

HARRY GWALA DISTRICT MUNICIPALITY



DRAFT MUNICIPAL HEALTH SERVICES BY-LAWS

OCTOBER 2024

**(TO BE PRESENTED TO HARRY GWALA DISTRICT MUNICIPAL COUNCIL FOR
ADOPTION)**

The Harry Gwala District Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Amended Municipal Health By-laws of Harry Gwala District Municipality, as approved by its Council, as set out hereunder.

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CHAPTER 1
INTERPRETATION AND FUNDAMENTAL PRINCIPLES

1. Definitions and interpretation

In these By-laws, unless the context of the following terms indicates –

| Term | Explanation |
|------------------------------------|---|
| Accommodation Establishment | Refers a hotel, guest house, lodge or boarding house, bed and breakfast and any other establishment where accommodation is provided to people on a temporary basis or on a semi-permanent basis |
| Adequate | A term used to describe a standard or manner in which anything required by these By-laws must be done; means the standard or manner that in the opinion of an environmental health officer is sufficient to safeguard public health to achieve the purpose and apply the principles of these By-laws |
| Adverse effect | Refers to any actual or potential impact on the environment that impairs or could impair human health or well-being or the environment to an extent that is more than trivial or insignificant |
| Approved | Used to describe a particular object, measure or material, means an object, measure or material which is adequate in specified circumstances to prevent or reduce to a level acceptable to the Council, the risk of any public health hazard or public health nuisance occurring, continuing or recurring |
| Authorized Official | Refers to an official authorized by the municipality for the purpose of implementing and enforcing the provisions enclosed within these by laws |
| Communicable diseases | Refers to diseases transmitted directly or indirectly from any animal or through any agent to any person or from any person suffering therefrom or who is a carrier thereof, to any other person |
| Council | Refers to the municipality of Harry Gwala District Municipality, it can also refer to a structure or person exercising delegated powers or carrying out an instruction, where any power in these bylaws has been |

| | |
|--|---|
| | delegated or an instruction given as contemplated in section 59 of the municipal systems act 32 of 2000 |
| Disinfectant | Refers to an approved chemical agent or cleansing agent used to that kills most vegetative forms of pathogenic and other micro-organisms or inhibit growth of or to destroy harmful organisms on inanimate surfaces |
| Early childhood development centres /Childcare centre | Refers to partial care facility as categorized in terms of Section 76-90 of the Children's Act, and shall include Partial care: ECD, After-school care; Hostel and Respite care, child and youth care centres as well as Drop-in centres |
| Environmental Health Practitioner | Refers to an official appointed by the Council, and who is duly registered as an Environmental Health Practitioner with the Health Professions Municipality of South Africa in terms of section 33(1) of the Medical Dental and Supplementary Health Services Professions Act, 1974 (Act No. 56 of 1974). |
| Environmentally sound manner | Means environmentally sound management as defined in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008). |
| Municipal area | The area under the jurisdiction of the municipality. |
| Municipal manager | Refers to a person appointed as such by the municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998); |
| Municipal Health Services | The Constitution allocates Municipal Health Services as a Local Government function under Part B of Schedule 4, Section 156(1)(a), and the Act, defines MHS as follows: <ul style="list-style-type: none"> (a) Water quality monitoring (b) Food control (c) Waste management (d) Health surveillance of premises (e) Surveillance and prevention of communicable diseases, excluding immunizations (f) Vector control (g) Environmental pollution control (h) Disposal of the dead |

| | |
|---|---|
| | (i) Chemical safety |
| Owner, in relation to any premises | The person in whose name the title to the premises is registered, and includes the holder of a stand licence If the person referred to in paragraph (a) 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. |
| Pest | Any animal or mammal which may create a public health hazard or public health nuisance if it is present in significant numbers and without limitation, includes rats, mice, flies, mosquitoes, bed bugs, fleas, lice, termites and cockroaches. |
| Potable water | Refers to water that complies with the requirements set out in SABS 241: Water for Domestic Supplies |
| Public health | Refers to the mental and physical health and well-being of people in the municipal area |
| Public health hazard | Refers to any actual threat to public health, and without limitation, includes – (a) unsanitary conditions (b) circumstances which make it easier for a communicable disease to spread (c) circumstances which make food or drink, including water for domestic consumption, unhygienic or unsafe to eat or drink (d) circumstances which allow pests to infest any place where they may affect public health |
| Public health nuisance | 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 |
| Sterilize | The act of treating inanimate objects to render it free from any living germs or microorganisms and any spores, usually by subjecting it to high temperature with steam, dry heat, or boiling liquid or by means of ultraviolet treatment |
| | |

2. Purpose

1. The purpose of these by-laws is to enable the Municipality to protect and promote the long-term health and well-being of people in the municipal area by -
 - (a) Providing, in conjunction with any other applicable law, an effective legal and administrative framework within which the Municipality can –
 - i. Manage and regulate activities that have the potential to impact adversely on public health.
 - ii. Require premises to be properly maintained and managed.
 - (b) Defining the rights and obligations of the Municipality and the public in relation to this purpose.

CHAPTER 2

PUBLIC HEALTH

Part 1: Public health principles

3. Principle

1. Every person has a constitutional right to an environment that is not harmful to his or her health or well-being and to have access to sufficient water and the Municipality has a constitutional duty to strive, within its financial and administrative capacity, to promote a safe and healthy environment.
2. The risk of a public health hazard occurring, continuing or recurring must be eliminated wherever reasonably possible, and if it is not reasonably possible to do so, it must be reduced to a level acceptable to the Municipality.
3. Any person who owns or occupies premises within 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.
4. Any person who wishes to undertake an activity which creates a risk to public health that is more than trivial or insignificant must –
 - (a) Take all reasonable measures to eliminate that risk, and if that is not reasonably possible, to reduce the risk to a level acceptable to the Municipality.
 - (b) Bear the costs of taking those measures and of any reasonable costs incurred by the Municipality in ensuring that the risk is eliminated or reduced to an acceptable level.

