



## MUNICIPAL NOTICE

### DRAFT PUBLIC HEALTH BY-LAWS

Ugu District Municipality is in the process of finalising Public Health by-laws as per Section 256 of the Constitution and Section 24, Chapter 2: Bill of Rights, and other related legislation. Chapters 18, 19, 20 and 21 have now been incorporated into the draft by-laws, and same are being made available for public comments.

Therefore members of the public are hereby being invited to make written representations on the draft by-law document, which is available on the following venues and sources:

Venue	Address
Ugu website	<a href="http://www.ugu.gov.za/">www.ugu.gov.za/</a>
Ugu Oslo Beach Offices	Phase 2 Building, 96 Marine Drive, Oslo Beach
Ugu Port Shepstone Offices	28 Cornor Street, and 31 Bazley Street, Port Shepstone
Ugu Park Rynie Offices	Corner William and Preston Streets, Park Rynie
Ugu Harding Offices	Lot 186, Musgrave Road, Harding

Comment period closes **21 days** from the date of this advert and comments can be sent by post, marked for the attention of The Municipal Manager - PO Box 33 Port Shepstone, 4240; OR via e-mail to Mr Vella Gramoney or Prajesh Ramsumugth on [Vella.Gramoney@ugu.gov.za](mailto:Vella.Gramoney@ugu.gov.za) or [Prajesh.Ramsumugth@ugu.gov.za](mailto:Prajesh.Ramsumugth@ugu.gov.za) or Telephone 039 688 5744 / 039 9761333.

Road shows will also be held to solicit comments on the draft Public Health by-laws, at the following venues and dates:

Venue	Date	Time
Umzinto Dining Hall	18 October 2016	10 am
Marburg Library activities room	19 October 2016	10 am
Harding/Umuziwabantu Town Hall	25 October 2016	10 am

D D NAIDOO  
MUNICIPAL MANAGER  
UGU DISTRICT MUNICIPALITY



## ISAZISO SIKAMASIPALA

### IMITHETHO KAMASIPALA ESALUHLAKA EMAQONDANA NEZEMPILO YOMPHAKATHI

Umasipala Wesifunda uGu uphezu kwezinhlelo zokuphuthula iMithetho ka Masipala emaqondana Nezempilo Yomphakathi njengalokho kuyalela iSigaba 256 soMthethosisekelo kanjalo neSigaba 24 Isahluko 2 soMqulu Wamalungelo Abantu , kanye neminye imithetho eqondene nalokho. Izahluko 18, 19, 20 no 21 manje nazo sezifakiwe kulemithetho kamasipala esaluhlaka, futhi seziyatholakala ukuze umphathi uzwakalise uvo lwawo. Ngakho-ke kunxuswa amalunga omphakathi ukuba alethe izethulo ezibhaliwe maqondana nalo mqulu wemithetho kamasipala esaluhlaka, ozotholakala kulezi zindawo nakule mithombo elandelayo.

Indawo	Ikheli
Kwisizandalwazi ( Website) sikaMasipala uGU	<a href="http://www.ugu.gov.za/">www.ugu.gov.za/</a>
Emahhovisi ka Masipala uGu e- Olso Beach	Phase 2 Building ,96 Marine , e Olso Beach
Emahhovisi ka Masipala uGu e- Portshepstone	28 Conner Street , and 31 Bazely Street , E -Port Shepstone
Emahhovisi ka Masipala uGu e-Park Rynie	Corner William and Preston, e-Park Rynie
Emahhovisi ka Masipala uGu e- Harding	Lot 186, Musgrave Road,e-Harding

Ukwamukela kwemibono kuyovalwa ezinsukwini ezingama -21 kusukela osukwini okukhishwe ngalo lesi sikhangiso futhi imibono ingathunyelwa ngeposi ,iqondiswe ku Meneja ka Masipala kuleli kheli; PO Box 33 Port Shepstone ,4240 ; NOMA ngokuthumela i-meyili kuMnu. Vella Gramoney noma u Prajesh Ramsumugth ku- [Vella.Gramoney@ugu.gov.za](mailto:Vella.Gramoney@ugu.gov.za) noma ku- [Prajesh.Ramsumugth@ugu.gov.za](mailto:Prajesh.Ramsumugth@ugu.gov.za) kumbe ngokushaya ucingo kule nombolo ethi: 039 688 5744/ 039 976 1333.

Kuzobanjwa nemikhankaso yokuqoqa izimvo zomphakathi maqondana nale Mithetho Kamasipala, le mikhankaso ihlelwe kanje:

Indawo	Usuku	Iskhathi
Umzinto Dinning Hall	18 KuMfumfu 2016	Ngehora le-10 ekuseni
e- Marburg Library Activities Room	19 KuMfumfu 2016	Ngehora le-10 ekuseni
Eholo ledolobha e Harding / Umziwabantu	25 KuMfumfu 2016	Ngehora le-10 ekuseni

D D NAIDOO  
MUNICIPAL MANAGER  
UGU UMASIPALA WESIFUNDA

## UGU DISTRICT MUNICIPALITY

The Municipal Manager of the Ugu District Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Ugu Public Health Bylaws for the Ugu District Municipality as approved and adopted by Council on \_\_\_\_\_ under Resolution No. \_\_\_\_\_

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

Act	means the National Health Act 2003, (Act 61 of 2003) as amended, and any expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context otherwise indicates-
Adequate	means 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 public health, and to achieve the purpose and apply the principles of these by-laws and “adequately” has a corresponding meaning
Adequately ventilated and lighted:	means ventilated and illuminated by means of windows with an uninterrupted transparent area equal to at least 10 percent of the floor area and with an area which can be opened equal to at least 5 percent of the floor area, and so placed that cross ventilation is facilitated.
Agricultural holding	means the same as defined in the applicable Town Planning Scheme
Animal	means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, reptile, insects and wild animal;
Approved	means when used to describe a particular object, measure or material, means an object, measure or material which is adequate in specified circumstances to prevent, or reduce to a level acceptable to the Municipal council, the risk of any public health hazard or public health nuisance occurring, continuing or recurring;
Approved container	means a coffin or other approved containers;
Approved milking shed:	means a milking shed in respect of which a certificate of acceptability has been issued and is enforced.
Aquifer	means a geological formation which has structures or textures that hold water or permit appreciable water movement through them;
Authorised officer	means any employee, official or metropolitan police officer of the Municipality who is duly authorised to exercise any power or perform any function in terms of these by-laws;
Authorised official	means an official authorised by the Municipal council for the purpose of these by-laws to perform and exercise

	any or all of the functions in terms of these by-laws or the provisions of any other law;
Aviary	means an enclosure used for the keeping of birds, other than poultry but does not include a portable cage;
Baker	means any person who carries on the business of manufacturing any bakery products.
Bakery	means the premises or any part thereof on or in which the business of a baker is carried on.
Bakery product	shall include bread, rolls, pies, biscuits, cakes, tarts, confectionery, sweet meats and similar products.
Best before	means, with respect to food, the date indicating the end of the period under any stated storage conditions specified on the label by the manufacturer during which the product will remain fully marketable, edible and safe and will retain any specific qualities for which tacit or express claims are or have been made;
Borehole	means a well, excavation or any artificially constructed or improved underground cavity which can be used for the purpose of- <ul style="list-style-type: none"> <li>(a) Intercepting, collecting or storing water in or removing water from an aquifer;</li> <li>(b) Observing and collecting data and information on water in an aquifer; or</li> <li>(c) Recharging an aquifer;</li> </ul>
Builder's Refuse	means refuse generated by the demolition of a building, excavation or building activities;
Bulky Refuse	means refuse which, due to its mass, shape, size or temporary extraordinary generation, cannot be conveniently stored in a refuse receptacle or container, but does not include builder's refuse or special domestic refuse;
Butcher	means a person carrying on the business of selling meat in wholesale quantities, offering or exposing meat for sale by retail in a shop or fixed place, or by offering meat for sale or delivery from some other place.
Butchery	means any premises used for the purpose of such business.
Cadaver	means a corpse or a dead body (mortal remains and human remains/human waste shall have a corresponding meaning);
Camp or camping	means the erection or use of a temporary or movable structure for the purpose of human occupation, including tents but excluding non-folding caravans;
Camping ground	means an area of land on which accommodation is provided for camping purposes, whether or not a charge is made for such accommodation;
Camp site	means an area or plot of ground within a camping ground for the accommodation of camper's party:
Camper's party	means a party of not more than six persons;
Caravan	means a vehicle, with or without means of self propulsion, designed and permanently constructed for sleeping or dwelling purpose, or both, intended for travel, recreation and vocational purposes and having no foundation other than wheels which may be supplemented by stabilizing jacks. (Park Homes or any other similar structure or vehicles not normally permitted without a special permit are from this definition).

Caravan Park	means an area of land on which accommodation is provided for three or more caravans, whether or not a charge is made for such accommodation;
Caravan site	means an area or plot of ground within a caravan park for the accommodation of a caravan and its towing vehicle, if any;
Cattery	means premises in or upon which –  (a) Boarding facilities for cats are provided ; Or  (b) Cats are bred for commercial purposes;
Certificate of Competence	means a document contemplated in section (2) (a) of this By Law;
Certificate holder	means the person in whose name a certificate of competence has been issued;
Child	means any person under the age of 18 years and "children" has a corresponding meaning
Child Care Service	means, whether for profit or otherwise, the temporary or partial care of children under 18 years of age apart from their parents including children's homes and day mothers, but does not include any boarding school, school hostel or any establishment which is maintained or used mainly for the tuition or training of children and which is controlled by or which has been registered or approved by the State;
Children's home	means any residence or home maintained for the reception, protection, care and bringing-up of more than six children living apart from their parents, guardian or person in whose custody the child is, but does not include any school of industries or reform school which has been approved by the State.
Clean	means free of any dirt, impurity or objectionable matter or contamination;
Compliance notice	means a notice issued by the municipality to compel compliance with these bylaws;
Cosmetology or beauty service	means but is not limited to anyone or more of the following services:  (a) Manicure, pedicure, nail technology or the application of false or artificial nails or nail extensions, whatever the substance used;  (b) Eyebrow shaping and plucking including the application of false or artificial eyebrows or eyelashes and tinting of eyelashes  (C) Cosmetic and camouflage make-up of the face and its features, whether by permanent, semi permanent or temporary means;  (d) Facial skin care;  (e) Removal of unwanted or superfluous hair from any part of the body by any means, other than shaving, including by means of waxing, chemical depilatories, electrical or mechanical means, whether or not any apparatus, appliance, heat, preparation or substance is used in any of these operations;  (f) Body piercing and tattooing for cosmetic purposes;  (g) Massaging;

	(h) Body bronzing by means of ultraviolet radiation or any similar method, or
	(i) Body contouring including all forms of slimming;
Communicable disease	means a disease resulting from an infection due to pathogenic agents or toxins generated by the infection, following the direct or indirect transmission of the agents from the source to the host;
Corpse	means a dead human body or its remains whether decomposed or otherwise;
Crematorium	means a place used for the purpose of burning or cremating a corpse and includes every part of those premises;
Day mother	means any owner of a private household partially or temporarily maintained for the care of no more than 6 children at a time for gain.
Dairy	means any premises occupied and used by a dairyman, for the production and sale or supply of milk.
Dairy product	means milk or a product obtained or manufactured exclusively or mainly from milk and to which no unpermitted substances or another foodstuff of which the solids are not meant to substitute any part of the milk solids, are added.
Dairy stock	means cows, she-goats, ewes, and mares used in the production of milk for human consumption.
Director-General	means the Director-General of the National Department of Health;
Disinfection	means the reduction, without adversely affecting the food by means of hygienically satisfactory chemical agents or physical methods, of the number of micro-organisms to a level that will not lead to harmful contamination of food.
Domestic Consumption	means the use of water for: <ul style="list-style-type: none"> <li>(a) Human consumption</li> <li>(b) Preparing or manufacturing food or drink for human consumption</li> <li>(c) Cleaning vessels or utensils used in the preparation or manufacture of food or drink for human consumption or</li> <li>(d) Any other domestic purpose</li> </ul>
Domestic refuse	means refuse normally produced or generated on residential premises and includes but is not limited to the manure or dung of any animal or bird kept as a domestic pet, but does not include sand, earth, liquid matter, garden refuse or the carcass of any animal or special domestic refuse;
Dormitory	means a sleeping room in which sleeping accommodation is provided for four or more persons.
Dwelling	means any house, room, shed, hut, tent, cave, 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
Embalmer	means a person who embalms corpses; something which preserves and prevents decay



Embalming	means the treatment of human remains in order to prevent decay;
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;
Environmental authorization	means an authorization as defined in the National Environmental Management Act 1998, (Act 107 of 1998)
Environmental Health Practitioner (EHP)	means a person registered as such in terms of section 34 of the health professions Act 56/1974 and who performs functions as listed in the schedule of the scope of professions of environmental health, as amended.
Exemption certificate	means a certificate issued in terms of Section 11 of this Bylaws
Expiry date	means, with respect to food, the date indicating the end of the period under which the product will remain fully marketable, edible and safe and must thereafter be disposed of
Export Permit	means the permit issued by the Director-General or delegated Provincial Head of the Department authorizing the exportation of mortal remains from South Africa;
Facility	means any apparatus, appliance, equipment, implement, storage space, working surface or object used in connection with the handling of food.
Family	means a man or woman or both, or one or both partners of a same sex relationship, with or without their parents and with or without the children of one or the other or both of them, living together as one household.
F.C.D.	means Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972
Food	Means a foodstuff intended for human consumption, as defined in section 1 of the F.C.D. Act excluding food referred to in regulation 14.
Food handler	means a person who in the course of his or her normal routine work on food premises comes into contact with food not intended for his or her personal use.
Food premises	means a building, structure, stall, or other similar structure, and includes a caravan, vehicle, stand or place used for or in connection with the handling of food.
Foodstuff	means any article or substance, including natural mineral water or bottled water, but excluding medicine, ordinarily eaten or drunk by humans or purporting to be suitable, or manufactured or sold, for human consumption and includes any part or ingredient of any article or substance or any substances used, intended or destined to be used as a part of any article or substance;
Funeral Undertaker's Premises	mean premises that are used or intended to be used for the preparation and storage of corpses and may undertake funeral and burial services;
Garden refuse	means refuse generated as a consequence of normal gardening activities, including but not limited to grass cuttings, leaves, plants, flowers, weeds, clippings of trees, hedges or fences and other similar small and light matter
Goods	means any wares, articles, receptacles, vehicles or structures;

Hairdressing	<p>includes, but is not limited to, any one or more of the following services:</p> <ul style="list-style-type: none"> <li>(a) Shampooing and cleansing, conditioning and treating hair;</li> <li>(b) Chemical reformation of the hair including permanent waving, relaxing and straightening of the hair;</li> <li>(c) hair colouring , including tinting, dyeing and colouring by means of permanent, semi permanent or temporary means, including the use of colour rinses, shampoos, gels or mousses and lightening by means of tints, bleaches, highlights or high lifting tints or tones;</li> <li>(d) Hair cutting and shaping</li> <li>(e) Barbering services including shaving and singeing of hair; Or</li> <li>(f) the adding to hair of natural and artificial hair and hair extensions, board work, pastiche, wig making or the performing of any operation specified in paragraphs (a) to (e) on a wig or hairpiece to be worn by any person; Or</li> <li>(g) Trichology and trichological treatment of the hair including the treatment of abnormalities and disorders of the hair;</li> </ul>
Handle	includes process, produce, manufacture, packaging, storing, preparation, display, transport, sale or serving of foodstuffs.
HCS	means Hazardous Chemical Substances
Head of Department	means the Provincial Head of the Department responsible for Health;
Health care risk waste	<p>means any biomedical material or waste which falls into any of the following categories –</p> <ul style="list-style-type: none"> <li>(a) Anatomical waste, which includes human and animal anatomical waste, excluding blood, body fluids, extracted teeth, nail clippings and hair;</li> <li>(b) Infectious non-anatomical waste, which includes any waste known or clinically assessed to be at risk of being contaminated with micro organisms and capable or suspected of transmitting and reasonably likely to transmit disease, including, but not limited to, microbiological laboratory waste from surgeries and autopsies performed on a patient with an infectious or communicable disease and all contaminated waste from infectious patients and discarded vaccines;</li> <li>(c) Sharps and similar waste, which include any clinical item capable of causing a cut or puncture, including but not limited to needles, syringes, blades, clinical glass and similar articles;</li> <li>(d) Pharmaceutical and genotoxic chemical waste which include – <ul style="list-style-type: none"> <li>(i) Pharmaceutical products and medicinal chemicals that –</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>(aa) are no longer useable in patient treatment and have been returned from a health care establishment;</li> <li>(bb) are outdated;</li> <li>(cc) are contaminated;</li> <li>(dd) have been stored improperly;</li> <li>(ee) are no longer required; or</li> <li>(ff) are items contaminated with cytotoxic or radioactive pharmaceuticals;</li> </ul>
	(ii) chemical waste from diagnostic or experimental work or any other use which is genotoxic or an item contaminated with the chemical waste; or
	(iii) radioactive waste, which includes all waste that should be handled or disposed of in terms of the Nuclear Energy Act, 1993 (Act No. 131 of 1993);
Health certificate	means a health certificate issued in terms of section 86
Health certificate holder	means a person to whom a health certificate has been issued in terms of section 86, and includes a legal person or a partnership or association of persons to whom a health certificate has been issued or a person acting for such health certificate holder;
Health Officer	means a health officer appointed by the municipality;
Import permit	means the permit issued by the Director-General or delegated Provincial Head of the Department authorizing the importation of mortal remains into South Africa;
Industrial refuse	means refuse which is generated as a result of activities carried on in a factory but does not include builder's refuse, special industrial refuse or trade refuse;
Inspector	means a person authorised as such, under section 10 of the FCD Act, 54 of 1972 or an "Environmental Health Practitioner (EHP)" shall mean a person registered as such in terms of section 34 of the health professions Act 1974 (Act 56 of 1974) and who performs functions as listed in the schedule of the scope of professions of environmental health, as amended
Keeper	<p>means –</p> <ul style="list-style-type: none"> <li>(a) in relation to any animal, the owner of the animal or any other person responsible for feeding and caring for the animal;</li> <li>(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 premise in which the animals are kept;</li> </ul>
Kennels	<p>means premises in or upon which –</p> <ul style="list-style-type: none"> <li>(a) boarding facilities for dogs are provided;</li> </ul>

	<p>(b) dogs are bred for commercial purposes;</p> <p>(c) dogs are kept for the purposes of being trained or hired out with or without handlers; or</p> <p>(d) dogs are kept for commercial security purpose;</p>
Land pollution	means any change in the environment caused by substances, radioactive or other waves or noise, odours, dust or heat emitted from any activity, including the storage or treatment of waste or substances, construction and the provision of services, whether engaged in by any person or organ of state, 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 could have an effect in the future
Livestock	means horse, cattle, sheep, goats, pigs, mules, donkeys and poultry.
Local authority	means a relevant municipality as established under section 155 of the constitution Act, 1996 (Act No. 108 of 1996) as amended;
Manufacture	includes production, or preparation, processing, preservation or other manufacturing process.
Meat	means the clean, sound and wholesome skeletal musculature and fatty tissue of any animal species, including game or bird species, used as a foodstuff, together with any connective tissue, bone, fat and cartilage that occurs naturally in the skeletal musculature of the dressed carcass and head, excluding the musculature of the lips, snout, scalp and ears.
Milk	means the mammary secretion of dairy stock, obtained from one or more milking for consumption as liquid milk or for further processing.
Milk dealer	means any person, other than a dairyman, who receives, collects, treats, prepares for sale, or sells milk at or from a milk depot, and who is registered as such.
Milking parlour	means that area of the milking shed in which dairy stock are milked.
Milk tanker	means a vehicle for the transportation of milk in bulk.
Milk vessel	means and includes every receptacle, can, vessel, utensil, bottle, appliance, or any other thing, which is used by a dairyman, milk dealer or milk purveyor, for the production, collection, keeping, storage, preparation, treatment, measurement, conveyance, delivery or distribution of milk.
Mortal/human remains	means the remains of a dead person in any form (corpse has a corresponding meaning);
Municipal area	means the area under the jurisdiction of the Municipal council;
Municipal council	means the Ugu District Municipality contemplated in Section 157 (i) of the Constitution
Municipal manager	means a person appointed as such by the Municipal council in terms of Section 54A (1) (a) of the Local Government: Municipal Systems Act 32 of 2000 (as amended);
Municipal Official	means an official in the employment of the municipality

Municipal service	means a service that a municipality in terms of its powers and functions provides or may provide to or for the benefit of the local community
Municipality	means the Ugu District Municipality.
National Health Act	means The National Health Act (Act 61 of 2003)
NBRSA	means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);
Occupier, in relation to any premises,	means any person – <ul style="list-style-type: none"> <li>(a) Occupying the premises;</li> <li>(b) Leasing the premises;</li> <li>(c) Who is not occupying the premises but is entitled to do so; or</li> <li>(d) Who manages the premises or a business on the premises on behalf of a person referred to in paragraph (a), (b) or (c);</li> </ul>
Officer	means – <ul style="list-style-type: none"> <li>(a) A traffic officer appointed under section 3A of The National Road Traffic Act, 1996 (Act 93 of 1996);</li> <li>(b) A member of the South African Police Services as defined in section 1(1) of the Police Act, 1958 (Act 7 of 1958);</li> <li>(c) A peace officer contemplated in section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977);</li> <li>(d) A member of the Local Municipality Protection Services</li> </ul>
Overcrowding, in relation to any dwelling,	means - <ul style="list-style-type: none"> <li>(a) A residential occupancy in excess of 12 occupants per sanitary convenience; and</li> <li>(b) An occupancy of habitable rooms (being all those rooms in a dwelling excluding kitchens, pantries, bathrooms, sanitary conveniences, laundries, hallways, storerooms, stairways, landings or passages) for sleeping purposes where such occupation exceeds 1 adult per 3 m<sup>2</sup> of floor space for each person aged 10 years or more and 1, 8 m<sup>2</sup> of floor space for each person less than 10 years of age;</li> <li>(c) Over-crowding in relation to any office / work space shall comply with the standards as laid down in accordance with the Occupational Health and Safety Act 83/1993 , Environmental By-laws for workplaces, Regulation 6 .</li> </ul>
Perishable food	means any foodstuff which on account of its composition, ingredients, moisture content and/or pH value and of its lack of preservatives and suitable packaging is susceptible to an uninhibited increase in microbes therein or thereon, if the foodstuff is kept within the temperature spectrum of 5°C to 63°C, and includes the perishable foodstuffs listed in Government Notice No. R1183 of 1 June 1990.
Permit	means a public health permit issued by the Municipal council

Person	means a natural person or a juristic person, and includes an organ of state;
Person in charge	means the owner, the principal or any person who is in effective control of a childcare service
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;
Play area	means a separate area identified for children to play
Pollution	means the direct or indirect alteration of the physical, chemical or biological properties of a water resource so as to make it- <ul style="list-style-type: none"> <li>(a) less fit for any beneficial purpose for which it may reasonably be expected to be used;</li> <li>(b) harmful or potentially harmful- <ul style="list-style-type: none"> <li>(aa) to the welfare, health or safety of human beings;</li> <li>(bb) to any aquatic or non-aquatic organisms;</li> <li>(cc) to the resource quality; or</li> <li>(dd) to property;</li> </ul> </li> </ul>
Port health officer	means a health officer as defined and appointed in terms of Act as amended (an Environmental Health Practitioner has a corresponding meaning);
Potable water	means water which complies with the SANS 241 of 2011 with regards to its chemical, microbiological and physical quality or any subsequent amendments; Pure water has a corresponding meaning;
Poultry	means fowls, ducks, Muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea fowls;
Poultry house	means an 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;
Premises	means – <ul style="list-style-type: none"> <li>(a) Any land without any buildings or other structures on it;</li> <li>(b) Any building or other structure and the land on which it is situated;</li> <li>(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 vessel, vehicle or movable structure which is used for a scheduled trade;</li> </ul>

	(d) any land or building or part of any land or building in or on which a child care service is operated;
Packed food	means food which, before it is presented for sale or for serving, has been packed.
Preparation	means any action aimed at the preparation of a corpse for a funeral or for cremation, export or other disposal and shall include the embalming of such corpse for the said purposes, and "prepare" and any word derived there from shall have a corresponding meaning;
prescribed fee	means any fee charged or tariff determined by the Municipal council by resolution in terms of Section 75A of the Municipal Systems Act 32 of 2000 (as amended)
Prohibition notice	means a notice issued by municipal official;
Prophylaxis	means preventative treatment against diseases
Protective clothing	means overall of a light colour and head gear that completely covers the hair of the head.
Public health	means the mental and physical health and well-being of people.
Public health hazard	means any actual threat to public health, and without limitation, includes – <ul style="list-style-type: none"> <li>(a) The circumstances referred to in these by-laws;</li> <li>(b) Unsanitary conditions;</li> <li>(c) Circumstances which make it easier for a communicable disease to spread;</li> <li>(d) Circumstances which make food or drink, including water for domestic consumption, unhygienic or unsafe to eat or drink; and</li> <li>(e) Circumstances which allow pests to infest any place where they may affect public health;</li> </ul>
Public health nuisance	means the use of any premises or place in a manner which creates conditions that significantly increase the risk of a public health hazard occurring or which compromises any aspect of public health to an extent that is more than trivial or insignificant, and without limitation, includes those circumstances in which a public health nuisance is considered to exist.
Public place	means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden park, path, bus or taxi rank, servitude or enclosed space vested in the Municipal council 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.
Public road	means any road, street, thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or a section thereof or to which the public or any section thereof has a right of access and includes – <ul style="list-style-type: none"> <li>(a) the verge of any such road, street or thoroughfare;</li> <li>(b) any bridge, ferry, or drift traversed by any such road, street or thoroughfare, and</li> <li>(c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;</li> </ul>

