

FRANCES BAARD DISTRICT MUNICIPALITY

**FRANCES BAARD MUNICIPAL HEALTH SERVICES BY-
LAW, 2025**

BY-LAW

To enable the Frances Baard District Municipality to promote and protect the health and well-being of all people within the municipal area by providing an effective legal and administrative framework, in conjunction with other applicable laws, within which the municipality can develop and manage its municipal health service obligations and to provide for matters incidental thereto.

PREAMBLE

WHEREAS section 156 of the Constitution, 1996 provides that a municipality may make and administer By-Laws for the effective administration of the matters which it has the right to administer;

AND WHEREAS Section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 states that a municipality exercises its legislative or executive authority by passing By-Laws and making decisions on any matters listed in section (3);

AND WHEREAS Section 84(i) of the Local Government Municipal Structures Act, 1998 determines that municipal health services fall within the power and functions of a district municipality;

AND WHEREAS municipal health services are defined in the National Health Act, 2003;

AND IN ORDER to promote and protect the health and well-being of all people within the municipal area;

BE IT THEREFORE ENACTED by the Frances Baard District Municipal Council, as follows:

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CHAPTER 1: INTERPRETATION AND FUNDAMENTAL PRINCIPLES

1. Definitions and interpretation

In this By-Law, unless the context indicates otherwise—

"accommodation establishment" means a place in which accommodation is provided for gain, to one or more people, with or without meals;

"adequate" when used to describe a standard or manner in which anything required by this By-Law must be done, means the standard or manner that, in the opinion of an Environmental Health Practitioner, is sufficient to safeguard public health, and to achieve the purpose and apply the principles of this By-Law and "adequately" has a corresponding meaning;

"adequately ventilated and illuminated" means adequately ventilated and illuminated as laid down in the Standard Building Regulations enacted in section 14(b) of the Standards Act, 1962 (Act 33 of 1962), or the health regulations applicable within the area of jurisdiction of the local authority concerned;

"adequate" and "suitable" means adequate or suitable as the case may be, in the opinion of the Head of Health or an Environmental Health Practitioner;

"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;

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

"agricultural holding" means the same as defined in the applicable Town Planning Scheme;

"air pollutant" means any substance (including but not limited to dust, smoke, fumes and gas) that causes or may cause air pollution;

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

"Air Quality Act" means the National Environmental Management: Air Quality Act, 2004 (Act no. 39 of 2004);

"air quality management plan" means the air quality management plan referred to in section 15 of the Air Quality Act;

"air quality officer" means an officer appointed in terms of section 14 of the Air Quality Act;

"ambient air" means air that is not enclosed by a building, machine, chimney or other such structure;

“atmospheric emissions or emissions” means any emissions or entrainments processes emanating from a point, non-point or mobile source that results in the air pollution;

“approved” when used to describe a particular object, measure or material, means an object, measures or material which has been approved in terms of section 13 as being adequate in specified circumstances to prevent, or reduce to a level acceptable to the Municipality, 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;

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

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

“atmospheric emission” or “an emission” means any emissions or entrainments processes emanating from a point, non-point or mobile source that result in the air pollution;

“authorised person” means any person authorised by the municipality to implement and enforce any provision of this By-Law but not limited to; (1) Peace officers as contemplated in section 334 of the Criminal Procedures Act, 1977 (Act No. 51 of 1977) (2) Municipal or Metro police officers as contemplated in the South African Police Services Act 1995 (Act no. 68 of 1995): and (3) Such employees, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorized by the Municipality in this regard: Provide that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer;

“bakery” means the premises or any part thereof on or in which the business of a baker is carried on;

“bakery product” include bread, rolls, pies, biscuits, cakes, tarts, confectionery, sweet meats and similar products;

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

“best available method” means the method available that will best prevent disease;

“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;

“best practicable” means the most effective measures that can reasonably be taken to prevent, reduce or minimize environmental pollution, having regard to all relevant factors including, among others, local conditions and circumstances, the likelihood of adverse effects, the current state of technical knowledge and financial implications relative to the

degree of environmental protection expected to be achieved by application or adoption of the measures;

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

“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 and mortal remains and human remains or human waste has 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;

“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;

“certificate of acceptability” means a certificate of acceptability referred to in Regulation 3 of R638, framed under the Foodstuffs Cosmetics and Disinfectants Act, Act 54 of 1972 as amended;

“certificate of competence” means a document contemplated in section 220 of this by- law;

“certificate holder” means the person in whose name a certificate of competence has been issued;

“clean” means free of any dirt, impurity, objectionable matter or contamination to the extent that acceptable states of hygiene is attained, and keep clean has a similar meaning;

“circumcision” means the surgical removal of the foreskin including any external genitalia by traditional practitioner, medical practitioner or any person registered as such;

“child” means a child admitted to a preschool institution in terms of this By-Law;

“chimney” means any structure or opening of any kind from or through which air pollutants may be emitted;

“colourant” means any substance referred to in the By-Laws on food colorants, published under the Foodstuffs Cosmetics and Disinfectants Act, Act 54 of 1972;

“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;

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

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

“constitution” means the Constitution of the Republic of South Africa, 1996 (108 of 1996);

“control measures” means a technique, practice or procedure used to prevent or minimise the generation, emission, suspension, or air borne transport of fugitive, dust, pesticides or sand blasting activities;

“corpse” means a dead human body or its remains whether decomposed or otherwise;

“cosmetology or beauty service” includes, but is not limited to anyone or more of the following services:

- (1) manicure, pedicure, nail technology or the application of false or artificial nails or nail extensions, whatever the substance used;
- (2) eyebrow shaping and plucking including the application of false or artificial eyebrows or eyelashes and tinting of eyelashes;
- (3) cosmetic and camouflage make-up of the face and its features, whether by permanent, semi-permanent or temporary means;
- (4) facial skin care;
- (5) 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;
- (6) body piercing and tattooing for cosmetic purposes;
- (7) massaging;
- (8) body bronzing by means of ultraviolet radiation or any similar method; or
- (9) body contouring including all forms of slimming;

"Council" means the Frances Baard District Municipal Council;

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

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

"dark smoke" means:

- (1) smoke which when measured using, a light absorption meter or obscuration measuring equipment has an obscuration of 20% or greater, in respect of Part 5 of this chapter;
- (2) smoke which has a density of 60 Hart ridge smoke units or more, provided that in relation to emissions from turbocharger compressed ignition powered engines, it means a density of 66 Hart ridge smoke units or more, or
- (3) smoke which has a light absorption coefficient of more than 2.125m^{-1} , provided that in relation to emissions from turbocharger compressed ignition powered engines, it means a light absorption coefficient of more than 2.5m^{-1} ;

"dairy" means any premises occupied and used by a dairyman, for the production and sale or supply of dairy product;

"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 and it also includes a product of which a maximum of 50 percent of the fat content, protein content and carbohydrate content respectively, are obtained from a source other than milk;

"dairyman" means any person who produces, supplies, or keeps for sale, or sells milk obtained from his own herd, and who is registered as such;

"dairy stock" means cows, she-goats, ewes, and mares used in the production of milk for human consumption;

"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" in relation to water, means the use of water for:

- (1) human consumption;
- (2) preparing or manufacturing food or drink for human consumption;
- (3) cleaning vessels or utensils used in the preparation or manufacture of food or drink for human consumption; or any other domestic purpose;

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

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

“dust” means any solid matter in a fine or disintegrated stage from which is capable of being dispersed or suspended in the atmosphere;

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

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

“dwelling” means any building or other structure, or part of a building or structure, used;

“dwelling house” means a single building designed for use as a residence for a single family;

“dwelling unit” means an inter-connected suite of rooms which include kitchen or scullery, designed for occupation by a single family other than a dwelling house, irrespective of whether such unit is a single building or forms part of a building containing two or more such units;

“effluent” means wastewater generated because of an activity;

“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;

“environment” means the surroundings within which humans exist made up of:

- (1) the land, water and atmosphere of the earth;
- (2) micro-organisms, plant and animal life;
- (3) any part or combination of (1) and (2) and the interrelationships among and between them; and
- (4) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

“environmental Health” means those aspects of human health, including quality of life, that are determined by physical, chemical, biological, social and psychosocial factors in the environment. It also refers to the theory and practice of assessing, correcting, controlling and preventing those factors in the environment that can potentially adversely affect the health of present and future generations;

“environmental health practitioner” means an official appointed by the Municipality in terms of The National Health Act, 2003 (Act 61 of 2003) as amended and who is duly registered as an Environmental Health Practitioner with the Health Professions Council of

South Africa in terms of section 34 of the Health Professions Act, 1974 (Act No. 56 of 1974) as amended;

“environmental management inspector” means an Environmental Management Inspector appointed in terms of 31 C of the National Environmental Management Act 1998 (Act 107 of 1998) as amended;

“exemption certificate” means a certificate issued in terms of section 10 of this By-Law;

“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 sold or disposed of;

“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 women or both or one of 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;

“food” means a foodstuff intended for human consumption, as defined in section 1 of the Foodstuffs, Cosmetics and Disinfectants Act (Act 54 of 1972), excluding food referred to in regulation 14 thereof;

“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;

“food vending machine” means any mechanical device, whether attended or not, by means of which foodstuffs are sold;

“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;

“food additive” means any substance not normally consumed as a foodstuff by itself, and not normally used as a typical ingredient of the foodstuff, whether or not such substance has nutritive value;

“free acceleration test” means the method described in section 101 (2) employed to determine whether vehicles are being driven or used in contravention of section 101 (1);

“fuel- burning equipment” means any furnace, boiler, incinerator, or other fuel burning equipment, including a chimney:

- (1) designated to burn or capable of burning liquid, gas or solid fuel;
- (2) used to dispose of any material waste by burning; or
- (3) used to subject liquid, gas, or solid fuel to a process involving the application of heat;

“fumes” means any pungent or toxic vapour, gas, or smoke including but not limited to diesel fumes, spray painting fumes and exhaust fumes;

“functions in residential area” means any private function in a residential area such as weddings, funerals, unveiling of tombstones ceremonies, birthdays, etc. including music festivals in residential areas;

“funeral undertaker’s premises” means premises that are used or intended to be used for the preparation and storage of corpses and may undertake funeral and burial services;

“generator” means any person or institution which generates health care waste;

“genotoxic waste” means highly toxic waste that may have mutagenic, teratogenic or carcinogenic properties and includes certain cytostatic drugs as well as vomit, urine or faeces from patients treated with cytostatic drugs, chemicals and radioactive material;

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

“handle” includes process, produce, manufacture, packaging, storing, preparation, display, transport, sale or serving of foodstuffs;

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

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

- (1) shampooing and cleansing, conditioning and treating hair;
- (2) chemical reformation of the hair including permanent waving, relaxing and straightening of the hair;
- (3) 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;
- (4) hair cutting and shaping;
- (5) barbering services including shaving and singeing of hair; or
- (6) 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
- (7) trichology and trichological treatment of the hair including the treatment of abnormalities;

“hazardous waste” means waste that has the potential, even in low concentrations, to have an adverse effect on the environment and environmental health because of its inherent toxicological, chemical or physical characteristics and could include biological waste such as sewerage;

“health certificate” means a health certificate issued in terms of this By-Law;

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

“health care facility” means a health establishment as defined in the Act;

“health care general waste” means that portion of health care waste which is not hazardous;

“health care risk waste” means that portion of health care waste which is hazardous and includes infectious waste, pathological waste, genotoxic waste, chemical waste, waste containing heavy metals, radioactive waste, and any other waste which is considered hazardous in terms of the Waste Management Series: Document 1: Minimum Requirements for the handling, classification and disposal of Hazardous Waste, 2nd Edition as published by the Department of Water Affairs and Forestry;

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

“Health Officer” means a person who holds such qualifications which entitles him or her to be registered as a medical practitioner, or Environmental Health Practitioner or nursing personnel and appointed to exercise the provision of this By-Law according to their professional practices.;

“health establishments” means public and private hospitals and includes, district, regional and tertiary hospitals;

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

“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;

“inspector” means a person authorized as such, under section 10 of the Foodstuffs Cosmetics and Disinfectants Act, 54 of 1972 or an “Environmental Health Practitioner (EHP)” means 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, Government Gazette No. R698 dated 26 June 2009;

“initiate” means a person who has been admitted in the circumcision or initiation school for the purpose of being circumcised;

“initiation schools” means a cultural institution or place where circumcision is carried out and registered in terms of this document and circumcision school has the corresponding meaning;

“landfill site” means a waste disposal facility as defined in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and includes transfer stations and drop off points;

“licensing authority” means an authority referred to in section 36(1) of the Air Quality Act; responsible for implementing the licensing system set out in Chapter 5 of the Act;

“light absorption meter” means a measuring device that uses a light-sensitive cell or detector to determine the amount of light absorbed by an air pollutant;

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

“living organism” means any biological entity capable of transferring or replicating genetic material, including sterile organisms and viruses;

“local authority” means a municipality that shares municipal executive and legislative authority in its area with a district municipality within whose area it falls and which is described in section 155(1) of the Constitution as a category B municipality;

“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 or human remains” means the remains of a dead person in any form and corpse has a corresponding meaning;

“municipal area” means the area under the jurisdiction of the Frances Baard District Municipality or a local authority as the case may be;

“municipal health services” means services as defined in section of the National- Health Act. 61 of 2003;

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

“Municipality” for the purposes of this By-Law means—

- (1) the Frances Baard District Municipality established in terms Chapter 2 of the Local Government Municipal Structures Act No. 117 of 1998 exercising its legislative and executive authority through its Council, or
- (2) its successor in title; or

- (3) a structure or person exercising a delegated power or carrying out an instruction, where any power in this By-Law has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal System Act, 2000 (Act No. 32 of 2000); or
- (4) a service provider fulfilling a responsibility under this By-Law, assigned to it in terms of section 81 (2) of the Local Government: Municipal System Act, or any other law, as the case may be;

“music festivals, also open-air music festivals and similar gatherings” means an event including, but not necessarily limited to:

- (1) any sporting, recreational or entertainment event, including live acts and music of any kind;
- (2) any music festival;
- (3) any educational, cultural or religious event where religious event also includes gospel music festivals;
- (4) any business event including marketing, public relations and promotional or exhibition events;
- (5) any charitable event, including any conference, organizational or community event, or any similar activity hosted at stadium, public or private open space or any venue or along a route or its precinct, which event is planned, has a clear programme, control and accountability, but excludes an event hosted by a private person held in his or her private capacity at any venue, or filming staged in terms of the By-Law relating thereto;

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

“NEMA” means National Environmental Management Act, 1998 (107 of 1998) as amended;

“non-point source” means as source of atmospheric emissions which cannot be identified as having emanated from a single identifiable source of fixed location, and includes veld, forests and open fires, mining activities, agricultural activities and stockpiles;

“nuisance” means an unreasonable interference or likely interference caused by environmental pollution with:

- (1) the health or well-being of any person or living organism; or
- (2) health or wellbeing of the environment; or
- (3) the use and enjoyment by an owner or occupier of his or her property or environment;

“noise control officer” means a person with a qualification equivalent to a senior certificate plus three years tertiary education in engineering, physical sciences or health sciences and who is registered with a professional council;

"noise level" means the reading on an integrating impulse sound level meter taken at a measuring point in the presence of any alleged disturbing noise at the end of a total period of at least 10 minutes after such meter was put into operation, and, if the alleged disturbing noise has a clearly discernible pitch, for example, a whistle, buzz, drone or music;

"noise nuisance" means any sound which disturbs or impairs or may disturb or impair the convenience or peace of any person;

"noisiness index" means a number expressed in dBA as defined in SANS 10117;

"non-exempted vehicle" means a vehicle not listed in Annexure A to SANS 10281;

"obscuration" means the ratio of visible light attenuated by air pollutants suspended in the effluent streams to incident visible light, expressed as a percentage;

"occupier", in relation to any premises, means any person—

- (1) occupying the premises;
- (2) leasing the premises;
- (3) who is not occupying the premises but is entitled to do so; or
- (4) who manages the premises or a business on the premises on behalf of a person referred to in paragraph (1), (2) or (3);

"offensive odour" means any smell which is considered to be malodorous or a nuisance to a reasonable person;

"offensive trade" means of any business listed in section 123;

"offensive trader" means any person who owns, conducts or carries on an offensive trade;

"open burning" means the combustion of material by burning without a chimney to vent the emitted products of combustion to the atmosphere, and "burning in the open" has a corresponding meaning;

"operator" means a person who owns or manages an undertaking, or who controls an operation or process, which emits air pollutants;

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

"overseer" means a person who looks after initiates;

"owner", in relation to any premises, means—

- (1) the person in whose name the title to the premises is registered, and includes the holder of a stand or
- (2) if the person referred to in paragraph (1) is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian or other person who is legally responsible for administering that person's estate;

“park home” means a movable structure designed and manufactured for habitation purposes;

“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 5oC to 630C, and includes the perishable foodstuffs listed in Government Notice No. R1183 of 1 June 1990 as amended;

“permit” means a public health permit issued by the Municipality;

“person” means a natural person or a juristic person;

“person in charge” means a natural person who is responsible for the food premises and/or the owner of such food premises, as the case may be;

“pest” means any animal, reptile, insect or mammal, which may create a public health hazard or public health nuisance if it is present in significant numbers and including but not limited to rats, mice, flies, mosquitoes, bed bugs, fleas, lice, termites and cockroaches;

“pet” means a domestic animal, reptile, insect, bird or poultry kept in a household for companionship or amusement;

“police officer” means any person appointed by the South African Police Service or the Municipality as a police or peace officer;

“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;

“private premises” means any real property, parcel of land or lot that has a separate certificate of title, which is in private ownership or subject of a lease or agreement with a company or person enabling its use for private purposes and includes any building or structure thereon;

“premises” means public premises and include—

- (1) any land without any buildings or other structure on it;
- (2) any building or other structure and the land on which is situated;
- (3) any land which adjoins land referred to in paragraph (1) or (2) 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 (1) or (2) ; or
- (4) any land on which a caravan park or camping ground situated;

“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;

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

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

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

“proclaimed township” means any land unit zoned and utilized for residential purposes;

“protective clothing” means overall of a light colour and head gear that completely covers the head;

“pure water” means clean and clear water that does not contain Escherichia Coli;

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

“public health hazard” means any actual threat to public health, and without limitation, includes—

- (1) the circumstances referred to in section 5(3);
- (2) unsanitary conditions;
- (3) circumstance which make it easier for a communicable disease to break out or spread;
- (4) circumstances which make food or drinks, including water for domestic consumption, unhygienic or unsafe to eat or drink; and
- (5) circumstances which allows pests to infest any place that may affect public health;

“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 in terms of Schedule 1;

“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 Municipality and includes any road, place or thoroughfare which is in the undisturbed use of the public or which the public have the right to use, and includes a public place as defined in the Tobacco Control Amendment Act 12 of 1999;

“public road” means a road which the public has the right to use;

“registered body” means the National Department or Municipality authorized to issue a registration certificate;

“registration certificate” means a certificate issued by the authorized National Department;

“rodent-proof” means ensuring that an area is free of all rodents, vermin, insects, disease carriers or other pests;

“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;

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

- (1) hairdressing service;
- (2) cosmetology on beauty services;
- (3) body piercing and tattooing; or
- (4) massaging services;

“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 use” means a use listed in Schedule 2—

- (1) unless the context otherwise indicates, any word or expression which is defined in any Chapter, has the same meaning wherever it is used in this By-Law;
- (2) if any provision in this By-law vests or imposes any power, function or duty of the Municipality in or on an employee of the Municipality and such power, function or duty has in terms of section 81 (2) of the Local Government: Municipal System Act, 2000, or any other law, been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it;

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

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

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

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

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

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

“the Act” means the National Health Act, 2003 (Act No. 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;

“traditional surgeon” means a traditional healer who performs the circumcision and includes any person who has been trained to do so and complies with the necessary requirements;

“unsound food” means unwholesome sick, polluted, infected, contaminated, decaying or spoiled, or unfit for human consumption for any reason whatsoever;

“user”, in relation to land, means—

- (1) any person who has a personal or real right in respect of land in his or her capacity as fiduciary, fideicommissary, servitude holder, possessor, lessee or occupier, irrespective of whether or not he or she resides thereon; and
- (2) any other person who is generally recognised as having a right of tenure on the land concerned;

“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;

“vicinity” means the area as seen in the context of the problem which could range from adjacent premises up to an entire neighbourhood;

“water” means, for domestic consumption, pure water which complies with SANS 241-2001 and any standards set in terms of national and provincial legislation;

“waste” means any substance, whether or not that substance can be reduced, re-used, recycled and recovered—

- (1) that is surplus, unwanted, rejected, discarded, abandoned or disposed of;
- (2) which the generator has no further use of for (the purposes of production;
- (3) that must be treated or disposed of; or
- (4) 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—
 - (a) a by-product is not considered waste; and
 - (b) any portion of waste, once re-used, recycled and recovered, ceases to be waste; and waste includes any solid material or material that

is suspended, dissolved or transported in water (including sediment) and which is spilled or deposited on land or into a water resource in such volume, composition or manner as to cause, or to be reasonably likely to cause, the water resource to be polluted;

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

"water resource" means a source as defined in section 1 of the National Water Act, Act No. 36 of 1998;

"youth care centre" means a residential care facility for children in need of care and protection, children in conflict with the law or those needing therapeutic residential support;

"zoned" means a use right which may be exercised on premises in terms of the provisions of a town planning scheme and includes any approval which may have been granted in respect of the particular premises in terms of any town planning legislation;

"zone sound level" means a derived dBA value determined indirectly by means of a series of measurements, calculations or table readings and designated by a municipality for an area.

Unless the context otherwise indicates, any word or expression which is defined in any Chapter, has the same meaning wherever it is used in this By- Law.

If any provision in this By-Law vests or imposes any power, function or duty of the Municipality in or on an employee of the Municipality and such power, function or duty has in terms of section 81 (2) of the Local Government: Municipal System Act, 2000, or any other law, been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it.

2. Purpose

The Municipality being aware of the constitutional rights of every person to an environment that is not harmful to his or her health or well-being, and the principles that underlines the National Health Act, 2003 (Act 61 of 2003) as amended, the National Environmental Management Act, 1998 (Act107 of 1998) as amended and Foodstuffs, Cosmetics and Disinfectants Act, 1972,(Act 54 of 1972), adopts this By-Laws with the purpose that this By-Laws will enable the Municipality to set minimum environmental health standards to prevent diseases, prolong life, protect and promote the long term health and well- being of people in the Municipal area by—

- (a) providing, in conjunction with other applicable laws, an effective legal and administrative framework within which the municipality can develop and manage its Municipal Health Services obligations by—
 - (i) managing and regulating activities that have the potential to impact adversely on public health; and
 - (ii) requiring premises to be properly maintained and managed; and

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

CHAPTER 2: PUBLIC HEALTH PRINCIPLES

Part 1: Public Health Principles

3. Principles

- (1) Any person who owns or occupies premises in the municipal area must 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.
- (2) Any person who undertakes an activity which creates a risk to public health must—
 - (a) take all reasonable measures to eliminate that risk, and if that is not reasonably possible, to reduce the risk to a level acceptable to the Municipality; and
 - (b) bear the costs of taking those measures and of any reasonable costs incurred by the Municipality in ensuring that the risk is eliminated or reduced to an acceptable level.
- (3) The Municipality must regulate all activities and administer all matters for which it is legally responsible in a manner that—
 - (a) avoids creating a public health hazard or a public health nuisance;
 - (b) does not make it easier for any human or animal disease to spread;
 - (c) does not give rise to unsanitary or unhygienic conditions;
 - (d) prevents unsafe food or drink from being consumed;
 - (e) avoids creating conditions favourable for infestation by pests; or
 - (f) wherever reasonably possible, improves public health in the municipal area.
- (4) In dealing with matters affecting public health the Municipality must—
 - (a) adopt a cautious and risk averse approach;
 - (b) prioritize 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—

- (a) exercising a power or function or performing a duty in terms of this By-Law;
- (b) formulating or implementing any policy that is likely to have a significant effect on, or which concerns the carrying on of activities likely to impact on, public health in the municipal area; or
- (c) 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.

Part 2: Public health hazard and public health nuisances

5. Prohibition on causing public health hazards

- (1) No person may cause 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 causes a public health hazard if—
 - (a) the premises are infested with pests;
 - (b) there are conditions on the premises which are conducive to the spread of a communicable disease, or which may cause a non-communicable disease;
 - (c) there is any unsanitary condition in any part of the premises; or
 - (d) any water supply for domestic consumption on the premises is unsafe for human consumption.

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—

- (a) eliminate the public health hazard; or
- (b) if the owner or occupier is unable to comply with paragraph (a), take reasonable steps to reduce the risk to public health and forthwith report the existence of the public health hazard to the Environmental Health Department of the Municipality.

7. Prohibition on causing a public health nuisance

- (1) No person may cause 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 arise on those premises.

CHAPTER 3: POTENTIALLY HAZARDOUS USES OF PREMISES AND ENFORCEMENT

WATER AND SANITATION

8. Duty to list potentially hazardous uses

The Municipality must if it reasonably believes that any premises has been or is likely to—

- (a) be used for a purpose or in a manner that has caused, or is likely to cause, a public health hazard;
- (b) create a public health nuisance unless reasonable measures are taken to avoid the risk or to reduce it to an acceptable level;

list the activity in Schedule 2 and prescribe measures that must be taken to avoid the risk or reduce it to a level acceptable to the Municipality.

9. Scheduled uses

- (1) Any person who uses premises in a manner or for a purpose listed in Schedule 2 must comply with every provision specified in the Chapter of this By-Law 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 or for a purpose that is listed in Part A of Schedule 2, must obtain a permit in terms of section 11 before commencing that use and must comply with the terms and conditions of that permit.

10. Exemption Certificates

- (1) Any person who wants to undertake a scheduled use on any premises but wishes to be exempted from complying with any requirement of this By-Law relating to the use concerned, may apply to the Municipality in accordance with section 13 for an exemption certificate.
- (2) The Municipality 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 requirement of this By-Law; 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.

11. Public health permits

- (1) Any person who wants to undertake a scheduled use that is listed in Part A of Schedule 2, must apply to the Municipality's Department responsible for Environmental Health in accordance with section 13 for a public health permit.
- (2) The Municipality 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 Municipality
 - (b) may exempt the permit holder from complying with any relevant provision of this By-Law, if the Municipality 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 this By-Law; and
 - (c) may approve any measure or material in connection with the activity authorized by the permit that must be approved in terms of this By-Law.

12. Approval of measures, object and materials

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

13. Application procedure

- (1) Any person who wants to obtain an exemption certificate or a permit must apply to the Municipality's Department responsible for Environmental Health in writing by completing the form attached as Annexure 1, prior to undertaking the scheduled use concerned.
- (2) When the Municipality receives an application contemplated in subsection (1), it must ensure that the relevant premises concerned are inspected by an Environmental Health Practitioner within 14 days.
- (3) Before deciding whether or not to approve an application contemplated in subsection (1), the Municipality—
 - (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 Municipality 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 Municipality must apply the public health principles set out in section 2 and 3.
- (5) The Municipality may not grant an exemption until it has—
 - (a) taken reasonable measures to ensure that all persons whose rights may be significantly detrimentally affected by the granting of the exemption, including, but not limited to adjacent landowners or occupiers, are aware of the application for exemption and how to obtain a copy of it;
 - (b) provided affected persons with a reasonable opportunity to object to the application; and
 - (c) duly considered and taken into account any objections raised.

14. General terms applicable to certificates and permits

- (1) An exemption certificate or a permit—
 - (a) is not transferable from one person to another; and
 - (b) applies only to the premises specified in that certificate or permit.
- (2) Every exemption certificate or permit must—
 - (a) specify the address and other relevant details regarding the location of the premises concerned;
 - (b) describe the premises concerned;
 - (c) describe the activity concerned;

- (d) specify terms and conditions imposed, if any, and
 - (e) indicate the expiry date.
- (3) An applicant must pay a prescribed fee, if determined by the Municipality, in respect of an application for a permit or exemption certificate and such fee must accompany the application.
 - (4) The Municipality may refuse to consider an application until it has been provided with the information that it reasonably requires to make an informed decision and until the prescribe fees has been paid.

15. 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 given reasonable opportunity to make representations and must provide written 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—
 - (a) if 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 If the holder of such certificate or permit fails to comply with a compliance or prohibition notice as contemplated in this By-Law; and
 - (b) in terms of the Municipal Systems Act (Act 32 of 2000), Chapter 3, section 8(2).
- (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 this By-Law.
- (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.

CHAPTER 4: SANITARY SERVICE

16. **Compulsory connection to municipal sewage system**

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

17. **Prohibition against obstruction of sanitary service**

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

18. **Requirements in respect of toilet facilities**

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

19. **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, or any other applicable legislation.
- (2) No temporary toilet may be erected or placed on any pavement or other public place without the written approval of the Municipality.

20. **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.

21. **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 to prevent public nuisance.

22. **Separate storage of urine**

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

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

- (1) Any owner of premises not connected to a public sewer or not provided with other adequate measures for the disposal of waste liquid, must provide the premises with a tank big enough to contain the slops, bath water or other wastewater produced on the premises during a period of 48 hours.
- (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 Municipality's waste removal vehicle; or
 - (b) other approved waste removal vehicle; or
 - (c) 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 wastewater produced on the premises, other than urine, over land associated with the premises concerned; and
 - (b) the wastewater is dispersed in a way that will not create a public health nuisance.

24. 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 wastewater, must pump the contents of the underground tank to the overhead tank immediately prior to the overhead tank being emptied by the Municipality.

25. 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.

26. 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.

CHAPTER 5: PRIVATE SEWAGE WORKS

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

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

28. Permit for installation of sewage works

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

29. Maintenance of sewage works

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

30. Disposal of sewage, sewage effluent and wastewater without causing a public health nuisance and or health hazard

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

- (a) cause dampness in or on any premises;
- (b) endanger the quality of any water supply, surface water, stream or river; or
- (c) cause a public health nuisance and or health hazard.

31. Compulsory use of Municipality's sewage removal service

- (1) Every occupier of premises must use the sewage removal service prescribed by the Municipality for those premises.
- (2) Every occupier of premises that make use of a private sewage removal service must use a service provider approved by the Municipality and such service provider must dispose of the sewage at the Municipal Wastewater Treatment Facility.
- (3) This section does not apply to farms or similar premises.

CHAPTER 6: WATER

32. 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.

33. Dangerous wells, boreholes and excavations

Every owner or occupier of premises must ensure that any well, borehole or other excavation located on the 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, which 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.

34. 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.

35. Use of water from source other than the municipal supply

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 complies with standards of potable water.

