOTE: Metal filters with metal swarf elements may only be used in an all metal installation, in lieu of Airbricks.	
ELECTRICAL WORK	All electrical work must be of flame-proof construction
DANGER NOTICE	“DANGER-NO SMOKING” notices in 150mm high white letters on a red background to be provided above the doors outside the Spray Booth.

LOCAL AUTHORITY NOTICE 46 OF 2016**FINAL NDM MHS BY-LAW****NKANGALA DISTRICT MUNICIPALITY****MUNICIPAL HEALTH SERVICES BY-LAWS, 2014**

I, Margaret Millicent Skosana, Municipal Manager of the Nkangala District Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Municipal Health Services By-laws of the Nkangala District Municipality, as approved by its Council, as set out hereunder.

NKANGALA DISTRICT MUNICIPALITY**MUNICIPAL HEALTH SERVICES BY-LAWS****TABLE OF CONTENTS****CHAPTER 1****INTERPRETATION AND FUNDAMENTAL PRINCIPLES**

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(1) In these By-laws, unless the context otherwise indicates –

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

“adequate” when used to describe a standard or manner in which anything required by these By-laws 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 these By-laws and “adequately” has a corresponding meaning;

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

“air pollution” means any change in the environment caused by any substance emitted into the atmosphere from any activity, where that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of natural or managed ecosystems, or on materials useful to people, or will have such an effect in the future;

“Air Quality Act” means the National Environment Management: Air Quality Act, 2004 (Act No. 39 of 2004);

“animal” means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, reptile, insects and wild animal;

“approved” when used to describe a particular object, measure or material, means an object, measure or material which has been approved in terms of section 50 as being adequate in specified circumstances to prevent, or reduce to a level acceptable to the Council, the risk of any municipal health hazard or municipal health nuisance occurring, continuing or recurring;

“approved container” means a coffin or other approved containers;

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

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

“Authorized Official” means any person authorized as such by the Council for the purpose of these By-laws to perform and exercise any or all of the functions specified therein, and any person in the service of the Council who has been appointed in the capacity of Peace Officer in terms of Criminal Procedure Act 51 of 1977 – “authorized person” has a similar meaning;

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

"best available method" means the method available that will best prevent diseases;

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

"biodegradable industrial wastewater" means wastewater that contains predominantly organic waste arising from industrial activities and premises including, but not limited to –

- (a) milk processing;
- (b) manufacture processing of fruit and vegetable products;
- (c) sugar mills;
- (d) manufacture and bottling of soft drinks;
- (e) water bottling;
- (f) production of alcohol and alcoholic beverages in breweries, wineries or malt houses;
- (g) manufacture of animal feed from plant or animal products;
- (h) manufacture of gelatine and glue from hides, skin and bones;
- (i) abattoirs;
- (j) fish processing; and
- (k) feedlots; and
- (l) tannery.
- (m) bio-diesel processing plants

"bottled water" means water that is packed in sealed containers of various forms and capacities, and which is offered for sale as a foodstuff for human consumption, but does not contain sugars, sweeteners, flavourings or any other foodstuffs

'building' includes-

- (a) any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with-
 - i. the accommodation or convenience of human beings or animals;
 - ii. the manufacture, processing, storage, display or sale of any goods;
 - iii. the rendering of any service;
 - iv. the destruction or treatment of refuse or other waste materials;
 - v. the cultivation or growing of any plant or crop;
- (b) any wall, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith;
- (c) any fuel pump or any tank used in connection therewith;
- (d) any part of a building, including a building as defined in paragraph (a), (b) or (c) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building;

"building and demolition waste" means waste, excluding hazardous waste,

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produced during the construction, alteration, repair or demolition of any structure, and includes rubble, earth, rock and wood displaced during that construction, alteration, repair or demolition;

"business waste" means waste that emanates from premises that are used wholly or mainly for commercial, retail, wholesale, entertainment or government administration purposes

"cattery" means premises in or upon which –

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

"child" means a child admitted to a pre-school institution in terms of these By-laws.

"Corpse" - means a dead human body;

"certificate holder" means the person in whose name a certificate has been issued;

"communicable disease" means an illness due to a specific infectious agent or its toxic products which arises through transmission of the agent or its products from an infected person, animal or inanimate reservoir to a susceptible host, either directly or indirectly through an intermediate plant or animal host, vector or inanimate environment.

"Council" means –

- (a) the Nkangala District Municipality established by Provincial Gazette Extraordinary Notice No. 631 dated 01 October 2000- Proclamation 300 of 2000, as amended, exercising its legislative and executive authority through its municipal Council; or
- (b) its successor in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
- (d) a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, or any other law, as the case may be;

"crematorium" means a place used for the purpose of burning or cremating human remains and includes every part of those premises;

"culture" means a traditional way of doing things and shall include habits, norms, morals, mores, ethics and values;

"district" means the geographical area of the Nkangala District Municipality and includes the Emalahleni Local Municipality, the Steve Tshwete Local Municipality, the Emakhazeni Local Municipality, the Victor Khanye Local Municipality, the Dr JS Moroka Local Municipality and the Thembisile Hani Local Municipality.

"domestic staff" or "general worker" means staff employed in an institution for cleaning, cooking and other related work;

"dormitory" means a sleeping room in which sleeping accommodation is provided for four or more persons;

"dry-cleaning or laundry business" means any business in which clothes or other fabrics are cleaned with water or other solvents, or clothes or fabrics are ironed;

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

“dwelling” means any house, room, shed, hut, tent, cave, caravan, container, shelter, vehicle, boat or any other structure or place whatsoever, any part of which is used or appears intended for use by any human being for sleeping or in which any human being dwells or sleeps and “room” has a corresponding meaning;

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

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

- (i) the land, water and atmosphere of the earth;
- (ii) micro-organisms, plant and animal life;
- (iii) any part or combination of (i) and (ii) and the interrelationships among and between them; and
- (iv) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and wellbeing;

“environmental authorization” means an environmental authorization as defined in the National Environmental Management Act 1998, (Act 107 of 1998) as amended;

“environmental pollution” means the contamination of the earth's biological and physical components which include water, air and land;

“effluent” means waste water generated as a result of an activity and the quality of which is such that it may cause a municipal health nuisance;

“environmental health practitioner” means an official appointed by the Council, and who is duly registered as such with the Health Professions Council of South Africa in terms of section 33(1) of the Medical Dental and Supplementary Health Professions Act, 1974 (Act No. 56 of 1974);

“embalming” means the treatment of human remains in order to prevent decay;

“exemption certificate” means a certificate issued in terms of section 54 of these Bylaws;

“funeral undertaker's premises” shall mean premises that are used or intended to be used in connection with the preparation and storage of human remains and may undertake funeral and burial services;

“hazardous waste” means any waste that contains organic or inorganic elements characteristics of that waste, have a detrimental impact on health and the environment; or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on health and the environment;

“health care general waste” means the non-hazardous component of waste generated by a health care facility and includes the domestic waste generated by the facility;

“health care waste” means health care general waste and health care risk waste;

“health care risk waste” means the portion of the health care waste that is hazardous and includes-

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- (a) laboratory waste;
- (b) anatomical waste;
- (c) genotoxic/cytotoxic waste;
- (d) infectious waste;
- (e) sharps waste;
- (f) sanitary waste
- (g) nappy waste
- (h) low-level radioactive waste; and
- (i) pharmaceutical waste;

“health certificate” means a health certificate issued in terms of these By-laws;

“health certificate holder” means a natural person or a partnership, or an association of persons, to whom a health certificate has been issued in terms of these By- Laws;

“health nuisance” means a situation, or state of affairs, that endangers life or health or adversely affects the well-being of a person or community as defined in the National Health Act 61 of 2003; ;”municipal health nuisance” and “health nuisance” shall have a corresponding meaning in the context of these By-laws

“Health Officer” means a person who holds such qualifications which entitles him/her to be registered as a medical practitioner, or environmental health practitioner or nursing personnel and appointed to exercise the provision of these guidelines according to their professional practices.

“holder of waste” means any person who imports, generates, stores, accumulates, transports, processes, treats, or exports waste or disposes of waste;

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

“human remains” means a dead human body, or the remains of a dead human body whether decomposed or otherwise;

“keeper” means –

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

“local municipality” means a municipality that shares municipal executive and legislative powers in its area with the Nkangala District Municipality in whose area it is situated and which is described in section 155(1) of the Constitution as a category B municipality;

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

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“municipal area” means the area under the jurisdiction of the Council and ‘district’ has a similar meaning;

“municipal health” means the art and science which aim at preventing disease, prolonging life and promoting health through the organized efforts of society and includes the mental and physical health and well-being of people in the municipal area;

“municipal health services” means services as defined in section of the National Health Act. 61 of 2003 and for the purposes of these By-laws includes-

- (a) water quality monitoring;
- (b) food control;
- (c) waste management;
- (d) health surveillance of premises
- (e) surveillance and prevention of communicable diseases, excluding immunisations;
- (f) vector control;
- (g) environmental pollution control;
- (h) disposal of the dead, and
- (i) chemical safety,

but excludes port health, malaria control and control of hazardous substances;

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

- (a) circumstances referred to in section 6 (3);
- (b) unsanitary conditions;
- (c) circumstances which make it easier for a communicable disease to break out or spread;
- (d) circumstances which make food or drink, including water for domestic consumption, unhygienic or unsafe to eat or drink; and
- (e) circumstances which allow pests to infest any place where they may affect municipal health;

“municipal health nuisance” means the use of any premises or place in a manner which creates conditions that significantly increase the risk of a municipal health hazard occurring or which compromises any aspect of municipal health to an extent that is more than trivial or insignificant, and without limitation, includes those circumstances in which a municipal health nuisance is considered to exist in terms of Section 8;

“municipal manager” means a person appointed as such by the Council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“National Building Regulations and Building Standards Act” means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);

“noise pollution” means any change in the environment caused by noise, emitted from any activity, including construction and the provision of services, whether engaged in by any person or an organ of state, where that change has an adverse effect on human health or well-being or will have such an effect in the future;

“occupier”, in relation to any premises, means any person –

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- (a) occupying the premises;
- (b) leasing the premises;
- (c) who is not occupying the premises but is entitled to do so; or
- (d) who manages the premises or a business on the premises on behalf of a person referred to in paragraph (a), (b) or (c);

“organ of state” means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996);

“owner” in relation to a building or land, means the person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question:

Provided that if-

- (a) such person, in the case of a natural person, is deceased or was declared by any court to be incapable of managing his own affairs or a prodigal or is a patient as defined in section 1 of the Mental Health Act, 1973 (Act 18 of 1973), or if his estate has been sequestrated, the executor or curator concerned, as the case may be;
- (b) such person, in the case of a juristic person, has been liquidated or placed under judicial management, the liquidator or judicial manager concerned, as the case may be;
- (c) such person is absent from the Republic or if his whereabouts are unknown, any person who, as agent or otherwise, undertakes the management, maintenance or collection of rentals or other moneys in respect of such building or land or who is responsible therefore;
- (d) the local authority in question is unable to determine the identity of such person, any person who is entitled to the benefit of the use of such building or land or who enjoys such benefit, shall be deemed to be the owner of such building or land;

“pet” means a domestic animal, reptile, insect, bird or poultry 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;

“permit” means a municipal health permit issued by the Council in terms of section 49;

“person” means a natural person or a juristic person, and includes an organ of state;

“pest” means any animal, reptile, insect or mammal, which may create a municipal health hazard or municipal health nuisance if it is present in significant

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numbers and without limitation, includes rats, mice, flies, mosquitoes, bed bugs, fleas, lice, termites and cockroaches;

“potable water” means water which complies with the SANS 241 for drinking water and its subsequent amendments, with regards to its chemical, microbiological and physical quality;

“premises” means –

(a) any land without any buildings or other structures on it;

(b) any building or other structure and the land on which it is situated;

(c) any land which adjoins land referred to in paragraph (a) or (b) and any building or other structure on the adjoining land, if that land, building or structure is occupied or used in connection with any activity carried out on the premises referred to in paragraph (a) or (b); or

(d) any land on which a caravan park or camping ground is situated; or

(e) any vessel, vehicle or movable structure which is used for a scheduled use;

“prescribed fee” means a fee determined by the Council by resolution in terms of section 75A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended;

“pre-school institution” means any undertaking or institution involving the custody, care or tuition or any combination of these functions, during the whole or part of the day on all or any of the days of the week of children under the age of seven years, or the building or the premises maintained or used for the purpose of conducting such undertaking,

“proclaimed township” means an approved township as contemplated in sections 79, 103, 111 and 141(4) of the Town Planning and Townships Ordinance, 1986, (Ordinance No. 15 of 1986), or a township approved in terms of any prior law relating to townships;

“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 in the district 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, and includes a public place as defined in the Tobacco Control Amendment Act 12 of 1999.

“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 guinea-fowls.

“scheduled use” means any of the following uses

- Sanitary services
- Private Sewage Works
- Water
- Listed trades
- Hairdressing, Beauty and Cosmetology Services
- Second-hand Goods
- Accommodation Establishments
- Dry Cleaning and Laundry Establishments

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- Swimming Pools and Spa-Baths
- Child-Care Services
- Keeping of Animals

“spa-bath” means a structure constructed of an approved material, provided with a controlled circulating water supply and used for bathing, excluding a spa bath situated at a private home which is not used for commercial purposes;

“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 a jacuzzi, that is accessible to the public and includes swimming pools at schools or other tertiary institutions and a children's swimming and paddling pool, but excluding a swimming pool at a private home which is not used for commercial purposes;

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

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;

“wastewater” means water containing waste, or water that has been in contact with waste material and may include biodegradable industrial wastewater and domestic wastewater.

- (2) Unless the context otherwise indicates, any word or expression which is defined in any Chapter, has the same meaning wherever it is used in these By-laws.
- (3) If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, or any other law, been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

2. Purpose

The purpose of these By-laws is to enable the Council to:

- Give effect to Section 24 of the Constitution of the Republic of South Africa including the National Health Act, 61/2003 and the National Water Act, 36/1998 and its associated regulations and policies;
- Give effect to any other applicable international, national or provincial legislation, policies and their associated regulations, guides and frameworks;
- Provide for the rendering of effective, efficient and sustainable municipal health services throughout the Nkangala District by setting minimum municipal health services standards to prevent disease, prolong life, protect and promote the health and well-being of people in the municipal area by -
 - (1) providing, in conjunction with any other applicable law, an effective legal and administrative framework within which the Council can –

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- (a) manage and regulate activities that have the potential to impact adversely on municipal health; and
 - (b) require premises to be properly maintained and managed; and
- (2) defining the rights and obligations of the Council and the public in relation to this purpose.

3. Application of these By-laws

- (1) The provisions of these By-laws takes precedence over the provisions of any other by-law or zoning scheme applicable in the district, insofar as such other by-law or zoning scheme regulates any aspect of “municipal health services” as defined in the Act.
- (2) These By-laws binds any organ of state.
- (3) Any provision of these By-laws conferring any power or imposing any duty upon any person in the service of the Council also applies in respect of-
 - (a) any land or premises within the area of jurisdiction of a local municipality which is owned by such local municipality, whether occupied or used by a person other than such local municipality or not;
 - (b) any person or thing on any such land or premises;
 - (c) any matter relating to such land, premises, person or thing, as if such land or premises, as the case may be, were owned and occupied by a private person.

CHAPTER 2

MUNICIPAL HEALTH

Part 1: Municipal Health Principles

4. Principles

- (1) Every person has a constitutional right to an environment that is not harmful to his or her health or well-being and to have access to sufficient water and the Council has a constitutional duty to strive, within its financial and administrative capacity, to promote a safe and healthy environment.
- (2) The risk of a municipal health hazard occurring, continuing 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 Council.
- (3) Any person who owns or occupies premises in the district must ensure that it is used for and maintained in a manner that ensures that no municipal health hazard or municipal health nuisance occurs on the premises.
- (4) Any person who wishes to undertake an activity which creates a risk to municipal health that is more than trivial or insignificant must –
 - (a) take all reasonable measures to eliminate that risk, and if that is not reasonably possible, to reduce the risk to a level acceptable to the Council; and

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- (b) bear the costs of taking those measures and of any reasonable costs incurred by the Council in ensuring that the risk is eliminated or reduced to an acceptable level.
- (5) The Council 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 any human or animal disease to spread;
 - (c) does not give rise to unsanitary or unhygienic conditions;
 - (d) prevents unsafe food or drink from being eaten or drunk;
 - (e) avoids creating conditions favourable for infestation by pests; or
 - (f) wherever reasonably possible, improves municipal health in the municipal area.
- (6) In dealing with matters affecting municipal health the Council must –
- (a) adopt a cautious and risk-averse approach;
 - (b) prioritise the collective interests of the people of the municipal area, and of South Africa, over the interests of any specific interest group or sector of society;
 - (c) take account of historic inequalities in the management and regulation of activities that may have an adverse impact on municipal health and redress these inequalities in an equitable and non-discriminatory manner;
 - (d) adopt a long-term perspective that takes account of the interests of future generations; and
 - (e) take account of, and wherever possible without compromising municipal health, minimise any adverse effects on other living organisms and ecosystems.

5. Application of principles

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

- (1) exercising a power or function or performing a duty under these By-laws;
- (2) 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 municipal area; or
- (3) exercising a public power or function or performing a public duty in the municipal area which is likely to have a significant effect on municipal health in that area.

Part 2: Municipal health hazards and municipal health nuisances

6. Prohibition on causing municipal health hazards

- (1) No person may create a municipal health hazard anywhere in the municipal area.
- (2) Every owner or occupier of premises must ensure that a municipal health hazard does not occur on those premises.
- (3) An owner or occupier of premises creates a municipal health hazard if –
 - (a) the premises are infested with pests or pests are breeding on the premises;

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- (b) there are conditions on the premises which are conducive to the spread of a communicable disease or which may cause a non-communicable disease;
- (c) there is any unsanitary condition in any part of the premises; or
- (d) any water supply for domestic consumption on the premises is unsafe for human consumption.

7. Duty to report municipal health hazards

The owner or occupier of premises who knows of a municipal health hazard on those premises, must within 24 hours of becoming aware of its existence –

- (1) eliminate the municipal health hazard; or
- (2) if the owner or occupier is unable to comply with paragraph (a), take reasonable steps to reduce the risk to municipal health and forthwith report the existence of the municipal health hazard to Council in writing.

8. Health Nuisance

- (1) An health nuisance exists or occurs if any of the following occurs on any land or premises:
 - (a) a water pool, ditch, gutter, dung pit or heap is so foul or in such a state or so situated or constructed to be injurious or dangerous to health;
 - (b) an accumulation of waste or other matter which is injurious or dangerous to health occurs;
 - (c) when engaging in an controlled activity as contemplated in the National Water Act, 1998 (No 36 of 1998) section 37(1) (a), irrigation of any land with waste water or water containing waste generated through any industrial activity or by a water work and such activity:
 - i. does not comply with regulation 2 of the General Authorizations No 1191 published in Government Gazette No. 20526 dated 8 October 1999, promulgated in terms of section 63 of the National Water Act, 1998 (Act No. 36 of 1998) and amended by Government Notice 399 dated 26 March 2004 Gazette no. 26187; or,
 - ii. where the general authorization does not apply, does not comply to any condition of the license authorizing such water use in terms of section 22 of the National Water Act, 1998 (No. 36 of 1998); or,
 - iii. does not comply to any limitation, restriction or prohibition in terms of the National Water Act, 1998 (No. 36 of 1998) or any other applicable law; or
 - iv. does not comply with the “*Guide: Permissible utilization and disposal of treated sewage effluent*”, 1978. *Department of National Health and Population Development Report No. 11/2/5/3*, as amended from time to time (obtainable from the Department of Health).
 - (d) Where waste water or water containing waste is discharged into a water resource through a pipe, canal, sewer, or other conduit and such activity does not:
 - i. comply with regulation 3 of the General Authorizations No. 1191 published in Government Gazette No. 20526 dated 8 October 1999,

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- promulgated in terms of section 63 of the National Water Act, 1998 (Act No. 36 of 1998) and amended by Government notice 399 dated 26 March 2004 Gazette no. 26187; or,
- ii. where the general authorization does not apply, comply to any condition of the license authorizing such water use in terms of section 22 of the National Water Act, 1998 (No. 36 of 1998); or,
 - iii. comply to any limitation, restriction or prohibition in terms of the National Water Act, 1998 (No. 36 of 1998) or any other applicable law.
- (e) where sewage sludge is disposed of or utilized in a manner that does not comply with the guidelines for the utilization and disposal of waste water sludge as published by the Department of Water Affairs and Forestry as revised by the department from time to time.
- (f) a building, structure or enclosure is —
- (i) so constructed, situated, used or kept as to be injurious or dangerous to health;
 - (ii) kept or permitted to remain in a state as to be injurious or dangerous to health; or
 - (iii) infested with pests or vermin or in a state that is conducive to the breeding of pests or vermin;
- (g) a building, structure or enclosure is erected without first removing or decontaminating in an approved manner, any faecal, animal or vegetable waste disposed of on the land or premises; or
- (h) a building or structure is demolished without first eradicating all vermin;
- (i) a dwelling or any other premises is occupied for which no proper and sufficient supply of potable water is available as prescribed in terms of regulation 3 of GNR.509 of 8 June 2001: Regulations relating to compulsory national standards and measures to conserve water, promulgated in terms of the Water Services Act No. 108 of 1997;
- (j) a dwelling or building is occupied for which no proper toilet facilities, as required in terms of the National Building Regulations and Building Standards Act, Act 103 of 1977, are available;
- (k) a dwelling or building is occupied:
- i. which is not properly ventilated in accordance with the National Building Regulations and Building Standards Act 1977 (Act 103 of 1977); or
 - ii. and a carcass or the remains of an animal, poultry, bird or marine- or aquatic fauna, or any animal waste remains unburied or is not suitably disposed of after a period of more than 24 hours after death.
 - iii. that is not ventilated so as to destroy or render harmless as far as practicable any gases, vapours, dust or other impurities generated which may be dangerous to human health;
 - iv. that is so overcrowded, badly lighted or ventilated as to be injurious or dangerous to the health of those employed therein or thereon; or cause or give rise to effluvia which are injurious or dangerous to health.
- (2) A health nuisance exists if –

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- (a) an obnoxious smell, pests, vermin, vector, from whatever source emanate from land or premises;
- (b) any other activity, condition or thing declared to be a health nuisance under any law exists or occurs on or emanates from land or premises.

9. Specific Health Nuisances

- (1) No owner or occupier of any erf may allow it to be overgrown with bush, weeds or grass or other vegetation to such an extent that it may be used as a shelter by vagrants, wild animals or vermin to such an extent that it may threaten the health of any member of the community.
- (2) No person may fail to keep any premises owned or occupied by him clean and free from filth, debris, rubbish, glass, paper, rags, tins, lumber, weeds or undergrowth is unsightly or likely to become a nuisance or injurious to health.
- (3) No owner or occupier of any premises shall –
 - (a) fail to maintain the sewers, drains, water fittings, waste water fittings, water closet fittings and all other sanitary accessories forming part of or attached to any building or structure in good and sound repair;
 - (b) keep, cause or suffer to be kept upon any premises any toilet, urinal, bath, sink, basin, shower or cistern of such nature or in such condition that it is a health nuisance.
- (4) The owner of any premises, which is let or sublet to more than one tenant, shall maintain at all times in a clean and sanitary condition every part of such premises as may be used in common by more than one tenant.

10. General Health Nuisances

An owner or occupier of premises creates a municipal health nuisance if he or she causes or allows -

- (1) any premises or part thereof to be of such a construction or in such a state as to be offensive, injurious or dangerous to health;
- (2) any street, stream, pool, lagoon, ditch, gutter, watercourse, sink, cistern, water-closet, earth closet, pail closet, urinal, cesspool, cesspit, drain, sewer, dung pit, slop tank, ash heap or dung heap to be so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health;
- (3) 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;
- (4) any accumulation of refuse, offal, manure or other matter which is offensive or is injurious or dangerous to health;
- (5) any public building to be so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;
- (6) any dwelling to be occupied without proper and sufficient supply of potable water within a reasonable distance;
- (7) any factory or industrial or business premises not to be kept in a clean 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 or render harmless and inoffensive as

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- far as practicable any gas, vapour, dust or other impurity generated, or so overcrowded or so badly lighted or ventilated, as to be injurious or dangerous to the health of those employed therein or thereon;
- (8) any factory or industrial or business premises to cause or give rise to any smell or effluvia which is offensive or injurious or dangerous to health;
 - (9) any building, room or structure to be used wholly or partly by a greater number of persons than will allow less than 11,3 m³ of free air space and 3,7 m² of floor space for each person aged 10 years or more and 5,7 m³ of free air space and 1,9 m² of floor space for each person less than 10 years of age; or
 - (10) the accumulation of filth, debris rubbish, glass, paper, rags, tins, lumber and the growing or presence of weeds, long grass or undergrowth which is unsightly or is likely to become a nuisance or injurious to health or to cause an annoyance to the inhabitants of the neighbourhood,
 - (11) any other activity, condition or thing declared to be a nuisance by the Minister in terms of the National Health Act, 2003 (Act 61 of 2003) or any other relevant health legislation.
 - (12) Any other condition at or on a place or premises whatever, which in the opinion of Council is or can be detrimental, dangerous, inconvenient, offensive, injurious or dangerous to health; or which may in any other way cause a risk of disease, death or injuries.

11. Pest control

- (1) An owner or occupier of premises creates a municipal health nuisance if -
 - (a) the premises are maintained in a manner that attracts or harbours rodents or other pests, or is conducive to the breeding thereof;
 - (b) flies are being attracted to, or can breed on, the premises, in significant numbers because -
 - i. insufficiently rotted manure or any other organic material is being kept or used; or
 - ii. any other substance that attracts flies is used or kept other than for the purposes of trapping or killing flies;
 - (c) mosquitoes can breed in significant numbers on the premises because -
 - i. containers in which mosquitoes can breed, such as tyres, bottles, crockery, and tins, have been left or are kept on the premises;
 - ii. tanks, barrels and similar containers in which mosquitoes can breed are not fitted with mosquito-proof covers or mosquito wire gauze screens in a manner that prevents mosquitoes gaining access to water contained in them;
 - iii. gutters and down pipes are sagging or clogged so that stagnant water can accumulate in them; or
 - iv. approved measures have not been taken to prevent mosquitoes breeding in ponds, excavations, wells, swimming pools or any other stagnant water source on the premises.
- (2) The following measures are approved measures for the purposes of subsection (1) (c) (iv)-

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- (a) draining accumulated water at least once every seven days;
- (b) covering accumulated water with a larvicide at least once every seven days;
and
- (c) in the case of wells, providing a mosquito-proof cover and a pump.

12. Air pollution

An owner or occupier of premises creates a municipal health nuisance if–

- (1) any waste on the premises is burned outside except in an approved appliance;
- (2) ash, grit, soot or smoke is emitted from any domestic chimney or appliance or from any other means on the premises in a manner or quantity that is sufficient to have an adverse impact on municipal health;
- (3) the erection or destruction of a building or structure causes dust to be discharged into the surrounding atmosphere in a manner or quantity that is sufficient to have an adverse impact on municipal health; or
- (4) Any dust is generated on, and emitted from the premises due to any activity or process and discharged into the surrounding atmosphere in a manner or quantity that is sufficient to have an adverse impact on municipal health.

13. Fouling and littering of public places and open spaces.

- (1) A person creates a municipal health nuisance if he or she throws, dumps, stores, keeps or drops refuse, rubbish, glass, tins, paper, car wrecks or parts of motor vehicles, dead animals, waste water or flushing water or other litter or waste, whether liquid or solid, on or in a street, road, bridge, thoroughfare, open space, vacant stand, public place or erf, spruit or watercourse, or cause or permit it to be thrown, dumped or dropped there, or cause or permit any such liquid to flow into such a place.
- (2) The person who has contravened sub item (1) must remedy, to the satisfaction of the environmental health practitioner, any damage to the environment which resulted from such contravention.

14. General provisions and compliance

(1) Prohibition on causing municipal health nuisances

- (1) No person may cause a municipal health nuisance anywhere in the municipal area.
- (2) Every owner or occupier of premises must ensure that a municipal health nuisance does not arise on those premises.

(2) Duties of owner of premises

- (1) The owner, occupier or user of land or premises must –
 - (a) ensure that a health nuisance does not exist or occur on his or her land or premises; and
 - (b) within 24 hours of becoming aware of the existence of a health nuisance on the land or premises, eliminate the health nuisance, or if he or she is unable to eliminate the health nuisance –

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- i. take steps to the satisfaction of the municipality to reduce the risk to municipal health; and
 - ii. report the existence of the health nuisance to Council.
- (2) For the purposes of subsection (1), the owner, occupier or user of land or premises must, for the purpose of eliminating or reducing the quantity of vectors by the best available method;
- (3) The owner, occupier or user of land or premises must ensure that every well, hole, pit, reservoir, pond or excavation thereon is not filled in a way, or with any material, that may cause an adjacent water source to be polluted or contaminated.
- (4) The occupier must cause all waste to be placed in suitable refuse receptacles and be disposed in a manner contemplated in Chapter 19 hereof.
- (5) The owner, occupier or user of land or premises must dispose of any hazardous material or substance in such a way that it will not cause a health nuisance or pollute a water source.
- (6) The owner, occupier or user of land or premises who contravenes a provision of subsection (1) – (5) commits an offence.

(3) Duties of local municipalities

Every local municipality in the district must-

- (1) ensure that all municipal service works are maintained to such an extent that health nuisances are prevented;
- (2) ensure that municipal services are rendered in a manner calculated to prevent the occurrence of health nuisances;
- (3) take all reasonable measures to:-
 - (a) keep its municipal area in a clean and sanitary condition;
 - (b) prevent its stormwater systems from becoming obstructed or being polluted;
 - (c) prevent effluent from sewage works to pollute watercourses, rivers, streams and underground water;
 - (d) arrange its refuse removal schedules with a view to prevent the lengthy accumulation of refuse and waste;
 - (e) remove all illegal accumulations and dumping of refuse and waste in a regular manner;
 - (f) provide as many refuse receptacles as possible in streets and public places;
 - (g) keep public land from becoming overgrown with vegetation,
- (4) ensure that dumping, littering, refuse removal, overgrown erven and any other activities that may create health nuisances are adequately regulated;
- (5) take adequate measures to prevent illegal burning of refuse waste or other fires that create unnecessary smoke, ash or pollution;
- (6) take all reasonable measures to prevent the breeding of pests, bring any potential health nuisance to the attention of the Council; and
- (7) furnish the Council with such information as may be required, including details of all newly approved building plans, either at regular intervals or within a period as may be specified.

NDM MHS Bylaws**(4) Norms and standards**

- (1) The Council may-
 - (a) determine norms and standards;
 - (b) publish the norms and standards referred to in paragraph (a);
 - (c) amend or withdraw a notice; and
 - (d) in a notice referred to in paragraph (a), on reasonable grounds differentiate between different areas, activities or situations.
- (2) The Council may determine and issue additional norms and standards, in circumstances where the published norms and standards do not adequately regulate a particular activity or situation that has the potential to develop into a health nuisance; provided that the person at whom such special norms and standards are directed must be given reasonable notice thereof.
- (3) Any person who, for the purposes of conducting any activity on premises in terms of these By-laws, is required to comply with the published norms and standards or any additional norms and standards, must comply therewith -
 - (a) before commencing with such activity; and
 - (b) for the duration of such activity.
- (4) No person may contravene the provisions of the published norms and standards or any additional norms and standards determined and issued in terms of sub-section (2).

(5) Dereliction of duty and compliance notices

- (1) If the owner of premises or a local municipality fails to comply with their respective duties imposed in terms of section 3 and 4, or fails to comply with the published norms and standards or additional norms and standards, an Environmental Health Practitioner may issue a compliance notice to the owner or the municipal manager of the local municipality, as the case may be.
- (2) When an Environmental Health Practitioner finds that a provision of these By-laws is being contravened, or that a condition has arisen that is causing a health nuisance or has the potential to cause a health nuisance, such officer may issue a compliance notice to the person determined to be responsible for the condition. Where the contravener fails to comply with the compliance notice within the prescribed period, an Environmental Health Practitioner may in applicable cases issue a spot fine to the contravener.
- (3) If a local municipality, on receipt of a compliance notice, fails to comply with the requirements of such notice, the Council will take such steps as are deemed appropriate in accordance with the provisions of Chapter 3 of the Constitution, failing which the Council will arrange for the requirements of the notice to be complied with at the cost of the local municipality.
- (4) A compliance notice must state:-
 - (a) the provision of the by-law that is being contravened or will be contravened if the condition is allowed to continue;
 - (b) the measures that must be taken to rectify the condition, and
 - (c) the time period in which the notice must be complied with.

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(5) If a person, to whom a compliance notice has been issued, fails to comply with the requirements of the notice, such person is guilty of an offence in terms of section 84(1) of the Act, and the Council may use any legal means to enforce compliance with the requirements of the notice at the cost of that person.

(6) Imminent health nuisances and health nuisances that require immediate action

(1) Whenever an imminent health nuisance or health nuisance, that requires immediate action, comes to the attention of the Council, the Council may take any reasonable measures to prevent or eradicate such imminent health nuisance or health nuisance.

(2) Whenever an imminent health nuisance or a health nuisance has already occurred on the property of a local municipality, the Council must immediately take such steps as are deemed necessary to prevent or eradicate the nuisance at the cost of such local municipality.

(3) The Council must without delay report to both the Municipal Manager and the municipal manager of the local municipality the occurrence of any imminent health nuisance or a health nuisance contemplated by subsection (2) and the steps introduced to eradicate the nuisance.

(4) When an imminent health nuisance or health nuisance as contemplated by subsection (1) occurs on private property, an environmental health practitioner, in the event that the owner cannot be found or the owner fails to immediately comply with the requirements of the Council, take such measures as may be deemed necessary to prevent or eradicate the imminent health nuisance or the health nuisance at the cost of the owner.

(5) The environmental health practitioner must without delay report to the Municipal Manager any action taken in terms of subsection (4).

(7) Recovery of costs and prosecution

(1) The Municipal Manager may recover any costs reasonably incurred in taking any measures in terms of these By-laws from any person on whose behalf those measures were taken, including:-

- (a) a person on whom a compliance notice was served;
- (b) the owner of the premises concerned, or
- (c) any person responsible for creating a health nuisance.

(2) The municipal manager may issue a cost order requiring a person who is liable to pay costs incurred in terms of subsection (1) to pay those costs by a date specified in the order and such order constitutes *prima facie* evidence of the amount due.

(3) A person contravening any of the provisions of Chapter 2 shall be liable to a spot fine (if applicable) as set out in Schedule 2 or to prosecution in a court of law.

CHAPTER 3**SANITARY SERVICES****15. Compulsory connection to municipal sewage system**

Every owner of premises to which a municipal sewage service is available, must ensure that all waste water drainage pipes from any bath, wash-hand basin, toilet, shower, kitchen sink, washing machines and dish washers are connected to the municipal sewer in an approved manner.

16. Prohibition against obstruction of sanitary services

No person may prevent, obstruct or interfere with any sanitary service provided by a local municipality within the district.

17. Requirements in respect of toilet facilities

Every owner of premises must ensure that the number of toilets provided on those premises comply with the provisions of the National Building Regulations and Building Standards Act or any other applicable legislation.

18. Toilets for workers

- (1) Every contractor must provide his or her workers with toilet facilities as prescribed by the National Building Regulations and Building Standards Act.
- (2) No temporary toilet may be erected or placed on any pavement or other public place without the written approval of an Environmental Health Practitioner employed by Council.

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

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

20. Condition of toilets, urinals, backyards and refuse areas

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

21. Provision of tank for waste liquids in areas without sewers

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

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- (2) Subject to the provisions of subsection (3), premises referred to in subsection (1), must be equipped either with –
 - (a) an overhead tank placed in a way that its contents can be gravity fed into an approved waste removal vehicle; or
 - (b) an adequate filter, pump and indicator, with outlet pipes constructed and placed in a way that the tank may be easily emptied and cleansed.
- (3) The provisions of subsection (2) do not apply if –
 - (a) adequate arrangements have been made for dispersing waste water produced on the premises, other than urine, over land associated with the premises concerned; and
 - (b) the waste water is dispersed in a way that will not create a municipal health nuisance.
- (4) No sewage removed from any premises may be disposed of in a municipal drain or sewer without the prior written permission of the relevant local municipality.

22. Pumping of contents of underground tank to surface tank

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

23. Blocked or defective outlet pipes

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

24. Prohibition against urine in slops tanks

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

25. Compliance

A person contravening any of the provisions of Chapter 3 shall be liable to a spot fine (if applicable) as set out in Schedule 2 or to prosecution in a court of law.

CHAPTER 4**PRIVATE SEWAGE WORKS****26. Permit for provision of service for the removal of human excrement or urine**

No person may provide any service for the removal or disposal of human excrement and urine on any premises except in terms of a permit issued by the relevant local municipality authorising that service.

27. Permit for installation of sewage works

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 issued by the relevant local municipality authorising that activity.

28. Maintenance of sewage works

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

29. Disposal of sewage, sewage effluent and wastewater

No person may dispose of sewage or waste water from any bath, wash-hand basin, toilet, shower, kitchen sink, swimming pool, washing machines, dish washers and refuse receptacles in a way or in a location that may -

- (1) cause long term dampness in or on any premises;
- (2) endanger the quality of any water supply, surface water, stream or river; or
- (3) create a municipal health nuisance and/or hazard.

30. Compulsory use of prescribed sewage removal service

Every occupier of premises must use the sewage removal service prescribed by the relevant local municipality for those premises.