Pure water	means clean and clear water that does not contain <i>Escherichia coli</i> .
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;
Registration certificate	means a registration certificate issued by the National Department of Social Development;
Relevant health authority	means a municipality, a provincial health or National sphere of government that has jurisdiction on the matter in question
Republic	means the Republic of South Africa
Rodent proof	means rodent-proof as laid down in the By-laws 2(a) and (b) promulgated by Government Notice R.1411 of 23 September 1966 and any subsequent amendments;
Salon	means any place where any or more of the following services are performed for gain: <ul style="list-style-type: none"> <li>(a) Hairdressing service;</li> <li>(b) Cosmetology on beauty services;</li> <li>(c) Body piercing and tattooing; Or</li> <li>(d) Massaging services;</li> </ul>
Salon service	means any one or more or a combination of the practices or services generally and usually performed by a person rendering service in the hairdressing, cosmetology or beauty service industry including any message, body piercing and tattooing service
Scheduled trade	means any business or activity listed in Annexure B;
Scheduled trader	means any person who owns, conducts or carries on a business which is listed as a scheduled trade or which includes an activity listed as a scheduled trade.
Second-hand good business	means any business in which used goods and materials are sold, including, without limitation – clothing, furniture, scrapped motor vehicles, footwear, timber, building bricks or blocks, building material or fittings, machinery, drums, tins, bottles, packing cases, boxes, crates or other containers, metal, rags, plastic bags, paper or any other material, which has previously been used, and bones or tallow
Sell	includes to offer, advertise, keep, display, transmit, convey or deliver for sale, or to exchange, or to dispose of to any person in any manner whether for a consideration or otherwise; and sold, selling and sale have corresponding meanings
Sell by	means, with respect to food, the last date of offer for sale, as specified on the label by the manufacturer, to the consumer after which there remains a reasonable storage period in the home and after which the product is still safe and edible;
Sewage	means soil water, wastewater or industrial sewage, either separately or together, excluding storm water;
Sewer	means a pipeline which is owned by the municipality and is used for the conveyance of sewage from premises to the sewage treatment works;



Sewer Connection	means a pipe owned by the municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of such premises or within a servitude area or with an area covered by way leave agreement.
Sewerage system	means the entire system of sewers owned by the municipality, including connecting sewers, pumping and ejector stations, sewage treatment and disposal works, water reclamation works, oxidation ponds, maturation ponds, irrigation area or other areas or plant and associated machinery used in the conveyance and treatment of sewage and disposal of sewage or by product resulting from the treatment of sewage;
Sidewalk	means that portion of a verge intended for the exclusive use of pedestrians;
Sludge	means the solid material settled out following a sewage treatment process
Soil pipe	means a discharge pipe which conveys soil water
Soil water	means liquid containing excreta
Spa bath keeper	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 purpose;
Spa bath keeper	means any person who owns or controls the operation of a spa bath;
Stable	means any building or structure used to accommodate livestock other than poultry
Storage tank	means a tank forming part of a water installation and used for the storage of water, other than a cistern serving a water-closet pan or a urinal and a tank used for storage of hot water
Suitable	means suitable in the opinion of the relevant department in the Municipality.
Swimming pool	means a structure with a controlled water supply used for swimming or bathing, including 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
Trade refuse	means refuse generated in the course of conduct of a business
Unsound food	means unwholesome sick, polluted, infected, contaminated, decaying or spoiled, or unfit for human consumption for any reason whatsoever
Vector control	means ensuring that an area is kept free of all rodents, vermin, insects, disease carriers or other pests;
Vehicle	means a train, trolley, wagon, cart, bicycle, truck, boat, and includes any other craft, vehicle or conveyance used in the handling or transport of food.
Verge	means that portion of the road, street or thoroughfare which is not the roadway. For the purposes of the provision of this by-law a person carrying on the business of street vendor, pedlar or hawker shall include any employee of any such person.

Vicinity	means the area as seen in the context of the problem which could range from adjacent premises up to an entire neighbourhood
Waste	<p>means in accordance with the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) means any substance, whether or not that substance can be reduced, re-used, recycled and recovered—</p> <ul style="list-style-type: none"> <li>(a) that is surplus, unwanted, rejected, discarded, abandoned or disposed of;</li> <li>(b) Which the generator has no further use of for the purposes of production;</li> <li>(c) That must be treated or disposed of; or</li> <li>(d) that is identified as a waste by the Minister by notice in the Gazette, and includes waste generated by the mining, medical or other sector, but— <ul style="list-style-type: none"> <li>(i) a by-product is not considered waste; and</li> <li>(ii) any portion of waste, once re-used, recycled and recovered, ceases to be waste;</li> </ul> </li> </ul>
Water	means, for domestic consumption, pure water which complies with SANS 241-2001 and any norms or standards set in terms of national and provincial legislation;
Watercourse	means a river or spring, natural channel in which water flows or any collection of water which the relevant Minister may, by notice in the Gazette, declare to be a watercourse, and, where relevant, a reference to watercourse includes its bed and banks;
Water pollution	means the direct or indirect alteration of the physical, chemical or biological properties of a water resource so as to make it harmful or potentially harmful to the welfare, health or safety of human beings, any aquatic or non-aquatic organisms, the resource quality or property;
Water resource	means any water source, including but not limited to a watercourse, surface water, estuary or aquifer.
Wild animal	means an animal of a species that is not generally domesticated and without limitation includes all animals indigenous to South Africa other than domesticated guinea fowls

## 2. OBJECTIVES

The objective of these by-laws is to enable the municipal council to promote and protect the health and well being of all people within the municipal area by providing in conjunction with any other applicable law an effective legal and administrative framework within which the municipal council can develop and manage its health obligations.

## CHAPTER 2

### PUBLIC HEALTH

#### PUBLIC HEALTH PRINCIPLES

### 3. PRINCIPLES

- (1) Every person has a constitutional right to an environment that is not harmful to his or her health or wellbeing and the Municipal council has a constitutional obligation, within its financial and administrative capacity, to promote a safe and healthy environment.

- (2) The risk of a public health hazard occurring, continuing or recurring shall be eliminated whenever reasonably possible, and if it is not reasonably possible to do so, it shall be reduced to a level acceptable to the public health and environment
- (3) Any person who owns or occupies premises in the municipal area shall ensure that it is used for and maintained in a manner that ensures that no public health hazard or public health nuisance occurs on the premises.
- (4) Any person who undertakes an activity which creates a risk to public health shall:
  - (a) Take all reasonable measures to eliminate or reduce that risk, to a level acceptable to the Municipal council; And
  - (b) Bear the costs of taking those measures and of any reasonable costs incurred by the Municipal council in ensuring that the risk is eliminated or reduced to an acceptable level.
- (5) The Municipal council shall regulate all activities and administer all matters for which it is legally responsible for in a manner that
  - (a) Avoids creating a public health hazard or a public health nuisance;
  - (b) Does not make it conducive 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 consumed;
  - (e) Avoids creating conditions favourable for infestation by pests;.
- (6) In dealing with matters affecting public health the Municipal council must
  - (a) adopt a cautious and risk-averse approach;
  - (b) prioritise the collective interest of the people of the municipal area, and of South Africa, over the interests of any 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 public 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 public health, minimize any adverse effects on other living organisms and ecosystems.

#### 4. APPLICATION OF PRINCIPLES

The public health principles set out in section 3 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 public health in the municipality 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 public health in that area.

#### PUBLIC HEALTH HAZARDS AND PUBLIC HEALTH NUISANCES

##### 5. PROHIBITION ON CAUSING PUBLIC HEALTH HAZARDS

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

- (d) Any water supply for domestic consumption on the premises is unsafe for human consumption.

## 6. DUTY TO REPORT PUBLIC HEALTH HAZARDS

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

- (1) Eliminate the public health hazard;
- (2) If the owner or occupier is unable to comply with subsection (1) above take reasonable steps to reduce the risk to public health and forthwith report the existence of the public health hazard to the Ugu Environmental Health Services in writing.

## 7. PROHIBITION OF CAUSING GENERAL PUBLIC HEALTH NUISANCE

- (1) No person shall create a public health nuisance anywhere in the municipal area.
- (2) Every owner or occupier of premises must ensure that a public health nuisance does not occur on those premises.
- (3) The owner or occupier of premises creates a public health nuisance if he or she causes or allows -
  - (a) 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;
  - (b) 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;
  - (c) 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;
  - (d) Any accumulation of waste, offal, manure or other matter which is offensive or is injurious or dangerous to health;
  - (e) any public building to be so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;
  - (f) Any dwelling to be occupied without proper and sufficient supply of potable water within a reasonable distance;
  - (g) Any dwelling to be overcrowded;
  - (h) 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 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;
  - (i) Any factory or industrial or business premises to cause or give rise to any smell or effluvium which is offensive or injurious or dangerous to health;
  - (j) Non compliance with the South African National Standard SANS 10103:2004: The measurement and rating of environmental noise, with respect to land use, health, annoyance and to speech communication; or
  - (k) any other activity, condition or thing declared, in terms of the National Health Act, 2003 (Act No. 61 of 2003) or any applicable provincial legislation and By-laws promulgated under such legislation, to be a health nuisance as defined in such legislation.
- (4) A person may not, in violation of national or provincial legislation and guidelines on the quality of the water supply –
  - (a) deposit or cause or allow to be deposited any matter, liquid or thing which is infectious or injurious to the public into any water supply or
  - (b) add or cause or allow to be added any infectious, offensive or noxious matter, effluent, fluid or thing to any water supply which could cause a nuisance or constitute a danger to health.
- (5) A person may not keep or allow another person to keep any animal or bird by the side of or in immediate proximity to any water supply which the public has a right to use where the position of the animal or bird could pollute the water or is dangerous to health.

- (6) A person must not allow or cause any animal or bird to enter or pollute a water supply, which the public has a right to use.
- (7) A person may not bathe, wash or cause or allow to be washed any clothing or other article or animal in any place which drains into any water supply which the public has a right to use as drinking water or for domestic purposes, whether or not the water supply is derived from sources within or outside the Province: Provided that this regulation does not apply in the case of any stream, water course or water furrow from which water is not used as drinking water or for domestic purposes at any place less than one kilometre below the place in the stream, water course or water furrow where bathing or washing usually takes place
- (8) A person may not in any manner whatsoever, and whether wilfully or negligently, litter or pollute any land, whether public or private, or sea or inland waters or the air unless the act otherwise directs.

#### **8. HEALTH HAZARD CAUSED BY FAILURE TO EXERCISE VECTOR CONTROL**

- (1) It shall be the duty of every occupier or, in the case of premises used in common by a number of occupants, the owner of the premises to prevent mosquitoes, flies, rodents and other vermin from developing or being harboured therein, and any such occupier or owner who fails to comply with the provisions hereof shall be deemed to have contravened this section.
- (2) The occupier or owner of premises shall, on being served with a notice signed by an authorised health officer, carry out such measures as may be specified therein for the removal of conditions favourable to the prevalence or multiplication of mosquitoes, flies, rodents or other vermin, or their harbouring within the time to be specified in the notice.
- (3) If the Occupier or Owner refuses to carry out the measures specified in a notice under this bylaw or fails to do so within the time specified, the authorised Environmental Health Practitioner may arrange for such measures to be carried out and the cost incurred in so doing shall be recoverable by the Municipal council from the person upon whom the notice is served at a charge specified in the prescribed fee.

### **CHAPTER 3**

#### **POTENTIALLY HAZARDOUS USES OF PREMISES AND ENFORCEMENT**

##### **PART 1: POTENTIALLY HAZARDOUS USES**

#### **9. DUTY TO LIST POTENTIALLY HAZARDOUS USES**

If the council reasonably believes that any premises have been, or are likely to be, used for a purpose or in a manner that has caused, or is likely to cause, a public health hazard or to create a public health nuisance unless reasonable measures are taken to avoid the risk or to reduce it to an acceptable level, the Council must list the activity concerned and must prescribe measures that must be taken to avoid the risk or reduce it to a level acceptable to the council.

#### **10. SCHEDULED USES**

- (1) Any person who uses premises in a manner that creates a public health hazard must comply with every provision specified in the chapter of these bylaws relating to that use, unless that person has been granted an exemption in terms of section 11 from complying with any such provision
- (2) Any person who uses premises in a manner that creates a public health hazard must obtain a permit in terms of section 12 before commencing that use and must comply with the terms and conditions of that permit.

#### **11. EXEMPTION CERTIFICATES**

- (1) Any person who wants to undertake a scheduled use on any premises but wishes to be exempted from complying with any requirements of these bylaws relating to the use concerned, may apply to the council in accordance with section 14 for an exemption certificate.
- (2) The Health and Social Development Department may grant an exemption certificate, subject to such condition as it may impose, if an environmental health practitioner is satisfied that:
  - (a) the measures taken to avoid or reduce the risk to public health arising from the scheduled use are equivalent to or better than the measures required by the relevant requirements of these bylaws; and
  - (b) the scheduled use in respect of which the exemption is required, is not likely to cause a public health hazard or a public health nuisance.

#### **12. PUBLIC HEALTH PERMITS**

- (1) Any person who wants to undertake a scheduled use that that creates a public health hazard must apply to the council's environmental health section in accordance with section 14 for a public health permit

- (2) The Council may issue a public health permit to the owner or occupier of any premises, if an environmental health practitioner is satisfied that the use for which the permit is required is not likely to cause a public health hazard or a public health nuisance:
- (3) A public health permit:
  - (a) must be issued subject to conditions aimed at reducing the risk to public health created by the scheduled use, to a level acceptable to the council
  - (b) may exempt the permit holder from complying with any relevant provision of these bylaws if the council reasonably believes that the permit requires the permit holder to take measures to avoid or reduce the risk to public health arising from the activity that are equivalent to, or better than the measures required by the relevant provision of these bylaws; and
  - (c) may approve any measure or material in connection with the activity authorised by the permit that must be approved in terms of these bylaws.

### 13. APPROVAL OF MEASURES, OBJECT AND MATERIALS

- (1) The Council may approve, provided that the said approval is not in conflict with any other legal requirements any object or material used, or any measure taken in specified circumstances as being adequate to eliminate the risk of any public health hazard or public health nuisance occurring continuing or recurring or to reduce that risk to a level acceptable to the council
- (2) Any object, material or measure referred to in subsection 13(1) may be approved by the council in:
  - (a) a public health permit; or
  - (b) guidelines prescribed by the council in terms of subsection 13(3)
- (3) The council may 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 public health hazard or public 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 measure or using these objects or materials are acceptable to the council

### 14. APPLICATION PROCEDURE

- (1) Any person who wants to obtain an exemption certificate or a permit must apply to the council's environmental health section in writing in a prescribed form prior to undertaking the schedule use concerned.
- (2) When the council receives an application contemplated in subsection 14(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 representation; 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 public health principles set out in section 4.

### 15. 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

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.

- (3) 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 fees have been paid.

#### 16. **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 or permit being cancelled or suspended.
- (2) An environmental health practitioner may suspend or cancel an exemption certificate or permit with immediate effect if-
  - (a) the environmental health practitioner reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health posed by a public health hazard or a public health nuisance, or
  - (b) the holder of such certificate or permit fails to comply with a compliance notice contemplated in section 32 of the Rationalisation of Local Government Affairs Act in which is stated that such certificate or permit may be suspended or cancelled without further notice if the holder fails to comply with that notice.
- (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 public health posed by a public health hazard or a public health nuisance; or
  - (b) the holder of such certificate or permit contravenes or fails to comply with any relevant provision of these bylaws.
- (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 public health or to take account of changed circumstances since the exemption certificate or permit concerned was issued.

#### 17. **RIGHT OF ENTRY AND REMEDIAL WORK**

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:

- (1) to ensure compliance with these Bylaws or with any compliance notice issued in terms of section 32 of Rationalisation of Local Government Affairs Act
- (2) to reduce, remove or minimize any significant public health hazard, or
- (3) to reduce, remove or minimize any public health nuisance.

#### 17.1 **DEMOLITION ORDERS**

- (1) If the council believes that a public health hazard would be eliminated or a public 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 authorizing 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.

#### 17.2 **COSTS ORDERS**

- (1) The council may recover any costs reasonably incurred by it in taking measures contemplated in section 17.1 from any person who was under a legal obligation to take those measures, including:
  - (a) a person on whom a compliance notice referred to in section 17(1) that required those steps to be taken, was served
  - (b) the owner or occupier of the premises concerned; or
  - (c) any person responsible for creating a public health hazard or a public health nuisance
- (2) The municipality 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.

**18. DUTIES OF PERSONS WHO MAY BE EXPOSED TO HAZARDOUS CHEMICAL SUBSTANCES**

Every person who is or may be exposed shall obey a lawful instruction given by or on behalf of the employer or a self employed person, regarding:

- (1) the prevention of an HCS from being released;
- (2) the wearing of personal protective equipment;
- (3) the wearing of monitoring equipment to measure personal exposure;
- (4) the reporting for health evaluations and biological tests as required by these By-laws;
- (5) the cleaning up and disposal of materials containing HCS;
- (6) housekeeping at the workplace, personal hygiene and environmental and health practices; and

**19. ASSESSMENT OF POTENTIAL EXPOSURE**

- (1) An employer or self employed person shall after consultation with the relevant health and safety representative or relevant health and safety committee, cause an immediate assessment to be made and thereafter at intervals not exceeding two years, to determine if any employee may be exposed by any route of intake.
- (2) The employer shall inform the relevant health and safety representative or relevant health and safety committee in writing of the arrangements made for the assessment contemplated in subsection (1), give them reasonable time to comment thereon and ensure that the results of the assessment are made available to the relevant representatives or committees who may comment thereon.
- (3) When making the assessment, the employer or self employed person shall keep a record of the assessment and take into account such matters as:
  - (a) the HCS to which an employee may be exposed;
  - (b) what effects the HCS can have on an employee;
  - (c) where the HCS may be present and in what physical form it is likely to be;
  - (d) the route of intake by which and the extent to which an employee can be exposed; and
  - (e) the nature of the work, process and any reasonable deterioration in, or failure of, any control measures.
- (4) If the assessment made in accordance with subsection (3) indicates that any employee may be exposed, the employer shall ensure that monitoring is carried out.
- (5) An employer shall review the assessment required by subsection (1) forthwith if:
  - (a) there is reason to suspect that the previous assessment is no longer valid; or
  - (b) there has been a change in a process involving an HCS or in the methods, equipment or procedures in the use, handling, control or processing of the HCS, and the provisions of subsections (2) and (3) shall apply.

**20. HANDLING OF HAZARDOUS CHEMICAL SUBSTANCES**

- (1) Every person who manufactures, imports, sells or supplies any hazardous chemical substance for use at work, shall, as far as is reasonably practicable, provide the person receiving such substance, free of charge, with a material safety data sheet containing all the information as contemplated in either ISO 11014 or ANSI Z400.1.1993 with regard to-
  - (a) product and company identification;



- (b) composition/information on ingredients;
- (c) hazards identification;
- (d) first-aid measures;
- (e) fire-fighting measures;
- (f) accidental release measures;
- (g) handling and storage;
- (h) exposure control/personal protection;
- (i) physical and chemical properties;
- (j) stability and reactivity;
- (k) toxicological information;
- (l) ecological information;
- (m) disposal considerations;
- (n) transport information;
- (o) regulatory information; and
- (p) other information:

Provided that, where it is not reasonably practicable to provide a material safety data sheet, the manufacturer, importer, seller or supplier shall supply the receiver of any hazardous chemical substance with sufficient information to enable the user to take the necessary measures as regards the protection of health and safety.

- (2) Every employer who uses any hazardous chemical substance at work shall be in possession of a copy of these by-laws or a copy of sufficient information, as contemplated in subsection (1).
- (3) Every employer shall make sufficient information, as contemplated in subsection (1), available at the request of any interested or affected person.

## 21. DISPOSAL OF HAZARDOUS CHEMICAL SUBSTANCES

An employer shall, as far as is reasonably practicable:

- (1) recycle all HCS waste;
- (2) ensure that all collectable HCS waste is placed into containers that will prevent the likelihood of exposure during handling;
- (3) ensure that all vehicles, re-usable containers and covers which have been in contact with HCS waste are cleaned and decontaminated after use in such a way that the vehicles, containers or covers do not cause a hazard inside or outside the premises concerned;
- (4) ensure that all HCS waste which can cause exposure, is disposed of only on sites specifically designated for this purpose in terms of the Environmental Conservation Act, 1989 (Act No. 73 of 1989 , as amended), in such a manner that it does not cause a hazard inside or outside the site concerned;
- (5) ensure that all employees occupied in the collection, transport and disposal of HCS waste, who may be exposed to that waste, are provided with suitable personal protective equipment; and
- (6) ensure that if the services of a waste disposal contractor are used, a provision is incorporated into the contract stating that the contractor shall also comply with the provisions of these By-laws.

## CHAPTER 4

### INFORMAL TRADE

## 22. PROHIBITION OF AND RESTRICTION ON THE CARRYING ON OF BUSINESS

- (1) No person shall carry on the business of street vendor, pedlar or hawker –

- (a) in a garden or park under the control of the municipality and to which the public has a right of access unless such area has been set apart and demarcated by the municipality for the purpose;
  - (b) On a verge contiguous to –
    - (i) A building belonging to, or occupied solely by, the State or the municipality;
    - (ii) A church or other place of worship; or
    - (iii) a building declared to be a national heritage site in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999);
  - (c) In an area declared by the municipality in terms of section 26 of these by-laws as a place where the carrying on of the business of street vendor, pedlar or hawker is –
    - (i) Prohibited, or
    - (ii) contrary to any restriction imposed by the municipality in terms of that section in respect of such area:
  - (d) at a place where –
    - (i) it obstructs access to a fire hydrant;
    - (ii) it obstructs access to any entrance to or exit from a building;
    - (iii) it prevents pedestrians from using, or substantially obstructs them in their use of a sidewalk;
    - (iv) it causes an obstruction on a roadway;
    - (v) it limits access to parking or loading bays or other facilities for vehicular traffic;
  - (e) on that half of a public road contiguous to a building used for residential purposes if the owner, occupier or person in control of the building objects thereto:
  - (f) at a place where –
    - (i) it obstructs access to street furniture, bus passenger benches or shelters, queuing lines, refuse disposal bins or other facilities intended for the use of general public;
    - (ii) it obstructs the visibility of a display window in business premises, if the person carrying on business in the business premises concerned objects thereto;
    - (iii) it obstructs access to a pedestrian crossing;
    - (iv) it obstructs access to any vehicle;
    - (v) it obstructs any road traffic sign or any marking, notice or sign displayed in terms of this by-law; or
    - (vi) it interferes in any way with any vehicle that may be parked alongside such place.
- (2) No person carrying on the business of street vendor, pedlar or hawker shall at any time;
- (a) in any way obstruct access to any municipal service;
  - (b) stay overnight at the place of such business, or
  - (c) erect any structure (other than a device which operates in the same manner as, and is shaped like an umbrella) for the purpose of providing shelter without the written approval of the municipality;
  - (d) carry on such business in a manner which –
    - (i) creates a nuisance to other people;
    - (ii) damages or defaces the surface of any public road or public place or other municipality property; or
    - (iii) creates a traffic hazard;
  - (e) attach any object by any means to any building, structure, pavement, tree, parking meter, lamp-pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;

- (f) make a fire at a place or in circumstances where it could harm any person or damage a building or vehicle or any street furniture referred to in subsection (e);
- (g) fail or refuse to move or remove any goods, after having been requested to do so by the supplier of a telecommunication service who requires access to such service, or by an authorized employee or agent of the municipality or an officer respectively acting in terms of this by-law.

23. **CLEANLINESS OF PLACE OF BUSINESS**

No person carrying on the business of street vendor, pedlar or hawker shall –

- (1) accumulate, dump, store or deposit or cause or permit to be accumulated, dumped, stored or deposited any refuse, scrap or waste material on any land or premises, in any manhole, storm water drain or on any public road or public place, other than in a refuse receptacle approved by the municipality;
- (2) keep the area or site occupied by him or her for the purpose of such business in an unclean and/or unsanitary condition;
- (3) keep his or her goods in an unclean and/or unsanitary condition;
- (4) fail to remove daily from any public road or public place at the conclusion of trading all waste, packaging material, stock and equipment of whatsoever nature which are utilized in connection with such business;
- (5) carry on his business in such a manner as to be a danger or threat to public health or public safety; and
- (6) at the request of an officer or a duly authorized employee of the Municipality, fail to move or remove anything so that the area or site may be cleaned.