5. The Municipality must regulate all activities and administer all matters for which it is legally responsible in a manner that –
 - (a) Avoids creating a 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 eaten or drunk.
 - (e) Avoids creating conditions favorable for infestation by pests.
 - (f) Wherever reasonably possible, improves public health in the municipal area.
6. In dealing with matters affecting public health the Municipality must-
 - (a) Adopt a cautious and risk-averse approach.
 - (b) Prioritize the collective interests of the people of the municipal area, and of South Africa, over the interests of any specific interest group or sector of society.
 - (c) Take account of historic inequalities in the management and regulation of activities that may have an adverse impact on 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

1. 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 under these by-laws.
 - (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.
 - (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: Implementation and enforcement

5. Appointment and identification of Environmental Health Practitioners

1. The mayor of a district Municipality may appoint any person in the employ of the municipality in question as an Environmental Health Practitioner for the municipality in question. The Municipality must -
 - (a) Issue an identity card to each Environment Health Practitioner with a recent photograph of the practitioner.
 - (b) The identity card must be signed by the Environmental Health Practitioner.
 - (c) Identity the person as an Environmental Health Practitioner.
2. The Environmental Health Practitioner must display his or her identity card so that it is clearly visible or produce it at request of any person in relation to whom the Environmental Health Practitioner is exercising a power under these by-laws.
3. In the event of a conflict within any other by-law which directly or indirectly regulates Municipality Health services the provision of this by-law shall prevail.
4. This law is binding on the State and Municipality.

6. General Powers of an Environmental Health Practitioner

1. An Environmental Health Practitioner may, for the purposes of implementing or administering any power or duty under these by-laws:
 - (a) Exercise any power afforded to such officer in terms of these by-laws or any other applicable legislation.
 - (b) Issue a compliance notice in terms of chapter 2 requiring any person to comply these by-laws.
 - (c) Issue a prohibition notice terms of chapter 7, to any person from conducting an activity which constitutes as a public health hazard/ nuisance.
 - (d) Undertake measures in terms of chapter 5, to remove, reduce and minimize any public health nuisance.
 - (e) Cancel, suspend or amend any permit or exemption certificate.
 - (f) An Environmental Health Practitioner can enter and inspect premises, and for this purpose-
 - i. Question any person on the premises.
 - ii. Take any sample that the environment health officer considers necessary for examination or analysis;
 - iii. Take 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.
 - (b) Return it as soon as practicable after achieving the purpose for the purpose for which it was removed.

7. Compliance Notice

1. If an environment Health Practitioner, after inspecting premises, reasonable believes that a public health nuisance exists on the premises or that the premises are being used in a manner for a purpose listed in the Schedule to these by-laws without a permit, the Environment Health Practitioner may serve a compliance notice on one or more of the following persons-
 - (a) The owner of the premises
 - (b) The occupier
 - (c) Any person apparently in charge of the premises
2. The compliance notice must state-
 - (a) Why the Environmental Health Practitioner believes that these by-laws are being contravened.
 - (b) The measures that must be taken to ensure compliance with that these by-laws and to eliminate or minimise any public health nuisance.
 - (c) The time period within which the measures must be taken.
 - (d) The possible consequences failing to comply with the notice.
 - (e) How to appeal against the notice.
3. If a person fails to comply with a compliance notice that requires particular action be taken, the Municipality may-
 - (a) Take the required action specified in the compliance.
 - (b) Recover, as a debt, from the person to whom the notice was given, the costs and expenses reasonable incurred in taking the required action.

8. 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 requiring measures to be taken to that purpose, on one or more of the following persons-

- (a) The owner of the premises.
 - (b) The occupier of the premises.
 - (c) Any person apparently in charge of the premises.
2. If the Environmental Health Practitioner reasonably believes that the person has not complied with the terms of a compliance notice, the Environment Health Practitioner must give the person on whom he or she intends serving a prohibition before serving the notice unless the Environmental Health Practitioner reasonably believes that the delay in doing so would significantly compromise public health.
 3. In which case the person on whom a prohibition notice is served must be given reasonable opportunity to make representations why it should be withdrawn.
 4. The 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.
 - (d) How to appeal against the notice.
 5. The environmental Health Practitioner must as soon as possible affix a copy of the notice in a conspicuous position on the premises.

9. Withdrawal of prohibition notice

1. The person to whom the prohibition order was served to may after rectifying the conditions which led to the issuing of the prohibition order, request for the removal/ withdrawal of the prohibition order.
2. The Environmental Health Practitioner must within 72 hours of receiving a written request for the removal of the prohibition order, conduct an investigation of the food premises, facility, activity which gave rise to the prohibition.
3. Upon completion of the investigation the Environmental Health Practitioner will in writing inform the person to whom the prohibition order was served to, whether the prohibition order has been withdrawn, or will remain in force.

CHAPTER 3

POTENTIALLY HAZARDOUS USES OF PREMISES AND ENFORCEMENT

Part 1: Potentially hazardous uses

10. Duty to report public health hazards

1. If the Municipality reasonably believes that any premises have been, or are likely to be, used for a purpose or in a manner that has caused, or is likely to cause, a public health hazard or to create a public health nuisance unless reasonable measures are taken to avoid the risk or to reduce it to an acceptable level, the Municipality must list the activity concerned in Schedule 1 and must prescribe measures that must be taken to avoid the risk or reduce it to a level acceptable to the Municipality.