31. Compliance

A person contravening any of the provisions of Chapter 4 shall be liable to a spot fine (if applicable) as set out in Schedule 2 or to prosecution in a court of law.

CHAPTER 5**WATER****32. Applicable legislation and enforcement**

- (1) The Council, taking cognisance of the provisions of the National Water Act, 1998 (Act 36 of 1998), adopts these provisions in this Chapter.
- (2) The Council, taking cognisance of the provisions of the Water Services Act, 108 of 1997 and of the Regulations relating to Compulsory National Standards and Measures to Conserve Water published under GN R509 dated 8 June 2001, adopts the provisions in this Chapter.
- (3) Within the powers conferred upon the Council by the National Health Act, 2003 (Act No. 61 of 2003), the Council may take action where the non-compliance with any of the provisions of the Acts and Regulations contemplated in sub-sections (1) and (2) constitutes a health nuisance.

33. Pollution of sources of water supply

No person may-

- (1) pollute or contaminate any catchment area, river, canal, well, reservoir, filter bed, water purification or pumping works, tank, cistern or other source of water supply or storage in a way that creates a municipal health nuisance or a municipal health hazard.
- (2) engage in any activity that may directly or indirectly result in the pollution or contamination of any catchment area, river, canal, stream, well, reservoir, filter bed, water purification or pumping works, tank, cistern or other source of water supply or storage;
- (3) fail to take adequate precautions when engaged in an activity that may directly or indirectly result in the pollution or contamination of a source of water supply or storage;
- (4) add or cause or allow to be added any matter, substance or thing that may cause pollution or contamination to any source of water supply or storage, or may produce an undesirable taste after chlorination or an undesirable odour or colour, or produce excessive foam in the final effluent from any wastewater treatment works;
- (5) allow any bird or animal to enter or in any other way to pollute any water source or storage of water used for domestic consumption, or
- (6) take on or cause or allow to be taken water from any water source or storage of water used for domestic consumption, in such a manner that such water is polluted or contaminated.
- (7) bathe, or wash or allow to be washed any garment or any other article or animal in, or in any place which drains into, any water source or storage used for domestic consumption.

NDM MHS Bylaws**34. Dangerous wells, boreholes and excavations**

Every owner or occupier of premises must ensure that any well, borehole or other excavation located on his or her premises –

- (1) is fenced, filled in or covered over in a way that adequately safeguards it from creating a municipal health nuisance or municipal health hazard; and
- (2) is not filled in a way, or with material, that may cause any adjacent well, borehole or underground water source to be polluted or contaminated to an extent that may create a municipal health nuisance or a municipal health hazard.

35. Provision of adequate water supply

Every owner of premises must provide every resident on the premises with an adequate and readily available potable water supply at all times.

36. Use of water from sources other than the municipal supply

No person may in any proclaimed township within the district, use or permit to be used any water for domestic consumption, obtained from a source other than the water supplied by Council or the relevant water services authority for that local municipality, unless the water concerned has been approved for that purpose and complies with standards of potable water.

37. Furnishing of particulars of the source of water

- (1) Any owner or occupier of premises on which a well, borehole, spring, dam, river or other water source is located, the water of which is used for domestic consumption, must within 14 days of receiving a notice from the Council calling on him or her to do so, provide the Council with all particulars of the water source reasonably available to the owner or occupier.
- (2) An owner or occupier of premises contemplated in subsection (1), must, if requested to do so by the Council, and at his or her own cost, furnish to the Council a certificate of chemical analysis and bacteriological investigation issued by an analyst, as defined in the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), in respect of any water supply on that premises used for domestic consumption.

38. Permission to abstract or use water

- (1) No person may abstract or use water from any source in the district for purposes not permissible in terms of Schedule 1 of the National Water Act, 1998, without the necessary authorisation for such use in terms of the National Water Act, 1998.
- (2) Any owner or occupier of premises on which a well, borehole, spring, dam, river or other water source is located, must within 14 days of receiving a notice from the Council calling on him or her to do so, provide the Council with proof of the authorisation referred to in subsection (1).
- (3) Any person who contravenes subsection (1) shall be guilty of an offence and liable for the penalties as prescribed by the National Water Act, 1998.

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39. Storm water runoff from premises which may impact on municipal health

- (1) Every owner or occupier of premises must erect adequately designed, constructed and maintained hydraulic and hydrological structures on those premises -
 - (a) to divert the maximum storm water runoff, which could be expected within a period of 24 hours with an average frequency of recurrence of once in 100 years, from any part of the premises on which any waste, likely to create a municipal health nuisance, is or was handled, produced, stored, dumped or spilled;
 - (b) to collect all polluted runoff water from any part of the premises on which waste, likely to create a municipal health nuisance is or was handled, produced, stored, dumped or spilled, for reuse, treatment or purification;
 - (c) to separate all effluent from storm water systems;
 - (d) to prevent the erosion or leaching of material from any slimes dam, ash dam and any dump or 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, vlei or water course; and
 - (f) to prevent any adverse impact on the quality of surface and ground water occurring, due to the location of any dump, stock-pile, dam, drain, canal, conduit, sewer or any other structure on the premises.
- (2) An owner or occupier of premises –
 - (a) must keep all water passages open and free of obstruction from matter which may impede the flow of water or effluent so as to prevent the creation of a health nuisance;
 - (b) may not locate any dump within the one hundred year flood line of any water resource;
 - (c) may not use coal, coal discard, carbonaceous material or any other material for the construction of any slurry, evaporation or catchment dam, or any embankment, road or railway in a way likely to create a municipal health nuisance;
 - (d) must construct bund walls around any tank, or group of tanks, containing any substance that can create a municipal health nuisance, of a size that is capable of containing the volume of the largest tank plus an additional 10% in the event of any unlawful or accidental discharge from the tank or group of tanks; and
 - (e) must clean any industrial surface area so as to prevent the pollution of storm water which may result in an adverse impact on the quality of any surface or ground water.

40. Containment of waste water

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

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41. Bottled water

- (1) No person may sell or provide for use any bottled water that does not comply with the quality requirements of the SANS 241: South African National Standard for Drinking Water, as amended and the regulation relating to bottled water, Regulation 718 dated 28 July 2006;
- (2) Any person providing or selling bottled water that does not comply with the quality requirements as set out in (1) above is guilty of an offence.
- (3) Any bottled water of which a sample was analyzed and was found not to comply with the quality requirements of SANS 241: South African National Standard for Drinking Water, as amended, may be confiscated and disposed of.
- (4) Council may as often as may be required test any bottled water to determine whether it conforms to the basic parameters as prescribed by the above mentioned or by any other legislation.

42. Compliance

A person contravening any of the provisions of Chapter 5 shall be liable to a spot fine (if applicable) as set out in Schedule 2 or to prosecution in a court of law.

CHAPTER 6

TRADES & ACTIVITIES THAT NEED PRIOR APPROVAL

43. List of types of activities that require prior approval

Notwithstanding the provisions of any other legislation, any person who contemplates to carry out any of the following types of activities must obtain permission from Council:

- (1) Keeping of bees;
- (2) panel beating or spray painting;
- (3) operating a waste recycling plant including oil and petroleum product recycling;
- (4) scrap yard or scrap metal dealing;
- (5) blood boiling, bone boiling, tallow melting, fat melting or fat extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, hide boiling, skin curing, blood drying, gut scraping, leather dressing, tanning or glue making;
- (6) charcoal burning, brick burning, lime burning;
- (7) manure making or storing or compost making;
- (8) parchment making;
- (9) manufacturing malt or yeast;
- (10) cement works, coke-ovens or salt glazing works;
- (11) sintering of sulphurous materials;
- (12) viscose works;
- (13) ore or mineral smelting, calcining, puddling or rolling of iron or other metal, conversion of pig iron into cast iron, reheating, tempering, hardening, forging, conversion or compounding of carbon with iron or other metals;
- (14) Slaughter of animals
- (15) Fish mongering and fish frying

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- (16) Manufacture of rags or the storing thereof
- (17) Animal bristle and hair storing and sterilizing
- (18) Manufacture of chemicals
- (19) Fell-mongering
- (20) Creating and storing of wood saw-dust.
- (21) Works for the production of carbon bisulphide, cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, pyridine, liquid or gaseous sulphur dioxide or sulphur chlorides;
- (22) 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 or zinc oxide; or
- (23) the refining or processing of petrol, oil or their products;
- (24) massage parlours;
- (25) milking stables and the provision of raw milk;
- (26) abattoirs
- (27) any hairdressing, beauty, cosmetology, body piercing or tattooing service;
- (28) the sale of any type of second-hand or used goods, with the exclusion of vehicles and implements in running condition and furniture;
- (29) accommodation establishments where accommodation is provided for gain for four or more people, with or without meals;
- (30) dry-cleaning and laundry establishments;
- (31) private swimming pools, spa-baths and gymnasiums operated for gain;
- (32) nursing and maternity homes and hospices;
- (33) child-care premises or child-care services;
- (34) pet shops, kennels, catteries and pet parlours;
- (35) keeping and slaughtering of animals for ceremonial and religious purposes
- (36) Any other work or trade of an offensive nature which, with the sanction of the Council may add to the list.

44. Application for prior approval

- (1) No person may, without the prior approval of the Council on any premises carry out or allow an activity listed in section 43 or an activity published by the Council.
- (2) Any person who wishes to engage in a listed activity must-
 - (a) in addition to any other application for approval which may be required, submit a written application for approval to the Council;
 - (b) include in the application all information required by the Council;
 - (c) undertake at own cost, such studies and surveys as may be required by legislation and the Council;
 - (d) prove to the satisfaction of the Council that the activity will be able to be carried out in compliance with the norms and standards, and requirements by the Council in regard to such activity and
 - (e) undertake to comply with the conditions imposed by the Council.

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45. Permit requirement

No person may conduct any listed trade in or on any premises, except in terms of a permit authorising such trade.

46. Requirements for premises

No person may conduct a listed trade in or on any premises unless -

- (1) the floors of the premises are constructed of cement concrete or a similar impervious material, brought to a smooth finish;
- (2) the floors of the premises are adequately graded and drained for the disposal of effluent to an approved disposal system;
- (3) the inside walls, except where glazed or glass brick or glazed tiles are used, are plastered, brought to a smooth finish and painted with a light-coloured, washable paint;
- (4) the surface of any backyard or open space is paved with concrete or similar impervious material, brought to a smooth finish;
- (5) the premises are provided with adequate light and ventilation as prescribed in the National Building Regulations and Building Standards Act;
- (6) an adequate supply of running potable water is provided;
- (7) 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;
- (8) adequate means are provided for the disposal of all effluent arising from the manufacturing or other process performed on the premises;
- (9) adequate accommodation is provided for the storage of all finished products, articles or materials which are used in the manufacturing or other process and which may –
 - (a) discharge offensive or injurious effluent or liquid; or
 - (b) decompose in the course of the work or trade;
- (10) adequate means are provided to control the discharge in the open air of any noxious, injurious or offensive gas, fume, vapour or dust produced during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of material;
- (11) adequate sanitary fixtures are provided as prescribed in the National Building Regulations and Building Standards Act;
- (12) a perimeter wall made of brick or some other impervious material, with a minimum height of 2 metres, is constructed around the premises;
- (13) all gates to the premises are of solid construction with a minimum height of 2 metres;
- (14) all perimeter walls and gates adequately screen activities on the premises from public view; and
- (15) all materials are stacked or stored on the premises below the height of the perimeter screening;
- (16) adequate separate change-rooms for male and female employees must be provided containing –
 - (a) an adequate metal locker for every employee;

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- (b) a wash-hand basin provided with a supply of running hot and cold potable water; and
 - (c) an adequate supply of soap and disposable towels at every wash-hand basin;
- (17) if no change-room has been provided in terms of paragraph (16) –
- (a) a hand wash basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
 - (b) an adequate metal locker must be provided for every employee in the work area.

47. Duties of owners of premises where listed activities take place

Every owner of premises where an approved listed activity is taking place must-

- (1) comply with the apposite norms and standards and requirements issued by the Council;
- (2) immediately inform the Council of any change in or cessation of the approved activity.

48. Duties of listed traders

Every listed trader must -

- (1) maintain the premises in a clean, hygienic and good condition at all times;
- (2) maintain all walls and floors of the premises in a manner and condition that prevents the absorption of any waste or waste water;
- (3) maintain all machinery, plant, apparatus, furniture, fittings, tools, implements, vessels, containers, receptacles and vehicles in a clean, hygienic and good condition at all times;
- (4) prevent any waste accumulating on the premises and provide proof when required of safe disposal of recycled or hazardous related waste materials;
- (5) prevent the emission of noxious, injurious or offensive gases, fumes, vapours or dust generated during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of any material on the premises; and
- (6) provide and maintain effective measures to preclude the open attraction of pest and to prevent the breeding thereof.

49. Liquid refuse from bone and tripe boiling

- (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 subsection (1), must take place in a manner that prevents the generation of any noxious and injurious effluent.

50. Liquids, tanks and tubs in leather making

Every fell-monger, leather dresser or tanner must -

- (1) 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;
- (2) clean the entire tank or other receptacle every time it is emptied;

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- (3) clean every tub or other receptacle used to contain a solution of the material known as "puer" or pancreatic enzymes for softening of skins.

51. Storage of bones and waste

No trader in bones or waste may place or store, or cause or permit to be stored, bones or waste in any part of the premises which is –

- (1) inhabited by people; or
- (2) not adequately ventilated.

52. Compliance

A person contravening any of the provisions of Chapter 6 shall be liable to a spot fine as set out in Schedule 2 (if applicable) or to prosecution in a court of law.

CHAPTER 7

POTENTIALLY HAZARDOUS USES OF PREMISES

Part 1: Potentially hazardous uses

53. Uses and activities which may create municipal health nuisance:

- (1) The activities and uses of premises for any activity involved under Listed Trades as mentioned in Section 43 of these By-laws are considered to pose an unacceptable risk to municipal health unless the measures specified in the relevant Chapter of these By-laws are taken to avoid the risk or to reduce it to a level acceptable to the Council.
- (2) Any person who uses premises in a manner or for a purpose listed in Section 43 must comply with every provision specified in the Chapter of these By-laws relating to that use or activity unless that person has been granted an exemption in terms of section 54 from complying with any such provision.

54. Exemption certificates

- (1) Any person who wants to undertake an activity or use mentioned in Section 43 on any premises but wishes to be exempted from complying with any requirement of these By-laws relating to the use concerned, may apply to the Council for an exemption certificate.

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- (2) The Council may grant an exemption certificate, subject to such conditions as it may impose, if it is satisfied that –
 - (a) the measures taken to avoid or reduce the risk to municipal health arising from the use are equivalent to or better than the measures required by the relevant requirement of these By-laws; and
 - (b) the scheduled use in respect of which the exemption is required, is not likely to cause a municipal health hazard or a municipal health nuisance.

55. Approval of measures, objects and materials

- (1) The Council may approve, provided that the said approval is not in conflict with any other legal requirement, any object or material used, or any measure taken, in specified circumstances as being adequate to eliminate the risk of any municipal health hazard or municipal health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Council.
- (2) An object, material or measure referred to in subsection (1) may be approved by the Council in –
 - (a) a municipal health permit; or
 - (b) guidelines prescribed by the Council in terms of subsection (3).
- (3) The Council may adopt a policy or publish guidelines in the Provincial Gazette which describe –
 - (a) appropriate measures that can be taken and objects and materials that can be used, to eliminate the risk of any municipal health hazard or municipal health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Council; and
 - (b) the circumstances in which taking these measures or using these objects or materials are acceptable to the Council.

56. Application procedure

- (1) Any person who wants to obtain an exemption certificate or a permit must apply for such in writing to the Council's municipal health section prior to undertaking the scheduled use concerned.
- (2) When the Council receives an application contemplated in subsection (1), it must ensure that the relevant premises concerned are inspected by an environmental health practitioner as soon as reasonably possible.
- (3) Before deciding whether or not to approve an application contemplated in subsection (1), the Council –
 - (a) must ensure that any persons in the vicinity of the premises whose health or well-being may be affected if the premises are used for the scheduled use concerned, have been consulted and have had an opportunity to make representations; and
 - (b) may require the applicant to provide any further information which the Council considers relevant to enable it to make an informed decision.
- (4) In deciding whether or not to issue an exemption certificate or a permit, and what terms and conditions, if any, to include in it, the Council must apply the municipal health principles set out in sub-section 3.

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57. General terms applicable to certificates and permits

- (1) An exemption certificate or a permit–
 - (a) is not transferable from one person to another; and
 - (b) applies only to the premises specified in that certificate or permit.
- (2) Every exemption certificate or permit must–
 - (a) specify the address and other relevant details regarding the location of the premises concerned;
 - (b) describe the premises concerned;
 - (c) describe the activity concerned;
 - (d) specify terms and conditions imposed, if any; and
 - (e) indicate the expiry date
- (3) An applicant must pay a prescribed fee, if determined by the Council, in respect of an application for a permit or exemption certificate and such fee must accompany the application.
- (4) The Council 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 has been paid.

58. Suspension, cancellation and amendment of exemption certificates and permits

- (1) An environmental health practitioner may by written notice to the holder of an exemption certificate or permit, suspend, amend or cancel that certificate or permit, after having informed such holder of the reasons for such an exemption certificate and permit being cancelled or suspended.
- (2) An environmental health practitioner may suspend or cancel an exemption certificate or permit with immediate effect if 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.
- (3) An environmental health practitioner may suspend or cancel an exemption certificate or permit after having given the holder thereof a reasonable opportunity of making representations as to why the permit or exemption certificate should not be suspended or cancelled if –
 - (a) the environmental health practitioner reasonably believes that it is desirable to do so to eliminate or reduce the risk to municipal health posed by a municipal health hazard or a municipal health nuisance; or
 - (b) the holder of such certificate or permit contravenes or fails to comply with any relevant provision of these By-laws.
- (4) An environmental health practitioner may amend an exemption certificate or permit by endorsing such certificate or permit or by written notice to the holder thereof, if the environmental health practitioner reasonably believes that it is necessary to do so to protect municipal health or to take account of changed circumstances since the exemption certificate or permit concerned was issued.

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Part 2: Enforcement, remedial work and costs**59. Demolition orders**

- (1) If the Council 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 of any other law, apply to any court having jurisdiction for an order directing any person to demolish the building or structure or authorising the Council to do so and to recover the costs of doing so from the owner or the occupier of the premises concerned, or from both.
- (2) The Council 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 14 days' notice in writing of its intention to make the application and has considered any representations made within that period.

60. Right of entry and remedial work

- (1) The Council may, subject to the provisions of any other law, enter any premises and do anything on the premises that it reasonably considers necessary –
 - (a) to ensure compliance with these By-laws or;
 - (b) to reduce, remove or minimise any significant municipal health hazard; or
 - (c) to reduce, remove or minimise any municipal health nuisance.

61. Cost orders

- (1) The Council may recover any costs reasonably incurred by it in taking measures contemplated in section 60(1) above from any person who was under a legal obligation to take those measures, including –
 - (a) a person on whom a compliance notice that required the taking of specific steps or actions was served;
 - (b) the owner or occupier of the premises concerned; or
 - (c) any person responsible for creating a municipal health hazard or a municipal health nuisance.
- (2) The municipal manager or delegated official may issue a cost order requiring a person who is liable to pay costs incurred by the Council in terms of subsection (1), to pay those costs by a date specified in the order and such order constitutes prima facie evidence of the amount due.

CHAPTER 8**HEALTH SURVEILLANCE OF PREMISES****62. Application of this Chapter**

For the purposes of this Chapter, the term “health surveillance” also includes surveillance measures in regard to the prevention of communicable diseases (Chapter 9), and the prevention of pollution (Chapter 11).

63. Surveillance powers of Council

Council may-

- (1) use any legal method of health surveillance;
- (2) carry out any test or install any apparatus in regard to health surveillance on municipal land;
- (3) subject to the provisions of sections 84 and 86 of the Act, carry out any test or install any apparatus in regard to health surveillance on any private property;
- (4) require from any owner of premises to install at own cost such apparatus as may be deemed necessary by Council, in regard to health surveillance on the premises concerned;
- (5) require from any owner of premises to provide reports, readings or measurements on any situation or process on the premises concerned, at such intervals as may be required by Council;
- (6) require from any owner of premises to carry out surveillance tests or arrange for the carrying out of such tests by a competent person, on the premises concerned and to provide the Council with reports at such intervals as may be required by the Council;
- (7) when granting any approval in terms of these By-laws or any other applicable legislation, require as a condition of approval that health surveillance measures be instituted, maintained and reported on at such intervals as may be required by the Council;
- (8) in consultation with the official in charge of the relevant department, require any official of the Council to provide reports on any matter regarding health surveillance, provided that such official is in a position to do so and deemed to be competent by the Council to provide such reports;
- (9) require any local municipality to provide reports on any matter regarding health surveillance;
- (10) send any samples to a competent person or laboratory for analysis, and
- (11) in cases of emergency, employ any competent person to carry out any tests or serve as consultant on the matter concerned, provided that a report in this regard be furnished to the Municipal Manager as soon as possible.

64. Duties of the public

- (1) Every member of the public must, on becoming aware of any health nuisance, imminent health nuisance or a situation that may give rise to a health nuisance, immediately inform the Department Social Services of the Council.

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- (2) Any person acting in terms of subparagraph (1), who does not wish to be identified, may request that his or her name not be disclosed in any subsequent action.

CHAPTER 9**SURVEILLANCE AND PREVENTION OF COMMUNICABLE DISEASES****65. Provisions of Chapter 8 also applicable to this Chapter**

The provisions of Chapter 8 section 63 insofar as they are applicable to health surveillance of premises are also applicable to this Chapter.

66. Prevention of communicable diseases

Council may-

- (1) when granting any approval in terms of these By-laws or any other applicable legislation, require as a condition of approval that measures for the prevention of communicable diseases be instituted, maintained and reported on at such intervals as may be required by Council;
- (2) in a case of emergency, institute any measures deemed necessary to prevent the spread of a communicable disease, provided that a full report in this respect be provided to the Municipal Manager as soon as possible;
- (3) instruct any person to institute such measures as may be deemed necessary to prevent the spread of a communicable disease, and
- (4) in consultation with the official in charge of the relevant department, require any official of the Council to institute any measures or to provide any assistance necessary to prevent the spread of a communicable disease.
- (5) require any local municipality to institute any measures or to provide any assistance necessary to prevent the spread of a communicable disease.

67. Compliance with standards, guidelines and requirements

- (1) Every owner of premises must comply with the norms and standards in regard to the prevention of communicable diseases.
- (2) A person contravening any of the provisions of Chapter 9 shall be liable to a spot fine as set out in Schedule 2 (if applicable) or to prosecution in a court of law.

CHAPTER 10**FOOD CONTROL****68. Buildings, plant and equipment**

- (1) No one may change the use of any premises into that of food premises, erect a building intended to be used as food premises, erect plant, install equipment on food premises or use any location for the purpose of food premises, unless:-
 - (a) the Council has been given at least thirty days` notice of the intention to do so;
 - (b) the owner has submitted such plans, specifications and other information that the Council may require, and
 - (c) the owner has complied with the applicable norms and standards or any additional norms and standards.
- (2) In cases where the use of food premises are subject to the issue by a local municipality of a licence in terms of any legislation, the local municipality may not consider an application for a licence unless the approval of the Council has been obtained in terms of subsection (3). The Council may, in addition to any other requirement stated by the Council, require proof of compliance with the Mpumalanga Businesses Act, 2/1996 and a Certificate of Acceptability in accordance with the Health Act.
- (3) A local municipality must, when issuing a licence, endorse on such licence compliance by the licensee with any requirements or conditions that Council may have determined including proof of compliance with any applicable structural requirements set out in section 69 below.

69. Structural requirements

- (1) Store rooms and the display area of the premises must be equipped with adequate storage racks, shelves or boards a minimum of 250 mm above floor level.
- (2) A minimum of two wash-up sinks, which is of adequate size for the type of equipment to be cleaned and is approved by the environmental health practitioner and is provided with running hot and cold water must be provided in any food preparation area for the cleaning of equipment and utensils. Wash-up sinks may not be used for the cleaning of food.
- (3) A sink for the preparation of food is to be provided, fitted with running hot and / or cold water.
- (4) Where an approved change room is not provided for staff, an approved metal locker shall be provided for each person and kept in an approved place.
- (5) A bin with a self-closing lid or other approved disposal unit must be installed in each toilet intended for use by female staff.
- (6) Every food premises must be provided with a refuse yard and a sufficient amount of refuse containers as deemed necessary by the environmental health practitioner, which must comply with the specifications as laid out in relevant Local Municipality's Solid Waste By-laws.

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- (7) Where cooking is carried out on the premises, and the environmental health practitioner deems it necessary, an approved hood or canopy of adequate size,
- (8) having a flue of at least 300 mm in diameter, and where required by the environmental health practitioner, fitted with approved extraction fan and filters must be provided. The flue must exhaust to the atmosphere at such a height and position or manner as is necessary to prevent the discharge thereof from causing a public health nuisance. An approved mechanical device may be installed instead of a hood or canopy.
- (9) Where a fire burning device (pizza oven) is used on the premises, the flue (exhaust) must be installed in accordance with the relevant air pollution legislations.

70. Food control during mass-events, special events or imbizo's

- (1) Any person who prepares or serves food during an event for consumption by the public must comply with the provisions of the Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food, published under Government Notice No. R962 of 23 November 2012.
- (2) The organizers of mass or special events must -
 - (a) ensure that caterers or food suppliers to be appointed are trained and in possession of a valid Certificate issued by Council;
 - (b) ensure that proper communication and liaison takes place between the organizers and the municipal health services personnel of Council during the planning stages of the mass or special event regarding the food safety management;
 - (c) support and comply with all decisions and conditions prescribed by the municipal health services;
 - (d) ensure that all food safety control requirements are complied with by all caterers or suppliers of foodstuffs at events;
 - (e) ensure full co-operation with the environmental health practitioners during the event, which will include full access to all food handling facilities for monitoring compliance with health requirements;
 - (f) inform the health authorities of any food safety related incidences including but not limited to unhygienic conditions and the occurrence of food borne diseases;
 - (g) provide the funding required for additional water points, electricity, cooling and refrigeration facilities, access control and accreditation;
 - (h) provide a joint operation centre (JOC) on the site of the event and an Environmental Health Practitioner must be the integral part of the staffing of the JOC together with all the other role players including but not limited to the South African Police Services, disaster management, emergency services and health care providers;
 - (i) inform the health authorities of all the intended accommodation facilities, restaurants and other venues that will be used in connection with the event; and
 - (j) ensure that all contact details of all service providers, as well as alternatives, are made available to the health authority prior to the event including but not limited to chemical toilet providers, plumbers, electricians, water supply companies, food suppliers, caterers and vendors.

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- (3) Food caterers or suppliers must ensure that food is prepared in premises:
- (a) that are of such location, design, construction and finish and equipped in such a condition that it can be used at all times for the purpose which they were designed, equipped and appointed for;
 - (b) that allow for food to be handled hygienically;
 - (c) that allow for food to be effectively protected by the best available method against contamination or spoilage of 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;
 - (d) where all interior surfaces of walls, sides or ceilings and surfaces of floors or any other similar horizontal or vertical surfaces that form part of or enclose the food-handling area:
 - i. have no open joints or seams and are made of smooth, rust free, non-toxic, cleanable and non absorbent material that is dust proof and water resistant; and
 - ii. (where the walls and floors are of such a nature they cannot contaminate or contribute to the contamination of bread or other products;
 - (e) that are ventilated effectively according to the National Building Standards and Building Regulations Act, 1977 (Act no. 103 of 1977);
 - (f) that have artificial illumination that complies with the National Building Standards and Building Regulations;
 - (g) that have a washing facility with hot and cold water for cleaning facilities;
 - (h) that are rodent proof in accordance with the best available method;
 - (i) that prevent the access of flies, vermin or other insects;
 - (j) that have a waste water disposal system approved by the local authority;
 - (k) that have sanitary facilities for different genders for the use of food handlers;
 - (l) that have a hand wash facility with hot and cold water for the washing of hands by food handlers;
 - (m) that have liquid proof, easy to clean refuse containers with close fitting lids;
 - (n) that have storage space for the hygienic storage of ingredients and equipment on shelves;
 - (o) that have a separate area for the storage of clothes;
 - (p) that may not be connected to a room in which a latrine is situated; and
 - (q) that must be kept clean at all times with no accumulated dirt, oil or refuse or any surface equipment or structure.
- (4) Facilities must comply with the following standards and requirements:
- (a) The surface of any table, counter or working surface and any equipment utensil or basin which comes into direct contact with food must be made of a smooth, rust proof, non-toxic and non-absorbent material that is free of open joints or seams.
 - (b) No dirty, chipped, split or cracked utensils, basins or any other such facilities may be used.
 - (c) Any utensil or item which is suitable for single use only must be stored in a dust free container until used and may not be used more than once.

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- (d) All areas and equipment in the premises must be cleaned thoroughly so that no accumulated dirt, oil or refuse is found under, behind or on top of any equipment and structure.
 - (e) Food must be handled in such a manner that prevents it from being contaminated by any bacteriological, chemical or physical agents that may be harmful to the person who will consume the food.
 - (f) Every chilling and freezing facility used for the storage, display or transport of perishable food shall be provided with a proper working, calibrated thermometer which at all times shall reflect the degree of chilling of the refrigeration area of such facility and which must be in such a condition and positioned so that an accurate reading may be taken unhampered.
 - (g) Every heating apparatus or facility used for the storage, display or transport or heated perishable food shall be provided with a thermometer which at all times shall reflect the degree of heating of the heating area concerned and which shall be in such a condition and positioned so that an accurate reading may be taken unhampered.
- (5) The protective clothing, including head covering and footwear, of any person handling food that is not packed must:
- (a) be clean and neat when such person begins to handle the food;
 - (b) at all times during the handling of the food be in such a clean condition and of such design and material that it cannot contaminate the food; (c) be so designed that the food cannot come into direct contact with any part of the body, excluding the hands.

71. Markets, flea markets and street sales

- (1) A local municipality that wishes to establish, conduct, allow or control a fresh produce market must comply with the requirements imposed by Council.
- (2) No one may establish, conduct or control a private fresh produce market, flea market or street sale without the prior written approval of Council and then only in accordance with the requirements imposed by the Council.

72. Provision of milk

No person may without the written consent of Council provide or sell unpasteurised or raw milk to any member of the public, including restaurants, hostels, old age homes, guest houses or at any event.

73. Compliance

A person contravening any of the provisions of Chapter 10 shall be liable to a spot fine as set out in Schedule 2 (if applicable) or to prosecution in a court of law.

CHAPTER 11**ENVIRONMENTAL POLLUTION CONTROL****74. Health surveillance**

The provisions of Chapter 8, section 63, insofar as it is applicable to surveillance for the prevention of communicable diseases, are also applicable to this Chapter.

75. Duties of owners of premises

The owner of premises must:-

- (1) comply with the published norms and standards and additional norms and standards in regard to the prevention and control of pollution, and
- (2) immediately on becoming aware of the presence of pollution on the property, inform the NDM Social Services Department (Municipal Health Section), accordingly.

76. Duties of the public

- (1) Every member of the public must, on becoming aware of any pollution or a situation that may give rise to pollution, immediately inform the NDM Social Services Department (Municipal Health Section).
- (2) Any person acting in terms of subparagraph (1), who does not wish to be identified, may request that his or her name not be disclosed in any subsequent action.

77. Powers of Council

Council may-

- (1) when granting any approval in terms of these By-laws or any other applicable legislation, require as a condition of approval that measures for the prevention of pollution be instituted, maintained and reported on at such intervals as may be required by Council;
- (2) in a case of emergency, institute any measures deemed necessary to prevent pollution, provided that a full report in this respect be provided to the Municipal Manager as soon as possible;
- (3) instruct any person to institute such measures as may be deemed necessary to prevent pollution, and
- (4) in consultation with the official in charge of the relevant department, require any official of the Council to institute any measures or to provide any assistance necessary to prevent pollution.
- (5) require any local municipality to institute any measures or to provide any assistance necessary to prevent pollution.

NDM MHS Bylaws**78. Compliance**

A person contravening any of the provisions of Chapter 11 shall be liable to a spot fine as set out in Schedule 2 (if applicable) or to prosecution in a court of law.

CHAPTER 12**HAIRDRESSING, BEAUTY AND COSMETOLOGY SERVICES****79. Certificate of Acceptability**

- (1) No person may operate as a barber, hairdresser, beautician, body piercer or tattooist, and no barber, hairdresser, beautician, body piercing or tattooing salon may be operated without a Certificate of Acceptability issued by Council. The issuing of such certificate will be subject to such conditions as may be imposed by the Council.
- (2) Written approval in terms of section 79(1) will not exempt any person or premises from the requirements of any other legislation relating to a barber, hairdresser, beautician, body piercer or tattooist.

80. Requirements for premises

No person may operate a salon on any premises which do not comply with the following requirements:

- (1) adequate lighting and ventilation, as prescribed in the National Building Regulations and Buildings Standards Act, must be provided;
- (2) all shelves, fixtures and table tops on which instruments are placed must be constructed of an approved material that is durable, non-absorbent, and easy to clean;
- (3) water and toilet facilities must be provided as prescribed in the National Building Regulations and Building Standards Act;
- (4) adequate, separate facilities, with a supply of running potable water, must be available for the washing of hair and hands;
- (5) an approved system for the disposal of waste water must be provided;
- (6) adequate storage facilities must be provided;
- (7) the walls and floors must be constructed of a material that is easy to clean and which prevents cut hair from being dispersed; and
- (8) the premises may not be used for the storage and preparation of food or for sleeping unless any area for that purpose is clearly separated by an impervious wall.
- (9) an appliance or other means whereby an instrument that have come into contact with human skin, hair or bodily fluid, such as, but not limited to, blood, may be sterilized or disinfected;
- (10) a wash-hand basin provided with a supply of running hot and cold potable water; and an adequate supply of soap and disposable towels at every wash-hand basin;

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81. Duties of salon operators

- (1) 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 and equipment that may come into direct contact with any customer's hair or skin;
 - (c) provide employees on the premises 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 on health and hygiene matters;
 - (g) not permit any animal on the premises unless it is a guide dog accompanying a blind person;
 - (h) ensure that any employee working with the public with a open wound on their hands or with a communicable skin condition to take the necessary precautions.
 - (i) ensure that every person working in the salon complies with the requirements of this section and sections 75 and 76.
 - (j) ensure that only professional tattooing and body piercing machines designed and assembled in a manner which prevents contamination of sterilized needle sets may be used for applying permanent tattoos or body piercing, and all tubes and needles must be stored in single service, sterile, sealed autoclaved bags which must be opened in the presence of the client;
 - (k) ensure that all clip cords and spray bottles have triggers and grasp areas, which grasp areas must be protected by plastic covering which must be disposed of after use on each client;
 - (l) after each use of a blade, razor, pair of scissors, comb, brush, roller, nail file, clippers, or other instrument which was applied to the human hair, nail or skin, dispose of disposable instruments or disinfect reusable instruments by applying a suitable disinfectant.
 - (m) wear new disposable latex or nitrile examination gloves for the duration of a procedure where he or she implants hair, pierces or tattoos skin, or uses a chemical or chemical compound in an activity;
 - (n) disinfect his or her hands before and after rendering any service to a client;
 - (o) directly after treatment of the client, clean and disinfect a surface that has been contaminated by body fluid; and
 - (p) dispose of any disposable glove or other disposable material after each use;
 - (q) at least once a day wash, with a disinfectant, all clothing such as aprons and caps, all surfaces such as, but not limited to, walls, floors, counters and chairs;
 - (r) dispose of all sharp instruments, bloodied and otherwise contaminated disposable towels and paper in accordance with the requirements set out in Chapter 19 of these By-laws;

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- (s) store sharp instruments such as, but not limited to, a razor, blade or needle in a separate container in accordance with the requirements set out in Chapter 19 of these By-laws;
- (t) after each use, wash and clean all surfaces and cloth towels;
- (u) generally keep the premises, tools, equipment and clothing in a hygienic condition at all times;
- (v) after every service, collect waste such as, but not limited to, hair clippings and towelling paper, and store or dispose of such waste in accordance with best practice methods;
- (w) ensure that no animal, excluding a guide dog accompanying a blind person, enters the premises; and
- (x) provide his or her employees with protective clothing, train any person working on the premises, and ensure that the employee complies with the provisions of these By-laws.

82. Required minimum health standards for the operation of a salon

- (1) Any person operating or employed in, a salon must take the following measures:
 - (a) adequately disinfect all the instruments after each use;
 - (b) adequately sterilise the following instruments after each use:
 - i. any instrument used for body piercing or 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 material after each use;
 - (e) wash all aprons and caps daily;
 - (f) wash his or her hands with soap and water or disinfectant before and after rendering each service to a client;
 - (g) wear disposable gloves when providing one of the following salon services:
 - i. any chemical service;
 - ii. any hair implant;
 - iii. body piercing; and
 - iv. tattooing;
 - (h) wash all walls, floors, chairs and other surfaces in the premises 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 a manner consistent with the requirements of Chapter 19 of these By-laws;
 - (j) store razors, blades, needles and other sharp instruments separately in a "sharp instrument" container;
 - (k) adequately treat any injury or wound which may occur on the premises;
 - (l) clean and disinfect all surfaces that have been contaminated by blood after each service;
 - (m) keep an approved first aid kit on the premises at all times as prescribed by the Occupational Health and Safety Act 1993 (Act No. 85 of 1993);
 - (n) All tubes and needles must be stored in single service, sterile, sealed autoclave bags that must be opened in the presence of the client.