24. **REMOVAL AND IMPOUNDMENT**

- (1) An officer may, after a person carrying on the business of street vendor, pedlar or hawker has failed or refused to comply with a request to move or remove his goods, or has left such goods unattended for a period of 12 hours or more, remove and impound any goods –
  - (a) which the officer reasonably suspects are being used or intended to be used or have been used, in or in connection with the carrying on of the business of street vendor, pedlar or hawker, and
  - (b) When the officer finds at a place where such business is restricted or prohibited in terms of sections 22 (1) (a)-(f) of this by-law and which, in the officers opinion constitutes an infringement of any section thereof.
- (2) An officer so acting shall –
  - (a) issue to the person carrying on the business of street vendor, pedlar or hawker a receipt for any goods so removed and impounded; and
  - (b) forthwith deliver such goods to the municipality.
- (3)
  - (a) The owner of any goods which have been removed and impounded in terms of subsection (1) shall be liable for any expenses incurred by the municipality in connection with the removal and impoundment of such goods, and the municipality may keep such goods until all such expenses have been paid or deal with such goods as is contemplated by section 24 of this by-law.
  - (b) A certificate issued by the municipality shall be deemed to be proof of any expenses that the municipality has incurred in connection with the removal and impoundment of any goods.
  - (c) The municipality shall not be liable for any loss or theft of or damage to any goods removed and impounded in terms of this section.

25. **DISPOSAL OF IMPOUNDED GOODS**

- (1) Any perishable goods removed and impounded in terms of section 24 (1) may at any time after the impoundment thereof be sold or destroyed by the municipality and in the case of a sale of such goods the proceeds thereof, less any expenses incurred by the municipality in connection with the removal and impoundment of goods, shall upon presentation of the receipt contemplated by section 24 (2) (a) be paid to the person who was the owner of such goods when such goods were impounded. If such owner fails to claim the said proceeds within three months of the date on which such goods were sold, such proceeds shall be forfeited to the municipality.
- (2) The owner of any goods (other than perishable goods already dealt with by the municipality in terms of subsection (1)) impounded in terms of section 24 who wishes to claim the return of such goods shall, within

a period of one month of the date of the impoundment of such goods, apply to the municipality and shall present the receipt contemplated in section 24 (2) (a) , failing which such goods may be sold by the municipality, and in the event of a sale of such goods the provisions of subsection (1) relating to the proceeds of a sale likewise apply to the proceeds of such sale.

- (3) If the owner of any goods impounded in terms of section 24 claims the return of such goods from the municipality and such owners are unable or refuse to refund any expenses incurred by the municipality in connection with the removal and impoundment of such goods, such goods may be sold by the municipality and the proceeds of any sale of such goods less any such expenses shall be paid to such owner.
- (4) In the event of the proceeds of any sale of goods contemplated by this section not being sufficient to defray any expenses incurred by the municipality in connection with the removal and impoundment of such goods, the owner of such goods shall in terms of section 24(3) (a) remain liable for so much of such expenses as is not defrayed by the proceeds from the sale of such goods.

**26. DEMARCATED STAND OR AREAS**

If the municipality has demarcated any stand or area for the purposes of the carrying on of the business of street vendor, pedlar or hawker as contemplated in this bylaw, no person may trade on such stand or area unless such person is in possession of proof that he has hired such stand or area from the municipality or that it has otherwise been allocated to him.

**27. EXHIBITION OF WRITTEN APPROVAL**

Any person carrying on the business of street vendor, pedlar or hawker shall at all times carry on his or her person any written approval granted or issued to him or her by the municipality in terms of this bylaw and must on request by an officer exhibit such approval.

**28. SIGNS INDICATING RESTRICTED OR PROHIBITED AREAS**

The municipality may design or make and display signs, markings or other devices indicating restricted or prohibited areas of trade.

## **CHAPTER 5**

### **SECOND HAND GOODS**

**29. REQUIREMENTS FOR PREMISES**

No person may operate a second-hand goods business in or on any premises which do not comply with the following requirements:

- (1) any section of the premises where second-hand goods are stored and handled must be enclosed by walls constructed of brick, rock or concrete with a minimum height of two meters.
- (2) All gates to the premises must be of solid construction with a minimum height of two meters
- (3) All materials must be stacked or stored below the height of the perimeter screening
- (4) Adequate lighting and ventilation, as prescribed in the National Building Regulations and Building Standards Act must be provided
- (5) All storage areas must be paved with cement, concrete or other approved impervious material
- (6) All backyard surface and open spaces of the premises must be graded and drained to allow for the effective run-off of all precipitation
- (7) Adequate sanitary fixtures for both sexes employed on the premises must be provided as prescribed in the National Building Regulations and Building Standard Act
- (8) An adequate number of refuse containers must be provided
- (9) 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 portable water; and
  - (c) an adequately supply of soap and disposal towels at every wash-hand basin
- (10) If no change-rooms has been provided in terms of paragraph (a)

- (a) a wash-hand basin with a supply of running hot and cold portable water must be provided in accessible position; and
- (b) an adequate metal locker must be provided for every employee in the work area.

### 30. DUTIES OF SECOND-HAND GOODS TRADER

Any person who conducts a second-hand goods business must:

- (1) store second-hand goods in a backyard, building or open space that is constructed of an approved material in such a manner as to prevent the harbourage of rodents or other vermin and pests.
- (2) Ensure that no water accumulates in any article stored on the premises
- (3) Ensure that goods are stored in such a manner as to prevent the pollution of the surrounding environment which includes but is not limited to air, water or soil
- (4) Keep the premises in a clean, neat and sanitary condition at all times
- (5) Immediately on receipt. Disinfect all furniture, soft furnishings, clothing, bedding or other fabrics in an adequate manner
- (6) Keep any other articles separate from articles which have been disinfected; and
- (7) Label all articles which have been disinfected in a conspicuous place on each article.

## CHAPTER 6

### FOOD

#### 31. REQUIREMENTS FOR FOOD CATERER PREMISES:

Food caterer shall have a certificate of acceptability issued by the Municipality to ensure that.

- (1) All food areas to have adequate ventilation and lighting (visual).
- (2) All working surfaces and equipment such as tongs, to be in a good state of repair and capable of being easily cleaned (stainless steel).
- (3) Provision to be made for a wash hand basin or any other similar utensil for washing of hands.
- (4) Provision to be made for a soap, disinfectant, nail brush, and disposable paper towelling at the aforementioned wash hand basin or utensil.
- (5) Provision to be made for a sink or any other similar utensil, for washing of food and equipments.
- (6) Suitable provision is to be made for a constant supply of hot and cold water.
- (7) All waste water emanating from the property of food caterer is to be suitably disposed of, via an approved grease-trap and as per requirements of the Environmental Health Practitioner.
- (8) Adequate measures to be taken to prevent contamination of food by flies, chemicals, rodents and other vermin, and bacteria.
- (9) Suitable refrigeration facilities to be provided, with proper holding temperatures, namely foodstuffs to be stored at or below 5°Celsius or at or above 63°Celsius
- (10) Raw and cooked foods to be kept separately during all stages of catering process.
- (11) Refuse Control: an adequate number of bins with tight fitting lids to be supplied and bins to be regularly cleaned and stored in an approved refuse area with a stand-pipe and graded and drained to a gully connected to the sewer system.
- (12) All staff to be provided with personal protective clothing namely footwear, overalls of a light colour and head covering that completely covers the hair of the head.
- (13) All staff to maintain a good sense of hygiene, and be free of any open cuts and wounds.
- (14) Proper quality control to be implemented, namely "first in – first out" policy.

#### 32. REQUIREMENTS FOR FOOD PREMISES

- (1) No person shall handle food or permit food to be handled –

- (a) on food premises in respect of which a valid certificate of acceptability has not been issued or has expired
  - (b) in contravention of any restriction or condition or stipulation contained in such certificate of acceptability.
- (2) The provisions of sub-section (1) shall come into effect in the case of food premises existing at the time of publication of these by-laws.
- (3) The person in charge of any food premises, including a food vending vehicle, wishing to obtain a certificate of acceptability in respect of such food premises shall apply in writing to the UGU municipality on an application form containing all the particulars, as contained in the form in annexure B.
- (4) Upon receipt of an application the municipality shall without delay refer the application to an inspector for consideration.
- (5) An inspector may, in considering such an application, request such further information as he or she may deem necessary or expedient from the applicant or from any other person.
- (6) If an inspector, after having carried out an inspection, is satisfied that the food premises concerned.
  - (a) complies with the provisions of this bylaws a local authority shall issue a certificate of acceptability in the name of the person in charge,
  - (b) do not in all respects comply with the provisions of this bylaws the municipality may, subject to the provisions of section 33(2), grant an extension for a maximum period of six months to enable the person in charge so to change or equip the food premises that they comply with the provisions in question: Provided that during the said period of extension, the provisions of sub-section (1) shall not apply to the person concerned.
- (7) A certificate of acceptability shall be displayed in a conspicuous place on the food premises in respect of which it was issued or a copy thereof shall immediately be made available on request where the display thereof is impractical.
- (8) If the person in charge of food premises is replaced by another person, such person shall inform the municipality in writing of such replacement within 30 days after the date thereof and the local authority shall subject to the provisions of section 32 (3) , issue a new certificate of acceptability in the name of the new person in charge.
- (9) A certificate of acceptability –
  - (a) shall not be transferable from one person to another person and from one food premises to another food premises;
  - (b) shall be valid only in respect of the nature of handling set out in the application for a certificate of acceptability;
  - (c) may at any time be endorsed by the municipality by -
    - (i) the addition of any further restriction that may be necessary to prevent a health hazard; and
    - (ii) the removal of any restriction with regard to the category or type of food or the method of handling;
  - (d) shall expire temporarily for the period during which a prohibition under section 33(2) is in effect
  - (e) shall expire permanently if a prohibition referred to in section 33(2) is not removed within a stipulated period which shall not exceed six months from the date on which a notice was issued in terms of section 33(3);
  - (f) shall expire permanently if the provisions of section 32 are not complied with.
- (10) No person may make any unauthorised changes or additions to or forge a certificate of acceptability.

### 33. **PROHIBITION ON THE HANDLING AND TRANSPORTATION OF FOOD**

- (1) No person shall handle food in a manner contrary to the provisions of these by-laws.
- (2) If an inspector following an inspection of food premises or a facility is of the opinion that-
  - (a) such food premises or facility -
    - (i) are or is in such a condition or used in such a manner; or

- (ii) do or does not comply with these by-laws to the extent;
- (b) a particular activity with regard to the handling of food takes place in such a manner; or
- (c) such circumstances exist with regard to the food premises or facility or any other activity

And constitute a health hazard and that the continued use of the food premises should be prohibited, the municipality may prohibit the use of the food premises for the handling of food or any of the activities that relate to the handling of food, by serving a written order on the person in charge or, if he or she is not available, or any person in charge of the food premises informing such person of the prohibition.

- (3) A notice referred to in section 33 (2) shall contain at least the following particulars:
  - (a) reason for the prohibition;
  - (b) a statement that the prohibition will in writing be removed by a municipality as soon as the reason for the prohibition has been removed and provided the inspector is satisfied that the reason for the prohibition is not likely to recur.
- (4) (a) A prohibition shall come into operation from the time at and the date on which a notice is served under section 33 (2).
- (b) No person shall perform any act that is contrary to such prohibition.
- (5) An inspector shall, within 72 working hours of receiving a request for the removal of a prohibition, carry out an investigation of the food premises, facility, activity or circumstance which gave rise to the prohibition and the municipality shall upon completion of such investigation in writing inform the person on whom the prohibition notices was served or, if he or she is not available, any other person representing such person or any person in charge of the business premises that the prohibition has been removed or remains, as the case may be.
- (6) The municipality may levy a prescribed fee equivalent to the expenses incurred by the local authority for carrying out the inspection on the person in charge for each investigation carried out by an inspector in terms of sub-section (5).

#### 34. **STANDARDS AND REQUIREMENTS FOR FOOD PREMISES**

- (1) Save for the provisions of section 33, no person shall handle food elsewhere than on food premises that meet the requirements of these By-laws
- (2) Food premises shall be of such location, design, construction and finish and shall be so equipped, in such condition and so appointed that they can be used at all times for the purpose for which they were designed, equipped and appointed -
  - (a) without creating a health hazard; and
  - (b) in such manner that food -
    - (i) can be handled hygienically on the food premises or with the equipment thereon;
    - (ii) Can be effectively protected by the best available method against contamination or spoilage by poisonous or offensive gases, vapours, odours, smoke, soot deposits, dust, moisture, insects or other vectors, or by any other physical, chemical or biological contamination or pollution or by any other agent whatsoever.
- (3) For the purposes of sub-section (2), food premises shall meet the following requirements;
  - (a) All interior surfaces of walls, sides or ceilings, or of roofs without ceilings, and the surfaces of floors, or any other similar horizontal or vertical surfaces that form part of or enclose the food-handling area shall-
    - (i) have no open joints or open seams and shall be made of smooth, rust-free, non- toxic, cleanable and non-absorbent material that is dust-proof and water-resistant: Provided that in a food-serving or storage area -
      - (aa) face brick;
      - (bb) similar walls the joints of which are formed properly or are so formed and finished that they are easy to clean; or
      - (cc) decorative wall or ceiling finishes which are easy to clean, may be used;

- (ii) be of such a nature that they cannot contaminate or contribute to the contamination of food.
- (b) Each room of food premises shall be -
  - (i) ventilated effectively by means of -
    - (aa) natural ventilation through openings or openable sections which are directly connected to the outside air and so positioned in the external walls and/or roof that effective cross-ventilation is possible: Provided that such openings shall have a surface area equal to at least 5% of the floor area of the room concerned; or
    - (bb) artificial ventilation that complies with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), whichever of the two methods will facilitate the addition of adequate fresh air to and the effective removal of polluted or stale air from the food-handling area to the extent that air contaminants that could contaminate food, and that gas, vapours, steam and warm air that may arise during the handling of food are effectively removed, and that the emergence of any unhygienic or unhealthy condition in the food-handling area is prevented;
  - (ii) illuminated by means of -
    - (aa) unobstructed transparent surfaces in the external walls and/or roof which admit daylight, with an area equal to at least 10% of the floor area in the room concerned; or
    - (bb) artificial illumination which complies with the requirements of the National Building Regulations and the Building Standards Act, 1977, and which permits an illumination strength equal to at least 200 lux to fall on all food-handling surfaces in the room concerned.
- (c) Food premises shall -
  - (i) have a wash-up facility with hot and cold water for the cleaning of facilities;
  - (ii) be rodent proof in accordance with the best available method, namely the external doors are to be constructed of acceptable rodent-proof material.
  - (iii) be provided with effective means of preventing the access of flies or other insects to an area where food is handled;
  - (iv) have a waste-water disposal system discharging through a grease-trap approved by the municipality.
  - (v) be provide, immediately over the cooking area, an extractor hood and canopy, of adequate size, having a flue of at least 300mm in diameter.
  - (vi) The floor area of the kitchen, scullery and preparation area, shall not be less than 14sq metres
- (d) The following shall be available in respect of food premises:
  - (i) The number of latrines, urinal stalls and hand washbasins as specified in the National Building Regulations 103/1977 for the use of workers on the food premises and for use by persons to whom food is served for consumption on the food premises: Provided that separate sanitary facilities for workers and clients shall not be required: Provided further that where persons of only one sex or no more than ten persons work on food premises, separate sanitary facilities shall not be required for workers of different sexes;
  - (ii) hand-washing facilities which shall be provided with cold and/or hot water for the washing of hands by workers on the food premises and by persons to whom food is served for consumption on the food premises, together with a supply of soap (or other cleaning agents) and clean disposable hand-drying material or other hand-cleaning facilities or hand-drying equipment for the cleansing and drying of hands by such workers and persons;
  - (iii) liquid proof, easy-to-clean refuse containers with close-fitting lids suitable for the hygienic storage of refuse pending its removal from the food-handling area;
  - (iv) storage space for the hygienic storage of food, facilities and equipment and a suitable separate area for the hygienic storage of refuse containers on the food premises;



- (v) a separate changing area with storage facilities for clothes;
- (vi) an adequate supply of water.
- (e) No room in which food is handled shall have a direct connection with any area -
  - (i) in which gas, fumes, dust, soot deposits, offensive odours or any other impurity is present or may arise in such a manner that food in the food-handling room could be contaminated or spoilt;
  - (ii) in which an act is performed in any manner or where any condition exists that could contaminate or spoil food in the food handling area;
- (f) A room in which food is handled may be connected to a room in which a latrine or urinal is situated –
  - (i) only via a properly ventilated lobby: Provided that all relevant interconnecting doors shall cover the whole area of their apertures: Provided further that they shall be equipped with
  - (ii) durable self-closing devices; or
  - (iii) without such a lobby between them: Provided that the connecting aperture shall have a self-closing door as contemplated in item (i): Provided further that the latrine or urinal room shall be equipped with effective mechanical extraction ventilation to the outside air to render the atmosphere inside such room under a negative pressure in relation to the atmosphere in the food-handling room.

### 35. **STANDARDS AND REQUIREMENTS FOR FACILITIES ON FOOD PREMISES**

- (1) The surface of any table, counter or working surface on which unwrapped food is handled and any equipment, utensil or basin or any other surface which comes into direct contact with food shall be made of smooth, rust-proof, non-toxic and non-absorbent material that is free of open joints or seams: Provided that wooden chopping blocks, cutting boards and utensils shall not be prohibited providing such items are kept in such a condition that dirt does not accumulate thereon or therein.
- (2) No surface referred to in sub-section (1) and no crockery, cutlery, utensils, basins or any other such facilities shall be used for the handling of food if they are not clean or if they are chipped, split or cracked.
- (3) Any utensil or item which is suitable for single use only -
  - (a) shall be stored in a dust-free container until used; and
  - (b) shall not be used more than once.
- (4) A surface referred to in sub-section (1) shall be -
  - (a) cleaned and washed before food come into direct contact with it for the first time during each work shift; and
  - (b) cleaned and washed, as and when necessary, during and/or immediately after the handling of food, so that contamination of the food that comes into contact with any such surface or facility is prevented, and any such surface or facility shall, before food comes into direct contact there with no remains of cleaning materials or disinfectants which may pollute the food.
- (5)
  - (a) Every chilling and freezer facility used for the storage , display or transport of perishable food shall be provided with a thermometer which at all times shall reflect the degree of chilling of the refrigeration area of such facility and which shall be in such a condition and positioned so that an accurate reading may be taken unhampered.
  - (b) Every heating apparatus or facility used for the storage, display or transport 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.

### 36. **STANDARDS AND REQUIREMENTS FOR FOOD CONTAINERS**

- (1) No person shall sell canned or hermetically sealed food in a container which
  - (a) bulges at the flat or round sides or ends or one side of which bulges when the other side is pressed;
  - (b) is in any way blown or from which gas escapes when it is opened or punctured, unless

- (i) the container contains an aerated drink; or
  - (ii) gas has been used as a preservative;
- (c) is so rusted or damaged that it is liable to contaminate food or that it leaks or has become unsealed;
- (d) had a leak which was resealed.
- (2) A container shall be clean and free from any toxic substance, ingredient or any other substance liable to contaminate or spoil the food in the container.
- (3) Prepacked food, depending on the type of food, shall be packed in a dustproof and liquid proof container that protects the product therein against contamination under normal handling conditions and shall be so packed or sealed that the food cannot be removed from its container without the stopper or lid or similar seal being removed or without the wrapping, container or seal being damaged.
- (5) Perishable food, excluding the products referred to in section 43 and products that are not pre-packed, except food for consumption as meals on food premises, shall, when served to the consumer, be packed in a container that protects the food therein against contamination.

### 37. **STANDARDS AND REQUIREMENTS FOR THE DISPLAY, STORAGE AND TEMPERATURE OF FOOD**

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

### 38. **STANDARDS AND REQUIREMENTS FOR PROTECTIVE CLOTHING**

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

### 39. **DUTIES OF A PERSON IN CHARGE OF FOOD PREMISES**

A person in charge of food premises shall ensure that –

- (1) effective measures are taken to eliminate flies, other insects, rodents or vermin on the food premises;
- (2) any person working on the food premises is adequately trained in food hygiene by an inspector or any other suitable person;
- (3) refuse is removed from the food premises or from any room or area in which food is handled as often as is necessary and whenever an inspector requires it to be done;
- (4) waste is stored in a proper waste bin area, constructed as per the specifications of the EHP, and disposed of in such a manner that it does not create a nuisance;
- (5) waste bins are –
  - (a) cleaned regularly; and
  - (b) disinfected whenever necessary and whenever an inspector requires it to be done;
- (6) waste water on the food premises is disposed of to the satisfaction of the municipality;

- (7) the food premises and any land used in connection with the handling of food and all facilities, freight compartments of vehicles and containers are kept clean and free from any unnecessary materials, goods or items that do not form an integral part of the operation and that have a negative effect on the general hygiene of the food premises;
- (8) no person handling non-pre-packed food wears any jewellery or adornment that may come into contact with the food, unless it is suitably covered;
- (9) no animal, subject to the provisions of any law, is kept or permitted in any room or area where food is handled, except that –
- (10) a guide dog accompanying a blind person may be permitted in the sales or serving area of the food premises;
- (11) no condition, act or omission that may contaminate any food arises or is performed or permitted on the food premises;
- (12) the provisions of these By-laws are complied with;
- (13) all persons under his or her control who handle food at all times meet the standards and requirements;
- (14) a room or area in which food is handled shall not be used for –
  - (a) sleeping purposes;
  - (b) washing, cleaning or ironing of clothing or similar laundry;
  - (c) any other purpose or in any manner that may contaminate the food therein or thereon;
- (15) no food handler touches ready-to-consume non-pre-packed food with his or her bare hands, unless it is unavoidable for preparation purposes, in which case such food shall be handled in accordance with good manufacturing practice.

40. **DUTIES OF A FOOD HANDLER: PERSONAL HYGIENE**

- (1) Food, a facility or a container shall not be handled by any person -
  - (a) whose fingernails, hands or clothes are not clean;
  - (b) who has not washed his or her hands thoroughly with soap and water or cleaned them in another effective manner -
    - (i) immediately prior to the commencement of each work shift;
    - (ii) at the beginning of the day's work or after a rest period;
    - (iii) after every visit to a latrine or urinal;
    - (iv) every time he or she has blown his or her nose or after his or her hands have been in contact with perspiration or with his or her hair, nose or mouth;
    - (v) after handling a handkerchief, money or a refuse container or refuse;
    - (vi) after handling raw vegetables, fruit, eggs, meat or fish and before handling ready-to-use food;
    - (vii) after he or she has smoked or on return to the food premises; or
    - (viii) after his or her hands have, or may have become contaminated for any other reason.
- (2) Food, a facility or a container shall not be handled by any person -
  - (a) who has on his or her body a suppurating abscess or a sore or a cut or abrasion, unless such abscess, sore, cut or abrasion is covered with a moisture proof dressing which is firmly secured to prevent contamination of the food;
  - (b) who is or who is suspected of suffering from or being a carrier of a disease or condition in its contagious stage that can be transmitted by food, unless any such person immediately reports the disease or condition to the person in charge and a certificate by a medical practitioner stating that such person is fit to handle food is submitted;
  - (c) whose hands or clothing are not clean.
- (3) No person shall -

- (a) spit in an area where food is handled or on any facility;
- (b) smoke or use tobacco in any other manner while he or she is handling non-pre-packed food or while he or she is in an area where such food is handled;
- (c) handle non-pre-packed food in a manner that brings it into contact with any exposed part of his or her body, excluding his or her hands;
- (d) lick his or her fingers when he or she is handling non-pre-packed food or material for the wrapping of food;
- (e) cough or sneeze over non-pre-packed food or food containers or facilities;
- (f) spit on whetstones or bring meat skewers, labels, equipment, or any other object used in the handling of food or any part of his or her hands into contact with his or her mouth, or inflate sausage casings, bags or other wrappings by mouth or in any other manner that may contaminate the food;
- (g) walk, stand, sit or lie on food or on non-hermetically sealed containers containing food or on containers or on food-processing surfaces or other facilities;
- (h) use a hand washbasin for the cleaning of his or her hands and simultaneously for the cleaning of facilities; or
- (i) while he or she is handling food, perform any act other than those referred to above which could contaminate or spoil food.

41. **STANDARDS AND REQUIREMENTS FOR THE HANDLING OF MEAT (BUTCHERY)**

- (1) (a) No person shall handle meat of an animal slaughtered or exempted in terms of the Meat Safety Act, 2000 (Act No.40 of 2000) on food premises unless a notice is displayed at 18mm high on the food premises stating that "the meat" sold on the premises had been exempted from inspection in terms of the Meat Safety Act.
- (2) Meat on a carcass shall not be handled on food premises, unless -
  - (a) the carcass has been properly bled;
  - (b) Un-skinned carcasses shall not be so handled that the skin thereof comes into contact with other food on food premises or that the meat of such carcasses is contaminated or spoiled.
- (3) Subject to Meat Safety Act, 2000 (Act No.40 of 2000) no animal shall be killed, bled, eviscerated, skinned or dressed on food premises other than in a room used specifically and exclusively for that purpose in accordance with good manufacturing practice, provided that no further handling or processing of any such carcass shall take place in that room.
- (4) No person shall be permitted to operate butchery or conduct the business of a butcher, unless the butchery area is physically separated from the food preparation area, by means of a solid wall, dry partitioning is not permitted.