36. Furnishing of particulars of the source of water

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

37. Notice of the sinking, drilling or digging of boreholes or wells for use in the processing or preparation of food

No person may sink, drill or dig, or cause or permit to be sunk drilled or dug, a well or borehole, to obtain water, unless—

- (a) it is done so in accordance with any relevant law; and
- (b) all such water sources are registered with the Municipality within 14 days of their operation and the details of the owner and location are provided.

38. Storm water runoff from premises which may impact on public health

- (1) Every owner or occupier of premises must take reasonable steps—
 - (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, produce, 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 wastewater from entering any borehole, well, spring, or water source; and
 - (f) to prevent any adverse impact on the quality of surface and groundwater occurring, due to the location of any dump, stockpile, dam, drain, canal, conduit, sewer or any other structure on the premises;
 - (g) to prevent any storm water inflow into the sewer system.
- (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 establish 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 plus an additional 10% in the event of any unlawful or accidental discharge from the tank or group of tanks; and
 - (e) must clean any industrial surface area so as to prevent the pollution of storm water which may result in adverse impact on the quality of any surface or ground water.

39. Containment of wastewater

Any dam, conduit or channel used for the containment of wastewater 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 7: STANDARDS APPLICABLE TO ALL PREMISES

40. Structural facilities

The building structure on the premises must comply with the requirements of the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977).

41. Sanitary fixtures

- (1) All public premises must provide sanitary fixtures in line with National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977).
- (2) A cleaning schedule for sanitary fixtures must always be in place and implemented.
- (3) Sanitary fixtures must always be kept in a good state of repairs.

42. Water supply

- (1) Adequate supply of potable water must be available on the premises for all uses including drinking, cooking, personal hygiene, and cleaning.
- (2) The quality of water supplied on the premises must comply with the specifications of the SANS241 for drinking water, with regards to microbiological, chemical and physical quality.
- (3) Potable running water must continually be available on the premises subject to subsection 8.
- (4) Stored drinking water must be protected from contamination at all times and cold water must be stored at temperatures below 20°C.
- (5) Outlets for distribution of non-potable water must be marked clearly with signs, indicating that the water is unsafe and must not be used for drinking, washing and cooking.
- (6) No cross-connection between a system providing potable water and a system providing non-potable water is allowed.
- (7) Water service points must be provided on the premises, for various uses on the premises.
- (8) For premises without running water, drinking water must be adequately stored and protected against contamination by flies, animals and humans and water storage containers must be covered at all times.
- (9) Water storage containers must be kept clean at all times.
- (10) Disinfecting of water with chlorine may be used as an appropriate way of ensuring microbiological safety.
- (11) If temporary water storage tanks must be provided for drinking water, the water must be from an approved source.

43. Drainage systems

- (1) Suitable and effective means of drainage and sewage disposal must be provided on all premises, in compliance with the relevant By-Laws of a specific local authority.
- (2) Drainage systems must be kept clean and maintained so as to prevent any blockages.

44. Waste Management

- (1) Approved methods of solid waste collection, storage, and disposal must be adopted in compliance with the relevant By-Laws of the local authority concerned.
- (2) Refuse bins or a designated refuse storage area must be available on the premises for the storage of all refuse pending removal.

45. Health care risk waste management

Where health care risk waste is generated—

- (a) approved methods of waste collection, storage, transportation and disposal must be adopted on the premises and the management of health care risk waste must be in line with the specification of the SANS code 10248: Management of Health Care Risk Waste at Health Facility;
- (b) a designated waste storage area must be provided for the storage of health care risk waste pending removal by approved service provider;
- (c) a waste storage area must be located such that it is not in close proximity to any food preparation area or any area where patients are cared for;
- (d) an adequate number of purpose-manufactured, leak-proof, sealable containers must be available for the storage of health care risk waste.
- (e) containers used for the storage of health care risk waste must be clearly labelled in large, legible lettering;
- (f) employees must be adequately trained in the identification, separation, handling and storing of health care risk waste;
- (g) accurate and up to date records must be kept of all health care risk waste generated by the facility;
- (h) a laundry area and facilities for laundering of linen must be provided on the premises;
- (i) laundry must be done on approved facilities or with a registered service provider.

46. Food handling facilities

If food is handled on the premises—

- (a) a food handling area must be provided for the hygienic handling of foodstuffs.
- (b) all facilities used in connection with the handling, preparation, storage and serving of foodstuffs must comply with the relevant Regulations, published in terms of the Foodstuffs, Cosmetic and Disinfectants Act 1972, (Act 54 of 1972), as amended.

47. Tobacco control

The premises must comply with the requirements of the Regulations Relating to Smoking in Public Places and Certain Outdoor Public Places R 264 of 30 March 2012, published in terms of Tobacco Products Control Act, 1993 (Act No. 83 of 1993) as amended.

48. Vector control

- (1) A vector and pest control programme must be in place to minimize the risk of rodents and pests on the premises.
- (2) Rodent proofing must be maintained in good order or repair so as to be impervious to rodents.
- (3) To prevent the wide spreading of rodents or pests, rodents must be eliminated before demolition of any building or structure likely to be infested with rodents, attached to the facility.
- (4) The premises must be kept clean, free from and accumulation of refuse, debris, including glass, paper, rags, tins, trash, ash and coal, dead animals, health care risk waste, overgrown weeds, trees, long grass, any accumulation which is unsightly and may pose a health nuisance.
- (5) The premises must be kept free from any other condition that may result in the breeding of flies or mosquitoes, and other vermin.

49. Air quality

- (1) Dust control measures must be put in place to control dust from the construction activities and all emissions must be in compliance with the National Environmental Management; Air Quality Act, 2004 (Act No. 39 of 2004).
- (2) The dust must be adequately controlled to prevent a nuisance or hazard from continuing.
- (3) For industry that generates emissions to the atmosphere at any stage of the project life cycle, emissions must be in compliance with the standards as specified by the National Environmental Management, Air Quality Act, 2004 (Act No. 39 of 2004), to protect Environmental Health.

50. Noise control

- (1) The level of noise produced must conform to the requirements as specified in the Noise Control Regulations promulgated by national or provincial government.
- (2) Excessive, disruptive and displeasing noise emanating from any activity on any premises must be controlled to ensure acceptable levels.
- (3) Noise prevention and mitigation measures should be applied where noise impacts from a project facility or operations exceed the applicable noise level guideline at the most sensitive point of reception.
- (4) Measures should be applied for controlling of noise from stationary sources at source.

CHAPTER 8: FOOD CONTROL

51. Requirements for food caterer premises

Caterers must have a certificate of acceptability issued by the Municipality and must comply with the following—

- (a) all food areas must have adequate ventilation and lighting;
- (b) all working surfaces and equipment such as tongs; must be in a good state of repair and capable of being easily cleaned;
- (c) provision must be made for a wash hand basin or any other similar utensil for washing of hands;
- (d) provision must be made for soap, nail brush, and disposable paper towelling at the afore-mentioned wash hand basin or utensil;
- (e) provision must be made for a sink or any other similar utensil, for washing of food and equipment;
- (f) suitable provision must be made for a constant supply of hot and cold water;
- (g) all wastewater emanating from the property of food caterer must be suitably disposed of, as per requirements of the Environmental Health Practitioner;
- (h) adequate measures must be taken to prevent contamination of food by flies, chemicals, rodents and other vermin, and pathogens;
- (i) suitable refrigeration facilities must be provided, with proper holding temperatures, namely foodstuffs to be stored at or below 5°Celsius or at or above 63°Celsius;
- (j) raw and cooked foods must be kept separately during all stages of catering process;
- (k) refuse Control: the premises must have an adequate number of bins with tight fitting lids and bins must be regularly cleaned;
- (l) all staff must be provided with personal protective clothing namely footwear, overalls of a light colour and head covering that completely covers the hair of the head;
- (m) all staff must maintain a good sense of hygiene and be free of any open cuts and wounds; and
- (n) proper quality control must be implemented, namely “first in-first out” policy.

52. Requirements for food premises

- (1) No person may handle food or permit food to be handled—
 - (a) on food premises in respect of which a valid certificate of acceptability has not been issued or is not in force;

- (b) in contravention of any restriction or condition or stipulation contained in any certificate of acceptability.
- (2) The provisions of sub-section (1) come into effect in the case of all food premises existing at the time on publication of this By-Law.
- (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 must apply in writing to the local authority in whose area of jurisdiction the food premises are situated on an application form containing the particulars that are the same as those contained in the form in Annexure 6 of this By-Law.
- (4) Upon receipt of an application referred to in sub-section (3), the local authority must without delay refer the application to an inspector for consideration.
- (5) An inspector may, in considering such an application, request such further information as deemed necessary or expedient from the applicant or from any other person.
- (6) If an inspector, after having carried out an inspection, is satisfied that the food premises concerned, having due regard to existing conditions of the adjacent land and facilities, subject to the provisions of section 53(2) and section 66 of this By-Law—
 - (a) do in all respects comply with the provisions of section 54 and section 55, the local authority must issue a certificate of acceptability in the name of the person in charge in the form of Annexure 6 of this By-Law;
 - (b) do not in all respects comply with the provisions of section 54 and section 55, the local authority may, subject to the provisions of section 53(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 it comply with the provisions in question: Provided that during the said period of extension, the provisions of subsection (1) do not apply to the person concerned.
- (7) A certificate of acceptability must be displayed in a conspicuous place for the information of the public on the food premises in respect of which it was issued, or a copy thereof must 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 must inform the local authority in writing of such replacement within 30 days after the date hereof and the local authority may subject to the provisions of section 53(2), issue a new certificate of acceptability in the name of the new person in charge.
- (9) A certificate of acceptability—
 - (a) is not transferable from one person to another person and from one food premises to another food premises;
 - (b) is 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 a local authority by—

- (i) the addition of any further restriction that may be necessary to prevent a health hazard; and
 - (i) the removal of any restriction with regard to the category or type of food or the method of handling;
 - (d) expires temporarily for the period during which a prohibition under section 58(2) is in effect;
 - (e) expires permanently if a prohibition referred to in section 53(2) is not removed within a stipulated period which must not exceed six months from the date on which a notice was issued in terms of section 53(2);
 - (f) expires permanently if the provisions of section 57 are not complied with.
- (10) No person may make any unauthorized changes or additions to or forge a certificate of acceptability.

53. Prohibition on the handling and transportation of food

- (1) No person may handle food in a manner contrary to the provisions of this By-Law.
- (2) If an inspector, following an inspection of food premises or a facility is of the opinion—
 - (a) that such food premises or facility—
 - (i) is in such a condition or is used in such a manner; or
 - (ii) does not comply with this By-Law;
 - (b) that a particular activity with regard to the handling of food takes place in such a manner; or
 - (c) that such circumstances exist with regard to the food premises or facility or any other activity; and

that it constitutes a health hazard and that the continued use of the food premises or facility or the activity should be prohibited, the local authority may summarily prohibit the use of the food premises or facility for the handling of food or any of the activities that relate to the handling of food, by serving a written order on the person in charge or his or her representative informing such person of the prohibition.

- (3) A notice referred to in sub-section (2) must contain at least the following particulars—
 - (a) the reason(s) for the prohibition; and
 - (b) a statement that the prohibition will be removed in writing by a local authority as soon as the reason for the prohibition has been removed and provided that the inspector is satisfied that the reason for the prohibition is not likely to recur.

- (4) A prohibition comes into operation from the time at and the date on which a notice is served in terms of sub-section (2).
- (5) No person may perform any act that is contrary to any prohibition.
- (6) An inspector must, 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 local authority must upon completion of such investigation in writing inform the person on whom the prohibition notice was served or any other person representing such person that the prohibition has been removed or remains, as the case may be.
- (7) The local authority may levy an inspection 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 (6).

54. Standards and requirements for food premises

- (1) No person may handle food elsewhere than on food premises that meet the requirements of this By-Law.
- (2) Food premises must be of such location, design, construction and finish and must be so equipped, in such condition and so appointed that it can be used at all times for the purpose for which it was 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 must 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 must—
 - (i) have no open joints or open seams and must be made of smooth, rust-free, non-toxic, cleanable and non-absorbent material that is dust-proof and water-resistant: Provided that a food-serving or storage area must—
 - (aa) have similar walls the joints of which are formed properly or are so formed and finished that they are easy to clean; or
 - (bb) the decorative wall or ceiling finishes must be easy to clean;

- (ii) be of such a nature that they cannot contaminate or contribute to the contamination of food;
- (b) each room of food premises must 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 must 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 By-Laws 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 By-Laws 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 must—
- (i) have a wash-up facility with hot and cold water for the cleaning of facilities;
 - (ii) be equipped with external doors 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 approved by the municipality;
 - (v) 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, may not be less than 14sq meters.
- (d) be equipped with—
- (i) the number of latrines, urinal stalls and hand washbasins as specified in the National Building Regulations 103/1977 for use by 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 is not required;
 - (ii) hand-washing facilities must be provided with cold and 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;
- (e) no room in which food is handled may 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 spoiled;
 - (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 must cover the whole area of their apertures and be equipped with durable self-closing devices; or
 - (ii) without such a lobby between them provided that the connecting aperture must have a self-closing door;
 - (iii) provided that the latrine or urinal room must 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;

- (g) no person is allowed to sleep in any room where food is handled.

55. 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 must be made of smooth, rust-proof, non-toxic and non-absorbent material that is free of open joints or seams, notwithstanding, wooden chopping blocks, cutting boards and utensils which are not prohibited provided that such items are kept in such a condition that dirt does not accumulate thereon or therein.
- (2) No surface referred to in sub-section (1) and no crockery, cutlery, utensils, basins or any other such facilities may 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) must be stored in a dust-free container until used; and
 - (b) must not be used more than once.
- (4) A surface referred to in sub-section (1) must be—
 - (a) cleaned before food comes into direct contact with it for the first time during each work shift; and
 - (b) cleaned when necessary, during and or immediately after the handling of food, to prevent contamination of the food that comes into contact with any such surface and must before food comes into direct contact therewith, contain—
 - (i) no more than 100 viable micro-organisms per cm² upon analysis, conducted in accordance with acknowledged scientific microbiological methods of investigation, of a sample taken in accordance with the swab technique prescribed by SABS Standard Test Method 763: Efficacy of Cleaning Plant, Equipment and Utensils: Swab Technique;
 - (ii) no remains of cleaning materials or disinfectants which may pollute the food.
- (5) Every chilling and freezer facility used for the storage, display or transport of perishable food must be provided with a thermometer which at all times reflect the degree of chilling of the refrigeration area of such facility and which must be in such a condition and positioned so that an accurate reading may be taken unhampered.
- (6) Every heating apparatus or facility used for the storage, display or transport or heated perishable food must be provided with a thermometer which at all times must reflect the degree of heating of the heating area concerned and which must be in such a condition and positioned so that an accurate reading may be taken unhampered.

56. Standards and requirements for food containers

- (1) No person may 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; and
 - (d) had a leak which was resealed.
- (2) A container must be clean and free from any toxic substance, ingredient or any other substance liable to contaminate or spoil the food in the container.
- (3) Repacked food, depending on the type of food, must be packed in a dustproof and liquid proof container that protects the product therein against contamination under normal handling conditions and must be so packed or sealed that the food cannot be removed from its container without the stopper or lid, or similar seal being removed or without the wrapping, container or seal being damaged.
- (4) Perishable food, excluding products that are not pre-packed and food for consumption as meals on food premises, must, when served to the consumer, be packed in a container that protects the food therein against contamination.

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

- (1) Food that is displayed or stored must 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 must 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, must be protected in accordance with the best available method against droplet contamination or contamination by insects or dust.

58. Standards and requirements for protective clothing

- (1) No person is allowed to handle food for public consumption 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 must—
 - (a) be clean and neat when such person begins to handle the food;

- (b) at all times during the handling of the food be in such a clean condition and of such design and material that it cannot contaminate the food;
- (c) be so designed that the food cannot come into direct contact with any part of the body, excluding the hands; and
- (d) be provided with overalls of a light colour and head gear that completely covers the head.

59. Duties of a person in charge of food premises

A person in charge of food premises must ensure that—

- (a) effective measures are taken to eliminate flies, other insects, rodents or vermin on the food premises;
- (b) any person working on the food premises is adequately trained in food hygiene by an inspector or any other suitable person;
- (c) refuse is removed from the food premises or from any room or area in which food is handled as often as is necessary and whenever an inspector requires it to be done;
- (d) waste is stored in a proper waste bin area, constructed as per the specifications of the Environmental Health Practitioner, and disposed of in such a manner that it does not create a nuisance;
- (e) waste bins are—
 - (i) cleaned regularly; and
 - (ii) disinfected whenever necessary and whenever an inspector requires it to be done;
- (f) wastewater on the food premises is disposed of to the satisfaction of the Municipality;
- (g) the food premises and any land used in connection with the handling of food and all facilities, freight compartments of vehicles and containers are kept clean and free from any unnecessary materials, goods or items that do not form an integral part of the operation and that have a negative effect on the general hygiene of the food premises;
- (h) no person handling non-pre-packed food wears any jewellery or adornment that may come into contact with the food, unless it is suitably covered;
- (i) no animal, subject to the provisions of any law, is kept or permitted in any room or area where food is handled, except that a guide dog accompanying a blind person may be permitted in the sales or serving area of the food premises;
- (j) no condition, act or omission that may contaminate any food arises or is performed or permitted on the food premises;
- (k) the provisions of this By-Law are complied with;

- (l) all persons under his or her control who handle food at all times meet the standards and requirements and execute the duties prescribed by sections 64 and 65, respectively;
- (m) a room or area in which food is handled is not used for—
 - (i) sleeping purposes;
 - (ii) washing, cleaning or ironing of clothing or similar laundry;
 - (iii) any other purpose or in any manner that may contaminate the food therein or thereon; and
- (n) 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 must be handled in accordance with good manufacturing practice.

60. Duties of a food handler: personal hygiene

- (1) Food, a facility or a container may 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) 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 smoking 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 may not be handled by any person—
 - (a) who has 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; and

- (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 obtained.
- (3) No person may—
- (a) spit in an area where food is handled or on any facility;
 - (b) smoke or use tobacco in any other manner while handling pre-packed food or while 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.

61. Standards and requirements for the handling of meat (butchery)

- (1) No person may on food premises handle meat derived from an animal slaughtered in contravention of the Meat Safety Act, 2000 (Act No.40 of 2000).
- (2) No person may on food premises handle the meat of an animal exempted from the provisions of the Meat Safety Act, 2000 (Act No.40 of 2000), unless a notice that is clearly visible and legible and that contains the following information or information to that effect, in letters at least 18 mm high, is displayed at the food premises: *"The meat sold on these premises has been exempted from inspection in terms of the Meat Safety Act, 2000 (Act No.40 of 2000)".*
- (3) Meat must not be handled on food premises—
 - (a) unless the carcass has been properly bled;
 - (b) in such a way that an un-skinned carcasses comes into contact with other food on food premises or that the meat of such carcasses is contaminated or spoiled.

- (4) Subject to the Meat Safety Act, 2000 (Act No.40 of 2000) no animal may 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 takes place in that room.
- (5) No person is permitted to operate a 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 masonry wall.

62. Requirements for meat handling

- (1) All meat that is sold for human consumption must be from an abattoir approved by the local authority.
- (2) Correct temperature control must be maintained at all times.
- (3) Offal requirements include that—
 - (a) no person may handle dirty offal unless there is a separate room with washing facilities provided for cleaning the offal and all equipment used for such;
 - (b) offal must be prepared and stored separately from all other meat;
 - (c) offal may not be sold in a manner that creates or is likely to create a nuisance or pose risk to any person;
- (4) Game meat requirements include that—
 - (a) the operator of the premises must be in possession of a valid permit from the veterinary office;
 - (b) no person may handle game meat in any butchery or other premises without prior approval from the Environmental Health Practitioner;
 - (c) separate preparation room and storage facilities of game meat must be provided; and
 - (d) game meat must be clearly marked when sold in the butchery or other premises.

63. Street trading requirements

- (1) No person may trade with any food on the street unless in possession of a written approval from the Municipality;
- (2) No person may prepare or sell food on the street unless in possession of a valid health certificate issued by the Environmental Health Practitioner.

64. Standards and requirements for the transportation of food

- (1) No person may transport food on or in any part of a vehicle—

- (a) unless that part is clean and has been cleaned to such an extent that chemical, physical or microbiological contamination of the food is prevented;
 - (b) together with—
 - (i) contaminated food or waste food;
 - (ii) poison or any harmful substance;
 - (iii) a live animal; or
 - (iv) any object that may contaminate or spoil the food.
- (2) Subject to subsections (1) and (4), the freight compartment of a vehicle that is used for the transportation of food that is not packed or wrapped in liquid-proof and dustproof sealed containers—
- (a) must 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) must be dustproof; and
 - (c) must not be used simultaneously for the transport of any person or any other item that may contaminate the food.
- (3) Notwithstanding any provisions to the contrary contained in this By-Law, no non-pre-packed food may be—
- (a) transported in such a manner that it comes into contact with the floor of a vehicle or the floor covering thereof or a surface thereof that can be walked on or with anything else that could pollute the food; or
 - (b) transported or carried in such a manner that the food could be spoiled or contaminated in any way.
- (4) Sub-sections (2) and (3) (a) do not apply to the transport of venison or fish between the food premises and the place where the animals are hunted or the place where the fish are caught provided that such transport must be by the best available method and within a suitable time limit for transport as required by circumstances.

65. General requirements for vending carts

- (1) Anyone operating a food vending cart, must ensure that the cart—
- (a) has an interior surface made of an easy-to-clean, rust free, nontoxic 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 wastewater generated 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; and
 - (h) provides effective protection from contamination by dust, flies or other causes.
- (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 head.

66. Sale of food through a food vending machine

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

- (a) the food vending machine is of a type approved by the local authority and—
 - (i) is constructed of non-absorbent material;
 - (ii) is designed to be easily cleaned at all times;
 - (iii) has a refrigeration or heating unit capable of maintaining the core temperature required by the local authority; and
 - (iv) is inscribed with an identifying serial number;
- (b) written authority for the installation and use of the food vending machine has been obtained in terms of section 67(6); and
- (c) the person responsible for the food vending machine complies with any condition or restriction imposed by the local authority.

67. 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 local authority in the area of jurisdiction in which the food vending machine is contemplated.
- (2) The application for a food vending machine must be in the form prescribed by the local authority.
- (3) On receipt of an application contemplated in subsection (2), the application must be referred within 14 days to an Environmental Health Practitioner, acting for and on behalf of the local authority, for investigation.
- (4) An Environmental Health Practitioner, acting for and on behalf of a local authority, may, in investigating an application contemplated in subsection (2), request further information from the applicant.

- (5) An Environmental Health Practitioner may—
 - (a) grant an application contemplated in subsection (2) for a specified period unconditionally or with conditions, if based on the Environmental Health Practitioner's investigation the food vending machine concerned complies in all respects with the provisions of this By-Law; or
 - (b) refuse an application contemplated in subsection (2) where the food vending machine concerned does not comply with this By-Law.
- (6) An Environmental Health Practitioner, acting for and on behalf of the local authority, 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 may not sell or 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) the 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 (6) in a conspicuous place on the food vending machine.
- (8) A permit issued in terms of subsection (6) is not transferable from one person to another and from one food vending machine to another.
- (9) A permit issued in terms of subsection (6) may at any time be endorsed by an Environmental Health Practitioner, acting for and on behalf of the local authority 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.

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

- (1) No person may use a milking shed for the purpose of milking dairy stock in order to produce milk for public consumption, unless the milking shed in which the dairy stock is milked is an approved milking shed and such milking shed is used in accordance with the provisions of this By-Law and the conditions of the certificate of acceptability issued in respect of that milking shed.

- (2) The provisions of sub section (1) are not applicable to a milking shed in which milk is produced solely for own 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 constituting such hazard, the local authority may, order in writing the owner or possessor of an existing milking shed not to remove any milk for public consumption from the milking shed until the hazard or situation has been rectified to the satisfaction of the local authority.

69. Standards and requirements of milking sheds

- (1) An approved milking shed must consist of at least—
 - (a) a milking parlour referred to in subsection (2);
 - (b) a milking room referred to in subsection (3) where milk may be received from the milking parlour, and such milk may 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 subsection (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 sterilization of milk containers and other unfixed apparatus and equipment used in the handling of milk.
- (2) The facilities referred to in subsection 1 (a) must, subject to the provisions of subsection 1(b), be erected as separate rooms in one building complex or as separate detached buildings.
- (3) A scullery referred to in subsection 1 (d), may be erected as an integral part of a milk room or as a separate room.
- (4) In the case of a milking parlour—
 - (a) there must 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 must 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, must be of smoothly finished, non-absorbing and corrosion resistant material, free of any open seams and cracks;
 - (d) mangers must 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) must be at least 2,4 meters high on the inside;
 - (ii) must, at places where dairy stock is milked, extend to at least 2,1 meters above the level on which the dairy stand;
 - (f) the interior surfaces of the walls, if provided must be made of impervious materials with no toxic effect in intended use;
 - (g) the ceilings, if provided or overhead structures and fixtures must be constructed and finished to minimize the build-up of dirt and condensation, and the shedding of particles;
 - (h) the floors must be constructed to allow adequate drainage and cleaning;
 - (i) such parlour must be adequately ventilated and illuminated;
 - (j) such parlour must 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 must have a floor covering with an impenetrable surface connected to a disposal system and such floor covering must be installed in such a way that any milk animal entering or leaving the milking parlour may walk on it for a distance of at least 4 meters.
- (5) In the case of a milking room—
- (a) such milking room must comply, read with the necessary changes, 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 as referred to in sub-section (1)(d) there must be sufficient space to allow for the cleaning and disinfections of all milk containers, and the storage of milk;
 - (c) such milking room must 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 must 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 must not exceed two meters;
 - (e) such milking room must be rodent proof;
 - (f) the doors must have smooth, non-absorbent surfaces and be easy to clean and where necessary disinfected;
 - (g) windows must 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 and where necessary windows must be fixed;
 - (h) such milking room may be equipped with a farm tank referred to in section 71 for the storage of milk.

- (6) A change room must—
- (a) comply, read with the necessary changes, with sub-regulation(4)(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 washbasin and shower must adequately drain into a disposal system.
 - (c) be within easy reach of the milking parlour and milking room.
- (7) Any effluent originating from a milking shed may—
- (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.
- (8) A holder must 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;
 - (i) 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 are provided;
 - (b) rodents and flies, cockroaches and other insects on the premises of the milking shed are controlled;
 - (c) raw milk destined for public consumption or raw milk intended for further processing must comply with the regulations relating to Milk and Dairy Products, R. 1555 of 21 November 1997.
- (9) A milking shed may not be used for any other purpose except the production and handling of milk.
- (10) Unfixed milk containers and other apparatus and equipment used in the handling of milk may not be washed, cleaned, disinfected or sterilized in a place other than the scullery referred to in sub-section (1) (d).

- (11) No person may smoke, use or handle tobacco in any form or eat in a milking shed except in the designated area of a milking shed.
- (12) As soon as milk animal have left a milking shed, all manure must be removed from the milking shed and from the floor, and all entrances and exits of the milking shed must be cleaned.

70. Milk containers and milking machine

- (1) A milk container must—
 - (a) be designed and constructed in such a way that it has a 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 must—
 - (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 must—
 - (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 must 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 20°C;
 - (v) is equipped to cool the milk in such tank to 50°C or lower temperature within three hours and capable of keeping such cooled milk at a required temperature of between 1°C and 5°C effectively;
 - (vi) is installed at a minimum distance of 0,5 meters 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 will not increase by more than 30°C in 12 hours if the surrounding temperature is 32°Celsius;
- (b) comply, read with the necessary changes, 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 must—
- (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°C 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 must be equipped so that all surfaces that come into contact with milk can be adequately cleaned, disinfected as prescribed in sub-section (5);
 - (b) comply, read with the necessary changes, with the provisions of subsections (1) (a), (b), (c), (d) and (3) (c).
- (5) Milk containers, and other fixed and unfixed apparatus and equipment must 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.
- (6) The swabbing of the contact surfaces must be conducted according to SABS Standard Test Method 763: Efficacy of Cleaning Plant, Equipment and Utensils: Swab Technique.

71. Handling of milk

- (1) The first or fore milk from every teat must be taken as a sample to be tested for visual examination and may 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 must be kept separate and may not be mixed with other milk or used for public consumption.
- (3) Milk obtained from dairy stock following a minimum of four days after parturition may not be added to milk destined for public consumption.
- (4) Milk may not be transferred from one container to another by means of a third container.
- (5) Milk must be protected from direct sunlight.
- (6) Milk must 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 must 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.

72. Health status of dairy stock

- (1) Every milk animal must be marked with a distinguishing and indelible mark which can identify the animal.
- (2) A register must 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 responsible for such examinations or treatments.
- (3) Each individual milk animal must 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 must be obtained from the veterinarian after each examination.
- (4) The milk of any milk animal that is or appears to be ill may not be made available for public 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, may not be made available or used for public 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 must be kept in containers that are free of foreign or toxic matter and dirt, and such containers, when not in use, must be covered with tightfitting lids and where applicable, such substances and materials must 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 must before the milking process be cleaned and if necessary dried with disposable or clean towel.

73. Personal hygiene – Milkers and Handlers of Milk

- (1) Hygiene facilities for personnel must be made available to ensure that an appropriate degree of personal hygiene can be maintained and to avoid contamination of milk and must 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) Hygiene facilities must be suitably located and designed.
- (3) The hands and fingernails of every milker or handler of milk must be washed thoroughly with soap and water and there may be no accumulation of grime under the nails when milk is handled.
- (4) Each person handling milk must daily before commencement of activities or work put on clean and undamaged over-clothes and gumboots and wear them continuously while handling milk to ensure safety and suitability for use.
- (5) Milk may not be handled by any person—
 - (a) who has a suppurating abscess or a sore or a cut or abrasion, unless such abscess, sore, cut or abrasion 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 provided;
 - (c) whose hands or clothing are not clean.
- (6) All employees must be subjected to personal and food hygiene training relevant to the production and handling of milk before handling milk and 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 must undergo training on food safety and hygiene aspects of the production and handling of milk by an accredited service provider.

74. Standards and requirements for transport of milk

- (1) A driver of a vehicle transporting milk must ensure that—
- (a) before 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, that—
 - (i) an alizarin test is carried out personally with 68 percent alcohol on a sample of the milk to be loaded;
 - (ii) the temperature of the milk in the tank is taken; and
 - (ii) a milk tanker or milk container is cleaned and disinfected as soon as all the milk has been unloaded;
 - (b) samples taken in terms of subsection (1) (a) comply with the relevant provisions of ISO 707/IDF 50:2008, Milk and milk products guidance on sampling;
 - (c) the bacteriological count on the surfaces coming into contact with milk does not exceed 10 bacteria per 100 square millimetres of such surfaces after appropriate cleaning and disinfection have been done; and
 - (d) the swabbing of the contact surfaces is conducted according to SABS Standard Test Method 763: Efficacy of Cleaning Plant, Equipment and Utensils: Swab Technique.
2. A driver of a vehicle transporting milk must refuse to transport milk if the alizarin test is positive or if the temperature of the milk in the tank exceeds 5° Celsius.