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83. Prohibition against the use of salon premises for other purposes

- (1) Any person operating a salon must ensure that the premises are used exclusively for that purpose.
- (2) Any person who wants to prepare any beverage for customers on the premises of a salon must provide a separate area, equipped with a facility for cleaning crockery and utensils, for that purpose.

84. Compliance

A person contravening any of the provisions of Chapter 12 shall be liable to a spot fine as set out in Schedule 2 (if applicable) or to prosecution in a court of law.

CHAPTER 13

ACCOMMODATION ESTABLISHMENTS

85. Application of Chapter

This Chapter applies to a person who owns or carries on the business of providing accommodation for gain in an accommodation establishment on premises within the district.

86. Preparation and serving of food, Certificate of Acceptability

A proprietor who prepares or serves food on the premises for consumption by a guest, irrespective if the guest pays separately for the food or if a charge for the food is included in the accommodation costs, must comply with the provisions of the Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food, published under Government Notice No. R962 of November 2012 as promulgated.

87. Requirements for premises of accommodation establishments

- (1) 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 causing a nuisance.
 - (d) it shall be provided with a sufficient number of refuse receptacles with close-fitting lids.
 - (e) an adequate number of bathrooms and toilets, suitably equipped, shall be provided on the premises.

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- (f) separate bathrooms and toilets shall be provided for male and female boarders and for employees, and shall be so located that they are easily accessible to those persons they are 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 supplied;
 - (g) baths, showers and washbasins on the premises shall be served 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 Council;
 - (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 dining rooms which shall provide seating accommodation on the basis of not less than one (1) square meter for each boarder. Where meals are provide or cooking takes place, an adequately equipped kitchen is to be provided.
- (2) The proprietor of an accommodation establishment shall be responsible for the due compliance with and observation of the provisions of these By-laws, and further he shall be responsible for the acts, omission and defaults of his employees or agents in such regard, and any breach of these By-laws by any member of his family or by any of his employees or agents shall be deemed to be a breach by the proprietor personally of these By-laws.
- (3) The proprietor of an accommodation establishment shall, to the satisfaction of the Council, at all times maintain the whole of the accommodation establishment in a clean and sanitary condition;
- (4) The proprietor of an accommodation establishment shall not –
- (a) allow any portion of the premises other than an approved bedroom to be used 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 stoep or porch which has been suitably converted;
 - (b) 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 to the effect that such person is fit to continue his employment;
 - (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 designated as a living room;
 - (e) permit the premises to become overcrowded.
- (5) Notwithstanding compliance with all of the proceeding provisions, no person may operate an accommodation establishment unless the property is appropriately zoned in accordance with the zoning scheme applicable thereto.

NDM MHS Bylaws**88. Duties of operators of accommodation establishments**

Every person who conducts an accommodation establishment must –

- (1) keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hangings and other soft furnishings, table linen, bed linen, and other bedding, towels and cloths of whatever nature used in connection with the accommodation establishment, in a clean, hygienic and good condition at all times;
- (2) clean and wash any bed linen, towel, bath mat or face cloth after each use by a different person;
- (3) take adequate measures to eradicate pests on the premises;
- (4) provide a container made of a durable and impervious material, equipped with a close-fitting lid, in every toilet used by females;
- (5) provide towel rails or hooks in every bathroom and in every room in which there is a wash-hand basin or shower;
- (6) store all dirty linen, blankets, clothing, curtains and other articles used in connection with an accommodation establishment in a separate room with metal bins or canvas laundry bags pending removal to be laundered;
- (7) store all clean linen, towels, blankets, pillows and other articles used in connection with the accommodation establishment in a separate linen room with cupboards or shelves for the storage of clean bed and other linen, towels, blankets, pillows and other articles used in connection with an accommodation establishment;
- (8) keep all sanitary, ablution and water supply fittings in good working order;
- (9) 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
- (10) handle refuse in an approved refuse removal manner and store refuse in an adequate refuse holding area pending removal;
- (11) ensure compliance with R918 of 30 July 1999 as corrected by R723 of 12 July 2002 if food is provided to the occupants.

89. Permit requirement

- (1) Any person who operates or allows any premises to be operated as an accommodation establishment except in terms of a permit authorising that activity, commits an offence.
- (2) Any person contravening sub-section (1) is liable to a spot fine as set out in Schedule 2 or to prosecution in terms of these Bylaws, and in addition to the imposition of a spot fine or pending prosecution an Environmental Health Practitioner may prohibit trading from the premises until full compliance with a valid permit authorising that activity is obtained.

CHAPTER 14**DRY-CLEANING AND LAUNDRY ESTABLISHMENTS****90. Premises for dry-cleaning or laundry businesses**

No person may conduct a dry-cleaning or laundry business on premises which do not comply with the following requirements:

- (1) a work-room or area used for housing dry-cleaning machines, washing-machines, ironing boards, presses and other fixed or movable equipment, with a minimum unobstructed floor area of 2,5 m² per person employed on the premises, must be provided;
- (2) adequate separate areas for marking clean and dirty articles must be provided with –
 - (a) tables with an impervious surface;
 - (b) adequate washable containers for dirty articles; and
 - (c) hanging rails and shelves constructed of an impervious material in the area for marking clean articles;
- (3) a separate room or area with separate designated counters, with impervious surfaces, must be provided for the receipt and dispatch of articles;
- (4) 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 250 mm above floor level;
- (5) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing –
 - (a) an adequate metal locker for every employee;
 - (b) a wash-hand basin provided with a supply of running hot and cold potable water; and
 - (c) an adequate supply of soap and disposable towels at every wash-hand basin;
- (6) if no change-room has been provided in terms of section (5) –
 - (a) a hand wash basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
 - (ii) an adequate metal locker must be provided for every employee in the work area;
- (7) a tea kitchen with a single-basin stainless steel sink, with a supply of running hot and cold potable water, must be provided;
- (8) separate toilets for males and females must be provided which comply with the provisions of the National Building Regulations and Building Standards Act;
- (9) every toilet and change-room must be clearly gender designated;
- (10) all internal walls must be constructed of an impervious material, brought to a smooth finish and painted with a light-coloured washable paint;
- (11) all ceilings must be dust-proof, smoothly finished, and painted with a light-coloured washable paint;
- (12) all floor surfaces must be constructed of cement or some other adequate impervious material, brought to a smooth finish and properly drained;
- (13) the minimum height from floor to ceiling of any room or area must be 2,4 metres;
- (14) adequate lighting and ventilation, as prescribed by the National Building Regulations and Building Standards Act must be provided;

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- (15) all machinery and equipment must be equipped with adequate suction fans to remove any noxious gas, steam and hot air from any room and to release it in the open air in an adequate manner;
- (16) all machinery and equipment must be placed so that there is free access to all areas around and underneath each machine or item of equipment, to enable those areas to be adequately cleansed; and
- (17) a separate pre-rinsing area must be provided on any premises where nappies are laundered.

91. Premises for dry-cleaning or laundry receiving depots

No person may operate a dry-cleaning or laundry receiving depot on premises which do not comply with the following requirements:

- (1) A separate room or area with a minimum width of two metres must be provided for the receipt and dispatch of articles;
- (2) fifty percent of the floor space of the room referred to in sub-section (1) must be unobstructed;
- (3) a wash-hand basin with a supply of running potable water must be provided;
- (4) an adequate supply of soap and disposable towels must be provided at every wash-hand basin;
- (5) all internal wall and ceiling surfaces must be constructed of an impervious material, brought to a smooth finish and painted with a light-coloured washable paint;
- (6) all floor surfaces must be constructed of cement or other impervious material, brought to a smooth finish;
- (7) lighting and cross-ventilation, as prescribed by the National Building Regulations and Building Standards Act, must be provided;
- (8) adequate washable containers for storing dirty articles must be provided;
- (9) adequate quantities of hanging rails or impervious shelves for the storage of clean articles must be provided;
- (10) adequate designated counters, with impervious surfaces, must be provided separately for the receipt and dispatch of dirty and clean articles; and
- (11) an adequate metal locker must be provided for every person employed in the receiving depot.

92. Premises for coin-operated laundries

No person may operate a coin-operated laundry on premises which does not comply with the following requirements:

- (1) separate toilet and hand washing facilities for the different sexes, as prescribed in the National Building Regulations and Building Standards Act, must be provided;
- (2) an adequate area must be provided where ironing is done on the premises; and
- (3) any machine on the premises must be installed in accordance with any applicable law.

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93. General requirements for dry-cleaning and laundry businesses

Any person conducting a dry-cleaning or laundry business or in charge of premises on which a dry-cleaning, laundry or receiving depot exists, must –

- (1) keep the premises, all fittings, equipment, appliances, machinery, containers and business vehicles in a clean, hygienic and good condition at all times;
- (2) separate dirty articles from clean articles at all times, including when in transit;
- (3) use a change-room solely for changing;
- (4) ensure that every person who handles clean or dirty articles wears adequate protective clothing at all times;
- (5) keep protective clothing in a clean and sound condition at all times;
- (6) store protective clothing in a locker when it is not being worn;
- (7) affix the name and business address, in clear lettering, to the outside of any business vehicle;
- (8) ensure that the premises are not directly connected to any food premises, new clothing shop, hairdresser or any other area from which contamination might occur;
- (9) comply with the requirements of the following legislation at all times:
 - (a) the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);
 - (b) the National Environment Management: Air Quality Act, 2004 (Act 39 of 2004)
- (10) place all piping in the building, not chased into the walls, at least 100 mm away from all walls or floors and comply with the provisions of the National Building Regulations and Building Standards Act;
- (11) insulate all steam piping with an adequate material; and
- (12) dispose of all waste water in an approved manner.

CHAPTER 15

SWIMMING POOLS AND SPA-BATHS

94. Requirements for premises

No person may operate a swimming pool or spa bath in or on any premises which do not comply with the following requirements:

- (1) readily accessible change-rooms, showers and toilet facilities must be provided separate for each sex in compliance with the National Building Regulations and Building Standards Act;
- (2) every swimming-pool must be surrounded by a wall or fence as prescribed by the National Building Regulations and Building Standards Act;
- (3) the surface of the floor area surrounding any spa-bath or swimming-pool must be constructed of an impervious, non-slip material;
- (4) an approved chemical gas mask must be provided at the chlorinator installation;
- (5) if so instructed in writing by an environmental health practitioner, an oxygen or air breathing apparatus must be provided; and
- (6) an adequate number of refuse receptacles must be provided on the premises.

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Every spa-bath keeper must –

- (1) keep the premises in a safe, clean and sanitary condition and in good repair at all times;
- (2) provide a properly maintained approved first-aid kit in a prominent, easily accessible and protected position;
- (3) purify, treat and maintain the spa-bath water to an adequate quality level at all times;
- (4) provide and maintain, in good working order, equipment for testing the quality of the spa-bath water;
- (5) be capable of undertaking routine tests on the water quality in the spa-bath and interpreting the tests results; and
- (6) maintain a daily record of the spa-bath water quality.

96. Duties of swimming pool keepers

Every swimming pool keeper must –

- (1) keep the premises in a safe, clean and sanitary condition at all times;
- (2) provide a properly maintained approved first-aid kit in a prominent, easily accessible and protected position;
- (3) be qualified and proficient in life saving, rendering first aid, use of a resuscitation appliance, the operation of the swimming pool and testing and maintaining the safety of the swimming pool water;
- (4) ensure that the swimming pool water is purified, treated and maintained to an adequate quality at all times;
- (5) provide and maintain, in proper working order, equipment for testing the quality of the swimming pool water;
- (6) be capable of undertaking routine tests on the water quality in the swimming pool and interpreting the tests results; and
- (7) maintain a daily record of the swimming pool water quality.

97. Water supply

- (1) Unless the prior written approval of an environmental health practitioner has been obtained, 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 water level in a swimming pool or spa-bath.
- (2) An environmental health practitioner must –
 - (a) take samples of a swimming pool or spa-bath water, at intervals which he or she considers appropriate for the purpose of a chemical analysis or bacteriological examination of that water;
 - (b) submit the samples to an analyst authorised in terms of section 12 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 to conduct an analysis.

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98. Safety of water

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:

- (1) 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;
- (2) the pH value of the water must be not less than 7 and not greater than 8;
- (3) where chlorine based disinfectants are used, a minimum free available chlorine residual of 0,5 mg/l, with a maximum free available chlorine residual of 3 mg/l, must be maintained;
- (4) if a disinfectant other than chlorine is used, the residual level must be equivalent in effect to the requirements of sub-section (3);
- (5) the total viable bacteriological count of any sample submitted for analysis, must not exceed 100 organisms per ml of water; and
- (6) *Escherichia coli* type 1 bacteria must not be present in any 100 ml of water.
- (7) A spa-bath keeper or swimming pool keeper who contravenes sub-section (1) to (6) may be liable to a spot fine as set out in Schedule 2 of these Bylaws.

99. Order and behaviour

No person may –

- (1) interfere with a spa-bath keeper or swimming pool keeper in the execution of his or her duties;
- (2) allow any dog or other pet belonging to him or her or under his or her care to enter or to remain within the premises of a spa-bath or swimming pool, unless it is a guide dog accompanying a blind person;
- (3) enter or remain in any premises of a spa-bath or swimming pool if he or she knows or suspects that he or she may be suffering from any communicable or contagious disease; and
- (4) urinate, defecate, spit or blow his or her nose in a spa-bath or swimming pool.
- (5) any person who contravenes any of sub-sections (1) to (4) above shall be liable to a spot fine as set out in Schedule 2 or to prosecution in terms of these Bylaws.

CHAPTER 16

CHILD - CARE SERVICES

100. Health Certificate

- (1) No child care facility accommodating 6 or more babies or toddlers or babies and toddlers may be operated without a Health Certificate issued by the environmental health practitioner and the issuing of such certificate may be subject to the conditions laid down in Schedule 1.
- (2) Applications for a Health Certificate must be made on the prescribed form and will only be processed after payment of the application fee approved by Council.

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- (3) The Council shall issue the certificate contemplated in paragraph (1) if it is satisfied that these By-laws are complied with.
- (4) A Health Certificate issued is not transferable.
- (5) Written approval in terms of subsection (1) will not exempt any person or premises from the requirements of any legislation relating to the care of children or the land use of the premises concerned.
- (6) The Council may at its discretion withdraw a Health Certificate issued in terms of these By-laws, should such health certificate holder be convicted of a breach of the provisions of these By-laws.

101. Structural and other requirements

- (1) All child care facilities must comply with the requirements set out in Schedule 1 to these By-laws.
- (2) Failure to comply with any of the requirements set out in Schedule 1 constitutes an offence and may lead to the imposition of a spot fine as set out in Schedule 2 or to prosecution in terms of these Bylaws.

CHAPTER 17

KEEPING OF ANIMALS

Part 1: General provisions relating to the keeping of animals

102. Application of Chapter

- (1) In order to promote public health no person shall keep or permit to be kept on any premises in a proclaimed township any animal or poultry other than an approved pet, without the permission of Council, provided the keeping of such pet does not create or constitute a nuisance.
- (2) If at any time it appears to an authorized official that the keeping of poultry or rabbits on premises, in respect of which a permit has been granted, is likely to constitute a nuisance or danger to the municipal health, that official may -
 - (a) cancel the permit; or
 - (b) prohibit the keeping of such poultry or rabbits.
- (3) An authorized official must serve a notice on the permit holder or the owner of the premises concerned, informing him or her of a decision in terms of subsection 2(a) and instruct the owner to comply with the requirements within the period stated in such notice, which must be at least 48 hours.
- (4) An authorized official must as soon as a permit has been cancelled, notify the permit holder of that fact in writing.
- (5) An authorized official may, subject to the foregoing provisions of this section, issue a new permit if he is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

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Part 2: Keeping of cattle, horses, mules and donkeys**103. Requirements for premises**

- (1) No person may keep any cattle, horse, mule or donkey in a stable that does not comply with the following requirements:
- (a) Every wall and partition must be constructed of brick, stone, concrete or other durable material;
 - (b) the internal wall surfaces 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 enclosure 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 structure which has an opening along the entire length of one of its long sides be not less than 2 metres;
 - (d) the enclosure must have a floor area of at least 9 m² for each animal accommodated in it and the fencing must be strong enough to prevent the animals from breaking out;
 - (e) lighting and ventilation must be provided by openings or glazed opening windows or louvers totalling at least 0,3 m² for each animal to be accommodated in it except in the case of a stable open along the entire length of one of its long sides;
 - (f) the lowest point of every opening, window or louvers must be at least 1,8 metres above floor level;
 - (g) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish graded to a channel and drained in terms of section 130;
 - (h) the enclosure must be sited in compliance to section 131; and
 - (i) there must be a water supply adequate for drinking and cleaning purposes next to every stable or enclosure.

104. Duties of keeper of cattle, horses, mules and donkeys

Any person who keeps any cattle, horse, mule or donkey must -

- (1) 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 to prevent such animals from breaking out;
- (2) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids.
- (3) Take adequate measures to keep the premises free of pests and to prevent offensive odours arising from the keeping of cattle, horses, mules and donkeys.

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Part 3: Keeping of goats and sheep**105. Application**

The provisions of section 107 also apply to the temporary keeping of a goat on any premises for the provision of milk for medical reasons.

106. Requirements for premises

- (1) No person may keep goats or sheep in an enclosure which does not provide at least 1,5 m² of floor space for every goat or sheep accommodated in it; or a stable which does not comply with the following requirements:
 - i. every wall must be constructed of brick, stone, concrete or other durable material;
 - ii. every wall must be at least 2 metres in height and have a smooth internal finish;
 - (iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel drained in terms of section 130;
 - (iv) at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it with an overall minimum floor area of 6 m²; and
 - (v) lighting and ventilation openings totalling at least 0,15 m² per goat or sheep must be provided.
- (2) No person may keep goats or sheep in an enclosure or stable that does not comply with the requirements as set out in section 131.
- (3) Every person must provide a water supply adequate for drinking and cleaning purposes situated next to or in every enclosure or stable used to accommodate goats or sheep.

107. Duties of keeper of goats and sheep

- (4) Any person who keeps goats or sheep must -
 - (a) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair;
 - (b) provide portable manure storage receptacles of an impervious material and with close fitting lids;
 - (c) keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned;
 - (d) remove all manure from the enclosure or stable at least once every seven days and place it in the manure storage receptacles;
 - (e) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way that will not create a municipal health nuisance; and

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- (f) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.
- (g) Take adequate measures to keep the premises free of pests and to prevent offensive odours arising from the keeping of goats and sheep.

Part 4: Keeping of poultry

108. Application

The provisions of sections 111(1) and (3) do not apply to any person keeping ten or less poultry.

109. Permit requirement

No person may keep more than 10 poultry on an erf in a proclaimed township or 100 poultry on premises zoned for agricultural purposes except in terms of a permit authorising that activity.

110. Requirements for premises

No person may keep poultry in premises which do not comply with the following requirements:

- (1) In relation to a poultry house –
 - (a) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
 - (b) the floor must be constructed of concrete or other impervious material brought to a smooth finish;
 - (c) the upper floor of a two or more story structure must be constructed of an impervious and easily cleanable material;
 - (d) the minimum floor area must be –
 - i. 0,20 m² for each grown fowl, duck, muscovite duck or guinea fowl;
 - ii. 0,5 m² for each grown goose, turkey or peacock; and
 - iii. 0, 14 m² for each grown pigeon; and
 - (e) the minimum aggregate floor area must be 4 m²;
- (2) a poultry run, if provided, must be enclosed with wire mesh or other durable material;
- (3) in relation to a building or structure housing a battery system –
 - (a) every wall, if provided, must be at least 2,4 m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface;
 - (b) if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building or structure;
 - (c) 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

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- floor surface must be graded and drained by means of a channel drained in terms of section 130;
- (d) 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;
 - (e) the cages of the battery system must be made of an impervious material; and
 - (f) if required by an environmental health practitioner, a tray of an impervious material must be fitted under every cage for the collection of manure;
- (4) a water supply adequate for drinking and cleaning must be provided in or next to every poultry house and poultry run and in or next to a building or structure housing a battery system;
- (5) a poultry house, poultry run, or building or structure housing a battery system, must be sited in compliance with the requirements set out in section 131.
- (a) any place where foodstuffs are stored or prepared for human consumption; or
 - (b) the nearest boundary of any land;
- (6) feed must be stored in an adequate rodent-proof storeroom;
- (7) adequate washing facilities must be provided for the cleaning of the cages;
- (8) if required by an environmental health practitioner, due to the amount of manure stored on the premises awaiting removal, a storage area complying with the following requirements must be provided:
- (a) A roofed platform constructed of concrete or other impervious material;
 - (b) the platform's outside edges must have a minimum curb of 100 mm high;
 - (c) the platform must be graded and drained in terms of section 130; and
 - (d) the roof of the platform must extend a minimum of 1 metre beyond the edges of the base of the platform.

111. Duties of keeper of poultry

Any person who keeps poultry must -

- (1) ensure that all poultry is kept within a poultry house, poultry run or building or structure housing a battery system;
- (2) 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;
- (3) maintain the premises and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from pests;
- (4) ensure that the poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;
- (5) provide portable manure storage receptacles of an impervious material and with close fitting lids and keep the manure storage receptacles on a platform;
- (6) 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;
- (7) place the manure and other waste matter in manure storage receptacles;
- (8) 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
- (9) take adequate measures to keep the premises free of flies, cockroaches and rodents and to prevent offensive odours arising from the keeping of poultry on the premises.

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Part 5: Keeping of rabbits**112. Application**

The provisions of sections 115(1) and 115(3) do not apply to any person keeping ten or less rabbits.

113. Permit requirements

No person may keep more than 5 adult rabbits on an erf in a proclaimed township or more than 20 adult rabbits on premises zoned for agricultural purposes, except in terms of a permit authorising that activity.

114. Requirements for the premises

No person may keep rabbits in premises which do not comply with the following requirements:

- (1) In relation to a rabbit hutch -
 - (a) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
 - (b) the floor surface must be –
 - i. constructed of concrete or other impervious material brought to a smooth finish;
 - ii. situated at least 150 mm above ground level; and
 - iii. graded to a channel drained in terms of section 130, if required by an environmental health practitioner;
 - (c) adequate ventilation must be provided; and
 - (d) the rabbit hutch must be adequate in size to allow free unobstructed movement of animals kept therein.
- (2) 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;
- (3) in relation to a building or structure housing a battery system –
 - (a) every wall must –
 - i. be at least 2,4 metres high;
 - ii. be constructed of concrete, stone, brick or other durable material; and
 - iii. must have a smooth internal surface;
 - (b) if walls are provided, the building or structure must be ventilated and lighted by means of natural openings or windows of an area not less than 15% of the floor area of the building or structure;
 - (c) the floor must be constructed of concrete or other impervious material brought to a smooth finish, and if required by an environmental health practitioner, the floor surface must be graded to a channel drained in terms of section 130;
 - (d) 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

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- (e) every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure;
- (4) a water supply adequate for drinking and cleaning purposes must be provided in or next to every rabbit hutch or building or structure housing a battery system;
- (5) no person may erect a rabbit hutch, rabbit run or building or structure housing a battery system within five metres of –
 - (a) any dwelling, building or other structure used for human habitation;
 - (b) any place where foodstuffs are stored or prepared for human consumption; or
 - (c) the nearest boundary of any land;
- (6) an adequate rodent-proof storeroom must be provided for the storage of feed; and
- (7) adequate washing facilities must be provided for the cleaning of cages.

115. Duties of keepers of rabbits

Any person who keeps rabbits must -

- (1) keep all rabbits within the rabbit hutch, rabbit run or building or structure housing a battery system;
- (2) maintain the premises and any equipment, apparatus, containers or receptacles used in connection with keeping rabbits, in a clean, sanitary condition and in good repair;
- (3) maintain the premises free from offensive odours and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from pests;
- (4) provide portable manure storage receptacles of an impervious material with close-fitting lids which receptacles must be kept on a platform;
- (5) 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;
- (6) keep the manure and waste in manure storage receptacles until it is removed from the premises; and
- (7) 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.
- (8) take adequate measures to keep the premises free of pests.

Part 6: Keeping of birds other than poultry

116. Requirements for the premises

No person may keep any bird, other than poultry, in an aviary which does not comply with the following requirements:

- (1) the aviary must be constructed of durable rodent-proof material;
- (2) adequate access must be provided for cleaning purposes;
- (3) 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;

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- (4) the aviary may not be situated within three metres of any building or structure used for human habitation or the preparation of food for human consumption, boundary fence or boundary wall; and
- (5) a water supply adequate for drinking and cleaning purposes must be situated in or next to every aviary.

117. Duties of keepers of aviaries

Any person who keeps birds in an aviary must -

- (1) ensure that the aviary and the premises are kept in a clean condition and free from pests;
- (2) provide and use rodent-proof facilities for the storage of bird food; and
- (3) ensure that the birds do not disturb the comfort, convenience, peace or quiet of the public.

Part 7: Kennels and catteries

118. Requirements for premises

No person may use premises as kennels or a cattery except in terms of a permit authorising that activity and unless the premises comply with the following requirements:

- (1) every dog or cat must be kept in an enclosure which complies with the following requirements:
 - (a) the enclosure must be constructed of impervious materials and must provide adequate access for cleaning purposes;
 - (b) 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 Council's sewer by means of a pipe 100 mm in diameter; and
 - (c) a curb 150 mm high must be provided along the edge of the channel, referred to in subparagraph (b), to prevent any storm water runoff entering the channel; and
 - (d) the enclosure must be adequate in size to allow free unobstructed movement of animals kept therein.
- (2) subject to the provisions of paragraph (3), every enclosure referred to in paragraph (1), must be provided with an adequate roofed shelter that complies with the following requirements:
 - (a) every wall must be made of brick, stone, concrete or other impervious material;
 - (b) every wall must have a smooth internal surface;
 - (c) the floor must be made of concrete or other impervious material brought to a smooth finish; and
 - (d) every shelter must have adequate access for cleaning and eliminating pests;
- (3) a dog kennel which complies with the following requirements may be provided instead of the shelter contemplated in paragraph (2):

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- (a) the kennel must be constructed of an approved weatherproof and insulating material or other similar material;
 - (b) the kennel must be movable;
 - (c) the kennel must be placed on a base constructed of concrete or other impervious material with an easily cleanable finish; and
 - (d) a sleeping board, which will enable the dog to keep dry, must be provided in any kennel that does not have a waterproof base;
- (4) a concrete apron extending at least one metre wide around the edges of the enclosure must be provided;
- (5) the apron must be graded and drained in a way that drains storm water away from the enclosure;
- (6) a water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the enclosure;
- (7) any cage in which cats are kept must be constructed of durable impervious material and in a manner that it may be easily cleaned; and
- (8) no shelter, enclosure or kennel may be situated within five metres of any –
- (a) dwelling or other building or structure used for human habitation;
 - (b) place where food is stored and prepared for human consumption; or
 - (c) the boundary of the premises.

119. Food preparation areas

Any keeper of kennels or a cattery, who is so instructed by an environmental health practitioner, must provide a separate room or roofed area for the preparation of food which complies with the following requirements:

- (1) The floor of the room or roofed area must be constructed of concrete or other impervious material brought to a smooth finish;
- (2) the internal wall surfaces of the room or roofed area must be smooth and easily cleanable;
- (3) adequate washing facilities for food bowls and utensils must be provided; and
- (4) a rodent-proof storeroom must be provided for the storage of food.

120. Duties of a keepers of kennels or catteries

Any person operating kennels or a cattery must –

- (1) 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;
- (2) provide portable storage receptacles, of an impervious material with close fitting lids, for the storage of dog and cat faeces;
- (3) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in paragraph (2);
- (4) 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;
- (5) store all loose food in receptacles, with close fitting fly proof lids, in the food store;
- (6) provide adequate refrigeration facilities to store perishable foods on the premises;

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- (7) provide adequate separate refuse receptacles, with close fitting lids, on the premises for refuse other than faeces;
- (8) keep any sick dog or cat isolated from any other animals; and
- (9) maintain the premises free from offensive odours and every enclosure, shelter, kennel, cage or food store clean and free from pests.
- (10) ensure that no dog or cat disturbs the comfort, convenience, peace and quiet of the public.

Part 8: Pet shops and pet parlours

121. Requirements for premises

No person may operate a pet shop or pet parlour in or on any premises which do not comply with the following requirements:

- (1) Any wall and partition must –
 - (a) be constructed of brick, concrete or other impervious material;
 - (b) have a smooth and easily cleanable internal surface; and
 - (c) be painted with a washable paint or other adequate finish;
- (2) all floor surfaces must be constructed of concrete or other impervious material brought to a smooth finish;
- (3) all ceilings must be dust proof and easily cleanable;
- (4) at least one hand wash basin, with a supply of running hot and cold potable water, must be provided for employees and the ratio of hand wash basins to persons employed on the premises must not be less than 1:15;
- (5) the hand wash basins, referred to in subparagraph (d), must be drained in terms of section 130;
- (6) adequate storage facilities must be provided;
- (7) facilities for the washing of cages, trays and other equipment must be provided in the form of either –
 - (a) a curbed and roofed over platform with a minimum surface area of 1,5 m², 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
 - (b) a stainless steel sink or trough of adequate size with a drainage board and provided with a supply of running potable water;
- (8) the platform, sink or trough referred to in paragraph (7) must be drained in terms of section 130;
- (9) any wall surface within 0,5 metres of the platform, sink or trough referred to in paragraph (7), must be permanently covered with waterproof material to a minimum height of 1,4 metres above the floor;
- (10) a clearly designated change room must be provided if more than six persons are employed on the premises and every change room must –
 - (a) have a floor area providing at least 0,5 m² for each employee;
 - (b) have a minimum overall floor area of 6 m² and width of two metres; and
 - (c) be equipped with an adequate metal locker for each employee;

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- (11) if no change room is required in terms of paragraph (10), each employee must be provided with an adequate metal locker;
- (12) for the purposes of washing, clipping or grooming of pets –
 - (a) a bathroom fitted with a bath, or similar fitting, and a hand wash basin supplied with running potable water must be provided;
 - (b) a clipping and grooming room fitted with impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids, for the storage of cut hair pending removal, must be provided;
 - (c) at least 50 % of the floor area of the rooms referred to in subparagraphs (a) and (b) must be unobstructed; and
 - (d) the floors of the rooms referred to in subparagraphs (a) and (b), must be graded to a channel drained in terms of section 130;
- (13) all buildings, including storage areas, must be rodent-proof; and
- (14) the premises may not have direct internal access with any room or place –
 - (a) used for human habitation;
 - (b) where clothing is stored or sold; or
 - (c) where food is prepared, stored or sold for human consumption.

122. Duties of pet shop or pet parlour keepers

Any keeper of a pet shop or pet parlour must –

- (1) provide cages for housing the pets which comply with the following requirements:
 - (a) the cages must be constructed of metal or other impervious material and fitted with a removable metal floor-tray to facilitate cleaning;
 - (b) the exterior cavity of any tubular or hollow material used to construct a cage must be sealed;
 - (c) the cages must be able to be moved easily;
 - (d) where rabbits are kept in a cage, the metal floor-tray referred to in subparagraph (a), must be drained to a removable receptacle;
 - (e) the cages must be fitted with a drinking vessel filled with water;
 - (f) the distance from any cage to the nearest wall must be a minimum of 150 mm;
 - (g) the cages must be kept a minimum of 450 mm above floor level; and
 - (h) the space below every cage must be unobstructed;
- (2) provide rodent-proof receptacles, of an impervious material and with close fitting lids, for the storage of all loose pet food in the storage facilities required in terms of section 111(8);
- (3) provide adequate refrigeration facilities to store all perishable pet food on the premises;
- (4) ensure that in any room in which the pets are kept –
 - (a) 50 % of the floor space is unobstructed; and
 - (b) the cages are placed a minimum of 800 mm from one another;
- (5) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment or appliances used in connection with the pet shop or pet parlour, in a clean and sanitary condition, free from pests and in good repair;

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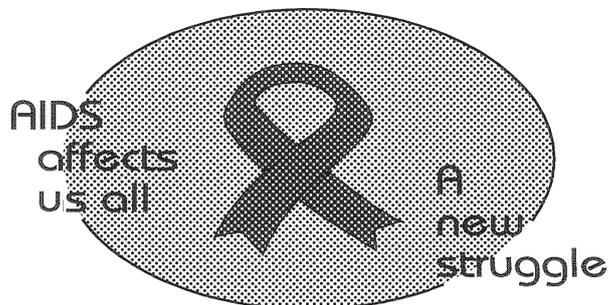
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- (6) provide overalls or other protective clothing for employees and ensure that the employees wear them when on duty;
- (7) provide isolation facilities in which every pet which is, or appears to be, sick must be kept while on the premises;
- (8) provide an adequate supply of potable water for drinking and cleaning purposes;
- (9) provide adequate ventilation to ensure the comfort and survival of the pets; and
- (10) ensure that the number of pets contained in each cage does not impede their free movement.

Part 9: Keeping of wild animals

123. Requirements for the premises

No person may, without the approval of the relevant nature conservation authorities, keep wild animals on premises which do not comply with the following requirements:

- (1) Every wild animal must be kept in an enclosure and/or housing constructed and equipped as follows:
 - (a) the enclosure and/or housing must satisfy the needs of the specific animal as specified by the relevant nature conservation authorities;
 - (b) the enclosure and/or housing must, in terms of its siting on the property comply with the requirements of section 131;
 - (c) an adequate supply of potable water for drinking and cleaning purposes must be provided; and
 - (d) the enclosure and/or housing must be graded and drained in a way that does not pollute any water resource or create a municipal health nuisance;
- (2) a separate room, equipped with a preparation table and wash-up sink, supplied with running potable water and drained in accordance with section 130, must be provided for the preparation of food;
- (3) 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 paragraph (c) must be provided with a supply of running water adequate for drinking and cleaning and be drained in accordance with section 130;
- (e) any area and room in which fodder and food are stored must be rodent-proof; and
- (f) the enclosure and/or housing must be adequate in size to allow free unobstructed movement of animals kept therein.

124. Duties of keepers of wild animals

- (1) Any person who 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 and/or housing at adequate intervals;

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- (c) prevent the soil beneath or around any enclosure and/or housing from becoming saturated with urine or polluted by any other matter or liquid; and
 - (d) remove all bedding from any housing at least once every seven days and store it in a manure receptacle or manure container or area, until it is removed from the premises.
- (2) Council may prohibit, in consultation with a particular local municipality, the keeping of any species of wild animal, or restrict the number or the sex of any species of wild animal in any ward, locality or other demarcated area in the district.

Part 10: Keeping of pigs**125. Requirements for premises**

No person may keep pigs on premises which do not comply with the following requirements:

- (1) Every wall must –
 - (a) be constructed of brick, stone, concrete or other durable material;
 - (b) have a minimum height of 1,5 metres; and
 - (c) have a smooth, impervious internal surface;
- (2) the floor area must provide at least 3 m² for each pig accommodated in the pigsty, with an overall minimum floor area of 6 m²;
- (3) the roof over any portion of a pigsty must have a minimum height of 1,5 metres;
- (4) except in the case of a roofed structure having one of its long sides completely open, the lighting and ventilation openings must –
 - (a) be situated opposite one another in the external walls; and
 - (b) provide a minimum of 0,15 m² for each pig;
- (5) the floor must be –
 - (a) at least 150 mm above the surrounding ground level;
 - (b) constructed of concrete or other durable and impervious material brought to a smooth finish; and
 - (c) graded for the run-off of liquids into an open channel outside the pigsty;
- (6) the open channel referred to in paragraph (5)(c) must –
 - (a) be constructed of concrete or other durable and impervious material;
 - (b) be a minimum of 100 mm in diameter; and
 - (c) be drained in terms of section 130;
- (7) the pigsty must be strong enough to prevent the pigs breaking out;
- (8) a roofed over concrete platform must be provided for –
 - (a) the storage of all swill in containers; and
 - (b) the preparation of pig feed;
- (9) the platform referred to in paragraph (9) must be constructed of concrete or other durable and impervious material and in addition, must have a curbing of a minimum height of 100 mm on each edge; and
- (10) a water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the pigsty.
- (11) the pigsty must be situated on the premises in compliance with the requirements of section 131.

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126. Duties of keepers of pigs

Every person keeping pigs must -

- (1) ensure that every pig is kept within a pigsty;
- (2) maintain the premises and any equipment, apparatus, containers and receptacles concerned in a clean and sanitary condition and in good repair;
- (3) provide portable storage receptacles of impervious material and with close fitting lids, to store manure;
- (4) keep all manure storage receptacles on a platform that is constructed of concrete or other durable and impervious material;
- (5) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles;
- (6) 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;
- (7) provide a rodent-proof store-room of adequate size in which all feed, other than swill, must be stored; and
- (8) provide rodent-proof receptacles, with close fitting lids, in which to store all loose feed.

Part 11: Keeping of pets

127. Duties of owners of premises where pets are kept

- (1) Every owner of premises that is not zoned in terms of a local municipality's zoning scheme for farming purposes and is lawfully allowed to keep pets on the premises, must-
 - (a) ensure that the pets and their accommodation are kept in a clean and hygienic condition;
 - (b) ensure that the keeping of the pets do not give rise to the breeding of pests;
 - (c) store the droppings of pets awaiting removal in rodent-proof containers
 - (d) regularly remove the droppings of the pets from the premises;
 - (e) remove the droppings of a pet from any street or public land if the pet is for any reason allowed outside of the premises where it is kept;
 - (f) store pet foods in rodent-proof containers;
 - (g) not allow unconsumed pet foods to remain in places where it may attract rodents, and
 - (h) not allow pets suffering from mange or any contagious disease to come into contact with other animals, poultry or birds.
- (2) Council may prohibit, in consultation with a particular local municipality, the keeping of any species of pet, or restrict the number or the sex of any pet in any ward, locality or other demarcated area in the district.
- (3) All dogs allowed outside of an owner's premises must be on a leash at all times.