42. **STANDARDS AND REQUIREMENTS FOR THE TRANSPORTATION OF FOOD**

- (1) No person shall transport food on or in any part of vehicle:
  - (a) unless such vehicle in which the foods is being transported is cleaned to prevent chemical, physical or microbiological contamination of the food .
  - (b) together with contaminated food or waste food; poison or any harmful substance; live animal; or any object that may contaminate or spoil the food.
- (2) The freight compartment of a vehicle that is used for the transportation of food that is not packed or wrapped in liquid-proof and dustproof sealed containers
  - (a) shall have an interior surface made of an easy-to-clean and smooth, Rust free, non-toxic and non-absorbent material without open joints or seams and,
  - (b) shall be dustproof;
  - (c) shall not be used simultaneously for the transport of any person or any other item that may contaminate the food.
- (3) No pre-packed food shall be –

- (a) transported in such a manner that it comes into contact with the floor of a vehicle or the floor covering thereof or a surface thereof that can be walked on or with anything else that could pollute the food; or
- (b) transported or carried in such a manner that the food could be spoiled or contaminated in any way.

43. **GENERAL REQUIREMENTS FOR VENDING CARTS**

- (1) Anyone operating a food vending cart, shall ensure that the cart:
  - (a) Has an interior surface made of an easy-to-clean, rust free, non-toxic and non absorbent material, without open joints or seams.
  - (b) Has an adequate supply of potable water.
  - (c) Has suitable facilities for the disposal of waste water generated from the vending of the food from the cart.
  - (d) Is consistent in size, compatible with the activities being undertaken.
  - (e) Is provided with at least one (1) waste receptacle, with a tight fitting lid
  - (f) Has the name and address of the owner inscribed conspicuously on the sides of the cart.
  - (g) Is not used for any other purpose, than the purpose for which it is designed.
  - (h) Provides effective protection from contamination by dust, flies or other health hazards.
- (2) All persons engaged in the handling of food, must be provided with protective clothing, namely overalls of a light colour and head gear that completely covers the hair of the head.

44. **SALE OF FOOD THROUGH A FOOD VENDING MACHINE**

A person may not sell food through a food vending machine unless –

- (1) the food vending machine is of a type approved by the relevant municipal council and –
  - (a) is constructed of non-absorbent material;
  - (b) is designed to be easily cleaned at all times;
  - (c) has a refrigeration or heating unit capable of maintaining the core temperature required by the relevant municipality; and
  - (d) is inscribed with an identifying serial number;
- (2) written authority for the installation and use of the food vending machine has been obtained in terms of section 45(6) ; and
- (3) the person responsible for the food vending machine complies with any condition or restriction imposed by the relevant municipality.

45. **PROCEDURE FOR APPLICATION OF SALE OF FOOD FROM VENDING MACHINES**

- (1) A person who contemplates distributing or selling food through a food vending machine must apply in writing to the Ugu municipality.
- (2) The application for a food vending machine must be in the form prescribed by the Ugu municipality.
- (3) On receipt of an application contemplated in subsection (2), the application must be immediately referred to an Environmental Health Practitioner, acting for and on behalf of the Ugu municipality, for investigation.
- (4) An environmental health Practitioner, acting for and on behalf of the Ugu municipality, may, in investigating an application contemplated in subsection (2) , request further information from the applicant.
- (5) An environmental health Practitioner, acting for and on behalf of the Ugu municipality, may –
  - (a) grant an application contemplated in subsection (2) for a specified period for a food vending machine, unconditionally or with conditions, if, based on the environmental health Practitioner's investigation, he or she is satisfied that the food vending machine concerned complies in all respects with the provisions of these by-laws; or

- (b) refuse an application contemplated in subsection (2) where the food vending machine concerned does not comply with these by-laws.
- (6) An environmental health Practitioner, acting for and on behalf of the Ugu municipality, granting an application in terms of subsection (5) (a) must give the applicant a written permit stating the –
  - (a) name and address of the applicant;
  - (b) address of the premises at which the food vending machine is to be installed;
  - (c) address of the premises at which perishable food to be stored in and sold through the food vending machine is to be prepared;
  - (d) That the permit holder shall not sell/supply any other category of food other than that which is specified on the permit .
  - (e) conditions, if any, imposed on the installation, operation and use of the food vending machine; and
  - (f) Date of expiry of the permit.
- (7) The owner of the food vending machine must display the information contained in the permit issued in terms of subsection (5) (a) in a conspicuous place on the food vending machine.
- (8) A permit issued in terms of subsection (5) (a) is not transferable from one person to another and from one food vending machine to another.
- (9) A permit issued in terms of subsection (5) (a) may at any time be endorsed by an environmental health Practitioner, acting for and on behalf of the relevant municipality, by the –
  - (a) Addition of any further restriction that may be necessary to prevent a health hazard; or
  - (b) Removal of any restriction with regard to the category or type of food or the method of handling the food.

46. **PROHIBITION ON THE PRODUCTION OF MILK EXCEPT IN AN APPROVED MILKING SHED**

- (1) No person shall use a milking shed for the purpose of milking dairy stock in order to produce milk for human consumption, unless the milking shed in which the dairy stock are milked is an approved milking shed and such milking shed is used in accordance with the provisions of these By-laws and the conditions of the certificate of acceptability issued in respect of that milking shed.
- (2) The provisions of sub section (1) shall not be applicable to a milking shed in which milk is produced solely for own or domestic use.
- (3) If a local authority is of the opinion that a milking shed is being used in a way which, constitutes a health hazard or that a situation has developed in the milking shed which constitutes such hazard, the municipality may, order in writing the owner or possessor of an existing milking shed not to remove any milk for human consumption from the milking shed until the hazard or situation has been rectified to the satisfaction of the municipality.

47. **STANDARDS AND REQUIREMENTS OF MILKING SHEDS**

- (1) An approved milking shed shall consist of at least -
  - (a) A milking parlour
  - (b) a milking room where milk shall be received from the milking parlour, and such milk shall be stored and where it may be treated, processed and packed provided that where due to the design and construction of a milking shed all the requirements included under paragraph (3) cannot be situated within the milking room, it should be otherwise provided on the premises;
  - (c) a change room
  - (d) a scullery for the washing, cleaning, disinfection and sterilisation of milk containers and other unfixed apparatus and equipment used in the handling of milk.
  - (e) (i) The facilities referred to in paragraph (a) shall

(ii), be erected as separate rooms in one building complex or as separate detached buildings

(ii) A scullery may be erected as an integral part of a milk room or as a separate room.

(2) In the case of a milking parlour-

- (a) there shall be no direct connection with a latrine or with a room where gases, smoke, vapours, dust or soot deposit are present or may originate owing to the nature of the activities in such room;
- (b) which, provides standing-room of more than one row of dairy stock parallel with one another, there shall be a dividing corridor of at least one meter wide between the rows.
- (c) the partitions, if any, that separate dairy stock from each other when they are being milked, shall be of smoothly finished, non-absorbing and corrosion resistant material, free of any open seams and cracks;
- (d) mangers shall be arranged so that fodder which accumulates behind the mangers can be removed and be disposed of appropriately;
- (e) where walls are provided, the exterior walls -
  - (i) shall be at least 2, 4 metres high on the inside;
  - (ii) shall, at places where dairy stock are milked, extend to at least 2, 1 metres above the level on which the dairy stand;
- (f) the interior surfaces of the walls, if provided shall be made of impervious materials with no toxic effect in intended use;
- (g) the ceilings, if provided or overhead structures and fixtures shall be constructed and finished to minimize the build-up of dirt and condensation, and the shedding of particles;
- (h) the floors shall be constructed to allow adequate drainage and cleaning;
- (i) such parlour shall be adequately ventilated and illuminated;
- (j) such parlour shall be provided with at least one water tap with running water to which a flexible pipe may be connected for washing purposes; and
- (k) the entrances and exists for dairy stock shall have a floor covering with an impenetrable surface connected to a disposal system, and such floor covering shall be installed in such a way that any milk animal entering or leaving the milking parlour shall walk on it for a distance of at least 4 metres.

(3) In the case of a milking room -

- (a) such milking room shall comply mutatis mutandis with the provisions of sub section (2) (e), (f), (g), (h) and (i);
- (b) where the scullery forms an integral part of the milking room there shall be sufficient space to allow for the cleaning and disinfections of all milk containers, and the storage of milk;
- (c) such milking room shall be provided with at least one sink, with hot and cold water (or temperature controlled water), and running water with the run-off connected to a disposal system;
- (d) such milking room shall be erected so that a milk tanker can be connected to a bulk farm tank through a suitable opening and the distance between the two connection points shall not exceed 6 meters;
- (e) such milking room shall be rodent-proof;
- (f) the doors should have smooth, non-absorbent surfaces, and be easy to clean and, where necessary disinfect;
- (g) windows should be easy to clean, be constructed to minimize the build-up of dirt and where necessary, be fitted with removable and cleanable insect-proof screens. Where necessary windows should be fixed;
- (h) such milking room may be equipped with a farm tank for the storage of milk.

(4) A change room shall -

- (a) comply mutatis mutandis with sub-regulation (2) (e) , (f), (g), (h) and (i);
  - (b) have at least one hand-basin and shower provided with hot and cold running water, soap, disinfectant and disposable towels, and the used water from such hand wash-basin and shower shall adequately drain into a disposal system.
  - (c) be within easy reach of the milking parlour and milking room
- (5) Any effluent originating from a milking shed shall -
- (a) not be stored, treated or dumped in any place except in or on a suitable disposal system;
  - (b) not be conveyed to or dumped in or on a suitable disposal system in any other way than by means of a pipeline, or cement ditches or in a container;
  - (c) not be dumped so that a water source is or may be polluted by it;
  - (d) not constitute a nuisance or cause a condition that is a health hazard.
- (6) A holder shall ensure that -
- (a) in or at a milking shed -
    - (i) a nuisance or a condition that is a health hazard is not caused or does not arise;
    - (ii) no poisonous or hazardous substances or gases are stored;
    - (iii) no activity is carried on which can pollute or harm or contaminate or spoil the milk;
    - (iv) appropriate storage conditions to avoid feed contamination.
  - (b) rodents and flies, cockroaches and other insects on the premises of the milking shed are controlled.
- (7) A milking shed shall not be used for any other purpose except the production and handling of milk.
- (8) Unfixed milk containers and other apparatus and equipment used in the handling of milk shall not be washed, cleaned, disinfected or sterilised in a place other than the scullery referred to in sub-section (1) (d).
- (9) No person shall smoke, use or handle tobacco in any form or eat in a milking shed except in the change room or dining room of a milking shed;
- (10) As soon as milk animals have left a milking shed, all manure shall be removed from the milking shed and from the floor, and all entrances and exits of the milking shed shall be cleaned.

#### 48. **MILK CONTAINERS AND MILKING MACHINE**

- (1) A milk container shall-
- (a) be designed and constructed in such a way that it has smooth finish, free from open seams, cracks and rust stains to ensure that, where necessary, they can be adequately cleaned, disinfected and maintained to avoid the contamination of milk;
  - (b) not be made wholly or partly of copper, or any copper alloy or any toxic material;
  - (c) be constructed in such a way that any surface that comes into contact with milk is accessible for the purpose of washing and disinfection; and
  - (d) not be used for any other purpose except the handling of milk.
- (2) A milking machine shall-
- (a) be designed, constructed or manufactured in such a way that-
    - (i) the vacuum pipe of the machine can be drained to remove all the moisture;
    - (ii) be adequately cleaned, disinfected and maintained to avoid the contamination of milk;
    - (iii) is equipped with a device rendering visible the milk flow from each milk animal and;
    - (iv) comply with sub-section (1) (a), (b), (c) and (d);
  - (b) be durable and movable or capable of being disassembled to allow for maintenance, cleaning, disinfection, monitoring and, to facilitate inspection.



- (3) A bulk farm tank shall -
- (a) be designed, constructed or manufactured in such a way that it-
    - (i) has a drainage incline leading directly to the outlet point;
    - (ii) is fitted with an outlet pipe made or manufactured and fitted in a way that all liquid can drain out of such tank, and the end of such outlet pipe shall be screw-threaded and fitted with a screw-on cap permitting such end to be shut off;
    - (iii) is fitted with an automatic operated stirring mechanism capable, within five minutes of being put into operation, of mixing the milk in such a tank;
    - (iv) is fitted with a thermometer capable of measuring the temperature of the milk in such tank accurately to the nearest 2<sup>0</sup> Celsius;
    - (v) is equipped to cool the milk in such tank to 5<sup>0</sup> Celsius or lower temperature within three hours, and, capable of keeping such cooled milk at a required temperature of between one and five degrees Celsius effectively;
    - (vi) is installed at a minimum distance of 0, 5 metres from any roof, ceiling or wall to effectively keep the milk cool;
    - (vii) is insulated in such a way that when no cooling takes place, the temperature of the milk in such tank shall not increase by more than 3<sup>0</sup> C in 12 hours if the surrounding temperature is 32<sup>0</sup> Celsius;
  - (b) comply mutatis mutandis with the provisions of subsections (1) (a), (b), (c) and (d);
  - (c) be able to allow for maintenance, cleaning, disinfection, monitoring, and, to facilitate inspection.
- (4) The tank of a milk tanker shall -
- (a) be designed, constructed and installed in such a way that:
    - (i) it has an incline leading to the outlet pipe so that the total contents of such tank can drain out of the tank through the outlet pipe while the vehicle itself is in a horizontal position;
    - (ii) is insulated in such a way that the temperature of the milk in such tank shall not increase by more than 2<sup>0</sup> Celsius every 48 hours;
    - (iii) it has at least one opening fitted with dust-proof lid through which the inside of such tank can be inspected and shall be equipped so that all surfaces that come into contact with milk can be adequately cleaned and disinfected;
  - (b) comply mutatis mutandis with the provisions of subsections (1) (a), (b), (c), (d) and (3)(c).
- (5) Milk containers, and other fixed and unfixed apparatus and equipment shall be so washed and disinfected after use that they are clean, that fats and milk residues are dissolved and removed and that the bacteriological count on surfaces coming into contact with milk does not exceed 10 bacteria per 100 square millimetres of such surfaces after disinfection. The swabbing of the contact surfaces shall be conducted according to SANS Standard Test Method 763: Efficacy of Cleaning Plant, Equipment and Utensils: Swab Technique.

#### 49. HANDLING OF MILK

- (1) The first/fore milk from every teat shall be taken as a sample to be tested for visual examination and shall be disposed of after testing in such a manner as to prevent contamination of the area.
- (2) If such testing reveals any signs of abnormality in the milk, the milk of the animal concerned shall be kept separate and shall not be mixed with other milk or used for human consumption.
- (3) Milk obtained from dairy stock following a minimum of four days after parturition (post-partum) shall not be added to milk destined for human consumption.
- (4) Milk shall not be transferred from one container to another by means of a third container.
- (5) Milk shall be protected from direct sunlight.
- (6) Milk shall be transferred to the milking room immediately after the stock has been milked.

- (7) Except when milk is being pasteurized or undergoing some other heat treatment process, the milk shall be cooled to a temperature of 5° C or lower, but above freezing point and kept at that temperature until it is removed from the milking area.

50. **HEALTH STATUS OF DAIRY STOCK:**

- (1) Every milk animal shall be marked with a distinguishing and indelible mark, which, such could identify the animal.
- (2) A register shall be kept of each separate milk animal's diseases, each withdrawal from the dairy herd and, each return to the dairy herd for milking purposes and all veterinary examinations and treatment records with the name of the veterinarian, if involved in such examinations or treatments.
- (3) Each individual milk animal shall be examined by a veterinarian at a minimum of at least once in every two-year cycle, provided that milk animals are further examined as required; and a report shall be obtained from the veterinarian after each examination.
- (4) The milk of any milk animal that is or appears to be ill shall not be made available for human consumption until such time as the holder has made sure that the animal is not suffering from a disease mentioned in sub-section (5).
- (5) The milk of dairy stock that suffer from mastitis, indurations of the udder, a secretion of bloody or ropy milk or milk otherwise abnormal, tuberculosis, salmonellosis, acute fever (with the inclusion of anthrax, anaplasmosis, red water, ephemeral fever and lumpy skin disease, septic mastitis, septic multiple mange, serious tick infection or brucellosis, or that have any open or septic wounds which may contaminate milk, milk containers, or apparatus or equipment or people who work with the milk animals, shall not be made available or used for human consumption unless steps have been taken to the satisfaction of the local authority to eliminate such health hazard.
- (6) Substances and materials used in the milking process or on dairy stock shall be kept in containers that are free of foreign or toxic matter and dirt, and such containers, when not in use, shall be covered with tight-fitting lids.  
Where applicable, such substances and materials shall be approved in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947).
- (7) All flanks, udders, bellies and tails of visibly dirty milk animals shall before the milking process be cleaned, and if necessary dried with disposable or clean towel.

51. **PERSONAL HYGIENE – MILKER'S AND HANDLERS OF MILK**

- (1) Hygiene facilities for personnel shall be made available to ensure that an appropriate degree of personal hygiene can be maintained and to avoid contaminating milk. Where appropriate facilities shall include-
  - (a) adequate means of hygienically washing and drying hands, including hand wash basins and a supply of hot and/or cold water and soap and disinfectant;
  - (b) toilets of appropriate hygienic design; and
  - (c) adequate changing facilities for personnel;
- (2) Such facilities shall be suitably located and designed.
- (3) The hands and fingernails of every milker or handler of milk shall be washed thoroughly with soap and water, and there shall be no accumulation of grime under the nails when milk is handled.
- (4) Every person handling milk, shall daily before commencement of activities or work put on clean and undamaged over-clothes and gumboots and wear them continuously while he is handling milk in the interests of milk safety and suitability for use.
- (5) Milk shall not be handled by any person -
  - (a) who has on his or her body a suppurating abscess or a sore or a cut or abrasion, unless such abscess, sore, cut or abrasion is covered with a moisture proof dressing which is firmly secured to prevent contamination of the milk;
  - (b) who is or who is suspected of suffering from or being a carrier of a disease or condition in its contagious stage that can be transmitted by food or animals, unless any such person immediately reports the disease or condition to the person in charge and a certificate by a medical practitioner stating that such person is fit to handle food is submitted;
  - (c) whose hands or clothing are not clean.
- (6) All employees shall be subjected to personal and food hygiene training relevant to the production and handling of milk and in the case of new employees prior to the commencement of handling milk. Records of such training must be made available to an environmental health Practitioner on request.

- (7) The holder of a certificate of acceptability for a milking shed shall undergo training on food safety and hygiene aspects of the production & handling of milk by an accredited service provider.

52. **STANDARDS AND REQUIREMENTS FOR TRANSPORT OF MILK**

Duties of the driver of a vehicle-

- (1) If milk that is not already packed in its final retail packaging is loaded on a vehicle at a milking shed for transportation to a further distribution point, the driver of such vehicle shall-
- (a) before any milk is loaded on such vehicle:
    - (i) carry out an alizarin test (68 percent alcohol) on a sample of the milk to be loaded, which sample shall be taken by himself or under his/her direct supervision from the container from which such milk will be loaded; and
    - (ii) take the temperature of the milk in the tank, if the alizarin test is positive, or if the temperature from such milk in the tank exceeds 5° Celsius, which indicate inappropriate handling and the temperature under which the milk was stored, not accept such milk for transportation;
  - (b) ensure that a milk tanker or milk container is cleaned and disinfected as soon as all the milk has been unloaded there from.
- (2) Samples taken in terms of subsection (1) (a), shall comply with the relevant provisions of ISO 707/IDF 50:2008, Milk and milk products-guidance on sampling.
- (3) The bacteriological count on the surfaces coming into contact with milk shall not exceed 10 bacteria per 100 square millimetres of such surfaces after appropriate cleaning and disinfection has been done.
- (4) The swabbing of the contact surfaces shall be conducted according to SABS Standard Test Method 763: Efficacy of Cleaning Plant, Equipment and Utensils: Swab Technique.

## CHAPTER 7

### WATER POLLUTION

53. **POLLUTION OF SOURCES OF WATER SUPPLY**

No person may 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 public health nuisance or a public health hazard.

54. **DANGEROUS WELLS, BOREHOLES AND EXCAVATIONS**

- (1) Every owner or occupier of premises must ensure that any well, borehole or other excavation located on his or her premises –
- (a) Is fenced, filled in or covered over in a way that adequately safeguards it from creating a public health nuisance or public health hazard; and
  - (b) 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 public health nuisance or a public health hazard.
- (2) Every owner of premises must provide every resident on the premises with an adequate and readily available potable water supply at all times.
- (3) No person may sink or dig, or cause or permit to be sunk or dug, a well or borehole, to obtain water, unless–
- (a) It is done so in accordance with any relevant law; and
  - (b) He or she has given the Municipal council at least 14 days' written notice of his or her intention to do so.
- (4) The notice referred to in subsection (3) must state the proposed location and the purpose for which the water is to be used.

55. **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.

56. **USE OF WATER FROM SOURCE OTHER THAN THE MUNICIPAL WATER**

No person may use, or permit to be used, any water obtained from a source other than the municipal water supply for domestic consumption unless the water concerned has been approved for that purpose and complies with standards of potable water.

57. **FURNISHING OF PARTICULARS OF THE SOURCE OF WATER**

- (1) Any owner or occupier of premises on which well, boreholes, 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, provided 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 costs, furnish to the council a certificate of chemical analysis and bacteriological investigation issued by an analyst, as defined in the Foodstuff, Cosmetics and Disinfectants act 1972 (Act No. 54 of 1972) in respect of any water supply on that premises used for domestic consumption
- (3) If water from a borehole is used for domestic consumption a certificate of analysis as contemplated in subsection 2 must be submitted to council annually or at any time on request of an environmental health practitioner

58. **NOTICE OF SINKING OR DIGGING OF BOREHOLES OR WELLS**

- (1) No persons may sink or dig, or cause or permit to be sunk or dug, a well or borehole, to obtain water, unless:
  - (a) it is done so in accordance with any relevant law; and
  - (b) he or she has given the Health and Social Development Department at least 14 days written notice of his or her intention to do so.
- (2) The notice referred to in subsection 1(b) must state the proposed location and the purpose for which the water is to be used.

59. **STORM WATER RUNOFF FROM PREMISES WHICH MAY IMPACT ON PUBLIC 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 public 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 public 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 stockpile 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, stockpile, 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;
  - (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 public health nuisance;

- (d) must construct bund walls around any tank, or group of tanks, containing any substance that can create a public health nuisance, of a size that is capable of containing the volume of the largest tank 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.
- (3) 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.

60. **WATER FOR HUMAN CONSUMPTION AND USE**

- (1) A person may not, in violation of national or provincial legislation and guidelines on the quality of the water supply –
  - (a) Deposit or cause or allow to be deposited any matter, liquid or thing which is infectious or injurious to the public into any water supply which the public has a right to use; or
  - (b) Add or cause or allow to be added any infectious, offensive or noxious matter, effluent, fluid or thing to any water supply which the public has a right to use and which could cause a nuisance or constitute a danger to health.
- (2) The Department or an environmental health officer, acting for and on behalf of the relevant municipality, may, in accordance with national and provincial legislation and guidelines on the quality of the water supply, including but not limited to SANS 241-2001, add liquids or substances to the relevant water supply to combat snails, insects, pathogenic organisms or any other organisms which may spread disease or cause a nuisance.
- (3) A person may not keep or allow another person to keep any animal or bird by the side of or in immediate proximity to any water supply which the public has a right to use where the position of the animal or bird could pollute the water or is dangerous to health.
- (4) A person must not allow or cause any animal or bird to enter or pollute a water supply, which the public has a right to use.
- (5) A person may not bathe, wash or cause or allow to be washed any clothing or other article or animal in any place which drains into any water supply which the public has a right to use as drinking water or for domestic purposes, whether or not the water supply is derived from sources within or outside the Province: Provided that this regulation does not apply in the case of any stream, water course or water furrow from which water is not used as drinking water or for domestic purposes at any place less than one kilometre below the place in the stream, water course or water furrow where bathing or washing usually takes place.
- (6) A person contemplating the development of a cemetery must obtain an environmental impact assessment to determine the effect of the contemplated cemetery on the local water supply.

61. **POLLUTION OF MUNICIPAL COUNCIL'S WATER SUPPLY**

- (1) Unless such act is specifically authorised in writing by the authorised delegate, no person shall commit an act which may cause pollution of any nature to water in a reservoir or other place owned, controlled by or vested in the Municipal council either in whole or in part, and used by it in connection with the supply of water.
- (2) No person shall, except at such places as are designated by notice boards or in such receptacles as are provided by the Municipal council deposit or discharge rubbish, night-soil, industrial waste or other matter which may cause pollution of any nature on a portion of a catchment area relating to the Municipal council's water supply which has been designated by notice boards as being an area where such acts are prohibited.
- (3) If a person contravenes subsection (1) or (2) the authorised delegate may -
  - (a) By notice in writing require the person immediately to cease such act, and take specified action within a specified period; or
  - (b) If he is of the opinion that the situation is a matter of urgency, without prior notice take such action as he may deem necessary and recover the cost from the person.

62. **POLLUTION OF SOURCES OF WATER SUPPLY SYSTEM**

- (1) No person may commit an act which may cause pollution of any nature to water in a reservoir or other place owned, controlled by or vested in the Municipality either in whole or in part and used by it in connection with the supply of water, unless such act is specifically authorised in writing by the Health Practitioner.