CHAPTER 9: ENVIRONMENTAL POLLUTION CONTROL

Part 1: Noise pollution control

75. Prohibition of disturbing noise

No person may make produce or cause a disturbing noise or allow it to be made, produced or caused by any person, animal, machine, device or apparatus or any combination thereof

76. Prohibition of noise nuisance

No person may—

- (a) operate or play, or allow to be operated or played, a radio, television set, drum, musical instrument, sound amplifier, loudspeaker system or similar device producing, reproducing or amplifying sound so as to cause a noise nuisance;

- (b) offer any article for sale by shouting, ringing a bell or making other sounds or by allowing it to be done in a manner which causes a noise nuisance;
- (c) allow an animal owned or controlled by him or her to cause a noise nuisance;
- (d) allow an activity to cause a noise nuisance, except for functions, churches and funerals or allow it to be take place during the following hours:
 - (i) after 21h00 every day; or
 - (ii) where consultation with neighbours is done 48 hours prior to such an activity;
- (e) build, make, construct, repair, rebuild, modify, operate or test a vehicle, vessel, aircraft or object on or near residential premises, or allow such actions if it causes a noise nuisance;
- (f) use or discharge any explosive, fireworks, firearm or similar device that emits sounds and may cause a noise nuisance, or allow such actions, except with the prior consent in writing of the local authority concerned and subject to such condition as is deemed necessary;
- (g) as the owner or person in control of a piece of land or in water or in airspace above that piece of land allow the use of recreational vehicles if it causes a noise nuisance unless authorised by a local authority;
- (h) except in an emergency, emit a sound, or allow a sound to be emitted, by means of a bell, carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device, if it causes a noise nuisance;
- (i) operate any machinery, saw, sander, drill, grinder, lawnmower, power tool or similar device or allow it to be operated in a residential area during the following hours:
 - (aa) before 06:00 and after 18:00 from Monday to Saturday; and
 - (bb) before 08:00 and after 14:00 on a Sunday;
 or if it causes a noise nuisance or noise disturbance;
- (j) use any power tool or power equipment for construction work, drilling work or demolition work, or allow it to be used in or near a residential area during the following hours:
 - (i) before 06:00 and after 18:00 from Monday to Saturday; and
 - (ii) before 08:00 and after 14:00 on a Sunday;
 or if it causes a noise nuisance or noise disturbance.

77. General powers of the local authority

The local authority may—

- (a) for the purpose of applying this By-Law, at any reasonable time enter a premises—
 - (i) to conduct any examination, inquiry or inspection thereon as it may deem expedient; and
 - (ii) to take any steps it may deem necessary;
- (b) if a noise emanating from a building premises, vehicle, recreational vehicle, animal or street is a disturbing noise or noise nuisance, instruct in writing the person causing such noise or who is responsible therefore, or the owner or occupant of such building, premises, vehicle, recreational vehicle or street, or all such persons, to discontinue or cause to be discontinued such noise or to take steps to lower the level of such noise to a level conforming to the requirements of this By-Law within the period stipulated in the instruction: Provided that the provisions of the paragraph do not apply in respect of a disturbing noise or noise nuisance caused by rail vehicles or air traffic or by vehicles that are not used as recreational vehicles on a public road;
- (c) if the owner or person in charge of an animal fails to comply with an instruction referred to in subsection (b), subject to the applicable provisions of any other law, impound or cause to be impounded such animal;
- (d) impose such conditions as it deems fit when granting any permission or exemption in terms of this By-Law including the specification of times and days when activities that may cause noise are permitted or prohibited;
- (e) subject to the applicable provisions of any other law, place or cause to be placed measuring instruments or similar devices, road traffic signs or notices at any place within its area of jurisdiction for the enforcement of the provisions of this By-Law provided that road traffic signs and notices may be placed on private property only with the permission of the owner.

78. Motor vehicles

- (1) No person may drive a vehicle, or allow it to be driven, on a public road, if the sound level at the measuring point measured in accordance with the procedure prescribed in SANS 10181 exceeds:
 - (a) in the case of a non-exempted vehicle, the sound level specified in Table 1 of SANS 10281 for that type of vehicle; or
 - (b) in the case of an exempted vehicle, the applicable sound level indicated in the tables of Annexure A to SANS 10281, for that type of vehicle by more than 5 dBA;
- (2) The local authority may in order to determine whether a vehicle being used on any road in the area of jurisdiction of that municipality, including a private, provincial or national road crossing its area of jurisdiction, complies with the provisions of this By-Law, instruct the owner or person in control of the vehicle—
 - (a) to have an inspection or test conducted on the vehicle as the local authority may deem necessary, on a date and at a time and place determined by it in writing; and
 - (b) to stop the vehicle or cause it to be stopped;

- (3) The local authority may lift the attachment contemplated in subsection (2)(b) if the owner or person in control of the vehicle concerned has been instructed in writing by such authority—
 - (a) to repair or to modify the vehicle concerned or to cause it to be repaired or to be modified; and
 - (b) to have any inspection or test, as the local authority may deem necessary, conducted on the vehicle on a date and a time and place mentioned in the instruction.

79. Music, open-air music festivals and similar gatherings

- (1) No person may—
 - (a) operate or play a radio, television set, gramophone, recording device, drum, musical instrument, sound, amplifier or similar device producing, reproducing or amplifying sound, or allow it to be operated or played in a public place, if the noise level, measured at any point which may be occupied by a member of the public or at one metre from the source of the sound, exceeds 95 dBA, unless permission has been obtained from the local authority;
 - (b) stage an open-air music festival or similar gathering without the prior written consent and on such conditions as may be imposed by the local authority.
- (2) It is a requirement that the event manager must obtain and submit proof to the effect to the satisfaction of the Environmental Health Practitioner, the advice of a qualified sound engineer with regard to the set-up of the speakers and other precautions to limit a disturbing noise or noise nuisance to the surrounding environment.
- (3) If any music causes or may cause a noise nuisance or a disturbing noise, the local authority may instruct in writing that such music be forthwith discontinued until such conditions as may be deemed necessary have been complied with.

80. Functions in residential area

- (1) No person may stage a function in a residential area or similar gathering without the prior written consent and on such conditions as may be imposed by the local authority.
- (2) Functions in residential areas must not in whatever manner, disturb or hinder the comfort, convenience, or peace of any person and must end at 24h00.

81. General prohibition

- (1) No person may—
 - (a) fail to comply with a written condition, instruction, notice, requirement or demand issued by a local authority in terms of this By-Law;
 - (b) tamper with, remove, put out of action, damage or impair the functioning of a noise monitoring system, noise limiter, noise measuring instrument,

acoustic device, road traffic sign or notice placed in a position by or on behalf of a local authority;

- (c) for the purposes of this By-Law, in respect of a duly authorized employee of a local authority—
 - (i) fail or refuse to grant admission to such employee to enter and to inspect a premises;
 - (ii) fail or refuse to give information which may lawfully be required of such employee;
 - (iii) hinder or obstruct such employee in the execution of his or her duties; or
 - (iv) give false or misleading information to such employee knowing that it is false or misleading.

82. Exemptions

The provisions of this By-Law do not apply, if—

- (a) the emission of sound is necessary for the purpose of warning people of a dangerous situation; or
- (b) the emission of sound takes place during an emergency.

Part 2: Land and soil pollution control

83. Pollution control requirement

- (1) Any person who owns or controls any premises must ensure that—
 - (a) the storage of waste on such premises complies with the requirements as set out in Section 21 and 22 of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008);
 - (b) the collection and transportation services on any premises is in accordance with the relevant By-Laws of a local authority concerned;
 - (c) there is compliance with the requirements of Section 26 of the National Environmental Management: Waste Act with regards to the treatment, processing and disposal of waste;
 - (d) premises are kept in compliance with the requirements of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) and its regulations with regards to prevention and control of pollutants in the air;
 - (e) the premises and comply with the requirements of the National Water Act, 1998 (Act No. 36 of 1998), with regards to prevention of pollution of water resources;
 - (f) the release of any effluent into a water course adheres to the provisions of Section 7 of the Water Services Act, 1997 (Act No. 108 of 1997);

- (2) Environmental health inspections of any premises must include monitoring and assessment of the immediate environment, the quality of the air, water sources and the quality of water;
- (3) Environmental health inspections must include but are not limited to investigations of public complaints and monitoring of disease trends in the community;
- (4) An immediate environment inspection entails the assessment of dirty or unsightly environmental conditions, including the following—
 - (a) accumulation of refuse, debris, including long glass, paper, rags, tins, trash, ash and coal;
 - (b) overgrown weeds and long grass, existence of thicket, shrub or any poisonous plants;
 - (c) accumulation of wreck, chassis, engine or other part of a motor vehicle which is unsightly and may pose a health nuisance;
 - (d) offensive smells from any activity;
 - (e) stagnant water resulting in the breeding of flies and mosquitoes;
 - (f) dumping or littering of waste, including rubbish, glass, tins, paper, dead animals;
 - (g) auditing of waste management systems on any premises;
 - (h) harbourage of rodents or other vermin; and
 - (i) burning of any waste material, including tyres, rubbish, garden refuse, paper or other material on any premises in such a way as to create a health nuisance or health hazard;
- (5) An atmosphere, assessment must be conducted for emissions of ash, grit, dust and soot from any chimney, including but not limited to emissions of offensive, smoke, dust, ash, grit or soot from any burning activities on premises, either from chimneys or other material or objects in such a way as to be offensive, injurious or hazardous to health;
- (6) Environmental health inspections must also include the assessment of any pollution of any water course, including but not limited to—
 - (a) any indication of blockages of any drain, pipe, manhole, sewer blockages on any premises and public open spaces, overflowing to the streets; the release of untreated effluent into any stream, river or watercourse;
 - (b) dumping or throwing of any waste into any river, stream or watercourse;
 - (c) construction of any pit toilets in a manner as to ensure proper erection to prevent pollution of ground water sources, health nuisance or health hazard;

- (d) the assessment of latrine construction to ensure proper siting to at least 5 meters from a house or from the boundary of the premises.

CHAPTER 10: AIR POLLUTION CONTROL

Part I: Duty of care

84. Person causing air pollution

- (1) Any person who is wholly or partially responsible for causing air pollution or who creates a risk of air pollution occurring must take all reasonable measures—
 - (a) to prevent any potential air pollution from occurring; and
 - (b) to mitigate, and as far as reasonably possible, to remedy any air pollution that has occurred.
- (2) The responsible authority must monitor the impact and effectiveness of the measures taken in terms of subsection (1) and if necessary, issue instructions to a person contemplated in subsection (1) with regard to specific measures to be undertaken.
- (3) The responsible authority may direct any person who fails to take the measures required under subsection (1)—
 - (a) to investigate, evaluate and assess the impact of specific activities and report thereon;
 - (b) to commence taking effective control measures to abate the air pollution before a given date;
 - (c) to diligently continue with those measures; and
 - (d) to complete the measures before a specified reasonable date.
- (4) Should a person fail to comply, or inadequately comply, with a directive under subsection (3), the local authority may take reasonable measures to remedy the situation.
- (5) If any person fails to take the measures required under subsection (1) or (2), the local authority may recover all reasonable costs incurred as a result of it acting under subsection (4) from any or all of the following persons—
 - (a) any person who is or was responsible for, or who directly or indirectly contributed to, the air pollution or the potential air pollution;
 - (b) the owner of the land at the time when the air pollution or the potential for air pollution occurred, or that owner's successor in title;
 - (c) the person in control of the land or any person who has or had a right to use the land at the time when—
 - (i) the activity or the process in question is or was performed or undertaken; or

- (ii) the situation came about; or
- (d) any person who negligently failed to prevent—
 - (i) the activity or the process being performed or undertaken; or
 - (ii) the situation from coming about.
- (6) If more than one person is liable under subsection (5), the liability may be apportioned among the persons concerned according to the degree to which each was responsible for the harm to the environment resulting from their respective failures to take the measures required under subsection (1), (2) and (3).

85. Designation or appointment of the air quality officer and environmental management inspectors

- (1) The Municipal Manager must, in consultation with the Manager Municipal Health Services designate or appoint a qualified employee of the Municipality as the Air Quality Officer to be responsible for co-coordinating matters pertaining to air quality management in the Municipality.
- (2) The Mayor in consultation with the Municipal Manager may request the MEC responsible for the Environment in the Province to appoint qualified Environmental Management Inspectors in terms of Part 2, section 31C of the NEMA (Act 107 of 1998 as amended).

86. Establishment of atmospheric emission licensing system

The Municipality hereby establishes an Atmospheric Emission Licensing System as contemplated in Chapter 5, Section 36 of the Air Quality Act (Act no. 39 of 2004).

87. Licensing authority

- (1) The Municipality is responsible for performing the functions of the licensing authority by implementing and maintaining an atmospheric emission licensing system, referred to in section 22 as set out in Chapter 5 of the Air Quality Act (Act no. 39 of 2004) together with all other provisions of the Air Quality Act (Act no. 39 of 2004).
- (2) No person may without a provisional atmospheric emission license or an atmospheric emission license, authorized by the municipality, conduct any activity listed in the Government Notice No. 893 dated 22 November 2013 in terms of The Air Quality Act 2004 (Act No. 39 of 2004) within the jurisdiction area of the municipality.
- (3) Any person who contravenes subsection (2) commits an offence.

Part 2: Air pollution control zone

88. Declaration of air pollution control zone

- (1) The whole area within the jurisdiction of the Municipality is hereby declared an air pollution control zone.

- (2) Within an air pollution control zone, the Municipality may from time to time by notice in the Provincial Gazette:
 - (a) prohibit or restrict the emission of one or more air pollutants from all premises or certain premises;
 - (b) prohibit or restrict the combustion of certain types of fuel;
 - (c) prescribe different requirements in an air pollution control zone relating to air quality in respect of—
 - (i) different geographical portions;
 - (ii) specified premises;
 - (iii) classes of premises; or
 - (iv) premises used for specified purposes.
- (3) The Municipality may develop and publish policies and guidelines, including technical guidelines, relating to the regulation of activities which directly and indirectly cause air pollution within an air pollution control zone.
- (4) The Municipality may in writing exempt certain premises, classes of premises or premises used for specified purposes from the operation of measures adopted by the Municipality under this section.

Part 3: Smoke emissions from premises other than dwellings

89. Application to dwellings

For the purposes of this Part, premises do not include dwellings.

90. Prohibition

- (1) Subject to subsection (2), smoke may not be emitted from any premises for an aggregate period exceeding three minutes during any continuous period of thirty minutes.
- (2) This section does not apply to smoke which is emitted from fuel-burning equipment which occurs while the equipment is being started or while the equipment is being overhauled or repaired or awaiting overhaul or repair, unless such emission could have been prevented using the best practicable means available.
- (3) If smoke is emitted in contravention of subsection (1) the owner, operator and or the occupier of the premises commits an offence.

91. Installation of fuel-burning equipment

- (1) No person may install, alter, extend or replace any fuel-burning equipment on any premises without the prior written authorisation of the local authority, which may only be given after consideration of the relevant plans and specifications.

- (2) Any fuel-burning equipment installed, altered, extended or replaced on premises in accordance with plans and specifications submitted to and approved, for the purposes of this section, by the local authority is presumed until the contrary is proved to comply with the provisions of subsection (1).
- (3) Where fuel-burning equipment has been installed, altered, extended or replaced on premises in contravention of subsection (1)—
 - (a) the owner and occupier of the premises and the installer of the fuel burning equipment commits an offence;
 - (b) the local authority may, on written notice to the owner and occupier of the premises, order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator within the period stated in the notice.

92. Transitional arrangements in respect of authorised fuel-burning equipment

- (1) Any fuel-burning equipment that was authorised to operate in terms of any By-Law of the municipality continues to be authorised to operate subject to section 91 (c).
- (2) During the period for which the authorised fuel-burning equipment continues to operate, the provisions of this By-Law, read with the necessary changes as the context may require, apply in respect of—
 - (i) the holder of an existing authorization as if that person is the holder of the authorization issued in terms of subsection (1); and
 - (ii) the existing authorization as if the authorization were issued in terms of subsection (1).
- (3) The holder of an existing authorization must apply for an authorization, when required to do so by the municipality, in writing, and within the period stipulated by the municipality.

93. Operation of fuel-burning equipment

- (1) No person may use or operate any fuel-burning equipment on any premises contrary to the authorization referred to in section 90(1).
- (2) Where fuel-burning equipment has been used or operated on the premises in contravention of subsection (1)—
 - (a) the owner and occupier of the premises and the operator of the fuel burning equipment commits an offence;
 - (b) The municipality may on written notice to the owner and occupier of the premises—
 - (i) revoke its authorization under section 90(1); and
 - (ii) order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.

94. Presumption

In any prosecution for an offence under section 89 smoke is presumed to have been emitted from premises if it is shown that any fuel or material was burned on the premises and the circumstances were such that the burning would be reasonably likely to give rise to the emission of smoke, unless the owner, occupier or operator, as the case may be, shows that no smoke was emitted.

95. Installation and operation of obscuration measuring equipment

- (1) An authorised person may give notice to any operator of fuel-burning equipment or any owner or occupier of premises on which fuel-burning equipment is used or operated, or intended to be used or operated, to install, maintain and operate measuring equipment at his or her own cost; if—
 - (a) unauthorised and unlawful emissions of smoke from the relevant premises have occurred consistently or regularly;
 - (b) fuel-burning equipment has been or is intended to be installed on the relevant premises which is reasonably likely in the opinion of an authorised person to emit smoke;
 - (c) the person on whom the notice is served has been convicted more than once under this Part IV and has not taken adequate measures to prevent further contravention of the provisions of this Part; or
 - (d) the authorised person considers that the nature of the air pollutants emitted from the relevant premises is reasonably likely to create a hazard or nuisance to human health or the environment.
- (2) A notice referred to in subsection (1) must inform the person to whom it is addressed of—
 - (a) that person's right to make written representations and to appear in person to present and dispute information and arguments regarding the notice, and must stipulate a reasonable period within which such must be done;
 - (b) that person's right of appeal under section 117;
 - (c) that person's right to request written reasons for issuing of the notice; and
 - (d) the measures that must be taken and the potential consequences if the notice is not complied with.

96. Monitoring and sampling

An occupier or owner of premises, and the operator of any fuel-burning equipment, who is required to install air pollution measuring equipment in terms of section 95 must—

- (a) record all monitoring and sampling results and maintain a copy of this record for at least four years after obtaining the results;
- (b) if requested to do so by an authorised person, produce the record of the monitoring and sampling results for inspection;

- (c) if requested to do so by an authorised person, provide a written report, in a form and by a date specified by the authorised person, of part or all of the information in the record of the monitoring and sampling results; and
- (d) ensure that the air pollution measuring equipment is calibrated at least once per year or at intervals as specified by the manufacturer of the equipment and provide records of such calibration on request by the authorised person.

97. Exemption

- (1) Subject to section 117 and on application in writing by the owner or occupier of premises or the operator of fuel-burning equipment, the municipality may grant a temporary exemption in writing from one or all the provisions of this Part.
- (2) Any exemption granted under subsection (1) must state at least the following—
 - (a) a description of the fuel-burning equipment and the premises on which it is used or operated;
 - (b) the reasons for granting the exemption;
 - (c) the condition attached to the exemption, if any;
 - (d) the period for which the exemption has been granted; and
 - (e) any other relevant information.

Part 4: Smoke emissions from dwellings

98. Restriction to emission of dark smoke

- (1) Subject to section 90(1), no person may emit or permit the emission of smoke from any dwelling that may cause a nuisance.
- (2) Any person who emits or permits the emission of smoke in contravention of subsection (1) commits an offence.
- (3) Upon application in writing by the owner or occupier of any dwelling, the municipality may grant temporary exemption in writing from one or all of the provisions of this Part.

Part 5: Emission from compressed ignition powered vehicles

99. Prohibition

- (1) No person may drive or use or cause to be driven or used any compressed ignition powered vehicle that emits dark smoke.
- (2) If dark smoke is emitted in contravention of subsection (1) the owner and the driver of the vehicle commits an offence.
- (3) For purposes of this section the registered owner of the vehicle may be presumed to be the driver unless the contrary is proven.

100. Stopping of vehicles for inspection and testing

- (1) The driver of a vehicle must comply with any reasonable direction given by an authorised person—
 - (a) to stop the vehicle; and
 - (b) to facilitate the inspection or testing of the vehicle.
- (2) Failure to comply with a direction given under subsection (1) is an offence.
- (3) When a vehicle has stopped in compliance with a direction given under subsection (1), the authorised person may—
 - (a) inspect and test the vehicle at the roadside, in which case inspection and testing must be carried out—
 - (i) at or as near as practicable to the place where the direction to stop the vehicle is given; and
 - (ii) as soon as practicable, and in any case within one hour, after the vehicle is stopped in accordance with the direction; or
 - (b) conduct a visual inspection of the vehicle and, if the authorised person reasonably believes that an offence has been committed under section 100 (1), instruct the driver of the vehicle, who is presumed to be the owner of the vehicle unless he or she produces evidence to the contrary, in writing to take the vehicle to a testing station, within a specified period of time, for inspection and testing in accordance with section 101.

101. Testing procedure

- (1) An authorised person must use the free acceleration test method in order to determine whether a compressed ignition powered vehicle is being driven or used in contravention of section 99(1).
- (2) The following procedure must be adhered to in order to conduct a free acceleration test—
 - (a) when instructed to do so by the authorised person, the driver must start the vehicle, place it in neutral gear, engage the clutch and disengage the exhaust brake;
 - (b) the authorised person or the driver of the vehicle must in less than one second smoothly and completely depress the accelerator throttle pedal of the vehicle;
 - (c) while the throttle pedal is depressed, the authorised person must measure the smoke emitted from the vehicle's emission system with a Hartridge Smoke meter in order to determine whether or not it is dark smoke; and
 - (d) the authorised person or the driver of the vehicle may only release the throttle pedal of the vehicle, when directed to do so by the authorised person.

- (3) If, after having conducted the free acceleration test, the authorised person is satisfied that the vehicle:
 - (a) is not emitting dark smoke, then the authorised person must furnish the driver of the vehicle with a certificate indicating that the vehicle is not being driven or used in contravention of section 99(1); or
 - (b) is emitting dark smoke, the authorised person must issue the driver of the vehicle with:
 - (i) a notice to pay a fine in terms of section 341 of the Criminal Procedure Act, Act 51 of 1977; or
 - (ii) a repair notice in accordance with section 101.

102. Repair notice

- (1) A repair notice must direct the owner of the vehicle to take the vehicle to a place identified in the notice for re-testing.
- (2) The repair notice must contain the following information—
 - (a) the make, model and registration number of the vehicle;
 - (b) the name, address and identity number of the driver of the vehicle; and, if the driver is not the owner, the name and address of the vehicle owner;
 - (c) the measures required to remedy the situation; and
 - (d) the time period within which the owner of the vehicle must comply with the repair notice.
- (3) A person who fails to comply with the requirements and conditions of the notice in terms of sub section (1) commits an offence.
- (4) It is not a defence in proceedings under subsection (3) to aver that the driver of the vehicle failed to bring the repair notice to the attention of the owner of that vehicle.

Part 6: Emissions caused by open burning

103. Open burning of material on any land

- (1) Subject to subsection (4), any person who carries out open burning of any material on any land or premises commits an offence, unless the prior written authorization of the local authority, which may include the imposition of further conditions with which the person requesting authorization must comply, has been obtained.
- (2) The local authority may not authorize open burning under subsection (1) unless it is satisfied that—
 - (a) the applicant in terms of subsection (1) has investigated and assessed every reasonable alternative for reducing, re-using or recycling the material in order to minimize the amount of material to be burnt in the open, to the satisfaction of the local authority;

- (b) no warning has been published for the region in terms of section 10(1)(b) of the National Veld and Forest Fire Act, 1998 (Act 101 of 1998);
 - (c) the open burning will not pose a nuisance or potential hazard to human health or safety, private property or the environment; and
 - (d) the prescribed fee has been paid to the local authority.
- (3) Any person who undertakes or permits to be undertaken open burning in contravention of subsection (1) commits an offence.
- (4) The provisions of this section do not apply to—
- (a) recreational outdoor barbecue or braai activities on private premises;
 - (b) small controlled fires in informal settlements for the purposes of cooking, heating water and other domestic purposes; or
 - (c) any other defined area or defined activity to which the Municipality has declared this section not to apply.

104. Emissions caused by tyre burning and burning of rubber and other material for the recovery of metal

- (1) No person may without authorization in writing from the local authority—
- (a) carry out or permit the burning of any tyres or rubber or other synthetically coated, covered or insulated products and electronic or other equipment on any land or premises;
 - (b) carry out or permit the burning of any tyres, rubber products, cables or any other products, on any land or premises for the purpose or recovering the scrap metal or fibre reinforcements, or of disposing of tyres, or the rubber products or cables as waste; or
 - (c) possess, store, transport or trade in any burnt metal or fibre reinforcements referred to in paragraph (a) and (b).
- (2) The local authority may—
- (a) take whatever steps it considers necessary in order to remedy the harm caused by the burning referred to in paragraphs (a) and (b) and the possession referred to in paragraph (c), and prevent any occurrence of it, and
 - (b) recover the reasonable costs incurred from the person responsible for causing such harm.
- (3) The local authority may, for the purposes of gathering evidence, confiscate any burnt metal or metal reasonably suspected of being recovered, possessed, stored, transported or traded from burning referred to in subsection (1) where authorization has not been obtained or cannot be provided.

Part 7: Pesticide and crop spraying

105. Spraying of a pesticide, herbicide or other related material

- (1) No person may carry out or permit the spraying of pesticides, except as permitted by section 3 of the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).
- (2) Any person who contravenes subsection (1) of this By-Law commits an offence, as set out in section 18(1)(c) of the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).
- (3) Any person who wants to apply to spray pesticides within the municipal jurisdiction of a local authority, must comply with the following controlled measures—
 - (a) the prior written authorisation of the local authority must be obtained, which authorisation may be granted with conditions, including—
 - (i) the area of land on which the pesticide may be applied; and
 - (ii) the period of time in which the pesticide may be applied;
 - (b) the applicant must notify the owners and occupiers of all adjacent properties within 150 metres of the treatment area in writing of—
 - (i) the details of the proposed treatment area;
 - (ii) the reason for the pesticide use;
 - (iii) the active ingredient;
 - (iv) the date and approximate time of the pesticide use;
 - (v) an alternative date or dates on which the pesticide use may occur, in the event of inclement weather conditions;
 - (vi) the time, if any, indicated on the product label specifying when the area can safely be re-entered after application;
 - (vii) the right of owners and occupiers of adjacent properties to lodge written objections to the proposed spraying of pesticides with the local authority within seven days of being notified; and
 - (viii) whether the prescribed fee has been paid.
- (4) Any person who contravenes subsection (3) commits an offence.
- (5) A person may apply to the local authority for an exemption if—
 - (a) the spraying of the pesticide is for the management of pests that transmit human diseases or adversely impact agriculture or forestry;
 - (b) the spraying of the pesticide is for the management of pests that threaten the integrity of sensitive ecosystems; or

- (c) the need for the use of the pesticide is urgent.
- (6) The provisions of this section are not applicable to—
 - (a) residential areas of farms;
 - (b) buildings or inside buildings;
 - (c) domestic use of pesticides; or
 - (d) any other defined area or defined activity to which the Municipality has declared this section not to apply.

Part 8: Spray painting emissions

106. Control of spray-painting emissions

- (1) No person may within a local authority's jurisdiction, spray, coat, plate, or epoxy-coat any vehicle, article, object or allow it to be sprayed, coated, plated, or epoxy-coated with any substance outside an approved spray-painting room or booth without the necessary authorization.
- (2) No person may spray, coat, plate, or epoxy-coat any vehicle, article, object, or building or part thereof or allow it to be sprayed, coated, plated or epoxy-coated with any substance unless—
 - (a) that person is in possession of a spraying authorization contemplated in subsection (1);
 - (b) the spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the designated fire officer, in consultation with the air quality officer, on premises registered for that purpose.
- (3) A person that contravenes subsections (1) and (2) commits an offence.
- (4) Any person who wishes to obtain a spraying authorization must complete and submit to the designated fire officer an application form for such permit in the form and manner as prescribed.
- (5) The designated fire officer, in consultation with the air quality officer, may grant or refuse a spraying authorization contemplated in subsection (1) based on the information submitted.
- (6) A spray room or booth or area designated for the application of a substance must be constructed and equipped according to the requirements prescribed by the designated fire officer.
- (7) The designated fire officer may cancel the spraying authorization if there is reason to believe that the holder of the spraying authorization contravenes or fails to comply with any provision of this By-Law.
- (8) Subject to subsection (9), before the designated fire officer cancels the spraying authorization as contemplated in subsection (7), that officer must—

- (a) give the holder of the spraying authorization written notice of the intention to cancel the spraying authorization and the reasons for such cancellation;
 - (b) give the holder a period of at least 30 days to make written representations regarding the matter to the local authority.
- (9) If the designated fire officer has reason to believe that the failure to cancel the spraying authorization may endanger any person, that officer may cancel the spraying authorization without prior notice to the holder as contemplated in subsection (7).

Part 9: Offensive odours

107. Control of offensive odours

- (1) The occupier or owner of any premises must take all reasonable steps to prevent the emission of any offensive odour caused by any activity on such premises.
- (2) Any person who emits or permits the emission of any offensive odour in contravention of subsection (1) commits an offence.

Part 10: Fume nuisance

108. Control of fumes

- (1) The occupier or owner of any premises must take all reasonable steps to prevent the nuisance by fumes caused by any activity on such premises.
- (2) Any person who emits or permits the emission of fumes in contravention of subsection (1) commits an offence.

Part 11: Sand blasting operations

109. Control of sand blasting operations

- (1) Any person conducting sand blasting activities which customarily produce emissions of dust that may be harmful to public health, wellbeing and or cause a nuisance must take control measures to prevent emissions into the atmosphere.
- (2) Any person who undertakes any sand blasting activity that causes dust emissions must implement the following control measures—
 - (a) dust extraction control measures; or
 - (b) any alternative dust control measure approved in writing by the Air Quality Officer.
- (3) A person that contravenes subsections (1) and (2) commits an offence.