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Part 12: Keeping of bees**128. Requirements for keeping of bees**

- (1) No person may keep bees on any premises unless –
- (a) the premises is at least 3,700m² in extent;
 - (b) that person is the holder of a permit authorising that activity; and
 - (c) every bee hive is situated –
 - i. a minimum of five metres from any boundary of the premises; and
 - ii. a minimum of twenty metres from any public place or building used for human habitation or from any place used for the keeping of animals, poultry and birds;
 - iii. at least 90 meters from the nearest street;
 - (d) the bees are kept in a bar-shaped hive approved by Council; and
 - (e) 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.

Part 13: General provisions**129. Drainage**

Any person keeping animals must ensure that all sinks, hand wash basins, baths, shower-baths, troughs, floor surfaces, channels and washing platforms required to be drained in terms of this Chapter, are drained in accordance with the provisions of the National Building Regulations and Building Standards.

130. Distances

- (1) No animal, bird or poultry or fish may be kept on any land or premises under such conditions and in such close proximity to any building or facility that in the opinion of Council the conditions may be injurious or dangerous to the health of the occupants of neighbouring buildings or facilities or under circumstances which, in the discretion of an Environmental Health Practitioner cause, or are likely to cause, a health nuisance.
- (2) Subject to a council resolution applicable within the jurisdiction of a particular local municipality within the district regulating the siting of any animal shelter or enclosure no such structure that accommodates any animal shall be sited:
- i. Within 100 meters of any boundary that abuts another residential erf, or
 - ii. Within 6 meters of any boundary that abuts any road or public open space
 - iii. 100 metres of any residence;
 - iv. 3 metres of any fence of such residence and food premises; and
- (b) 500 metres of any borehole, watercourse or waters source that are meant for human consumption or that are consumed by humans.

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- (3) A person who contravenes a provision of sub section (1), (2) or (3) commits an offence and is liable for a fine as set out in Schedule 2 or prosecution in terms of these By-laws.

131. Illness attributable to animals, poultry or birds

- (1) The illness of any person, which may be attributed to any animal, poultry or bird kept or handled by that person, must be 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 an animal, poultry or bird from premises if he or she reasonably believes that the animal poses a municipal health nuisance or municipal health hazard.

132. Keeping of and slaughtering animals for religious and ceremonial purposes

- (1) A person intending to slaughter an animal in any place other than in a recognised abattoir must -
- (a) be in possession of a clearance certificate issued by the SAPS Stock Theft Unit.
 - (b) Obtain a health permit from Council to conduct the religious or cultural slaughtering by notifying Council in writing, fourteen days prior to the event; by submitting:
 - i. the date, time, place and number of animals to be slaughtered;
 - ii. the manner in which blood, stomach contents and manure will be disposed of e.g. burial or incineration.
 - iii. a declaration setting out the health condition of the animal
 - iv. prior written permission from the owner, tenant or person in control of the land where such a slaughtering will occur if the person who performs the slaughtering is not the owner, tenant or person in control of the relevant land; if the applicant is the owner, proof of ownership must be submitted with the application;
 - (c) slaughter the animal in a position where the slaughtering cannot be observed by any person on neighbouring premises or any member of 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;
 - (f) dispose of any portions, faecal deposits and blood of the animal which are not used or consumed, in a manner which will not become a municipal health hazard or municipal health nuisance and will prevent pollution of water and underground water sources, soil and other environmental pollution.
 - (g) not keep such animal prior to slaughtering for a period in excess of 12 hours;
 - (h) ensure that the animal does not cause a noise nuisance or disturbing noise whilst being kept for slaughter or being slaughtered.
- (2) No person may carry or convey through or along a street the carcass of an animal, bird or poultry, fish, crustaceans, animal waste or offal unless it is contained and covered to prevent potential spillage.

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- (3) No slaughtering of an animal for religious purposes may take place without an environmental health practitioner being present on the day of the slaughtering to ensure that carcass is bled properly, the proper disposal of blood, stomach contents and manure and to ensure the humane treatment of animals before and during the slaughtering process;
- (4) All direct neighbours have to be informed of the event at least 72 hours prior to the slaughtering;
- (5) No meat from a religious or cultural slaughtering may be sold to any member of the public.

CHAPTER 18

DISPOSAL OF CORPSES AND DISTURBANCE OF HUMAN REMAINS

133. Storage and display of Human Remains:

- (1) No person shall prepare or store human remains except an approved funeral undertaker where a certificate of competence has been issued.
- (2) No person shall display or transport human remains without the necessary written permission from an authorised person.
- (3) If an Environmental Health Practitioner is satisfied that health nuisance exists on any funeral undertaker's premises or mortuary, situated in its area of jurisdiction, issue a written prohibition notice in terms of section 156 to the owner or person in charge of the premises in question to stop all activities connected with the handling, preparation and storage of human remains on the premises, until such time that the health nuisance referred to, in the order has been eliminated.

134. Prohibition of burial and cremation

- (1) No human remains may be buried unless it is:-
 - (a) in a cemetery owned and operated by a local municipality within the district; or
 - (b) in a private cemetery approved by such a local municipality.
- (2) No human remains may be cremated unless it is-
 - (a) in a crematorium owned and operated by a local municipality in the district or
 - (b) in a private crematorium approved by such a local municipality.

135. Burial sites and burials

- (1) No land or site shall be identified and used for the purpose of a burial site, unless environmental authorization has been granted in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA), Environmental Impact Assessment Regulations, R543 of 18 June 2010, as amended (EIA Regulations). In the case of private burial sites, a land survey has been conducted by the relevant local municipality and necessary approval granted, such approval must be in writing and should contain such conditions for use as the availability of waste management and ablution facilities which shall include access to potable water and sanitation facilities.

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- (2) All burial sites must comply with the following environmental requirements-
 - (a) be located outside the 100 year floodplain;
 - (b) be located at least 350 m from ground water sources used for drinking purposes and at least 500 m from the nearest habitable building;
 - (c) for a preferred burial site with a soil of sand-clay mix of low porosity and a small and fine-grain texture, the water table should be at least 2.5m deep in order to allow for traditional grave depth of six feet (1.8 meters);
 - (d) for areas with higher water tables, the relevant local municipality may determine a reasonable depth with additional walling recommendations to protect underground water; and
 - (e) the covering soil shall not be less than 1 m, should two bodies be buried in the same grave, 300mm of soil shall be maintained between the coffins.
 - (f) the lid of the coffin, or where one coffin has been buried on top of another coffin, the lid of the top coffin, may not be less than 1500mm in depth.
- (3) A person who contravenes the provision of subsection (2) commits an offence.
- (4) All burials must be registered with and entered into the register of burials of the local municipality.

136. Disturbance, exhumation and reburials of human remains

- (1) No exhumations and reburials of human remains shall be done unless:
 - (a) authorized by the relevant sphere of government and permitted by the relevant local government in whose jurisdiction the exhumation and reburial will take place; or
 - (b) A court order issued by a magistrate and shall be permitted by the relevant local municipality in whose jurisdiction the exhumation and reburial will take place.
- (2) Exhumation approval shall not be issued without a reburial permit issued by the relevant local municipality where the reburial will take place, or without a cremation permit, in cases where the exhumed body will be cremated.
- (3) No person shall exhume any human remains, unless for the: -
 - (a) removal from the original grave to a new grave acquired in the same cemetery;
 - (b) removal for burial in another cemetery;
 - (c) removal for cremation;
 - (d) removal for forensic examination of the deceased;
 - (e) transfer from a public grave to a private grave;
 - (f) for legal reasons, such as crime related investigations; or
 - (g) for archaeological reasons.

137. Exhumation requirements

- (1) The following are the exhumation requirements:
 - (a) whenever an exhumation is to take place, the officer-in-charge must inform the Provincial Commissioner of the South African Police Services.
 - (b) a member of the South African Police Services must always be present when an exhumation is being conducted.

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- (c) an exhumation must not take place when the cemetery is open to the public and must take place under the supervision of the officer-in-charge.
 - (d) the disinterment or removal of human remains shall be carried out under the supervision of an Environmental Health Practitioner of the relevant health authority in whose area of jurisdiction the human remains are buried, provided that if the relevant health authority concerned does not have the services of an Environmental Health Practitioner at the time, such authority may request the services of an Environmental Health Practitioner of another health authority, or an environmental health practitioner in private practice, registered with the HPCSA as an Environmental Health Practitioner to perform the duties as referred to in this regulation;
 - (e) only persons with direct involvement may be present at the disinterment or removal of human remains and no dogs or other animals maybe allowed at the grave site; and
 - (f) an Environmental Health Practitioner must monitor the exhumation process to ensure that no health nuisance or hazard is caused, by ensuring that at the exhumation site:
 - i. the grave and the human remains are treated with a disinfectant after exhumation and any other protective measures as he/she may deem necessary;
 - ii. an adequate supply of water, soap and disinfectants for cleansing purposes shall be available at the grave for cleansing of persons handling the human remains;
 - iii. the correct grave is re-opened;
 - iv. human remains are placed in a non-transparent and closely sealed container immediately after it has been disinterred and be handled in a way that no nuisance or health hazard is caused;
 - v. a new approved container is supplied by the undertaker, or if the existing container is to be reused, that it is secured and leak proof;
 - vi. human remains exhumed and all pieces of the original coffin are placed in the new coffin;
 - vii. a new coffin is properly sealed and identified;
 - viii. the health and safety of the workers is maintained by use of approved protective equipment;
 - ix. the grave is not left unguarded, and
 - x. Immediately after the remains have been removed, that such grave is covered or sealed with approved top soil.
- (2) Subject to the provisions of an exhumation order given in terms of section 3(4) of the Inquests Act, 1959 (Act 58 of 1959), Section 3 of Ordinance No 12 of 1980 and any other provision of any Act relating to the exhumation of corpses, no person may, without an environmental health practitioner being present:
- (a) disturb a corpse or mortal remains or the ground surrounding it in a cemetery;
or
 - (b) open a grave;
 - (c) exhume or cause a corpse to be exhumed during such time as the cemetery is open to the public.

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- (3) No person may re-open a grave for the purpose of interring a second corpse in the same grave unless:
- (a) the grave was initially made deeper for this purpose, and if not made deeper, then only 30 days after a period of 5 years since the interment of the first corpse;
 - (b) for purposes of burial of a receptacle containing ashes, the depth does not exceed 300 mm; and
 - (c) the consent of the local municipality in whose jurisdiction the cemetery is situated has been obtained.
- (4) A person who contravenes a provision of subsection (1) (2) or (3) commits an offence.

138. Conveyance of human remains

- (1) The human remains of a person who, at the time of his or her death suffered from a disease or condition which is capable of transmitting an illness even after death and in the opinion of the health authority concerned, may pose a health hazard or endanger public health in one way or another, may not be conveyed in public in any way unless-
- (a) such human remains are placed in a polythene bag, sealed in an airtight container, placed in a sturdy non-transparent sealed coffin, embalmed and/or the total surface of the body covered with a 5 cm layer of wood sawdust or other absorbent material which is treated with a disinfectant;
 - (b) a medical practitioner declares in writing that in his or her opinion the conveyance of such human remains will not constitute a health hazard;
 - (c) such declaration must accompany the human remains at all times during the conveyance and up to the burial; and
 - (d) for human remains of a person whose cause of death was small pox, anthrax or viral hemorrhagic fever, the body shall not be embalmed, but strict guidelines on management of communicable diseases as may be published by the Department of Health shall be followed.
- (2) The declaration referred to in sub-regulation 1 shall be shown to an officer on demand by the person responsible for the conveyance of the human remains.
- (3) No person shall damage a container referred to in sub-regulation (1)(a), or open such container or remove the human remains from the container or come into direct contact with the human remains after it has been sealed without prior approval from an officer referred to in sub-regulation (1)(b).

CHAPTER 19**WASTE MANAGEMENT*****Part 1: General provisions relating to the recovery, storage and disposal of waste*****139. Obligations of holders of waste:**

- (1) A holder of waste must –
 - (a) avoid the generation of waste or where it cannot be avoided minimise the toxicity and amounts of waste generated;
 - (b) re-use, recycle or recover waste where possible;
 - (c) dispose of generated waste by –
 - i. contracting with the relevant local municipality where the holder of waste resides;
 - ii. where the relevant local municipality does not provide such a service by contracting with an accredited service provider; or
 - iii. delivering waste to a licensed waste disposal facility and ensure that waste is treated or disposed of in an environmentally sensitive manner at a licensed waste disposal facility;
 - (d) manage waste so that it does not endanger health or the environment or create a nuisance;
 - (e) maintain suitable cleanliness and hygiene standards on their premises as required by these By-laws;
 - (f) make use of the waste removal services provided by the relevant local municipality where the holder of waste resides or its service provider, unless the local municipality does not provide a waste removal service for the type of waste to be disposed of, in which case the holder of waste shall make use of an accredited service provider;
 - (g) conclude a contract with the relevant local municipality where the holder of waste resides, its service provider or an accredited service provider, as the case may be, for the storage and collection of waste;
 - (h) store waste in the containers provided by the local municipality or an accredited service provider prior to collection or where a container is not provided, store domestic and business waste in plastic black bags or containers provided by the local municipality or health care waste in dedicated health care waste plastic bags or containers. All containers or bags will be collected by the service provider at least once a week according to the routes as published by the local municipality or the service provider from time to time;
- (2) If no arrangement is made for collection of excess waste, the holder of waste must promptly transport, or arrange with an accredited service provider that the additional waste be transported to a licensed waste disposal facility at his or her own cost.
- (3) For purposes of these By-laws, waste that exceeds the volume that can be stored in the containers provided or bag and excess waste include vehicle wrecks or any other device or compliance or abandoned article.
- (4) A holder of waste generating industrial waste must contract with the Municipality or an accredited service provider for the collection and disposal of such waste to a licensed waste disposal facility.

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- (5) A holder of industrial waste must on demand prove to the environmental health practitioner that he or she has entered into a suitable agreement with the local municipality or an accredited service provider for the collection, processing, treatment or disposal of industrial waste at least once per week or as may be determined by the environmental health practitioner.
- (6) Contaminated building and demolition waste or other waste where the contamination agent is hazardous or dangerous must be deposited at a licensed waste disposal facility for the treatment and disposal of hazardous waste.
- (7) The holder of waste or the owner of the property on which waste is generated who deposits or stores waste on any property situated within the jurisdiction of the Council may be fined for failure to have or produce a permit for such deposit or storage.

Part 2: Hazardous Waste

140. Applicable legislation

The Council, taking cognizance of the provisions of the Environment Conservation Act, 1989 (Act No. 73 of 1989) and the Hazardous Substances Act, 1973 (Act 15 of 1973), and the regulations made under these Acts, adopts the provisions in this Part.

141. Storage of hazardous waste

- (1) An empty container in which hazardous waste such as, but not limited to, pesticides was stored is to be treated as waste, and –
 - (a) must be stored in such a manner that –
 - (i) no pollution of the environment occurs at any time;
 - (ii) no municipal health nuisance is created at any time;
 - (b) the date on which the container is stored must be clearly marked and visible for inspection on the container;
 - (c) while being stored on site, must be clearly marked or labelled with the words “Hazardous Waste”;
 - (d) the owner or occupier of the land must fence off the storage area to prevent unauthorized access; and
 - (e) shall be dealt with as Class 6 waste as described in the Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste (Second Edition, 1998) as published by the Department of Water Affairs and Forestry and as amended from time to time.
- (2) A person who contravenes a provision of subsection (1)(a) to (d) commits an offence.

Part 3: Health care waste

142. Separation at source and marking

- (1) Generators of health care waste have a general duty of care in terms of these Bylaws and any other relevant provincial and national legislation, to separate all health care risk waste at source and to handle, package, store and dispose of health care

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risk waste in a safe manner that poses no threat to human health or to the environment.

- (2) Without limiting the generality of the duty in subsection (1), generators of health care waste must:
- (a) ensure that the generation of health care risk waste is minimized as far as possible at source
 - (b) separate health care waste into health care risk waste and health care general waste at the point at which it is generated;
 - (c) store health care risk waste in purpose-manufactured, leak-proof, sealable containers and must ensure that such containers used to store sharps, razors, blades, needles and any other instrument which can cause cuts, punctures or injections, are rigid and puncture-resistant;
 - (d) ensure that the radioactive waste for which he/she is responsible, is treated in accordance with the Hazardous Substances Act, 1973, (Act No. 15 of 1973)
 - (e) ensure that all the employees in their employ are adequately trained in the identification, separation, handling, storing of health care risk waste;
 - (f) take appropriate steps to ensure the health and safety of all the employees in their employ in terms of the Occupational Health & Safety Act;
 - (g) label all health care risk waste containers clearly in large, legible lettering with indelible ink with the following information:
 - i. the name, address and contact telephone number of the holder of waste;
 - ii. the words: DANGER – HEALTH CARE RISK WASTE; GEVAAR-GESONDHEIDSAFVAL; and INGOZI: INKUNKUMA YEZAMAYEZA and the international bio-hazard logo; and
 - iii. the date on which the health care risk waste is removed from the premises of the holder of the waste.
 - (h) Prevent public access to health care risk waste containers which are in use;
 - (i) Store filled health care risk waste containers in controlled, secure areas which are reserved for the storage of health care risk waste
 - (j) Make arrangements for the removal of health care risk waste from their premises and for the transportation of health care risk waste by a person who is registered in terms of section 146 of these By-laws as a transporter of health care risk waste
 - (k) Make arrangements for the disposal of the health care risk waste by a person/institution permitted to dispose of health care risk waste in terms of the By-laws of the Nkangala District Municipality or any other applicable legislation
- (3) Generators of health care waste may apply to Council for permission to handle, store and otherwise deal with health care risk waste in a manner which does not comply with the requirements as set out in subsection (2) above.
- (4) The Council may in writing grant the permission referred to in subsection (3) subject to certain conditions.
- (5) Generators of health care risk waste may transport and dispose of health care risk waste generated on their premises, provided they do so in terms of these By-laws;
- (6) Generators of health care risk waste must:

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- (a) Maintain an up-to-date written record of all health care risk waste generated and removed from their premises in a format from time to time prescribed by Council;
- (b) Obtain written notification from the disposer of the health care risk waste that the health care risk waste has been disposed of and upon receiving such notification, indicate in their written records that the health care risk waste has been disposed of by mentioning the name of the disposer and the date of disposal;
- (c) Provide copies of the record referred to in (a) and the information in (b) to Council on a six-monthly basis or at any other frequency as may from time to time be prescribed by Council.

143. Storage of health care waste

- (1) Any person engaging in an activity which may generate health care waste must ensure that the health care waste generated on the premises is kept and stored thereon until it is collected from the premises.
- (2) Perishable health care waste must be stored at a temperature not exceeding 4°C, and should preferably be frozen.
- (3) A health care waste storage area must –
 - (a) be vermin-proof, insect-proof, and rodent-proof;
 - (b) have an easily cleanable floor and wall finishing and general construction;
 - (c) be totally enclosed;
 - (d) adequately ventilated and lighted; and
 - (e) be lockable.
- (4) All health care waste must be stored in a health care waste storage area until it is loaded or removed for final disposal.
- (5) On-site spills must be cleaned up immediately.
- (6) All interior surfaces of storage areas must be meticulously disinfected and cleaned on a daily basis.
- (7) Provision must be made for unrefrigerated health care waste to be removed on weekends and public holidays.
- (8) Subject to the provisions of sub-section (6) health care waste must, prior to final disposal at a municipal disposal or processing facility, be sterilized using one of the following methods:
 - (a) autoclave;
 - (b) microwave;
 - (c) chemical treatment; or
 - (d) Incineration.
- (9) Sterilization of health care waste may be performed on the premises where the health care waste was generated or at an off-site location.
- (10) Health care waste must, prior to disposal, be placed in a colour coded heavy duty plastic bag or other suitable colour coded container as follows:
 - (a) Health care waste which has not been sterilized and rendered non-infectious must be placed in a red heavy duty plastic bag at the point of generation or disposed of at a municipal disposal or processing facility in an unsterilized condition;

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- (b) health care waste which has been sterilized by autoclave, microwave, chemical or other non-burning method, must be placed in a yellow heavy duty plastic bag;
 - (c) cytotoxic or genotoxic pharmaceutical health care waste and associated contaminated materials such as, but not limited to syringes, tubing, containers, preparation materials, vials and ampoules, must be discarded into a container which is labelled cytotoxic waste or genotoxic waste; and
 - (d) sharp objects such as, but not limited to needles and broken glass, contaminated with cytotoxins must be placed into a rigid, sealed, plastic container which is labelled cytotoxic sharps, and provision must be made in this regard for the safe discarding of the longest Trocar needle.
- (11) The above requirements for colour coded containers must be strictly adhered to for all movement and transportation of health care waste either on the premises of generation or in transit to an off-site sterilization or disposal facility.

144. Duty of transporters

- (1) Transporters must remove health care risk waste from the premises of the generator of health care risk waste, transport, store and deliver such health care risk waste to a site at which it will be disposed of in manner which poses no threat to human health or the environment.
- (2) Without limiting the generality of the duty referred to in subsection (1), transporters must:
 - (a) not remove the health care risk waste from the containers in which the generator of such waste placed it;
 - (b) transport and store the health care risk waste in such way that no member of the public can gain access to the health care risk waste or the containers in which it is stored;
 - (c) transport the health care risk waste in vehicles which:
 - i. comply with all applicable legislation as from time to time promulgated by national government or the Provincial Government of Mpumalanga or in the absence of such legislation,
 - ii. are capable of containing the health care risk waste;
 - iii. are designed to prevent spillage;
 - iv. are constructed of materials which are easy to clean and to disinfect;
 - v. are capable of being secured in order to prevent unauthorized access
 - (d) deliver health care risk waste only to a person and site permitted to dispose of health care risk waste in terms of section 146.
- (3) Transporters may apply to Council for permission to remove, transport, store and deliver health care risk waste in a manner which does not comply with the requirements as set out in subsection (2) above.
- (4) The Council may in writing grant the permission referred to in subsection (3) subject to certain conditions.
- (5) Transporters may dispose of health care risk waste provided they do so in terms of these By-laws.
- (6) Transporters must maintain a written record in respect of each collection and delivery of health care risk waste, which they must update simultaneously with each collection

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and delivery. The record must be in the format as prescribed from time to time by Council and must be kept for a period of three years from date on which the health care risk waste is delivered to the disposal site. Transporters must keep a copy of the said record in the vehicle used for the transportation of the health care risk waste.

145. Disposal of Health Care Risk Waste

- (1) Health care risk waste may only be disposed of by a person –
 - (a) who holds a permit to operate a hazardous waste site in terms of section 20 of the Environmental Conservation Act, 73 of 1989,
 - (b) who complies to all the terms and conditions attached to such a permit.
- (2) A person permitted in terms of subsection (1) to dispose of health care risk waste must do so at the site at which the permit permits him or her to dispose of health care risk waste and may not dispose of health care risk waste at any other place.
- (3) Persons who dispose of health care risk waste must:
 - (a) maintain an up to date written record as required in terms of the National Waste Information System and any additional information as may from time to time be required by the Council of all health care risk waste received and disposed of at the site;
 - (b) keep such records for a period of three years or for a such period as may be prescribed in terms of the guidelines provided for compliance to the National Waste Information System, whichever the shortest.

146. Duty to register

- (1) Every generator of health care waste must register with the Council within three (3) months of the coming into effect of these By-laws by completing and submitting a written notification to Council in the format prescribed from time to time.
- (2) Every transporter must register with the Council within three (3) months of the coming into effect of these By-laws by completing and submitting a written notification to the Council in the format prescribed from time to time.
- (3) Generators of waste and transporters must notify the Council of any changes to the information provided in terms of subsection (1) and (2) as soon as such changes take place.

147. Powers of Environmental Health Practitioners

- (1) Any environmental health practitioner in the employ of the Council may:
 - (a) Enter sites and premises on which health care waste is being generated, handled, treated, stored or disposed of, or on which he or she suspects health care waste is being generated, handled, stored or disposed of,
 - (b) Gain access to vehicles on which health care waste is being contained or transported, or on which he or she suspects health care waste is being contained or transported.
- (2) Where an environmental health practitioner enters premises or a site or gain access to a vehicle in terms of subsection (1), he or she may, for the purposes of

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administering these By-laws, undertake any inspection or enquiry, including but not limited to:

- (a) inspecting the premises, site or vehicle for the presence of health care risk waste;
- (a) inspecting the manner in which health care risk waste is being, handled, stored, transported, treated or disposed of;
- (b) requesting information regarding the health care risk waste from the person who is in charge of the health care risk waste or from the person in charge of the health care risk waste or from the person in charge of the premises, site or vehicle;
- (c) examine, extract or make copies of any health care risk waste records and request an explanation from the person in charge of the record ,or from the person in charge of the site, premises or vehicle.

148. Offences

Any person who contravenes any provision of the chapter or fails to comply with any notice given in relation thereto in terms of these By-laws, commits an offense and is liable to a spot fine (if applicable) as described in Schedule 2 or a penalty as described in section 162.

CHAPTER 20

CHEMICAL SAFETY

149. Compliance with national minimum standards

Any person using, manufacturing , storing or distributing heavy metals, other hazardous chemicals and industrial chemicals, pesticides, water treatment chemicals or chemicals for food processing or preservation must promote the safe and efficient storage and usage of such chemicals and comply with all National Minimum Standards relating to the manufacturing, handling, transportation, storage, labeling and selling of chemicals.

150. Duty to register and duties of permit holder

- (1) Any person managing, manufacturing, storing or distributing heavy metals, other hazardous chemicals and industrial chemicals, pesticides, water treatment chemicals, chemicals for food processing or preservation, providing pesticide or chemical cleaning services must obtain a permit from Council before operating or engaging in such activities or submit to Council a permit issued by the relevant national or provincial government department.
- (2) Every holder of a permit referred to in subsection (1) must –
 - (a) take all reasonable precautions and measures to safeguard against the harmful or detrimental exposure of such chemicals to the environment or human beings;
 - (b) keep such premises, vehicles or containers clearly marked and secured in an area or facility where access is controlled;

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- (c) cause all equipment, containers or vehicles used in such activities to be recycled or disposed of in a safe and environmentally friendly manner or at the appropriate disposal site after use, packaging, treating or cleaning, as directed by the relevant authorities;
- (d) daily cause all protective over-clothes that have been used to be washed, cleansed and disinfected on the premises in a manner that is environmentally safe;
- (e) if chemicals are transported, ensure that it comply with the legal requirements for transporting hazardous substances, materials, labeling of vehicles, transporting such materials and any other national standards or codes;
- (f) provide the municipality with all information or data as requested;
- (g) keep a complaints register and quarterly provide the municipality with a report on complaints received including measures taken to address such complaints;
- (h) have systems or mechanisms in place to monitor pollution caused by their activities and provide regular reports of such monitoring to the municipality;
- (i) notify the municipality of any poisoning or spillages or suspicions of poisoning or spillages during the conduct of their activities or the transportation of such chemicals and such permit holder must submit to the municipality within 7 days of the incident a full incident report including remedial and rehabilitation measures that have been taken or to be taken within specific time frames to be agreed upon with the municipality; and
- (j) provide basic education to the community and staff on the dangers of such chemicals and provide contact numbers for incidents of spillages, pollution or poisoning.
- (k) A person who contravenes any of the provisions of Chapter 20 shall be liable for payment of a spot fine as set out in Schedule 2, or prosecution in terms of these Bylaws.

CHAPTER 21

ENFORCEMENT

151. Powers of Environmental Health Practitioners

- (1) The Council may, by resolution appoint any Environmental Health Practitioner as a peace officers in terms of Section 334 of the Criminal Procedure Act 51/1977 and Government Notice R159 of 2/2/1979.
- (2) An Environmental Health Practitioner appointed as a peace officer shall have the authority to act according to such powers as are delegated to him or her by Council.
- (3) Sections 80 to 89 of the Act shall apply with the necessary changes, to the appointment, responsibilities and powers of the environmental health practitioner and offences relating to such practitioner.

152. Right to impose Spot Fines

- (1) An Environmental Health Practitioner appointed as peace officer may issue a spot fine not exceeding the amount determined by Council or its authorised agent from

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time to time and ratified by resolution of the Council to any person contravening the requirements of any of the Sections of these By-laws pertaining to infringements mentioned in Schedule 2.

- (2) Notwithstanding the right to issue a spot fine in terms of these By-laws, the Environmental Health Practitioner or peace officer, may issue a final warning if in the discretion of such an officer, the warning will suffice to educate the offender or the public at large or will better serve the aims of these By-laws as set forth in the preamble.
- (3) The Environmental Health Practitioner shall use his/her discretion as to the seriousness and consequences to public health and the environmental harm caused by the infringement in deciding if the infringement justifies the imposition of a spot fine or warrants prosecution in terms of these By-laws.
- (4) The Council reserves the right to amend the contents of Schedule 2 and or the fines contained therein from time to time by resolution of Council.

153. Notice of compliance and representations

- (1) Where an environmental health practitioner has reasonable grounds to believe that a person fails to comply with a requirement relating to premises, he or she may serve a notice of compliance on the person, which notice must state –
 - (a) the name and residential or postal address of the person;
 - (b) the requirement which has not been complied with;
 - (c) that the person must within a specified period take measures to comply with the notice and to complete the measures before a specified date; and
 - (d) that the person may within 14 days make written representations in the form of a sworn statement or affirmation to the municipality at a specified place.
- (2) The municipality, when considering any measure or period envisaged in subsection (1)(c) or (d), must have regard to the principles and objectives of these By-laws, the nature of the non-compliance, and other relevant factors.
- (3) Where a person does not make representations in terms of subsection (1)(d), and the person fails to take the measures before the date contemplated in subsection (1)(c), he or she commits an offence, and Council may, irrespective of any fines which may be imposed under section 153 or 162, act in terms of subsection (9).
- (4) Representations not lodged within the time contemplated in subsection (1)(d) will not be considered, except where the person has shown good cause and Council condones the late lodging of the representations.
- (5) The Council must consider the timely representations and any response thereto by the environmental health practitioner.
- (6) The Council may, on its own volition, conduct any further investigations to verify the facts if necessary, and the results of the investigation must be made available to the person making the representation, who must be given an opportunity of making a further response if he or she so wishes, and the Council must also consider the further response.
- (7) The Council must, after consideration of the representations and any response and further response make an order in writing and serve a copy of it on the person, which order must confirm, in whole or in part, alter, or set aside the notice of compliance, and where the notice of compliance is confirmed, in whole or in part, or altered, Council must inform the person that he or she must, within the period specified in the

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order, discharge the obligations set out in the order and that failure to do so constitutes an offence.

- (8) Where a person fails to discharge the obligations contemplated in sub-section (7), he or she commits an offence and Council may, irrespective of any fines which may be imposed in terms of these By-laws, act in terms of subsection (9).
- (9) The Council may take such measures as it deems necessary to remedy the situation, and the cost thereof must be paid to Council, or Council may inform the local municipality of the failure to comply with a notice issued in terms of subsection (1) and recommend steps to be taken towards rectification.

154. Prohibition notice

- (1) An environmental health practitioner may, after inspecting premises, serve a prohibition notice prohibiting the premises from being used for specified purposes and require measures to be taken to ensure that this occurs, on one or more of the following persons:
 - (a) The owner or occupier of the premises if Council reasonably believes that the premises are being used for a purpose or in a manner that is causing a municipal health nuisance;
 - (b) any person who is carrying on an activity or using a premises for a purpose or in a manner that the municipality reasonably believes is causing a municipal health nuisance; or
 - (c) a person on whom a compliance notice was served if the municipality reasonably believes that that person has not complied with the compliance notice.
- (2) Council 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 Council 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 in a conspicuous position on the premises.
- (6) It is a defence for anyone charged with failing to comply with a prohibition notice if he or she can prove that –
 - (a) he or she did not know of the existence of the prohibition order and could not reasonably be expected to have known of its existence; and
 - (a) 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).

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- (7) A person who fails to comply with any order or condition contained in a prohibition notice issued in terms of subsection (1) commits an offence.

155. Withdrawal of Prohibition Notice

- (1) The municipality must, within 48 hours of receiving a written request for the withdrawal of a prohibition contained in a prohibition notice, carry out an investigation of the land or premises.
- (2) After completing the investigation, the municipality must inform, in writing, the person on whom the prohibition notice was served or that person's agent whether or not the prohibition has been removed or the prohibition order withdrawn.
- (3) The municipality may charge the owner or occupier of the land or premises where an investigation is carried out in terms of subsection (1), a prescribed fee for undertaking the investigation.

156. Serving of notices

- (1) A notice, order or other document is regarded as having been properly served if -
 - (a) it has been delivered to the person concerned personally;
 - (b) it has been sent by registered post or speed post to the person to whom it is addressed at his or her last known address;
 - (c) it is served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address;
 - (d) if the address of the person concerned in the Republic of South Africa is unknown, if it has been served on that person's agent or representative in the Republic of South Africa in the manner provided for in paragraph (a),(b) or (c); or
 - (e) if the address of the person concerned and of his or her agent or representative in the Republic of South Africa is unknown, if it has been posted in a conspicuous place on the premises to which it relates.
- (2) A notice, order or other document which may in terms of these By-laws be served on the owner or occupier of premises may be addressed to the owner or occupier of the specified premises and need not bear the name of the owner or occupier.

157. Costs

- (1) Should a person fail to take the measures required of him or her by a notice of compliance contemplated in section 154, Council may, subject to subsection (3) recover, as a debt, and in accordance with Council's debt collection regulations, all costs incurred as a result of it acting in terms of these By-laws from that person and any or all of the following persons:
 - (a) the owner of the land, building or premises;
 - (b) the person who committed the specific offence; or
 - (c) the person or occupier in control of the land, building or premises or any person who has or had a right to use the land at the time when the situation came about.

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- (2) The costs recovered must be reasonable and may include, without being limited to, costs relating to labour, water, equipment, administrative and overhead costs incurred by Council.
- (3) If more than one person is liable for costs incurred, the liability must be apportioned as agreed among the persons concerned according to the degree to which each was responsible for the emergency resulting from their respective failures to take the required measures.

CHAPTER 22

MISCELLANEOUS

158. Duties of Council

In addition to any other duty of Council in terms of these By-laws or any other applicable legislation, the Council must within its area of jurisdiction:

- (1) enforce the relevant provisions of these By-laws;
- (2) carry out water quality monitoring at all potable, industrial and commercial water sources ;
- (3) perform food control inspections, enquiries, monitoring and observation;
- (4) monitor waste management;
- (5) undertake health surveillance of properties;
- (6) undertake surveillance and prevention of communicable diseases, excluding immunizations;
- (7) undertake effective vector control measures;
- (8) prevent environmental pollution;
- (9) monitor activities related to the disposal of the dead, and
- (10) ensure chemical safety.

159. Co-operation between municipalities

In an effort to achieve optimal service delivery, Council may enter into agreements with the local municipalities within its area of jurisdiction in respect of the following:

- (1) the practical arrangements with regard to the execution of the provisions of these By-laws;
- (2) the recovery of costs and expenses;
- (3) subject to the provisions of Section 86 of the Municipal Structures Act, 1998 (Act 117 of 1998), mechanisms for the settlement of disputes with regard to the execution of powers or the matters on which there have been agreements;
- (4) any other matter regarded necessary by the district and local municipalities to achieve optimal service delivery, including making available any fine procured in terms of these Bylaws to the relevant local municipality to remedy defects or better infrastructure.

160. Omission by local municipality

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- (5) If Council is of the opinion that the health of residents in its area of jurisdiction is endangered by the refusal or omission by a local municipality to execute any of the practical arrangements envisaged in section 160, it may serve written notice on such local municipality to give effect or adhere to such arrangement within reasonable time. Upon failure to adhere to such notice, the municipality may proceed to give effect to such arrangement.
- (6) Any expenses or cost incurred by the municipality in giving effect to any arrangement referred to in section 160 may be recovered from the local municipality involved.

161. Failure to comply with By-laws and Penalties

- (1) Any person who –
 - (a) contravenes or fails to comply with any provisions of these By-laws; or
 - (b) fails to comply with any notice issued in terms of or for the purposes of these By-laws, including compliance with the payment of a spot fine as contemplated in section 153; or
 - (c) fails to comply with any lawful instruction given in terms of or for the purposes of these By-laws; or
 - (d) obstructs or hinders any authorized representative or employee of the Council in the execution of his or her duties under these By-laws, or
 - (e) induces, influences, persuades or forces an employee of the Council or other person to commit an offence in terms of these By-laws;is guilty of an offence and is, on conviction, and subject to penalties prescribed in any other law, liable to a fine of up to R5 million Rands, or in default of payment, to imprisonment of not more than five years, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment. In the case of a successive or continuing offence, a convicted offender is liable to a cumulative fine for every day such offence continues, or in default of payment thereof, to imprisonment of up to five years and a further amount equal to any costs and expenses found by the court to have been reasonably incurred by Council or the complainant as a result of such contravention, or in respect of remedial work done.
- (2) The court may in addition to any penalty imposed in terms of subsection (1), order a person to repair the damage, make good the loss, rehabilitate the environment, remove waste, or determine what measures must be taken by such person and the payment of the expenses incurred in respect thereof or any other costs or damages to ensure compliance with these By-laws to eliminate or reduce, mitigate, rehabilitate a municipal health nuisance or any health threat or negative environmental impact. Any such order shall have the force and effect of a civil judgement.
- (3) The Court may, when considering any sentence for an offence in terms of these By-laws, take into account the following:
 - (a) that a person delayed or failed to comply with the terms of notices or directions given to that person under these By-laws;
 - (b) that a person obtained a financial advantage or was to obtain a financial advantage as a result of the commission of the offence;
 - (c) the severity of the offence in terms of its impact or potential impact on health, well-being, public safety and the environment.
- (4) It is an offence to:

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- (a) supply false information to an authorized person in respect of any issue pertaining to these By-laws, or;
 - (b) refuse to co-operate with the request of an authorized person made in terms of these By-laws and any person convicted of such offence shall be liable to imprisonment not exceeding 30 days or a fine or both a fine and imprisonment.
- (5) Failure to comply with a notice, direction or instruction referred to in these By-laws constitutes a continuing offence.
- (6) Any person who commits a continuing offences shall be guilty of a separate offence for each day during which that person fails to comply with a notice, direction or instruction referred to in these By-laws.