- (2) No person may, except at such places as are designated by the Municipality, deposit or discharge rubbish, night soil, industrial waste or other matter which may cause the pollution of catchment area or a portion thereof which is connected with the Municipality water supply and which has been designated by notice boards as being an area where such acts are prohibited.
- (3) No person may pollute or contaminate any catchment area, river, canal, well, reservoir, filter bed, water purification or pumping works, tank, cistern or source of water supply or storage in a way that creates a public health nuisance or a public health hazard
- (4) If a person contravenes subsection (1) or (2) or (3) the EHP may-
  - (a) By notice in writing require such person to cease such act immediately, and take specified action within a specified period, or
  - (b) If the situation is a matter of urgency, without prior notice, take such action as he may deem necessary and recover the cost from such person.
- (5) Except with the permission of the Municipal council or in terms of the provisions of the Sea-Shore Act, 1993 (Act No190 of 1993), a person may not cause –
  - (a) Waste water;
  - (b) Any toxic or harmful substance; or
  - (c) Any litter or waste to run into or be dumped in a water course

### 63. **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 meters above the highest level of precipitation which could be expected within a period of 24 hours with an average frequency of recurrence of one in 100 years.

## **CHAPTER 8**

### **SANITARY SERVICES**

#### 64. **COMPULSORY CONNECTION TO MUNICIPAL SEWAGE SYSTEM**

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

#### 65. **PROHIBITION AGAINST OBSTRUCTION OF SANITARY SERVICE**

No person may prevent, obstruct or interfere with any sanitary service provided by the council

#### 66. **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 Standard Act or any other applicable legislation.

#### 67. **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 Council.

#### 68. **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.

#### 69. **CONDITION OF TOILETS, URINALS, BACKYARDS AND REFUSE AREAS**

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

#### 70. **SEPARATE STORAGE OF URINE**

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

- (2) Every owner or occupier referred to in subsection (1) must use the urine tank or urine bucket exclusively for the reception of urine.

**71. 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 water or other waste water produced on the premises during a period of 48 hours.
- slops, bath
- (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 the Council's or other 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 public health nuisance.

**72. 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 Council.

**73. 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.

**74. 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.

**75. POLLUTION OF THE SEWERAGE SYSTEM**

- (1) No person may do anything which may cause a safety or health hazard in a sewer, structure or place owned or controlled by or owned by the Municipality either wholly or in part, and used by it in connection with the disposal of sewage
- (2) No person may cause pollution of any nature on any portion of an area that is associated with sewerage system
- (3) If any person contravenes Section 75 the Environmental Health Practitioner may
- (a) By notice in writing require the person to cease causing pollution immediately, and take specified action within a specified period, or
- (b) If the situation is a matter of urgency, without prior notice take such action as it may deem necessary and recover the cost from the person.

**CHAPTER 9**

**AIR POLLUTION**

For this section refer to the Ugu District Municipality Air Quality Bylaws.

**CHAPTER 10**

**ACCOMMODATION ESTABLISHMENTS**

**76. PERMIT REQUIREMENT**

No person may operate an accommodation establishment except in terms of a permit authorizing that activity.

**77. REQUIREMENTS FOR PREMISES OF ACCOMMODATION ESTABLISHMENTS**

No person may operate accommodation establishments on premises which do not comply with the following requirements:

- (1) No room wholly or partly used by persons for sleeping in may be occupied by a greater number of persons that will allow
  - (a) less than 11,3m<sup>3</sup> of free air space and 3, 7 m<sup>2</sup> of floor space for each person over the age of 10 years; and
  - (b) less than 5,7m<sup>3</sup> of free air space and 1, 9 m<sup>2</sup> of floor space for each person under the age of 10 years;
- (2) no latrine, passage, staircase, landing, bathroom, cupboard, out building, garage, stable, tent, storeroom, lean to, shed, kitchen, dining room, food preparation area, cellar or loft may be used as sleeping accommodation;
- (3) if a dormitory is provided on the premises –
  - (a) a single bed, manufactured of metal or some other durable material and equipped with a mattress, must be provided for every person housed in the dormitory;
  - (b) a separate locker must be provided for every person making use of the dormitory for safeguarding the person's clothing and other possessions;
  - (c) every bed in a dormitory must be so placed that its sides are at least one meter away from any part of any other bed;
- (4) an accommodation establishment must be provided with
  - (a) an area of the preparation and cooking of food, adequate for the use of and easily accessible to any occupier residing in the accommodation establishments;
  - (b) adequate separate wash-up facilities; and
  - (c) where meals are provided to persons housed in the accommodation establishment, a dining or adequate dining area with tables and chairs or benches and unobstructed floor area, including the area occupied by tables, chairs and benches, of at least 1,2 m<sup>2</sup> for every seat provided for dining purposes; (Such establishment must meet the requirements for food handling premises made under the Foodstuffs, Cosmetics and Disinfectants Act, 54 Of 1972, and published by Government Notice R962 of 23 November 2012, which may be amended from time to time.) and the National Building Regulations and Building Standards Act.).
- (5) (a) an accommodation establishment must be provided with one or more showers, each suitably placed in a separate compartment, easily accessible to every occupier, and fitted with waste pipes which comply with the provisions of the National Building Regulations and

Building Standards Act.

- (b) a bath fitted with a waste pipe may be substituted for each shower referred to in subsection (5) (a)
- (c) the facilities referred to in subsection (a) and (b) must be designated for the different sexes;
- (6) an accommodation establishment must be provided with sanitary fixtures as prescribed in the National Building Regulations and Building Standards Act and such fixtures must be designated for the different sexes;
- (7) an accommodation establishment must be provided with an adequate supply of hot and cold running or potable water;
- (8) all rooms and passages must be provided with adequate ventilation and lighting as prescribed in the National Building Regulations and Building Standards Act;
- (9) openings such as doors, windows or fanlights may not be obstructed in a manner that interferes with the lighting or cross ventilation they provide;
- (10) (a) a separate room with approved containers must be provided for the storage of dirty articles used in connection with an accommodation establishment, pending removal to be laundered; and
  - (b) if articles used in connection with an accommodation establishment are laundered on the premises, a separate approved washing, drying and ironing areas equipped with the necessary facilities for this purpose must be provided.
- (11) a storeroom for the storage of furniture and equipment and a separate linen room with cupboards or shelves for the storage of clean bed and other linen, towels, blankets, pillows and other articles used in connection with an accommodation establishment, must be provided;



- (12) (a) all walls and ceilings must have a smooth finish and be painted with a Light-coloured washable paint, or have some other approved finish;
- (b) The floor surface of every kitchen, scullery, laundry, bathroom, shower, ablution room, toilet and sluice room must be constructed of concrete or some other durable, impervious material brought to a smooth finish; and
- (c) the floor surface of every habitable room must be constructed of an approved material;
- (13) The following facilities must be provided for people who are employed and also reside on the premises:
  - (a) Sleeping quarters equipped with a bed, mattress and locker which comply with the provisions of paragraphs (a), (b) and (c) for each employee; and
  - (b) if employees are not provided with meals in the accommodation establishment, food preparation and dining facilities that comply with the provisions of paragraph (d).
- (14) adequate changing facilities must be provided for non-resident employees;
- (15) adequate ablution and sanitary facilities, which comply with the provisions of subsection (6), must be provided for resident and non-resident employees;
- (16) an adequate refuse holding area must be provided and an approved refuse removal system must be maintained,
- (17) all walls, floors and roofs must be constructed in a manner which prevents wind or rain entering an accommodation establishment or dampness entering the interior surfaces of any wall or floor;
- (18) All accesses to an accommodation establishment must have a door which when closed, prevents the wind or rain entering the premises; and
- (19) All windows must be constructed in a manner that prevents rain entering the accommodation establishment when the windows are closed.

#### 78. **DUTIES OF OPERATORS OF ACCOMMODATION ESTABLISHMENTS**

Every person who conducts an accommodations establishment must

- (1) keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hanging 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 closefitting 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 establishments in the manner provided in section 77 subsection (10)(a);
- (7) store all clean linen, towels, blankets, pillows and other articles used in connection with the accommodation establishment in the manner provided in section 77 subsection (11) ;
- (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 the manner provided in section 77 subsection (16).
- (11) must ensure compliance with the requirements for food handling premises made under the Foodstuffs, Cosmetics and Disinfectants Act, 54 Of 1972, and published by Government Notice R962 of 23 November 2012, which may be amended from time to time and National Building Regulations and Building Standards Act if food is provided to the occupants.

### **CHAPTER 11**

**HAIRDRESSING, BEAUTY AND COSMETOLOGY SERVICE****79. PERMIT REQUIREMENT**

No person may operate a salon except in terms of permit authorizing that activity

**80. GENERAL PROVISIONS**

- (1) The premises shall not be used as or in connection with a living, food preparation or sleeping space unless a permanently constructed partition completely separates the working area.
- (2) The working area must be of adequate size and layout to allow for the separation of clean and dirty working areas.
- (3) The premises must have within easy access public toilet facilities that are kept clean, well lit, ventilated and in good repair.
- (4) Sufficient storage cabinets must be provided for the proper storage of equipment and supplies.

**81. REQUIREMENT 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, nonabsorbent, 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) 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;
- (10) if no change rooms has been provided in terms of paragraph (i) –
  - (a) a wash hand 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.

**82. DUTIES OF SALON OPERATORS**

Any person operating a salon must

- (1) maintain the premises, tools, equipment and clothing in a hygienic and good condition at all times;
- (2) equip the premises with an adequate means to disinfect and sterilize instruments and equipment that may come into direct contact with any customer's hair or skin;
- (3) provide employees on the premises with approved protective clothing and equipment;
- (4) collect all hair clippings and other waste in an approved container after every service;
- (5) store or dispose of waste in an approve manner;

- (6) adequately train any person working on the premises on health and hygiene matters;
- (7) not permit any animal on the premises unless it is guide dog accompanying a blind person, and
- (8) ensure that any employee working with the public with an open wound on their hands or with a communicable skin condition to take the necessary precautions.
- (9) ensure that every person working in the salon complies with the requirements of this section.

83. **REQUIRED MINIMUM HEALTH STANDARDS FOR THE OPERATION OF A SALON**

Any person operating or employed in, a salon must take the following measures:

- (1) adequately disinfect the entire instrument after each use;
- (2) adequately sterilize the following instruments after each use;
  - (a) any instrument used for body piercing or tattooing
  - (b) any instrument which has come in contact with blood or any other body fluid;
- (3) wash and clean all plastic and cloth towels after each use;
- (4) dispose of all disposable gloves or other disposable material after each use;
- (5) wash all aprons and caps daily;
- (6) wash his or her hands with soap and water or disinfectant before and after rendering each service to a client;
- (7) wear disposable gloves when providing one of the following salon services:
  - (a) any chemical services;
  - (b) any hair implant;
  - (c) body piercing; and
  - (d) tattooing;
- (8) wash all walls, floors, chairs and other surfaces in the premises at least once a day with a disinfectant or household detergent;
- (9) dispose of all waste water, sharp instruments, bloodied and otherwise contaminated towels and toweling paper in an approved manner;
- (10) store razors, blades, needles and other sharp instruments separately in a 'sharp instrument' container;
- (11) adequately treat any injury or wound which may occur on the premises
- (12) clean and disinfect all surface that have been contaminated by blood after each service;
- (13) 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) ;
- (14) All tubes and needles must be stored in single service, sterile, sealed autoclave bags that must be opened in the present of the client.

## **CHAPTER 12**

### **CHILD – CARE FACILITIES**

84. **APPLICATION OF BY-LAWS**

These by-laws apply to all child care services operated within the area of jurisdiction of the Municipality

85. **APPLICATION OF BY-LAWS TO EXISTING CHILD CARE SERVICES**

- (1) Notwithstanding the provisions of section 105, the environmental health practitioner may grant an extension of time to a person who was operating a children's' home before the date of commencement of these by-laws so that such person may comply with the provisions of these by-laws within 12 months or such shorter period as may be determined by the environmental health practitioner.

- (2) The Municipality may, in any case where reasons to its satisfaction are given, extend the period stated in subsection (1) by not more than 12 months.

86. **HEALTH CERTIFICATES**

- (1) No person may operate a child care service on any premises unless he or she is in possession of a health certificate to the effect that the premises and the general facilities and services comply with these by-laws. Such health certificate must state
- (a) The number of children permitted to be cared for on the premises as well as the number of children of different age groups per age group permitted to be cared for at the premises.
  - (b) The minimum and the maximum ages of the children permitted to be cared for on the premises; and
  - (c) The hours during which the child-care service may operate.
- (2) A health certificate must be displayed
- (a) On the premises to which it relates; and
  - (b) In such manner as to be clearly visible at all times to any member of the public entering the premises.
- (3) The environmental health practitioner may issue a health certificate if he or she is satisfied that these by-laws are being complied with in respect of the child care service and premises in question: Provided that if the environmental health practitioner is of the opinion that such compliance is not reasonably practicable owing to the physical features and facilities of the premises, he or she may issue a health certificate subject to compliance with such other reasonable requirements as he or she may deem necessary.
- (4) If a health certificate holder dies or ceases to operate the child care service to which his or her health certificate relates, the health certificate becomes invalid and is not transferable to any other person or to any heir of or successor in title to the health certificate holder.
- (5) If a health certificate holder proposes transferring a child care service operated on certain premises to other premises. He or she must obtain a health certificate in respect of such other premises before the child care service may be operated on those premises.
- (6) When a child care premises provides meals from a kitchen, the health certificate holder must be in possession of a certificate of acceptability in respect of the child care service.
- (7) The issue of the Health Certificate is subject to:-
- (a) Approval by the Local Authority Town planning Department.
  - (b) Application for registration as a place of care in terms of the Child Care Act, 1983(74 of 1983) with the Department of Social Development.

87. **REQUIREMENTS FOR THE PREMISES OF CHILD CARE SERVICES FOR CHILDREN UNDER COMPULSORY SCHOOL-GOING AGE**

Compliance with the National Building By-laws. All structures on the premises of any child care service for children under compulsory school-going age must comply with the requirements of the National Building Regulations, as well as uniform policies that are developed for the city regulating the service unless the premises are situated in an unproclaimed area

88. **INDOOR PLAY AREA**

An indoor play area must be set aside on every premises on which a child care service for children under compulsory school-going age is operated. Such indoor play area must meet the following requirements:

- (1) The indoor play area must consist of 1, 5 m<sup>2</sup> of free floor area per child and may be used for playing, eating and sleeping purposes only.
- (2) The indoor play area for children from the age of three years to compulsory school-going age must be separate from the indoor play area for children under the age of three years. Divisions or moveable partitions may be used to create such separation.
- (3) Any structure used as an indoor play area must have
  - (a) Exterior walls and a roof so constructed as to prevent the permeation of wind and rain;
  - (b) Windows which open to provide sufficient natural light and cross-ventilation; and

- (c) A floor which has a smooth surface that is easy to wash and that prevents the permeation of dampness.

89. **OUTDOOR PLAY AREA**

An outdoor play area must be provided on the premises of every child care service for children under compulsory school-going age. Such outdoor play area must meet the following requirements:

- (1) The outdoor play area must consist of not less than 2 m<sup>2</sup> of outdoor area per child: Provided that, if no outdoor play area is available on the premises, an approved additional indoor play area of 1.5 m<sup>2</sup> per child is substituted for the outdoor play area.
- (2) The outdoor play area must be free of any excavations, steps, projections, levels or surfaces

That may, in the opinion of the Municipality, be dangerous or may constitute a hazard.

90. **TOILET AND WASH FACILITIES FOR CHILDREN**

On any premises on which a child care service for children under compulsory school-going age is operated, toilet and wash facilities must be provided for the children. Such facilities must meet the following requirements:

- (1) Toilet and wash facilities for children from the age of three years to compulsory school-going age must be in an approved separate screened-off and roofed area of the premises and must include
  - (a) Where no sewer system is available in respect of the premises
    - (i) an improvised toilet on the premises or immediately adjacent to the premises;
    - (ii) one bucket for every eight children, which bucket must be of a size suitable for use as a toilet and placed under a properly constructed seat; and
    - (iii) a container with a tight-fitting lid for the disposal of the contents of the bucket or buckets, as the case may be, provided that the contents of the container are disposed of regularly during the day into the approved toilet and that the bucket or buckets and the container and any chamber-pot, pot or "potty" is kept in a clean and sanitary condition at all times;
  - (b) where a sewer system is available in respect of the premises, one approved toilet for every 20 children;
  - (c) where washbasins are available, one washbasin for every 20 children, which washbasin must
    - (i) be at such height as to be conveniently used by children; and
    - (ii) be supplied with running water, provided that if no running water is available, a minimum of 20 litres of potable water is supplied on a daily basis in a container that can be closed, which container must be accessible for supply to the washbasins; and
  - (d) where no washbasins are available, one suitable container for every 20 children, provided that
    - (i) such container can be filled from a potable water container that can be closed;
    - (ii) such container is placed at a height convenient for children; and
    - (iii) a minimum of 20 litres of potable water is supplied on a daily basis from the portable water container.
- (2) Toilet and wash facilities for children who are under three years of age or still in nappies must include an approved separate nappy-changing area in which is provided
  - (a) a nappy-changing unit with a surface that can be cleaned easily, which must
    - (i) have one bath or sink for every 20 children who are in nappies; and
    - (ii) be supplied with water, provided that if no running water is available on the premises, an approved source of potable water is available and accessible to the nappy-changing area on a daily basis;
  - (b) disposable material for the cleaning of children who are in nappies;
  - (c) approved separate containers for the storage of clean nappies and soiled nappies; and
  - (d) approved facilities for the cleaning of cloth nappies.

91. **INDOOR STUDY AREA**

An indoor study area consisting of 1, 5 m<sup>2</sup> of free floor area per child must be provided on any premises on which a child care service for children of compulsory school-going age is operated. Any structure used as an indoor study area must have

- (1) exterior walls and a roof so constructed as to prevent the permeation of wind and rain;
- (2) windows which open to provide sufficient natural light and cross-ventilation; and
- (3) a floor which has a smooth surface that is easy to wash and that prevents the permeation of dampness.

92. **OUTDOOR PLAY AREA**

An outdoor play area must be provided on any premises on which a child care service for children of compulsory school-going age is operated. Such outdoor play area must consist of not less than 3 m<sup>2</sup> of outdoor area per child and must be free of any excavations, steps, projections, levels or surfaces that, in the opinion of the Municipality, may be dangerous or may constitute a hazard.

93. **TOILET AND WASH FACILITIES FOR CHILDREN**

On any premises on which a child care service for children of compulsory school-going age is operated, toilet and wash facilities must be provided for the children. Such facilities must meet the following requirements:

- (1) The toilet and wash facilities for the children must be in an approved separate screened-off area of the premises and must include
  - (a) where no sewer system is available in respect of the premises
    - (i) an approved toilet on the premises or immediately adjacent to the premises;
    - (ii) one bucket for every eight children, which bucket must be of a size suitable for use as a toilet and placed under a properly constructed seat; and
    - (iii) a container with a tight-fitting lid for the disposal of the contents of the bucket or buckets, as the case may be: Provided that the contents of the container are disposed of regularly during the day into the approved toilet and that the bucket or buckets and the container are kept in a clean and sanitary condition at all times;
  - (b) where a sewer system is available in respect of the premises, one approved toilet for every 20 children;
  - (c) where washbasins are available, one washbasin for every 20 children, which washbasin must-
    - (i) be at such height as to be conveniently used by children; and
    - (ii) be supplied with running water, provided that if no running water is available, a minimum of 20 litres of potable water is supplied on a daily basis in a container that can be closed, which container must be accessible for supply to the washbasins; and
  - (d) where no washbasins are available, one suitable container for every 20 children: Provided that
    - (i) such container can be filled from a potable water container that can be closed;
    - (ii) such container is placed at a height convenient for children; and
    - (iii) a minimum of 20 litres of potable water is supplied on a daily basis from the portable water container.
- (2) The toilet and wash facilities for the boys must be separate from those for the girls.

94. **GENERAL REQUIREMENTS FOR TOILET AND WASH FACILITIES FOR ALL CHILDREN**

The toilet and requirements: wash facilities must meet the following general requirements

- (1) In the toilet and wash facilities, an adequate supply of toilet paper, soap and tissues must be available and accessible to the children.
- (2) In the toilet and wash facilities, an approved towel and/or facecloth must be provided for each child for his or her individual use, and each child must use the towel and/or facecloth allocated to him or her.
- (3) Suitable pegs or hooks must be affixed in the toilet and wash facilities for the hanging of the children's towels and facecloths, and such pegs or hooks must be individually marked.
- (4) An adequate number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste materials must be provided in the toilet and wash facilities.

95. **LAUNDRY**

If laundry is done on premises on which a child care service for children under compulsory school-going age is operated, the laundry must be done in an area of the premises that is separate from any area used by the children, and the children may not have access to the area in which laundry is done. No laundry may be done in a kitchen on the premises.

96. **REQUIREMENTS FOR KITCHENS IN CHILDCARE PREMISES**

- (1) On any premises on which a child care service for children under compulsory school-going age is operated, an approved area must be set aside as a kitchen for the preparation of food and the washing up and rinsing of crockery, cutlery, pots, pans and other kitchen utensils. Such kitchen must meet the requirements for food handling premises made under the Foodstuffs, Cosmetics and Disinfectants Act, 54 Of 1972, and published by Government Notice R962 of 23 November 2012, which may be amended from time to time.
- (2) If any child who is bottle-fed is accommodated in the child care service, the child's bottles must be suitably rinsed and sterilised in the kitchen. Any filled bottles brought from home must be suitably stored in the kitchen in such manner as to prevent contamination and spoilage. Bottles must be clearly marked with the name of the child.
- (3) The children may not have access to any storage space or storage facility contemplated in sub section (2) above.

97. **ENCLOSING THE PREMISES**

Any premises on which a child care service for children under compulsory school-going age is operated must be enclosed with an approved means of enclosure so as to

- (1) prevent a child from leaving the premises of his or her own accord;
- (2) prevent the entrance of domestic animals onto the premises; and
- (3) prevent unauthorised access or entry.

98. **GENERAL REQUIREMENTS FOR TOILET AND WASH FACILITIES FOR CHILDREN**

The toilet and wash facilities contemplated in section 94 must meet the following general requirements:

- (1) In the toilet and wash facilities, an adequate supply of toilet paper, soap and tissues must be available and accessible to the children.
- (2) An adequate number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste materials must be provided in the toilet and wash facilities.

99. **KITCHEN**

- (1) On any premises on which a child care service for children of compulsory school-going age is operated, an approved area must be set aside as a kitchen for the preparation of food and the washing up and rinsing of crockery, cutlery, pots, pans and other kitchen utensils.
- (2) If cutlery and crockery are required for use by the children, an adequate supply of cutlery and crockery must be available in the kitchen for the use of each child.

100. **STORAGE**

- (1) Any premises on which a child care service for children of compulsory school-going age is operated must have adequate and suitable storage space and storage facilities for
  - (a) food, crockery, cutlery and kitchen utensils;
  - (b) the personal belongings of each child; and
  - (c) the personal belongings of the staff of the child care service.
- (2) The children may not have access to any storage space or storage facility contemplated in subsection (1).

101. **FOOD PREPARATION**

An area adequate in size and separate from indoor play area where food is to be handled, prepared, stored or provided to children or for any other purpose shall be provided.

102. **RESTING AND PLAY EQUIPMENT**

Suitable juvenile seating accommodation and tables shall be provided for each child:

- (1) Adequate and approved individual resting or sleeping equipment shall be provided for the separate use of each child
- (2) An approved blanket for the individual use of each child shall be provided.
- (3) Adequate, approved and safe indoor and outdoor play equipment shall be provided for the children's use.

103. **MEDICAL CARE FOR CHILDREN**

- (1) The parent or guardian of the child who becomes ill or has suffered an injury requiring medical attention shall be notified as soon as possible.
- (2) Whenever a child becomes ill or has suffered an injury requiring medical attention, medical assistance shall be summoned for which purpose a telephone shall be easily available.
- (3) Any child who falls ill or has suffered any injury shall receive the necessary care and treatment in the sick bay area, so designated.
- (4) In the event of a communicable diseases, the municipality shall be notified immediately.
- (5) The childcare provider shall ensure that all children have completed basic immunization schedules as deemed necessary.
- (6) The provisions of the Regulations R2438 of 20 October 1987, promulgated under the Health Act, 63 of 1977 regarding communicable diseases and notification of notifiable medical conditions shall apply to child care services.
- (7) All childcare service providers shall be trained in basic first aid.

104. **SAFETY MEASURES**

The following measures shall be taken on premises on which childcare services are conducted

- (1) Children shall be adequately protected against fires, hot water installations electrical fitting and appliances, heating appliances and any other article or substances which may be dangerous or cause harm to any child.
- (2) Any slats or rails forming part of an enclosure, security gate, play pen, bed, cot or any other object or structure whatsoever, shall not be more than 75 mm apart and shall be suitably installed and maintained in a good state of repair and if painted only nontoxic paint shall be used.
- (3) All medicines, pesticides, detergents and other harmful substances shall be stored so as not to be accessible to any child and be under lock and key at all times.
- (4) No noxious or poisonous or dangerous plant or shrub shall be permitted on the premises and no animals or birds be kept on the premises without the approval of the Environmental Health Practitioner.
- (5) No person known or suspected to be suffering from infections or contagious disease and no person so suffering, shall be allowed on the premises while in the opinion of the Environmental Health Practitioner or medically trained person, such person is capable of communicating such infections or contagious disease.
- (6) No padding pool, swimming pool or other structure shall be permitted in any Childcare service without an approved fencing and safety net.
- (7) The sandpit shall be covered with an approved covering material when not in use.
- (8) The provisions of the Regulation regarding the exclusion of children from daycare services on account of infectious diseases made in terms of the National Health Act, Act 61 of 2003 as amended shall apply to all childcare services.
- (9) Any other reasonable measures that may in the opinion of the Environmental Health Practitioner be necessary to protect the children from any physical danger shall be taken by the childcare service on instruction of the environmental Health Practitioner.
- (10) The premises must comply with fire regulations by providing at least two doors on opposite sides.