Part 12: Dust nuisance

110. Control of dust

- (1) The occupier or owner of any premises must take control measures to prevent the nuisance by dust caused by any activity on such premises.
- (2) Any person who undertakes any activity that causes dust emissions must implement one or more of the following control measures—
 - (a) pave;
 - (b) use dust palliatives or suppressants;
 - (c) uniformly apply and maintain any surface gravel;
 - (d) erect physical barriers and signs to prohibit access to the disturbed areas;
 - (e) use ground covers;
 - (f) re-vegetation which is similar to adjacent undisturbed native conditions; or
 - (g) any alternative control measure approved in writing by the Air Quality Officer.
- (3) The control measures must be consistent with the provisions of applicable legislation.
- (4) Any person who emits or permits the emission of dust in contravention of subsection (1) commits an offence.

Part 13: Emissions that cause a nuisance

111. Prohibition

Any occupier or owner of premises from which a nuisance emanates or where a nuisance exists, commits an offence.

112. Abatement notice

- (1) An authorized person may serve an abatement notice on any person whom the authorized person reasonably believes is likely to commit or has committed an offence under section 111, calling upon that person—
 - (a) to abate the nuisance within a period specified in the notice;
 - (b) to take all necessary steps to prevent a recurrence of the nuisance; and
 - (c) to comply with any other conditions contained in the notice.
- (2) For the purpose of subsection (1), an authorized person may from a reasonable belief based on his or her own experience conclude that an air pollutant was emitted from premises occupied or owned by the person on whom the abatement notice is to be served.

- (3) An abatement notice under subsection (1) may be served:
 - (a) upon the owner of any premises, by:
 - (i) delivering it to the owner or if the owner cannot be traced or is living abroad that person's agent; or
 - (i) transmitting it by registered post to the owner's last known address, or the last known address of the agent; or
 - (ii) delivering it to the address where the premises are situated, if the owner's address and the address of the agent are unknown;
 - (b) upon the occupier of the premises, by—
 - (i) delivering it to the occupier;
 - (ii) transmitting it by registered post to the occupier at the address at which the premises are situated.
- (4) Any person who fails to comply with an abatement notice in terms of subsection (1) commits an offence.
- (5) In addition to any other penalty that may be imposed, a Court may order a person convicted of an offence under subsection (4) to take steps it considers necessary within a period determined by the Court in order to prevent a recurrence of the nuisance.

113. Steps to abate nuisance

At any time, the local authority may at its own cost take whatever steps it considers necessary in order to remedy the harm caused by the nuisance and prevent a recurrence of it and may recover the reasonable costs so incurred from the person responsible for causing the nuisance.

CHAPTER 11: HEALTH CARE WASTE

114. Separation at source and marking

- (1) Health care waste generators, transporters, theatres and disposers have a general duty of care in terms of this By-Law and any other relevant provincial and national legislation, to separate all health care risk waste at source and to handle, package, store and dispose of health care risk waste in a safe manner that poses no threat to human health or to the environment.
- (2) Without limiting the generality of the duty in subsection (1), generators must—
 - (a) ensure that the generation of health care risk waste is minimized as far as possible at source;
 - (b) separate health care waste into health care risk waste and health care general waste at point at which it is generated;

- (c) store health care risk waste in purpose manufactured, leak-proof, sealable containers and must ensure that such containers used to store sharps, razors, blades, needles and any other instrument which can cause cuts, punctures or injections, are rigid and puncture resistant;
 - (d) ensure that the radioactive waste for which he or she is responsible, treated in accordance with the Hazardous Substances Act, 1973, (Act No. 15 of 1973) as amended;
 - (e) ensure that health care waste is properly labelled to identify point of origin;
 - (f) ensure that all the employees in their employ are adequately trained in the identification, collection, separation, handling, storing of health care risk waste;
 - (g) take appropriate steps to ensure the health and safety of all the employees in their employ in terms of the Occupational Health & Safety Act, (Act 85 of 1993) as amended;
 - (h) label all health care risk waste containers clearly in large, legible lettering with indelible ink with the following information—
 - (i) the name, address and contact telephone number of the generator;
 - (ii) the words: DANGER – HEALTH CARE RISK WASTE; GEVAAR–GESONDHEIDSAFVAL, and INGOZI: INKUNKUMA YEZAMAYEZA, KOTSI-DITHWELE TSA MIRIANA and the international bio-hazard logo and the date on which the health care risk waste is removed from the premises of the generator.
 - (i) prevent public access to health care risk waste containers which are in use;
 - (j) store full health care risk waste containers in controlled, secure areas which are reserved for the storage of health care risk waste;
 - (k) make arrangements for the removal of health care risk waste from its premises and for the transportation of health care risk waste by a person who is registered in terms of section 116 of this By-Law as a transporter of health care risk waste;
 - (l) make arrangements for the disposal of the health care risk waste by a person or institution permitted to dispose of health care risk waste in terms of this By-Law or any other applicable legislation.
- (3) Generators may apply to the local authority for permission to handle, store and otherwise deal with health care risk waste in a manner which does not comply with the requirements as set out in subsection (2) above.
 - (4) The local authority may in writing grant the permission referred to in subsection (3) subject to certain conditions.
 - (5) Generators may transport dispose of health care risk waste generated on their premises, provided they do so in terms of this By-Law or any relevant prescripts.

- (6) Generators must—
- (a) maintain an up-to-date written record of all health care risk waste generated and removed from its premises in a format from time to time prescribed by the Municipality;
 - (b) obtain written notification from the disposer of the health care risk waste that the health care risk has been disposed of and upon receiving such notification indicate in a written record that the health care risk waste has been disposed of by mentioning the name of the disposer and the date of disposal;
 - (c) provide copies of the record referred to in (a) and the information in (b) to the local authority on a six-monthly basis or at any other frequency as may from time to time be prescribed by the Municipality.

115. Duty of transporters

- (1) Transporters must remove health care risk waste from the premises of the generator, transport, store and deliver such health care risk waste to a site at which it will be disposed of in a manner which poses no threat to human health or the environment.
- (2) Without limiting the generality of the duty referred to in subsection (1), transporters must—
 - (a) not remove the health care risk waste from the containers in which the generator placed it;
 - (b) transport and store the health care risk waste in such way that no member of the public can gain access to the health care risk waste or the containers in which it is stored;
 - (c) transport the health care risk waste in vehicles which—
 - (i) comply with all applicable legislation as from time to time promulgated by National and Provincial Government; or
 - (ii) in the absence of legislation promulgated by National or Provincial Government—
 - (aa) are capable of containing the health care risk waste;
 - (bb) are designed to prevent spillage;
 - (cc) are constructed of materials which are easy to clean and to disinfect;
 - (dd) are capable of being secured in order to prevent unauthorized access.
 - (d) deliver health care risk waste only to a person and site permitted to dispose of health care risk waste in terms of section 116.

- (3) Transporters may apply to the Municipality for permission to remove, transport, store and deliver health care risk waste in a manner which does not comply with the requirements as set out in subsection (2) above.
- (4) The local authority may in writing grant the permission referred to in subsection (3) subject to certain conditions.
- (5) Transporters may only dispose of health care risk waste provided they do so in terms of this By-Law or any other applicable legislation.
- (6) Transporters must maintain a written record in respect of each collection and delivery of health care risk waste, which must be updated simultaneously with each collection and delivery.
- (7) The record must be in the format as prescribed from time to time by the Municipality and must be kept for a period of three years from date on which the health care risk waste is delivered to the disposal site.
- (8) Transporters must keep a copy of the said record in the vehicle used for the transportation of the health care risk waste.

116. Disposal of Health Care Risk Waste

- (1) Health care risk waste may only be disposed of by a person who—
 - (a) holds a permit to operate a hazardous waste site in terms of section 20 of the National Environmental Management Act 1998 (Act 107 of 1998 as amended),
 - (b) complies with all the terms and conditions attached to such a permit.
- (2) A person permitted in terms of subsection (1) to dispose of health care risk waste must do so at the site at which the permit allows him or her to dispose of health care risk waste and may not dispose of health care risk waste at any other place.
- (3) Persons who dispose of health care risk waste must—
 - (a) maintain an up-to-date written record as required in terms of the National Waste Information System and any additional information as may from time to time be required by the Municipality of all health care risk waste received and disposed of at the site;
 - (b) keep such records for a period of three years or for such a period as may be prescribed in terms of the guidelines provided for compliance to the National Waste Information System, whichever the shortest;
 - (c) dispose of the health care waste at an approved waste disposal facility established for that purpose.

117. Duty to register

- (1) Every generator must register with the local authority within six (6) months of the coming into effect of this By-Law by completing and submitting a written notification to local authority in the format prescribed from time to time.

- (2) Every transporter must register with the local authority within 6 months of the coming into effect of this By-Law by completing and submitting a written notification to the local authority in the format prescribed from time to time.
- (3) Generators and transporters must notify the local authority of any changes to the information provided in terms of subsection (1) and (2) as soon as such changes occur.

118. Power of Environmental Health Practitioners

- (1) Any Environmental Health Practitioner in the employ of the Municipality may—
 - (a) enter sites and premises on which health care waste is being generated, handled, treated, stored or disposed of or on which it is suspected that health care waste is being generated, handled, stored or disposed of; and
 - (b) gain access to vehicles in which health care waste is being contained or transported or in which it is suspected that health care waste is being contained or transported.
- (2) An Environmental Health Practitioner who enters premises or a site or gains access to a vehicle in terms of subsection (1) for the purpose of administering this By-Law, may undertake any inspection or enquiry, including but not limited to—
 - (a) inspecting a premises, site or vehicle for the presence of health care risk waste;
 - (b) inspecting the manner in which health care risk waste is being, handled, stored, transported, treated or disposed of;
 - (c) requesting information regarding the health care risk waste from the person who is in charge of the health care risk waste or from the person in charge of the health care risk waste or from the person in charge of the premises, site or vehicle; and
 - (d) examining extracting or making copies of any health care risk waste records and may request an explanation from the person in charge of the record, or from the person in charge of the site, premise or vehicle.

119. Offences

Any person who contravenes any provision of this chapter or fails to comply with any notice given in relation hereto in terms of this By-Law, commits an offence.

CHAPTER 12: HAZARDOUS WASTE

120. Applicable legislation

The Municipality, taking cognizance of the provisions of the National Environmental Management Waste Act, 59 of 2008 as amended the Hazardous Substances Act, 1973 (Act 15 of 1973) as amended, the National Health Act, 61 of 2003 and National Health Amendment Act 12 of 2013, and the regulations made under these Acts, hereby supplement the provisions of these Acts in this Chapter.

121. Storage of hazardous waste

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

CHAPTER 13: OFFENSIVE TRADES

122. Permit requirement

No person may conduct an offensive trade in or on any premises, except in terms of a permit authorizing such trade.

123. Types of Offensive Trades

Offensive Trades for the purpose of this chapter refers to any trade in which the substances dealt with are or are likely to be hazardous or dangerous to health and likely to pose a human health hazard and or risk and include but are not limited to the following trades—

- (a) panel beating and spray painting;
- (b) operating of a hazardous waste recycling plant;
- (c) oil and petroleum product recycling;
- (d) scrap yard or scrap metal dealing;
- (e) brick burning, lime burning; manure making and storing or compost making;
- (f) cement works, coke-ovens or slat glazing works; viscose works; ore or mineral smelting, tempering or hardening;
- (g) slaughtering of animals;
- (h) fish mongering and fish frying;

- (i) animal bristle, hair or storing and sterilising;
- (j) wood sawdust producing works;
- (k) works to produce carbon bisulphite, cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, pyridine, liquid or gaseous sulphur dioxide or sulphur chlorides;
- (l) works to produce amyl acetate, aromatic ethers, butyric acid, caramel, enamelled wire, glass, hexamine, lampblack, B-naphthol, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride or zinc oxide;
- (m) food-processing factories; chemical works; dye works; breweries and distilleries;
- (n) malt and yeast manufacturing works; sugar mills and sugar refineries;
- (o) works or premises used for the storing or mixing of manure, super phosphate or fertilizers;
- (p) fat-melting or tallow-melting works and any similar works or establishments for dealing with meat, bones, blood or offal, or with other organic matter derived from animals or poultry;
- (q) works or premises used for the manufacture, storage or mixing of meal derived from fish, crustacean, poultry, meat offal from animals or poultry, or other organic matter derived from animals or poultry;
- (r) works or premises used for storing, drying, preserving, or otherwise processing bones, horns, hoofs or other waste matter or excretions from animals or poultry;
- (s) premises used for storing, sorting or dealing with hides and skins, or for fellmongery; and
- (t) tanning and leather-dressing works; and
- (u) any other activity deemed to be an offensive trade by a specific local authority.

124. Requirements for premises

No person may conduct an offensive trade in or on any premises unless—

- (a) the floors of the premises are constructed of cement concrete or a similar impervious material, brought to a smooth finish;
- (b) the floors of the premises are adequately graded and drained for the disposal of effluent to an approved disposal system;
- (c) the inside walls, except where glazed or glass brick or glazed tiles are used, are plastered, brought to a smooth finish and painted with a light-coloured, washable paint;

- (d) the surface of any backyard or open space is paved with concrete or similar impervious material, brought to a smooth finish;
- (e) the premises are provided with adequate light and ventilation as prescribed in the National Building Regulations and Building Standards Act;
- (f) an adequate supply of running potable water is provided;
- (g) an adequate number of portable containers constructed of iron or another non- absorbent material, equipped with closely fitting lids, are provided for the removal of all waste and wastewater from the premises;
- (h) adequate means are provided for the disposal of all effluent arising from the manufacturing or other process performed on the premises;
- (i) adequate accommodation is provided for the storage of all finished products, articles or materials which are used in the manufacturing or other process, and which may—
 - (i) discharge offensive or injurious effluent or liquid; or
 - (ii) decompose in the course of the work or trade;
- (j) adequate means are provided to control the discharge in the open air of any noxious, injurious or offensive gas, fume, vapour or dust produced during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of material;
- (k) adequate sanitary fixtures are provided as prescribed in the National Building Regulations and Building Standards Act;
- (l) a perimeter wall made of brick or some other impervious material, with a minimum height of 2 metres, is constructed around the premises;
- (m) all gates to the premises are of solid construction with a minimum height of 2 metres;
- (n) all perimeter walls and gates adequately screen activities on the premises from public view;
- (o) all materials are stacked or stored on the premises below the height of the perimeter screening;
- (p) adequate separate change-rooms for males and females, where five or more persons of the same gender are employed is provided containing—
 - (i) an adequate metal locker for every employee;
 - (ii) a wash-hand basin provided with a supply of running hot and cold potable water; and
 - (iii) an adequate supply of soap and disposable towels at every basin;
- (q) if no change-room has been provided in terms of paragraph (p)—

- (i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
- (ii) an adequate metal locker must be provided for every employee in the work area; and
- (r) an approved wash bay must be provided for the washing of vehicles and containers if required by the Environmental Health Practitioner.

125. Duties of offensive traders

- (1) Every offensive trader must—
 - (a) maintain the premises in a clean, hygienic and good condition at all times;
 - (b) maintain all walls and floors of the premises in a manner and condition that prevents the absorption of any waste or wastewater;
 - (c) maintain all machinery, plant, apparatus, furniture, fittings, tools, implements, vessels, containers, receptacles and vehicles in a clean, hygienic and good condition at all times;
 - (d) prevent any waste accumulating on the premises;
 - (e) prevent the emission of noxious, injurious or offensive gases, fumes, vapours or dust generated during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of any material on the premises; and
 - (f) provide and maintain effective measures to preclude the open attraction of pest and to prevent the breeding thereof.

126. Liquid refuse from bone and tripe boiling

- (1) Every bone boiler and every tripe boiler must adequately cool all wastewater before it is discharged into any sewer or other receptacle.
- (2) The cooling process referred to in subsection (1), must take place in a manner that prevents the generation of any noxious and injurious effluent.

127. Liquids, tanks and tubs in leather making

Every fell-monger, leather dresser or tanner must—

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

128. Storage of rags, bones and waste

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

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

CHAPTER 14: SECOND-HAND GOODS

129. Requirements for premises

- (1) No person may operate a second-hand goods business in or on any premises which do not comply with the following requirements listed below—
 - (a) 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 metres;
 - (b) all gates to the premises must be of solid construction with a minimum height of two meters;
 - (c) all materials must be stacked or stored below the height of the perimeter screening;
 - (d) adequate lighting and ventilation, as prescribed in the National Building Regulations and Building Standards Act must be provided;
 - (e) all storage areas must be paved with cement, concrete or other approved impervious material;
 - (f) all backyard surface and open spaces of the premises must be graded and drained to allow for the effective run-off of all precipitation;
 - (g) adequate sanitary fixtures for both genders employed on the premises must be provided, as prescribed in the National Building Regulations and Building Standard Act;
 - (h) an adequate number of refuse containers must be provided;
 - (i) adequate separate change-rooms for males and females, where five or more persons of the same gender are employed, must be provided containing—
 - (i) an adequate metal locker for every employee;
 - (ii) a wash hand basin provided with a supply of running hot and cold potable water; and
 - (iii) an adequate supply of soap and disposable towels at every wash-hand basin.
- (2) 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 accessible position; and

- (b) an adequate metal locker must be provided for every employee in the work area.

130. Duties of second-hand goods traders

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

- (a) store second-hand goods in a backyard, building or open space that is constructed of an approved material in such a manner as to prevent the harbourage of rodents or other vermin and pests;
- (b) ensure that no water accumulates in any article stored on the premises;
- (c) 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;
- (d) keep the premises in a clean, neat and sanitary condition at all times;
- (e) immediately on receipt, disinfect all furniture, soft furnishings, clothing, bedding or other fabrics in an adequate manner;
- (f) keep any articles separate from articles which have been disinfected; and
- (g) label all articles which have been disinfected in a conspicuous place on each article.

CHAPTER 15: SALONS

131. Permit requirement

No person may operate a salon except in terms of a permit authorising that activity issued by a local authority.

132. Health certificates

Salons must comply with the following requirements—

- (a) the premises must be operated under a health certificate issued by an Environmental Health Practitioner to the effect that the premises comply with this By-Law;
- (b) a valid health certificate must be issued by an Environmental Health Practitioner certifying that the premises comply with Environmental Health requirements;
- (c) the certificate must indicate the business name of the salon including—
 - (i) the physical address of the premises;
 - (ii) name and identity number of the owner or person in charge;

- (iii) service provided on the premises and services prohibited;
- (iv) date of issue; and
- (v) the validity period;
- (d) the health certificate must be displayed in a conspicuous manner on the premises, so as to be clearly visible to everyone entering the premises;
- (e) a health certificate is not transferable from one owner to another, or from one premises to another;
- (f) health certificates must be renewed by an Environmental Health Practitioner—
 - (i) annually;
 - (ii) in case of change of ownership;
 - (iii) in the case of renovations or additions to the existing premises; and
 - (vi) if the services move from one premises to another.
- (g) a prescribed fee must be paid determined by the local authority.

133. Requirements for premises

- (1) No person may operate a salon on any premises which do not comply with the following requirements—
 - (a) adequate lighting and ventilation, as prescribed in the National Building Regulations and Buildings Standards Act;
 - (b) all shelves, fixtures and tabletops on which instruments are placed must be constructed of an approved material that is durable, non-absorbent, and easy to clean;
 - (c) water and toilet facilities must be provided as prescribed in the National Building Regulations and Building Standards Act;
 - (d) adequate, separate facilities, with a supply of running potable water, must be available for the washing of hair and hands where applicable;
 - (e) an approved system for the disposal of wastewater must be provided;
 - (f) adequate storage facilities must be provided;
 - (g) the walls and floors must be constructed of a material that is easy to clean and which prevents cut hair from being dispersed where applicable;
 - (h) 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;

- (i) adequate separate change-rooms for males and females, where five or more persons of the same gender are employed, must be provided containing—
 - (i) an adequate metal locker for every employee;
 - (ii) a wash-hand basin provided with a supply of running hot and cold potable water; and
 - (iii) an adequate supply of soap and disposable towels at every wash-hand basin.
- (2) If no change-rooms have been provided in terms of paragraph (1)—
 - (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.

134. Duties of salon operators

Any person operating a salon must—

- (a) maintain the premises, tools, equipment and clothing in a hygienic and good condition at all times;
- (b) must keep all chemicals used in a good condition;
- (c) 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;
- (d) provide employees on the premises with approved protective clothing and equipment;
- (e) collect all hair clippings and other waste in an approved container after every service;
- (f) store or dispose of waste in an approve manner;
- (g) adequately train any person working on the premises on health and hygiene matters;
- (h) not permit any animal on the premises unless it is guide dog accompanying a blind person, and
- (i) 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;
- (j) ensure that every person working in the salon complies with the requirements of this section and section 135.

135. Waste management

- (1) All sharp instruments, bloodied instruments are regarded as infectious waste and must be disposed of accordingly, including razors, blades, needles and other sharp instruments. Approved methods of waste collection, storage, transportation and disposal must be adopted for the management of health care risk waste and must be in line with the National Environmental Management: Waste Act, 2004 (Act No.39 of 2004) and SANS 10248.
- (2) An approved first aid kit should be available on the premises at all times for the treatment of minor injuries, which should be equipped with the following—
 - (a) adhesive bandages;
 - (b) sterile gauzes;
 - (c) medical tape;
 - (d) scissors;
 - (e) liquid soap;
 - (f) first aid instruction book; and
 - (g) disposable gloves.
- (3) Containers used for the storage of health care risk waste should be clearly labelled in large, legible lettering.
- (4) Employees should be adequately trained in the identification, separation, handling and storing of health care risk waste.
- (5) Health care risk waste may only be removed, collected, transported, treated and disposed of by a registered service provider from the premises.
- (6) Accurate and up to date records of all health care risk waste generated by the facility must be kept.

136. The use of ultra-violet radiation for tanning and the requirements for tattoo procedures

- (1) Persons under the age of 18 are allowed with the permission of a parent or guardian to make use of or operate or to be in contact with any operations of the sun bed business on the premises.
- (2) Users of sun beds must be provided with all relevant health information in relation to the use of sunbeds which must be displayed in a conspicuous place on the premises for easy access by users.
- (3) Adequate protective eye wear must be available for use by a user at all times during tanning and if not disposable, the eye wear must be cleaned and disinfected after each use.
- (4) Records must be kept of the following—

- (a) all users including their contact details and residential addresses;
 - (b) incidences, including the effects thereof, experienced by users, during sunbed usage;
 - (c) maintenance, service and inspection monitoring records which must be kept for a period of at least 3 years before discarding.
- (5) The requirements for use of dyes, pigments and stencils and tattoo procedures include that—
- (a) all dyes and pigments manufactured for the purpose of tattooing must be used according to the manufacturer's specifications;
 - (b) in preparing dyes or pigments, non-toxic materials must be used;
 - (c) single-use, sterile, individual containers for dyes or pigments must be used for each patron;
 - (d) the stencil, unless composed of acetate, must be used for a single tattoo procedure only and acetate stencils may be disinfected and re-used;
 - (e) tattooing must be conducted in such a manner so as to prevent the transmission of communicable diseases from client to client and from artist to client;
 - (f) as a minimum standard the area of the body to be tattooed and all parts of the body which are visible, must be examined for signs of intravenous drug use.

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

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

- (a) adequately disinfect all the instrument after each use;
- (b) adequately sterilize the following instruments after each use—
 - (i) any instrument used for body piercing or tattooing;
 - (ii) any instrument which has come in contact with blood or any other body fluid;
- (c) wash and clean all plastic and cloth towels after each use;
- (d) dispose of all disposable gloves or other disposable material after each use;
- (e) wash all aprons and caps daily;
- (f) wash his or her hands with soap and water or disinfectant before and after rendering each service to a client;
- (g) wear disposable gloves when providing one of the following salon services—

- (i) any chemical services;
 - (ii) any hair implant;
 - (iii) body piercing; and
 - (iv) tattooing;
- (h) wash all walls, floors, chairs and other surfaces in the premises at least once a day with a disinfectant or household detergent;
 - (i) dispose of all wastewater, sharp instruments, bloodied and otherwise contaminated towels and towelling paper in an approved manner;
 - (j) store razors, blades, needles and other sharp instruments separately in a 'sharp instrument' container;
 - (k) adequately treat any injury or wound which may occur on the premises;
 - (l) clean and disinfect all surface that have been contaminated by blood after each service;
 - (n) all tubes and needles must be stored in single service, sterile, sealed autoclave bags that must be opened in the presence of the client.
- (2) Only professional tattooing and body piercing machines designed and assembled in a manner which prevents contamination of sterilized needle sets may be used for applying permanent tattoos or body piercing.

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

- (1) Any person operating a salon must ensure that the premises are used exclusively for that purpose, provided that the sale of other commodities do not pose a health risk.
- (2) Any person who wants to prepare any beverage for customers on the premises of a salon must provide a separate area, equipped with a facility for cleaning crockery and utensils, for that purpose.

CHAPTER 16: DRY-CLEANING AND LAUNDRY ESTABLISHMENTS

139. Premises for dry-cleaning or laundry business

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

- (a) a workroom or area used for housing dry-cleaning machines, washing-machines, ironing boards, presses and other fixed or movable equipment, with a minimum unobstructed floor area of 2,5m² per person employed on the premises;
- (b) adequate separate areas for marking clean and dirty articles with—
 - (i) tables with impervious surfaces;
 - (ii) adequate washable containers for dirty articles; and

- (iii) hanging rails and shelves constructed of an impervious material in the area for marking clean articles;
- (c) a separate room or area with separate designated counters, with impervious surfaces for the receipt and dispatch of articles; and
- (d) a storeroom or facility for the storage of packing material and other articles equipped with adequate packing shelves of which the lowest shelf must be at least 250 mm above floor level;
- (e) adequate separate change rooms for males and females, where five or more persons of the same gender are employed including—
 - (i) an adequate metal locker for every employee:
 - (ii) a wash hand basin provided with a supply of running hot and cold potable water, and
 - (ii) an adequate supply of soap and disposable towels at every wash hand basin; and
 - (iv) if no change rooms have been provided—
 - (aa) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
 - (bb) an adequate metal locker must be provided for every employee in the work area;
- (f) a tea kitchen with a single-basin stainless steel sink, with a supply of running hot and cold potable water, must be provided;
- (g) separate toilets for males and females must be provided which comply with the provisions of the National Building Regulations and Building Standards Act and every toilet and change-room must be clearly gender designated;
- (h) internal walls constructed of an impervious material, brought to a smooth finish and painted with a light-coloured washable paint;
- (i) dust-proof ceilings, smoothly finished, and painted with a light- coloured washable paint;
- (j) floor surfaces constructed of cement or some other adequate impervious material, brought to a smooth finish and property drained;
- (k) a minimum height from floor to ceiling of any room or area must be 2,4 metres;
- (l) adequate lighting and ventilation, as prescribed by the National Building Regulations and Building Standards Act must be provided;

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

140. Premises for dry-cleaning or laundry receiving depots

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

- (a) a separate room or area with a minimum width of two metres must be provided for the receipt and dispatch of articles;
- (b) fifty percent of the floor space of the room referred to in paragraph (a) must be unobstructed;
- (c) a wash-hand basin with a supply of running potable water must be provided;
- (d) an adequate supply of soap and disposable towels must be provided at every wash-hand basin;
- (e) all internal wall and ceiling surface must be constructed of an impervious material, brought to a smooth finish and painted with a light-coloured washable paint;
- (f) all floor surfaces must be constructed of cement or other impervious material, brought to a smooth finish;
- (g) lighting and cross-ventilation, as prescribed by the National Building Regulations and Building Standards Act, must be provided;
- (h) adequate washable containers for storing dirty articles must be provided;
- (i) adequate quantities of hanging rails or impervious shelves for the storage of clean articles must be provided;
- (j) adequate designated counters, with impervious surfaces, must be provided separately for the receipt and dispatch of dirty and clean articles; and
- (k) an adequate metal locker must be provided for every person employed in the receiving depot.

141. Premises for coin-operated laundries

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

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

142. General requirements for dry-cleaning and laundry business

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

- (a) keep the premises, all fittings, equipment, appliances, machinery, containers and business vehicles in a clean, hygienic and good condition at all times;
- (b) separate dirty articles from clean articles at all times, including when in transit;
- (c) use a change room solely for changing;
- (d) ensure that every person who handles clean or dirty articles wears adequate protective clothing at all times;
- (e) keep protective clothing in a clean and sound condition at all times;
- (f) store protective clothing in a locker when it is not being worn;
- (g) affix the name and business address, in clear lettering, to the outside of any business vehicles;
- (h) ensure that the premises are not directly connected to any food premises, new clothing shop, hairdresser or any other area from which contamination might occur;
- (i) comply with the requirements of the following legislation at all times:
 - (i) the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) as amended;
 - (ii) the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) as amended;
- (j) place all piping in the building, not chased into the walls, at least 100 mm away from all walls or floors and comply with the provisions of the National Building Regulation and Building Standards Act;
- (k) insulate all steam piping with an adequate material, and
- (l) dispose of all wastewater in an approved manner.

CHAPTER 17: SWIMMING POOLS AND SPA-BATHS

143. 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—

- (a) separate change-rooms, showers and toilet facilities must be provided for each gender in compliance with the National Building Regulations and Building Standards Act;
- (b) 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 SABS approved pool net;
- (c) the surface of the floor area surrounding any spa-bath or swimming-pool must be constructed of an impervious, non-slip material;
- (d) an approved chemical gas mask must be provided at the chlorinator installation;
- (e) if so, instructed in writing by an Environmental Health Practitioner, an oxygen or air breathing apparatus must be provided, and
- (f) an adequate number of refuse receptacles must be provided on the premises.

144. Duties of spa-bath keepers

Every spa-bath keeper must—

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

145. Duties of swimming pool keepers

Every swimming pool keeper must—

- (a) keep the premises in a safe, clean and sanitary condition at all times;
- (b) provide a properly maintained approved first-aid kit in a prominent, easily accessible and protected space;

- (c) 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;
- (d) ensure that the swimming pool water is purified, treated and maintained to an adequate quality at all times:
- (e) provide and maintain, in proper working order, equipment for testing the quality of the swimming pool water;
- (f) be capable of undertaking routine tests on the water quality in the swimming pool and interpreting the tests results; and
- (g) maintain a daily record of the swimming pool water quality.

146. Water supply

- (1) Unless the prior written approval of an Environmental Health Practitioner has been obtained, no person operating a spa-bath or swimming pool may use water from a source other than a municipal supply to clean, fill or maintain the water level in a swimming pool or spa-bath.
- (2) An Environmental Health Practitioner must—
 - (a) take samples of a swimming pool or spa-bath water, at intervals considered appropriate for the purpose of a chemical analysis or bacteriological examination of such water; and
 - (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.