162. Presumptions

- (1) When an employee of a person in the course of his or her employment performs any act or is guilty of an omission which constitutes an offence under this by-law, the employer is deemed also to have performed the act or to be guilty of the omission and the employer is liable on conviction to the penalties referred to in Section 162, unless the employer proves to the satisfaction of the Court that –
- (a) in performing the act or being guilty of the omission, the employee was acting without the employer's knowledge or permission;
 - (b) all reasonable steps were taken by the employer to prevent the act or omission in question; and
 - (c) it was not within the scope of the authority or the course of the employment of the employee to perform an act of the kind in question.
- (2) The fact that an employer issued instructions forbidding any act or omission of the kind referred to in subsection (1) is not in itself sufficient proof that he or she took all steps referred to in paragraph (1) (b).
- (3) When an employer is by virtue of the provisions of subsection (1) liable for any act or omission of his or her employee, that employee shall also be liable to prosecution for the offence.
- (4) In any prosecution for an offence under this by-law an allegation in the charge concerned that any place was situated in a street or public place or within a particular area or was a place of a specified kind, shall be presumed to be correct unless the contrary is proved.

163. Appeal

- (1) A person whose rights are affected by a decision of Council in terms of these by-laws may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000.
- (2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection 62 (4) of the Local Government: Municipal Systems Act, 32/2000 as amended.

NDM MHS Bylaws**164. Application to the State and Council**

These By-laws bind the State as well as the Council.

165. Short title

These By-laws are called the *Nkangala District Municipality Municipal Health Services By-laws, 2014*.

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SCHEDULE 1: REQUIREMENTS FOR CHILD CARE FACILITIES

For the purpose of this schedule, a child care centre shall refer to a facility that provides care for “children under the age of 6 years” who are not yet attending a public school or equivalent and this include full time day care or half day care where more than 3 children are being cared for. Child care centres also include afterschool care services for school going children.

The following types of child care services are applicable:

Part time day care: A part time day care centre provides day care services for a maximum of 5 hours per day and accommodates children of between the ages of 0-6 years.

Full time day care: A full day care provides day care for more than 5 hours per day and accommodates children between the ages of 0-6 years.

Child minders or day mothers: Child minders or day mothers provide child care services in their own homes for a full day. Not more than 6 children may be accommodated on the premises at a time including the child minders own children.

Play groups: Play groups provide child care services for half day only (not more than 5 hours per day) and a maximum of 20 children between the ages of 3-5 years may be accommodated.

Drop off centre service: Drop off centres provide care for children for a period of not more than 2 hours while a parent or guardian is temporarily unavailable (mainly located at shopping centres and usually operate during weekends).

After care centres: After care services are services provided for school going children and are mainly operational in the afternoon. Children at primary school level (grade R to grade 7) are accommodated.

A. Standards

- (1) All child care centres must be operated only if a valid health certificate has been issued by an environmental health practitioner (EHP) in the employ of the relevant health authority, to the effect that the premises comply with relevant environmental health and safety requirements.
- (2) An EHP should conduct environmental health inspection of a day care centre at least once a month, taking into account the risk profile of the day care centre.
- (3) An inspection report must be issued to the owner or person in charge of the day care centre after every inspection.
- (4) EHP's must maintain a database of all child care centres in their area of jurisdiction.
- (5) An EHP must coordinate monitoring of child care centres with all other relevant professionals, such as the Departments of Social Development, Basic Education and Primary Health Care, to ensure a comprehensive provision of services.

B. Health certificate

- (1) Health certificates issued by the municipality must be reviewed and renewed annually in case of change of ownership of the day care centre, where renovations or extensions to the existing premises are undertaken and if the day care moves from one premises to another.

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- (2) The owner or manager of a preschool institution must ensure that a health certificate issued for the operation of a child care centre is displayed in a conspicuous manner on the premises, so as to be clearly visible to everyone entering the premises.
- (3) A health certificate issued by an EHP must indicate the following;
 - (i) The health certificate holder;
 - (ii) The physical address of the premises;
 - (iii) The identity number of the certificate holder;
 - (iv) The number of children permitted on the premises and the age groups permitted;
 - (v) Hours of operation of the child care centre, full day or half day care; and
 - (vi) The certificate number.

C. Enclosure of day care centre premises

- (1) A yard, enclosed with a fence, brick, wall or other approved material must be provided.
- (2) Entrance and exit control must be available, as well as lockable gates, to prevent unauthorized entry and children leaving the premises on their own accord.

D. Structural requirements

- (1) An indoor play area for playing, eating and for sleeping purposes must be provided.
- (2) A structure used as an indoor play area must have –
 - (i) Exterior walls and roof constructed in a way as to prevent the permeation of wind and rain and to ensure the health and safety of children using the area;
 - (ii) Windows and doors to allow natural light and cross ventilation; and
 - (iii) A floor with a smooth surface that is easily cleanable and prevents the permeation of dampness.
 - (iv) A free floor space of not less than 2 m² must be provided for each child on the premises, of the ages between 3 to 7 years.
- (3) For children under the age of 3 years, not less than 3m² of free floor space must be provided; this should include adequate space for crawling of infants or toddlers.
- (4) Children play space areas should be provided according to the different age groups (0-2years), (2-3years), (3-4years), (4-5years), (5-6years).
- (5) The play area must be free from any structural hazards, such as sharp corners, stairs, slippery surfaces that may pose a danger or constitute a hazard to children on the premises.
- (6) Adequate seating (juvenile size chairs and tables), playing and sleeping (water proof mattresses) equipment must be available for the individual use of each child.
- (7) Cots and mattresses should be spaced at least 30 centimetres apart during sleep or nap time to allow free and safe movement by a child care supervisor.
- (8) Indoor and outdoor playing equipment/toys must be without sharp points or edges.
- (9) Mouth contact toys used for children under the age of 2 years must be cleaned and sanitized daily, by scrubbing in warm and soapy water using a brush, rinsing with clean water, submerging in a sanitizing solution for at least 2 minutes and air dried.

NDM MHS Bylaws**E. Outdoor play area of adequate size to be provided**

- (1) An outdoor play area of a minimum of at least 5m² per child must be provided on the premises.
- (2) Separate play areas should be provided for children between ages of 0-2 years and those between the ages of 3-6 years.
- (3) The premises must be surrounded by a fence constructed by an approved material and a lockable gate to prevent a child from leaving the premises unnoticed as well as to prevent unauthorized entry by the public.
- (4) Suitable outdoor play equipment must be provided for use by the children. Care must be taken to ensure that the equipment does not contain any hazardous chemicals e.g. lead or any sharp edges or loose objects that may cause injury to the children on the premises.

F. Toilets and hand wash facilities

- (1) One (1) toilet facility must be provided for every 15 (fifteen) children on the premises and an adequate supply of toilet paper must be supplied in the toilet facilities at all times.
- (2) One (1) hand wash basin must be provided for every 20 (twenty) children on the premises. The hand wash basin must be located in or immediately adjacent to the toilets. An adequate supply of soap and a clean towel must be provided at all times.
- (3) For children under the age of 2 years on potty training, 1(one) chamber pot must be provided for every 5 children. The pots must be emptied properly after passing of every stool and urine, and properly cleaned.
- (4) In cases where no sewer system is available and pit toilets are utilized, the pit toilet must be constructed in such a manner as not to cause harm or injury to the children.
- (5) The pit toilets must be maintained in good order and cleaned regularly.
- (6) For children under the age of 2 years, still on nappies, a separate changing area must be provided on the premises, equipped with adequate storage facilities for soiled nappies and wash facilities to clean the children.
- (7) Separate toilets and hand wash facilities must be provided for staff members on the premises.
- (8) An adequate amount of toilet paper, soap and towel must be available in the staff toilet and hand wash facilities at all times.
- (9) Toilet facilities must be kept clean and maintained in good repair.
- (10) Toilet facilities must be properly eliminated and ventilated.

G. Ventilation, lighting and heating

- (1) The premises on which a child care centre is operated must be naturally ventilated with windows, and be adequately illuminated.
- (2) In cold weather conditions, the premises must be adequately heated throughout with suitable means of heating.
- (3) An approved, suitable and safe artificial heating system that does not emit offensive and harmful gases, fumes and odours must be provided.

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H. Water supply, drainage and sewage disposal

- (1) The quality of water supply must comply with the SANS 241 with regards to microbiological, chemical and physical quality.
- (2) Potable running water must be continually available on the premises for drinking, preparing foodstuffs and to accommodate all uses in the centre, including at every hand wash basins.
- (3) Where the premises are not equipped with running water, a minimum of 2 litres per child per day must be kept and stored hygienically on the premises.
- (4) Drinking water must be adequately stored and protected to prevent contamination.
- (5) Suitable and effective means of drainage and sewage disposal must be provided on the premises.

I. Kitchen facilities

- (1) Suitable, sufficient, nutritious and varied foods prepared hygienically and safely in an approved kitchen must be provided to the children daily.
- (2) If meals are provided to the children, a kitchen area must be provided on the premises.
- (3) The kitchen area must comply with the requirements as specified in regulations R962 of 23 November 2012 with regards to structural requirements, food preparation, handling, storage and serving of foodstuffs”.
- (4) Adequate and suitable eating utensils must be provided and kept clean and in good repair.
- (5) A separate milk kitchen must be provided for preparation and washing of feeding bottles and teats for children that are still on bottles.
- (6) The milk kitchen must be equipped with;-
 - (a) Washing facilities with adequate supply of potable running water for washing of bottles and teats.
 - (b) Separate cooling facilities for the storage of milk and milk bottles.
 - (c) Adequate sterilizing facilities must be provided for sterilizing of feeding bottles and teas.
- (7) An EHP must have a potable thermometer at his disposal at all times during an inspection, to ensure that the temperature of fridges used for storage of milk for children is suitable and maintained.

J. Food requirements

- (1) For children in day care for the full day, the child care centre must serve with appropriate meals at intervals as may be recommended by the health officer, nutritionist or social services
- (2) All food served to the children must be safe for human consumption, nutritional and protected from contamination.
- (3) Food must only be stored on clean shelves, racks and surfaces.

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- (4) Food must be washed properly before cooking and serving, and served in clean eating utensils and crockery.
- (5) Appropriate food temperatures must be maintained on all foodstuffs.
- (6) The kitchen and all apparatus and equipment used in connection with food handling must be kept clean always.

K. Storage facilities

On any premises on which a child care centre is operated, adequate storage space must be available for:-

- (1) Personal belongings of each child;
- (2) Personal belongings for staff on the premises.
- (3) Equipment such as children's prams, push-up chairs, cots and play and work tools.
- (4) Storage of unsafe, toxic, dangerous or hazardous materials or substances separate from other materials and equipment.

L. Sick bay

- (1) A sickbay area for the treatment and care of any child who falls ill, who is injured during day care or who may be suffering from an infectious disease must be provided.
- (2) The sick bay area must be in a separate area from the indoor play area.
- (3) An approved and adequately equipped first aid kit must be provided in the sick bay area and be placed out of reach of children.
- (4) The first aid kit must include, amongst other equipment:
 - (a) Adhesive bandages;
 - (b) Sterile gauzes;
 - (c) Medical tape;
 - (d) Scissors;
 - (e) A cardiopulmonary mouthpiece protector;
 - (f) Liquid soap;
 - (g) First aid instruction book;
 - (h) A thermometer; and
 - (i) Disposable surgical gloves
- (5) The sickbay area must be equipped with a bed or mattress.
- (6) Proper supervision must be provided at all times for children placed in the sick bay.

M. Operational requirements

- (1) If after care services are provided on the premises, separate facilities must be provided for that purpose.
- (2) An after school centre may not be permitted on the same premises as a day care centre unless separate facilities are provided or unless conducted at different times.
- (3) An indoor play area of not less than 1.5m² free floor spaces must be provided for each child in after care and an outdoor play area of not less than 2m² must be provided for each child.

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- (4) One toilet must be provided for every 15 children and one hand wash facility must be provided for every 20 children of part thereof on the premises and designated by sex.
- (5) An adequate supply of toilet paper and soap must be provided in the toilet and hand wash facilities at all times.
- (6) Adequate tables and chairs must be provided for use by the aftercare children.

N. Medical care for children

- (1) Adequate, timely and appropriate medical attention must be provided in cases where children might require medical care.
- (2) When any child becomes ill or suffers an injury requiring medical attention, a care giver must :
 - (a) Immediately notify the parent or guardian of the child;
 - (b) Immediately call for medical assistance, if necessary;
 - (c) Provide the necessary care and treatment for minor ailments in the sickbay area referred to above; and
 - (d) Immediately notify an Environmental Health Practitioner/ relevant health authority in an event of the illness being suspected of being a communicable disease.
 - (e) Only administer medicine to a child with the written consent of the parent or guardian, a medical journal must be kept in which details of any medicine administered to a child, including the quantities is recorded. The journal must be signed by any parent bringing along medication to be administered during the day to any child.
- (3) The availability or easy access to a telephone is essential for notification of a parent or guardian where applicable and to summon medical assistance.
- (4) It is a prerequisite that every child to attend pre-school must have completed basic immunization schedules for his age as determined by the National Expanded Programme on Immunisation of the Department of Health.
- (5) Children suspected of suffering from an infectious or communicable disease must be excluded from attending preschool if in the opinion of an EHP or relevant health professional, the person is capable of communicating the infectious disease.
- (6) All caregivers must be trained in basic first aid.
- (7) Medical reports of each child must be kept on the premises, each record must contain:
 - (a) Information containing the child's general state of health and physical condition, including any allergies;
 - (b) Any illnesses, including any communicable diseases, operations etc. that a child may have suffered in a specified period;
 - (c) Immunization records; and
 - (d) Details of allergies and any medical treatment that the child may be undergoing.
- (8) A list of emergency telephone numbers which must include, fire brigade, ambulance, outbreak response, clinic, hospital, doctor and police must be available and easily accessible on the premises.

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- (9) Adequate provision must be made for disposable gloves and disinfectants to protect staff and children and to disinfect contaminated areas and surfaces when dealing with blood related illnesses and injuries.
- (10) All areas and surfaces where treatment of a child or caregiver for an illness or injury has taken place must be disinfected immediately.
- (11) Post exposure prophylaxis for HIV and Hepatitis B must be made available to any child or caregiver who may have been exposed to blood or bloody substances.

O. Registers and records

- (1) An application form containing the following information must be completed by the parent or guardian of every child on admission to child care service:
 - (a) The child's name and date of birth;
 - (b) Name, address and contact numbers of the parent or guardian;
 - (c) The place of employment of the parent or guardian;
 - (d) The name, address and contact numbers of a responsible person other than the parent or guardian who may be consulted in case of emergencies; and
 - (e) The name, address and contact numbers of the child's or family doctor and permission to consult the doctor.
- (2) The admission and discharge date of the child must be written in the application form and all forms must be kept for a period of 3 years.
- (3) Registers must be kept for:
 - (a) Admissions and discharges of all children admitted to or discharged from the child care services and the registers shall be kept for a period of not less than 3 years.
 - (b) Recording daily attendance in which the absence and attendance of children shall be noted daily.
 - (c) A journal in which to record any injuries or accidents involving any child on the premises or during transportation and the explanation of such accidents must be kept.
 - (d) A medical journal in which to record the details and quantities of the medicine given to a child must be kept. The child care provider must ensure that the register is signed daily by a parent or guardian who requires medicine to be administered to his/her child at day care.
 - (e) A record containing the name, address, contact details, qualification including a list of references and a next of kin of the person in charge and all other staff working on the premises must be available on the premises.
- (4) All registers and records will be open to be inspected by a parent or guardian of a child attending the day care centre, only in respect of information and records concerning the specific child.
- (5) A copy of these Norms and Standards must be kept on the premises and the said copies shall be made available on demand for inspection by a parent or guardian of a pre-school child attending or proposing to attend the service, by every person working in the service, and by any authorised person.

NDM MHS Bylaws**P. General requirements**

- (1) The location and layout of the pre-school must be suitable for its purpose with regards to the design and construction and finished in such condition that children can be cared for hygienically and can be adequately protected against possible public health hazards and nuisances.
- (2) An adequate number of competent care givers must be available to supervise and care for children.
 - (a) For children between 0-24 months, one adult supervisor must be available for every 6 babies;
 - (b) For children between 3 years and 5 years, one adult supervisor for every 20 children;
 - (c) For children between 5 and 7 years, one adult supervisor for every 35 children, in line with the Child Care Act.
- (3) Storage facilities for the storage of children's toys, books, and other play material must be provided in the indoor play area.
- (4) If transport to and from the child care centre is provided;
 - (a) Children must be supervised by at least one adult, apart from the driver during boarding and disembarkation.
 - (b) Doors of the vehicle must be child locked at all times during the transportation of children.
 - (c) Children may not be transported in the front seat or in the boot of any vehicle during transportation.
 - (d) Children may not be overloaded in any car during transportation.
 - (e) The driver responsible for transporting the children, as well as the transportation utilized must be permitted in terms of the requirements of the Road Traffic Act.
- (5) An adequate number of refuse bins for the disposal of all waste material on the premises must be provided.
- (6) An approved refuse area must be provided on the premises for the storage of all refuse pending removal.
- (7) Each child must be provided with a face cloth which must be individually marked for that child's use and must be individually hanged on pegs or hooks. For children under the age of 3 years disposable towels must preferably be provided.
- (8) If cots or mattresses are used, the floor must be free from dirt, dampness or any liquid substances.
- (9) Individual sheets and covers must be provided for each child and washed at least once a week, or more often, if necessary.

Q. Safety measures

- (1) Reasonable measures must be taken to safeguard the health, safety and welfare of pre-school children.
- (2) All heating appliances/heat emitting surfaces must be protected by a fix guard or must be thermostatically controlled to ensure safe surface temperatures.
- (3) Hot water provided for use by the pre-school must be thermostatically controlled to ensure a safe temperature.

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- (4) Children must be adequately protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other objects that may be dangerous or constitute a hazard or injury to the children on the premises.
- (5) Medicines, detergents, pesticides and other harmful substances must be stored in lockable places and kept out of reach of the children.
- (6) The premises must be free from any noxious, poisonous or dangerous plants or shrubs.
- (7) No animals or birds must be kept on any premises where a child care centre is operated, except by written permission of the Environmental Health Practitioner after the necessary Environmental Health assessment has been completed.
- (8) No paddling pool, swimming pool or other related structure may be permitted in any child care centre premises, except by written permission by the Environmental Health Practitioner.
- (9) No sandpit may be permitted on the premises, except by written permission of the Environmental Health Practitioner.
- (10) Ponds, pits and or other hazards in any garden or external play area must be fenced off to ensure safety of children.
- (11) The play equipment must be kept clean, safe and in good repair.
- (12) The play equipment must be free from sharp points or corners, splinters, protruding nails or bolts or rusty parts, hazardous small parts, lead-based paints, poisonous material, or flaking or chalking paint.
- (13) The play equipment must be designed to guard against entrapment or situations that may cause strangulation.
- (14) The outdoor play area must be free of any excavations, steps, projections, levels or any surface which is dangerous or may constitute a safety hazard.
- (15) A child showing signs of illness or condition that is suspected to be communicable may not be admitted to the regular child care programme, until such time that a medical officer of health has certified that the condition may not pose any health risk to other children on the premises.
- (16) All care givers must attend compulsory five keys for safe food handling training and there should be one trained first aider at the facility.

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SCHEDULE 2: SPOT FINES

Nr	CONTRAVENTIONS	MAXIMUM PROPOSED FINE
1	Contravening Chapter 2 Part 2- <ul style="list-style-type: none"> • S. 6- Creating municipal health hazard • S. 7- Failure to eliminate health hazard • S. 8(a)(b)(f)(g)(h)(i)(j)(k) • S. 8 (c),(d) & (e) contaminating water resources • S. 9 & 10– Creating specific & general nuisance • S.11 – Pest Control • S.12- Air pollution • S.13 -Fouling and Littering of public places (car wrecks, paper, bottles, cans, cigarette butts, etc) • S.14- General provisions and compliance 	R2,000 R10,000 R3,000 R30,000 R2,000 R2,000 R2,000 R20,000 R3,000
	Chapter 3 – Sanitary Services	R20,000
	Chapter 4 – Private Sewage Works	R20,000
	Chapter 5 – Water <ul style="list-style-type: none"> • S. 31 - Pollution of water sources • S. 32- Dangerous wells, boreholes & excavations • S. 35- Provision of adequate water supply • S 36. -Use of water from sources other than the municipal supply • S 37- Furnishing of particulars of the source of water • S 38- Permission to abstract or use water • S39 -Storm water runoff from premises which may impact on municipal health • S.41- Bottled water 	R30,000 R10,000 R5,000 R5,000 R3,000 R20,000 R5,000 R10,000
	Chapter 6- Listed Trades	R2,000
	Chapter 7- Potentially hazardous uses of premises	R2,000
	Chapter 8 – Health surveillance of premises	R1,500
	Chapter 9 –Communicable diseases	R5,000
	Chapter 10- Food Control	R5,000
	Chapter 11-Environmental Pollution Control	R2,000
	Chapter 12- Hairdressing, beauty and cosmetology	R2,000
	Chapter 13- Accommodation establishments	R2,000
	Chapter 14- Dry-cleaning and laundry establishments	R1,500
	Chapter 15- Swimming pools and spa baths	R1,500
	Chapter 16- Child Establishments - Schedule 1	R5,000
	Chapter 17- Keeping of animals	R3,000
	Chapter 18 – Disposal of Corpses and disturbance of human remains <ul style="list-style-type: none"> • S 134(1) Storage without compliance certificate • S.138(1) and (2) un-authorized burial ground or crematorium • S.137(1) unauthorised exhumation/disturbance 	R5,000 R10,000

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	<ul style="list-style-type: none"> of grave • S138 Non compliance with exhumation requirements • S 139 Conveyance of human remains 	<p style="text-align: right;">R10,000</p> <p style="text-align: right;">R2,000</p> <p style="text-align: right;">R5,000</p>
	<p>Chapter 19- Waste management:</p> <ul style="list-style-type: none"> • Illegal dumping of domestic waste • Illegal dumping of builders rubble and e-waste • Transport of waste without permit • Illegal dumping of health care gen waste • Illegal dumping of health care risk waste • Hazardous waste 	<p style="text-align: right;">R10,000</p> <p style="text-align: right;">R30,000</p> <p style="text-align: right;">R1,000</p> <p style="text-align: right;">R10,000</p> <p style="text-align: right;">Prosecution</p> <p style="text-align: right;">Prosecution</p>
	<p>Chapter 20 – Chemical Safety</p> <ul style="list-style-type: none"> • S. 150 - Compliance with National Minimum Standards • S.151 - Duty to register and duties of permit holder 	<p style="text-align: right;">R5,000</p> <p style="text-align: right;">R5,000</p>

LOCAL AUTHORITY NOTICE 47 OF 2016

2014

REPORT
FOR NKANGALA
DISTRICT MUNICIPALITY

FIRE PREVENTION AND FIRE
RESPONSE STRATEGY



BYLAWS ON FIRE PREVENTION AND FLAMMABLE
LIQUIDS AND SUBSTANCES

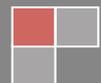


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Nkangala District Municipality Draft Bylaws Relating to Fire Prevention and Flammable Liquids and Substances

PART 1: FIRE PREVENTION

Chapter 1: Definitions

For purposes of these Bylaws unless the context indicates otherwise –

"Agreement Certificate"	means a Certificate confirming fitness for purpose of a non-standardized product, material or component or acceptability of the non-standardized design and the conditions pertaining thereto (or both) issued by the Board of Agreement of South Africa
"Approved"	means approved by a Chief Fire Officer
"Basement"	means that part of a Building which is below the ground floor storey
"Building"	includes: - <ul style="list-style-type: none">(a) any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with;<ul style="list-style-type: none">(i) the accommodation or convenience of human beings or animals;(ii) the manufacture, processing, storage, display or sale of goods;(b) any wall, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith;(c) any fuel pump or any tank used in connection therewith;(d) any part of a building, including a building as defined in paragraph (a), (b) or (c);(e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, storm water disposal, electricity supply or other similar service in respect of the building

"Bulk Depot"	means any Premises defined as such in S.A.N.S Code of Practice 10089 : Code of Practice of the Petroleum Industry, Part I: The Handling, Storage and Distribution of Petroleum Products, that is, Premises that normally receive supplies from a refinery or installation by road, rail, water, or pipeline or by a combination of these methods, and from which the products are delivered directly to consumers
"Bus"	means a bus as defined by the Road Traffic Act, 1989
"Certificate of Competence"	means a Certificate of Competence issued in terms of section 17
"Certificate of Registration"	means a certificate contemplated by section 34
"Chief Executive Officer"	means the statutory "Chief Executive Officer" of the Municipality
"Chief Fire Officer"	means the Director: Fire of the Municipality or any officer of the Municipality appointed to act as such either substantively or in an acting capacity and includes a Deputy Chief Fire Officer and any other officer of the Municipality to whom a function assigned to that position under these Bylaws has been delegated
"Class O Flammable Liquid"	means Liquefied Petroleum Gas
"Class I Flammable Liquid"	means a liquid that has a closed cup flash point below 21 degrees C
"Class II Flammable Liquid"	means a liquid that has a closed cup flash point from 21 degrees C up to and including 55 degrees C
"Class III Flammable Liquid"	means a liquid that has a closed cup flash point from 55 degrees C up to and including 100 degrees C
"Container"	means any vessel used or intended to be used for the holding of Flammable Liquids, but shall not include the fuel tank of any motor Vehicle or stationary internal combustion engine in normal use as such
"Council"	means the Nkangala District Municipal Council
"Dry Cleaning Machinery"	means any machinery used or intended to be used for the cleaning or treatment of garments or textiles with the aid of Flammable Liquids
"Dry Cleaning Room"	means that portion of any Premises used or intended to be used for the cleaning or treatment for gain or reward of garments or textiles with the aid of Flammable Liquids in which the dry cleaning process is carried out and which has been Approved for the purpose
"Earth", "Earthed" or "Earthing"	in relation to electricity means connected to the general mass of Earth in such a manner as will ensure at all times an immediate discharge of electrical energy without danger

"Fire Alarm System"	means any system installed within a Building and so designed as automatically to operate when subjected to a predetermined degree of heat or smoke density, or any other Approved installation which may be manually activated
"Fire Brigade"	means the District (or Local) Municipality's Fire Brigade Service
"Fire Fighting Equipment"	means any firefighting equipment required by any law to be provided on any Premises
"Fire Official"	means any official of the Fire Brigade who has been duly appointed as such by a Chief Fire Officer to undertake or perform any of the functions of a Fire Official under this Code
"Flame and Vapour Proof"	when applied to apparatus denotes that the containing case or other enclosure is certified by its supplier or manufacturer to, and can withstand without injury an application to it of a flame under practical conditions of operation and will prevent the transmission of flame, sparks and flashes such as would ignite Flammable Liquid or gas and the transmission of vapour
"Flammable Liquid"	means any liquid or gas falling within the classifications Class O, Class I, Class II and Class III Flammable Liquid
"Flammable Liquid or Substance"	means any substance that is readily ignited or any Flammable Liquid
"Flash Point"	means the lowest temperature at which a substance gives off sufficient flammable vapour to produce a momentary flash on the application of a small flame
"Habitable Room"	means a room constructed or adapted to be used as living room or work room, and includes a shop, workshop and office
"Holder"	in relation to a Certificate of Registration or Competence means the Person to whom such certificate has been issued
"Liquefied Petroleum Gas"	means a mixture as defined in the S.A.N.S Code of Practice No. 10087, Part I: Consumer Liquefied Petroleum Gas Cylinder Installations
"Non-Combustible"	in relation to Building materials means Non-Combustible when tested in accordance with S.A.N.S Code of Practice 10177: Part V - Non-combustibility at 7500C of Building Materials
"Non-Flammable"	means not capable of burning with a flame
"Occupier"	includes any Person in actual occupation of Premises, without regard to the title under which he occupies

"Owner"	means <ul style="list-style-type: none">(a) the Person in whom from time to time is vested the legal title to the Premises;(b) in a case where the Person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the Person in whom the administration and control of his property is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;(c) in any case where the Municipality is unable to determine the identity of such Person, a Person who is entitled to the benefit of the use of the Premises or a Building or Buildings thereon;(d) in a case where such Premises has been leased for a period of 30 years or longer, the lessee thereof
"Person"	means any natural or juristic person
"Portable Fire Extinguisher"	means an extinguisher complying with the requirements of one of the standard specifications of SANS, depending upon the type required by these Bylaws or Approved by the Chief Fire Officer: dry chemical (dry powder) type; Foam type; water types and Carbon Dioxide type
"Premises"	means any piece of land the external surface boundaries of which are delineated on a Land Survey, or similar Map
"Protected Work"	means any Building used or intended to be used or available for use for human habitation or public assembly, and shall include a school, club and similar institution and any animal stable, but shall not include any administrative office, change room or mess room in a Bulk Depot
"Public Place"	means a square, park, recreation ground or open space which is <ul style="list-style-type: none">(a) Is vested in the Local Authority, or(b) The Public has a right to use, or(c) Has been provided or reserved for the use of the Public.
"Pump"	means a pump used or intended for use for the supply, delivery, propulsion or pumping of Flammable Liquid or Substances, and includes all apparatus, pipes and appliances used for or in connection therewith, but shall not include pumps in Bulk Depots unless such pumps are used or intended to be used for the sale of such substances by retail

"Recharge"	means to condition or recondition a Portable Fire Extinguisher so as to render it capable of use in the manner intended
"Registered Premises"	means Premises in respect of which a Certificate of Registration has been issued
"Road Tanker"	means a Vehicle intended for the purpose of conveying Flammable Liquid in a tank constructed as part of, and firmly attached to such Vehicle
"S.A.N.S. Code of Practice"	means the version of any S.A.N.S. Code of Practice applicable at the time of promulgation of these Bylaws
"Spraying Booth"	means any subdivision of or compartment in a spraying room when such subdivision or compartment is used or intended to be used for the purpose of spraying Vehicles or articles
"Spraying Room"	means any room or structure used or intended to be used for the purpose of spraying Vehicles or articles
"Storage Tank"	means a metal tank of adequate strength used or intended to be used for the storage or conveyance of Flammable Liquids or substances;
"Transport Permit"	means a permit required for vehicles and loads that exceed the maximum legal limits
"Underground Storage Tank"	means a Storage Tank which is wholly sunk below ground level
"Vehicle"	means a contrivance that is equipped with wheels or revolving runners on which it moves or is moved and includes – <ul style="list-style-type: none">(a) a self-propelled vehicle;(b) a trailer;(c) a hand-drawn or propelled vehicle

Chapter 2: Fire Prevention

Certain Fires Prohibited

- 1) No person may make or allow any other person to make a fire that may endanger any person, animal or property.
- 2) No person may burn or allow any other person to burn any refuse or combustible material-
 - (a) Without prior written permission of the Chief Fire Officer;
 - (b) Unless the refuse or combustible material is burnt in an approved incinerating device.
- 3) Any person, who makes a fire or allows any other person to make a fire, must take reasonable steps to ensure that the fire does not endanger any person, animal or property.
- 4) The prohibition in subsection (2) does not apply to any fire made-
 - (a) In an approved and purpose-made stove, fireplace or hearth that forms an integrated part of a building or structure;
 - (b) For the purpose of preparing food on private premises set aside for that purpose; or
 - (c) In any device for preparing food which-
 - (i) Is heated by electricity or liquefied petroleum gas; and
 - (ii) Is so positioned that the fire does not endanger any person, animal or property
 - (iii) Any person who contravenes subsections (1), (2), (3) and (4) commits an offence.

Storage and Accumulation of Combustible Material Prohibited

- 1) No person may store any combustible material or allow it to be stored, at any place or in any manner that may pose a fire hazard to any person, animal or property.
- 2) No person may allow the accumulation of dust at any place in quantities sufficient to pose a fire hazard to any person, animal or property.
- 3) No person may use or allow to be used any sawdust or similar combustible material to soak up any flammable liquid.
- 4) No person may allow soot or any other combustible material to accumulate in any chimney, flue or duct in such quantities or in any manner that may pose a fire hazard to any person or property.
- 5) No person may allow any vegetation to become overgrown at any place under that person's control that may pose a fire hazard to any person, animal or property.
- 6) If a fire hazard contemplated in subsection (5) arises, the owner or person in charge of the premises must without delay eliminate the hazard or cause the hazard to be eliminated by-
 - (a) Cutting any grass, leaves or weeds associated with the fire hazard to a maximum height of 150mm.
 - (b) Pruning, chopping down or sawing any shrub or tree; and

(c) Removing any resulting combustible residue from the property.

7) Any person who contravenes subsections (1), (2), (3), (4), (5) and (6) commits an offence.

Electrical fittings, Equipment and Appliances

1) No person may cause or allow-

(a) Any electrical supply outlet to be overloaded; or

(b) Any electrical appliance or extension lead to be used in any manner that may pose a fire hazard to any person, animal or property.

2) Any person who contravenes subsection (1) commits an offence.

Flame Emitting Devices

1) No person may use or cause or allow the use of any flame-emitting device, including but not limited to any candle, lantern or torch, in any manner that may pose a fire hazard to any person or property.

2) Any person who contravenes subsection (1) commits an offence.

Discarding of Flammable Liquid or Substance in Sewers or Drains

1) No person may discard into, or cause, permit or allow a flammable liquid or flammable substance to enter any waste or foul water or storm water sewer or drain whether underground or on the surface.

2) A person who becomes aware of any escape, whether accidental or otherwise, of any quantity of flammable liquid or flammable substance which is likely to constitute a fire hazard, from any premises or vehicle into any sewer or drain inlet or drain linking with such sewer or drain, must immediately report such escape to the Chief Fire Officer.

3) Any person who contravenes subsections (1) and (2) commits an offence.

Smoking Restrictions and Discarding of Combustibles

1) If conditions exist where smoking may create a fire hazard on any premises, smoking must be prohibited and "No Smoking" signs complying with SANS 1186: Part 1, must be prominently displayed in positions as directed by the controlling authority.

2) A person may not remove or damage a "No Smoking" sign.

3) No person may light or smoke a cigarette or any other smoking materials or ignite or otherwise set fire to other material, nor hold or discard any lit or smouldering substance in any place where expressly prohibited.

4) Where smoking is permitted, adequate provision must be made for the safe disposal of any smoking materials and matches.

5) No person may discard or otherwise dispose of a burning cigarette or any other burning materials or objects including materials capable of self-ignition or capable of spontaneous combustion, on any road, in any road reserve or in any other public place.

6) Where any cigarette, smoking materials or other burning materials, including materials capable of self-ignition or spontaneous combustion are discarded from a vehicle onto a road, or in any

road reserve or any other place, it shall be presumed, in the absence of evidence to the contrary, that such action was performed by the driver of such vehicle.

- 7) Any person who contravenes the provisions of this section commits an offence.

Safety Fire Breaks Required

- 1) Every owner or occupier of an agricultural holding or farm must clear and maintain a safety fire-break along every boundary of the agricultural holding or farm that-
 - (a) Is at least 5 meters wide when measured parallel from the boundary concerned; and
 - (b) Contains no vegetation or combustible residue.
- 2) If an obstruction occurs within the boundaries of a safety fire-break, the owner or occupier concerned must clear and maintain a 5 meter wide safety fire-break around that obstruction.
- 3) No person may clear or maintain a safety fire-break by burning without the prior written permission of the Chief Fire Officer.
- 4) Any person who intends to clear or maintain a safety fire-break by burning must-

(a) Apply in writing to the Chief Fire Officer for permission, stipulating the property concerned and the proposed date and time of the burning; and

Unless the burning is to be performed by a person or body accredited for this purpose by the municipality, request the service to provide assistance at the burning.

- 5) Any person who contravenes subsections (1), (2), (3) and (4) commits an offence.

Safety Requirements for Informal Settlement Areas

- 1) In the event of establishment of any informal settlement, inclusive of any temporary settlement area, the following minimum requirements shall apply:
 - (a) A safety distance of 3 meters between structures shall be maintained;
 - (b) The settlement must be divided into blocks of not more than 20 structures per block, with a minimum distance of 6 meters between blocks.

Chapter 3: Regulation of Fireworks

Designation of Places and Conditions

- 1) The municipality may designate any public place or street or any part thereof within the municipal area as the only place at which fireworks may be discharged.
- 2) The municipality may, on application of the owner or lawful occupier of any private open space as defined in the applicable zoning scheme regulations in its area of jurisdiction, designate such private open space as a place where fireworks may be discharged.
- 3) The list of places designated in terms of subsections (1) and (2) or any amendment thereof must be published by the municipality in terms of its communication strategy.
- 4) The municipality may impose conditions as to the dates on which, periods or time and hours when the discharge of fireworks may take place on any designated area and may further impose conditions as to the manner of discharge.
- 5) A person who fails to comply with any condition imposed in terms of subsection (4) commits an offence.