11. Scheduled uses

1. Any person who uses premises in a manner or for a purpose listed in Schedule 1 must comply with every provision specified in the Chapter of these by-laws relating to that use, unless that person has been granted an exemption in terms of section 12 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 1, must obtain a permit before commencing that use and must comply with the terms and conditions of that permit.

12. Exemption certificate

1. Any person who wants to undertake a scheduled use on any premises but wishes to be exempted from complying with any requirement of these by-laws relating to the use concerned, may apply to the Municipality in accordance with section 15 for an exemption certificate.
2. The Municipality may grant an exemption certificate, subject to such conditions 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 these by-laws.

- (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.

13. Public health certificate

1. Any person who wants to undertake a scheduled use that is listed in Part A of Schedule 1, must apply to the Municipality in accordance with section 15 for a public health certificate.
2. The Municipality may issue a public health permit to the owner or occupier of any premises if the 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. The public health certificate must-
 - (a) 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 these by-laws, 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 these by-laws.
 - (c) May approve any measure or material in connection with the activity authorized by the permit that must be approved in terms of these by-laws.

14. Approval of measures, objects and materials

1. The Municipality may approve any object or material used, or any measure taken, in specified circumstances as being adequate to eliminate the risk of any public health hazard or public health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Municipality.
2. 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.

- (b) The circumstances in which taking these measures or using these objects or materials are acceptable to the Municipality.

15. Application procedure

1. Any person who wants to obtain an exemption certificate or a permit must apply to the Municipality in writing in a form prescribed by the Municipality, prior to undertaking the scheduled use concerned.
2. When the Municipality receives an application contemplated in subsection (1) must ensure that the relevant premises concerned are inspected by an Environmental Health Practitioner as soon as reasonably possible.

16. Suspension, cancellation and amendment of exemption certificate 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.
2. An Environmental Health Practitioner may suspend or cancel an exemption certificate or permit with immediate effect if-
 - (a) The Environmental Health Practitioner reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health posed by a public health hazard or a public health nuisance.
 - (b) The holder of such certificate or permit contravenes or fails to comply with any relevant provision of these by-laws.

Part 2: Enforcement, remedial work and costs

17. Demolition order

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.

18. Municipal remedial work

1. The municipality may, subject to the provisions of any other law, enter any premises and do anything on the premises that it reasonably considers necessary-
 - (a) To ensure compliance with these by-laws or with any compliance notice issued in terms of section 32 of the Rationalization of Local Government Affairs Act.
 - (b) To reduce, remove or minimize any significant public health hazard.
 - (c) To reduce, remove or minimize any public health nuisance.

19. Cost order

1. The Municipality may recover any costs reasonably incurred by it in taking measures from any person who was under a legal obligation to take those measures, including-
 - (a) A person on whom a compliance notice was served to.
 - (b) The owner or occupier of the premises concerned.
 - (c) Any person responsible for creating a public health hazard or a public health nuisance.
2. The municipal manager may issue a cost order requiring a person who is liable to pay costs incurred by the Municipality to pay those costs by a date specified in the order.

CHAPTER 4

WATER

20. Definitions

In this Chapter, unless the context otherwise indicates

Domestic consumption: in relation to water, refers the use of water for,

- (a) human consumption,
- (b) preparing or manufacturing food or drink for human consumption,
- (c) cleaning vessels or utensils used in the preparation or manufacture of food or drink for human consumption

Effluent refers to any wastewater which may be generated as a result of undertaking any scheduled use or an activity which is likely to cause a public health nuisance.

21. Pollution of water sources

1. 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.

22. Dangerous wells, boreholes and excavations

1. Every owner or occupier of premises must ensure that any well, borehole or other excavation located on his or her premises-
 - (a) Is fenced, filled in or covered over in a way that adequately safeguards it from creating a public health nuisance or public health hazard.
 - (b) Is not filled in a way, or with material, that may cause any adjacent well, borehole or underground water source to be polluted or contaminated to an extent that may create a public health nuisance or a public health hazard.

23. Provision of adequate water supply

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

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

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

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

1. Every owner or occupier of premises must erect adequately designed, constructed and maintained hydraulic and hydrological structures on those premises.
 - (a) To separate all effluent from storm water systems.

- (b) 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.
 - (c) To prevent any waste or wastewater from entering any borehole, well, spring, vlei or water course.
 - (d) To prevent any adverse impact on the quality of surface and ground water occurring, due to the location of any dump, stockpile, dam, drain, canal, conduit, sewer or any other structure on the premises.
2. An owner or occupier of premises-
- (a) Must keep all water passages open and free of obstruction from matter which may impede the flow of water or effluent.
 - (b) may not locate any dump within the one-hundred-year flood line of any water resource.
 - (c) May not use coal, coal discard, carbonaceous material or any other material for the construction of any slurry, evaporation or catchment dam, or any embankment, road or railway in a way likely to create a public health nuisance.
 - (d) Must construct bund walls around any tank, or group of tanks, containing any substance that can create a public health nuisance, of a size that is capable of containing the volume of the largest tank in the event of any unlawful or accidental discharge from the tank or group of tanks.
 - (e) Must clean any industrial surface area so as to prevent the pollution of storm water which may result in an adverse impact on the quality of any surface or ground water.

CHAPTER 5

FOOD

26. Requirements for food caterer premises

- 1. Food caterer shall have a certificate of acceptability issued by the Municipality to ensure that-
 - (a) All food areas have adequate ventilation and lighting (visual).
 - (b) All working surfaces and equipment such as tongs, to be in a good state of repair and capable of being easily cleaned (stainless steel).
 - (c) Provision to be made for a wash hand basin or any other similar utensil for washing of hands.