147. Toilet facilities

- (1) The surface of the floor area surrounding the toilet facilities, showers, spa bath or swimming pool must be constructed of an approved impervious, non-slip material.
- (2) Toilet facilities must be accessible to disabled persons.
- (3) At least 1 (one) water closet should be provided for every 50 (fifty) people and one (1) urinal for every 50 (fifty) males swimmers expected at the time of full capacity.
- (4) At least 1 (one) shower should be provided for every 20 (twenty) swimmers on the premises.
- (5) Floors, walls and ceiling in the toilet and shower facilities must be constructed of an approved material, not adversely affected by steam or water.
- (6) Toilet and shower facilities must be properly ventilated in accordance with the Building Regulations, to prevent the existence of odour nuisances.
- (7) Toilet and shower facilities must be kept clean and sanitary at all times.

- (8) Floors of toilets and shower rooms should be constructed of a non-slippery finish, impervious to moisture that is easily cleanable.

148. 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:

- (a) it must be free from floating, suspended or settled debris or swimming organisms and the walls, floor, access ladders or steps and gutters must be free from slime and algae;
- (b) the pH value of the water must be not less than 7 and not greater than 8;
- (c) 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;
- (d) if a disinfectant other than chlorine is used, the residual level must be equivalent in effect to the requirements of paragraph (c);
- (e) the total viable bacteriological count of any sample submitted for analysis, must not exceed 100 organisms per ml of water; and
- (f) *Escherichia coli* type 1 bacteria must not be present in any 100 ml of water.

149. Order and behaviour

No person may—

- (a) interfere with a spa-bath keeper or swimming pool keeper in the execution of his or her duties;
- (b) 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;
- (c) 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 urinate, defecate, spit or blow his or her nose in a spa-bath or swimming pool.

CHAPTER 18: ACCOMMODATION ESTABLISHMENTS

150. Permit requirement

No person may operate an accommodation establishment except in terms of a permit issued by the local authority authorizing that activity.

151. Requirements for premises of accommodation establishments

- (1) No person may operate accommodation establishments on premises which do not comply with the following requirements—

- (a) no room wholly or partly used by persons for sleeping may be occupied by a greater number of persons that will allow—
 - (i) less than 11,3m³ of free air space and 3,7 m² of floor space for each person over the age of 10 years; and
 - (ii) less than 5,7m³ of free air space and 1,9 m² of floor space for each person under the age of 10 years;
 - (b) 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;
 - (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 meter away from any part of any other bed.
- (2) An accommodation establishment may be equipped with an area for the preparation and cooking of food which must-
- (a) be adequate for the use of and easily accessible to an occupier residing in the accommodation establishments; and
 - (b) provide for adequate separate wash-up facilities.
- (3) An occupation establishment must be equipped with—
- (a) a dining-room or adequate dining area where meals are provided to persons housed in the accommodation establishment with tables and chairs or benches and unobstructed floor area, including the area occupied by tables, chairs and benches, of at least 1,2 m² for every seat provided for dining purposes so as to comply with the provisions of R918 of the National Building Regulations and Building Standards Act;
 - (b) 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; or
 - (c) a bath fitted with a waste pipe;
 - (f) sanitary fixtures as prescribed in the National Building Regulations and Building Standards Act;
 - (g) an adequate supply of hot and cold running potable water;
 - (h) adequate ventilation and lighting as prescribed in the National Building Regulations and Building Standards Act;
 - (i) openings such as doors, windows or fanlights which may not be obstructed in a manner that interferes with the lighting or cross ventilation it provides.
- (4) 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.

- (5) 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.
- (6) A room for the storage of furniture and equipment and a separate linen room with cupboards or shelves for the storage of clean bedding and other linen, towels, blankets, pillows and other articles used in connection with an accommodation establishment, must be provided.
- (7) All walls and ceilings must have a smooth finish and be painted with a light-coloured washable paint, or have some other approved finish.
- (8) The floor surface of every kitchen, habitable room, scullery, laundry, bathroom, shower, ablution room, toilet and sluice room must be constructed, or concrete or some other durable, impervious material brought to a smooth finish.
- (9) 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 a locker; and
 - (ii) food preparation facilities if employees are not provided with meals.
- (10) Adequate changing facilities must be provided for non-resident employees.
- (11) Adequate ablution and sanitary facilities must be provided for resident and non-resident employees.
- (12) An adequate refuse holding area must be provided and an approved refuse removal system must be maintained.
- (13) 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.
- (14) All accesses to an accommodation establishment must have a door which when closed, prevents the wind or rain entering the premises and all windows must be constructed in a manner that prevents rain entering the accommodation establishment when the windows are closed.

152. Toilet and ablution facilities

- (1) Toilet facilities and hand wash basins must be provided to meet the needs of guests and should be equipped with a flushing system and an adequate supply of running potable water.
- (2) Bath and or showers should be provided either suitably placed in each room; or must be easily accessible to every occupier and designated for different sexes, in compliance to SANS 10400P2010.
- (3) Suitable and effective means of drainage and sewage disposal connected to the municipal sewer, a septic tank or other approved disposal system must be in place and approved by the local authority concerned.
- (4) A waterborne sewage system connected to the municipal sewer, a septic tank or other approved disposal system must be utilized for sewage disposal, in compliant with the local authority's relevant By-Laws.

- (5) Drainages and sewage disposal systems or private sewage disposal systems must be maintained in proper operating condition and free from defects and be in compliance with relevant By-Laws of a specific local authority.
- (6) Toilet paper, soap and towel must be supplied adequately in the ablution facilities at all times.
- (7) All sanitary, ablution and water supply fittings must be kept clean and maintained in good working order at all times.
- (8) A container made of a durable and impervious material, equipped with a close-fitting lid must be provided in every toilet used by females for disposal of sanitary towels.
- (9) Staff on the premises must be provided with separate and adequate toilet and wash-up facilities and at least 1 (one) toilet and hand wash basin, bath or shower must be provided for every 12 (twelve) employees on the premises ratio 1:12.

153. Duties of operators of accommodation establishments

Every person who conducts an accommodations establishment must—

- (a) 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;
- (b) clean and wash any bed linen, towel, bathmat or face cloth after each use by a different person;
- (c) take adequate measures to eradicate pests on the premises;
- (d) provide towel rails or hooks in every bathroom and in every room in which there is a wash hand basin or shower;
- (f) store all dirty linen, blankets, clothing, curtains and other articles used in connection with an accommodation establishment in the manner provided in section 151;
- (g) store all clean linen, towels, blankets, pillows and other articles used in connection with the accommodation establishment in the manner provided in section 151;
- (h) keep all sanitary, ablution and water supply fittings in good working order;
- (i) keep every wall, surface and ceiling, unless constructed of materials not intended to be painted, painted at the intervals to ensure that the area painted, remains clean and in a good state of repair; and
- (j) must ensure compliance with R638 Regulation on general hygiene requirements for food premises, transportation of food and related matters and National Building Regulations and Building Standards Act if food is provided to the occupants.

CHAPTER 19: CHILD-CARE CENTRES

154. Permit requirement

No person may operate a childcare centre except in terms of a permit issued by a local authority authorising that activity.

155. Health Certificate

- (1) The premises must be operated under a valid Health Certificate issued by an Environmental Health Practitioner, to the effect that the premises comply with this By-Law.
- (2) A health certificate must indicate the following information—
 - (a) the details of the health certificate holder, owner or person in charge of the childcare centre;
 - (b) the physical address of the premises;
 - (c) the identity number of the certificate holder;
 - (d) the number of children and the minimum age groups permitted on the premises;
 - (e) hours of operation, whether full day or half day care;
 - (f) prohibitions placed on the premises;
 - (g) a certificate number;
 - (h) date of issue; and
 - (i) the validity period which is one calendar year from the date of issue.
- (3) The health certificate must be displayed in a conspicuous manner on the premises, so as to be clearly visible to everyone entering the premises.
- (4) A health certificate may not be transferred from one owner to another or from one premises to another.
- (5) An Environmental Health Practitioner must renew health certificates—
 - (a) annually;
 - (b) in case of change of ownership;
 - (c) in the case of renovations or additions to the existing premises; and
 - (d) if the services move from one premises to another.
- (6) A health certificate may be withdrawn by Manager Municipal Health Services where conditions of the premises are such that they pose a hazard or risk to the children health and safety.

- (7) A prescribed fee will be charged for the issuing, renewal of health certificate determined by the local authority.

156. Enclosure of the premise

The premises must be equipped with the following to protect the safety of children—

- (a) an enclosed yard, enclosed with a fence, lockable gate, brick, wall or other approved material;
- (b) an entrance and exit control; and
- (c) must be kept clean at all times free from long grass, debris, litter, stagnant water and other miscellaneous waste.

157. Indoor play area

- (1) An indoor playing area must be set aside on every premises on which a child care service for children under compulsory school going age is operated and must comply with the following requirements—
- (a) it must consist of at least 1.5m² of free unobstructed floor space per child and may be used for playing, eating and sleeping purposes;
 - (b) the National Building Regulations and the Building Standards Act, to the extent that the—
 - (i) exterior walls and roof must be constructed in a manner as to prevent the permeation of wind and rain and to ensure the health and safety of children;
 - (ii) windows and doors must allow natural light and cross ventilation; and
 - (iii) floors must have a smooth surface that is easily cleanable and prevents the permeation of dampness.
- (2) If no outdoor play area is provided on the premises, an indoor play area with a free unobstructed floorspace of 3m² must be provided.
- (3) Separate indoor and outdoor play areas must be provided for different age groups between the ages of (0-2years), (2-4 years), and(4-6years).
- (4) An activity area of 4m² must be provided for every child of school going age catered for on the premises;
- (5) All play areas must be free from any structural hazards, such as sharp corners, stairs, slippery surfaces that may pose a danger or constitute a hazard to children on the premises.
- (6) Adequate juvenile size chairs and tables, playing and sleeping waterproof mattresses and other equipment must be available for the individual use of each child.

- (7) Cots and waterproof mattresses must be spaced 750mm apart during sleep or nap time to allow free and safe movement by a childcare supervisor;
- (8) Linen used for sleeping purposes must be laundered at least weekly, especially for children under the age of 3 (three) years.
- (9) Indoor playing equipment and toys must be provided free from sharp points or edges.
- (10) The area must be kept clean and in good repair at all times, free from debris, litter and other miscellaneous rubbish.
- (11) During cold weather conditions, the premises must be adequately heated throughout with safe and suitable means of heating which do not emit noxious fumes, gases or odours.
- (12) Storage facilities for the storage of children's toys, books, and other play material must be provided in the indoor play area.

158. Outdoor play area

- (1) An outdoor play area of adequate size must be provided on the premises, in line with the following requirements—
 - (a) an outdoor play area of a minimum of at least 2m² must be provided for each child;
 - (b) separate outdoor play areas should be provided for different age groups, (0-2 years) (2-4 years), (4-6 years);
 - (c) the play area must be enclosed by adequate means of enclosure and provided with a lockable gate, to prevent unauthorized entry and children leaving the premises on their own accord;
 - (d) the play equipment provided must be—
 - (i) free from sharp points or corners, splinters poisonous material, or flaking or chalking paint, and
 - (ii) designed to guard against entrapment or situations that may cause strangulation;
 - (e) the play equipment should be kept clean and maintained in good working order and in good repair;
 - (f) playground equipment provided on the premises must be safe and must not pose any harm to the safety of the children, with regards to the height and material construction of the equipment and playground surfacing;
 - (g) the outdoor play area must be kept clean and free from litter, debris and accumulation of the waste;
 - (h) the outdoor play area must be free of any excavations, steps, projections, levels or any surface which is dangerous or may constitute a safety hazard.
- (2) Where artificial grass surfaces are used in outdoor play areas, the following measures must be put in place to ensure the safety of children—

- (a) measures must be taken to reduce high surface temperatures on the grass including applying water on the synthetic fibre on warm days; and
- (b) the surfaces must be cleaned regularly with suitable cleaning material to prevent the offensive odours and the occurrence of other health hazards.

159. Toilets, ablution and nappy changing facilities

Adequate toilet and wash-up facilities must be provided on the premises for use by children and must comply with the following requirements—

- (a) for centres catering for toddlers, junior type toilets and washbasins must be provided where appropriate;
- (b) toilet and hand washing facilities must be accessible to the children;
- (c) for children 0-3 years—
 - (i) developmentally appropriate toilets must be provided;
 - (ii) at least 1 (one) toilet must be provided for every 20 children and where there are no sewerage systems in place, potties must be provided;
 - (iii) at least 1 (one) potty must be provided for every 5 (five) toddlers;
 - (iv) human excreta from potties must be disposed of hygienically in a toilet;
 - (v) potties must be cleaned after every use and disinfected in a properly demarcated area;
 - (vi) a clearly demarcated nappy changing area equipped with an easily cleanable surface must be provided;
 - (vii) waterproof mattresses must be provided and must be located away from any food preparation area;
 - (viii) proper hygiene practices must be employed during diaper changing to prevent the faecal contamination of the immediate environment in the changing area, as well as to prevent transmission of faecal oral infections, which include the following hygiene practices:
 - (aa) covering all faeces or urine on diaper;
 - (bb) disposal of faeces or urine in a toilet;
 - (cc) covering of the nappy and placing it in a refuse bin with a closed lid;
 - (dd) disinfection of changing area;
 - (ee) wiping of babies' hands; and

- (ff) caregiver washing hands with soap and water after providing care;
- (d) For children 3-6 years—
- (i) at least 1 (one) flushing toilet and at least 1 (one) hand-wash basin must be provided for every 20 children on the premises;
 - (ii) a supply of cold and hot running potable water must be available at every wash-hand basin;
 - (iii) where none-waterborne toilets are available, Ventilated Improved Pit toilets are recommended;
 - (iv) pit toilets used must be so structured so as to be able to be used by children and doors must open from the outside;
 - (v) the pit toilets must be maintained in good order and cleaned regularly to prevent the occurrence of offensive smells and attraction of flies; and
 - (vi) children are not to use pit toilets if unaccompanied by a care giver;
 - (vii) toilet facilities must be structurally safe and kept in a clean and hygienic condition at all times;
 - (viii) toilet facilities must be properly illuminated ventilated in line with the National Building Regulations and the Building Standards Act;
 - (ix) toilets must be maintained in good order and in good repair and kept clean and free from offensive smells at all times and where no running water is available, the use of low-cost hand washing points may be made in various ways; including the following—
 - (aa) a pitcher of water and a basin (one person can pour the water for another to wash their hands; the wastewater falls into the basin);
 - (bb) a small tank fitted with a tap, set on a stand and filled using a bucket, with a small soak under the tap to catch the wastewater; and
 - (cc) a “tippy tap” made from a hollow gourd or plastic bottle that is hung on a rope and that pours a small stream of water when it is tipped;
- (e) children must be educated on the importance of washing hands after visiting the toilet;
- (f) separate toilets and hand wash facilities must be provided for staff members on the premises;
- (g) an adequate amount of toilet paper, soap and towel must be available in the toilet facilities at all times.

160. Water supply requirements

- (1) Safe running water must be provided on the premises and where no running water is available; a minimum of 10-25 litres per person per day must be made available and stored hygienically on the premises for all uses.
- (2) Children must be encouraged to drink water during the day to prevent dehydration and interruptions in concentration.

161. Designated milk preparation areas for children under 2(two) years

- (1) Where bottle or breast-fed children are accommodated on the premises, a designated area must be provided in the kitchen for the preparation and washing of feeding bottles and teats.
- (2) An adequate supply of potable running cold and hot water must be made available for washing of bottles and teats.
- (3) Cooling facilities must be provided for the hygienic storage of milk bottles.
- (4) Storage facilities must be available for storage of milk and other foods.
- (5) To minimize infections from viruses, bacteria and parasites and the risk of disease transmission, all bottles used for feeding of children must be sterilized.
- (6) Before sterilizing, used bottles, teats and caps must be thoroughly washed with clean soapy water to remove all traces of milk. The following methods of sterilization may be employed—
 - (a) microwaving – sterilizing using a microwave for approximately 90 seconds;
 - (b) boiling – if bottles are suitable for boiling, it may be boiled in a pot with a lid for approximately 10 minutes;
 - (c) cold water – using of a sterilizing solution such as bleach dissolved in cold water, the solutions must be changed every 24 hours; or
 - (d) electric steam sterilizing – use of steam sterilizers, sterilizes bottles in 8-12 minutes.
- (7) Refrigeration facilities must be provided for the hygienic storage of milk bottles that are prepared and stored before use and the temperature of the refrigerator must not be higher than 5°C and monitored daily.

162. Storage facilities

To minimize infections from viruses, bacteria and parasites and the risk of disease transmission, the following measures must be applied—

- (a) separate storage facilities must be provided for proper storage on the premises; and
- (b) adequate storage space and or facilities must be made available for storage of—
 - (i) personal belongings of each child;

- (ii) personal belongings for staff on the premises;
- (iii) equipment such as children's prams, push-up chairs, cots, toys and tools; and
- (iv) cleaning material which may be unsafe, toxic, dangerous or hazardous.

163. Medical care for children

- (1) Adequate, timely and appropriate medical attention must be provided in cases where children might require medical care, in line with the norms and standards as set out in Section 89 of the Children's Act.
- (2) For any child who becomes ill or has suffered an injury requiring medical attention, a care giver must:
 - (a) immediately notify the parent or guardian of the child;
 - (b) immediately call for medical assistance, if necessary;
 - (c) provide the necessary care and treatment for minor ailments in the sickbay area;
 - (d) immediately notify the relevant health authority in an event of the illness being suspected of being a communicable disease; and
 - (e) only administer medicine to a child with the written consent of the parent or guardian;
- (3) A medical journal must be kept in which details of any medicine administered to a child, including the quantities is recorded and the journal must be signed by the parent where medication is to be administered during the day.
- (4) Access to a telephone must be provided at all times.
- (5) It is a prerequisite for any child to attend pre-school to have completed basic immunization schedules for his or her age as determined by the National Expanded Programme on Immunization of the Department of Health.
- (6) Children suspected or diagnosed with an infectious or communicable disease must be prevented from attending childcare until it has been declared by a medical doctor that it is safe to do so.
- (7) Caregivers must be trained in basic first aid.
- (8) Medical reports of each child must be kept on the premises and each record must contain—
 - (a) information containing the child's general state of health and physical condition, including any allergies;
 - (b) any illnesses, including any communicable diseases or operations a child may have suffered in a specified period;

- (c) immunization records; and
 - (d) details of allergies and any medical treatment that the child may be undergoing.
- (9) A list of emergency telephone numbers which include, fire brigade, ambulance, outbreak response, clinic, hospital, doctor and police must be available and easily accessible on the premises.
 - (10) Adequate provision must be made for disposable gloves and disinfectants to protect staff and children and to disinfect contaminated areas and surfaces when dealing with blood related illnesses and injuries.
 - (11) All areas and surfaces where a treatment of a child or caregiver for an illness or injury has taken place must be disinfected immediately.
 - (12) A management plan should be in place for exposure to HIV and Hepatitis B for any child or caregiver who may have been accidentally exposed to blood or bloody substances.
 - (13) Health care risk waste accumulated on the premises as a result of provision of medical care for children must be safely packaged, labelled, stored and safely disposed of.
 - (14) A child showing signs of illness or a condition that is suspected to be communicable may not be admitted to the regular childcare programme until a medical officer has certified that the condition may not pose any health risk to other children on the premises.
 - (15) Medicines, cleaning substances and any dangerous substances must be kept in locked spaces and kept out of reach of children.

164. Sand pits

- (1) A sandpit must be located in a shaded area and must be—
 - (a) covered at night to prevent contamination by animals, and other pests;
 - (b) properly constructed, well drained to keep it as dry as possible;
 - (c) raked once a week to remove dirt and rubbish and to air the sand;
 - (d) hosed with tap water at least once a week;
 - (e) covered at all times when not in use;
 - (f) disinfected when obviously dirty and contaminated;
 - (g) cleared of toys each day; and
 - (h) refilled with fresh sand at least annually.
- (2) If the sand is contaminated by animal or human faeces, blood or other bodily fluids, access to the sand pit must be restricted—

- (a) to allow the use of a watering can with mild detergent or household disinfectant diluted in water to be poured over the sand to kill any germs or the sand may be disinfected by raking salt through the sand; or
 - (b) the sand must be completely replaced if contaminated extensively.
- (3) Children must be supervised at all times when playing in the sand pit.
 - (4) Only sand that is appropriate for use in sand pits must be utilized.
 - (5) Caregivers must ensure that children wash their hands every time after playing in the sand pit.

165. Sick bay facilities

- (1) A sickbay area must be provided for the treatment and care of a child who falls ill, who is injured during day care or who may be suffering from an illness that is suspected to be infectious is provided on the premises, in line with the requirements as set out in the Children's Act.
- (2) The facility must comply with the following requirements—
 - (a) an adequate and equipped sick room must be provided for isolation of sick children on the premises in line with the requirements of the Children's Act;
 - (b) one or more rooms should be available to be utilized as sick bays for the isolation of any child that may fall ill. The office may be utilized for this purpose;
 - (c) the area must be provided/ equipped with a hand wash basin with a supply of running water;
 - (d) an approved, lockable and adequately equipped first aid kit should be made available in the sick bay area for treatment of minor injuries or illnesses;
 - (e) the sickbay must be equipped with a bed or waterproof mattress;
 - (f) proper supervision should be provided at all times for a pupil placed in the sick bay;
 - (g) the first aid kit must include, amongst other equipment:
 - (i) adhesive bandages;
 - (ii) sterile gauzes;
 - (iii) medical tape;
 - (iv) scissors;
 - (v) a cardiopulmonary mouthpiece protector;
 - (vi) liquid soap;

- (vii) first aid instruction book;
- (viii) a thermometer; and
- (ix) disposable gloves.

166. After school facilities

- (1) If after-school care services are provided for children of school-going age on the same premises as the child-care services, the following must additionally be provided—
 - (a) separate facilities for school going age children and non-school going age children;
 - (b) an indoor care area of at least 1.5m² for each child;
 - (c) at least 1 (one) toilet facility and 1 (one) hand-wash basin for every twenty (20) children or part thereof;
 - (d) toilet and hand wash facilities must be separated by gender;
 - (e) adequate seating and tables must be provided for each age group served.
- (2) The operator must ensure that there is a clear operational schedule separating childcare services and after school care programmes where necessary.
- (3) The local authority may in collaboration with the Municipality and the Department of Social Development conduct inspections to ensure compliance.

CHAPTER 20: YOUTH CARE CENTRES

167. Requirements for Youth Care Centres

- (1) The premises must be operated under a valid Health Certificate issued by an Environmental Health Practitioner, to the effect that the premises comply with this By-Law and—
 - (a) a health certificate must indicate the following information—
 - (i) the details of the health certificate holder, owner or person in charge of the youth care centre;
 - (ii) the physical address of the premises;
 - (iii) the identity number of the certificate holder;
 - (iv) the number of children and the minimum age groups permitted on the premises;
 - (v) hours of operation; full day or half day care;
 - (vi) prohibitions placed on the premises;
 - (vii) a certificate number;

- (viii) date of issue; and
 - (ix) the validity period of at least one calendar year from the date of issue;
 - (b) the health certificate must be displayed in a conspicuous manner on the premises, so as to be clearly visible to everyone entering the premises;
 - (c) a health certificate is not transferable from one owner to another, or from one premises to another;
 - (d) health certificates must be renewed by an Environmental Health Practitioner—
 - (i) annually;
 - (ii) in case of change of ownership;
 - (iii) in the case of renovations/additions to the existing premises; and
 - (iv) if the services move from one premises to another;
 - (e) a health certificate may be withdrawn by a Manager Municipal Health Services where conditions of the premises are such that they pose a hazard or risk to the children's health and safety; and
 - (f) a prescribed fee will be charged for the issuing, renewal of health certificate determined by the Municipality.
- (2) The premises used in connection with child and youth care centres must comply with the following requirements—
- (a) the ratio of child and youth care workers to children must be no less than 1 (one) child and youth care worker on duty for every 8 (eight) children;
 - (b) in a child and youth care centre that is registered to provide programmes for:
 - (i) the secure care of children in terms of Section 191(2)(g) – (i) of the Child Care Act, 1983 (Act No. 74 of 1983);
 - (ii) the care of children with disabilities and chronic illnesses in terms of Section 191(3)(a) of the Act; or
 - (iii) the ratio of child and youth care workers to children must be no less than 1 (one) child and youth care worker on duty for every 5 (five) children;
 - (c) every child and youth care centre must employ at least one social worker, and the specified ratio is one social worker to 60 (sixty) children;
 - (d) a child and youth care centre registered to provide a secure care programme, may not accommodate more than 60 (sixty) children, provided

that separate management units each accommodating 60 children may be located at the same venue;

- (e) a child and youth care centre registered to provide a programme for children with behavioural, psychological or emotional difficulties, or for children placed under the Criminal Procedure Act, 1977 (Act No. 51 of 1977), must employ at least 1 (one) psychologist, the specified ratio is one psychologist to 60 (sixty) children;
- (f) a child and youth care centre that is registered to provide a programme for the treatment of children with a psychiatric condition in terms of Section 191(3) (d) of the Child Care Act, 1993(Act No. 74 of 1983) must utilize a multi-disciplinary team approach involving social workers.

CHAPTER 21: CHILDREN'S HOMES

168. Requirements for Children's Homes

- (1) The premises must be operated under a valid Health Certificate issued by an Environmental Health Practitioner and—
 - (a) the health certificate must indicate the following information—
 - (i) the details of the health certificate holder, owner or person in charge of the childcare centre;
 - (ii) the physical address of the premises;
 - (iii) the identity number of the certificate holder;
 - (iv) the number of children and the minimum age groups permitted on the premises;
 - (v) hours of operation including full day or half day care;
 - (vi) prohibitions placed on the premises;
 - (vii) a certificate number;
 - (viii) date of issue; and
 - (ix) the validity period of no more than one calendar year from the date of issue;
 - (b) the health certificate must be displayed in a conspicuous manner on the premises, so as to be clearly visible to everyone entering the premises;
 - (c) the health certificate is not transferable from one owner to another or from one premises to another;
 - (d) health certificates must be renewed by an Environmental Health Practitioner—
 - (i) annually;

- (ii) in case of change of ownership;
 - (e) in the case of renovations or additions to the existing premises; and
 - (f) if the services move from one premises to another;
 - (g) a health certificate may be withdrawn by a Manager Municipal Health Services where conditions of the premises are such that they pose a hazard or risk to the children's health and safety; and
 - (h) a prescribed fee will be charged for the issuing and renewal of a health certificate determined by the local authority.
- (2) Children's homes must comply with the following requirements—
- (a) the premises must comply with the requirements of the Children's Act;
 - (b) an enclosed yard, enclosed with a fence, brick, wall or other approved material must be provided;
 - (c) entrance and exit control must be provided;
 - (d) the building structure used as an indoor play area must comply with the requirements of the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977);
 - (e) exterior walls and roof must be constructed in a way as to prevent the permeation of wind and rain and to ensure the health and safety of children;
 - (f) windows and doors must allow natural light and cross ventilation;
 - (g) floors must be constructed of a smooth surface that is easily cleanable and prevents the permeation of dampness;
 - (h) a children's home must only be operated on premises which are located, designed, constructed, finished and equipped in such a condition that children:
 - (i) can be cared for hygienically;
 - (ii) can be adequately protected against any possible public health hazard and public health nuisance;
 - (iii) can be adequately fed;
 - (iv) are provided with adequate shelter;
 - (v) have access to potable clean water and sanitation facilities;
 - (vi) can be adequately safeguarded from any condition which may impact on their safety; and
 - (vii) are not allowed access to any accommodation set aside exclusively for the use of staff;

- (viii) have separate living quarters for staff and families living on the premises;
- (i) the living quarters must make provision for sleeping accommodation for—
 - (aa) any guardian or child;
 - (bb) any person in whose custody the child is and the child; and
 - (cc) the different genders for children 7 (seven) years and older;
- (j) separate and approved toilet and hand-wash facilities must be provided for staff members;
- (k) separate designated change and storage facilities of adequate size must be provided for the storage of personal belongings of staff members.

169. Indoor Living areas

Indoor living areas must comply with the following requirements—

- (a) an indoor play space with sleeping accommodation of at least 2m²per child for children for children aged between 2-6 years, and 4m² for children between 7-13 years and children above 13 years must be provided on the premises;
- (b) for children under the age of 2 (two) years, separate indoor activity area of 1.5m² per child must be provided;
- (c) younger children must be kept separate from older children in the play areas;
- (d) the play area must be free from any structural hazards, such as sharp corners, stairs, slippery surfaces that may pose a danger or constitute a hazard to children on the premises;
- (e) adequate seating, eating and playing facilities of adequate space must be provided on the premises in the indoor play space;
- (f) cots and waterproof mattresses provided for babies should be spaced 750 mm apart during sleep or nap time to allow free and safe movement by a childcare supervisor;
- (g) linen used for sleeping purposes must be provided for children and laundered at least weekly, if possible, especially for children under the age of 2 years;
- (h) for children on nappies, a nappy changing area, equipped with a nappy changing table, with a water-proof mattress must be provided;
- (i) proper diaper changing procedures should be followed to prevent the transmission of faecal-oral infections;

- (j) indoor and outdoor playing equipment or toys must be without sharp points or edges;
- (k) children with suspected or diagnosed infectious diseases must be taken for medical care and kept in separate facilities from other children.

170. Outdoor areas

Outdoor areas must comply with the following requirements—

- (a) an outdoor play area with a minimum of 2m² per child must be provided for use by the children on the premises;
- (b) the outdoor area must have adequate means of enclosure and a lockable gate, to prevent unauthorized entry and children leaving the premises on their own accord and to prevent unauthorized entry to the premises;
- (c) the outdoor area must be free from excavations, steps, projections, levels or any surface which may adversely impact on the health and safety of children using that area;
- (d) separate outdoor play areas must be provided for children under 2 (two) years of age; children between 2-6 years; and children of 7 (seven) years and older; or children must play at different intervals in the outdoor play areas and adequate supervision must be provided to ensure the safety of each child using the outdoor play area, at all times.