Discharge of Fireworks

- 1) No person may discharge any fireworks outside an area designated by the municipality in terms of section 9.
- 2) Any person who wishes to present a fireworks display must apply to the Chief Fire Officer for authorization by completing and submitting an application in the form and manner determined by the Municipality together with the prescribed fee and a sketch plan of the proposed venue for the fireworks display, including the demarcated area for the discharge and fallout of the fireworks.
- 3) The application, prescribed fee and accompanying documentation must be submitted to the Chief Fire Officer at least 14 days before the date of the proposed fireworks display.

Dealing in Fireworks

- 1) No person may deal in fireworks unless-
 - (a) That person holds the required fireworks license in terms of the Explosives Act; and
 - (b) Has the written authority from the Chief Fire Officer.
- 2) Any person who wishes to obtain the written authority of the Chief Fire Officer to deal in fireworks as contemplated in subsection (1) must-
 - (a) Complete an application in the form and manner determined by the Municipality; and
 - (b) Submit it to the Chief Fire Officer together with the prescribed fee at least 30 days before the authority is required by the applicant.
- 3) The Chief Fire Officer may cancel any written authority to deal in fireworks if the holder of the authority contravenes any provision of this By-Law.

Seizure of Fireworks

- 1) A member of the service may take into his possession any fireworks found by him in contravention of section 11 (1) and such fireworks must be dealt with in terms of the relevant provisions of the Criminal Procedure Act relating to seizure and disposal.

Chapter 4: Powers of Members of the Fire Brigade Services

A Fire Official

- 1) A Fire Official may as often as may be deemed necessary or desirable:
 - (a) enter any Premises for the purpose of identifying any hazardous condition, circumstance or practice which may result in a fire or of inspecting hazardous manufacturing processes, and the storage facilities pertaining to and any installation in which is used acetylene or other gases, chemicals, oils, explosives, Flammable Liquids or Substances and other hazardous liquids or substances or any fire alarms and sprinkler systems and Fire Fighting Equipment;
 - (b) inspect any Premises (except the interior of private dwellings) for the purpose of identifying any defective Fire Fighting Equipment and any condition liable to cause or to facilitate the spread of fire, and
 - (c) take such steps as he may consider necessary in the circumstances to prevent any injury to Persons or damage to property through fire which may arise from a condition, circumstance or practice referred to in (a) or (b) above, and he may make such orders as he deems necessary for the safeguarding of life and the protection of property from fire.
- 2) Whenever an officer referred to in subsection (1) finds on any Premises combustible or explosive matter or any accumulation of rubbish or of waste paper, boxes, shavings, sawdust or any other Flammable Liquids or Substances in circumstances which are likely to or may result in a fire hazard and so endanger human life or property, or finds obstruction to or on fire escapes, stairs, passages, doors, windows or vestibules which are liable to interfere with the operation of the Fire Brigade or the egress of Persons in case of fire, or finds any obstructed or defective fire fighting equipment (whether portable or otherwise) he shall make such order as he deems necessary to remedy the situation.
- 3) Any order referred to in this section shall be in writing and shall be served upon the Owner or Occupier or Person having the charge, or control of the Premises at the time of the order or upon two or more such Persons.
- 4) A member of the Fire Brigade may enter into or upon any Premises or any other property and take such action as he may deem expedient for the purpose of extinguishing a fire or preventing it from spreading.
- 5) Any cost incurred or charges prescribed by the Municipality, in respect of any action taken as contemplated in sub-section (1) above may be recovered from the Owner or Occupier of any such Premises or other property regardless of where the fire originated.
- 6) Whenever in the opinion of a Fire Official any tree, bush, weed, grass, or any other substance or other matter situated on any Premises, constitutes or is likely to constitute a threat of fire or is likely to further the spread of fire he may cause a notice to be served on the Owner or Occupier of such Premises calling on him to remedy such conditions within a specified period.
- 7) No Person shall burn or set alight to any rubbish, tree, weeds or grass or any other substance or matter outside the confines of a Building except with the prior consent of the Chief Fire Officer

and a Person to whom such consent has been given shall personally supervise the act of burning or setting alight and shall take all precautions necessary to avoid the fire from spreading.

- 8) The Chief Fire Officer in granting consent in terms of sub-section (1) may impose such conditions as he thinks fit; provided that no authority granted shall be in conflict with any of the provisions of the National Environment Management Act, Air Quality 39 of 2004.

CHAPTER 5: Control of Fire-Fighting Equipment

Repairing, Servicing and Installation of Fire Fighting Equipment

- 1) No Person shall cause or permit Fire Fighting Equipment on any Premises to be dismantled, recharged, disconnected, serviced or repaired or sold or any new, serviced or repaired equipment to be installed, housed or placed on any Premises except by or under the control and supervision of a Holder of a Certificate of Competence issued or recognised in terms of these Bylaws.

Mode of Application for Certificate of Competence

- 1) Every application for a Certificate of Competence shall be submitted to the Chief Fire Officer on the form prescribed in the 11 Schedule.

Applicants to be examined

- 1) When so required by the Chief Fire Officer, an applicant for a Certificate of Competence shall submit himself for test at the Fire Brigade headquarters.
- 2) Upon passing the test referred to in subsection (1), if required, an applicant shall, subject to the provisions of Section 20, be issued with a Certificate of Competence in the form prescribed in the 11 Schedule.

When Certificate of Competence is not to be issued

- 1) The Chief Fire Officer shall not sanction the issue of a Certificate of Competence if, in his opinion, the applicant:
 - (a) does not possess a general knowledge of the construction and design of all types of Portable Fire Extinguishers;
 - (b) does not possess a satisfactory knowledge of the use to which the several types of Fire Fighting Equipment can most effectively be put; or
 - (c) does not appear to be otherwise suitably qualified or competent to possess a Certificate of Competence in the interests of public safety.

Certificate of Competence and identity document

- 1) Every Certificate of Competence, once issued, shall be valid for the Person named thereon until cancelled by the Chief Fire Officer in terms of section 26 and such certificate shall not be transferable from one Person to another.
- 2) Upon the issue of a Certificate of Competence there shall be issued to the Holder thereof an identity document in the form Approved by the Chief Fire Officer which shall bear a photograph of the Holder and which the Holder shall produce on demand to any Fire Official and to any Person in authority on the Premises on which the Holder is to carry out any examination or other function in terms of this Code.

Recognition of certificates issued by other authorities

- 1) Upon production to him by the Holder thereof of a Certificate of Competence issued by another fire authority in terms of bylaws applying to the area of jurisdiction of such authority and having the same or similar provisions as these Bylaws, which authority has been Approved by the Chief Fire Officer for the purpose, the Chief Fire Officer may recognise such certificate as being acceptable for the purpose of these Bylaws, and if he does so he shall endorse such certificate accordingly and enter the particulars of the Holder and the certificate in the register kept in terms of section 25 as if the certificate had been issued in terms of section 17 and thereupon the Holder of the certificate shall for all purposes of these Bylaws be deemed to be the Holder of a certificate issued in terms thereof.
- 2) Recognition of a certificate in terms of section 22, may at any time be withdrawn by) the Chief Fire Officer upon production of proof to his satisfaction that the Holder of the certificate has been guilty of any act referred to in section 26, whereupon paragraphs (2) and (3) of that section shall mutatis mutandis apply and the Chief Fire Officer shall cancel his endorsement on the certificate and notify the issuing authority in writing of the action taken by him and the reasons therefore.

Replacement of Certificates of Competence

- 1) A Person whose Certificate of Competence is lost, destroyed or damaged shall forthwith apply to the Chief Fire Officer on the prescribed form for the replacement of such certificate.
- 2) An application in terms of subsection (1) shall be accompanied by an affidavit, as to the circumstances in which the certificate was lost or destroyed, or the damaged certificate, as the case may be, and the prescribed fee.

Register of Holders of Certificates of Competence

- 1) The Chief Fire Officer shall maintain a register of Holders of Certificates of Competence issued in terms of section 21 or recognised in terms of section 22 setting forth full particulars of such Holders and the certificates issued to them or recognised.
- 2) The register shall be available for inspection at the Fire Brigade head quarters at any time during normal working hours.

Cancellation of Certificate of Competence

- 1) If any Holder of a Certificate of Competence -
 - (a) has given false information on an application form submitted in terms of section 18;
 - (b) has wilfully or negligently made in incorrect or false statement in a label affixed by him in terms of section 28 ;
 - (c) has committed a breach of or failed to comply with any provision of these Bylaws;
 - (d) performs any act or duty under these Bylaws in a negligent manner, the Chief Fire Officer may cancel his Certificate of Competence.

- 2) A Holder shall, within 7 days of being notified in writing of the cancellation of his Certificate of Competence, surrender his certificate to the Chief Fire Officer.
- 3) If the Chief Fire Officer cancels a Certificate of Competence he shall not consider an application for a new certificate from the Holder of such certificate until a period of 12 months has elapsed since such cancellation.

Examination of Fire-fighting Equipment

The Owner or Occupier of any Premises in which any Portable Fire Extinguisher, sprinkler system or other fire-fighting equipment or any Fire Alarm System has been installed in terms of these Bylaws, shall cause such extinguisher, equipment or system to be examined at least once every calendar year by a Holder of a certificate of competence.

Report on Condition of Fire-fighting Equipment

- 1) The Person carrying out the examination of the equipment referred to in the preceding section shall cause a label to be securely affixed thereto in a prominent position on which shall be written in ink –
 - (a) the name of the Person conducting the examination;
 - (b) the number of his Certificate of Competence;
 - (c) the date of the examination;
 - (d) the condition of the equipment,

and if any defect is discovered during the examination, he shall inform the Owner or Occupier of the Premises thereof in writing and deliver a copy of such report to the Chief Fire Officer.

Restrictions on Removal, Alteration and Installation of Fire-fighting Equipment

- 1) No Portable Fire Extinguishers shall temporarily be removed from any Premises for servicing or repair unless such appliances are temporarily replaced by similar serviceable equipment.
- 2) No Fire Fighting Equipment shall permanently be removed from any Premises or rendered unserviceable without due notice in writing being given to the Chief Fire Officer.
- 3) No Fire Fighting Equipment shall be installed, changed or added to without authority of the Chief Fire Officer.

Portable Fire Extinguishers to be Periodically Pressure Tested

In addition to the examination of Fire Fighting Equipment referred to in section 27 hereof, every Portable Fire Extinguisher shall be subject to servicing and pressure testing in accordance with S.A.N.S. Code of Practice 101475: The Production of Reconditioned Fire Fighting Equipment, Part I: Portable Rechargeable Fire Extinguishers.

Second-hand Fire-fighting Equipment to be Approved by Chief Fire Officer

No second-hand Fire Fighting Equipment shall be placed or installed in any Premises where such is required in terms of these Bylaws, unless and until such equipment has been examined, pressure tested and serviced in accordance with the Code of Practice referred to in section 30 above.

PART 2: FLAMMABLE LIQUIDS AND SUBSTANCES BYLAWS

Chapter 6: Certificate of Registration

No Person shall manufacture, store, convey, sell, use or handle Flammable Liquids or substances except in accordance with the provisions of these Bylaws.

Application to Existing Premises

- 1) The provisions of these Bylaws, shall not apply to Storage Tanks which were lawfully installed prior to the date of coming into effect of these Bylaws, so as to require such tanks to be altered or added to, but where such tanks are altered or added to, such work shall be carried out in conformity with the provisions of these Bylaws; provided, however, that within six months of a change of Ownership of the Premises the Storage Tanks in question shall be brought into full compliance with the said sections and if at the end of that period they do not comply with their provision, the certificates of registration issued in respect of the Premises concerned shall be deemed to be suspended and none of the acts referred to in section 32 may be performed on such Premises until the non-compliance has been remedied to the satisfaction of the Chief Fire Officer.
- 2) Certificate of registration to be obtained
- 3) No Person shall -
 - (a) use any Premises as a Spraying Room or Spraying Booth or as a Dry Cleaning Room;
 - (b) store, manufacture, sell, use or handle any Flammable Liquids or substances on any Premises in excess of the following quantities:
 - (i) Class I Flammable Liquid, 200 l, or in the case of Liquefied Petroleum Gas, 48 kg;
 - (ii) Classes II and III Flammable Liquids, 400 l;
 - (iii) flammable substances, a quantity specified by the Chief Fire Officer;
 - (c) transport or convey any Flammable Liquid, substance or Liquefied Petroleum Gas or vapours by means of any Vehicle within the City, save as is provided in these Bylaws;
 - (d) unless he is in possession of a Certificate of Registration in respect of such Premises or of such Vehicle; provided, however, that nothing in these Bylaws contained shall relieve any Person from the obligation to take out any licence which may be necessary in terms of any other law.
- 4) For the purpose of subsection (1), any Container for Liquefied Petroleum Gas found on any Premises shall be deemed to be full until the contrary is proved.
- 5) Application for certificate of registration

- 6) An application for a Certificate of Registration in respect of Premises shall be submitted to the Chief Fire Officer on the form prescribed in Schedule 8 to these Bylaws and shall be accompanied by:
- (a) a plan of the Premises in respect of which the certificate is required, drawn to a scale of not less than one in a hundred (1 : 100), which shall indicate the proposed installation or room in which the Flammable Liquid or Substance is to be stored, used or handled, describe the material with which such installation or room is or is to be constructed, and indicate the position of any Pump, Storage Tank, store, pipeline, Dry Cleaning Machinery, Spraying Room, Spraying Booth or ventilating equipment;
 - (b) a block plan of such Premises, drawn to a scale of not less than one in five hundred (1: 500) which shall specify -
 - (i) the Buildings in relation to adjoining subdivisions, and the materials of which such Buildings are constructed or to be constructed;
 - (ii) the subdivisions and lots immediately adjoining the Premises giving their street, block and postal numbers;
 - (iii) names of any streets on which the Premises abut;
 - (iv) the north point.
- 7) Where the plan relates to existing Premises in respect of which a Certificate of Registration has been issued and wherein it is proposed to make alterations or additions to any Building or equipment or apparatus lawfully used or intended to be used thereon for the storage or handling of a Flammable Liquid or Substance, a ground plan only need be submitted for approval. Such ground plan shall be drawn to a scale of not less than one in a hundred (1: 100) and shall show such additions or alterations in relation to the existing Buildings or equipment or apparatus.
- 8) All plans shall be -
- (a) signed by the applicant or his agent;
 - (b) drawn in ink on drafting paper which is acceptable to the Chief Fire Officer;
 - (c) coloured with fixed colours, as follows: -
 - (i) Block plan
 - Proposed Buildings: red;
 - existing Buildings: grey or neutral tint;
 - open spaces : uncoloured;
 - (ii) Other plans
 - Ventilation ducts, trunks or enclosures: blue; Storage Tanks, Pumps, pipelines, Dry Cleaning Machinery and Spray Booths: red;
 - Buildings in which the Flammable Liquid or Substance is to be stored, used or handled: uncoloured;
 - (iii) Existing Buildings where required to be shown: grey or neutral tint.

- 9) Every application for a Certificate of Registration for purposes of the conveyance of Flammable Liquids or Substances shall be submitted to the Chief Fire Officer on the form provided in Schedule 8 to these Bylaws.

Issue of Certificates of Registration

- 1) No Certificate of Registration shall be issued until the Premises or the Vehicle in respect of which it is issued, as the case may be, complies with the requirements of these Bylaws; provided, however, that in the case of a Vehicle no certificate shall be issued until such Vehicle has been made available for examination at such place as the Chief Fire Officer may direct and has been approved by him.
- 2) A Certificate of Registration may be issued subject to such conditions as deemed necessary by the Chief Fire Officer, having regard to the circumstances of each application, to prevent danger to life and property and taking into account the maximum amount of each class of Flammable Liquid or Substance which may be manufactured, stored, used, sold or handled and the number of Pumps, Storage Tanks and stores permitted on the Premises and, in the case of Vehicles, the maximum quantity and class of Flammable Liquid or Substance which such Vehicle shall be permitted to carry.
- 3) A Certificate of Registration, once issued, shall be valid until cancelled or revoked in terms of section 43.
- 4) If alterations and additions are approved in terms of section 35 and the work has been executed in accordance with the ground plan approved under that subsection, a new Certificate of Registration shall be issued in respect of the Premises and the old certificates shall be deemed to have been cancelled.
- 5) All certificates issued in terms of these Bylaws, shall be substantially in the form prescribed in Schedule 9.

Recognition of Certificates Issued by Other Authorities

- 1) Upon production to him by the Holder thereof of a Certificate of Registration issued by another fire authority in terms of bylaws applying to the area of jurisdiction of such authority and having the same or similar provisions as these Bylaws, which authority has been Approved by the Chief Fire Officer for the purpose, the Chief Fire Officer may recognise such certificate as being acceptable for the purpose of these Bylaws and if he does so he shall endorse such certificate accordingly and enter the particulars of the Holder and the certificate in the register kept in of terms section 41 as if the certificate had been issued in terms of section 36 and thereupon the Holder of the certificate shall for all purposes of these Bylaws be deemed to be the Holder of a certificate issued in terms thereof.
- 2) Recognition of a certificate in terms of subsection (1) may at any time be withdrawn by the Chief Fire Officer upon production of proof to his satisfaction that the Holder of the certificate has been guilty of any act referred to in section 43, and the Chief Fire Officer shall cancel his endorsement on the certificate and notify the issuing authority in writing of the action taken by him and the reasons therefore.

Conditions for Certificate of Registration

- 1) No Person shall on any Premises manufacture, store, use or handle or cause or permit to be manufactured, stored, used or handled –
 - (a) any quantity of Flammable Liquid or Substance in excess of the amount stated on the Certificate of Registration relating to such Premises;
 - (b) any Flammable Liquid or Substance of a class other than the class or classes specified on the Certificate of Registration relating to such Premises;
 - (c) any Flammable Liquid or Substance in a manner other than the manner stated on the Certificate of Registration relating to such Premises;
- 2) No Person shall in any Premises install or erect a greater number of Pumps, Storage Tanks or stores than is specified on the Certificate of Registration relating to such Premises.
- 3) No Person shall on any Vehicle carry or permit or cause to be carried –
 - (a) any quantity of Flammable Liquid or Substance in excess of the amount stated on the Certificate of Registration relating to such Vehicle;
 - (b) any Flammable Liquid or Substance of a class other than the class or classes specified on the Certificate of Registration relating to such Vehicle.
- 4) A Holder of a Certificate of Registration may make written application to the Chief Fire Officer for the amendment of the certificate whether as to the total quantity or class of Flammable Liquid or Substance stated in such certificate or otherwise which application shall only be granted if the proposed amendment is in conformity with these Bylaws.
- 5) If an application has been granted in terms of subsection (2), such Person shall surrender the Certificate of Registration to the Chief Fire Officer for amendment.

Display of Certificate of Registration

Every Person to whom a Certificate of Registration has been issued shall cause such certificate to be affixed and displayed in a conspicuous position on the Registered Premises or on the Vehicle, as the case may be, and he shall ensure that the said certificate is, at all times, legible.

Supply of Flammable Liquids or Substances

- 1) No Person shall supply or deliver or cause or permit any Flammable Liquids or substances to be supplied or delivered at any one time to any Premises or Vehicle in excess of the quantities specified in section 34, unless the Occupier or Person having control of such Premises or Vehicle, as the case may be, is in possession of a Certificate of Registration issued in terms of section 36 in respect of the said Premises or Vehicle.
- 2) No Person shall receive or accept delivery or cause or permit any Flammable Liquids or substances to be received at any one time –
 - (a) in excess of the quantities specified in section 34, at any Premises or Vehicle the Occupier or Person having control of which, as the case may be, is not in possession of a Certificate of Registration issued in terms of section 36 in respect of the said Premises or Vehicle;
 - (b) at any Premises or in or on any Vehicle in excess of the amount specified on the Certificate of Registration relating to such Premises or Vehicle.

Register of Certificates of Registration

The Chief Fire Officer shall maintain a register in which he enters full particulars of the Premises and any Vehicle in respect of which he has issued a certificate and the names and addresses of the Person to whom it has been issued and the date of issue, as well as the date of any transfer, cancellation or suspension.

Exemptions

Notwithstanding anything contained in this Code, Flammable Liquid shall be deemed not to be stored or conveyed or transported when contained in the fuel tank of a motor Vehicle or stationary engine in normal use.

Suspension or Cancellation of Certificates of Registration

- 1) Where a Holder of a Certificate of Registration has been convicted for a contravention of these Bylaws on two or more occasions, the Chief Fire Officer may either cancel the Certificate of Registration or may suspend it for such period as he may decide and during the period of suspension the Holder shall not do anything which the certificate otherwise authorises him to do; provided, however, that the powers conferred by this section shall not be exercised unless and until fourteen (14) days' written notice has been given to the Holder by the Chief Fire Officer of his intention to cancel or suspend the certificate.
- 2) The Holder may within the said period of fourteen (14) days submit written representations for consideration.

Transfer of Certificate of Registration

- 1) A Certificate of Registration may be transferred from one Person to another but no Certificate of Registration shall be transferred from one premises to another or from one Vehicle to another.
- 2) The Person desiring such transfer shall make application in writing to the Chief Fire Officer on the form prescribed in the Schedule 14 to these Bylaws. Such application shall be accompanied by the Certificate of Registration relating to the Premises or Vehicle in respect of which such transfer is desired.

Chapter 7: Storage of Flammable Substances

Storage of Flammable Substances Prohibited in Certain Circumstances

- 1) No person may store or allow the storage of any flammable substance in any storeroom unless;
 - (a) That person has a certificate of registration contemplated in Section 36; and
 - (b) The storeroom complies with the requirements of these By-Laws and any other applicable law.
- 2) No Person shall store or cause or permit to be stored Class III Flammable Liquid in any room or Building except in sealed Containers.
- 3) No more than 5kl of Class III Flammable Liquid may be stored in a room or store unless:
 - (a) such room or store is constructed of Non-Combustible material;
 - (b) fire-fighting equipment is installed to the satisfaction of the Chief Fire Officer.
- 4) Not more than 20kl of Class III Flammable Liquid may be stored in any one room or store.
- 5) The Chief Fire Officer may in writing exempt from the provisions these Bylaws, for such period as he may deem necessary, any Person wishing to store more than 200l of Class I Flammable Liquid, more than 400l of Class II Flammable Liquid and 2.3kl of Class III Flammable Liquid required for or in connection with any excavation, Building or road making work of a temporary nature, provided, however, that:
 - (a) application is submitted, in writing, to the Chief Fire Officer;
 - (b) suitable provision has been made to surround the Storage Tank or Containers in which such Flammable Liquid is stored by walls or bunds of such a character that such Flammable Liquid cannot escape from such walls or bunds either under the action of fire or otherwise;
 - (c) at least one efficient chemical fire extinguisher of a type to be Approved by the Chief Fire Officer has been provided.
- 6) Any Person to whom an exemption has been granted in terms of this section shall ensure that at all relevant times: -
 - (a) all reasonable precautions are taken to prevent any fire, flame or other agency likely to ignite Flammable Liquid or Substance or flammable vapour being brought into contact with such Flammable Liquid or its vapour;
 - (b) such Flammable Liquid or Substance is not placed within 4,5m of any Protected Work or public thoroughfare;
 - (c) the provision of paragraphs (b) and (c) of subsection (1) hereof are observed.

Inspection of Premises and Installations

The Person responsible for the installation or erection of any Pump, Storage Tank, filling device, Dry Cleaning Room, store, Spraying Room or other equipment or Premises intended for the storage, use or handling of Flammable Liquid or Substance, shall notify the Chief Fire Officer in writing upon completion of installation or erection.

Removal and Dismantling of Installation for Flammable Liquid or Substance

- 1) Every Person who intends to remove or cause or permit to be removed any Pump, Storage Tank, filling device or other equipment used or intended for the use for the handling, storage or use of Flammable Liquids or Substances from any fixed position on Registered Premises other than refineries and bulk storage depots or who intends to resite the same within the Premises shall give prior written notice of such removal or resiting to the Chief Fire Officer.
- 2) The removal of any such Pump, tank, filling device or equipment shall ipso facto cancel that portion of the Certificate of Registration in so far as it refers to such Pump, tank or filling device or equipment, as the case may be, as well as any exemption granted under this Code and a further certificate shall be sought and issued and no such Pump, tank, filling device or equipment shall be re-erected or re-installed on that site unless and until a new Certificate of Registration has been obtained in the manner provided for in these Bylaws: provided, however, that the provisions of this subsection shall not apply in respect of any such Pump, tank, filling device or equipment which is temporarily removed for the purpose of effecting repairs thereto or which, being worn out, is replaced by a similar unit, having, in the case of a tank, the same capacity.

Storage, Use and Handling on Registered Premises Prohibited in Certain Circumstances

- 1) Except as otherwise provided in these Bylaws, no Person shall store, use or handle or permit or cause to be stored, used or handled any Flammable Liquid or Substance on any Registered Premises –
 - (a) in circumstances that such Flammable Liquid or Substance, or its vapour comes or is likely to come into contact with any fire, flame, naked light or other agency likely to ignite such Flammable Liquid or Substance or its vapour;
 - (b) unless such Premises are situated or constructed or so protected by surrounding walls or bunds so as adequately to protect adjoining Premises or part thereof from the risk of danger from fire;
 - (c) as to prevent, or impede the escape of any Person or animal;
 - (d) unless all equipment used in such Premises for the storage, use and handling of Flammable Liquid or Substance is maintained in good and proper order and free from leakage of Flammable Liquid or Substance;

(e) unless such Person has taken all due precautions for the prevention of accidents by fire or explosion on such Premises and for the prevention of unauthorised Persons obtaining access to the Flammable Liquid or Substance kept thereon.

Prohibited Acts: Notices

- 1) Whenever so directed by the Chief Fire Officer in writing, the Occupier of any Premises, whether registered in terms of these Bylaws or not, upon which Flammable Liquids or Substances are stored, used or handled shall post and keep posted in a conspicuous position or positions in such Premises or part thereof, as the Chief Fire Officer shall specify, a sign or signs conforming to signs PV1 and PV2 described in S.A.N.S Specification 1186 : Symbolic Safety Signs prohibiting smoking or the use or causing of fire or an open flame on such Premises or part thereof.
- 2) Any Person who, upon Premises on which Flammable Liquids or Substances are stored, used or handled who does, or causes or permits to be done, any act which tends or is likely to cause a fire or explosion or who smokes or uses an open flame in contravention of a notice posted in terms of subsection (1) and any Occupier of Premises who fails to post or keep posted any notice in terms of a direction given under subsection (1) shall be guilty of an offence.

Notice to Discontinue Dangerous Method

- 1) Where on inspection of any Premises it appears that any degree, manner or method of storage, use, transport or handling of Flammable Liquids or Substances which is in conflict with the provisions of these Bylaws or any act or omission which constitutes a contravention of these Bylaws, is calculated to endanger the safety of Persons or property, any Fire Official may require the immediate discontinuance, of such degree, manner or method or the removal of the Flammable Liquid or Substance to a place of safekeeping.
- 2) A Person who fails to comply with an instruction given in terms of subsection (1) shall be guilty of an offence.

Sewers and Drains

- 1) No Person shall cause, permit or allow a Flammable Liquid or Substance to enter any waste or foul water or storm water sewer or drain whether underground or on the surface.
- 2) Any Person having charge or control of any Premises or Vehicle and any Person who is in the Person's employ who becomes aware of any escape, whether accidental or otherwise, of any quantity of Flammable Liquid or Substance likely to constitute a fire hazard from such Premises or Vehicle into any sewer or drain or any inlet or drain communicating with any sewer or drain, shall report such escape to the Chief Fire Officer forthwith.

Prohibition Against Devices and Pumps in Basements

No Person shall use or cause or permit the use in any Basement of any device for spraying Flammable Liquid or any Pump or other device for the issue or transfer of any Flammable Liquid to Vehicles or Containers.

Filling Operations

- 1) No Person shall transfer any Flammable Liquid from or to any Road Tanker at a place other than a Bulk Depot unless such transfer is carried out under seal and the engine of such tanker is not running. During filling operations the fire extinguisher provided on such Vehicle in terms of these Bylaws shall be removed from the Vehicle and kept ready for use in an easily accessible place, and prohibitory notices conforming to signs PV1 and PV2 described in the S.A.N.S. 1186 shall be conspicuously displayed at access points to the Premises concerned.
- 2) Any Person responsible for the filling of a tank mounted on a Road Tanker carrying Liquefied Petroleum Gas and any Person having control of such a Vehicle shall ensure that such filling is affected in accordance with the requirements of S.A.N.S. Code of Practice 10087, Part IV: Transportation of Liquefied Petroleum Gas in Bulk by Road.

Filling On or Across Public Sidewalks

- 1) No Person shall: -
 - (a) take on or across any public sidewalk or cause or permit to be so taken the hose of a Pump for the purpose of replenishing any Vehicle or Container with Flammable Liquid;
 - (b) so replenish or cause, allow or permit to be so replenished any Vehicle or Container which is standing on any public sidewalk.

Replenishing of Fuel Tanks

- 1) No Person shall: -
 - (a) upon any Registered Premises strike a match or smoke a pipe, cigar, or cigarette or have in his possession a lighted pipe, cigar or cigarette or ignite a petrol lighter or other similar device or approach which any fire, flame, naked light or other agency likely to ignite Flammable Liquid or Substance or its vapour within a distance of 3 m of any fuel tank of any motor Vehicle whilst such fuel tank is being replenished or is unsealed;
 - (b) replenish or cause or permit to be replenished any such fuel tank while the engine or such motor Vehicle is in motion.

Replenishing of Bus

No Person shall replenish or cause or permit to be replenished the fuel tank of any Bus or carry or cause or permit to be carried any Flammable Liquid in or on any Bus except in the fuel tank thereof whilst any Person other than the driver or Person responsible therefore is within or upon such Bus.

Fire-fighting Equipment

- 1) Except where otherwise provided in this Code, the Holder of a Certificate of Registration shall install or cause to be installed in all Premises to which such certificate refers, approved fire extinguishers in an easily accessible and visible position in accordance with the following scale and provisions:
 - (a) for each Underground Storage Tank on the Premises to which the Certificate of Registration refers, two (2) fire extinguishers;
 - (b) for each Dry Cleaning Room on the Premises three (3) fire extinguishers;
 - (c) for each Spraying Room two (2) fire extinguishers;and every such fire extinguisher shall be installed, maintained and serviced in accordance with S.A.N.S Code of Practice 101475: The Production of Reconditioned Fire Fighting Equipment, Part I: Portable Rechargeable Fire Extinguishers.
- 2) The Person to whom a Certificate of Registration has been issued in terms of this Code shall maintain at all times on the premise or Vehicle to which such certificate refers:
 - (a) all Fire Fighting Equipment and Fire Alarm Systems in accordance with the provisions of this Code;
 - (b) all such equipment in good order and ready for immediate use.

Examination of Fire-fighting Equipment

- 1) Where, in terms of these Bylaws, any fire extinguisher or other Fire Fighting Equipment or a Fire Alarm System has been installed on any Premises, the Occupier of such Premises shall cause such equipment or alarm system to be examined once every twelve (12) months by a Holder of a Certificate of Competence.
- 2) Every such extinguisher, equipment and alarm system shall bear a label, on which the Person examining it shall endorse his name, the date of examination and the condition, in his opinion, of the extinguisher, equipment or alarm at that date.

Reporting of Fires and Accidents

The Occupier of any Premises shall immediately report to the Chief Fire Officer, any fire or accident involving Flammable Liquid or Substance that has occurred on or in connection with any such Premises, where such fire or accident has resulted in damage to any property or injury to any Person.

Rules to be Observed on Unregistered Premises

- 1) No Person shall store, use or handle or cause, allow or permit to be stored, used, or handled any Flammable Liquid or Substance on any unregistered Premises unless such Flammable Liquid or Substance is stored, used or handled in such a position or in such a manner that -
 - (a) no Flammable Liquid or Substance or its vapour accidentally comes or is likely to come into contact with any fire, flame or naked light or other agency likely to ignite such Flammable Liquid or Substance or its vapour;
 - (b) in the case of fire, the escape of Persons or animals will not be prevented or impeded.
- 2) No Person shall use or handle or cause, allow or permit to be used or handled any Flammable Liquid or Substance on unregistered Premises, except in such a place in the open air as will prevent the accumulation of vapour or its ignition, or in a room with ventilation which is adequate to remove the fumes there from and effectively prevent the accumulation of fumes therein.
- 3) No Person shall store or issue or permit Flammable Liquids or substances to be stored except in a substantial Container which shall be kept securely closed when not in immediate use.

Inspection of Premises

- 1) Any Fire Official may, for any purpose related to compliance with or the application of this Code enter upon any Premises whatsoever, and make such examination and enquiry thereon as he may deem necessary.
- 2) The Owner or Occupier of Premises or in their absence, any other Person employed thereon, shall upon demand, disclose to a Fire Official the presence of any Flammable Liquid or Substance in or upon such Premises and shall answer all enquiries relating either to the observance of this Code or to any condition in connection with the Certificate of Registration in respect of the Premises.

Taking of Samples

- 1) Upon inspection of any Premises by a member of the police or a Fire Official such Person may take samples for the purpose of analysis or examination of any Flammable Liquid or Substance or of any liquid or substance suspected of being flammable which is found upon such Premises; provided, however, that –
 - (a) any sample so taken shall be taken in the presence of the Owner, Occupier or other Person in charge, as the case may be;
 - (b) the Owner, Occupier or other Person in charge may require the member or servant taking the sample to divide it into two parts and to mark each and deliver to him one such part.

Chapter 8: Construction of Flammable Substance Store Rooms:

Provisions of Stores

- 1) When deemed necessary by the Chief Fire Officer, having regard to the nature and quantity of Flammable Liquids or substances to be stored, the nature and proximity of adjacent Buildings and other attendant risks, the Occupier of the Premises shall provide thereon a store in accordance with the requirements of these Bylaws for the storage of such liquids or substances.
- 2) No Person who is the Holder of a Certificate of Registration shall store in any store provided in terms of this Code any greater quantity of Flammable Liquids or substances than is permitted by the Certificate of Registration issued in respect of that store and in the case of the storage of Liquefied Petroleum Gas at retail outlets the Holder shall ensure that the requirements of Part VII of the S.A.B.S Code of Practice 10087.
- 3) No Person shall use or permit the use of a store for the purpose of storing Flammable Liquid or Substance, unless it complies with the requirements of these Bylaws and until warning notices conforming to sign WW 2 in S.A.N.S. Specification 1186: Symbolic Safety Signs are legibly painted or otherwise displayed on the outer face of the door of such store and such notices shall at all times be maintained in such position and in a legible condition.

Construction and Situation of Store

- 1) Every store shall be constructed in accordance with the following requirements: -
 - (a) The walls shall be constructed of brick or concrete, the floor of concrete or other impervious material and the roof of reinforced concrete; provided, however, that the roof may be constructed of other Non-Combustible material where such store is not likely to endanger any room, Building or adjoining Premises in case of fire.
 - (b) The store shall be fitted only with a hardwood door or doors, suitably covered with metal of not less than 1mm thickness and carried on a metal door frame, or a well-fitted metal door of not less than 4mm thickness, carried on an angle frame and having an all-round overlap of not less than 50mm. Such doors shall open outwards and be fitted with a substantial lock.
 - (c) All window frames shall be constructed of metal and glazed with wire-woven glass and all windows shall be so constructed and secured as to be incapable of being opened and as to prevent the escape of vapours.
 - (d) A store shall be constructed in such manner that the Flammable Liquid therein cannot escape there from with sills at every doorway so as to form a well of sufficient capacity to contain the maximum liquid capacity of the store, plus ten (10) per cent thereof.
 - (e) The store shall be, ventilated by an Approved ventilation system of such design, construction and capacity as will prevent the accumulation of Flammable Liquid vapour within the store and will discharge such vapour into the open air at a point or points where such vapour is not likely to come into contact with any fire, flame, open light or other agency likely to ignite such vapour; provided, however, that where for any reason such ventilation can only be

secured by means of a mechanical system of ventilation, such system shall conform to the provisions of these Bylaws.

- (f) All ventilating openings which are fitted into walls shall be set in iron frames and fitted tightly to the interior faces of the walls. The low ventilating openings shall be installed as near to the level of the well, referred to in (d) above, as possible, but shall be above such level.
 - (g) The openings shall be protected by non-corrodible wire gauze of not less than eleven (11) meshes to the linear centimetre.
 - (h) A store shall not be situated in such a position that it will impede the escape of any Person or animal from the Premises or any part thereof or endanger any room, Building or Premises in the case of fire.
 - (i) A store with a floor area in excess of 10 square metres shall be provided with at least two doors, complying with paragraph (b) hereof and situated at such a distance from each other as to allow the free and unimpeded escape of Persons within the store from either door in case of fire or other danger.
- 2) Every store shall be maintained at all times so as to comply with the provisions of this section.

Lighting of Store

- 1) All lights installed shall be of the explosion proof type, which shall be enclosed in an outer Flame and Vapour Proof fitting, and all wiring shall be armoured cable or enclosed in seamless metal tubes, the junctions of which are screwed together. All switches, junction boxes, fuses and other electrical equipment shall be outside the store. All electrical connections must comply with SANS 10108.