- (d) Provision to be made for a soap, disinfectant, nail brush, and disposable paper toweling at the afore-mentioned wash hand basin or utensil.
- (e) Provision to be made for a sink or any other similar utensil, for washing of food and equipment.
- (f) Suitable provision is to be made for a constant supply of hot and cold water.
- (g) All wastewater emanating from the property of food caterer is to be suitably disposed of, through an approved grease-trap and as per requirements of the Environmental Health Practitioner.
- (h) Adequate measures to be taken to prevent contamination of food by flies, chemicals, rodents and other vermin, and bacteria.
- (i) Suitable refrigeration facilities to be provided, with proper holding temperatures, namely foodstuffs to be stored at or below 50 Celsius or at or above 600 Celsius
- (j) Raw and cooked foods to be kept separately during all stages of catering process.
- (k) Refuse Control: an adequate number of bins with tight fitting lids to be supplied and bins to be regularly cleaned and stored in an approved refuse area with a standpipe and graded and drained to a gully connected to the sewer system.
- (l) All staff to be provided with personal protective clothing namely footwear, overalls of a light colour and head covering that completely covers the hair of the head.
- (m) All staff to maintain a good sense of hygiene and be free of any open cuts and wounds.
- (n) A food caterer is subject to an events permit issued by the relevant authority.

27. Requirements for food premises

1. No person shall handle food or permit food to be handled –
 - (a) On food premises in respect of which a valid certificate of acceptability has not been issued or has expired
 - (b) In contravention of any restriction or condition or stipulation contained in such certificate of acceptability.
2. The provisions of sub-section (1) shall come into effect in the case of food premises existing at the time of publication of these by-laws.
3. The person in charge of any food premises, including a food vending vehicle, wishing to obtain a certificate of acceptability in respect of such food premises shall

apply in writing to the Harry Gwala District Municipality on an application form containing all the particulars, as contained in the form in Annexure A.

4. Upon receipt of an application the municipality shall without delay refer the application to an inspector for consideration.
5. An inspector may, in considering such an application, request such further information as he or she may deem necessary or expedient from the applicant or from any other person.
6. If an inspector, after having carried out an inspection, is satisfied that the food premises concerned;
 - (a) complies with the provisions of these by-laws a local authority shall issue a certificate of acceptability in the name of the person in charge,
 - (b) do not in all respects comply with the provisions of these by-laws the municipality may, subject to the provisions of section 28(2), grant an extension for a maximum period of six months to enable the person in charge so to change or equip the food premises that they comply with the provisions in question: Provided that during the said period of extension, the provisions of sub-section 28(1) shall not apply to the person concerned.
7. A certificate of acceptability shall be displayed in a conspicuous place on the food premises in respect of which it was issued or a copy thereof shall immediately be made available on request where the display thereof is impractical.
8. If the person in charge of food premises is replaced by another person, such person shall inform the municipality in writing of such replacement within 30 days after the date thereof and the local authority shall subject to the provisions of section 32 (3) issue a new certificate of acceptability in the name of the new person in charge.
9. A certificate of acceptability –
 - (a) shall not be transferable from one person to another person and from one food premises to another food premises;
 - (b) shall be valid only in respect of the nature of handling set out in the application for a certificate of acceptability;
 - (c) may at any time be endorsed by the municipality by -
 - i. the addition of any further restriction that may be necessary to prevent a health hazard;
 - ii. and
 - iii. the removal of any restriction with regard to the category or type of food or the method of
 - iv. handling;

- (d) shall expire temporarily for the period during which a prohibition under section (28.2) is in effect
 - (e) shall expire permanently if a prohibition referred to in section (28.2) is not removed within a stipulated period which shall not exceed six months from the date on which a notice was issued in terms of section 28(3);
 - (f) shall expire permanently if the provisions of section 32 are not complied with.
10. No person may make any unauthorised changes or additions to or forge a certificate of acceptability.

28. Prohibition on the handling and transportation of food

1. No person shall handle food in a manner contrary to the provisions of these by-laws.
2. If an inspector following an inspection of food premises or a facility is of the opinion that-
 - (a) such food premises or facility - are or is in such a condition or used in such a manner; or do or does not comply with these by-laws to the extent; a particular activity with regard to the handling of food takes place in such a manner; or
 - (b) such circumstances exist with regard to the food premises or facility or any other activity and constitute a health hazard and that the continued use of the food premises should be prohibited, the municipality may prohibit the use of the food premises for the handling of food or any of the activities that relate to the handling of food, by serving a written order on the person in charge or, if he or she is not available, or any person in charge of the food premises informing such person of the prohibition.
3. A notice referred to in section 28 (2) shall contain at least the following particulars:
 - (a) reason for the prohibition;
 - (b) a statement that the prohibition will in writing be removed by a municipality as soon as the reason for the prohibition has been removed and provided the inspector is satisfied that the reason for the prohibition is not likely to recur.
 - (c) A prohibition shall come into operation from the time at and the date on which a notice is served under section 28 (2).
4. No person shall perform any act that is contrary to such prohibition.
5. An inspector shall, within 72 working hours of receiving a request for the removal of a prohibition, carry out an investigation of the food premises, facility, activity or circumstance which gave rise to the prohibition and the municipality shall upon

completion of such investigation in writing inform the person on whom the prohibition notices was served or, if he or she is not available, any other person representing such person or any person in charge of the business premises that the prohibition has been removed or remains, as the case may be.

6. The municipality may levy a prescribed fee equivalent to the expenses incurred by the local authority for carrying out the inspection on the person in charge for each investigation carried out by an inspector in terms of sub-section (5).