171. Toilets and bathing facilities

Toilets and bathing facilities must provide for—

- (a) an adequate toilet and wash up facilities for use by the children;
- (b) one toilet facility for at least every 15 (fifteen) children on the facilities at all times;
- (c) one hand wash basin for at least every 20 (twenty) children on the premises with a ration of 1:20 located in or immediately adjacent to the toilet;
- (d) a supply of cold and hot running potable water must be made available at every wash hand basin or if no running water is available, a minimum of 25 litres of potable water per child per day, stored hygienically in a closed container on the premises at all times for drinking, cooking, personal hygiene and laundry;
- (e) an adequate supply of soap and a clean towels must be maintained at all times;
- (f) for children under the age of 2 (two) years on potty training, one chamber pot should be provided for at least every 5 children with a ratio of 1:5;
- (g) the pots must be emptied properly after passing of every stool and urine, and thoroughly cleaned at all times to prevent smells;

- (h) in cases where no sewer system is available and pit toilets are utilized, the design of the pit toilets must be constructed in such a manner as not to cause harm or injure the children.
- (i) pit toilets used by children must be designed for use by children and doors must open from the outside;
- (j) the pit toilets must be maintained in good order and cleaned regularly;
- (k) children may not use pit toilets unaccompanied by a care giver;
- (l) for children under the age of 2 (two) years, still on nappies, a separate changing area must be provided on the premises, equipped with adequate storage facilities for soiled nappies and hand wash facilities to clean the children;
- (m) separate toilets and hand wash facilities must be provided for staff members on the premises and an adequate amount of toilet paper, soap and towel must be available in the staff toilet and hand wash facilities at all times;
- (n) all toilet facilities on the premises must be properly illuminated, ventilated, maintained in good repair and kept clean at all times;
- (o) at least 1 (one) bath must be provided for every 8 (eight) children with a ratio of 1:8, separated for the genders and designated accordingly and showers may be substituted for baths in the following ratios:
 - (i) males-two thirds of total number of baths; and
 - (ii) females-one third of total number of baths;
- (p) individual face cloths must be provided for each child and marked as such.

172. Heating facilities

- (1) Heating facilities must be provided—
 - (a) during cold weather conditions, the premises must be adequately heated throughout with suitable means of heating which do not emit any noxious flames, fumes or odours;
 - (b) for cleaning, sterilization of feeding equipment and preparation of infant formula;
 - (c) for all equipment used to feed and prepare feeds for infants;
 - (d) for sterilizing, used bottles, teats and caps which must be thoroughly washed with clean soapy water to remove all traces of milk and rinsed in safe water before sterilizing;
- (2) The following methods of sterilization may be employed—

- (a) using commercial sterilizers, such as microwaving, sterilizing using a microwave by following instructions on the manufacturer's manual;
- (b) boiling – bottles suitable for boiling can be boiled in a pot with lid for approximately 10 minutes, the pot must be covered with a lid and bring to a rolling boil, making sure the pan does not boil dry. The pan can therefore be kept covered. Electric steam sterilizing – Use of steam sterilizers, sterilizes bottles for 8-12 minutes by following instructions on the manufacturer's manual;
- (c) washing hands with soap and water and drying well before handling sterilized equipment and the use of sterilized forceps for handling sterilized equipment.

173. General requirements

A person in charge must ensure that—

- (a) children are properly cared for and supervised at all times;
- (b) every part of the premises, including any equipment, linen, bedding, feeding utensils and play equipment is maintained in good repair and in a clean and hygienic condition at all times;
- (c) all staff members and care givers at the premises are at all times healthy and clean;
- (d) no person smokes or uses any tobacco product in the presence of children or in any area prohibited by the Tobacco Products Control Act, 1993 (Act No. 93 of 1983) and regulations published there under;
- (e) the toys, books and other indoor play materials intended for day-to-day use are available in any indoor activity or play area and suitably stored so that they are within easy reach of the children;
- (f) children are at all times appropriately supervised by an adult when utilizing the indoor and or outdoor areas;
- (g) there is one adult supervisor for every 6 children under the age of 2 years and:
 - (ii) one adult supervisor for every 15 children aged 2 to 6 years old; and
 - (iii) one adult supervisor for every 20 children 7 years and older;
- (h) in the event that transport to or from a children's home is provided, that—
 - (i) at least one adult supervises the children apart from the driver transportation;
 - (ii) the child locks, if any, and doors of the vehicle are locked so that it cannot be opened from inside the vehicle;

- (iii) no children are transported in the front seat or the boot of the vehicle;
 - (iv) no children are placed under the seat of a vehicle;
 - (v) the vehicle is not overloaded in terms of South African traffic laws;
 - (vi) the driver of the vehicle holds a valid driver's licence or permit to transport the passengers;
 - (vii) the vehicle has all relevant permits and documentation to transport the children, is licensed and is in a road worthy condition; and when transporting children in the back of an enclosed light commercial vehicle, ensure that no exhaust fumes enter the enclosed area and that it is adequately ventilated;
- (i) children are at all material times under adequate adult supervision when utilizing the sleeping facility;
 - (j) dietary requirements for children with special dietary requirements are observed;
 - (k) nutritionally balanced meals of adequate volume to satisfy the energy and nutritional needs of the children in each age group is provided;
 - (l) an adequate number of bins with liners for the disposal of paper, paper towels, tissues and other waste materials, is provided inside the premises;
 - (m) an approved refuse area, with adequate refuse bins is provided for the storage of refuse pending removal;
 - (n) each child is provided with a towel for his or her individual use on the premises;
 - (o) adequate individually marked pegs or hooks is provided for each child to hang his or her towel on;
 - (p) handling and disposal of medical risk waste is done in accordance with the relevant legislation governing the particular category;
 - (q) there is provision of an adequate and easily available supply of toilet paper at all toilets, soap and disposable towelling at all hand wash basins and soap at all baths and or showers;
 - (r) mattresses are cleaned and sanitised when soiled or wet;
 - (s) toys are disinfected daily and immediately after it becomes contaminated by body secretions, sputum, blood or by any other means;
 - (t) toys are not used simultaneously by children suffering from any infectious disease and healthy children;
 - (u) blood spills or spills of other fluids containing blood are removed by using gloves to prevent contamination of the hands and that the contaminated area is disinfected with a freshly prepared solution of 1:10 household

bleach and clean water applied to the area for at least 30 seconds and thereafter wiped with disposable material or alternatively by using any other approved and appropriate disinfectant;

- (v) each child is provided with his or her own toiletry which must include amongst others, toothbrush, toothpaste, bathing soap, skin lotion and other necessary items required for use by the child; and
- (w) there is provision of an adequate supply of tissues for use by the children.

174. Food Preparation

- (1) An area adequate in size and separate from indoor play area where food is to be handled, prepared, and stored or provided to children or for any other purpose must be provided.
- (2) Such area must comply with the provisions of Regulations R638 promulgated in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972).

175. Journal

A person in charge must ensure that a journal, in which any important or outstanding events, including any accident on the premises or during transportation of children and any explanations is recorded.

CHAPTER 22: OLD AGE HOME AND NURSING HOME

176. Requirements for an old age home

For registration and issue of a Health Certificate an old age home must comply with the following requirements—

- (a) the premises must be operated in terms of a permit or registration issued by the Department of Social Development;
- (b) the premises must comply with the requirements of the Older Persons Act, 2006 (Act No.13 of 2006), as well as the Norms and Standards for acceptable levels of services to older persons and service standards for residential facilities, published by the Department of Social Development;
- (c) the premises must promote the health and safety of residents or older persons;
- (d) the premises must be operated under a valid Health Certificate issued by an Environmental Health Practitioner;
- (e) a health certificate issued by an Environmental Health Practitioner to the effect that the premises comply with environmental health requirements must be issued and indicate the following—
 - (i) the details of the health certificate holder, owner or person in charge of the old age home;
 - (ii) the physical address of the premises;

- (iii) the identity number of the certificate holder;
- (iv) a certificate number;
- (v) number of beds/patients that can be accommodated on the premises;
- (vi) services offered on the premises;
- (vii) prohibitions applicable;
- (viii) date of issue; and
- (ix) the validity period of one calendar year from the date of issue;
- (f) the health certificate must be displayed in a conspicuous manner on the premises, so as to be clearly visible to everyone entering the premises;
- (g) a health certificate is not be transferable from one owner to another, or from one premises to another;
- (h) health certificates must be renewed by an Environmental Health Practitioner—
 - (i) annually;
 - (ii) in case of change of ownership;
 - (iii) in the case of renovations/additions to the existing premises; and
 - (iv) if the services move from one premises to another.

177. Requirements for nursing home

- (1) The provisions relating to the requirements for an old age home as set out in section 176 apply, read with the necessary changes, to the requirements relating to a nursing home.
- (2) The facility must employ—
 - (a) at least one registered nurse to be on duty at all times;
 - (b) sufficiently trained nurses and care assistants to meet a ratio of 1 staff member per 5–10 residents, based on level of care;
 - (c) a medical doctor on call or contracted for regular visits; and
 - (d) support staff including cleaners, cooks, and administrators.
- (3) Every resident must be—
 - (a) assessed on admission using a standard care needs tool;
 - (b) provided with a personalized care plan; and

- (c) treated with dignity and afforded privacy and freedom of movement unless it is not medically advisable.
- (4) The facility must maintain medical records, incident reports, and consent forms for treatment.

178. Structural and physical facilities for an old age and a nursing homes

The facility must comply with the following requirements—

- (a) all the walls of the premises must be constructed of brick, stone, concrete or other impervious material, plastered and brought to a smooth finish; and covered with a light-coloured paint, adequate plastic finish or other approved material;
- (b) floors must be constructed of concrete, hardwood or other durable material and brought to a smooth finish;
- (c) ceilings must be constructed so as not to attract dust and in the case of sterilizing rooms and wash up rooms the ceiling must have a hard, smooth and washable surface;
- (d) rooms must be adequately and individually ventilated and illuminated;
- (e) all windows in the rooms must be adequately protected or guarded to ensure the safety of service users;
- (f) heating facilities that are likely to emit offensive and harmful gases, fumes and odours are not allowed; and
- (g) proper signage must be available on the premises.

179. Accommodation requirements for old age and nursing homes

Suitable accommodation must be provided for each service user on the premises in line with the requirements of the Older Persons Act, 2006 (Act No.13 of 2006) which meets minimum space as follows—

- (a) single rooms must have a floor space of at least 9m² and double rooms with a floorspace of 16m² for people sharing a double room;
- (b) forward-type accommodation, a floor space of at least 7.5m² must be provided for every service user accommodated in the ward;
- (c) forward-type accommodation, an unobstructed space of at least 1.2m² should be maintained between beds, to enable movement of carers and equipment;
- (d) single rooms accommodating wheelchair users must have at least 12m² usable floorspace;
- (e) the rooms and wards must be cleaned daily and kept hygienic and free from offensive odours;

- (f) for frail care patients, a maximum of 4 (four) beds should be placed per room, with a floor space of 7.5m² per bed.

180. Dining areas, lounges or sun porches and corridors, passages and staircases at old age and nursing homes

The facility must comply with the following requirements—

- (a) the dining area must have a minimum floor space of at least 1.2m² for every service user;
- (b) the lounge area or sun porches area have a minimum floor space of at least 1.5m² for every service user;
- (c) all floor surfaces must be equipped with a non-slip surface and all carpets, mats and other loose coverings must be suitably and securely secured to the floors and adequately illuminated;
- (d) corridor areas of least 1.8m wide must be provided with a hand railing along the length of at least one wall; and
- (e) all corridors, staircases, steps and ramps must be adequately eliminated and fitted with effective ramps.

181. Toilet and ablution facilities at old age and nursing homes

The facility must comply with the following requirements—

- (a) adequate and accessible toilet, bathing and washing facilities must be provided to meet the needs of service users in line with the Older Persons Act, 2006 (Act No. 13 of 2006);
- (b) at least 1 (one) toilet and one bath must be provided for at least every 8 (eight) service users on the premises ratio 1:8 designed for use by one person at a time but where suitably adapted en-suite toilet and bath and shower are provided in the users' rooms, these rooms can be excluded from the calculation.
- (c) each service user must have access to toilet facility within close proximity of his or her private accommodation or where they are cared for;
- (d) additional toilet facilities must be provided, accessible and clearly marked next to the lounge and dining areas for use by service users;
- (e) in calculating the number of toilets, no account must be taken of any toilet contained in a bathroom;
- (f) every toilet must be equipped with an adequate flushing system and all toilets, bathrooms or showers must be maintained in good working order;
- (g) all toilets must be kept clean at all times; floors scrubbed, and bowls cleaned and disinfected daily;
- (h) adequate and accessible toilet, wash-up and bath facilities must be provided for staff members employed on the premises;

- (i) all bathrooms must be fitted with porcelain, enamel or cast-iron enamel baths with a constant supply of cold and hot running potable water;
- (j) walls of the toilet facilities must be constructed of a smooth surface and be light-coloured;
- (k) toilet facilities must be adequately illuminated and ventilated;
- (l) separate toilet facilities and hand wash basin must be provided on the premises, for visitors;
- (m) every toilet facility must be equipped with an adequate flushing system and must be maintained in proper working condition;
- (n) bathrooms and toilets must all be designated for each gender;
- (o) the bathroom complex must be painted with a light-coloured durable, washable paint; and
- (p) floors should be covered with a non-slip, non-shining surface.

182. Staff facilities at old age and nursing homes

The facility must comply with the following requirements—

- (a) a workstation for staff members must be equipped with hand wash basins, with a supply of cold and hot running water to prevent cross infection;
- (b) separate toilet facilities must be provided for staff members on the premises;
- (c) separate residential accommodation must be provided for staff required to reside on the premises;
- (d) adequate sleeping accommodation, toilet and hand wash facilities must be provided for the residential or domestic staff;
- (e) separate bathrooms and toilets must be provided for domestic and residential staff and the bathrooms must be fitted with porcelain enamel or cast-iron enamel baths with a supply of hot and cold running water;
- (f) at least 1 (one) toilet should be provided for every 12 (twelve) members of staff, ratio 1:12;
- (g) at least 1 (one) bathroom or shower is provided for every 12 members of staff, ratio 1:12;
- (h) in calculating the number of toilets for staff members, no account must be taken of any toilet contain in a bathroom;
- (i) every toilet facility must be equipped with an adequate flushing system and maintained in proper working condition; and
- (j) the bathrooms and toilets must be designated for each gender.

183. Examination rooms at old age and nursing homes

The facility must comply with the following requirements—

- (a) a hand wash basin with a supply of cold and hot running water must be available in all examination rooms;
- (b) floors must be constructed of a non-slippery floor to prevent accidental slipping;
- (c) walls must be painted with a light-coloured washable paint; and
- (d) the room must be adequately equipped for first aid and emergency situations.

184. Sluice rooms at old age and nursing homes

The facility must comply with the following requirements relating to a sluice room—

- (a) it must have a minimum floor area of 7.5m² and a minimum width of 2.5m;
- (b) it must be well ventilated and illuminated;
- (c) it must be equipped with impervious shelves;
- (d) it must be equipped with hand wash basin for washing of hands by staff and hot and cold running water as well as a combination of a hopper sink with a wash facility for bedpans or urinals;
- (e) the wall area behind the slop hopper sinks and hand wash basins must be equipped with a back splash plate or must be tiled, to facilitate easy cleaning;
- (f) floors must be constructed of an easy cleanable surface; and
- (g) separate storage space must be provided for urinalysis testing.

185. Storage facilities at old age and nursing homes

The facility must comply with the following requirements—

- (a) adequate storage facilities must be provided for—
 - (i) storage of medicines and drugs and such facilities and must be kept locked at all times except when medicines or drugs are being removed or returned to it;
 - (ii) storage of poisons, habit-forming drugs and potentially dangerous drugs;
- (b) a storage room must contain adequate moveable shelving made of impervious material;
- (c) every shelf in a storage room must be a minimum height of 225 mm above the floor;

- (d) all storerooms and store facilities must be kept clean at all times and cleaned routinely at least once every week;
- (e) individual lockable cupboards must be available for storage of each resident's personal items; and
- (f) adequate storage facilities must be provided for the storage of any spare equipment, including particularly heavy equipment and gas cylinders and stored in manner so as not to obstruct any passages, entrances or exits to the premises.

186. General requirements relating to old age and nursing homes

The facility must comply with the following requirements—

- (a) measures must be taken for infection control and to prevent spread of infection and communicable diseases;
- (b) all areas of the premises must be maintained in good condition, including the kitchen equipment, laundry machinery; outdoor steps, pathways; gardening equipment to ensure a safe environment for the service users;
- (c) separate residential accommodation must be provided for staff required to reside on the premises;
- (d) adequate accommodation for administrative purposes must be provided on the premises;
- (e) adequate storage facilities for articles that are reasonably necessary to store on the premises for the day to day running of the nursing home must be provided;
- (f) a fire escape, the stairs of which are a minimum of 1m wide with landings at each turning point, measuring a minimum of 2.2m by 1.7m must be affixed on the premises;
- (g) firefighting and control equipment, approved by the relevant local authority must be provided and maintained on the premises;
- (h) an emergency stand-by electrical plant must be provided which is adequate to provide a continued operation throughout the period of the failure of all electrically operated appliances and equipment which in the opinion of an Environmental Health Practitioner is necessary or lifesaving;
- (i) appropriate first aid emergency equipment must be available on the premises.
- (j) a vector control program must be in place on the premises;
- (k) a laundry area must be available for laundering of linen or other soiled articles on the premises and facilities used in connection with laundering of linen on the premises must be compliant with the requirements as set out in chapter 16 of this By-Law.

- (l) a separate linen room, containing adequate cupboards or shelves for the storage of linen must be provided on the premises; and
- (m) if an outside contractor is utilized for laundry purposes it must be done in an approved manner by a qualified or registered service provider.

CHAPTER 23: SCHOOLS AND BOARDING SCHOOLS

187. Issue of a Health Certificate

School and boarding school premises must comply with the following requirements—

- (a) the premises must comply with the requirements of the Children’s Act with regards to care for children;
- (b) the premises must be operated under a valid Health Certificate issued by an Environmental Health Practitioner to the effect that the premises and general facilities comply with environmental health norms and standards for school premises;
- (c) the premises must promote the health and safety of all learners;
- (d) a valid health certificate must certify that the premises comply with environmental health requirements and must indicate the following—
 - (i) the name of the school;
 - (ii) the physical address of the premises;
 - (iii) name and identity number of the principal or person in charge;
 - (iv) number of children to be accommodated at the school;
 - (v) date of issue; and
 - (vi) the validity period of two calendar year from the date of issue;
- (e) the health certificate must be displayed in a conspicuous manner on the premises, so as to be clearly visible to everyone entering the school premise;
- (f) a health certificate is not transferable from one school premises to another;
- (g) health certificates must be renewed by an Environmental Health Practitioner—
 - (i) every 2 (two) years;
 - (ii) in the case of renovations or additions to the existing premises; and
 - (iii) if the school moves from one premises to another.

188. Structural facilities

The facility must comply with the following requirements—

- (a) all walls must be constructed of brick, stone, concrete or other impervious material and must—
 - (i) be plastered and brought to a smooth finish; and
 - (ii) be covered with a light-coloured paint;
- (b) floors must be constructed of concrete, hardwood or other durable material and brought to a smooth finish;
- (c) ceilings must be constructed so as not to attract dust;
- (d) classrooms must be adequately ventilated and illuminated in compliance to the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977);
- (e) the school premises must be equipped with outdoor shaded areas to prevent learners from being exposed to excessive heat or sun exposure during play time;
- (f) adequate floor space of at least 1.5-2 m² per child must be available per classroom;
- (g) the school premises must be enclosed with an approved means of enclosure, such as a fence, bricks or other approved material;
- (h) entrances and exits must be controlled so as to prevent unauthorized entry to the school premises;
- (i) an outdoor play area or yard must be available for outdoor activities on the school premises.

189. Toilet and ablution facilities

The facility must comply with the following requirements—

- (a) adequate toilet and wash up facilities that meet the needs of learners and staff members must be available on the school premises;
- (b) at least 1 (one) toilet facility must be available for every 25 children ratio 1:25, and in addition at least 1 (one) urinal must be available for every 50 boys ratio 1:50;
- (c) the toilet facilities must be equipped with an adequate flushing system and running water;
- (d) at least 1 (one) hand wash basin must be available for every 25 (twenty) children ratio 1:25 on the school premises, equipped with a constant supply of running water;
- (e) hand wash basins must be located in or immediately adjacent to the toilets;
- (f) if non-waterborne toilets are utilized, Ventilated Improved Toilets are recommended;

- (g) if pit toilets are used, the design of the pit toilets must be constructed in such a manner as not to cause harm or injure the children;
- (h) pit toilets must be so structured as to be able to be used by smaller children with reduced pots size and height and doors must be open-able from the outside;
- (i) the pit toilets must be maintained in good order and cleaned regularly to prevent smells and flies going in and out of the toilet facilities;
- (j) young learners may not use pit toilet unaccompanied;
- (k) learners must be educated on hand washing after visiting the toilet;
- (l) separate toilets and hand wash facilities must be provided for staff members on the premises and toilet and washing facilities for staff may also be open for use by visitors. At least 1 (one) toilet facility and at least 1 (one) hand wash basin must be provided for every twelve staff members on the premises ratio1:12;
- (m) staff toilets must be separated by gender;
- (n) toilet facilities must be properly illuminated and ventilated in compliance with the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977);
- (o) toilets must be easily accessible to all, including staff and learners with disabilities no more than 30m from all users;
- (p) toilets must provide privacy and security;
- (q) toilet facilities must be kept unlocked at all times during school hours;
- (r) toilets must be cleaned daily and whenever dirty, with a disinfectant being used on all exposed surfaces and a cleaning and maintenance plan must be in place for cleaning and maintenance of all toilets;
- (s) an adequate supply of soap and toilet paper must be maintained in the toilet facilities at all times.

190. Washroom facilities boarders, residential learners and staff

- (1) Facilities for bathing and showering must be provided on the premises for residential learners and staff.
- (2) Water closets and or hand wash basins, baths and showers must be provided and must be easily accessible to the sleeping accommodation.
- (3) All wash up facilities must be separately provided for male and female boarders.
- (4) At least 1 (one) bath or shower must be provided for every twenty learners or staff members on the premises ratio1:20 and or at least 1 (one) shower must be available for every 20 learners or staff members.

- (5) Wash-up facilities must be separated for learners and staff, and separate wash-up facilities must be available for boys and for girls and at least one shower must be accessible for females with disabilities and one for males with disabilities.
- (6) A supply of cold and hot running water must be available in the washrooms.
- (7) If no running water is available on the premises, a minimum of 25 (twenty) litres per person per day for all residential learners and staff must be available and kept and stored hygienically on the premises for all drinking, personal hygiene, food preparation, cleaning and laundry.
- (8) Drinking water must be adequately stored and protected against contamination by flies, dust or animals.

191. Water supply

- (1) A reliable water point, with soap or a suitable alternative, must be available at all the critical points within the school, particularly in toilets and kitchens.
- (2) A reliable drinking-water access points must be accessible by staff and school children, including those with disabilities, at all times.
- (3) If no running water is available on the premises, a minimum of 5 litres per person per day for non-residential children and staff must be kept and stored hygienically on the premises for all purposes (drinking, personal hygiene/hand washing and cleaning and for boarding schools, a minimum of 20 litres per person per day for all residential school children and staff must be available on the premises for drinking, washing up, cleaning and food preparation purposes.
- (4) Hand washing must be encouraged in children and simple and low-cost hand washing points may be made in various ways and utilised in areas with no running water, including—
 - (a) using a pitcher of water and a basin where one person can pour the water for another to wash their hands in such a way that the wastewater falls into the basin;
 - (b) using a small tank fitted with a tap, set on a stand and filled using a bucket, with a small soak away or a basin under the tap to catch the wastewater; and
 - (c) using a “tippy tap” made from a hollow gourd or plastic bottle that is hung on a rope and that pours a small stream of water when it is tipped.

192. Accommodation for learners and staff members at boarding schools

- (1) Adequate sleeping, living and accommodation facilities must be provided for boarders and must comply with the requirements of the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977), with regards to ventilation and lighting.
- (2) Separate sleeping accommodation must be provided for residential male and female learners.

- (3) Separate sleeping and living accommodation must be provided for staff on the premises.
- (4) For dormitories, a floor space of not less than 4.2 m² must be provided for each pupil with a distance of at least 0.9 m maintained between each bed.
- (5) For cubicles, a cubicle for a single pupil with its own window and a minimum floor area of 5.0 m²; must be provided.
- (6) A single bed bedroom for a single pupil must have a minimum floor area of 6.0 m².
- (7) Sleeping accommodation must be kept clean and in good repair.
- (8) A floor space of not less than 2.3 m² must be available in all living accommodation for each pupil and staff on the premises.
- (9) Adequate storage facilities must be provided for the storage of personal belongings of residential learners and staff, which may include a lockable locker.
- (10) Storage facilities must be provided for the storage of linen.

193. Sick Bay facilities

- (1) An adequate and equipped sick room must be provided for isolation of sick learners on the premises in line with the requirements of the Children's Act.
- (2) One more room must be available to be utilized as sick bays for the isolation of any learner that may fall ill or the office may be utilized for this purpose.
- (3) The area must be equipped with a hand wash basin with a supply of running water.
- (4) An approved, lockable and adequately equipped first aid kit must be made available in the sick bay area for treatment of minor injuries or illnesses containing amongst others—
 - (a) adhesive bandages;
 - (b) sterile gauzes;
 - (c) medical tape;
 - (d) scissors;
 - (e) a cardiopulmonary mouthpiece protector;
 - (f) liquid soap;
 - (g) first aid instruction book;
 - (h) a thermometer; and
 - (i) disposable gloves.
- (5) The sickbay must be equipped with a bed or waterproof mattress.

- (6) Proper supervision must be provided at all times for a learner in a sickbay.

194. Medical care for learners

- (1) Adequate, timely and appropriate medical attention must be provided for learners requiring medical care on the school premises in line with the requirements of the Children's Act.
- (2) For any learner who becomes ill or has suffered an injury requiring medical attention, the school must—
 - (a) immediately assess the injury or illness and if minor, provide the necessary care and treatment for minor ailments in the sickbay area;
 - (b) call for medical assistance, if necessary and notify the parent or guardian of the learner; and
 - (c) immediately notify an Environmental Health Practitioner of the relevant health authority in an event of the illness being suspected of being a communicable disease.
- (3) A telephone must be available on the school premises for notification of a parent or guardian where applicable and to summon medical assistance in accordance with paragraph 2(b).
- (4) Learners suspected of suffering from a communicable disease must be excluded from attending school if in the opinion of an EHP or relevant health professional, the person poses a health risk to other learners and is capable of communicating the disease.
- (5) A list of emergency telephone numbers which must include, fire brigade, ambulance, outbreak response, clinic, hospital, doctor and police must be made available and easily accessible on the premises.
- (6) Adequate provision must be made for disposable gloves and disinfectants to protect staff and children and to disinfect contaminated areas and surfaces when dealing with blood related illnesses and injuries and all health care risk waste must be handled and disposed of safely.
- (7) All areas and surfaces where treatment of a learner or caregiver for an illness or injury has taken place must be disinfected immediately.
- (8) The adequate training of care givers on basic first aid is recommended.

195. Vector control

- (1) The density of vectors in the school must be minimized.
- (2) Learners and staff must be protected from potentially disease-transmitting vectors.
- (3) Vectors must be prevented from contact with learners and staff or substances infected with related vector-borne diseases.

- (4) Basic environmental control methods such as proper disposal of excreta, food hygiene, drainage, solid-waste disposal and routine cutting back of vegetation must be the basis of any strategy.
- (5) Mosquitoes and flies must effectively be excluded from buildings by covering opening windows with flyscreen and fitting self-closing doors to the outside and the use of chemical controls, such as residual insecticide spraying, in and around the school must be conducted in accordance with the specification as set out in this By-Law.
- (6) Learners and staff with vector-borne diseases such as malaria and typhus must be identified and treated rapidly and may not attend school during the infectious period.
- (7) Regular inspections must be carried out to detect and treat body lice and fleas.
- (8) The school premises and to the extent possible, the immediate surroundings of the school, must be kept free of faecal material to prevent flies and other mechanical vectors from carrying pathogens.

196. General requirements

- (1) Reasonable measures must be taken to safeguard the health, safety and welfare of learners on the school premises.
- (2) Learners and staff must adequately be protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other objects that may be dangerous or constitute a hazard or injury on the premises.
- (3) Medicines, detergents, pesticides and other harmful substances must be stored in lockable places and access be given to employees responsible for utilizing such materials only.
- (4) The school premises must be kept clean at all times and the outside and inside areas must be free from sharp objects.
- (5) Wastewater must be disposed of quickly and safely and wastewater disposal systems should be in place on the premises, in compliance to the relevant By-Laws of the local authority concerned.

CHAPTER 24: PRISONS AND POLICE STATION HOLDING CELLS

197. Structural facilities

- (1) Prisons, including police holding cells—
 - (a) must be constructed of an approved material, brought to a smooth finish and painted with a light-coloured paint;
 - (b) must be constructed of concrete floors, brought to a smooth finish and must be easily cleanable.

- (2) Adequate floor space must be provided for each prisoner or inmate on the premises, with regards to cell accommodation to enable prisoners to move freely and for sleeping purposes.
- (3) Holding cells must be kept clean at all times, free from debris, litter and other miscellaneous rubbish and be maintained in good repair.
- (4) Adequate storage facilities must be provided for the storage of personal belongings of each inmate.

198. Toilet and ablution facilities

- (1) Adequate toilet, hand washing and shower facilities must be provided on the premises for use by service users and inmates.
- (2) Toilet and wash-up facilities must be adequately illuminated and ventilated.
- (3) At least 1 (one) toilet facility and 1 (one) hand wash basin must be provided for every 20 (twenty) inmates on the premises and at least 1(one) urinal must be provided for every 50 inmates on the premises.
- (4) At least 1 (one) shower must be provided for every 20 (twenty) inmates on the premises.
- (5) Toilet facilities must provide privacy and security.
- (6) Potable running hot and cold water must be available at wash-up facilities.
- (7) Floors and walls of the toilet and wash-up facilities must be constructed of an easily cleanable surface brought to a smooth finish.
- (8) Toilet facilities must be kept clean at all times and provided with an adequate supply of toilet paper, soap and drying towels.
- (9) Toilet facilities must be maintained in good working order and in good repair at all times.

199. Laundry facilities

- (1) Prisons must have a well-managed laundry facility for the effective laundering of bedding and clothing for prisoners.
- (2) Surface finishes of walls, floors, ceilings, fittings, tables and trolleys in the laundry must be smooth and easily cleanable.
- (3) The laundry facility must be properly ventilated by cross ventilation and adequately illuminated.
- (4) Drainage systems must be designed without open drains, with lockable inspection or rodding eyes, with a flow from clean to dirty areas and not connected to storm water drainage.
- (5) Areas receiving soiled linen must be separated from areas handling clean linen.

- (6) Adequate ablution and toilet facilities must be provided including an emergency shower or eyewash facility in the washroom where chemicals are handled.
- (7) Suitable and hazard-free storage for chemicals used for laundering must be provided.
- (8) The capacity and the condition of the equipment used for washing must meet the prisons laundering requirement

CHAPTER 25: VACANT LAND

200. Requirements for vacant land

- (1) Vacant land must comply with the relevant By-Laws of the specific local authority.
- (2) Vacant land must be maintained and clean at all times, free from—
 - (a) accumulation of refuse, debris, including glass, paper, rags, tins, trash, ash and coal or dead animals;
 - (b) overgrown weeds, trees, long grass, and existence of undergrowth, shrubs or any poisonous plants;
 - (c) accumulation of wrecked motor vehicles, chassis, engine or other part of a motor vehicle which is unsightly and may pose a health nuisance;
 - (d) offensive smells and stagnant waters;
 - (e) burned refuse or waste material; and
 - (f) any conditions resulting in the breeding of flies, mosquitoes or other insects and the harbourage of rodents and other vermin.