105. **SEPARATE FACILITIES FOR AFTER-SCHOOL CENTRE**

If a child care service cares for children of compulsory school-going age (in an after-school centre or children's home premises and day mothers homes) and children under compulsory school-going age on the same premises, the



facilities available for the children of compulsory school-going age must be separate from the facilities available for the children under compulsory school-going age.

106. **GENERAL REQUIREMENTS**

Whether services are rendered for gain or not, every children's home must comply with the provisions of this by-law in respect of the requirements mentioned therein and further comply with the following additional requirements for these premises.

107. **ACCOMMODATION REQUIREMENTS**

- (1) Premises from which a children's home is operated shall provide separate living quarters for sleeping accommodation for any guardian and child, and any person in whose custody the child is and the child as well as make provision for separate sleeping accommodation for the different sexes of children 7 years and older.
- (2) The premises must also meet the following requirements:
  - (a) No room wholly or partly used by persons for sleeping in may be occupied by a greater number of persons than will allow-<sup>1</sup>
    - (i) less than 11, 3 m<sup>3</sup> of free air space and 3, 7 m<sup>2</sup> of floor space for each person over the age of 10 years: and
    - (ii) less than 5, 7 m<sup>3</sup> of free air space and 1, 9 m<sup>2</sup> of floor space for each person under the age of 10 years;
  - (b) no latrine, passage, staircase, landing, bathroom, cupboard, outbuilding, garage, stable, tent, storeroom, lean-to, shed, kitchen, dining room, food preparation area, cellar or loft may be used as sleeping accommodation;
  - (c) if a dormitory is provided on the premises
    - (i) a single bed, manufactured of metal or some other durable material and equipped with a mattress, must be provided for every person housed in the dormitory;
    - (ii) a separate locker must be provided for every person making use of the dormitory for safeguarding the person's clothing and other possessions;
    - (iii) every bed in a dormitory must be so placed that its sides are at least one metre away from any part of any other bed;
  - (d) the children's home must be provided with
    - (i) an area for the preparation and cooking of food, adequate for the use of and easily accessible to any resident of the home;
    - (ii) adequate separate wash-up facilities; and
    - (iii) where meals are provided to children housed in the children's home, a dining-room or adequate dining area with tables and chairs or benches and unobstructed floor area, including the area occupied by tables, chairs and benches, of at least 1,2 m<sup>2</sup> for every seat provided for dining purposes;
  - (e) the children's home premises must be provided with the following bathing facilities
    - (i) a bath for every 8 children separate for the sexes and designated accordingly,
    - (ii) showers may be substituted for baths in the following ratios:
      - (aa) Males-two thirds of total number of baths
      - (bb) Females-one third of total number of baths
    - (iii) the facilities referred to in subparagraphs (i) and (ii) must be designated for the different sexes;
  - (f) a children's home sleeping quarters must be provided with sanitary fixtures as prescribed in the National Building Regulations and Building Standards Act and such fixtures must be designated for the different sexes;
  - (g) a children's home sleeping quarters must be provided with an adequate supply of hot and cold running potable water;

- (h) all rooms and passages must be provided with adequate ventilation and lighting as prescribed in the National Building Regulations and Building Standards Act;
- (i) openings such as doors, windows or fanlights may not be obstructed in a manner that interferes with the lighting or cross ventilation they provide;
- (j)
  - (i) a separate room with metal bins or canvas laundry bags must be provided for the storage of dirty articles used in connection with the sleeping quarters, pending removal to be laundered; and
  - (ii) if articles used in connection with an sleeping quarters are laundered on the premises, a separate approved washing, drying and ironing area equipped with the necessary facilities for this purpose must be provided.
- (k) a store-room for the storage of furniture and equipment and a separate linen room with cupboards or shelves for the storage of clean bed and other linen, towels, blankets, pillows and other articles used in connection with the sleeping quarters, must be provided;
- (l) all walls and ceilings must have a smooth finish and be painted with a light-coloured washable paint, or have some other approved finish;
  - (ii) the floor surface of every kitchen, scullery, laundry, bathroom, shower, ablution room, toilet and sluice room must be constructed of concrete or some other durable, impervious material brought to a smooth finish; and
  - (iii) the floor surface of every habitable room must be constructed of an approved material;
- (m) the following facilities must be provided for people who are employed and also reside on the premises:
  - (i) Sleeping quarters equipped with a bed, mattress and locker which comply with provisions of subsection (2) (a), (b) and (c) for each employee; and the
  - (ii) if employees are not provided with meals in the accommodation establishment, food preparation and dining facilities that comply with the provisions of subsection (2) (d).
- (n) adequate changing facilities must be provided for non-resident employees;
- (o) adequate ablution and sanitary facilities, which comply with the provisions of subsection (2) (e) and (f) must be provided for resident and non-resident employees;
- (p) an adequate refuse holding area must be provided and an approved refuse removal system must be maintained;
- (q) all walls, floors and roofs must be constructed in a manner which prevents wind or rain entering an accommodation establishment or dampness entering the interior surfaces of any wall or floor;
- (r) All accesses to an sleeping quarters must have a door which when closed, prevents the wind or rain entering the premises; and
- (s) All windows must be constructed in a manner that prevents rain entering the sleeping quarters when the windows are closed.

**108. STAFF TOILET AND HAND-WASHING FACILITIES**

Any premises on which a child care service is operated must have toilet and hand-washing facilities for the staff of the child care service. Such toilet and hand-washing facilities must meet the following requirements:

- (1) The staffs toilet and hand-washing facilities must be easily accessible to the staff and be separate from the toilet and wash facilities used by the children under compulsory school going age.
- (2) Soap and towels must be available in the staffs toilet and hand-washing facilities at all times.

**109. BATHROOM FACILITIES OF STAFF RESIDENT ON THE PREMISES**

- (1) If the staff of a child care service resides on the premises on which the child care service is operated, the toilet and bathroom facilities for the staff must be easily accessible from their living quarters.
- (2) A separate sluice area with a minimum size of 3m<sup>2</sup> and which shall have a container with a tight fitting lid for soiled nappies.
  - (a) The sluice area must have a hand washing facility provided with water in a 25 litre container
  - (b) Approved chamber pots which can be emptied in an approved toilet must be provided which are accessible and suitable for use by children.

- (c) There must be one chamber pot for every five (1:5) children.
- (d) Disposable and approved material for cleaning of children wearing nappies must be provided.
- (e) A minimum of one towel and one face cloth for each child's use must be provided.
- (f) Individual pegs or hooks placed at 225 mm apart individually marked must be provided for each child.
- (g) There must be an adequate number of bins with self closing lids for disposal of paper, paper towels, tissues and other waste.

110. **AFTER SCHOOL CARE FACILITIES**

An after school care centre shall not be permitted on the same premises as a preschool institutions, unless in completely separate facilities or unless conducted at different times.

111. **GENERAL DUTIES AND LIABILITIES FOR COMPLIANCE WITH REGULATIONS**

The health certificate holder shall ensure that the children are at all times properly cared for and supervised and shall:

- (1) Maintain every part of the child care service, including any outdoor area and all structure and equipment in good repair and in a clean and hygienic condition at all times.
- (2) Ensure that all persons on or in the premises are clean in person and clothing and are in good state of health.
- (3) Ensure that no person shall smoke or use any tobacco product in the presence of children.
- (4) Ensure toys, books and other indoor play materials intended for day to day use are available in the indoor play areas and suitably stored so as to be within easy reach of the children.
- (5) Ensure that the children are at all times under the direct supervision of the specified number of adults in the following ratio:
  - (a) One adult supervisor for every 6 babies between 0-18 months.
  - (b) One adult supervisor for every 12 children between 18 months and 3 years
  - (c) One adult supervisor for every 20 children between 3 and 5 years
  - (d) One adult supervisor for every 30 children between 5 and 6 years
  - (e) One adult supervisor for every 35 children of school going age
- (6) If transport to or from a child care service is provided shall ensure that:
  - (a) The children are supervised by at least one adult apart from the driver during transport.
  - (b) The doors of the vehicle are lockable and cannot be opened from the inside by the children
  - (c) No children are transported in the front seat of the vehicle
  - (d) No babies are placed under the seat of a vehicle
  - (e) The vehicle is not overloaded in terms of any applicable law.
  - (f) The transport of children are not allowed in the boot of any vehicle
  - (g) The driver of the vehicle is licensed to transport passengers as stipulated in the National Road Traffic Act, No 93 of 1996
  - (h) The vehicle is licensed and is in a road worthy condition
  - (i) That when children are transported in the back of an enclosed light commercial vehicle, care shall be taken to ensure that no exhaust fumes enter the enclosed are, and that the enclosed area is sufficiently ventilated.
  - (j) If meals are provided an approved two weekly menu is displayed at place visible to the parents.
  - (k) Meals provided shall be nutritionally balanced and of adequate volume to satisfy the energy needs of the children in each age group.

said

- (l) Ensure that all perishable foodstuffs, other than unfrozen fruit and vegetables are stored in cooling facilities able to maintain 0°C or 7°C for milk.

**112. APPLICATION FOR ADMISSION**

- (1) The health certificate holder shall ensure that an application form containing the following information is completed by the parent or guardian of a child on admission to child care service.
  - (a) The child's name and date of birth
  - (b) Name, address and telephone number of the parent or guardian
  - (c) Place of employment and telephone number of the parent or guardian
  - (d) Name address and telephone number of a responsible person other than the parent or guardian who may be consulted in emergencies
  - (e) Name, address and telephone number of the child referred to, in such form, shall be entered thereon.
- (2) The relevant date of admission and discharge of the child's doctor and permission to consult him.
- (3) All application forms shall be retained for a minimum of 3 years.

**113. REGISTERS**

- (1) An admission and discharge register of all children admitted to and discharged from the child care service shall be kept
- (2) A register of attendance shall be kept in which the presence or absence of children shall be noted daily
- (3) Such attendance register shall include the children's respective dates of birth

**114. MEDICAL REPORT**

A report containing the following health data shall be obtained from the parent or guardian in respect of each child admitted and cared for:

- (1) Information concerning the child's general state of health and physical condition.
- (2) Operations, illness and any communicable disease which the child has suffered and the relevant dates.
- (3) Details of required immunizations
- (4) Details of allergies and any medical treatment such child may be undergoing.

**115. RIGHT OF ENTRY AND INSPECTION OF PREMISES AND RECORDS**

Any duly authorized officer of the council may for any purpose connected with the application of these bylaws at all reasonable times and without notice, enter any premises upon which a preschool institutions is conducted or upon which such officer has reasonable grounds for suspecting the existence of such preschool and make such examination, enquiry and inspection thereon as he may deem necessary.

**116. JOURNAL**

Any person who provides a childcare service must keep a journal, in which any important or outstanding event, including any accident on the premises or during transportation of children, and any explanations is recorded.

**117. SUSPENSION OR TERMINATION OF OPERATIONS**

The health certificate holder shall notify the council of the suspension or termination of the operations of the preschool institution to which such health certificates relates or in the event of any occurrence as specified in section 86.

**118. WITHDRAWAL OF HEALTH CERTIFICATE**

The Council may at its discretion withdraw a health certificate issued in terms of these bylaws, should such health certificate holder be convicted of a breach of the provisions of the bylaws.

**CHAPTER 13**

**INFECTIOUS DISEASE SURVEILLANCE**

**119. INFECTIOUS DISEASES AND QUARANTINE.**

If any person: -

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

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

**120. CHILDREN SUFFERING FROM INFECTIOUS DISEASES RESTRICTED AS REGARDS ATTENDING SCHOOL.**

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

**121. UNBURIED BODIES.**

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

**122. PERSONS DYING FROM INFECTIOUS DISEASE.**

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

**123. DISPOSAL OF BODY.**

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

**124. VEHICLES.**

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

**125. DISINFECTION OF VEHICLES.**

The owner or person in charge of any public vehicle in which a person suffering from any infectious disease has been conveyed or been placed or has entered shall forthwith inform the EHP and shall send such vehicle to such place as the EHP shall then appoint to be disinfected by such practitioner and any owner or person as aforesaid failing to comply with the provisions hereof shall be deemed to have contravened this By-law.

**126. TRANSPORTATION OF BODY THROUGH THE MUNICIPAL AREA**

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

**127. DRIVER OR OWNER OF VEHICLE TO BE NOTIFIED.**

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

**128. KNOWINGLY LETTING INFECTED HOUSE.**

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

**129. ENTRY BY HEALTH PRACTITIONER ON SUSPECTED PREMISES.**

(1) The EHP, or any official specially authorised by him in writing, may enter upon any premises in which infectious disease has been reported or is suspected to exist, and may make such inquiries and inspections of premises as may be necessary, and the EHP may further, for the purpose of discovering infectious disease, inspect such persons as he may deem it necessary to inspect, and any person who directly or indirectly wilfully hinders, obstructs, or resists such entry, enquiry, or inspection, or refuses to answer or knowingly makes false answers to any such inquiry, shall be deemed to have contravened this By-law.

(2) Any person:

(a) Who, having been ordered to remain in quarantine, shall escape from quarantine, or who shall depart there from without being released from the operation of such quarantine by authority in writing of the EHP, or

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

**130. RELATING TO TYPHUS**

(1) If it shall appear to the EHP that any premises are, owing to their condition or that of the neighbourhood, or to the condition of their occupation, or for any other reasons, likely to be a source of danger to the public health or to favour the spread of Typhus, it shall be lawful for the EHP, on the authority of the Manager of Environmental Health, to order that any house or building on such premises shall be closed and the inmates removed there from until such time as the EHP shall advise that such house or building may with safety be reoccupied.

(2) If such order be not complied with within the time specified by the EHP he may instruct any person to remove the inmates there from and close up such premises, and any person neglecting to comply with the provisions hereof shall be deemed to have contravened this By-law.

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

## **CHAPTER 14**

### **DISPOSAL OF THE DEAD**

**131. FUNERAL UNDERTAKER'S PREMISES AND MORTUARIES**

(1) These By Laws shall apply to-

(a) Any private or public mortuaries including those in the police services and hospitals under the control of the State or any Department in any sphere of Government;

- (b) Any natural person who is not in the service of a funeral undertaker and who does not, either directly or indirectly, undertake or arrange funerals but only prepares corpses. The preparation of such corpses shall only take place on fixed premises and must be used specifically for such purpose.
- (2) Exemptions to these By Laws are-
  - (a) A local authority may, with the approval of the Director-General or delegated person, in writing exempt any person from compliance with all or any of these By Laws where, in the opinion of the local authority, non-compliance does not or will not create a nuisance; and that
  - (b) Such exemptions shall be subject to such conditions and valid for such a period as the local authority may, with the approval of the Director-General or delegated person, stipulate in the certificate of exemption.

**132. ISSUE OF A CERTIFICATE OF COMPETENCE**

- (1) (a) No person shall prepare any corpse except on funeral undertaker's premises or mortuary in respect of which a certificate of competence has been issued in the form annexed hereto, marked annexed C.
- (b) A local authority may, if it is satisfied that nuisance exist on funeral undertaker's premises or mortuary situated in its area of jurisdiction, issue a written order to the enterprise in question to stop all activities connected with the preparation of corpses until the nuisance referred to in the order has been eliminated.

**133. APPLICATION FOR THE ISSUE OR TRANSFER OF A CERTIFICATE OF COMPETENCE**

- (1) (a) Any person wishing to apply for a certificate of competence in respect of new funeral undertaker's premises shall, not less than 21 days before submitting his application to the local authority concerned, cause a notice to be published in one of the official languages in a newspaper that appears mainly in that language, and in the other official language in a newspaper that appears mainly in the latter, where each of the said newspapers circulates in the area in which such premises are situated, or shall, where separate newspapers in each of the official languages do not so circulate, cause such notice to be published in both official languages in a newspaper that so circulates.
- (b) Such notice shall contain information to the effect that an application for the issue of a certificate of competence in terms of these By Laws is to be submitted to the local authority mentioned in the notice and that any person who will be affected by the use of such funeral undertaker's premises or mortuary and wishes to object to such use shall lodge his objection, together with substantiated representations, with the local authority concerned in writing within 21 days of the date of publication of such notice.
- (2) (a) An application for the issue or transfer of a certificate of competence shall be made in writing by the applicant or his authorised representative to the local authority in whose area of jurisdiction funeral undertaker's premises fall on such form as the local authority may require.
- (b) An application for the issue of a certificate of competence shall be accompanied by-
  - (i) a description of the premises and the location thereof;
  - (ii) a complete ground plan of the proposed construction or of existing buildings on a scale of 1:100;
- (c) a block plan of the premises on which north is shown indicating which adjacent premises are already occupied by the applicant or other persons and for what purpose such premises are being utilised or are to be utilised; and
- (d) Particulars of any person other than the holder or any of his employees who prepares or will prepare corpses on the premises.
- (3) A local authority, when considering issuing or transferring a certificate of competence, may request from the applicant or any other person any such further information as to enable it to properly consider the application concerned.
- (4) No local authority shall consider any application for the issue or transfer of a certificate of competence unless a complete inspection of the premises concerned has been carried out by an Environmental Health Practitioner employed by the relevant municipality and his/her report including recommendation on such inspection, is available to such local authority.

**134. ISSUE OR TRANSFER OF CERTIFICATE OF COMPETENCE**

- (1) Where a local authority, after consideration of an application for the issue or transfer of a certificate of competence, the report concerned by an Environmental Health Practitioner, including his/her recommendation, and any objections to the use of funeral undertaker's premises or mortuary, is satisfied that the premises or mortuary concerned comply with all requirements laid down in these By Laws;

- (2) Are in all respect suitable for the preparation of corpses; and will not be offensive to any occupant of premises in the immediate vicinity of such premises, it shall, issue a certificate of competence in the name of the holder in such form as it may determine or shall by endorsement transfer an existing certificate of competence to a new holder subject to conditions as may be necessary, as the case may be.

**135. VALIDITY AND TRANSFER OF CERTIFICATE OF COMPETENCE**

A certificate of competence, excluding a provisional certificate of competence shall on endorsement by the issuing authority, be transferable from one holder to a new holder and such certificate shall be valid from the date on which it was issued until it is revoked or suspended.

**136. ISSUE OF PROVISIONAL CERTIFICATE OF COMPETENCE**

- (1) A local authority shall, in the case of existing funeral undertaker's premises; and may, in all other cases, subject to such conditions as such local authority, determine in general or in each specific case, issue a provisional certificate of competence in respect of such premises for a maximum period of only 6 months to enable the applicant to alter such premises to comply with the provisions of these By Laws provided that the use of such funeral undertaker's premises or mortuary does not and will not create a nuisance.
- (2) Provisional certificate may not be extended unless the local authority concerned is satisfied that the owner or representative thereof is in the process of making the necessary changes as prescribed in sub-section (1) above.
- (3) Any such extension in sub-section 2 above will be granted for a period of not more than 12 months.

**137. DUTIES OF HOLDER**

- (1) The certificate holder shall immediately inform the issuing authority in writing, if there are any changes in the particulars supplied to the issuing authority in the application for the certificate of competence concerned.
- (2) Failure by the holder or a person in charge/authorized person to comply with this By Law shall constitute an offence.

**138. SUSPENSION OR REVOCATION OF A CERTIFICATE OF COMPETENCE OR PROVISIONAL CERTIFICATE OF COMPETENCE**

- (1) If a local authority in whose area of jurisdiction funeral undertaker's premises or a mortuary are used by virtue of a certificate of competence or a provisional certificate of competence is of the opinion of an Environmental Health Practitioner that there are reasonable grounds to suspect that such premises are being used in a way that is hazardous to health, or that conditions entailing a hazard to health have been or are being created on such premises; or such premises are being used in contravention of the provisions of these Bylaws or the conditions to which such certificate of competence or provisional certificate of competence is subject, such local authority may, serve a written notice on the holder or the person in charge of such premises in which the holder is instructed to remove such health hazard from the premises, to ease the use of the premises in contradiction with the certificate of competence or provisional certificate of competence and or to also furnish reasons, at a place and a time specified in such notice, why such certificate should not be suspended or revoke
- (2) A local authority may suspend a certificate of competence or provisional certificate of competence immediately on the strength of a report, whether by the Director-General or by an Environmental Health Practitioner in the service of the State or of the local authority concerned, stating that the hazard referred to in sub-section (1) is a nuisance and a health risk and recommending such suspension.
- (3) A notice referred to in sub-section (1) shall set out such particulars are adequate to inform the holder concerned why the withdrawal of the certificate is contemplated and shall be served by the local authority concerned not less than 21 days prior to the date specified in such note for the holding of an inquiry.
- (4) The holder may appear personally at such inquiry or be represented by any of his employees specially authorized by him for such purpose in writing, or by his legal representative, or may submit written statements or arguments in the form of an affidavit to the local authority concerned for consideration.
- (5)
  - (a) If the holder appears at the inquiry, or if the holder does not appear at the inquiry but the local authority concerned is satisfied that the notice referred to in has been properly served on the holder, the local authority shall inquire into the matter mentioned in such notice.
  - (b) The local authority may call and interrogate or re-interrogate any person present at such inquiry and shall hear such evidence as may be adduced by or on behalf of the holder and may cross examine any person giving evidence on behalf of the holder.
- (6) The holder, his authorised employee or his legal representative may interrogate any witness called for or on behalf of the holder at such inquiry and may cross-examine any other witness testifying thereat.



- (7) (a) The local authority may instruct any witness at such inquiry to testify under oath or on affirmation.
- (b) The local authority may administer an oath to or accept an affirmation from any person appearing before it to testify or to submit a book, document or object.
- (8) In regard to the giving of evidence or the submission of a book, document or object at such inquiry, the right of privilege shall apply which is applicable to a witness testifying in a criminal case in a magistrate's court or summonsed to submit a book, document or object.
- (9) The local authority may, in its discretion, postpone or adjourn such inquiry for such period or periods as it may deem fit: Provided that, where a suspension has been instituted in terms of sub-section (2), such postponement or adjournment shall be for not more than 14 days.
- (10) The local authority shall:
  - (a) cause a record of the proceedings at such inquiry to be kept in such manner as it may determine.
  - (b) make such record shall be accessible to and copies thereof may be made by the holder or his representative on such conditions regarding time and place as the local authority may determine.
  - (c) keep the record of such inquiry for a period of two years in a place where it is protected against fire and theft, and a clearly legible copy of such record shall be submitted to the Director-General forthwith after the inquiry.
- (11) Upon conclusion of such inquiry, the local authority shall deliberate in camera.
- (12) If it appears to the local authority that the funeral undertaker's premises concerned are being used in such a way as to create a nuisance or that conditions constituting a nuisance have been or are being created on the funeral undertaker's premises concerned; or the premises concerned are being used in contravention of the provisions of these Bylaws or any conditions to which the certificate of competence or provisional certificate of competence concerned is subject, the local authority may, make such order as it may deem fit.
- (13) (a) An order made in terms of subsection (12) shall be issued in writing, signed by the authorized officer of the local authority and then served on the holder; and the person on whom such order has been served shall deal with such order and with the certificate of competence or provisional certificate of competence concerned, in the manner laid down in such order.
- (b) After making such order, the local authority shall forthwith send a copy thereof to the Director-General.
- (14) No decision of a local authority in terms of these By Laws regarding the revocation of a certificate of competence or provisional certificate of competence; or which is at variance with a recommendation of an Environmental Health Practitioner shall be effective without the written approval of the Director-General and no order in terms of sub-section (12) shall be made without the prior approval of the Director-General.
- (15) The suspension or revocation of a certificate of competence or provisional certificate of competence in terms of these By Laws shall have the effect that, from the date of coming into operation of the order of suspension or revocation
  - (a) no preparation of any corpse shall be performed on the premises concerned;
  - (b) no corpse shall be received for preparation on the premises concerned; and
  - (c) no corpse shall be preserved on the premises concerned and every corpse shall forthwith be removed to a mortuary under the control of the State, a provincial administration or local authority or any other funeral undertaker's premises designated by the local authority that makes such order or approved by such authority after consultation between the holder and such authority: Provided that, where refrigeration facilities for corpses on the premises concerned are, in the opinion of the local authority, suitable for such preservation, this paragraph shall not be applicable and the said order shall not be so construed as to restrict any act relating to the profession, excluding the preparation and receiving of a corpse.
- (16) Where a local authority is of the opinion that a condition that gave rise to the revocation of a certificate as contemplated in this By Law was corrected after such revocation, it shall, on written application made by or on behalf of the holder, repeal such revocation by endorsement on the certificate concerned.

#### 139. **REQUIREMENTS RELATING TO FUNERAL UNDERTAKER'S AND MORTUARY PREMISES**

- (1) Provision for at least the following shall be made on funeral undertaker's and mortuary premises:
  - (a) A preparation room for the preparation of corpses.