29. Standards and requirements for food premises

1. Save for the provisions of section 28, no person shall handle food elsewhere than on food premises that meet the requirements of these By-laws
2. Food premises shall be of such location, design, construction and finish and shall be so equipped, in such condition and so appointed that they can be used at all times for the purpose for which they were designed, equipped and appointed -
 - (a) without creating a health hazard; and
 - (b) in such manner that food -
 - i. Can be handled hygienically on the food premises or with the equipment thereon.
 - ii. Can be effectively protected by the best available method against contamination or
 - iii. Spoilage by poisonous or offensive gases, vapours, odours, smoke, soot deposits, dust,
 - iv. Moisture, insects or other vectors, or by any other physical, chemical or biological
 - v. Contamination or pollution or by any other agent whatsoever.
3. For the purposes of sub-section (2), food premises shall meet the following requirements.
 - (a) All interior surfaces of walls, sides or ceilings, or of roofs without ceilings, and the surfaces of floors,
 - (b) or any other similar horizontal or vertical surfaces that form part of or enclose the food-handling area shall-
 - i. have no open joints or open seams and shall be made of smooth, rust-free, non-toxic,
 - ii. cleanable and non-absorbent material that is dust-proof and water-resistant: Provided that in a food-serving or storage area -

(aa) face brick;

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

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

iii. be of such a nature that they cannot contaminate or contribute to the contamination of food.

4. Each room of food premises shall be -

(a) ventilated effectively by means of -

i. natural ventilation through openings or openable sections which are directly connected to the outside air and so positioned in the external walls and/or roof that effective cross-ventilation is possible: Provided that such openings shall have a surface area equal to at least 5% of the floor area of the room concerned;

ii. artificial ventilation that complies with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), whichever of the two methods will facilitate the addition of adequate fresh air to and the effective removal of polluted or stale air from the food-handling area to the extent that air contaminants that could contaminate food, and that gas, vapours, steam and warm air that may arise during the handling of food are effectively removed, and that the emergence of any unhygienic or unhealthy condition in the food handling area is prevented;

iii. illuminated by means of -

(aa) unobstructed transparent surfaces in the external walls and/or roof which admit daylight, with an area equal to at least 10% of the floor area in the room

concerned; or

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

5. Food premises shall -

- (a) have a wash-up facility with hot and cold water for the cleaning of facilities;
- (b) be rodent proof in accordance with the best available method, namely the external doors are to be constructed of acceptable rodent-proof material.
- (c) be provided with effective means of preventing the access of flies or other insects to an area where food is handled;
- (d) have a waste-water disposal system discharging through a grease-trap approved by the municipality.
- (e) be provided, immediately over the cooking area, an extractor hood and canopy, of adequate size, having a flue of at least 300 mm in diameter.
- (f) The floor area of the kitchen, scullery and preparation area, shall not be less than 14 sq metres.
- (g) The following shall be available in respect of food premises:
 - i. The number of latrines, urinal stalls and hand washbasins as specified in the National Building Regulations 103/1977 for the use of workers on the food premises and for use by persons to whom food is served for consumption on the food premises: Provided that
 - (aa) separate sanitary facilities for workers and clients shall not be required: Provided further
 - (bb) that where persons of only one sex or no more than ten persons work on food premises, separate sanitary facilities shall not be required for workers of different sexes;
 - (cc) hand-washing facilities which shall be provided with cold and/or hot water for the washing of hands by workers on the food premises and by persons to whom food is served for consumption on the food premises, together with a supply of soap (or other cleaning agents) and clean disposable hand-drying material or other hand-cleaning facilities or
 - (dd) hand-drying equipment for the cleansing and drying of hands by such workers and persons;
 - (ee) 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;

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

30. Standards and requirements for facilities on food premises

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

31. Standards and requirements for food containers

1. No person shall sell canned or hermetically sealed food in a container which -

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

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

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

33. Standards and requirements for protective clothing

1. No person shall be allowed to handle food without wearing suitable protective clothing as specified in subsection (2) below.

2. The protective clothing, including head covering and footwear, of any person handling food that is not packed so that the food cannot be contaminated shall:
 - (a) be clean and neat when such person begins to handle the food;
 - (b) at all times during the handling of the food be in such a clean condition and of such design and material that it cannot contaminate the food;
 - (c) be so designed that the food cannot come into direct contact with any part of the body, excluding the hands.
 - (d) be provided with overalls of a light colour and head gear that completely covers the hair of the head.

34. Duties of a person in charge of food premises

A person in charge of food premises shall ensure that –

1. Effective measures are taken to eliminate flies, other insects, rodents or vermin on the food premises;
2. Any person working on the food premises is adequately trained in food hygiene by an inspector or any other suitable person;
3. Refuse is removed from the food premises or from any room or area in which food is handled as often as is necessary and whenever an inspector requires it to be done;
4. Waste is stored in a proper waste bin area, constructed as per the specifications of the EHP, and disposed of in such a manner that it does not create a nuisance;
5. Waste bins are –
 - (a) cleaned regularly; and
 - (b) disinfected whenever necessary and whenever an inspector requires it to be done;
6. Waste water on the food premises is disposed of to the satisfaction of the municipality;
7. The food premises and any land used in connection with the handling of food and all facilities, freight compartments of vehicles and containers are kept clean and free from any unnecessary materials, goods or items that do not form an integral part of the operation and that have a negative effect on the general hygiene of the food premises;
8. No person handling non-pre-packed food wears any jewellery or adornment that may come into contact with the food, unless it is suitably covered;

9. No animal, subject to the provisions of any law, is kept or permitted in any room or area where food is handled, except that –
 - (a) A guide dog accompanying a blind person may be permitted in the sales or serving area of the food premises;
10. No condition, act or omission that may contaminate any food arises or is performed or permitted on the food premises;
11. The provisions of these By-laws are complied with;
 - (a) All persons under his or her control who handle food at all times meet the standards and requirements;
12. A room or area in which food is handled shall not be used for –
 - (a) sleeping purposes;
 - (b) washing, cleaning or ironing of clothing or similar laundry;
 - (c) any other purpose or in any manner that may contaminate the food therein or thereon;
13. No food handler touches ready-to-consume non-pre-packed food with his or her bare hands, unless it is unavoidable for preparation purposes, in which case such food shall be handled in accordance with good manufacturing practice.