CHAPTER 26: OFFICE ACCOMMODATION

201. Toilet and ablution facilities

- (1) Office accommodation must have—
 - (a) adequate toilet and hand washing facilities available on the premises for use by employees, in line with the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977);
 - (b) at least 1 (one) toilet facility and 1 (one) hand wash basin for every 20 employees on the premises and 1(one) urinal must be provided for every 20 employees on the premises;
 - (c) potable running water at every hand wash basin; and
 - (d) toilets facilities designated by gender.
- (2) Floors of the toilet facilities must be constructed of a smooth and easily cleanable surface.

- (3) Walls must be constructed of a smooth finish and painted with a light-coloured washable paint.
- (4) Toilet facilities must be properly illuminated and ventilated and kept clean at all times.
- (5) An adequate supply of toilet paper, soap and drying towels must be maintained in all toilet facilities.
- (6) Toilet facilities must be cleaned daily and maintained in good working order and in good repair at all times.

CHAPTER 27: PUBLIC GATHERING PLACES

202. Waste management

Public gathering places must comply with the following requirements—

- (a) the management of waste on the premises must comply with the relevant By-Laws of a specific local authority;
- (b) refuse bins must be provided at strategic points throughout the premises for collection of litter;
- (c) on-site management of waste must be available on the premises during events, for management of spillages and littering and to prevent a nuisance from occurring;
- (d) arrangements must be in place between the event manager and the Local Authority with regards to waste management during and after an event.

203. Drinking water supply

The place must comply with the following requirements—

- (a) in the case of events, water points must be available at strategic points throughout the premises;
- (b) if water tankers are used during events, the storage tanks must adhere to the following requirements:
 - (i) care must be taken to ensure that the tanks constructed of a rust-free material, are durable and suitable for delivering potable safe water;
 - (ii) the tanks must be disinfected before it is used for potable water distribution;
 - (iii) the tanks must be adequately designed so as to prevent contamination of the water by insects, flies, animals and human contact;
 - (iv) tank designs must allow sampling to be conducted and tests to be taken to verify water quality and must be made of material that

allows disinfection and contact with flames for sterilizing in the event that a tap must be flamed before a sample is taken;

- (v) cold water must be stored at temperatures below 20°C; and
- (vi) tankers must only be supplied by water from an approved and treated source.

204. Sanitation facilities

The places must comply with the following requirements—

- (a) adequate toilet and hand washing facilities must be provided for staff and for the general public at the ratios to be provided in a guide by the local authority;
- (b) a suitable, effective drainage and sewage disposal system must be in place on the premises to the satisfaction of and in compliance with the relevant By-Laws of the local authority concerned;
- (c) the use of non-waterborne sanitary services on the premises must comply with the specification of the *SANS 10400*;
- (d) at least 5% of the total number of toilets to be provided must be accessible by disabled persons;
- (e) for short term events:
 - (i) if chemical closet toilets are used, an on-site maintenance team must be available on the premises for the duration of the event to ensure the prevention of blockages and leakages from creating a nuisance and health hazard from occurring; and
 - (ii) a site plan detailing the location and type of sanitary facilities to be used during events must be submitted to Municipal Health Services Unit.

CHAPTER 28: CARAVAN AND CAMPING GROUNDS

205. Caravan and camping grounds permit

No person may without the written permission of the Municipality, or the relevant local authority occupy or permit to be occupied for human habitation a caravan, camp, park home or other shelter on any un-serviced land without a permit authorising it as a caravan or camping ground.

206. Requirements for Premises

- (1) For each caravan or camp site there must be a clearly demarcated and numbered level area of not less than 120 m² with a minimum width of 10m.
- (2) In addition to the area required in terms of subsection (1), there must be 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, must be provided to afford vehicles adequate access to all caravan or camp sites under all weather conditions and such roads must afford free access to a public road.
- (4) The caravan park or camping ground must be properly and attractively laid out and landscaped and the plan as approved by the local authority must be adhered to in every detail by the permit holder.
- (5) Approved direction signs, indicating the water closets, urinals, ablution and other facilities required in the caravan park or camping ground in terms of this By-Law must be placed at approved points.
- (6) A fence not less than 2m high and meeting with the approval of the local authority must 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 firefighting and first aid points must be adequately illuminated during the hours of darkness.
- (8) An adequate and constant supply of potable water must be available and one permanent standpipe must be provided in a convenient position for every four caravan or camp sites and under every standpipe tap there must 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 must be provided with an adequate and constant supply of hot and cold running water and must 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 must have a door which is lockable from the inside and must be provided with a built-in soap dish.
- (11) Every bathroom must 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.

207. Sanitary Facilities

The following separate water closet and urinal accommodation must be provided—

- (a) for males a minimum of one water closet and 750 mm of urinal space for every eight caravan or camp sites or part thereof and the bucket and channel of the urinal must be of stainless steel or other approved material;
- (b) for 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 and a bin with a self-closing lid must be provided in each water closet;
- (c) the internal wall surface of all bathrooms, shower cubicles and water closets must be painted with a light-coloured oil paint or must be provided with a wall covering of an approved material;

- (d) all water closets, urinals, ablution and other facilities must be suitably designated and the entrances in the water closets, urinals and ablution facilities must be screened from public view;
- (e) an approved slop sink unit with an adequate and constant supply of cold running water must be provided for caravanners and campers where chemical toilets receptacles must be emptied and cleaned and—
 - (i) the unit must be installed within a separate compartment adjacent to an ablution block with access thereto for both genders; and
 - (ii) the floor of such compartment must be graded and drained to an approved drainage system;
- (f) 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 must be provided and—
 - (i) the laundry trough must 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;
 - (ii) an earthed 15 ampere socket outlet for a three-pin plug must be fitted in the laundry room;
- (g) for every twenty caravan sites or part thereof and for every ten camp sites or part thereof, there must be provided under a roofed area, on an approved impervious floor, which must be graded and drained to an approved drainage system, a double compartment wash-up sink unit for the washing of caravanners or camper's culinary utensils;
- (h) any person who contravenes any provisions of sections 205 and 206 or any conditions imposed by the Municipality is deemed to have committed an offence.

CHAPTER 29: RITUAL SLAUGHTER

208. Requirements: Keeping of and slaughtering animals for religious and ceremonial purposes

- (1) A person intending to slaughter an animal in any place other than in a recognised abattoir for religious or ceremonial purposes must—
 - (a) notify the local authority in writing, fourteen days prior to the event;
 - (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 and if the applicant is the owner, proof of ownership must be submitted with the application;

- (c) obtain prior written permission from the relevant local authority 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;
 - (h) not keep such animal on the premises prior to slaughtering for a period in excess of 24 hours;
 - (i) ensure that the animal does not cause a noise nuisance or disturbing noise whilst being kept for slaughter or being slaughtered;
 - (j) take care not to soil the carcass with the bowl contents and any part of the carcass soiled in this way may have to be discarded;
 - (k) ensure that the animal to be slaughtered is securely held or tied up so that the slaughtering can be done quickly and without subjecting the animal to excessive pain and suffering;
 - (l) ensure that the knife used for the slaughter is sharp and clean and that hot water is provided for washing it;
 - (m) ensure that the slaughtered animal is hung by its hind legs to drain all the blood and the offal, intestines, head, trotters, lungs, heart, tripe as well as other internal organs are removed; and
 - (n) ensure that if the carcass or offal or part thereof is found to be diseased or soiled it must be disposed of in a manner agreed to by the Environmental Health Practitioner concerned.
- (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 the local authority from time to time.
 - (3) The permission of the local Police Authority may be required if it is the intention to use a firearm or similar devise for slaughtering the animal.
 - (4) An application to conduct ritual slaughter must be made in terms of Regulation R677 of the Abattoir Hygiene Act 1992 (Act no.121 of 1992) as amended– relating to exemptions of persons who slaughter animals under the exemption of section 3(1) of the Act.
 - (5) A permit must be issued by the Municipality prior to the slaughtering on the premises. (Annexure 5A and 5B).

- (6) A Permit must state that keeping of privately slaughtered meat in a butchery or any food establishment without the permission of the Environmental Health Practitioner concerned is not allowed;
- (7) Funerals are excluded from the minimum of 14 days notification period, but a reasonable prior notification must be submitted to the local authority.

CHAPTER 30: OPERATION AND MANAGEMENT OF AN INITIATION SCHOOL

209. Reporting and registration of an initiation school

- (1) Any person who intends opening an initiation school for the purpose of ritual circumcision must submit a written application to the local authority accompanied by a certificate of compliance completed by an Environmental Health Practitioner employed by the local authority or the Municipality.
- (2) The local authority must upon receipt of a letter of intention to operate an initiation school, issue the prescribed consent form.
- (3) The consent form must be completed and submitted to the local authority within a reasonable period not exceeding thirty days' prior the commencement of an initiation school and no initiation school may commence before consent has been obtained.
- (4) The Environmental Health Practitioner in the employment of the Municipality must issue the applicant with a list of requirements which must be complied with before a registration certificate can be issued, in the form of Annexure 3B.
- (5) The Environmental Health Practitioner must after having conducted an inspection of the proposed initiation school, grant a registration certificate conditionally or unconditionally.
- (6) A registration certificate must be issued if minimum requirements pertaining to water, shelter and sanitation have been complied with.
- (7) No person may open, operate, or conduct any activity pertaining to the operation and management of an initiation school without being registered with the local authority.

210. Permission to conduct an Initiation school

Any medical practitioner or traditional health practitioner and or any person or traditional surgeon authorised in writing as competent by the Provincial Department of Health may conduct male circumcision.

211. Admission to an Initiation school

- (1) Any person who is eighteen (18) years of age or above may be admitted to an initiation school.
- (2) The parent or guardian of any male initiate who is below the age of eighteen (18) years must give a written consent before the initiate can be admitted to an initiation school.

- (3) Any person below the age 18 years, who submits himself to an Initiation school without the parent's consent, may be detained temporarily before being admitted to an initiation school.
- (4) The local authority must be informed accordingly and must in turn receive the consent of the parents or guardians.
- (5) No person may abduct or kidnap any person to attend an initiation school.
- (6) Any person who abduct or kidnaps any person to attend an initiation school commits an offence.

212. Closure of an Initiation school

- (1) The local authority may close any initiation school which has been operating without being registered with the local authority, the local police station, the civic association or the traditional authority in the area, provided that the opinion of the traditional leader concerned is considered in respect of the closing of such initiation school.
- (2) In the event of the closure of an initiation school in terms of sub-section (1), the initiates may be temporarily relocated to a public hospital, any other initiation school or any other placed agreed to by the initiates.

213. Establishment of an initiation school advisory committee

- (1) The Municipality must establish an initiation school advisory committee within its area of jurisdiction which must receive all appeals and ensure the smooth management of the initiation schools.
- (2) The school advisory committee may advise the Municipality to close any initiation school if in its opinion the initiates' health is at risk.
- (3) Each of the following affected stakeholders must have at least one representative on the initiation advisory committee—
 - (a) medical, nursing, environmental health and emergency medical services;
 - (b) the South African Police Service;
 - (c) the Traditional Healers Association;
 - (d) the Department of Education;
 - (e) the civic association;
 - (f) an association for the initiation school fraternity; and
 - (g) the local hospital.

214. Duties of a traditional surgeon at an initiation school

- (1) The traditional surgeon must ensure that the initiates submit a premedical examination certificate prior to being admitted to an initiation school.

- (2) The certificate must clearly state that the initiate is free from any medical condition which may cause unnecessary complications after the circumcision.
- (3) Any authorized traditional surgeon may conduct an initiation and must immediately after that take the necessary measures to stop the bleeding.
- (4) The traditional surgeon must treat the initiates with medicines as recommended by the medical practitioner to stop unnecessary bleeding and to prevent any possible sepsis.
- (5) The removed foreskin must be disposed of as approved by an Environmental Health Practitioner.
- (6) The instruments used for circumcising must be used once per initiate and sterilised accordingly.

215. Duration of an initiation school

- (1) An Initiation school may be conducted for a period of three to four months to allow healing.
- (2) A school calendar of the Department of Education must be followed in the event that school going initiates under the age of eighteen are admitted in an initiation school and must be conducted during the school holidays unless initiates are not in attendance of any formal education.

216. Treatment of initiates

- (1) No initiate may be subjected to any unnecessary suffering or punishment of any nature.
- (2) An initiation schoolteacher or any person related to the school may teach the initiates the cultural language, idioms and poems without any form of intimidation or interrogation.
- (3) No initiate may be refused any water or food to the extent that it may result in starvation or dehydration.
- (4) Adequate sanitary facilities must be provided for the initiates.
- (5) Initiates must be protected against extreme temperatures especially cold during winter.
- (6) Initiates who appear to be developing septic wounds must be referred to the medical practitioner for further treatment.
- (7) An initiation school must identify at least one medical practitioner of its choice who must assist it for referral purposes and in case of an emergency.

217. Cultural ethics and inspection of an initiation school

- (1) The Municipality, the local authority, the South African Police Service and where necessary the Department of Education must identify one or more persons with a medical, nursing or environmental health background who is or are well

conversant with the proceedings at an initiation school to conduct regular visits to an initiation school.

- (2) The Environmental Health Practitioner, medical officer or nurse must during their visits take into consideration the environmental hygiene, medical and nursing aspects of an initiation school and general health conditions of the initiates.
- (3) Such officers must at all times keep themselves well informed or up to date with proceedings of an initiation school to avoid any conflict which may arise.
- (4) Any matter which in the discretion of the said officers contravenes this By-Law must be reported to the local authority.

CHAPTER 31: DISPOSAL OF THE DEAD

Part 1: Funeral undertaker's premises and mortuaries

218. Application

This By-Law applies 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; and
- (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.

219. Exemption

- (1) The Municipality may, in writing, exempt any person from compliance with all or any of this By-Law if in the opinion of the Municipality, non-compliance does not or will not create a nuisance.
- (2) An exemption issued in terms of subsection (1) may be subject to such conditions and valid for such a period as the Municipality may, stipulate in the certificate of exemption.

Part 2: Certificate of competence

220. Issue of a certificate of competence

- (1) No person may prepare any corpse except on a funeral undertaker's premises or mortuary in respect of which a certificate of competence has been issued by the Environmental Health Practitioner and provided that such certificate is valid and is in effect.
- (2) A local authority may, if it is satisfied that a nuisance exists on a funeral undertaker's premises or mortuary situated in its area of jurisdiction, issue a written notice to the enterprise in question to stop all activities connected with the preparation of corpses until the nuisance referred to in the notice has been eliminated.

221. Application for the issue or transfer of a certificate of competence

- (1) Any person wishing to apply for a certificate of competence in respect of new funeral undertaker's premises must, not less than 21 days before submitting the 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 any 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 languages in a newspaper that so circulates.
- (2) A notice contemplated in subsection (1) must contain information to the effect that an application for the issue of a certificate of competence in terms of this By-Law 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 must lodge an objection, together with substantiated representations, with the local authority concerned in writing within 21 days of the date of publication of such notice.
- (3) An application for the issue or transfer of a certificate of competence must be made in writing by the applicant or an authorized representative to the local authority in whose area of jurisdiction funeral undertaker's premises fall, on such form as the local authority may require.
- (4) An application for the issue of a certificate of competence must be accompanied by—
 - (a) a description of the premises and the location thereof;
 - (b) 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 utilized or are to be utilized; and
 - (d) the particulars of any person other than the holder or any of his employees who prepares or will prepare corpses on the premises.
- (5) 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.
- (6) No local authority may 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 and such report including recommendations is available to it.

222. Issue or transfer of certificate of competence

If 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 any recommendations and any objections to the use of funeral undertaker's

premises or mortuary, is satisfied that the premises or mortuary concerned—

- (a) comply with all requirements laid down in this By-Law;
- (b) are in all respect suitable for the preparation of corpses; and
- (c) will not be offensive to any occupant of premises in the immediate vicinity of such premises, it may, issue a certificate of competence in the name of the holder in such form as it may determine or may by endorsement transfer an existing certificate of competence to a new holder subject to such conditions as may be necessary, as the case may be.

223. Validity and transfer of certificate of competence

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

224. Issue of provisional certificate of competence

- (1) If the local authority is not satisfied as contemplated in section 223, read with sub-section 2 and 3 below, with regard to funeral undertaker's premises in respect of which a certificate of competence has been applied for, it—
 - (a) may, in the case of existing funeral undertaker's premises; and
 - (b) may, in all other cases, subject to such conditions as such local authority may 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 this By-Law, provided that the use of such funeral undertaker's premises or mortuary does not and will not create a nuisance.

- (2) A provisional certificate may not be extended unless the concerned local authority is satisfied that the owner or representative thereof is in the process of making the necessary changes as prescribed in subsection (1) above.
- (3) Any extension in terms of sub-section (2) above may be granted for a period of not more than 12 months.

225. Duties of holder

- (1) The certificate holder must 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 or authorized person to comply with this By-Law constitutes an offence.

226. Suspension or revocation of a certificate of competence or provisional certificate of competence

- (1) If a local authority in whose area of jurisdiction a funeral undertaker's premises or a mortuary is used by virtue of a certificate of competence, or a provisional certificate of competence and it is the opinion of an Environmental Health Practitioner that there are reasonable grounds to suspect that—
 - (a) 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
 - (b) that such premises are being used in contravention of the provisions of this By-Law and National and Provincial legislation 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 must be instructed to—
 - (i) remove such health hazard from the premises;
 - (ii) to cease the use of the premises in contravention of the certificate of competence or provisional certificate of competence; and
 - (iii) to make representations within such time specified in the notice, why such certificate ought not to be suspended or revoked.
- (2) A local authority may suspend a certificate of competence or provisional certificate of competence immediately if a report by an Environmental Health Practitioner confirms that the hazard referred to in sub-section (1) (a) is a nuisance and a health risk and if such suspension is recommended by the Environmental Health Practitioner.
- (3) A notice referred to in sub-section (1) must set out such particulars are adequate to inform the holder concerned why the suspension or revocation of the certificate is contemplated and the time specified in such notice may not be less than 21 days.
- (4) Any person who fails to comply with a notice served in terms of subsection (1) commits an offence.

227. Requirements relating to funeral undertaker's and mortuary premises

- (1) The premises of a funeral undertaker and mortuary premises must provide for—
 - (a) a preparation room for the preparation of corpses;
 - (b) change-rooms, separate for each gender, 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; and
 - (f) facilities for the loading and unloading of corpses as contemplated in subsection 7.
- (2) No room on a funeral undertaker's premises or mortuary may 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 may occur in such room.
- (3) A preparation room—
- (a) must be so designed so as to—
 - (i) be separated from all other rooms on the premises and must not be connected directly with any office or salesroom: Provided that, where a preparation room on an existing funeral undertaker's premises so connects, the entrance thereto must be concealed so that the interior thereof is completely out of the sight of any person in such office or salesroom;
 - (ii) enable obnoxious odours and vapours to be adequately treated; and
 - (iii) be sufficiently ventilated and lighted;
 - (b) must have a floor—
 - (i) covering an area of not less than 16m² for the first table of the kind referred to in paragraph (e) and 8m² for each additional such table;
 - (ii) 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
 - (iii) which, if it is replaced or laid after the date of commencement of this By-Law, is equipped with half-round filling where it meets the walls;
 - (c) must 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;
 - (d) must be equipped with a ceiling not less than 2,4 m above the floor level, which ceiling must be dust-proof and painted with a light-coloured washable paint;
 - (e) must 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;
 - (f) must contain not less than one washbasin 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;
- (g) must 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; and
 - (h) must 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 must 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
 - (c) 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 is permissible for every 30 men or part thereof.
- (5) Refrigeration facilities such as refrigerators or cold chambers must be installed in or within easy reach of such preparation room for the keeping of corpses, and—
- (a) where refrigerators are provided, they must be made of a material that does not absorb moisture and must be equipped with removable trays and must be so designed as to drain properly and must be easy to clean;
 - (b) the surface temperature of any corpse must be no higher than 5⁰C within three hours of its being received on the premises and no higher than 15⁰C during preparation; and
 - (c) where cold chambers are provided, they must comply with subsection (3)(a)(ii), (b)(ii), (c), (d) and (h) and must be provided with shelves manufactured from a material that does not absorb moisture and that is easy to clean.
- (6) Cleansing and loading and unloading facilities must consist of a paved area, screened from public view, with a drainage system into a gulley connected to an approved disposal system.
- (7) Loading and unloading of corpses and the cleansing of vehicles must not take place anywhere except in the area contemplated in subsection (6).
- (8) A funeral undertaker's premises and mortuary premises must be rodent proof.

228. Hygiene requirements for funeral undertaker's and mortuary premises

- (1) All solid refuse on the premises of a funeral undertaker or mortuary must be kept in corrosion-resistant containers with tight-fitting lids and must 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 a mortuary must 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 must, 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;
 - (d) all equipment used for the preparation of corpses are washed and disinfected immediately after use;
 - (e) all used protective over-clothes are washed, cleansed and disinfected daily on the premises; and
 - (f) if a corpse has been transported without a moisture-proof covering, that the loading space of the vehicle concerned is washed and disinfected after such corpse has been removed.
- (3) Every certificate holder must ensure that the following hygiene measures are maintained when handling mortal remains on the premises—
 - (a) workers must wear adequate and appropriate protective clothing when handling mortal remains;
 - (b) all waste generated in the preparation room must be deemed to be health risk waste and should be collected, handled and disposed of as such;
 - (c) non-disposable gloves must be cleaned and disinfected after each use;
 - (d) disposable gloves must be discarded after each use;
 - (e) all workers responsible for handling mortal remains in the preparation room must be vaccinated against Hepatitis B.

Part 3: Handling and disposal of mortal remains

229. Coffins

- (1) No person may handle any mortal human remains except at a registered funeral undertaker and as provided for in relevant prescripts relating to various categories of persons.
- (2) A coffin must be used for any burial of a corpse except where religious beliefs prohibit its use, or special permission has been granted.

230. Burial sites and burials

- (1) No land or site may be identified and used for the purpose of a burial site, unless a land survey has been conducted by a local authority and approval has been granted.
- (2) An approval must be in writing and must contain such conditions for use as the availability of waste management and ablution facilities which must include access to potable water and sanitation facilities allow.
- (3) All graves must be at a minimum depth of 1 400 mm (6 feet) except when a grave will be re used for another coffin.
- (4) All burial sites except for cemeteries that are situated in “commercial rural area” and “communal rural area” must comply with the following environmental requirements—
 - (a) must conform to the requirements of the National Environmental Management Regulations, 2010 as amended with regards to Environmental Authorization;
 - (b) must be located outside 100-year floodplain;
 - (c) must be located at least 350 m from ground water sources used for drinking purposes and at least 500 m from the nearest habitable building;
 - (d) 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 metres);
 - (e) for areas with higher water tables, the local authority may determine a reasonable depth with additional walling recommendations to protect underground water;
 - (f) the covering soil must not be less than 1 m and if two bodies are buried in the same grave, 300mm of soil must be maintained between the coffins.

- (3) All burials must be registered with the local authority in accordance with its By-Laws and the local authority must thereupon enter such burial in the register of burials of such local authority.

231. Disposal of mortal remains by cremation

- (1) Mortal remains may only be cremated in a crematorium.
- (2) A crematorium must be authorized in terms of the National Environmental Management Regulations, 2010 as amended with regards to environmental authorization.

232. Issue of a cremation permit

- (1) All cremations may be permitted by the relevant local authority in terms of its By-Laws or other relevant legislation concerning cemeteries and crematoria.
- (2) A local authority may not issue a cremation permit unless—
 - (a) the application is accompanied by a declaration by the medical officer who declared the deceased dead; and
 - (b) if applicable, who also performed the post-mortem examination of the deceased, for whom cremation is intended.
- (3) A declaration contemplated in subsection (2) (a) must indicate—
 - (a) the cause of death and whether such cause of death was natural or from any dreadful communicable disease; and
 - (b) that the remains of the deceased may be disposed of.

233. Minimum requirements for a cremation facility

All cremation facilities must comply with the following—

- (a) the site must be located at least 500m downwind of any habitable dwelling;
- (b) the chimney must have a height of not less than 3 metres above the roof;
- (c) no cremation may take place until the minimum combustion temperatures of the urn has been reached,
- (d) the premises must be kept in a clean, sanitary and in good repair;
- (e) the facility must be adequately ventilated and illuminated;
- (f) the facility must be operated and managed in such a manner as to prevent the dispersion of ash into the atmosphere; and
- (g) emissions from a crematorium must 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).

234. Register for cremations

Every crematorium must keep a register for each cremation and such register must contain the following—

- (a) the date of each cremation;
- (b) the name, identity number, address, occupation, age, gender, and marital status of each deceased person cremated therein;
- (c) the date of death of each deceased person;
- (d) the name, identity number and address of the person in whose name the crematorium is registered;
- (e) the name, designation and address of the person issuing the certificate of the cause of death of each person to be cremated;
- (f) the cause of death and the registration number of the death certificate of each person to be cremated; and
- (g) the manner in which the ashes of the person were disposed.

235. Application to exhume a body, body ashes and reburial of human remains

Any person who intends to exhume a body or body ashes and the reburial of human remains must comply with the local authority's By-Laws for Cemetery and Crematoria or any other relevant legislation.

Part 4: Exhumation and reburials of human remains

236. Authorization for exhumation of human remains

- (1) All exhumations reburials of human remains or body ashes to be conducted must be authorized by the local authority subject to compliance with this By-Law or a court order.
- (2) Exhumation approval must not be issued without the reburial permit issued by the local authority or without a cremation permit.
- (3) No person may exhume any mortal remains, except for—
 - (a) removal from the original grave to a new grave acquired in the same cemetery;
 - (b) removal for burial in another cemetery;
 - (c) removal for cremation;
 - (d) removal for forensic examination of the deceased;
 - (e) transfer from a public grave to a private grave;
 - (f) legal reasons, such as crime related investigations; and

- (g) archaeological reasons.
- (4) The municipality must grant a permit for an exhumation on condition that the exhumation of the mortal remains must only be done by a registered undertaker, such undertaker must be based in the jurisdiction of the local authority issuing the exhumation permit referred to in sub-section (1).

237. Exhumation requirements

- (1) Whenever an exhumation is to take place, the officer-in-charge must inform the Provincial Commissioner of the South African Police Services and the Head of Department for the Department of Health.
- (2) A member of the South African Police Services must always be present when an exhumation is being conducted.
- (3) 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.
- (4) The exhumation of mortal remains must be carried out under the supervision of an Environmental Health Practitioner.
- (5) 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.
- (6) The Environmental Health Practitioner must ensure that the following measures are in place and cause to be provided, at the exhumation site—
 - (a) that the grave and the mortal remains are treated with a disinfectant after exhumation and any other protective measures as is deemed necessary;
 - (b) an adequate supply of water, soap and disinfectants for cleansing is available at the grave for cleansing of persons handling the mortal remains;
 - (c) mortal remains are placed in a non-transparent and closely sealed container immediately after it has been disinterred and handled in a way that no nuisance or health hazard is caused;
 - (d) 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;
 - (e) human remains exhumed and all pieces of the original coffin are placed in the new coffin;
 - (f) a new coffin is properly sealed and identified;
 - (g) the health and safety of the workers is maintained by use of protective equipment;

- (h) during the exhumation of mortal remains the grave is not left unguarded and immediately after the remains have been removed such grave must be sealed;
- (i) all used disposable protecting clothing to be placed into refuse bags and the disposal of such is done in an approved manner.

238. Reburial of human remains

- (1) All reburials must be registered with the relevant authority in accordance its By-Law and such local authority must thereupon enter such reburial in the register of reburials of such municipality.
- (2) The mortal remains of a person whose cause of death was smallpox, anthrax or viral haemorrhagic fever must not be embalmed but strict guidelines on management of communicable diseases as published by the National Department of Health and or the World Health Organization must be followed.

Part 5: Conveyance (transportation, importation and exportation) of mortal remains

239. Conveyance of mortal remains

- (1) The mortal remains of a person who suffered from anthrax, cholera, a haemorrhagic fever of Africa, hepatitis B, rabies, meningococcaemia, plague, poliomyelitis or typhoid fever or Acquired Immune Deficiency Syndrome at the time of death may not be conveyed in public in any way unless—
 - (a) 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—
 - (i) a medical officer from the Department of Health;
 - (ii) a district surgeon; or
 - (iii) an Environmental Health Practitioner in the employ of the local authority concerned, or
 - (iv) any medical practitioner specifically so authorized by the local authority concerned,

declares in writing that the conveyance of the mortal remains will not create a health hazard; and
 - (b) such a declaration accompanies the mortal remains at all times during the conveyance up to the burial.
- (2) The declaration referred to in sub-section (1) must be shown to an officer on demand by the person responsible for the conveyance of the mortal remains.
- (3) No person may 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.

240. Conveyance of remains on public transportation and outside Frances Beard District Area of Jurisdiction

- (1) No person may convey any mortal remains in any manner other than the manner provided for in section 239—
 - (a) on public transport unless, the mortal remains have been sealed in an airtight container and placed in a non-transparent, sturdy, sealed coffin; or
 - (b) in any other way in public unless the mortal remains have been placed at least in an approved container.
- (2) No coffin or container in which the mortal remains have been placed may be conveyed unless—
 - (a) the outer surface of such coffin or container is free from any leakages or any other secretion matter emanating from such mortal remains; and
 - (b) offensive odours are absent.
- (3) Should any leakages, secretions or odours emanate 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 must be taken to eliminate the conditions.

Part 6: Handling of radioactive corpses

241. Storage

- (1) 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 including autopsy and embalming prior to burial.
- (2) Persons handling radioactive cadavers must wear appropriate protective clothing.
- (3) The cadaver must be stored in an adequately refrigerated compartment until the exposure dose rate at one meter from it is less than 2.5 mR/hr and the storage area must be labelled as a restricted area.

242. Embalming

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

243. Cremation of cadavers containing levels higher than 15 mCi

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

244. Burial of a radioactive cadaver

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

CHAPTER 32: SURGERIES, DAY CLINICS AND OTHER MEDICAL COMPLEXES

245. Physical and structural facilities

The premises must comply with the following requirements—

- (a) surfaces of walls, floors, ceilings, doors and equipment must be of a smooth finish that facilitates cleaning and disinfecting as is required in a facility providing medical care;
- (b) adequate floor space must be provided to allow unobstructed movement of patients, mobile equipment, and staff and to ensure that the premises adheres to an acceptable level of occupation density in consulting rooms and related facilities;
- (c) the locality of all facilities, including lifts, fire escapes and general exits must be clearly indicated for convenience of patients, staff and visitors;
- (d) facilities for patients and other visitors must be adapted to accommodate physically disabled persons; and
- (e) consultation rooms must be provided separate from waiting rooms to facilitate privacy for consultation purposes.