- (b) Change-rooms, separate for each sex, for the use of the employees employed at such premises.
  - (c) Refrigeration facilities for the refrigeration of corpses.
  - (d) Facilities for the washing and cleansing of utensils and equipment inside the building.
  - (e) Facilities for the cleansing of vehicles on such premises.
  - (f) Facilities for the loading and unloading of corpses as contemplated in sub-section (6).
- (2) No room on funeral undertaker's premises or mortuary shall be used for any purpose other than the purpose for which it is intended and no act other than an act related to the said purpose shall occur in such room.
- (3) Such preparation room-
- (a) shall be so designed as to be separated from all other rooms on the premises and as not to communicate directly with any office or salesroom: Provided that, where a preparation room on existing funeral undertaker's premises so communicates, the entrance thereto shall be so concealed that the interior thereof is completely out of the sight of any person in such office or salesroom;
  - (b) Enable obnoxious odours and vapours to be adequately treated; and be sufficiently ventilated and lighted;
  - (c) shall have a floor covering an area of not less than 16m<sup>2</sup> for the first table of the kind referred to in paragraph (e) and 8m<sup>2</sup> for each additional such table; constructed of concrete or similar waterproof material with a smooth non slippery surface that is easy to clean, and sloped at an angle to ensure that any run-off will drain into an approved disposal system; and which, if it is replaced or laid after the date of commencement of these By Laws, shall be provided with half-round filling where it meets the walls;
  - (d) shall have walls the inner surfaces of which have a smooth finish and are covered with a light-coloured washable paint or other approved, suitable and waterproof paints;
  - (e) shall be provided with a ceiling not less than 2,4 m above the floor level, which ceiling shall be dust-proof and painted with a light-coloured washable paint;
  - (f) Shall contain not less than one table of stainless steel or glazed earthenware or other approved material, equipped with a raised rim on the outside, a tap with cold running water to which a flexible pipe can be connected and a drainage opening connected to an approved disposal system;
  - (g) shall contain not less than one wash-basin for each such table, made of stainless steel or other approved material, with a working surface of the same material, taps with hot and cold running water and a drainage opening permanently connected to an approved disposal system, and provided with disposable towels, a nailbrush and soap;
  - (h) shall have not less than one tap with running water to which a flexible pipe, long enough to reach all corners of such room, can be connected for cleaning the interior surfaces;
  - (i) shall have door openings that are not less than 0,82m in width and 2,00m in height so that corpses can be taken into and out of such room without any difficulty.
- (4) Each such change-room shall contain at least the following:
- (a) One hand-basin with hot and cold running potable water for every six employees or part thereof;
  - (b) Disposable towels, soap, nailbrushes and disinfectants; and not less than one latrine for every 15 male employees or part thereof and not less than one latrine for every 15 female employees or part of this number employed at the funeral undertaker's premises concerned: Provided that, where a separate urinal for men forms part of such facilities, one latrine plus one separate urinal shall be permissible for every 30 men or part thereof.
- (5) Refrigeration facilities such as refrigerators or cold chambers shall be installed in or within easy reach of such preparation room for the keeping of corpses, and where refrigerators are provided, they shall be made of a material that does not absorb moisture and shall be provided with removable trays and shall be so designed as to drain properly and be easy to clean;
- (a) the surface temperature of any corpse shall be no higher than 50C within three hours of its being received on the premises and no higher than 150C during preparation; and
  - (b) Where cold chambers are provided, they shall comply with sub-section (3)(a), (b), (c), (d) and (h) and shall be provided with shelves manufactured from a material that does not absorb moisture and that is easy to clean.

- (6) Such cleansing and loading and unloading facilities shall consist of a paved area, screened from public view, with a drainage system into a gully connected to an approved disposal system.
- (7) The loading and unloading of corpses and the cleansing of vehicles shall not take place anywhere except in the area contemplated in sub-section (6).
- (8) The funeral undertaker's premises shall be rodent-proof.

140. **HYGIENE REQUIREMENTS FOR FUNERAL UNDERTAKER'S AND MORTUARY PREMISES**

- (1) All solid refuse on the premises of a funeral undertaking or mortuary shall be kept in corrosion-resistant containers with tight-fitting lids and shall be dealt with in accordance with the solid waste management requirements of the local authority concerned.
- (2) Every holder of a certificate of competence or provisional certificate of competence for funeral undertaker's premises or mortuary shall ensure that -
  - (a) Employees and all other persons involved in handling of corpses are provided clean protective over-clothes consisting of surgical gloves, gumboots, plastic aprons so designed that the front hangs over the top of the gumboots, face masks and linen overcoats, and each such employee or other person shall, at all times when so involved, wear such clothing;
  - (b) Premises are kept free of insects, offensive odours, gases and fumes;
  - (c) All working areas or surfaces at such premises where corpses are prepared are cleaned and disinfected immediately after the preparation of any corpse; Cause all equipment used for the preparation of corpses to be washed and disinfected immediately after use;
  - (d) cause all used protective over-clothes to be washed, cleansed and disinfected daily on the premises; and if a corpse has been transported without a moisture-proof covering, cause the loading space of the vehicle concerned to be washed and disinfected after such corpse has been removed.
- (3) Every certificate holder shall ensure that the following hygiene measures are maintained when handling mortal remains on the premises;-
  - (a) Workers shall wear adequate and appropriate protective clothing when handling mortal remains;
  - (b) all waste generated in the preparation room shall be deemed to be health risk waste and should be collected, handled and disposed of as such;
  - (c) Non disposable gloves shall be cleaned and disinfected after each use; Disposable gloves shall be discarded after each use;
  - (d) All workers responsible for handling mortal remains in the preparation room shall be vaccinated against Hepatitis B.

141. **HANDLING AND DISPOSAL OF MORTAL REMAINS**

**BURIAL SITES AND BURIALS**

- (1) No land or site shall be identified and used for the purpose of a burial site, unless a land survey has been conducted by a local authority and 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.
- (2) All burial sites must comply with the following environmental requirements-
  - (a) Burial sites shall conform to the requirements of the National Environmental Management By-laws, 2010 as amended with regards to Environmental Authorisation;
  - (b) shall be located outside 100 year floodplain;
  - (c)
    - (i) shall be located at least 350 m from ground water sources used for drinking purposes and at least 500 m from the nearest habitable building;
    - (ii) 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).
    - (iii) for areas with higher water tables, the local authority may determine a reasonable depth with additional walling recommendations to protect underground water; 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;

- (3) All burials must be registered with the local authority in accordance with such authority's By-Laws; the relevant authority shall thereupon enter such burial in the register of burials of such local authority.

142. **CREMATION AND CREMATORIUM**

(1) **MINIMUM REQUIREMENTS FOR A CREMATION FACILITY**

All cremation facilities must comply with the following-

- (a) site must be located at least 500m downwind of any habitable dwelling;
- (b) the chimney must have a height of not less than 3 meters above the roof;
- (c) no cremation shall take place until the minimum combustion temperatures of the urn has been reached,
- (d) the premises shall be kept in a clean, sanitary and in good repair.
- (e) the facility shall be adequately ventilated and illuminated.
- (f) the facility shall be operated and managed in such a manner as to prevent the dispersion of ash into the atmosphere.
- (g) emissions from a crematorium shall conform to the national ambient air quality and emission standards in terms of the National Environmental Management; Air Quality Act 2004 (Act no 39 of 2004).

143. **EXHUMATION AND REBURIALS OF HUMAN REMAINS**

(1) **APPLICATION TO EXHUME A BODY OR BODY ASHES**

Any person who intends to exhume or cause to exhume a body or body ashes shall comply with Sections 143 and any other relevant legislation

(2) **AUTHORISATION FOR EXHUMATION OF HUMAN REMAINS**

- (a) All exhumations and reburials of human remains shall be authorized by the Director-General of Health or the delegated provincial department or: relevant Municipality; medical officer of health; or a court order and shall be permitted by the relevant local authority in whose jurisdiction the exhumation and reburial will take place.
- (b) Exhumation approval shall not be issued without the reburial permit issued by the local authority in which the reburial will take place, or without a cremation permit, in cases where the exhumed body will be cremated.
- (c) No person shall exhume any mortal remains, except for the following:-
  - (i) Removal from the original grave to a new grave acquired in the same cemetery;
  - (ii) Removal for burial in another cemetery;
  - (iii) Removal for cremation;
  - (iv) Removal for forensic examination of the deceased;
  - (v) Transfer from a public grave to a private grave;
  - (vi) For legal reasons, such as crime related investigations;
  - (vii) For archaeological reasons.
- (d) The local authority shall grant a permit for an exhumation on condition that the exhumation of the mortal remains shall only be done by a registered undertaker, such undertaker shall be based in the jurisdiction of the local authority issuing the exhumation permit.

(3) **EXHUMATION REQUIREMENTS**

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.

- (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 exhumation of mortal remains shall be carried out under the supervision of an Environmental Health Practitioner of the relevant health authority in whose area of jurisdiction the mortal 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 By-Law;
- (e) only persons with direct involvement may be present at the disinterment or removal of mortal remains and no dogs or other animals may be allowed at the grave site;
- (f) the Environmental Health Practitioner shall ensure or cause the following measures are in place, and cause to be provided, at the exhumation site:
  - (i) on his authority that the grave and the mortal 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 shall be available at the grave for cleansing of persons handling the mortal remains;
  - (iii) the correct grave is re-opened;
  - (iv) mortal 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 container is supplied or the existing container is secured in a suitable leak proof container that has been approved by an Environmental Health Practitioner; human remains exhumed and all pieces of the original coffin are placed in the new coffin;
  - (vi) a new coffin is properly sealed and identified;
  - (vii) the health and safety of the workers is maintained by use of protective equipment;
  - (viii) during the exhumation of mortal remains the grave shall not be left unguarded and immediately after the remains have been removed such grave shall be sealed.

(4) **REBURIAL OF HUMAN REMAINS**

- (a) All reburials shall be registered with the relevant local authority in accordance with those authorities By-Laws; such local authority shall thereupon enter such reburial in the register of reburials of such local authority.
- (b) For mortal 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 published by the Department of Health and or the World Health Organisation shall be followed.

144. **CONVEYANCE (TRANSPORTATION, IMPORTATION AND EXPORTATION) OF MORTAL REMAINS**

(1) **CONVEYANCE OF MORTAL REMAINS**

- (a) The mortal remains of a person who suffered from anthrax, cholera, a haemorrhagic fever of Africa, hepatitis B, rabies, meningococemia, plague, poliomyelitis or typhoid fever or Acquired Immune Deficiency Syndrome at the time of his or her death will not be conveyed in public in any way unless-
  - (i) Such remains are sealed in an airtight container, placed in a strong non-transparent sealed coffin, embalmed and the total surface of the body is covered with a 5 cm layer of wood sawdust or other absorbent material which is treated with a disinfectant and a medical officer of health, district surgeon an Environmental Health Practitioner in the employ of the state, a provincial administration or local authority concerned, or any medical practitioner specifically so authorised by the local authority concerned declares in writing that in his or her opinion the conveyance of the mortal remains will not create a health hazard; and
  - (ii) Such declaration must accompany the mortal remains at all times during the conveyance and up to the burial.
- (b) The declaration referred to in sub-section (1) shall be shown to an officer on demand by the person responsible for the conveyance of the mortal remains.

- (c) No person shall damage or open a container referred to in sub-section (1), or remove the mortal remains from the container or come into direct contact with the mortal remains without prior approval from an officer referred to in sub-section(1) after it has been sealed.

(2) **CONVEYANCE OF REMAINS ON PUBLIC TRANSPORTATION**

- (a) No person shall convey any mortal remains in any manner other than the manner prescribed. On public transport unless, the mortal remains have been sealed in an airtight container and placed in a non-transparent, sturdy, sealed coffin; or in any other way in public unless the mortal remains have been placed at least in an approved container
- (b) No coffin or container in which the mortal remains have been placed may be conveyed unless –
  - (i) the outer surface of such coffin or container is free from any leakages or any other secretion matter emanating from such mortal remains; and
  - (ii) Offensive odours are absent.
- (c) Should any leakages, secretions or odours emanating from the container of the mortal remain conveyed , such coffin or container is to be taken forthwith to the nearest mortuary or undertaker's premises, by the person responsible for the conveyance of mortal remains where the necessary measures shall be taken to eliminate the conditions.

(3) **REQUIREMENTS FOR TRANSPORTATION OF MORTAL REMAINS INLAND AND ACROSS THE BORDERS.**

- (a) The mortal remains of a person shall be embalmed, then sealed in an airtight container and placed in a strong coffin for transport before it :-
  - (i) is taken from the Republic across an inland border to an area outside the Republic;
  - (ii) is brought into the Republic across an inland border from an area
  - (iii) is unloaded or received from a point of dispatch or loading point outside the Republic;
  - (iv) Is received or loaded for a destination outside the Republic, at a harbour or airport or landing area or mooring point, of whatever nature, from or onto any means of air or water transportation, as the case may be, as freight.
- (b) The provisions of sub-section (1) shall not apply to the mortal remains of a person-
  - (i) who died in the Republic and whose mortal remains are intended for burial or cremation in an area outside the Republic in cases where an authority in that area, who has direct jurisdiction over the application of health measures in that area, authorizes, in writing, the bringing of such body into that area on conditions other than those prescribed by sub-section (1);
  - (ii) who died outside the Republic and whose mortal remains are intended for burial or cremation in the Republic in cases where a medical officer of health or a district surgeon or other medical practitioner in the employ of the state or a provincial administration is of the opinion that the bringing in of such mortal remains will not constitute a danger to health in the Republic or part thereof; and provides written authorization for such body to be brought in to the Republic.
- (c) All infectious and non-infectious mortal remains to be transported shall comply to the following;-
  - (i) for non-infectious mortal remains;-
    - (aa) the mortal remains shall be embalmed, such embalming shall take place within 24 hours prior to the transportation of the remains;
    - (bb) the remains shall be sealed in an airtight container and placed in a sturdy non-transparent coffin;
    - (cc) the import permit as prescribed in this By Law shall be obtained prior to transportation of the mortal remains;
  - (ii) for mortal remains deemed to be infectious;-
    - (aa) the mortal remains shall be placed in an additional polythene bag and thereafter placed in a sturdy non-transparent coffin;
    - (bb) the coffin carrying the mortal remains shall not be opened at any given time;
    - (cc) a written declaration by a medical practitioner that the body will not constitute any danger to public health and that the body is screened in

accordance with the provisions of the Regulation R2438 of 30 October 1987, regarding the Conveyance of bodies of persons who have died of communicable diseases as amended, shall be available and must accompany the mortal remains, together with the death certificate; the import permit as prescribed in this by Law shall be attained prior to transportation of the mortal remains

- (iii) For mortal 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 and/or the World Health Organisation shall be followed.
- (iv) For radiological contaminated remains, the communicable diseases guidelines as specified in this By Law shall be followed.

(4) **AUTHORIZATION TO IMPORT AND EXPORT MORTAL REMAINS**

- (a)
  - (i) no person may import mortal remains unless he or she has an import permit issued by the Director-General or any delegated authority, such import permit shall be valid for a period of 30 days after the date of issue.
  - (ii) should any mortal remains be imported into the Republic import permit as set out in sub-section (1), the Director-General or delegated authority may order that such mortal remains be kept in a mortuary or at an undertaker's premises at the expense of the importer until such time that the required permit has been issued, provided that if the prescribed permit is not issued within 30 days after the date of the order, the Director-General or delegated authority may order that such mortal remains be buried or dealt with in accordance with the burial prescripts in the Republic and such burial shall be at the expense of the importer.
- (b) Any person requiring an import permit referred to in subsection (1)(a)(i) shall apply to the Director-General or delegated authority in writing and such application shall be accompanied by the following:
  - (i) a death certificate, indicating the deceased's name, address, the date and place of death and the cause of death. This information shall be provided in one of the official languages of the Republic;
  - (ii) the name and export permit of the country from which the mortal remains is to be imported;
  - (iii) the name of the first point of entry where the mortal remains is to be imported, the mode of transport to be used to import the mortal remains and convey it to the place of burial;
  - (iv) the name of the place in the Republic where burial of the mortal remains is to take place or if the mortal remain will not be buried the reason why the mortal remains are being brought in;
  - (v) an embalming certificate, except for deaths as provided for in sub-section 3 and in specific cases where embalming is prohibited for religious reasons.
- (c) The provisions of subsection (2) (a) shall mutatis mutandi apply to the mortal remains of a person that has died:
  - (i) In transit on a boat or aircraft the moment that the mortal remains is being brought into the Republic, irrespective of whether such mortal remains is to be buried in the Republic.
  - (ii) In the Republic and has to be exported out of the Republic for compliance with the requirements of the International Health By-laws (IHR2005) to contain events at their sources.
- (d) The person responsible for the conveyance or burial of mortal remains shall have in his possession the import permit referred to in sub-section (1) (a), such permit shall be produced on request by a Port Health Officer at the port of entry in terms of the International Health By-laws Act, 1974 (Act No. 28 of 1974) or its subsequent amendments,

145. **HANDLING OF RADIOACTIVE CORPSES**

(1) **STORAGE**

- (a) Precautions to be taken in handling radioactive corpses depend on the nature and quantity of the radionuclide present and on the type of handling intended (e.g. autopsy or embalming prior to burial).
- (b) Persons handling radioactive cadavers shall ensure they wear appropriate protective clothing.
- (c) The cadaver shall be stored in an adequately refrigerated compartment until the exposure dose rate at one meter from it is less than 25 mR/hr. The storage area must be labelled restricted area.

(2) **EMBALMING**

- (a) The embalming of radioactive cadavers constitutes an undesirable hazard and should be avoided if possible. If the body is not autopsied due to high radiation levels, embalming shall be done through injection method.
- (b) All embalmers should wear disposable gloves, protective clothing and face protectors.
- (c) Embalmers should be supervised by a radiologist or expect to observe proper radiation protection measures.
- (d) All cadavers in this category shall have a label attached, identifying the radionuclide and its activity at the time of death.

(3) **CREMATION**

Cadavers containing levels higher than 15 mCi shall be stored until the limits of 15 mCi are reached; a radiologist shall be consulted before such cadaver is released for cremation.

(4) **BURIAL**

- (a) The amount of incorporated radioactivity allowed for the burial of radioactive cadaver shall depend on regional and environmental conditions, climate, distance to cemetery, type of transport, and availability of low-temperature refrigerators.
- (b) All objects, clothes, and other material that might have been in contact with the deceased must be tested for contamination.
- (c) The body of a radioactive cadaver shall be marked with a radiation symbol.

146. **EMBALMING**

(1) **REQUIREMENTS FOR ALL EMBALMING EXCLUSIVE OF MEDICAL, EDUCATIONAL, RESEARCH PURPOSES**

- (a) Any persons wishing to embalm a body for the purpose of repatriation to the country of origin shall contact the relevant funeral undertaker or any other authorized institution or registered embalmer and submit the following information:-
  - (i) A letter from the family requesting for deceased to be taken back to country of origin
  - (ii) Consignee details of the deceased's location and collector of the deceased from the airport
  - (iii) Deceased's passport/I.D. including the deceased's family's I.D/Passport
- (b) Funeral Undertaker or any authorized institution to contact the embassy requesting if other pertinent information is required.

(2) **REQUIREMENTS FOR EMBALMING (MEDICAL EDUCATION & RESEARCH PURPOSES)**

Any persons wishing to donate their body, that of their spouse or next of kin for any medical education or to any research institution must complete the necessary documentation in Accordance with Section 2 (1) of the Human Tissue Act No.65 of 1983

147. **GENERAL PROVISIONS**

**APPEALS**

- (1) a person affected by a decision taken in terms of these By Laws who wishes to appeal against the decision, must lodge an appeal with the Minister or delegated organ of state, as the case may be, within 30 days after that person has been notified of the decision.
- (2) The Minister or delegated organ of state, may, as the case may be, in writing, on good cause extend the period within which an appeal must be submitted.



- (3) The Minister or delegated organ of state may, after considering all relevant information make a decision and inform the appellant.
- (4) Reasons for the decision must on written request be given to the appellant in writing.

## CHAPTER 15

### KEEPING OF ANIMALS

#### PART 1: GENERAL PROVISIONS RELATING TO THE KEEPING OF ANIMALS

##### 148. APPLICATION OF CHAPTER

- (1) The provisions of this Chapter do not apply to
  - (a) any agricultural show where animals are kept on a temporary basis; and
  - (b) any laboratory where animals are kept for research purposes.
- (2) The provisions of section 170 apply to the keeping of animals at any agricultural show and at research laboratory.
- (3) No person may, subject to the provision of section 148 , keep or allow to be kept, any animal other than an approved pet on an erf in a proclaimed township, provided the keeping of such pet does not create or constitute a nuisance
- (4) If at any time it appears to an authorized official that the keeping of poultry or rabbits on an erf or agricultural holding, in respect of which a permit has been granted, is likely to constitute a nuisance or danger to the public health, that official may
  - (a) cancel the permit; or
  - (b) prohibit the keeping of such poultry or rabbits.
- (5) An authorized official must serve a notice on the permit holder or the owner of the erf or agricultural holding concerned, informing him or her of a decision in terms of subsection (1) and instruct the owner to comply with the requirements within the period stated in such notice, which must be at least 48 hours.
- (6) An authorized official must as soon as a permit has been cancelled, notify the permit holder of that fact in writing.
- (7) 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.

#### PART 2: KEEPING OF CATTLE, HORSES, MULES AND DONKEYS

##### 149. REQUIREMENTS FOR PREMISES

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

- (1) Every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material;
- (2) the internal wall surfaces of the stable must be constructed of smooth brick or other durable surface brought to a smooth finish;
- (3) the height of the walls to the wall plates of the stable must –
  - (a) if the roof is a pitched roof be 2,4 metres;
  - (b) if the roof is a flat roof be 2,7 metres;
  - (c) 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;
  - (d) in the case of a stable which has an opening along the entire length of one of it's long sides be not less than 2 metres;
- (4) the stable must have a floor area of at least 9m<sup>2</sup> for each head of cattle, horse, mule or donkey accommodated in it;

- (5) lighting and ventilation must be provided by openings or glazed opening windows or louvers totalling at least 0,3 m<sup>2</sup> 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;
- (6) the lowest point of every opening , window or louvers must be at least 1,8 metres, above floor level;
- (7) 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 173;
- (8) an enclosure must have an area of at least 10m<sup>2</sup> for each head of cattle, horse, mule or donkey accommodated in it and the fencing must be strong enough to prevent the animals from breaking out;
- (9) no enclosure or stable may be situated within –
  - (a) 15 metres of the boundary of any land, property, dwelling or other structure used for human habitation; or
  - (b) 50 metres of any water resource or water supply intended or used for human consumption; and
- (10) there must be a water supply adequate for drinking and cleaning purposes next to every stable or enclosure.

#### 150. **DUTIES OF KEEPER OF CATTLE, HORSES, MULES AND OR DONKEYS MUST**

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,
  - (2) provide portable manure storage receptacles of an impervious material and with close fitting lids;
  - (3) keep every manure storage receptacle on a platform constructed of concrete or other durable and impervious material near the stable or enclosure;
  - (4) if there is so much manure and bedding that storage receptacles are impractical, provide a manure container or area complying with the following requirements:
    - (a) The manure container or area must be roofed and enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish, and
    - (b) the floor must be of smoothly finished concrete that is inclined so that it drains to a water channel along the full length of the open side, which is at least 150 mm in a diameter and is kept filled with water
  - (5) remove all the manure from the stable and enclosure at least once every 24 hours and place it in the manure storage receptacles or manure container or area until it is removed from the premises;
  - (6) remove the contents of the manure storage receptacles or manure container or area from the premises at least one every second day and dispose of the manure in a way which will not create a public health nuisance;
  - (7) remove all bedding from the stable at least once a week and store it in the manure receptacles or manure container or area until it is removed from the premises;
  - (8) store all saddles, bridles, harnesses and other equipment or articles use in connection with the keeping of the animals, in a storeroom or other adequate storage facility;
  - (9) store all feed in a rodent proof storeroom and all loose feed in rodent proof receptacles with close- fitting lids:
- And
- (10) 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.

### **PART 3: KEEPING OF GOATS AND SHEEP**

#### 151. **APPLICATION**

The provision of section 152 and 153 also apply to the temporary keeping of a goat on any premises for the provision of milk for medical reasons

#### 152. **REQUIREMENTS FOR PREMISES**

- (1) No person may keep goats or sheep in –
  - (a) an enclosure which does not comply with the following requirements:

- (i) the minimum overall floor area must be 30m<sup>2</sup>; and
  - (ii) at least 1,5 m<sup>2</sup> of floor space must be provided for every goat or sheep accommodated in it, or
- (b) 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 173;
  - (iv) at least 1,5 m<sup>2</sup> of floor space must be provided for every goat or sheep accommodated in it with an overall minimum floor area of 6 m<sup>2</sup>; and
  - (v) lighting and ventilation opening totalling at least 0.15 m<sup>2</sup> per goat or sheep must be provided.
- (2) No person may keep goats or sheep in an enclosure or stable within
  - (a) 15 metres of any boundary of any land, dwelling, building or other structure used for human habitation; or
  - (b) 50 metres of any water resources or water supply intended or used for human consumption.
- (3) Every person must provide a water supply adequate for drinking and cleaning purposes situated next to or in every enclosure or stable used to accommodate goats or sheep.

#### 153. DUTIES OF KEEPER OF GOATS AND SHEEP

Any person who keeps goats or sheep 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;
- (2) provide portable manure storage receptacles of an impervious material and with close fitting lids;
- (3) keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned;
- (4) remove all manure from the enclosure or stable at least once every seven days and place it in the manure storage receptacles;
- (5) 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 public health nuisance; and
- (6) store all feed in a rodent proof storeroom and all loose feed in rodent proof receptacles with close fitting lids in the storeroom.
- (7) 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

##### 154. APPLICATION

The provisions of sections 155 and 156, do not apply to any person keeping ten or less poultry.