35. Duties of a food handler: personal hygiene

1. Food, a facility or a container shall not be handled by any person -
 - (a) whose fingernails, hands or clothes are not clean;
 - (b) who has not washed his or her hands thoroughly with soap and water or cleaned them in another effective manner -
 - i. immediately prior to the commencement of each work shift;
 - ii. at the beginning of the day's work or after a rest period;
 - iii. after every visit to a latrine or urinal;
 - iv. every time he or she has blown his or her nose or after his or her hands have been in contact with perspiration or with his or her hair, nose or mouth;
 - v. after handling a handkerchief, money or a refuse container or
 - vi. refuse;
 - vii. after handling raw vegetables, fruit, eggs, meat or fish and before handling ready-to-use food;
 - viii. after he or she has smoked or on return to the food premises; or

- ix. after his or her hands have, or may have become contaminated for any other reason.
2. Food, a facility or a container shall not be handled by any person -
- (a) who has on his or her body a suppurating abscess or a sore or a cut or abrasion, unless such abscess, sore, cut or abrasion is covered with a moisture proof dressing which is firmly secured to prevent contamination of the food;
 - (b) who is suspected of suffering from or being a carrier of a disease or condition in its contagious stage that can be transmitted by food, unless any such person immediately reports the disease or condition to the person in charge and a certificate by a medical practitioner stating that such person is fit to handle food is submitted;
 - (c) whose hands or clothing are not clean.
3. No person shall -
- (a) spit in an area where food is handled or on any facility;
 - (b) smoke or use tobacco in any other manner while he or she is handling non-pre-packed food or while he or she is in an area where such food is handled;
 - (c) handle non-pre-packed food in a manner that brings it into contact with any exposed part of his or her body, excluding his or her hands;
 - (d) lick his or her fingers when he or she is handling non-pre-packed food or material for the wrapping of food;
 - (e) cough or sneeze over non-pre-packed food or food containers or facilities;
 - (f) spit on whetstones or bring meat skewers, labels, equipment, or any other object used in the handling of food or any part of his or her hands into contact with his or her mouth, or inflate sausage casings, bags or other wrappings by mouth or in any other manner that may contaminate the food;
 - (g) walk, stand, sit or lie on food or on non-hermetically sealed containers containing food or on containers or on food-processing surfaces or other facilities;
 - (h) use a hand washbasin for the cleaning of his or her hands and simultaneously for the cleaning of facilities; or
 - (i) while he or she is handling food, perform any act other than those referred to above which could contaminate or spoil food.

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

1. No person shall handle meat of an animal slaughtered or exempted in terms of the Meat Safety Act, 2000 (Act No.40 of 2000) on food premises unless a notice is displayed at 18mm high on the food premises stating that “the meat” sold on the premises had been exempted from inspection in terms of the Meat Safety Act.
2. Meat on a carcass shall not be handled on food premises, unless -
 - (a) the carcass has been properly bled;
 - (b) Un-skinned carcasses shall not be so handled that the skin thereof comes into contact with other food on food premises or that the meat of such carcasses is contaminated or spoiled.
3. Subject to Meat Safety Act, 2000 (Act 40 of 2000) no animal shall be killed, bled, eviscerated, skinned or dressed on food premises other than in a room used specifically and exclusively for that purpose in accordance with good manufacturing practice, provided that no further handling or processing of any such carcass shall take place in that room.
4. No person shall be permitted to operate butchery or conduct the business of a butcher, unless the butchery area is physically separated from the food preparation area, by means of a solid wall, dry partitioning is not permitted.
- 5.

37. Standards and requirements for the transportation of food

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

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

38. General requirements for vending carts or stalls

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

39. Sale of food through a food vending machine or stall

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

1. The food vending machine is of a type approved by the Municipality and –
 - (a) is constructed of non-absorbent material;
 - (b) is designed to be easily cleaned at all times
 - (c) has a refrigeration or heating unit capable of maintaining the core temperature required by the relevant municipality; and
 - (d) is inscribed with an identifying serial number;

2. Written authority for the installation and use of the food vending machine has been obtained in terms of section 36(6); and
3. The person responsible for the food vending machine complies with any condition or restriction imposed by the relevant municipality.

40. Procedure for application of sale of food from vending machines or stalls

1. A person who contemplates distributing or selling food through a food vending machine must apply in writing to the Harry Gwala District Municipality, with the necessary supporting documents.
2. The application to operate of a food vending machine must be submitted to the Harry Gwala District Municipality.
3. On receipt of an application contemplated in subsection (2), the application must be immediately referred to an Environmental Health Practitioner, acting for and on behalf of the Harry Gwala District Municipality, for investigation.
4. An Environmental Health Practitioner, acting for and on behalf of the Harry Gwala District Municipality, may, in investigating an application contemplated in subsection (2), request further information from the applicant.
5. An Environmental Health Practitioner, acting for and on behalf of the Harry Gwala District Municipality, may –
 - (a) grant an application contemplated in subsection (2) for a specified period for a food vending machine, unconditionally or with conditions, if, based on the Environmental Health Practitioner's investigation, he or she is satisfied that the food vending machine concerned complies in all respects with the provisions of these by-laws; or
 - (b) refuse an application contemplated in subsection (2) where the food vending machine concerned does not comply with these by-laws.
6. An Environmental Health Practitioner, acting for and on behalf of the Harry Gwala District Municipality, granting an application in terms of subsection (5) (a) must give the applicant a written permit stating the –
 - (a) Name and address of the applicant;
 - (b) Address of the premises at which the food vending machine is to be installed;
 - (c) Address of the premises at which perishable food to be stored in and sold through the food vending machine is to be prepared;
 - (d) That the permit holder shall not sell/supply any other category of food other than that which is specified on the permit .