Use of Store

- 1) No Person shall, without the prior written authority of the Chief Fire Officer –
- (a) use any store or cause or permit such store to be used for any purpose other than the storage of Flammable Liquids or substances and their Containers;
 - (b) be present in or cause or permit any other Person to be present in any store unless all doors of the store are fully open and kept entirely unobstructed.

Unauthorised Persons Entering Store

- 1) No Person shall enter any store or cause or permit any store to be entered without the express permission of the Occupier of the Premises or other responsible Person in charge of such store.

Storage in Open Air

- 1) No Person shall store Flammable Liquid outside a Building or elsewhere in the open air except in accordance with the following requirements:
 - (a) The Flammable Liquid may only be stored in sealed Containers which shall be stacked to a height not exceeding three Containers;
 - (b) No Flammable Liquid or drum shall be nearer than –
 - (i) 3 m from any boundary of the Premises or any drain;
 - (ii) 6 m from any Building on the Premises;
 - (iii) 15 m from any Building on adjacent Premises;
 - (c) The area in which storage takes or is to take place shall, if required by the Chief Fire Officer, be bounded to his satisfaction;
 - (d) Signs prohibiting smoking and naked flames conforming to prohibitory signs PV1 and PV2 as described in S.A.N.S. Specification 1186: Symbolic Safety Signs, shall at all times be displayed so as to be visible to all Persons approaching the storage area.
 - (e) At least 2 9kg Dry Chemical Powder Fire Extinguishers must be installed near the storage area.
- 2) Stacking of containers must be in such a way as no damage to the container results from this process.

Chapter 9: Storage Tanks for Flammable Liquids and Substances

Temporary Above Ground Storage of Flammable Substances

- 1) Any person who wishes to store flammable liquid on a temporary basis must apply to the Chief Fire Officer for a temporary Certificate of Registration.
- 2) A temporary Certificate of Registration may be issued by the Chief Fire Officer-
 - (a) For a period not exceeding 12 months;
 - (b) If the flammable substance concerned is required-
 - (i) In respect of excavation work, construction work or road construction if the volume of the flammable substance does not exceed 5000 liters;
 - (ii) In respect of small fleet maintenance or research purposes, if the volume of the Flammable substance does not exceed 4400 liters; and
 - (iii) The application complies with the requirements of SANS 10131 and this Chapter and subject to:
- 3) Every holder of a temporary certificate of registration must ensure that:
 - (a) Approved fire extinguishing equipment conforming to all applicable Codes of Practice and installed in accordance with the SANS 10400 are being maintained and serviced;
 - (b) Conspicuous no smoking signs, at least 300mm x 300mm in dimension, that comply to the relevant SANS Code of Practice must be displayed in positions to the satisfaction of the Chief Fire Officer and be maintained in a legible condition in such position at all times; and
 - (c) Other safety signs measures to be complied with may be imposed by the Chief Fire Officer or his/her authorized official as he/she deems necessary for the storage, use or handling of such Flammable liquid.
 - (d) All reasonable precautions are taken to prevent any fire, flame or other agency likely to ignite flammable liquid or flammable liquid vapor being brought in to contact with such flammable liquid or its vapor and within 5 meters of such installation;
 - (e) Such flammable liquid is not placed within 3.5 meters from any protected work or public thoroughfare; erf boundary, building or any other flammable substances or combustible material.

Permanent Above Ground Storage Tanks for Flammable Liquids

- 1) In addition to any other requirement of this chapter, the owner or person in charge of an above ground storage tank for flammable liquids must ensure-
 - (a) That the tank is erected or installed-
 - (i) In accordance with SANS 10131 and SABS10089, Part 1;
 - (ii) at least 3.5 meters from any erf boundary, building, excavation, road, driveway or any other flammable substance, combustible substance or combustible material;
 - (b) That the flammable liquid stored in the tank must be clearly identified by means of placards contemplated in SANS 10232, Part 1.
- 2) Any electrical installation associated with the storage tank must comply with SANS 10108 and SABS 10089, Part 2.

Underground Storage Tanks for Flammable Liquids

- 1) The owner or person in charge of any premises used or intended to be used for the underground storage of any flammable liquid must ensure that any underground storage tank, pump, dispenser and pipe work is erected or installed in accordance with SANS 10400, SANS 10089 Part 3 and SANS 10131 Part 2, SANS 10131 Part 3.
- 2) Approved fire extinguishing equipment shall be installed to the satisfaction of the Chief Fire Officer or his/her authorized official.
- 3) Conspicuous no smoking signs of approved size and material shall be affixed at suitable positions to the satisfaction of the Chief Fire Officer or his/her authorized official and shall at all times be maintained in a legible condition in such position.
- 4) The Chief Fire Officer or his/her authorized official may impose such other additional safety measure, as he/she may deem necessary, which shall be complied with in connection with the tank and equipments or apparatus, or other equipment, using fuel from such tank for whatever purpose.

Installing, Erection, Removing and Demolishing Prohibited Without Prior Notice

1) Installation and Erection

- (a) Immediately after the installation of any pump, storage tank, filling device, mixing room, spray room or other premises intended for the storage, use or handling of flammable liquid has been completed, the occupier of the premises shall notify the Chief Fire Officer in writing of the date on which the work will be ready for inspection.
- (b) No person shall use or cause or permit to be used such pump, storage tank, filling device, store, mixing room, spray room or other premises intended for the storage, use or handling of flammable liquid until such person is in possession of Certificate of Registration relating thereto.
- (c) No person may, in respect of registered premises, erect, install, remove, demolish, extend or change any delivery pump, storage tank, storeroom, spraying room, gas installation, storage facility, fire protection arrangement or floor layout unless that person has given the Chief Fire officer at least three working days prior written notice of the intention to do so, in the form and manner determined by the Council.
- (d) The notice in terms of Subsection (a) must include the intended commencement date and estimated completion date of the proposed work.
- (e) The provisions of Subsection (a) do not apply to-
 - (i) The temporary removal of equipment for the purpose of carrying out necessary repairs.
 - (ii) The necessary replacement of equipment or their parts; and
 - (iii) The replacement of any storage tank of the same capacity.

2) Repair and Maintenance of Access to Storage Tanks

- (a) No person may enter or allow any other person to enter any storage tank that has at any time contained a flammable substance-
 - (i) until such tank has been de-aerated and made free of gas and fumes as contemplated In SANS 10089, Part 1; or
 - (ii) unless that person is wearing an effective self-supporting breathing apparatus; and
 - (iii) is attached to a rescue rope under the control of a competent and responsible person.
 - (iv) until the provisions of the Occupational Health and Safety Act, Act 85 of 1993, are complied with.

3) Termination of Storage and use of Flammable Substances

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

- (i) Notify the Chief Fire Officer in writing within 7 days of such storage or use ceasing.
 - (ii) Ensure that the flammable substance is removed from the installation and the premises are rendered safe within 30 days of the cessation.
 - (iii) Unless the Chief Fire Officer directs otherwise, remove the installation including any associated pipe work from the premises within 180 days of the cessation; and
 - (iv) To the satisfaction of the Council, restore any public foot path or roadway that has been disturbed by the removal of the installation within a period of 7 days of completing such removal.
- (a) The removal of any such pump, tank or filling device from any registered premises shall ipso facto cancel the Certificate of Registration in so far as it refers to such pump, tank or filling device, as the case may be, together with any other authority including any exemption granted in terms of these regulations and no such pump, tank or filling device shall be re-erected on such premises unless and until a new Certificate of Registration has been obtained in the manner provided in terms of these Bylaws: Provided that the provisions of this Section shall not apply in respect of any such pump or filling device which is temporarily removed for the purpose of effecting repairs thereto.
- (b) Notwithstanding the provisions of Subsection (1) if the removal of any underground tank installation for the storage of a flammable substance will detrimentally affect the stability of the premises concerned, the owner or person in charge of the installation may, with the prior written permission of the Chief Fire Officer, fill the underground tank with liquid cement slurry.
- (c) Any pump, storage tank or filling device not in use for more than 3 months and intended not to be used must be removed or back filled with concrete or proper back filling material.

Chapter 10: Container Handling and Storage

Container Handling and Storage

1) Construction of Portable Containers

No person shall store or convey or cause or permit to be stored or conveyed in any one container any Class 1 flammable liquid in a quantity exceeding 150 litres unless such container is constructed in accordance with SANS 10229.

2) Filling of Containers

(a) No person shall carry on or cause or permit to be carried on the trade, business or occupation or fill a container with Class 1 or Class 2 flammable liquid otherwise than in a fire-resisting building adequately ventilated: Provided that such filling may be conducted in the open air if, in the opinion of the Chief Fire Officer or his/her authorized official, it is not carried out at such a place or in such circumstances that there is a danger either of the liquid or the vapor there from becoming ignited, or that, in the event of fire, any structure or building will be endangered or the escape of persons or animals from the premises to a place of safety be obstructed or impended.

(b) All the shelving within the fire resisting building as reflected in Subsection (1) shall be properly earthed and bonded in accordance with the provisions as contemplated in SANS 10142.

3) Quantity of Flammable Liquid in Containers

Containers shall be filled with flammable liquid in accordance with the prescription as contemplated in SANS 10229.

4) Containers After Delivery

No person taking delivery of any flammable liquid in containers or under circumstances of temporary storage, shall cause or permit such containers to remain unattended in any place other than a store for a longer period than may be reasonably necessary which, in no circumstances, shall exceed a period of 48 hours.

5) Storage of Empty Containers

(a) No person shall place any empty container or cause or permit any empty container to be placed in any premises other than a store: Provided that-

(i) Such container may be stored in the open air in such a position that, in the opinion of the Chief Fire Officer, it is, in the event of a fire, not likely to obstruct or impede the escape to safety from any premises of persons or animals or to endanger any room or building.

(b) No person shall cause or allow any empty container to remain in or on any public place.

(c) Every empty container so stored shall at all times be securely closed with a bung or other suitable stopper.

6) Repairing of Containers

No person shall carry out or permit to be carried out any repairing operations to any container until all flammable liquid vapor has been removed from such container.

7) Marking of Containers

No person shall supply or deliver to any person or any Class 1 or Class 2 flammable liquids in any container, unless such container bears the relevant symbolic safety signs.

8) General

(a) Every flammable substance container must-

(i) Be kept closed when not in use;

(ii) Be declared gas- or vapor- free by a competent person before any modification or repairs are undertaken.

(iii) Be manufactured and maintained in such condition as to be reasonably safe from damage and to prevent leakage of any flammable substance or vapor from the container.

(b) Every flammable liquid container must be labelled and marked with words and details indicating the flammable liquid contained in the container as well as any hazard.

(c) No person may extract flammable liquid from a container of a capacity exceeding 200 liters, unless the container is fitted with an adequately sealed pump or tap.

(d) Any empty flammable liquid container must be stored in a storeroom.

(e) Notwithstanding the provisions of Subsection (4) the Chief Fire Officer may permit the storage of any empty flammable liquid container in the open air if no storeroom is available and if he or she is satisfied that-

(i) The storage area is in a position and of sufficient size that a fire hazard or other threatening danger will not be caused.

(ii) The storage area is well ventilated and enclosed by a wire mesh fence.

(iii) The fence supports are of steel or reinforced concrete.

(iv) The storage area has an outward opening gate that is kept locked when not in use.

(v) When the floor area exceeds 10m an additional escape gate is installed and fitted with a sliding bolt or other similar locking devices that can be opened from the inside without the use of a key; and

(vi) The storage area is free of vegetation and has a non-combustible, firm and level base.

(f) When the quantity of flammable and combustible liquids to be stored is more than 100 litres of Class 1 and/ or more than 210 litres of Class 2, such flammable and combustible liquids must be stored in a store room.

Bulk Depots

No person shall-

- 1) Establish or cause or permit a bulk petroleum depot to be established; or
- 2) Store, handle or distribute petroleum products or cause or permit petroleum products to be stored, handled or distributed in a bulk depot- Unless the requirements of the Code of Practice for the Handling, Storage and Distribution of Petroleum Products of the South African Bureau of Standards, SANS 10089 Part 1, have been complied with, provided that-
 - (a) Having regard to the dangers exposed to and available water supply, the Chief Fire Officer or his/her authorized official may require any other additional safety measures and provision of such fire extinguishing equipment which he/she may regard necessary to be complied with or provided.
 - (b) A Certificate of Registration has been issued in respect of the premises concerned.

Chapter 11: Transport, Supply and Delivery of Dangerous Goods

Construction, Use and Maintenance of Vehicles Used for Conveyance of Flammable Liquids

- 1) Every Person who –
 - (a) uses a Road Tanker for the purpose of conveying Class I or Class II Flammable Liquid shall ensure that such Tanker is constructed in accordance with the specifications of S.A.N.S. Specification 1398: Road Tank Vehicles for Flammable Liquids;
 - (b) uses a Road Tanker for the purpose of conveying Flammable Liquid shall ensure that in its use and maintenance all the requirements and recommendations of S.A.N.S. Code of Practice 10189: The Operating, Handling and Maintenance of Road Tank Vehicles for Flammable Liquids and S.A.N.S. Code of Practice 10230: Transportation of Dangerous Goods: Inspection Requirements for Road Vehicles are complied with.
- 2) Every Person who uses or causes, allows, permits or suffers to be used a Road Tanker for the purpose of conveying Class III Flammable Liquid or a Vehicle used for the conveyance of Flammable Liquids or Substances other than a Road Tanker shall ensure that such Tanker or Vehicle is -
 - (a) of adequate capacity and construction to convey safely the quantity of Flammable Liquid or Substance which is or is to be conveyed on such Vehicle;
 - (b) equipped with at least four (4) wheels; provided, however, that a trailer forming a portion of an articulated Vehicle shall for the purposes hereof be deemed to be equipped with four wheels;
 - (c) so constructed and equipped as not to cause Flammable Liquid which may be conveyed in or on such Vehicle to be ignited;
 - (d) fitted with a means of cutting off manually the electrical current close to the battery by a double pole switch or other suitable method;
 - (e) securely fitted with raised sides at least 800mm in height; provided that a length of chain may be fitted across the rear of the Vehicle in place of a tailboard;
 - (f) equipped either with "No Smoking - No Naked Lights" signs of 150mm red lettering on white background or with signs conforming with signs PV1 and PV2 as described in S.A.N.S. Specification 1186: Symbolic Safety Signs and fitted as follows: -
 - (i) One of each such sign on each side of the Vehicle; or
 - (ii) One of each such sign across the top of the Vehicle or above its cab and in either case parallel to the length of the Vehicle with lettering or pictograms on both sides and clearly visible when the Vehicle is carrying the permitted load;

- (g) fitted with two 9 kg dry chemical powder type fire extinguishers.
- 3) No Person shall drive, or cause or permit or allow to be driven any Road Tanker within the area of a City (Middelburg and Emahlaleni) between the following hours except with prior written permission of the Chief Fire Officer:
- Mondays to Fridays 06h30 to 17h30
- Saturdays 06h30 to 13h30
- (public holidays excluded in each case).
- 4) Maintenance of vehicle
- No Person shall use or cause or allow to be used in any public place any Vehicle for the transport of Flammable Liquid other than in the fuel tank of the Vehicle unless such Vehicle is maintained in good condition and in proper working order.
- 5) Openings to tank
- All openings to the tank of any Vehicle used for the transport of Flammable Liquids shall be kept securely and effectively closed at all times when not in use.
- 6) Supervision of Tanker by responsible Person
- Road Tanker shall be under the constant supervision of the Person having charge and control of such Tanker during the period that it is in use as such outside a Bulk Depot.
- 7) Position of Road Tanker during delivery operations
- (a) No Person shall -
- (i) cause or permit a Road Tanker to stand on or across any public footpath during delivery operations;
 - (ii) place the hose or cause or permit the hose to be placed across such footpath during such operations;
 - (iii) cause or permit a Road Tanker to face in any direction other than toward the exit during such operation.
- 8) Fire extinguishers.
- (a) No Person shall use or cause or permit to be used any Road Tanker conveying Flammable Liquid, unless such Tanker is provided with at least two dry chemical powder type fire extinguishers each having a capacity of not less than 9 kg dry chemical powder.
- (b) Such extinguishers shall be carried on the Road Tanker in such a position and shall be attached to the Road Tanker in such a manner as to be readily and easily accessible in the case of fire.

9) Agencies likely to ignite flammable liquid

(a) No Person shall -

- (i) bring or cause to be brought any fire, naked light, flame or other agency likely to ignite Flammable Liquid or its vapour within 3m of any Vehicle in which Flammable Liquid is transported;
- (ii) carry or permit to be carried any matches, cigarette lighter or similar contrivance on any Vehicle used for the transport of Flammable Liquid;
- (iii) smoke or be in possession of a lighted cigarette, cigar or pipe or permit any other Person to smoke or be in possession within 3m of a Vehicle in use for the transport of Flammable Liquid or during the filling of such Vehicle with Flammable Liquid or the discharge of such liquid there from;
- (iv) smoke or be in possession of a lighted cigarette, cigar or pipe within 3 m of such Vehicle during the filling of such Vehicle with Flammable Liquid or the discharge of such liquid there from or while in attendance thereon permit any other Person so to smoke or be in possession.

10) Precautions

Every Person responsible for or concerned in the conveyance of Flammable Liquid or Substance shall take all reasonable precautions for the prevention of accidents by fire or explosion and for the prevention of access by any unauthorised Person to any Vehicle or Container whilst in transit.

11) Restriction of scope of certain sections relating to transport of flammable liquid

- (a) The provisions of this section shall not apply to the conveyance of Flammable Liquid on a Vehicle, not being a Road Tanker –
 - (i) of a quantity not exceeding 200l of Class I Flammable Liquid or 400l of Class II or Class III Flammable Liquid in securely closed metal Containers of a capacity not exceeding 200l; or
 - (ii) of a quantity of Class 0 Flammable Liquid in Containers not exceeding 90 litres in total capacity, provided that the Person who so conveys such liquid shall ensure that such Containers are of substantial construction and are packed in such a manner as to prevent leakage from and damage to the Containers in the course of conveyance, and provided, further, that any Container for Liquefied Petroleum Gas found on a Vehicle shall be deemed to be full until the contrary is proved.

Design, Construction, Maintenance and Repair of Road Tankers

1) Maintenance of vehicle

No person shall use or cause or permit to be used for the transport of flammable liquid on any public place, any vehicle, unless such vehicle is maintained in sound and good working order as prescribed in the National Road Traffic Act, Act 29 of 1989 as amended.

2) Opening to Tank

All openings to the tank of any vehicle used for transport of flammable liquids shall be kept securely and effectively closed at all times when not in use.

3) Use of Road Tankers

(a) No person shall use or cause or permit to be used a road tanker for the transport of flammable liquids, other than in accordance with the conditions in terms of the requirements of the Standard Specifications for the Use, Handling and Maintenance of Road Tankers for Flammable Liquids of the South African Bureau of Standards, SANS 1398 and SANS Codes of Practice: SANS 10189 or SANS 10087 Part 4, SANS 10233, SANS 10089 Part 1, SANS 10230 and SANS 1518 as the case may be and ensure that the road tanker is labelled in terms of SABS 0232 and any applicable law.

(b) No person shall use or cause to be used a road tanker or vehicle for the transport of hazardous and radio-active substances on a route other than the route prescribed and approved by the Chief Traffic Officer.

(c) The Chief Fire Officer or his/her authorized official may require that additional safety measures, which he/she may deem necessary, having regard to the particular case, be complied with.

4) Supervision of a road tanker by a responsible person

(a) Every road tanker shall be under supervision of the driver of such tanker during the period such tanker is in use as such anywhere other than at a bulk depot.

(b) No road tanker which is not self propelled and no other non-self-propelled vehicle so long as it is loaded with any flammable liquid shall be taken to or allowed to remain on any premises unless there is on the same premises at the same time a vehicle capable of and properly equipped for immediately towing it away from the premises.

(c) No road tanker or vehicle which is not self-propelled shall be allowed to remain in or on any street or other public place except for the minimum period necessary for unloading it and

unless it is properly, firmly and directly connected to a vehicle capable of and properly equipped for immediately towing it away.

5) Position of a road tanker during delivery operations

(a) No person shall-

- (i) Cause or permit a road tanker to stand on or across any public footpath during delivery operations;
- (ii) Place the hose or cause or permit the hose to be placed across such footpath during such operations; and
- (iii) Cause or permit a tanker truck to reverse onto or off and premises before or after delivery operations to such premises.

(b) Should it not be possible to comply with the provisions of Subsection a (1), (2) and (3) above, the Chief Fire Officer or his/her authorized official may permit the installation of an underground curbside filling point, which shall be installed and maintained to his/her satisfaction.

6) Fire Extinguishing Equipment

(a) No person shall use or cause or permit to be used any vehicle for the conveyance of flammable liquid, unless such vehicle is provided with at least two fire extinguishers on either side of the vehicle which shall be of the dry-chemical type and have a capacity of not less than 9kg, see SANS 1398 Section 4.8.10, provided that where the Chief Fire Officer is of the opinion, having regard to the fire hazards of the particular case, that dry-chemical powder fire extinguishers are not adequate, such other fire extinguishers shall be installed as he/she may consider to be required by the said hazards.

(b) Such extinguishers shall be carried on the road tank wagon in such a position and shall be attached to the road tank wagon in such a manner as to be readily available and easily accessible in the case of fire.

7) Agencies likely to ignite flammable liquids

(a) No person shall-

- (i) Bring or cause or permit to be brought any fire, flame or other agency likely to ignite flammable liquid or its vapor within 3m of any vehicle on or in which flammable liquid is transported;
- (ii) Carry or permit to be carried any matches, cigarette lighters or similar contrivances on any vehicle used for the transport of flammable liquid.
- (iii) While in attendance on such vehicle smoke or permit any other person thereon to smoke during the transport of flammable liquid or the filling of such vehicle with flammable liquid or the discharge of such liquid there from; or

(iv) Smoke within 3m of such vehicle during the filling of such vehicle with flammable liquid or the discharge of such liquid there from or while in attendance thereon permit any other person to smoke.

8) Precautionary Measures

Every person responsible for or concerned with the conveyance of flammable liquid shall take all reasonable precautions for the prevention of accidents by fire or explosion and for the prevention of access by any unauthorized person to any carrier whilst in transit.

9) Limitation of the application of certain sections

(a) The provisions of the above sections with regard to Road Tankers shall not apply to the transport of flammable liquid on a vehicle, not being a tanker truck-

(i) Of a quantity not exceeding 90 litres flammable liquid Class 0 or 200 litres flammable liquid Class 1 in securely closed metal containers of a capacity not exceeding 200 litres;

(ii) Of a quantity not exceeding 400 litres flammable liquid Class 11 or Class 111 in securely closed metal containers of a capacity not less than 200 litres each.

(b) Such containers shall be substantially constructed and packed in such a manner as to prevent leakage and obviate their becoming broken, defective or insecure in the course of transport.

Design, Construction, Maintenance and Repair of Other Vehicles

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

(a) Is designed and constructed-

(i) To safely transport the quantity and type of dangerous goods for which the vehicle is intended to be used; and

(ii) With at least two independent axle systems, each with its own suspension system, excluding any trailer forming part of an articulated vehicle.

(b) Is equipped with-

(i) A safety edge or safety railing-

- At least 1 meter high when measured from the surface of the body of the vehicle; and
- Capable of securing dangerous goods and containers;

(ii) Strong and durable straps-

- Capable of fastening dangerous goods and containers securely to the body of the vehicle;
- That are anchored firmly to the body work of the vehicle; and
- That are fitted with a reversible cog winch mechanism that can be locked;

- (i) Electrical wiring that complies with SANS 314;
- (ii) At least two static-free wheel blocks;
- (iii) A power insulating switch, excluding the ignition switch, situated in close proximity to the vehicle battery and in a position readily accessible in any emergency; and
- (iv) A spark-proof and static-free tank that is designed, constructed and equipped to protect any dangerous goods consignment from shock or ignition while in transit.

General Prohibition Regarding Transport of Dangerous Goods

- 1) No person may use or allow to be used, any vehicle to transport dangerous goods, unless:
 - (a) The vehicle has a valid roadworthy certificate.
 - (b) The vehicle is equipped with at least two 9 kilogram dry chemical fire extinguishers-
 - (c) The vehicle is designed and manufactured in accordance with SANS 810 and maintained in accordance with SANS 10105 and SANS 101475; and
 - (d) Fire extinguishers are positioned and installed so that there is at least one fire extinguisher on each side of the vehicle that can be reached quickly and easily in the event of a fire.
 - (e) The vehicle has been provided with the necessary dangerous goods placard on both sides of the vehicle as well as the rear of the vehicle.
- 2) No person may use or allow to be used any vehicle to transport dangerous goods unless the vehicle cabin, body, cargo space, cargo tank, fuel tank, chassis and engine are effectively and permanently earthed with each other.

Supply of Dangerous Goods Prohibited in Certain Circumstances

- 1) No person may deliver or supply or allow to be delivered or supplied any dangerous goods of a type and in a quantity exceeding that specified in Schedule 2 to any premises that are not in possession of a certificate of registration.
- 2) No person may deliver or supply or allow to be delivered or supplied any dangerous goods to any premises in contravention of any conditions of the Certificate of Registration applicable to those premises.
- 3) No person may handle or allow to be handled any container containing dangerous goods in a manner that may damage that container.
- 4) Every person who delivers dangerous goods must ensure that-
 - (a) A 9 kilogram dry chemical fire extinguisher is available at all times during the delivery;
 - (b) During any transfer of the dangerous goods, the delivery vehicle is physically earthed to the storage facility to which the dangerous goods are being transferred.
 - (c) While delivering-

- (i) The delivery vehicle is placed in such a position that it can be moved easily and quickly in the event of an emergency.
- (ii) The delivery vehicle is not parked on or across a pavement or road.
- (iii) No delivery hose lies on or across a pavement, road or other premises.
- (d) No dangerous goods are transferred to a storage facility that does not comply with the provisions of SANS 10263.
- (e) Any device connected with, or used for, the delivery of dangerous goods-
 - (i) Is designed for its purpose; and
 - (ii) Is maintained in safe and good working condition; and
- (f) No dangerous goods are spilled during delivery.
- 5) No person may transfer or allow to be transferred any dangerous goods to any motor vehicle, aircraft, vessel, ship or boat while its power source is in operation.
- 6) No person may transfer any dangerous goods to any aircraft unless the aircraft is earthed to the transfer device by means of an earth cable.

Chapter 12: Spray Painting

Spraying Prohibited Without Spraying Permit

- 1) No person may spray, coat, plate or epoxy-coat any vehicle, article, object or building or part thereof or allow them to be sprayed, coated, plated or epoxy-coated with any flammable substance unless-
 - (a) That person is in possession of a spraying permit, issued by the Chief Fire Officer in respect of each spraying room on the premises.
 - (b) The spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the Chief Fire Officer on premises registered for that purpose.

Cancellation of Spraying Permit

The provisions of Section 93, read with the necessary changes, apply to the cancellation by the Chief Fire Officer of any spraying permit.

Duties of Owner, Occupier or Person in Charge of Spraying Room

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

Design and Construction of Spray Rooms

- 1) Every spray room shall be constructed in accordance with the following requirements:
 - (a) The walls shall be constructed of brick or concrete of a minimum thickness of 100mm or any other material which in the opinion of the Chief Fire Officer or his/her authorized official, is suitable for the purpose,
 - (b) The floor shall be constructed of concrete or other impervious material to the satisfaction of the Chief Fire Officer or his/her authorized official and the roof shall be constructed of reinforced concrete.
 - (c) The spray room shall be fitted with a door consisting of at least a Class B rated door and frame assembly as defined by the SABS or close-fitting metal doors of not less than 3mm thickness, carried on an angle-iron frame and having an all-round overlap of not less than 50mm. Such doors shall open outwards and shall be kept locked after normal working hours. The type of door required to be fitted shall be to the satisfaction of the Chief Fire Officer.
 - (d) All window frames shall be constructed of metal, glazed with wire woven glass and shall be of the non-opening type. Each single pane shall not exceed 450mm x 450mm.
 - (e) Every spray room door shall be ventilated with a mechanical system of exhaust and inlet ventilation in accordance with relevant SANS Codes of Practice capable of providing an air velocity of a minimum of 0.5m per second through any cross section of the room so as to

adequately remove flammable vapor from the room and change the air therein. The centre line of the inlets to such system shall be at least 450mm above the level of the floor. The said system shall operate at all times during working hours including any intervals for lunch or tea and shall operate for not less than 5 minutes after each working period.

- (f) Every spray room with a floor area in excess of 20 square meters shall be provided with at least two doors, constructed as prescribed in paragraph (c), situated at such distance from each other so to allow the free unimpeded escape of persons within the spray room from either door and in case of fire or other danger.
 - (g) Where a spray room is subdivided into spray booths as prescribed in paragraph (h), each such booth shall be ventilated in accordance with the provision of paragraph (e).
 - (h) Where part or the whole of any spray room is sub-divided by partitions into separate components or booths (hereinafter described as spray booths) such spray booth shall be constructed of metal or other non-combustible material.
 - (i) All exhaust vents shall be constructed of non-combustible material and so designed and constructed that all vapors are expelled from the interior of a building into the open air at a point not less than 1m above the apex of the roof of the building: Provided that the Chief Fire Officer or his/her authorized official may permit such vapor to be expelled into the open air at a lesser distance than 1m above the apex of the roof if in his/her opinion the vapor is not likely to be ignited. In the event of the exhaust vents being external to the spray room and in communication with any other internal portion of the building, such vents shall be protected by either 100mm bricks or 50mm asbestos cement lagging. There shall be no right angle bends in the vents.
 - (j) The ventilation inlets shall be 215mm x 440mm terra-cotta air bricks and honeycombed into the wall opposite the exhaust ventilation system at 215mm centers, from floor level to a height of not less than 2.5m. Such inlets shall be substantially equivalent to the exhaust capacity provided in terms of these regulations.
 - (k) The blades of any fan used in the spray room shall be of non-ferrous metal.
- 2) If based on a metal structure-
- (a) The framework of the structure, including door assemblies must consist of a sturdy steel profile with a minimum wall thickness of 2.5 millimetres.
 - (b) The framework of the entire structure, including any door, must be clad on both sides with sheet metal with a minimum thickness of 1.3 millimetres.
 - (c) The framework of the entire structure must be fume-proof, flame-proof and liquid-proof.
 - (d) The floor must consist of concrete or metal.
 - (e) All material used must have a fire integrity grading of at least 60 minutes; and
 - (f) The structure must be constructed, installed and finished so that all surfaces are smooth in order to prevent any furring which may hamper ventilation, washing or cleaning of the spray room.

Water Floors for Spraying Rooms

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

Electrical Equipment

- 1) An electrical apparatus, light, fitting, and switch gear installed or used in a spraying room must be installed and used in accordance with SANS 10108.
- 2) Any switchgear, distribution box, fuse and other electrical equipment, except equipment as contemplated in SANS10108 must-
 - (a) Be located outside the spraying room; and
 - (b) Be positioned so as not to come into contact with fumes from the spraying room.
- 3) Any switch for the mechanical ventilation system of a spraying room must be situated outside the spraying room.
- 4) Any metal part and electrical fitting and any other device used, or in connection with, the spraying room, must be earthed affectively with each other and the ground.
- 5) Every electrical installation in a spraying room may be installed only by a suitably qualified electrician who must-
 - (a) Certify in writing that the installation complies with all applicable legal requirements; and
 - (b) Furnish the certificate to the owner or person responsible for the premises concerned.
- 6) The owner or person responsible for the premises on which the spraying room is located must submit the Certificate contemplated in Subsection (5) to the Chief Fire Officer without delay.
- 7) Electric lights enclosed in outer flame-proof fittings;
- 8) Electric wire protected throughout by seamless metal tubes, the junctions of which are screwed together or cables of the armored type approved by the Chief Fire Officer or his/her authorized official; and
- 9) Electrical apparatus of flame-proof construction used for ventilation purposes.
- 10) The spray rooms, fans and vents shall be kept clean and free from flammable deposits and all fans and vents shall be kept in proper working order at all times, any scraping necessary to comply with the provisions of this subsection being carried out with non-ferrous instruments.
- 11) All drums, cans or similar vessels containing flammable liquids or substances or which have contained the same and have been degassed or otherwise rendered harmless, shall be kept securely closed when not in use and shall, after the contents have been used, be removed from the spray room and stored in such a place that, in the opinion of the Chief Fire Officer or his/her

authorized official, they are not likely to cause danger or obstructions or obstruct or impede the escape to safety of persons or animals in the event of fire.

Location of Spraying Rooms

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

Access to Spraying Rooms

- 1) In addition to any door for the access of motor vehicles or other objects to any spraying room, every spraying room must have at least two hinged doors for escape purposes that-
 - (a) Open to the outside of the spraying room;
 - (b) Have dimensions of at least 800 millimetres wide x 2000 millimetres high.
 - (c) Are positioned on opposite sides of the spraying room so that the distance to be covered to any door when any object is in the spraying room for spraying does not exceed 4 meters; and
 - (d) Are fitted with a locking mechanism that is at all times capable of being opened from the inside of the spraying room without the use of a key.

Ventilation of Spraying Rooms

- 1) Every spraying room must be equipped with a mechanical inlet and outlet ventilation system designed and installed-
 - (a) So that it releases fumes into the open air from outlets that are not located within 5 metres of any opening of a building or stand boundary;
 - (b) With ventilators that are attached firmly to the inside walls of the spraying room with bottom ventilators affixed as close as possible to the level of the sill.

- (c) With ventilation and air duct openings in opposite walls, doors or the roof so as to ensure effective cross-ventilation; and
- (d) With ducting material that is fitted with a fire damper and covering of at least 120 minutes fire resistance where the ducting material exits the spraying room, if ducting material is installed external to the spraying room in communication with the remainder of the building concerned.

Fire Dampers, Protectors and Alarms in Spraying Rooms

- 1) A fire damper manufactured and installed in accordance with SANS 193, must be affixed in front of any air purification filter or part of such filter on the inside of any spraying room.
- 2) The fire damper must-
 - (a) Be capable of closing automatically by means of a suitably located sensor that is activated by a rise of more than 10 degrees Celsius in the predetermined working temperature inside the spraying room;
 - (b) Be installed so that it will remain in position even if the air duct distorts during a fire; and
 - (c) Be equipped with an overriding fusible link.
- 3) The ventilation system must be equipped with a sensor that-
 - (a) Is capable of turning off the ventilation system and any heating device used in connection with the spraying room, in the event of a fire or rise of more than 10 degrees Celsius in the predetermined working temperature inside the spraying room; and
 - (b) Activates a visual and audible alarm inside and outside the spraying room in an event contemplated in paragraph (a).

Design and Positioning of Ventilation Outlets for Spraying Rooms

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

Display of Signs on Spraying Rooms

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

Manifold Installations in Spraying Rooms

- 1) Every manifold installation of a group 2 hazardous substance that forms an integral part of the heating system of any spraying room must-
 - (a) Comply with SANS 10087 (Part 1); and
 - (b) The requirements of these By-laws.

General Prohibitions Regarding Spray Rooms

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

Fire Extinguishing Equipment in Spraying Rooms

- 1) Every spraying room must be equipped with-
 - (a) At least one 9 kilogram dry chemical fire extinguisher installed on the inside of the spraying room; and
 - (b) At least one 9 kilogram dry chemical fire extinguisher installed on the outside of the spraying room.
- 2) Fire Extinguishers contemplated in Subsection (1) must be installed in positions approved by a member of the Service.
- 3) Every spraying room must be protected by at least one fire hose reel as specified in SANS 543-
 - (a) That is connected to a water supply as contemplated in SANS 10400 (Part W); and
 - (b) That enables the hose reel to maintain a flow of at least 0.5 litres per second at a work pressure of at least 300kpa.

Chapter 13: Storage Tanks, Pumps and Containers

Storage Tanks in Basement

A Basement Storage Tank containing Class 1; 11 or 111 flammable liquids shall have a capacity not exceeding 1 500 litres and the Person to whom authority has been given shall comply with all conditions subject to which such authority has been given.

Position of pumps

- 1) No Pump or other device used or intended to be used for the issue or transfer of Flammable Liquid to or from any Vehicle shall be erected or situated in such a position that the hose thereof can be used for the issue or transfer of Flammable Liquid on or across any public street or public place.
- 2) No Person shall cause, allow or permit the issue or transfer of Flammable Liquid to or from a Vehicle by means of a Pump or other device except while within the Premises on which the Pump or device is situated.

Pumps on Ramps

Pumps or other devices used or intended to be used for the issue of Flammable Liquid to motor Vehicles or Containers shall not be erected on any ramp or within 6m of the beginning or top of the ramp and shall in all cases be erected on level ground.

Dipping Sticks

Dipping sticks shall be made only of wood or brass or other non-ferrous metal or alloy.

Pump Hoses

No Person shall deliver flammable liquid or permit it to be delivered from any Pump to the fuel tank of any Vehicle except through sound hose having an earthing wire in its construction which is effectively attached to the metal of the Pump and to the metal hose nozzle and, except at an aerodrome or landing ground used by aircraft, no hose attached to any such Pump shall exceed 4.5m in length when measured from the Pump to the tip of the nozzle.

Situation of Pumps and Their Filling Pipes

- 1) Every filling pipe inlet and every Pump, except where used for manufacturing purposes, shall be-
 - (a) at surface level;
 - (b) installed in such a position that it will not impede the escape of any Person or animal from the Premises in the case of fire;
 - (c) so situated or protected by surrounding walls as not to expose adjoining property to the risk of danger from fire during filling operations or otherwise.