##### 155. 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 authorizing that activity.

##### 156. REQUIREMENT 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 m<sup>2</sup> for each grown fowl, duck, muscovite duck or guinea fowl;
  - (ii) 0,5 m<sup>2</sup> for each grown goose, turkey or peacock; and
  - (iii) 0,14 m<sup>2</sup> for each grown pigeon; and
- (e) the minimum aggregate floor area must be 4m<sup>2</sup>;
- (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 2,4m 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 floor surface must be graded and drained by means of a channel drained in terms of section 173
  - (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) no poultry house, poultry run, or building or structure housing a battery system, may be constructed within 3 metres of –
  - (a) any dwelling or other building or structure used for human habitation; and
  - (b) any place where foodstuffs are stored or prepared for human consumption; or
  - (c) 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 platforms outside edges must have a minimum curb of 100 mm high;
  - (c) the platform must be graded and drained in terms of section 173 and
  - (d) the roof of the platform must extend a minimum of 1 metre beyond the edges of the base of the platform.

#### 157. DUTIES OF KEEPER OF POULTRY

Any person who keeps poultry must

- (1) ensure that all poultry is kept within a poultry run or building or structure housing a battery system;
- (2) maintain the premises and any equipment, apparatus, container or receptacle used in connection will 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 public health nuisance; and
- (9) take adequate measure to keep the premises free of flies, cockroaches and rodents and to prevent offensive odours arising from the keeping of poultry on the premises.

## **PART 5: KEEPING OF RABBITS**

The provisions of section 160 do not apply to any person keeping ten or less rabbits.

### **158. PERMIT REQUIREMENT**

No person may keep more than 10 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 authorizing that activity.

### **159. 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 173, 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 meters 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 173;
  - (d) if no walls are provided, or walls are made of metal, the floor must be provided with curb at least 150 mm high around its outside edges; and
  - (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 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.

**160. 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 premise; 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 public health nuisance.
- (8) take adequate measures to keep the premises free of pests.

**PART 6: KEEPING OF BIRDS OTHER THAN POULTRY**

**161. REQUIREMENTS FOR THE PREMISES**

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

- (1) the aviary must be constructed of durable rodent proof material;
- (2) adequate access must be provided for cleaning purpose;
- (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;
- (4) the aviary may not be situated within three metres of any building or structure, 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.

**162. 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**

**163. REQUIREMENTS FOR PREMISES**

No person may use premises as kennels or cattery except in terms of a permit authorizing 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 paragraph (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 (c) every enclosure referred to in sub-section (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 sub-section 2;
  - (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 for 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.

#### 164. **FOOD PREPARATION AREAS**

Any keeper of kennels or 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.

#### 165. **DUTIES OF A KEEPERS OF KENNELS OR CATTERIES**

Any person operating kennels or a cattery must

- (1) not keep more than three (3) dogs and/or three (3) cats in a residential area, within the jurisdiction of the municipality;
- (2) 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;
- (3) provide portable storage receptacles, of an impervious material with close fitting lids, for the storage of dog and cat faeces;
- (4) 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 sub-section 3;
- (5) 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 public health nuisance;
- (6) store all loose food in receptacles, with close fitting lids, in the food store;
- (6) provide adequate refrigeration facilities to store perishable foods on the premises;
- (8) provide adequate separate refuse receptacles, with close fitting lids, on the premises for refuse other than faeces;
- (9) keep any sick dog or cat isolated from any other animals; and
- (10) maintain the premises free from offensive odours and every enclosure, shelter, kennel, cage or food store clean and free from pests.
- (11) ensure that no dog or cat disturbs the comfort, convenience, peace and quiet of the public.

## **PART 8: PET SHOPS AND PET PARLOURS**

### **166. 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 floors surface 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 wash hand basin, with a supply of running hot and cold potable water must be provided for employees and the ratio of wash hand basins to persons employed on the premises must not be less than 1:15
- (5) the wash hand basins, referred to in sub-section (4) , must be drained in terms of section 173
- (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 ether –
  - (a) a curbed and roofed over platform with a minimum surface area 1,5m<sup>2</sup> 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 (g) must be drained in terms of section 173
- (9) any wall surface within 0,5 metres of the platform, sink or trough referred to in paragraph (g), must be permanently covered with waterproof material to 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 0,5m<sup>2</sup> for each employee;
  - (b) have a minimum overall floor area of 6m<sup>2</sup> and width of two metres; and
  - (c) be equipped with an adequate metal locker for each employee;
- (11) if no change room is required in terms of sub-section 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 wash hand 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 sub-paragraphs (a) and (b) must be unobstructed; and
  - (d) the floors of the rooms referred to in subparagraphs (i) and (ii), must be graded to a channel drained in terms of section 173
- (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

#### 167. 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 Subsection (1) (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
- (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;
- (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**

### **168. 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 may not be situated within 50 metres of
    - (i) any boundary of the premises;
    - (ii) any dwelling, building or structure used for human habitation;
    - (iii) any dwelling, building or structure where food is stored, handled or prepared for human consumption; or
    - (iv) any water resource intended for domestic consumption;
  - (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 public health nuisance,
- (2) a separate room, equipped with a preparation table and wash-up sink, supplied with running potable water must be provided for the preparation of food;
- (3) adequate facilities must be provided for washing any cages, trays, crate, refuse receptacles and food containers in the form of either –
  - (a) a curbed platform constructed of concrete or other impervious material brought to a smooth finish; or
  - (b) a stainless steel sink or trough adequate in size to accommodate the equipment to be washed;
- (4) 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 173;
- (5) any area and room in which fodder and food are stored must be rodent proof; and
- (6) the enclosure and/or housing must be adequate in size to allow free unobstructed movement of animals kept therein.

### **169. DUTIES OF KEEPERS OF WILD ANIMALS**

Any person who keeps wild animals must

- (1) maintain the premises in a clean and sanitary condition at all times;
- (2) clean all manure and food scraps from any enclosure and/or housing at adequate intervals;
- (3) 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
- (4) 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.

## **PART 10: KEEPING OF PIGS**

### **170. 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 3m<sup>2</sup> for each pig accommodated in the pigsty, with an overall minimum floor area of 6m<sup>2</sup>;
- (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 m<sup>2</sup> 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 runoff liquids into an open channel outside the pigsty;
- (6) the open channel referred to in subsection (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 173;
- (7) the pig sty must be strong enough to prevent the pigs breaking out,
- (8) the pig sty may not be situated within 100 meters of –
  - (a) the boundary of the premises;
  - (b) any dwelling, building or structure used for human habitation;
  - (c) any place where foodstuffs are stored or prepared for human consumption; or
  - (d) any water resource intended for domestic consumption;
- (9) a roofed over concrete platform must be provided for
  - (a) the storage of all swill in containers; and
  - (b) the preparation of pig feed;
- (10) the platform referred to in subsection (9)(a) must comply with the provisions of subsection (5) and in addition, must have a curbing of a minimum height of 100 mm on each edge; and
- (11) a water supply, adequate for drinking and cleaning purpose, must be provided in or adjacent to the pigsty.

#### 171. 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 complies with the provisions of section 170 subsection 9(a) and (5);

- (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 public health nuisance;
- (7) provide a rodent proof storeroom 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**

### **172. DUTIES OF KEEPERS OF PETS**

Any person who keeps pets must

- (1) maintain the premises in a clean and sanitary condition at all times;
- (2) clean all manure and food scraps from any premises at adequate intervals;
- (3) prevent the soil beneath or around any premises from becoming saturated with urine or polluted by any other matter or liquid

## **PART 12: GENERAL PROVISIONS**

### **173. DRAINAGE**

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

### **174. REQUIREMENTS FOR KEEPING OF BEES**

- (1) No person may keep bees on any premises unless –
  - (a) that person is the holder of a permit authorizing that activity; and
  - (b) 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;
  - (c) the bees are kept in a approved bee hive, and
  - (d) the bee hive is –
    - (i) kept in an area inaccessible to children and animals;
    - (ii) kept in the shade at all times; and
    - (iii) supplied with a source of drinking water within five metres of the hive.
- (2) No person may dump or deposit any garbage, compost, grass cuttings or manure within five metres of any bee hive.

### **175. ILLNESS ATTRIBUTABLE TO ANIMAL, 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 report to an environmental health practitioner within 24 hours of diagnosis, by 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 public health nuisance or public health hazard.

### **176. KEEPING OF AND SLAUGHTERING ANIMALS FOR RELIGIOUS AND CEREMONIAL PURPOSES**

- (1) A person intending to slaughter an animal in any place other than in recognizes abattoir must
  - (a) notify the Council in writing, fourteen days prior to the event; and;

- (b) submit 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) obtain prior written permission from Council to conduct such a slaughtering.
- (d) slaughter the animal in a position where the slaughtering cannot be observed by any person on neighbouring premises or any member of the public;
- (e) use the meat derived from the slaughtered animal solely for the purpose of the religious or ceremonial feast;
- (f) handle the meat in a hygienic manner at all times;
- (g) 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 public health hazard or public health nuisance; and
- (h) not keep such animal prior to slaughtering for a period in excess of 12 hours;
- (i) ensure that the animal does not cause a noise nuisance or disturbing noise whilst being kept for slaughter or being slaughtered.
- (2) A person intending to slaughter an animal for religious and/or ceremonial purposes may require the service of an environmental health practitioner for post-mortem examination of the slaughtered animal at a cost determined by Council from time to time.

## CHAPTER 16

### CARAVAN PARKS AND CAMPING GROUNDS

#### 177. REQUIREMENTS FOR PREMISES

- (1) For each caravan or camp site there shall be provide a clearly demarcated and numbered level area of not less than 120 m<sup>2</sup> with a minimum width of 10m.
- (2) In addition to the area required in terms of subsection (1), there shall be provided, for recreational purposes, an area equal to at least 25% of the gross usable area of the caravan park or camping ground.
- (3) Roadways not less than 5m in width, with a hardened surface, shall be provided so as to afford vehicle adequate access to all caravan or camp sites under all weather conditions, and such roads shall afford free access to a public road.
- (4) The caravan park or camping ground shall be properly and attractively laid out and landscaped, and it shall be a condition that the plan as approved by the Council shall be adhered to in every detail by the licensee.
- (5) Approved direction signs, indicating the water closets, urinals, ablution and other facilities required in the caravan park or camping ground in terms of these bylaws, shall be placed at approved points.
- (6) A fence not less than 2m high and meeting with the approval of the Council shall be provided to enclose the entire area of the caravan park or camping ground.
- (7) The entrance to the caravan park or camping ground, roadways, paths, water closets, urinals, ablution and other facilities, and fire fighting and first aid points, shall be adequately illuminated during the hours of darkness.
- (8) An adequate and constant supply of potable water, shall be available and one permanent stand pipe shall be provided in a convenient position for every four caravan or camp sites, and under every stand pipe tap there shall be a gully trap set in a dished and properly rendered surround and connected to an approved drainage system.
- (9) All bath, showers and wash hand basins shall be provided with an adequate and constant supply of hot and cold running water and shall be fitted with waste pipes suitably trapped and discharging over and into an external gully connected to an approved drainage system.
- (10) Every bathroom or shower cubicle shall have a door which is lockable from the inside and shall be provided with a built-in soap dish. In addition, every bathroom shall be provided with a seat and a wall hook or towel rail of at least 600 mm and every shower cubicle with a disrobing area suitably screened from the shower, a seat and a wall hook or towel rail of at least 600 mm.

#### 178. SANITARY FACILITIES

The following separate water closet and urinal accommodation shall be provided.

- (1) *Males:* A minimum of one water closet and 750 mm of urinal space for every eight caravan or camp sites or part thereof. The bucket and channel of the urinal shall be of stainless steel or other approved material.
- (2) *Females:* A minimum of two water closets and thereafter an additional water closet for every six caravan or camp sites or part thereof in excess of twelve sites. A bin with a self closing lid shall be provided in each water closet.
- (3) The internal wall surface of all bathrooms, shower cubicles and water closets shall be painted with a light coloured oil paint or shall be provided with a wall covering of an approved material.
- (4) All water closets, urinals, ablution and other facilities shall be suitably designated and the entrances in the water closets, urinals and ablution facilities shall be screened from public view.
- (5) An approved slop sink unit with an adequate and constant supply of cold running water shall be provided for caravanners and campers where chemical toilets receptacles shall be emptied and cleaned. shall be installed within a separate compartment adjacent to an ablution block with access thereto sexes. The floor of such compartment shall be graded and drained to an approved drainage system.
- (6) For every twenty caravan or camp sites or part thereof for the uses of caravanners or campers, a screened or enclosed drying yard and a laundry room equipped with a double bowl stainless steel laundry trough and an ironing board or table shall be provided. The laundry trough shall be provided with an adequate and constant supply of hot and cold running water and fitted with waste pipes suitably trapped and discharging over and into an external gully connected in an approved drainage system. An earthed 15 ampere socket outlet for a three pin plug shall be fitted in the laundry room.
- (7) For every twenty caravan sites or part thereof and for every ten camp sites or part thereof, there shall be provided under a roofed area, on an approved impervious floor, which shall be graded and approved drainage system, a double compartment wash-up sink unit for the washing of caravanners or camper's culinary utensils.

## CHAPTER 17

### SWIMMING POOLS AND SPABATHS

#### 179. 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 or be covered with a SANS approved pool net;
- (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.

#### 180. DUTIES OF SPABATH KEEPERS

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 test results; and
- (6) maintain a daily record of the spa bath water quality.

181. **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 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 test results, and
- (7) maintain a daily record of the swimming pool water quality.

182. **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 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 authorized in terms of section 12 of the Foodstuffs, Cosmetics and Disinfectants Act, Act 54 of 1972 to conduct an analysis.

183. **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 subsection (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.

184. **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.

## CHAPTER 18

### 185. OFFENCES AND PENALTIES

Any person who-

- (1) contravenes or fails to comply with any provisions of these bylaws; or
- (2) fails to comply with any lawful instructions given in terms of or for the purposes of these bylaws; or
- (3) obstructs or hinder any authorised representative of these bylaws; or
- (5) obstructs or hinders any authorised representative or employee of the council in the execution of his or her duties under these bylaws.  
Is guilty of an offence and liable on conviction to a fine not exceeding R10.000.00 or imprisonment not exceeding 6 months.

## CHAPTER 19

### 186. 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, it has been served on that person's agent or representative in the Republic of South Africa in the manner provided for in paragraphs (1), (2) or (3) 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 bylaws be served on the owner or occupier of premises may be addressed to "the owner" or "the occupier" of the specified premises and need not bear the name of the owner or occupier.
- (3) A notice, order or other document which may in terms of these bylaws be served on the owner or occupier of premises be:
  - (a) An Environmental Health Practitioner's Inspection report as of the National Norms and Standards framed under the National Health Act 61/2003
  - (b) An Environmental Health Practitioner's Compliance Notice in terms of section 83(3) of Health Act 61/2003 for compliance with these bylaws shall be:
  - (c) Compliance period of thirty six hours / 3 days shall apply for sewer overflow / sewerage related contraventions
  - (d) Compliance period of thirty days shall apply for connection to Ugu District Municipal provided sewer mains for water borne sewerage
  - (e) Any compliance period in accordance with the Environmental Health Practitioner's discretion of its severity and impact on public health shall apply for any other offences other than those compliance periods stipulated in these bylaws.
  - (f) An Environmental Health Practitioner's Contravention Notice – stipulating the nature of the contravention and the applicable penalties.
- (4) Prohibition Notice: - Imminent danger to persons – immediate enforcement.

## CHAPTER 20

### 187. FINES



**PUBLIC HEALTH HAZARDS AND PUBLIC HEALTH NUISANCES**

- |    |  |          |
|----|--|----------|
| 1. | Causing of public health hazard or nuisances | R1500.00 |
| 2. | Failure to report public health hazard       | R500.00  |
| 3. | Failure to exercise vector control           | R500.00  |

**INFORMAL TRADE**

- |    |  |         |
|----|--|---------|
| 4. | Prohibition of and restriction for carrying on of business | R500.00 |
| 5. | Failure to keep place of business clean                    | R500.00 |

**SECOND HAND GOODS**

- |    |   |         |
|----|---|---------|
| 6. | Failure to comply with requirements to operate a second hand goods premises | R500.00 |
| 7. | Failure to comply with duties as second-hand goods trader                   | R500.00 |

**FOOD**

- |     |  |          |
|-----|--|----------|
| 8.  | Failure to operate a food handling premises without a valid certificate of acceptability           | R1000.00 |
| 9.  | Failure to comply with the requirements for food premises  | R1000.00 |
| 10. | Failure to handle and transport food   | R500.00  |
| 11. | Failure to comply with standards and requirements for food premises                                | R1000.00 |
| 12. | Failure to comply with standards and requirements for food containers                              | R500.00  |
| 13. | Failure to comply with standards and requirements for the display, storage and temperature of food | R500.00  |
| 14. | Failure to comply with standards and requirements for protective clothing                          | R500.00  |
| 15. | Failure to comply with a person in charge of food premises   | R500.00  |
| 16. | Failure to comply with duties of a food handler  | R500.00  |
| 17. | Failure to comply with standards and requirements for the handling of meat (butchery)              | R500.00  |
| 18. | Failure to comply with standards and requirements for the transportation of food                   | R1500.00 |
| 19. | Failure to comply with general requirements for vending carts                                      | R500.00  |
| 20. | Failure to comply with sale of food through a food vending machine                                 | R500.00  |
| 21. | Production of milk in an unapproved milking shed   | R500.00  |
| 22. | Failure to comply with standards and requirements of milking sheds                                 | R1000.00 |
| 23. | Failure to comply with milk containers and milking machine   | R1000.00 |
| 24. | Failure to comply with requirements of handling milk   | R500.00  |
| 25. | Failure to comply with the health status of dairy stock  | R1000.00 |
| 26. | Failure to comply with requirements for milker's and handlers of milk                              | R1000.00 |
| 27. | Failure to comply with standards and requirements for transport of milk                            | R1500.00 |

**WATER POLLUTION**

- |     |  |         |
|-----|--|---------|
| 28. | Failure to comply with safeguarding dangerous wells, boreholes and excavations | R500.00 |
|-----|--|---------|

29.	Failure to comply with furnishing of particulars of the source of water	R500.00
30.	Failure to comply with storm water runoff from premises which may impact on public health	R300.00
31.	Failure to comply with water for human consumption and use	to court
32.	Failure to comply with pollution of municipal council's water supply	to court
33.	Failure to comply with pollution of sources of water supply system	to court
<b>SANITARY SERVICES</b>		
34.	Failure to comply with compulsory connection to municipal sewage system	R1500.00
35.	Failure to comply with prohibition against obstruction of sanitary service	R1500.00
36.	Failure to comply with prohibition against use of a bucket toilet under the same roof as a dwelling	R1000.00
37.	Failure to comply with condition of toilets, urinals, backyards and refuse areas	R1500.00
38.	Failure to comply with pollution of the sewerage system	to court
<b>ACCOMMODATION ESTABLISHMENTS</b>		
39.	Failure to acquire a permit for accommodation establishments	R2000.00
40.	Failure to comply with the requirements for premises of accommodation establishments	R2000.00
41.	Failure to carry out duties of operators of accommodation establishments	R1500.00
<b>HAIRDRESSING, BEAUTY AND COSMETOLOGY SERVICE</b>		
42.	Failure to acquire a permit to operate a salon	R500.00
43.	Failure to comply with the requirements for the premises of a salon	R500.00
44.	Failure to carry out the duties of salon operators	R500.00
45.	Failure to comply with the minimum standards for the operation of salon	R500.00
<b>CHILD – CARE FACILITIES</b>		
46.	Failure to comply with the requirements for the premises of child care services	R2000.00
47.	Failure to comply with the requirements for kitchens in child care premises	R1500.00
48.	Failure to comply with the requirements for toilet and wash facilities for children	R500.00
49.	Failure to comply with accommodation requirements	R1500.00
50.	Failure to comply with the general duties of a health certificate holder	R1500.00
51.	Failure to comply with the application for the admission of children	R500.00
<b>INFECTIOUS DISEASE SURVEILLANCE</b>		
52.	Failure comply with the requirements set out for infectious disease	R2500.00
53.	Failure to comply with the requirements for infectious disease and quarantine	R2500.00
54.	Failure to obtain authority from the Environmental Health Practitioner to retain unburied bodies.	R2500.00
55.	Failure to notify a driver or owner of a vehicle that a body been	

	conveyed has died of infectious disease.	R1500.00
56.	Failure to comply with a lawful order issued by the Environmental Health Practitioner	R2500.00

#### **DISPOSAL OF THE DEAD**

57.	Failure to operate funeral undertakers premises without a valid certificate of competence	R2000.00
58.	Failure to comply with the conditions of certificate of competence for funeral undertakers and mortuary	R2000.00
59.	Failure to comply with requirements relating to funeral undertakers and mortuary premises	R2000.00
60.	Failure to comply with the hygiene requirements for funeral undertaker's and mortuary premises	R2000.00

#### **BURIAL SITES AND BURIALS**

61.	Failure to comply with the minimum requirements for a crematorium facility	R2500.00
62.	Failure to comply with the requirements for exhumations	to court
63.	Failure to comply with the requirements for transportation of mortal remains	R2500.00
64.	Failure to comply with the requirements for burials at sea	to court

#### **KEEPING OF ANIMALS**

65.	Failure to comply with the requirements for premises of keeping of cattle, horses, mules and or donkeys	R500.00
66.	Failure to comply with the duties of keeper of cattle, horses, mules and or donkeys	R500.00
67.	Failure to comply with the requirements for premises of keeping of goats and sheep	R500.00
68.	Failure to comply with the duties of keeper of goats and sheep	R500.00
69.	Failure to comply with the requirements for premises of keeping of poultry	R500.00
70.	Failure to comply with the duties of keeper of poultry	R500.00
71.	Failure to comply with the requirements for premises of keeping of rabbits	R500.00
72.	Failure to comply with the duties of keeper of rabbits	R500.00
73.	Failure to comply with the requirements for premises of keeping of birds other than poultry	R500.00
74.	Failure to comply with the duties of keeper of birds other than poultry	R500.00
75.	Failure to comply with the requirements for premises of keeping of kennels and catteries	R500.00
76.	Failure to comply with the duties of keeper of kennels and catteries	R500.00
77.	Failure to comply with the requirements for premises of keeping of pet shops and pet parlours	R500.00
78.	Failure to comply with the duties of keeper of pet shops and pet parlours	R500.00
79.	Failure to comply with the requirements for premises of keeping of wild animals	R500.00
80.	Failure to comply with the duties of keeper of wild animals	R500.00

81.	Failure to comply with the requirements for premises of keeping of pigs	R500.00
82.	Failure to comply with the duties of keeper of pigs	R500.00
83.	Failure to comply with the requirements for premises of keeping of pets	R500.00
84.	Failure to comply with the duties of keeper of pets	R500.00
85.	Failure to comply with the requirements for premises of keeping of poultry	R500.00
86.	Failure to comply with the duties of keeper of poultry	R500.00

#### **CARAVAN PARKS AND CAMPING GROUNDS**

87.	Failure to comply with the requirements for premises of caravan parks and camping grounds	R1500.00
88.	Failure to comply with sanitary facilities for caravan parks and camping grounds.	R1000.00

#### **SWIMMING POOLS AND SPABATHS**

89.	Failure to comply with the requirements for premises of swimming pools and spa baths	R500.00
90.	Failure to comply with the duties of keeper of spa bath	R500.00
91.	Failure to comply with the duties of keeper of swimming pools	R500.00
92.	Failure to comply with the requirements for safety of water	R500.00
93.	Failure to comply with the requirements for order and behaviour	R500.00

### **CHAPTER 21**

#### **188. TARIFFS**

##### **POTENTIALLY HAZARDOUS USES OF PREMISES AND ENFORCEMENT**

1.	Public health exemption certificate	R1000.00
2.	Public health permit	R1000.00

##### **INFORMAL TRADE**

3.	Receipt for removal and impoundment certificate	R500.00
4.	Charge for hire of demarcated stand or areas	R500.00
5.	Certificate of approval to carry on business as vendor	R500.00

##### **FOOD**

6.	Cost of certificate of acceptability for food caterers premises	R300.00
7.	Prohibition notice for the handling and transportation of food	R500.00
8.	Inspection fee to inspect food premises over and above regular food premises inspections	R200.00
9.	Application fee for sale of food from vending machine	R300.00
10.	Application fee for exemption certificate	R500.00
11.	Inspection fee for examination of any milk shed, milk container, milking machine, health status of dairy stock	R500.00

##### **ACCOMMODATION ESTABLISHMENTS**

12.	Permit for accommodation establishments	R300.00
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##### **HAIRDRESSING, BEAUTY AND COSMETOLOGY SERVICE**

13.	Permit to operate a salon	R300.00
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**CHILD – CARE FACILITIES**

14.	Health Certificate	R300.00
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**DISPOSAL OF THE DEAD**

15.	Certificate of competence in respect of funeral undertakers and mortuaries	R1000.00
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16.	Provisional certificate of competence in respect of funeral undertakers and mortuaries	R500.00
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17.	Permit to operate a crematorium	R1000.00
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18.	Permit for burial at sea	R1000.00
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**KEEPING OF ANIMALS**

19.	Permit for the keeping of animals and birds	R500.00
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