- (e) Conditions, if any, imposed on the installation, operation and use of the food vending machine; and
 - (f) Date of expiry of the permit.
7. The owner of the food vending machine must display the information contained in the permit issued in terms of subsection (5) (a) in a conspicuous place on the food vending machine.
 8. A permit issued in terms of subsection (5) (a) is not transferable from one person to another and from one food vending machine to another.
 9. A permit issued in terms of subsection (5) (a) may at any time be endorsed by an Environmental Health Practitioner, acting for and on behalf of the relevant municipality, by the –
 - (a) Addition of any further restriction that may be necessary to prevent a health hazard; or
 - (b) Removal of any restriction with regard to the category or type of food or the method of handling the food.

The Municipality further complies with provisions pertaining to the handling of milk, and other food related matters as per the Food, Cosmetics and Disinfectants Act no 54 of 1972.

CHAPTER 6

SANITARY SERVICES

41. Compulsory connection to municipal sewage system

1. Every owner of premises to which a municipal sewage service is available must ensure that all wastewater drainage pipes from any bath, wash-hand basin, toilet, shower or kitchen sink is connected to the municipal sewer in an approved manner.

42. Prohibition against obstruction of sanitary services

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

43. Requirements in respect of toilet facilities

1. Every owner of premises must ensure that the number of toilets provided on those premises complies with the provisions of the National Building Regulations and Building Standards Act.
2. For premises on which no buildings are provided and which cannot be categorized in terms of subsection (28.1), which will be used for the congregation or assembly of more than thirty (30) people for any purpose whatsoever for a duration in excess of one hour, temporary sanitary facilities in the form of serviced chemical facilities or temporary water-borne system facilities connected to the municipal sewer or other approved disposal system shall be provided in numbers as contained in Table 1.

Table 1: Sanitary facilities to be provided

| For population up to | Males | | Females | | |
|----------------------|---|--|--|---|---|
| | WC Pans | Urinals | Washbasins | WC Pans | Washbasins |
| 50 | 1 | 1 | 1 | 2 | 1 |
| 100 | 1 | 2 | 1 | 3 | 2 |
| 150 | 1 | 3 | 1 | 5 | 3 |
| 250 | 2 | 4 | 2 | 7 | 4 |
| 500 | 3 | 7 | 3 | 12 | 6 |
| 1000 | 3 | 12 | 4 | 16 | 7 |
| 1500 | 4 | 15 | 5 | 20 | 8 |
| | For a population more than 1500 add 2 WC pans for every 500 persons thereof | For a population more than 1500 add 1 Urinal for every 500 persons thereof | For a population more than 1500 add 1 wash basin for every 500 persons thereof | For a population more than 1500 add 1 WC pans for every 150 persons thereof | For a population more than 1500 add 1 washbasin for every 500 persons thereof |

44. 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.

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

1. 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.

46. Pumping of contents of underground tank to surface tank

1. 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.

47. Shows or public events

1. The owner of a circus, travelling show or public event visiting or performing in the municipal area of jurisdiction must make suitable provision, to the satisfaction of the Municipality, and for the duration of such visit –
 - (a) For sanitary conveniences for the use of staff, employees and performers, as well as members of the public attending as spectators, and
 - (b) For the disposal of the excreta of any animals used in connection with such circus or travelling show.

48. Blocked or defective outlet pipes

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

CHAPTER 7
PRIVATE SEWAGE WORKS

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

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

50. Permit for the installation of sewage works

1. 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 from the Municipality, authorizing that activity.

51. Maintenance of sewage works

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

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

1. No person may dispose of sewage or wastewater from any bath, wash-hand basin, toilet, shower or kitchen sink 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.
 - (c) Create a public health nuisance and/or hazard.

53. 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.

CHAPTER 8
ACCOMMODATION ESTABLISHMENTS

54. Definitions

1. **Accommodation establishment:** means any place other than a dwelling house or a dwelling unit that only accommodates a single family, in which accommodation is provided to four or more people, with or without meals.
2. **Dwelling house:** means a single building designed for use as a residence for a single family;
3. **Dwelling unit:** means an inter-connected suite of rooms which must include a 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.
4. **Dormitory:** means a sleeping room in which sleeping accommodation is provided for four or more persons.

55. Health certificate requirements

1. No person may operate an accommodation establishment except in terms of a health certificate from the Municipality, authorizing that activity.

56. Requirements for premises of accommodation establishments

1. No person may operate an accommodation establishment on premises which do not comply with the following requirements.
 - (a) no latrine, passage, staircase, landing, bathroom, cupboard, outbuilding, garage, stable, tent, storeroom, lean-to, shed, kitchen, dining room, food preparation area, cellar or loft or any other room not intended and approved for sleeping purposes may be used as sleeping accommodation.
 - (b) 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. 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.
- (c) An accommodation establishment must be provided-
- i. An area for the preparation and cooking of food, adequate for the use of and easily accessible to any occupier residing in the accommodation establishment.
 - ii. Adequate separate wash-up facilities.
 - iii. Where meals are provided to persons housed in the accommodation establishment, a dining-room or adequate dining area with tables and chairs or benches and unobstructed floor area, including the area occupied by tables, chairs and benches, of at least 1,2 m² for every seat provided for dining purposes.
- (d) An accommodation establishment must be provided with-
- i. 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.
 - ii. Bath fitted with a waste pipe may be substituted for each shower.
- (e) An accommodation establishment must be provided with sanitary fixtures as prescribed in the National Building Regulations and Building Standards Act and such fixtures must be designated for the different sexes.
- (f) An accommodation establishment must be provided with an adequate supply of hot and cold running potable water.
- (g) All rooms and passages must be provided with adequate ventilation and lighting as prescribed in the National Building Regulations and Building Standards Act.
- (h) Openings such as doors, windows or fanlights may not be obstructed in a manner that interferes with the lighting or cross ventilation they provide.
- (i) A separate room with metal bins or canvas laundry bags must be provided for the storage of dirty articles used in connection with an accommodation establishment, pending removal to be laundered.