246. Water supply and ablution facilities

The premises must comply with the following requirements—

- (a) potable running water in compliance with the SANS 241, with regards to its bacteriological, chemical and physical quality must be available on the premises;
- (b) taps and pipes must be maintained in good working order and in good repair and must be rust free;
- (c) water must be continuously available for 24 hours a day on the premises to accommodate other uses including firefighting;

- (d) an adequate supply of running hot and cold water must be provided on all hand wash basins and sinks on the premises;
- (e) adequate ablution and toilet facilities must be provided for use by patients and staff including 1 (one) toilet facility and 1 (one) hand wash basin which must be available for every 12 (twelve) staff members, and 1 (one) toilet facility and 1 (one) hand wash basin which must be available for every 20 (twenty) patients or visitors and must be located in close proximity to the waiting rooms;
- (f) doors of ablution and toilet facilities for patients must be un-lockable from the outside;
- (g) the toilets must be kept clean and sanitary with an adequate amount of toilet paper, soap and drying towels available at all times;
- (h) floors of toilet facilities must be constructed of a smooth and easily cleanable material; and
- (i) walls must be of a smooth finish and painted with a light coloured, washable paint or tiled.

247. Health care risk waste management

The premises must comply with the following requirements—

- (a) the collection, storage and disposal of waste, including health care risk waste must be managed in accordance with the requirements as specified in the SANS Code 10248 and sections 9 and 10 of the Norms and Standards for Waste Management;
- (c) a waste management plan concurrent to the standards as set out in the Core Standards for Health Establishments in South Africa must be in place and updated every two years;
- (d) a staff member responsible to ensure that the collection, handling, storage and disposal of waste on the premises is in compliance to relevant legislation and standards must be designated;
- (e) the facility must have a documented waste management policy and procedures that are followed for the collection, handling, segregation, storage and disposal of waste including health care risk waste, such as infectious anatomical and pathological, sharps, pharmaceutical, chemical and radiation hazard waste;
- (f) if the facility makes use of the services of a private contractor for managing of waste, the contractor must be an approved and legally compliant waste removal service provider and a service level agreement must be in place;
- (g) an adequate number of containers for the disposal of health care risk waste and general waste must be available and accessible to handle the volume of waste generated on the premises;
- (h) appropriate bags and containers must be available and used for the type of waste collected;

- (i) an adequate number of purpose-manufactured, leak-proof, sealable containers must be available for the storage of health care risk waste and such containers must be designed to prevent the exposure to needles, cuts and other substances that may cause harm to service users or staff members;
- (j) containers used for the storage of health care risk waste must be clearly marked in large, legible lettering;
- (k) employees must be adequately trained in the identification, separation, handling and storing of health care risk waste;
- (l) health care risk waste may only be removed or collected, transported, treated and disposed of from the premises by a registered service provider.

248. Infection prevention and control

Infection control and prevention standards concurrent with the standards as set out in the Core Standards for Health Establishments in South Africa, published by the National Department of Health, Office of the Health Standards Compliance must be maintained.

249. Storage facilities

The storage facilities of these premises must comply with the following requirements—

- (a) if five or more persons are employed, separate change-rooms must be provided for male and female staff members, equipped with storage facilities or lockers for personal belongings of each worker;
- (b) food and non-food items must be stored separately and refrigerators used for storage of medicines must not at any time be used for storage of any foodstuffs;
- (c) separate storage facilities for dirty and clean linen and equipment, including sluice facilities for cleaning of soiled linen and equipment must be provided; and
- (d) separate storage facilities must be provided for storage of cleaning equipment and medicines.

250. Rodent proofing and pest control

These premises must comply with the following requirements—

- (a) the construction of rodent proofing must be done on the internal and external areas of the facility to minimize the risk of rodents and pests;
- (b) rodent proofing must be maintained in good order or repair so as to be impervious to rodents;
- (c) to prevent the wide spreading of rodents or pests, rodents must be eliminated before demolition of any building or structure likely to be infested with rodents;
- (d) a rodent management program must be in place in line with the requirements as set out in this By-Law.

251. General requirements

These premises must comply with the following requirements—

- (a) the storage and dispensing of medicines must comply with the Pharmacy Act, Medicines and Related Substances Act and the relevant regulations;
- (b) the building structure must be maintained in good repair to provide for the safety of clients and patients;
- (c) the premises must comply to the Local Fire Authority's, fire safety regulations and requirements;
- (d) all areas of the facility must be kept clean, free from offensive odours, debris, litter and other miscellaneous waste at all time;
- (e) appropriate cleaning material and equipment must be available and properly used and stored; and
- (f) infection control procedures relating to cleaning must be followed in all areas of the facility.

CHAPTER 33: DISEASE SURVEILLANCE

252. Infectious diseases and quarantine

- (1) Any person who—
 - (a) while suffering from any infectious disease wilfully enters any public place or place used in common by any person other than a member of the family or household to which such infected person belongs without proper precautions against spreading the said disease; or
 - (b) being in charge of a person suffering from any infectious disease, wilfully exposes such sufferer to any public place or place used in common by any person other than a member of the family or household to which such infected person belongs without proper precautions against spreading the said disease; or
 - (c) 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 Environmental Health Practitioner; or
 - (d) permits any person to gather or congregate in any house, room, or place over which such person has control and in which there is a body of any person who has died of any infectious disease; or
 - (e) who after receiving a written or printed notice to this effect, deposits, or causes or permits to be deposited any filth, rubbish, or matter that 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 Environmental Health Practitioner or other authorised person to receive and contain such filth, rubbish, or matter;

is liable to a penalty for a breach of this By-Law: Provided, however, that any

person transmitting with proper precautions any bedding, clothing, or other articles for the purpose of having the same disinfected is not liable to any penalty hereunder.

- (2) 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 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 Environmental Health Practitioner, which must be granted 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 Environmental Health Practitioner, is deemed to have contravened this By-Law.

253. Unburied bodies

No person may, without the approval of an Environmental Health Practitioner, in-writing, retain the body of any person who has died from any infectious disease elsewhere than in a public mortuary, for more than twenty-four hours.

254. Persons dying from infectious disease

- (1) If any person dies from any infectious disease in a hospital or place of temporary accommodation for the sick the dead body must not be removed from such hospital or place except for the purpose of being forthwith buried.
- (2) Nothing in this section prevents the removal of a dead body from a hospital or place of temporary accommodation to a public mortuary and such mortuary is for the purpose of this By-Law deemed to be part of such hospital or place as aforesaid.

255. Disposal of a body of any person who has died from an infectious disease

- (1) 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 Environmental Health Practitioner, dangerous to health, he or she may order that the body be removed or that such body be removed to a burial place and there buried within a time to be specified in such order.
- (2) In the event of such order not being complied with in all respects, the Environmental Health Practitioner may cause the body to be removed and buried, and any person who retains or keeps any such dead body in any house, building, or other place contrary to any order as aforesaid, not to do so is liable to be prosecuted for contravening this By-Law.

256. Vehicles

- (1) Any person who –
 - (a) owns or is in charge of a public vehicle and knowingly conveys therein; or
 - (b) knowingly places or allows;

a person suffering from any infectious disease in a public vehicle is deemed to have contravened this By-Law.

- (2) A person suffering from any infectious disease that knowingly enters any public vehicle is deemed to have contravened this By-Law.

257. 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 must forthwith inform the Environmental Health Practitioner and must send such vehicle to such place as the Environmental Health Practitioner may appoint to be disinfected and any owner or person as aforesaid failing to comply with the provisions hereof is deemed to have contravened this By-Law.

258. Transportation of body through the municipal area

Any person who transports the body of any person who has died from any infectious disease through a municipal area without the Environmental Health Practitioner confirming that every precaution necessary for the public safety has been taken is deemed to have contravened this By-Law.

259. Driver or owner of vehicle to be notified

Any person who—

- (a) 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
- (b) owns or drives or pulls a public vehicle, other than a hearse which had to the knowledge of such owner or driver been used for conveying the body of a person who has died from any infectious disease and who does not immediately provide for the disinfection of such vehicle is deemed to have contravened this By-Law.

260. 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 Environmental Health Practitioner is deemed to have contravened this By-Law.

261. Entry by Environmental Health Practitioner on suspected premises

- (1) The Environmental Health Practitioner, or any official specially authorised in writing, may enter upon any premises in which infectious disease has been reported or is suspected to exist, and may—
- (i) make such inquiries and inspections of premises as may be necessary;
- (ii) inspect such persons deemed necessary, and
- (iii) any person who directly or indirectly wilfully hinders, obstructs, or resists such entry, enquiry, or inspection, or refuses to answer or knowingly makes false statements to any such inquiry is deemed to have contravened this By-Law.

- 2) Any person—
- (a) who, having been ordered to remain in quarantine and escapes from quarantine or who departs without being released from the operation of such quarantine by an Environmental Health Practitioner, in writing; or
 - (b) who disobeys or disregards any proper instruction or order given by an official, agent, or servant appointed for the establishing or carrying out of quarantine;
- commits an offence.

262. Spread of typhus disease

- (1) An Environmental Health Practitioner may if it appears that any premises are, owing to its condition or that of the neighbourhood, or to the condition of its occupation, or for any other reasons, likely to be a source of danger to the public health or to favour the spread of Typhus—
- (a) close such premises and order that the occupants be removed until such time that such house or building may be safely reoccupied; or
 - (b) instruct any person to remove the occupants; and
 - (c) close up such premises if the such order is not complied with within the specified time.
- (2) Any person failing to comply with an order or instruction of an Environmental Health Practitioner given in terms of subsection (1) is deemed to have contravened this By-Law.
- (2) Any employer or medical practitioner as hereinbefore mentioned who fails to comply with any of the provisions herein contained is deemed to have contravened this By-Law.

CHAPTER 34: MISCELLANEOUS PROVISIONS

263. Duties of Municipality

In addition to any other duty of a local authority in terms of this By-Law or any other applicable legislation, the local authority must within its area of jurisdiction—

- (a) enforce the relevant provisions of this By-Law;
- (b) carry out water quality monitoring at all potable, industrial and commercial water sources;
- (c) perform food control inspections, enquiries, monitoring and observation;
- (d) monitor waste management;
- (e) undertake health surveillance of properties;
- (f) undertake surveillance and prevention of communicable diseases, excluding immunizations;

- (g) undertake effective vector control measures;
- (h) prevent environmental pollution;
- (i) monitor activities related to the disposal of the dead; and
- (j) ensure chemical safety.

264. Appointment and identification of Environmental Health Practitioners

- (1) The Mayor of the Municipality may appoint any person in the employ of the Municipality in terms of 80(1) of the National Health Act 2003 (Act no. 61 of 2003) as amended as a health officer for the Municipality to exercise the provisions of this By-Law according to their professional practice and qualification as stipulated in 83 (5) of the National Health Amendment Act, 2013 (Act No. 12 of 2013).
- (2) The Municipality must issue an identity card to each Environmental Health Practitioner in terms of Section 80(3) of the National Health Act 2003 (Act 61 of 2003) as amended.
- (3) The identity card must—
 - (a) contain a recent photograph of the Environmental Health Practitioner;
 - (b) be signed by the Environmental Health Practitioner; and
 - (c) identify the person as an Environmental Health Practitioner.
- (4) An Environmental Health Practitioner must display the identity card contemplated in subsection (3) in such a way that it is clearly visible or produce it at the request of any person in relation to whom the Environmental Health Practitioner is exercising a power in terms of this By-Law and—
 - (a) in the event of a conflict within any other By-Law which directly or indirectly regulates Municipal Health Services the provisions of this By-Law prevail;
 - (b) this By-Law law is binding on the State the Municipality and local authorities that fall within the area of the Municipality.

265. General Powers of an Environmental Health Practitioner

- (1) An Environmental Health Practitioner may for the purposes of implementing or administering any power or duty in terms of this By-Law—
 - (a) exercise any power afforded to such officer in terms of this By-Law or any other applicable legislation;
 - (b) issue a compliance notice in terms of section 266 requiring any person to comply with the provisions of this By-Law;
 - (c) issue a prohibition notice in terms of section 267 prohibiting any person from conducting an activity;

- (d) undertake measures in terms of section 272 to remove, reduce and/or minimise any public health nuisance;
 - (e) cancel, suspend or amend any permit or exemption certificate in terms of chapter 3, section 15;
 - (f) enter and inspect premises and for this purpose may—
 - (i) question any person on the premises;
 - (ii) take any sample that the Environmental Health Practitioner considers necessary for examination or analysis;
 - (iii) monitor and take readings or make measurements; and
 - (iv) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises.
- (2) An Environmental Health Practitioner who removes anything from any premises being inspected must—
- (a) issue a receipt for it to the owner, occupier or person apparently in control of the premises; and
 - (b) return it as soon as practicable after achieving the purpose for which it was removed.

266. Compliance notices

- (1) If an Environmental Health Practitioner, after inspecting premises, reasonably believes that a public health hazard or public health nuisance exists on the premises or that the premises are being used in a manner or for a purpose listed in the Schedule to this By-Law without a permit, the Environmental Health Practitioner may serve a compliance notice on one or more of the following persons—
- (a) the owner of the premises;
 - (b) the occupier of the premises; or
 - (c) any person apparently in charge of the premises.
- (2) A compliance notice must state—
- (a) reasons why the Environmental Health Practitioner believes that this By-Law is being contravened;
 - (b) the measures that must be taken to ensure compliance with this By-Law or to eliminate or minimize any public health nuisance;
 - (e) the time period within which the measures must be taken;
 - (f) the possible consequences of failing to comply with the notice; and

- (g) how to appeal against the notice.
- (3) If a person fails to comply with a compliance notice that requires a particular action be taken, the Municipality may—
 - (a) take the required action specified in the compliance notice; and
 - (b) recover, as a debt, from the person to whom the notice was given, the costs and expenses reasonably incurred in taking the required action.

267. Prohibition notice

- (1) An Environmental Health Practitioner may, after inspecting premises, serve a prohibition notice prohibiting the premises from being used for specified purposes and may require measures to be taken to ensure that this occurs, on one or more of the following persons—
 - (a) the owner of the premises;
 - (b) the occupier of the premises; or
 - (c) any person apparently in charge of the premises.
- (2) If the Environmental Health Practitioner reasonably believes that that person has not complied with the terms of a compliance notice—
 - (a) the Environmental Health Practitioner must give the person on whom he or she intends serving a prohibition notice a reasonable opportunity to make representations before serving the notice; and
 - (b) the Environmental Health Practitioner may dispense with the opportunity to make representations if it is reasonably believed that the delay in doing so would significantly compromise public health.
- (3) A prohibition notice must state—
 - (a) the reasons for serving the notice;
 - (b) whether or not the Municipality will withdraw the notice if certain measures are taken, and if so, the measures that must be taken;
 - (c) the possible consequences of failing to comply with the notice; and
 - (d) how to appeal against the notice.
- (4) The Environmental Health Practitioner must as soon as possible affix a copy of the notice in a conspicuous position on the premises.
- (5) No immaterial defect in the notice invalidates any action taken by virtue of such notice or order or any legal proceedings following upon such notice or order if such notice or order substantially sets out the requirements thereof.

268. Withdrawal of prohibition notice

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

269. Withdrawal of health certificate

The Municipality may at its discretion withdraw a health certificate issued in terms of this By-Law if the health certificate holder is found to be in breach of the provisions of the By-Law.

270. Service of notices or other documents

- (1) Service of Compliance notices, Prohibition Notices, Withdrawal of Prohibition Notices or any other documents by the Municipality, Authorised Official or Municipal Manager served—
 - (a) on any person, is deemed to be duly and sufficiently served if it is sent by registered post to that person at the last known address of such person or if it is left with such person personally or with an adult person on the property;
 - (b) on an owner or occupier of any land or premises and the address of such owner or occupier of such land is unknown, it is deemed to be duly and sufficiently served if it is posted in some conspicuous place on such land or premises.
- (2) It is not necessary in any notice in terms of subsection (1) above for an owner or occupier of land or premises to be specifically named.
- (3) A notice in terms of section 273 may be served—
 - (a) upon the owner of any premises, by—
 - (i) delivering it to the owner or if the owner cannot be traced or is living abroad to the agent of such owner;
 - (ii) transmitting it by post to the owners last known address, or the last known address of the agent; or
 - (iii) delivering it to the address where the premises are situated, if the owners and agent's addresses are both unknown; and
 - (b) upon the occupier of the premises by—
 - (i) delivering it to the occupier; or

- (ii) transmitting it by registered post to the occupier at the address at which the premises are situated.

271. Demolition orders

- (1) If the Municipality 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 Municipality 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 Municipality may not apply to court in terms of subsection (1) unless it has given the owner and the occupier of the premises not less than 14 days' notice in writing of its intention to make the application and has considered any representations made within that period.

272. Municipal remedial work

The Municipality may enter any premises and do anything on the premises that it reasonably considers necessary—

- (a) to ensure compliance with this By-Law or with any compliance notice or prohibition notice;
- (b) to reduce, remove or minimize any public health nuisance; or
- (c) to reduce, remove or minimize any significant public health hazard; and

any expenses borne in providing such services may be recovered from the owner of the premises.

273. Cost orders

- (1) The Municipality may recover any costs reasonably incurred by it in taking measures contemplated in section 272 from any person who was under a legal obligation to take those measures, including—
 - (a) a person on whom a compliance notice was served in terms of section 266;
 - (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 municipal manager or delegated official may issue a cost order requiring a person who is liable to pay costs incurred by the Municipality 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.

274. Appeals

- (1) A person whose rights are affected by a decision taken by the Municipality may appeal against that decision by giving written notice of the appeal and the

reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act (Act 32 of 2000) to the Municipal Manager within 21 days of the date of the notification of the decision.

- (2) Pending confirmation, variation or revocation of a decision in terms of subsection (4), any person appealing a decision in terms of subsection (1), unless the Municipality provides otherwise—
 - (a) must nonetheless substantively comply with any obligations that may have been imposed as a result of the decision that is the subject of the appeal; and
 - (b) may not exercise any rights that may have accrued as a result of the decision that is the subject of the appeal application, provided that no other person may exercise any right that may accrue either.
- (3) Within 14 days of receipt of the notice of appeal, the Municipal Manager must—
 - (a) submit the appeal to the appropriate appeal authority mentioned in subsection (5);
 - (b) take all reasonable measures to ensure that all persons whose rights may be significantly detrimentally affected by the granting of the appeal application, including any persons registered as interested and affected parties, are notified in writing of the appeal application and advised of their right to:
 - (i) obtain a copy of the appeal application; and
 - (ii) submit written objections to the application to the municipal manager within 30 days of date of notification.
- (4) After the expiry of the 30-day period referred to in subsection (3)(b)(ii), the appeal authority must consider the appeal and any objections raised to it, and confirm, vary or revoke the decision.
- (5) When the appeal is against a decision taken by—
 - (a) an authorized person other than the Municipal Manager, the Municipal Manager is the appeal authority; or
 - (b) the Municipal Manager, the Executive Mayor or such committee as it may delegate is the appeal authority.
- (6) An appeal authority must commence with an appeal within 60 days of receiving notification and must decide the appeal within a reasonable period.
- (7) A person aggrieved by a determination or instruction in terms of section 83(2) and (3) of the National Health Amendment Act may, within a period of 14 days from the date on which he or she became aware of the determination or instruction, lodge an appeal with the Mayor via the Municipal Manager's office clearly marked "APPEAL".

275. Offences and Penalties

- (1) Any person who—
 - (a) contravenes or fails to comply with any provisions of this By-Law; or;
 - (b) fails to comply with any notice issued in terms of or for the purpose of this By-Law; or
 - (c) fails to comply with any lawful instruction given in terms of or for the purpose of this By-Law; or
 - (d) obstructs or hinders any authorised official in the execution of his or her duties under this By-Law, commits an offence.
- (2) Any person who—
 - (a) fails to give, or refuses access to any official of the Municipality duly authorized by this By-Law or by the Municipality to enter upon and inspect any premises, if the official requests entrance to such premises, or
 - (b) obstructs or hinders such official in the execution of his or her duties in terms of this By-Law, or
 - (c) who fails or refuses to give information that he or she may lawfully be required to give to such official, or who gives to such official false or misleading information, knowing it to be false or misleading, or
 - (d) who unlawfully prevents any other authorised person from entering upon such premises, commits an offence.
- (3) A person commits an offence if he or she fails or refuses to comply any requirement imposed by the Environmental Health Practitioner.
- (4) Any person who contravenes any section of this By-Law is liable on conviction to imprisonment not exceeding one (1) year or a fine or both a fine and imprisonment.
- (5) Any person who being a health certificate holder, allows—
 - (a) a greater number of children than the number stated on the health certificate to be enrolled or to be present in the pre-school institution to which the health certificate relates;
 - (b) any child whose age is more or less than the maximum or minimum ages of the children who may be kept on the premises concerned, in terms of the health certificate, to be enrolled at or to be present in such preschool institution; or
 - (c) allows such preschool institution to be operated during hours not stated on such health certificate, commits an offence and may be found liable, on conviction, to a fine not exceeding R500 or imprisonment for a period not exceeding 12 months, or both, and in the event of a continuing offence may be convicted of a separate offence and

liable as afore said for every day or part of a day during which the offence continues.

- (6) In addition to imposing a fine and or imprisonment, a court may order any person convicted of an offence under this By-Law—
- (a) to remedy the harm caused; and
 - (b) to pay damages for harm caused to another person or property, which order has the force and effect of a civil judgment.

276. Application

This By-Law binds the State, the Municipality and local authorities within the district and in the event of a conflict with any other By-Law which directly or indirectly regulates air pollution, the provisions of this By-Law shall prevail.

277. Savings

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

278. Repeal

The Municipal Health Services By-Law Provincial Gazette 2232, Municipal Notice 39 of 24 December 2018 is hereby repealed.

279. Short title

This By-Law is called the Frances Baard District Municipality, Municipal Health Services By-Laws 2025.

SCHEDULE 1: PUBLIC HEALTH NUISANCE

General nuisance

An 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 close, 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 refuse, 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 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 close, urinal or any other source, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gas, vapor, 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;
- (h) 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;
- (i) any building, room or structure to be used wholly or partly by a greater number of persons than will allow less than 11,3m³ of free air space and 3,7 m² of floor space for each person aged 10 years or more and 5,7 m³ of free air space and 1,9 m² of floor space for each person less than 10 years of age' or;
- (j) the accumulation of filth, debris rubbish, glass, paper, rags, tins, lumber, disused motor vehicles and parts and the growing or presence of weeds, long grass or undergrowth which is unsightly or is likely to become a nuisance or injurious to health or cause an annoyance to the inhabitants of the neighbourhood,

- (k) any other activity, condition or thing declared to be a nuisance by the Minister in terms of the National Health Act, 2003 (Act 61 of 2003) or any other relevant legislation;
- (l) any other condition at or on a place or premises whatever, which in the opinion of Municipality is or can be detrimental, dangerous, inconvenient, offensive, injurious or dangerous to health, or which may in any other way cause a risk of disease, death or injuries.

Pest control

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

Air Pollution

An owner or occupier of premises creates health nuisance if—

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

Fouling and littering of public place and open spaces

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

SCHEDULE 2: SCHEDULED USES

The activities and uses of premises listed in this Schedule are considered to pose an unacceptable risk to public health unless the measures specified in the relevant Chapter of this By-Law and where required, in a permit, are taken to avoid the risk or to reduce it to a level acceptable to the Municipality.

Part A: Activities for which a permit and registration are required

Section	Activity
27	Provision of service to remove human excrement or urine
28	Installation of sewage works
56	Vending machine
109	Offensive trades
117	Hairdressing, beauty and cosmetology services
124	Dry cleaning & laundry establishment
135	Accommodation establishments
138	Childcare services
202	Keeping of poultry
207	Keeping of rabbits
213	Dog kennels and catteries
223	Keeping of bees
250	Cremation permit

Part B: Schedule Uses

Chapter	Scheduled Uses
4	Sanitary services
5	Private sewage works
6	Water
10	Installation of fuel-burning equipment
10	Open burning of material on any land
10	Waste generators and transporters
12	Offensive trades
12	Second hands goods
14	Hairdressing, beauty and cosmetology services
15	Dry cleaning and laundry establishment
16	Swimming pools and spa-baths
18	Childcare services
23	Operating and managing an initiation school
28	Camping permit

SCHEDULE 3: CERTIFICATES

Part A - Certificate of Acceptability

Chapter	Scheduled Uses
40	Catering premises
41	Food premises
55	Vending machine
52	Street trading
58	Milking sheds

Part B - Health Certificates

Chapter	Scheduled Uses
118	Salons
135	Accommodation establishments
139	Childcare
152	Youth care centres
153	Children's home
165	Nursing homes/old age homes
175	School premises

Part C - Certificates of Competence

Chapter	Scheduled Uses
238	Funeral undertakers & mortuaries

ANNEXURE 1

APPLICATION FOR A PERMIT

NAME OF APPLICANT:	
PHYSICAL ADDRESS:	
POSTAL ADDRESS:	
PERMIT APPLIED FOR:	
SIGNATURE:	
DATE:	

ANNEXURE 2

APPLICATION AND CONSENT FORM BY PARENT/GUARDIAN

I,Identity Number:

hereby give consent and permit (**Full Name**)

..... age to be circumcised and attend an initiation school for the duration of the prescribed period of the school.

I further declare that I am the parent/guardian of the said applicant, and I reside at the following address:

.....
.....
.....

I can be contacted at the following telephone numbers in case of any emergency:

Work telephone number:

Cell phone number:

SIGNATURE:

DATE:

ANNEXURE 3A

APPLICATION FORM FOR A PERMIT TO OPERATE AN INITIATION SCHOOL

A	NAME AND SURNAME OF APPLICANT		
	ID NUMBER:		
B	PHYSICAL ADDRESS		
	POSTAL ADDRESS		
C	PARTICULARS OF AN INITIATION SCHOOL		
	PHYSICAL ADDRESS:		
D	NUMBER OF INITIATES INTAKE:		
	PERIOD OF OPERATION:	FROM:	
		END:	
E	SANITARY FACILITIES:	YES	NO
		NUMBER	
F	METHODS OF DISPOSAL OF BODY PARTS:		
G	NOTE: This document has to be completed by the applicant and returned with attached form Annexure 3B (Certificate by Environmental Health Practitioner) duly completed by an Environmental Health Practitioner in the employment of the Municipality		

ANNEXURE 3B

CERTIFICATE BY ENVIRONMENTAL HEALTH PRACTITIONER

I, the undersigned, confirm as follows:

1. I am presently employed by the Frances Baard District Municipality as an Environmental Health Practitioner;
2. On.....(date) I inspected a certain terrain which was pointed out to me by the applicant as a proposed initiation school. The address of the site is:
.....
.....
.....
3. I confirm that the terrain complies with the minimum requirements as contained in this By-Law.

Signed at..... on this day of20

Full Names: Signature:

Designation: Environmental Health Practitioner

ANNEXURE 4

**STANDARD PRE-CIRCUMCISION MEDICAL EXAMINATION -
PATIENT'S PARTICULARS**

NAME:

SURNAME:

DATE OF BIRTH/ID NUMBER:

RESIDENTIAL ADDRESS:

.....

.....

EXAMINATION

GENERAL – ANY ALLERGIES?

ANY BLEEDING TENDENCIES: (YES/NO)

ANAEMIA:

JAUNDICE:

LYMPHADENOPATHY:

HEART:

LUNGS:

ABDOMEN:

PSYCHIATRIC DISORDER:

UROGENITAL:

OTHER:

I,
being a registered medical practitioner, certify that is
a male person of..... years and is fit to be circumcised.
Date:
Signature:
Qualification:
Practice Number:

ANNEXURE 5A

RITUAL SLAUGHTER APPLICATION FOR RITUAL SLAUGHTER PERMIT

Date of Application	
Name of Applicant	
Postal Address	
Telephone Number (Residential)	
Cellular Phone Number	

I, _____ (full names) would like to seek permission to conduct Ritual Slaughter in terms of Regulation R.677 of the Abattoir Hygiene Act 1992 (Act No. 121 of 1992) – Relating to Exemption of Certain Categories of Persons from Section 3(1) of the said Act. The ritual slaughter will take place at the following physical address:

On the (date) _____

Date	Type of Animal	Number to be slaughtered

Signature of Applicant: _____

ANNEXURE 6

APPLICATION FOR A CERTIFICATE OF ACCEPTABILITY FOR FOOD PREMISES

A. PERSON IN CHARGE

Details of the person in whose name the certificate of acceptability must be issued:

SURNAME	
FIRST NAMES	
ID NUMBER	

POSTAL ADDRESS				
Postal Address				
Telephone Number (W)				
Cellular Phone Number				
E-mail				
Type of premises zoning	Business		Residential	

STREET ADDRESS	
Address	

B. PARTICULARS OF FOOD PREMISES

Name of food premises (if any)	
Erf number (if applicable)	
Type of food premises (e.g. building, vehicle, stall)	
Vehicles to be used for transportation of the perishable / pre-packed food stuffs Regulation 3(1)(a) and 14(6)(a)	

Physical address (In case of a business)

Location address or address where the food premises can be inspected

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

	Erf No.	Address
A) Sanitary (latrine) facilities		
B) Cleaning facilities (washbasin for facilities)		
C) Hand-washing facilities		
D) Storage facilities for food/facilities		
E) Preparation premises		

C. FOOD CATEGORY

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

D. NATURE OF HANDLING

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

F. STAFF

Number of persons employed or to be employed _____

G. PARTICULARS OF EXEMPTION BEING APPLIED FOR

[Regulations 15 (1)]

H. PARTICULARS OF APPLICANT

Attached to this application, a layout plan of the premises, drawn on scale 1:50, which indicates the designation of the various areas and position of all equipment.

I. PARTICULARS OF APPLICANT (If not also the person in charge)

Name	
Capacity (e.g. owner, managing director, secretary, manager)	
ID/ Passport number	
Postal address	
Tel no: Business	
Cell phone number	
Date of application	

J. DECLARATION

I _____ understand that it is my legal responsibility and liability to ensure that this premises complies with all other legislations and undertake to comply with this undertaking. [Regulation3(5)(9)(c)].

The evaluation and the issuing of the Certificates of Acceptability are done, as the business was presented to the Environmental Health Practitioner.

Should conditions change as set out in regulations 3 (5) to (10), I am bound to reapply for the premises to be re-evaluated for acceptability under these Regulations.

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