Naked Lights and Electrical Apparatus

- 1) No Person shall install or take or cause, allow or permit to be installed or taken within 3 metres of any Pump, any fire, flame, naked light or other agency likely to ignite Flammable Liquids or its vapour.
- 2) No Person shall install any electrical switch, fuse, motor or other device or cause, allow or permit the same to be installed within a distance of 3 metres of any Pump unless such switch, fuse, motor or device is of Flame and Vapour Proof construction.
- 3) The electrical wiring between the distribution board or junction box and the Pumps shall where possible, be in one continuous length of wire, provided, however, that where this is not possible, Flame and Vapour Proof junction boxes shall be used.

Maintenance of Tanks, Pipelines, Pumps and Other Equipment and Fittings

- 1) The Holder shall ensure that in respect of the Premises for which a Certificate of Registration has been issued to him all Storage Tanks, pipelines, Pumps, machinery and other equipment and fittings for the storage, use or handling of Flammable Liquid or Substance are -
 - (a) of sound and proper construction;
 - (b) so installed and fixed as not to be unnecessarily exposed to damage;
 - (c) effectively electrically Earthed;
 - (d) free from leakage of Flammable Liquids and, as far as is reasonably possible, free from leakage of Flammable Liquid vapour, except by means of a Vent Pipe;
 - (e) maintained in good and proper order and are at all times in accordance with the provisions of these Bylaws.
- 2) All pipelines between a Storage Tank and a Pump shall be below ground level.
- 3) All electrical Earth connections required under these Bylaws shall be examined once every twelve months by a qualified Person, who shall enter in a suitable log book, supplied by the Occupier of the Premises and kept solely for that purpose, the effectiveness and conditions of such Earth, his name and address and the date of examination. All such entries shall be signed by such qualified Person.
- 4) All work on Flammable Liquid installations is to be carried out by a qualified Person as defined in the applicable S.A.N.S Code of Practice.

Construction of Portable Containers

No Person shall store or convey or cause or permit to be stored or conveyed Class I Flammable Liquid in a quantity exceeding 5l except in a Container constructed of metal having a thickness of at least 1,25mm or Liquefied Petroleum Gas except in a Container constructed in accordance with the requirements of S.A.N.S. Code of Practice 10019: Portable Metal Containers for Compressed Gases.

Filling of Containers

- 1) No Person shall fill a Container with Class O or Class I or II Flammable Liquid other than in a room or Building constructed of Non-Combustible materials and used solely for such purpose, which room or Building shall be adequately ventilated or in the open air at a distance of not less than 15m from any fire, flame, naked light, or other agency likely to ignite Flammable Liquid or its vapour.
- 2) No Person shall fill a Container with Class O Flammable Liquid or cause or permit it to be filled except in accordance with the requirements of S.A.N.S Code of Practice 10087, Part VII: Retail Outlets and Similar LP Gas Filling Sites for Small Containers.
- 3) A Person who fills a Container with Class O, I or II Flammable Liquid shall ensure that both it and the Container from which it is filled are properly Earthed.

Quantity in Containers

No Container shall be filled with Flammable Liquid to more than ninety seven and a half per cent (97,5%) of its capacity; provided that in the case of Liquefied Petroleum Gas, Containers shall not be filled more than eighty percent of their capacity.

Containers After Delivery

No Person who has taken delivery of any Flammable Liquid in Containers shall cause or permit such Containers to remain unattended in any place other than a store for a longer period than may reasonably be necessary. In the case of portable Containers filled with Liquefied Petroleum Gas which are stored for the retail market, the Holder of a Certificate of Registration in respect of Premises shall ensure that storage of such Containers complies with the requirements of Part VII of the S.A.N.S. Code of Practice 10087.

Chapter 14: Storage and Handling of Liquefied Petroleum Gas

- 1) No Person shall store or handle Liquefied Petroleum Gas or construct or assemble an installation for the storage and distribution of Liquefied Petroleum Gas except in accordance with the requirements of Part VII of the S.A.N.S. Code of Practice 10087 and in accordance with the provisions of S.A.N.S. Code of Practice 10019: Portable Metal Containers for Compressed Gases: Basic Design Criteria, Use and Maintenance.
- 2) No Person shall cause or allow more than 19 kg of Liquefied Petroleum Gas to be kept or stored in any Building and for the purpose of this provision any Container for Liquefied Petroleum Gas found in any Building shall be deemed to be full until the contrary is proved.

Storage of Empty Containers

- 1) No Person shall place or keep any used empty Container or cause or permit any used empty Container to be placed or kept in any part of any Premises other than a store; provided, however, that-
 - (a) such a Container may be stored in the open air at a distance of not less than 6m from any fire, flame, naked light or other agency likely to ignite Flammable Liquid or its vapour;
 - (b) no Person shall cause or allow any used empty Container to remain in or on any public street or public place.
- 2) The Person who stores used empty Containers in terms of subsection (1) shall at all times ensure that they are securely closed with a bung or other suitable stopper.
- 3) The Holder of a Certificate of Registration in respect of any Premises shall ensure that the storage of filled Liquefied Petroleum Gas Containers and empty cylinders shall be in accordance with the requirements of Part VII of the S.A.B.S. Code of Practice 10087.

Repair of Containers

No Person shall carry out or permit to be carried out any repair or alteration of or perform any work on any used Container until all Flammable Liquid and Flammable Liquid vapours have been removed from such Container; provided that in the case of faulty Liquefied Petroleum Gas cylinder, no attempt at repair shall be made and the Owner or the Person having possession of the cylinder shall ensure that it is treated as described in S.A.N.S. Code of Practice 10019: Portable Metal Containers For Compressed Gases: Basic Design Criteria, Use and Maintenance.

Marking of Containers

- 1) No Person shall supply or deliver to any Person any Class 0 Flammable Liquid in any Container unless such Container bears in conspicuous letters the words "FLAMMABLE/VLAMBAAR" or a sign conforming to sign W W 2 described in S.A.N.S. Specification 1186: Symbolic safety signs

and the marking of Liquefied Petroleum Gas Containers is in accordance with the requirements of the S.A.N.S. Code of Practice 10087.

- 2) The Person who is the Holder of a Certificate of Registration in respect of a Bulk Depot shall ensure that its establishment, maintenance and control is in accordance with the requirements and recommendations of S.A.N.S. Code of Practice 10089, Part I: The Handling, Storage and Distribution of Petroleum Products.

Chapter 15: Timber and Flammable Substances

Storage of Flammable Substances Near Furnaces

- 1) It shall not be lawful for any Person to pile, stack or store cut or uncut timber, lathwood, firewood, casks, barrels, boxes or cases or other flammable substances in the same yard or Premises, or in any part of the same Premises where any furnace is situated, except -
 - (a) where the furnace is enclosed in a Building or chamber constructed of fire-resisting material;
or
 - (b) where there is a distance of not less than 7,7m between the furnace and the pile, stack or store of timber, or other flammable substances.

Piling, Stacking or Storing of Timber and Other Flammable Substances

- 1) It shall not be lawful for any Person to pile, stack or store timber or any other flammable substance to a height exceeding 4m from the level of the ground, and every Person who shall pile, stack or store any such substance as aforesaid shall pile, stack or store the same in a safe, compact and proper manner.
- 2) Timber and other flammable substances shall be piled, stacked or stored 200mm off the ground within stack areas 6m by 3m by 4m high to the satisfaction of the Chief Fire Officer.
 - (a) Each stack shall be separated from adjoining stacks by an unobstructed pathway not less than 2m in width.
 - (b) Stacks shall be a minimum of 3m from any boundary wall and 6 m from any Building.
 - (c) Individual stacks shall be stacked in a compact and proper manner to the satisfaction of the Chief Fire Officer.
 - (d) The entire site shall be enclosed with a brick or pre-cast concrete wall not less than 2,4 m in height.
 - (e) The area between the stacks and boundary wall shall be kept entirely free of any obstruction.
 - (f) The entire site shall be kept free of unkempt and overgrown vegetation.
- 3) No Person shall pile, stack or store timber or any other flammable substance on sites subject to flooding unless a permit is granted by the Council based on the fact that the area to be utilised is above the 1 in 50 year flood occurrence level as determined by the Council. The sites subject to flooding shall be those sites as determined from time to time by the Council.

Room or Chamber Prohibited in a Timber Stack

It shall not be lawful for any Person to form in any pile, stack or store of timber or any other flammable substance any room, chamber or space (other than a passage) to be used for any purpose whatever.

Chapter 16: Dry-Cleaning Rooms

Dry-cleaning Rooms

The Person who is the Holder of a Certificate of Registration in respect of a Dry Cleaning Room shall ensure that the provisions of this Chapter are complied with and no Person shall use a Dry Cleaning Room for any purpose other than that of dry-cleaning and purposes reasonably incidental thereto.

Installation of Machinery

- 1) No Person shall install or cause or permit to be installed any dry-cleaning machinery elsewhere than in a Dry Cleaning Room.
- 2) All machinery shall be properly electrically earthed.
- 3) All electrical Earth connections shall be examined and entered in a log book as required under these Bylaws.

Boilers

No boiler or chimney of a boiler shall be installed within 6m of a Dry Cleaning Room; provided, however, that a boiler may be installed not nearer than 3 m to a Dry Cleaning Room where there is an unbroken brick or concrete wall between such boiler or its chimney and such room a height of not less than 450mm above the top of the boiler and its chimney and of not less than 2 m above the floor of the Dry Cleaning Room.

Draining of Dry-cleaning Machinery

All dry-cleaning machinery on or above floor level shall be drained immediately after the termination of cleaning operations each day.

Electrical Equipment

- 1) No Person shall install or cause or permit to be installed in or near a Dry Cleaning Room or in any position which comes or is likely to come into contact with Flammable Liquid or its vapour any electrical equipment other than –
 - (a) an incandescent electric light enclosed in a Flame and Vapour Proof or other Approved fitting;
 - (b) electric wires protected throughout by seamless metal tubes, the junctions of which are screwed together, or armoured or lead-covered cable, approved by the Chief Fire Officer; provided, however, that, the written permission of the Council concerned, other types of cables may be installed where the use of such cable is unlikely to cause danger to Persons or property from fire;
 - (c) one electrical push button switch of Flame and Vapour Proof construction which is designed for use to stop all machinery in an emergency and which is situated not less than 1.35m above the level of the floor;
 - (d) electric motors of Flame and Vapour Proof construction.

Handling of Flammable Liquid

The Storage Tank shall be connected to the dry-cleaning machinery and no Flammable Liquid shall be handled during any cleaning process; provided, however, that a total quantity not exceeding 10l at any time may be handled in one or more Containers for the purpose of hand washing or spotting.

Notice of Danger at Entrance

Approved signs prohibiting smoking and naked flames or signs conforming to prohibitory signs PV1 and PV2 as described in S.A.N.S. Specification 1186: Symbolic Safety Signs shall be prominently displayed at each entrance to a Dry Cleaning Room and within such room to the satisfaction of the Chief Fire Officer.

Removal of Foreign Matter and Metallic Substances from Garments

No Person shall dry-clean or cause, allow, permit or suffer to be dry-cleaned any article of clothing or other textiles unless and until such article has been thoroughly examined and all object such as matches, metallic substances, metal buttons and other items which are liable to cause sparks have been removed there from.

Instructions to Employees

The Person having charge or control of the business conducted on the Premises shall cause all Persons employed in the Dry Cleaning Room to be thoroughly instructed as to the hazards involved in the use of Flammable Liquids and in the handling and method or usage of all Fire Fighting Equipment required by these Bylaws to be on the Premises, and shall repeat such instructions quarterly.

Unauthorised Persons and Unlawful Acts

- 1) No Person other than a Person lawfully employed on the Premises or a Fire Official shall enter any Dry Cleaning Room without the express permission of the Occupier or Person in charge.
- 2) No Person shall commit any act which is liable or calculated to cause fire, explosion or other danger to a Dry Cleaning Room or its contents or any Person therein.

Position of Machinery

All dry-cleaning machinery shall be situated as near as reasonably possible to the exhaust ventilation ducts required in terms of this Chapter.

Power Shafts

Where any machinery is driven by means of a shaft from motive power outside the Dry Cleaning Room, the driving shaft shall pass through a gas-proof wall box which shall be installed at the point where such shafting enters such Dry Cleaning Room.

Scouring or Brushing Table

- 1) Every table used for washing or brushing any material with Flammable Liquid shall –
 - (a) be provided with a liquid-tight top with a curb on all sides not less than 25mm high;
 - (b) have a top which is so pitched as to ensure thorough draining by a pipe of not less than 25mm diameter directly connected to an underground tank through a trap preventing the return of vapour and which, in the case of a metal top, is electrically Earthed;
 - (c) be secured to the floor or wall so as not to disturb the electrical Earth and drain connections.

Portable Lamps and Trolleys

No Person shall take or cause, allow, permit or suffer to be taken any flash lamp or any other light or lamp into any Dry Cleaning Room except an incandescent electrical light or safety lamp which has been fitted with an outer Flame and Vapour Proof fitting, and no Person shall use any hand truck or any trolley for the conveyance of any material, clothing or liquid unless it is equipped with anti-static hard rubber tyres and non-ferrous edges, so as to prevent sparks arising from accidental contact with any other metal surface.

Construction of Dry Cleaning Rooms

- 1) Every Dry Cleaning Room in which Class I Flammable Liquids are used shall be constructed and maintained in accordance with the following requirements:
 - (a) The walls shall be constructed of brick or concrete or similar Non-Combustible material, the floor of concrete or other impervious material and the roof of reinforced concrete;
 - (b) all windows shall be glazed with wire-woven shatterproof glass and shall be of the closed or fixed type;
 - (c) all doors shall be of hardwood, suitably covered with metal of not less than 1 mm in thickness and shall be carried on metal door frames and fitted with automatic closing devices;
 - (d) a sill of concrete at least 150mm in height shall be erected across all door openings at surface level or the floor of the room shall be 150mm below the adjacent surface level;
 - (e) the Dry Cleaning Room shall be situated not closer than 1,5m to any public thoroughfare or adjacent Building unless the wall or walls which face such thoroughfare or Building are constructed without openings whether glazed or otherwise; provided, however, that not more than two sides of any Dry Cleaning Room shall be without such openings;
 - (f) there shall be provided at least two (2) doors opening outwards directly into the open air. Such doors shall be so situated and at such a distance from each other as to allow the free and unimpeded escape of Persons within the Dry Cleaning Room through either of such doors in the case of fire or other danger;

(g) no Dry Cleaning Room shall have any opening into any other room or Building, provided, however, that, subject to compliance with the conditions hereunder set out, any room used or intended to be used solely for the purposes of drying garments or materials which have been cleaned or treated with Flammable Liquid may have direct access to the Dry Cleaning Room:

(i) Such drying room shall be separated from the Dry Cleaning Room by a wall constructed of Non-Combustible material; and

(ii) the entrance to such drying room shall be provided with a door of hardwood which is covered with metal of not less than 1 mm in thickness and which is carried on a metal door frame and fitted with an automatic closing device.

Steam Pipes

- 1) Every Dry Cleaning Room in which Class I Flammable Liquids are used shall be fitted with at least one steam pipe not less than 25mm in diameter. Every such pipe shall be provided with -
 - (a) perforation or jets of at least 6,3 mm in diameter and so spaced as to give as near as practicable an equal distribution of steam in such a manner that such room can immediately be flooded with steam in case of fire;
 - (b) a steam trap or other effective means of preventing the accumulation of water within such pipe.
- 2) A steam supply for such pipe or pipes shall be maintained continuously while any Flammable Liquid is contained in any dry-cleaning machinery.
- 3) Such steam supply system shall be provided with a valve placed in the service line and situated outside the Building in any easily accessible position; provided that the Chief Fire Officer may authorise the installation of alternative Fire Fighting Equipment where in his opinion the circumstances warrant it.

Ventilation of Dry Cleaning Room

- 1) Every Dry Cleaning Room in which Class I Flammable Liquids are used shall be ventilated with a mechanical system of exhaust and inlet ventilation of such design, construction and capacity as will remove Flammable Liquid vapour from such room and discharge such vapour into the open air at a point which is above the roof of such room and more than 5m from any opening to any Building.
- 2) Such system of ventilation shall cause the air in the Dry Cleaning Room to be changed at least thirty (30) times in every hour.
- 3) The blades of all ventilating fans shall be made of non-ferrous metal.
- 4) All exhaust ventilation ducts shall be of Non-Combustible material and shall be installed -(a) as near ground level as practicable; provided, however, that where any such duct or any portion thereof is situated at a level which is less than 150mm above the level of the Dry Cleaning Room floor adequate provision shall be made to prevent the escape of Flammable Liquid there from in the case of fire or otherwise;

(b) as near as practicable to the parts of the dry-cleaning machinery from which the Flammable Liquid vapour is emitted.

- 5) Any Person discovering a fire in any Dry Cleaning Room shall immediately take all reasonably possible steps to shut down the exhaust ventilating system.

Construction of Dry Cleaning Room

- 1) Every Dry Cleaning Room in which Class II Flammable Liquids are used shall be constructed and maintained in accordance with the following requirements:

(a) The walls shall be constructed of brick or concrete or other similar Non-Combustible material and the floor of concrete or other impervious material and the room of Non-Combustible material.

(b) A sill of concrete at least 150mm in height shall be erected across all door openings at floor surface level or the floor of the room shall be 150mm below the adjacent surface level.

(c) There shall be provided at least two (2) doors opening outwards one of which shall lead directly into the open air. Such doors shall be so situated and at such a distance from each other as to allow free and unimpeded escape of Persons within the Dry Cleaning Room through either of such doors in the case of fire or other danger.

(d) No Dry Cleaning Room shall be situated below or above any other room or other part of the Building; provided, however, that a room or Building may be constructed above a Dry Cleaning Room if such room or Building is not used as a Habitable room and is provided with adequate means of escape to the satisfaction of the Chief Fire Officer.

Ventilation of Dry Cleaning Room

Every Dry Cleaning Room in which Class II Flammable Liquids are used shall be ventilated by a system of ventilation of such design, construction and capacity as will adequately prevent the accumulation of Flammable Liquid vapours within any portion of such room and will discharge such vapour into the open air at a point or points where such vapour is not likely to come into contact with any fire, flame, open light or other agency likely to ignite such vapour; provided, however, that where for any reason such ventilation can only be secured by means of a mechanical system of ventilation, such mechanical system shall conform to and comply with the provisions of these Bylaws

Chapter 17: Offences and Penalties

Presumptions

In addition to the Person by whose act or omission any contravention of or failure to comply with a provision of these Bylaws is actually committed, the Owner of the Vehicle in respect of which the offences is committed or the Owner of the Premises on which the offence is committed or, if the Premises are occupied by a Person other than such Owner, the Occupier thereof, shall be presumed also to have committed such contravention or to have so failed to comply unless it is proved to the satisfaction of the court that he has taken all reasonable steps to have prevented such a contravention or failure to comply by any other Person; provided that the fact that such Owner or Occupier issued instructions forbidding any such act or omission shall not of itself be accepted as sufficient proof that such Owner or Occupier took all reasonable steps to prevent such a contravention or failure to comply by such other Person.

Exemption from Provisions of These By-Laws

- 1) Any person may make application to the Council in writing, for such an exemption from any provision of these By-Laws, specifying the reasons for exemption in such application.
- 2) The Council may grant an exemption-
 - (a) In general or in particular;
 - (b) For any period; and
 - (c) Subject to any condition that will provide the same overall fire prevention and protection that would result from the full application of these By-Laws.
- 3) If an exemption is granted in terms of Subsection (2), the Council may issue a Certificate of Exemption to the person concerned, specifying the scope and period of the exemption and any condition imposed.
- 4) The Council may amend or withdraw a Certificate of Exemption at any time.
- 5) The holder of a Certificate of Exemption must ensure that the Certificate is available on the premises at all times for inspection by any member.

Approval, Authorisation or Permission under these By-Laws

- 1) Any person who requires any approval, authorization or permission contemplated in these By-Laws, in respect of which no application procedure is provided, must apply for that approval, authorization or permission-
 - (a) By completing and submitting an application in the form in the form and manner determined by the Council; and
 - (b) By paying the prescribed fee.

By-Laws Bind State

These By-Laws bind the State and any person concerned in the service of the State.

Offences and Penalties

- 1) Any person who-
 - (a) Contravenes or fails to comply with any provision of these By-Laws;
 - (b) Fails to comply with any notice issued or displayed in terms of these By-Laws;
 - (c) Fails to comply with any lawful instruction given in terms of these By-Laws; or
 - (d) Obstructs or hinders, or improperly influences or attempts to do so, any authorized representative or employee of the Council in the execution of his or her duties or performance of his or her powers or functions under these By-Laws;

Is guilty of an offence and liable on conviction to a fine not exceeding R5000-00 (Five Thousand Rand) or in default of payment to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R100-00 (One Hundred Rand) for each day, or in default of payment, to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence.

Short Title

These By-Laws are called the Nkangala District Municipality Emergency Services By-laws, 2012.

SCHEDULE 1

Guideline (example): for an Emergency Evacuation Plan

Content of Emergency Evacuation Plans

Every emergency evacuation plan contemplated in these Bylaws must contain at least the information under the headings below.

1) Emergency Telephone Numbers

A list of all relevant emergency telephone numbers.

2) General Information

- (a) The physical address of the premises.
- (b) A description of the activities on the premises.
- (c) The number of persons on the premises at any time
- (d) An indication of any control room on the premises.
- (e) An indication of any alarm system on the premises; and
- (f) The particulars and contact details of every responsible person.

3) Area Study

An area study addressing the following:

- (a) A history of emergency incidents on the premises
- (b) Any important and relevant features or landmarks regarding the premises; and
- (c) Any information regarding adjacent premises that may be relevant.

4) Socio-Economic or other Threats

Any socio-economic or other threats and their potential impact on the premises.

5) Details of Available Equipment

Particulars and details regarding the position of the following equipment:

- (a) Equipment in the control room;
- (b) Fire fighting and first aid equipment on the premises; and
- (c) Any other equipment, which may be relevant in an emergency.

6) The Emergency Team

Particulars and details regarding the identity of members of the emergency team, including-

- (a) Its management;
- (b) The continuity officers;
- (c) The fire teams; and
- (d) The first aid teams.

I. Duties of Emergency Team Members

The duties and responsibilities of members of the emergency team

II. Action Plans and Emergency Procedures

Details of the specific action plans and emergency procedures applicable.

III. Building Plans and Maps

The building plans of the premises and any relevant topographical maps.

IV. Emergency Plan Register

The plan must include-

- (a) An updated register of the emergency evacuation plan;
- (b) An updated drill register for the emergency evacuation plan; and
- (c) A bomb threat questionnaire.

7) Review of Emergency Evacuation Plans

- (a) An emergency evacuation plan must be reviewed and updated by the owner or occupier of the premises concerned at least once each year and whenever a member of the management of the emergency team ceases to work at the premises.
- (b) Whenever an emergency plan is reviewed and updated, the owner or occupier of the premises concerned must ensure that all old plans on the premises or in the possession of the management of the emergency team are collected and destroyed in order to eliminate any confusion regarding the validity and accuracy of the evacuation plan.

8) Emergency Evacuation Drills

- (a) An emergency evacuation plan should be drilled at least twice each year and involve the participation of all persons who work or reside in the building concerned.
- (b) The owner or person in charge of a building should give all persons who are to be involved in an emergency evacuation drill at least 21 days notice of the drill.

9) Emergency Evacuation Awareness

Every person who works or resides on premises should be aware of the emergency evacuation plan for that premises.

Every person who resides or works on premises with an emergency evacuation plan should be suitably trained in-

- (a) First aid or fire fighting;
- (b) Emergency aid;
- (c) Emergency evacuation procedures; and
- (d) Emergency management techniques.

SCHEDULE 2

Exemption from Certificate of Registration (Premises)

A Certificate of Registration in terms of these Bylaws is not required if the flammable substances concerned are of a type and do not exceed the quantity stipulated below.

Gases

Class 0	Liquefied petroleum gas	<p>Flat- Total cylinder capacity may not exceed 9kg per flat</p> <p>Houses or commercial premises- Total maximum of 19kg inside and total maximum of 48kg on premises</p> <p>Industrial premises- Maximum of 19kg per 600m³ of building space with a total maximum of 48kg</p>
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Flammable Liquids and Combustible Liquids

Class 1	Liquids that have a flash point of below 21 degrees Celsius	Total maximum of 200 liters
Class 11	Liquids that have a flash point of 21 degrees Celsius, up to and including 55 degrees Celsius	Total quantity of 400 liters.
Class 111	Liquids that have a close-cap flash point of 55 degrees Celsius or above but up to and including 100 degrees Celsius	

SCHEDULE 3**Exemption from Dangerous Goods Placards for (Vehicles)**

Dangerous Goods Placarding is not required for the transport of dangerous goods of the type and not exceeding the quantity stipulated below.

GROUP	DESCRIPTION	QUANTITY
1	GASES Flammable gasses Non-flammable gasses	Total cylinder capacity may not exceed 50 kg/cylinder-Total of 100kg or 250liters Total capacity may not exceed 333kg
2	FLAMMABLE LIQUIDS With flash point \leq 18 degrees Celsius (Class 1) With flash point $>$ 18 degrees Celsius but \leq 23 degrees Celsius With flash point $>$ 23 degrees Celsius but \leq 64 degrees Celsius . With flash point $>$ 61 degrees Celsius but \leq 100 degrees Celsius (Class 3)	Total quantity may not exceed 210 liters. Total quantity may not exceed 420 liters. Total quantity may not exceed 600 liters. Total quantity may not exceed 1100 liters.
3	FLAMMABLE SOLIDS Flammable solids	Total quantity may not exceed 250kg.
4	OXIDISING AGENTS AND ORGANIC PEROXIDES Oxidizing agents Group 2 organic peroxides in packets	Total quantity may not exceed 200kg. Total quantity may not exceed 200kg.
5	TOXIC/INFECTIVE SUBSTANCES Group 1 toxic substances in packets Group 2 toxic substances in packets Group 3 toxic substances in packets	Total quantity may not exceed 5kg. Total quantity may not exceed 50kg. Total quantity may not exceed 500kg.

6	CORROSIVE/CAUSTIC SUBSTANCES Group 1 acids in packets Group 2 acids in packets Group 3 acids in packets Group 1 alkaline substances in packets Group 2 alkaline substances in packets Group 3 alkaline substances in packets	Total quantity may not exceed 50kg. Total quantity may not exceed 20kg. Total quantity may not exceed 1000kg. Total quantity may not exceed 50kg. Total quantity may not exceed 200kg. Total quantity may not exceed 1000kg.
7	MISCELLANEOUS SUBSTANCES Liquids Solids	Total quantity may not exceed 210 liters. Total quantity may not exceed 210kg.

SCHEDULE 4

Sans Codes of Practice and Specifications

SABS CODE	TITLE
SANS 10019	Portable metal containers for compressed gas- basic design, manufacture, use and maintenance
SANS 10087: Part 1	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 1: Liquefied petroleum gas installations involving storage containers of individual water capacity not exceeding 500l and a combined water capacity not exceeding 3000l per installation
SANS 10087: Part 3	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 3: Liquefied petroleum gas installations involving vessels of individual water capacity not exceeding 5000l.
SANS 10087: Part 4	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 4: Transportation of liquefied petroleum gas in bulk by road.
SANS 10087: Part 7	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 7: Storage and filling site for refilling liquefied petroleum gas (LPG) containers of capacity not exceeding 9kg.
SANS 10089: Part 1	The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations.
SANS 10089: Part 2	The petroleum industry, Part 2: Electrical installations in the distribution and marketing sector.
SANS 10105: Part 1	The classification, use and control of firefighting equipment, Part 1: Portable fire extinguishers.
SANS 10108	The classification of hazardous locations and the selection of apparatus for use in such locations.
SANS 10131	The handling and storage of liquid fuel, Part 1-3. Aboveground Tanks
SANS 10142	The wiring of premises.
SANS 10177: Part 5	The testing of materials, components and elements used in buildings: non-combustibility at 75 degrees Celsius of building materials.
SANS 10193	Fire dampers.
SANS 10228	The identification and classification of dangerous substances and goods.
SANS 10230	Transportation of dangerous goods: Inspection requirements of road vehicles.
SANS 10232: Part 1	Transportation of dangerous goods-Emergency information systems, Part 1: Emergency information systems for road transportation.
SANS 10263	The warehousing of dangerous goods, enclosed storage and covered and underground outdoor storage yards.
SANS 10400	The application of the National Buildings Regulations.
SANS 101186: Part 1	Symbolic safety signs, Part 1: Standard signs and general requirements.
SANS 101253	Fire doors and fire shutters.
SANS 101398	Road tank vehicles for flammable liquids.

Where in these regulations reference is made to SANS Codes of Practice such reference relates to the document with the number and title as referred to in SANS 10400.

Number	Title
SANS 10543	Fire Hose Reels

SANS 10810	Portable Rechargeable Dry
SANS 101128	Fire Fighting
SANS 1186	Symbolic Safety
SANS 1253	Fire Doors
SANS 10087	Handling, Storage and Distribution of LPG
SANS 10089	Codes of Practice for the Petroleum Industry.
SANS 10105	The Classification, Used and Routine Maintenance of Fire Extinguishers
SANS 10131	The Storage and Handling of Liquid
SANS 10228	The Identification and Classification of Dangerous Substances and Goods
SANS 10229	Packaging of Dangerous Goods for Road and Rail Transport
SANS 10400	The Application of the National Buildings Regulations
SANS 101398	Road Tank Vehicle for Flammable Liquids

SCHEDULE 5: An Example

Form of Indemnity

INDEMNITY

In, consideration of the permission, to be granted by the Chief Fire Officer of On (date) to as specified therein/ I, the undersigned hereby indemnify and safeguard against loss the Council and its employees against all action, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken against it or be incurred or become payable by it arising out of or in connection with any damage, death or injury caused or alleged to have been caused by or as a result of such activities.

Signed at On this day of20.....

.....

APPLICANT

Witnesses:

1.
2.

SCHEDULE 6**An Example: Tariff of Charges**

NUMBER	SERVICE PROVIDED	TARIFF EXCL. VAT	TARIFF INCL. VAT
1.	PUMPING APPLIANCE; AERIAL APPLIANCE AND SPECIALIST APPLIANCE: Turn Out Working per hr Standby per hr	2500.00 1800.00 1000.00	2850.00 2052.00 1140.00
2.	SERVICE VEHICLES Turn Out Working per hr Standby per hr	1500.00 550.00 400.00	1710.00 627.00 456.00
3.	TRAILER OR PORTABLE PUMP Turn Out Working per hr Standby per hr	1300.00 700.00 300.00	1482.00 798.00 342.00
4.	The charge is increased for services out of the jurisdictional area by 100% and extra's like foam and extinguishing agents are added at their present market cost.		
5.	Inspection of premises, including exits, equipment and appliances per	200.00	228.00

	firefighter per hour.		
6.	Attendance at an event or performance per firefighter per hour.	200.00	228.00
7.	Issuing of certificates of registration for vehicles or premises. Per Certificate.	450.00	513.00
8.	Issuing of certificates of competence. Per Certificate.	450.00	513.00
9.	Providing a Certified Copy of an incident report. Per copy.	200.00	228.00
10.	Testing fire hose per length.	100.00	114.00
11.	Replacing parts of a fire hose such as couplings and washers. Current market price of parts plus.....	100.00	114.00
12.	Servicing portable fire extinguishers and fire hose-reels and hydrants. (Cost of parts and extinguishing agents at existing market prices.	200.00	228.00
13.	Fire Officer Specialist Service per hour. E.g. Fire investigation or Risk Assessment.	400.00	456.00
14.	Hire of Fire Station Facilities. Per Room.	700.00	798.00

15.	Monthly fee for connection of fire alarm to Communication Centre.	200.00	228.00
16.	Fire Training Courses: See Training Chapter		
17.	For removal of Flammable Liquids or other substances. Per Hour. Cost of materials at current prices.	250.00	285.00
18.	Fireworks Display: Application and documentation.	500.00	570.00
19.	Certificate of Compliance	800.00	912.00
20.	Fee for approval; authorization or permission.	800.00	912.00
21.	Inspection of Fire Breaks per hour.	800.00	912.00

SCHEDULE 7 – An Example

Spraying Room / Booth Permit

This is to certify that the spraying room/booth on the following premises complies with the Council’s By-Laws relating to Petroleum Products:

Name of Company :

Street Address :

This certificate must be available on request by an authorized official,

This permit shall, unless previously revoked, cancelled or suspended, expire on

Date :

Receipt Number :

Amount :

.....

Chief Fire Officer

OFFICIAL STAMP

SCHEDULE 8: An Example

Application for Certificate of Registration (Premises)

Date.....

Application for a Certificate of Registration for premises under the Bylaws relating to Flammable Liquids and Substances.

This form must be completed and forwarded to the Chief Fire Officer and be accompanied by a plan of the premises, in terms of the Bylaws.

Full name of applicant; if a company, the name of company and its secretary

(Write in block letters):

Name of applicant

Trading as

Name of Secretary

State the address of the premises to be registered and the name of the Owner thereof:

Name of Owner

Subdivision Lot

Street No Block .

Street

State class of business

Give a full description of existing and proposed buildings

How many Spraying Rooms/Booths are there on the premises?

If this application is for additional storage, state the number of extra litres

How many flammable liquid tanks are there on the premises?

State total storage capacity of flammable liquid tanks on the premises (in litres).

Litres

State the type and number and date of issue of any mineral oil and/or trading licence issued for these premises. If no licence has been granted, please state date of application therefore.

How many flammable liquids stores are there on the premises?

Number of stores

State capacity of stores in litres.

Capacity Litres

State total quantity in litres proposed to be kept on the premises

Class 0

Class I

Class II

Class III

How many flammable liquid Pumps are there on the premises? _____

How many fire extinguishers are there on the premises? State the capacity and make of each.

Maker's name

Number on premises

Capacity of each

Signature of applicant

Capacity of signatory

Address

Phone. P.O. Box No.

SCHEDULE 9: An Example

Certificate of Registration

This is to certify that the premises situated at and occupied by have been approved for the keeping and handling of inflammable liquids and/or substances. The maximum amount of inflammable liquids and/or substances shall not exceed:

CLASS 0 (LPG) : (Kg)

CLASS 1 : (Litres) Liquids having a flashpoint below 21 degrees Celsius

CLASS 11 : (Litres) Liquids having a flashpoint between 21 and 55 degrees Celsius.

CLASS 111 : (Litres) Liquids having a flashpoint of over 55 degrees Celsius but under 100 degrees Celsius

This certificate is issued subject to the following conditions:

- (a) All requirements as laid down in the Council’s Flammable Liquids and Substances By-Laws are to be complied with.

Date :

Receipt Number :

Amount :

This registration of the said premises expires on:

This certificate must be available on request by an authorized official.

.....

Chief Fire Officer

OFFICIAL STAMP

SCHEDULE 10: An Example

Application for Certificate of Competence

Full name of applicant (in block letters)

Postal address

Age

Length of residence in Durban

Name of Employer

Period of service with present employer

Address of Employer

Brief details of experience in the use and construction of fire extinguishing appliances

Signature of Applicant

SCHEDULE 11: An Example

Certificate of Competence

This is to certify that the Person named hereunder passed a test carried out by me the
in regard to his knowledge in the construction, use and purpose of fire fighting equipment, and
having satisfied the requirements of this Department is entitled to this Certificate of Competence.

1. Person
2. Postal address
3. Signature of Holder

Date of issue Certificate No

Signature of examining officer

(Note: This certificate is not transferable).

SCHEDULE 12: An Example

Application for Certificate of Registration (Vehicles)

Date.....

Application for a Certificate of Registration for a vehicle under the Bylaws relating to Flammable Liquids and Substances. This form must be completed and forwarded to the Chief Fire Officer.

Full name of applicant. If a company, the name of company and its secretary.

(Write in block letters).

Name of applicant

Trading as.

Name of secretary

Details of the vehicle for which a Certificate of Registration is required.

Type or class of vehicle

(trolley/wagon/van/lorry/tanker/etc)

Registration No.

Tare

Load

Make

Number of Containers or tanks

Capacity of Containers or tanks

Year of manufacture

Engine No.

Chassis No.

Quantity of liquid of flammable substances to be conveyed.

Class O litres

Class I litres

Class II litres

Class III litres

Manner in which it is proposed to convey the liquid

Number of Containers or tanks

Capacity of Containers or tanks

Signature of applicant

Capacity of signatory

Phone.....

Postal Address:

SCHEDULE 13: An Example

Certificate of Registration (Vehicles)

This is to certify that the vehicle, particulars of which are given below, has been examined and found to comply with the prescribed structural requirements as contained in the Municipality's Bylaws relating to Flammable Liquids and Substances for the conveyance of _____ 1 of Class O/Class I/Class II/ Class III * flammable liquids in tanks/Containers each of a capacity litres within the limits of the municipal area and subject to all bylaws for the time being in force.

Registration No: Make

Type of vehicle

Owner's name

Address

This Certificate of Registration is not a warranty of fitness of the vehicle herein described and any Owner, driver or other Person interested should satisfy himself as to the construction and condition of the said vehicle.

Chief Fire Officer

Date

This Certificate of Registration must be displayed in a conspicuous position on the vehicle.

* Delete whichever is not applicable.

SCHEDULE 14: An Example

Application for Transfer of Certificate of Registration (Premises)

I hereby apply for the Certificate of Registration No.

issued on (date)

in respect of the premises situated at

used as

or in respect of the vehicle with the registration no. Make

Type to be transferred to: -

NAME

ADDRESS

The reason for this application to transfer the Certificate of Registration from one Person or firm to another Person or firm is because

Date.

Signature of applicant

Address

Phone:

Postal Address.....

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