- (j) If articles used in connection with an accommodation establishment are laundered on the premises, a separate approved washing, drying and ironing area equipped with the necessary facilities for this purpose must be provided.
- (k) Store-room for the storage of furniture and equipment and a separate linen room with cupboards or shelves for the storage of clean bed and other linen, towels, blankets, pillows and other articles used in connection with an accommodation establishment, must be provided.
- (l) All walls and ceilings must have a smooth finish and be painted with a light-colored washable paint, or have some other approved finish
- (m) The floor surface of every kitchen, scullery, laundry, bathroom, shower, ablution room, toilet and sluice room must be constructed of concrete or some other durable, impervious material brought to a smooth finish.
- (n) The floor surface of every habitable room must be constructed of an approved material.

57. Duties of operators of accommodation establishments

1. The owner of the accommodation establishment must -

- (a) Keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hangings and other soft furnishings, table linen, bed linen, 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 a container made of a durable and impervious material, equipped with a close-fitting lid, in every toilet used by females.
- (e) Provide towel rails or hooks in every bathroom and in every room in which there is a wash-hand basin or shower.
- (f) Store all dirty linen, blankets, clothing, curtains and other articles used in connection with an accommodation establishment in the manner provided.
- (g) Store all clean linen, towels, blankets, pillows and other articles used in connection with the accommodation establishment in the manner provided.

- (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.
 - (j) Handle refuse in the manner provided.
2. The owner of an accommodation establishment may not –
 - (a) Permit the premises to become overcrowded
 - (b) Permit cooking in a living room or area designated as a living room
 - (c) Conduct the business of an accommodation establishment in such a manner so as to cause any nuisance or annoyance to residents of neighbouring properties.
 3. No person may operate an accommodation establishment unless the property is appropriately zoned in accordance with the Town Planning scheme of the Municipality.

CHAPTER 9

BEAUTY SALON, HAIRDRESSING, TATOO PALOURS AND COSMETOLOGY SERVICES

58. Definitions

This Chapter, unless the context otherwise indicates-

1. **Body piercing:** Refers to piercing of the skin for the purpose of inserting any foreign object.
2. **Cosmetology or beauty service”** includes, but is not limited to, any one or more of the following services-
 - (a) Manicure, pedicure, nail technology, or the application of artificial nails or nail extensions, whatever the substance used.
 - (b) Eyebrow shaping and plucking including the application of false or artificial eyebrows or eyelashes and tinting of eyelashes.
 - (c) Cosmetic and camouflage makeup of the face and its features, whether by permanent, semi-permanent or temporary means;
 - (d) Facial skin care
 - (e) Removal of unwanted or superfluous hair from any part of the body by any means, other than shaving, including by means of waxing, chemical depilatories,

electrical or mechanical means, whether or not any apparatus, appliance, heat, preparation or substance is used in any of these operations.

- (f) Body piercing and tattooing for cosmetic purposes.
 - (g) Massaging.
 - (h) body bronzing by means of ultraviolet radiation or any similar method
 - (i) Body contouring including all forms of slimming.
3. **Hairdressing:** includes, but is not limited to, any one or more of the following services.
- (a) Shampooing and cleansing, conditioning and treating hair.
 - (b) Chemical reformation of the hair including permanent waving, relaxing and straightening of the hair.
 - (c) Hair colouring, including tinting, dyeing and colouring by means of permanent, semi-permanent or temporary means, including the use of colour rinses, shampoos, gels or mousses and lightening by means of tints, bleaches, highlights or high lifting tints or toners;
 - (d) Hair cutting and shaping.
 - (e) Barbering services including shaving and singeing of hair.
 - (f) The adding to hair of natural and artificial hair and hair extensions, board work, pastiche, wig-making or the performing of any operation on a wig or hairpiece to be worn by any person.
 - (g) Trichology and trichological treatment of the hair including the treatment of abnormalities and disorders of the hair.
4. **Salon service:** Refers to 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 massage, body piercing and tattooing service.

59. Permit requirements

1. No person may operate a salon except in terms of a permit and health certificate from the Municipality, authorizing that activity.

60. 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, must be provided.
 - (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 facilities, with a supply of running potable water, must be available for the washing of hair and hands.
 - (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.
 - (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 sex are employed, must be provided containing –
 - i. An adequate metal locker for every employee.
 - ii. A wash-hand basin provided with a supply of running hot and cold potable water.
 - iii. An adequate supply of soap and disposable towels at every wash-hand basin.
 - (j) If no change-room has been provided in terms of paragraph (i) –
 - 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.

61. Duties of a person operating a salon

1. Any person operating a salon must-

- (a) Maintain the premises, tools, equipment and clothing in a hygienic and good condition at all times.
- (b) Equip the premises with an adequate means to disinfect and sterilize instruments and equipment that may come into direct contact with any customer's hair or skin.
- (c) Provide employees on the premises with approved protective clothing and equipment.
- (d) Collect all hair clippings and other waste in an approved container after every service.
- (e) Store or dispose of waste in an approved manner.
- (f) Adequately train any person working on the premises.
- (g) Not permit any animal on the premises unless it is a guide dog accompanying a blind person.
- (h) Ensure that every person working in the salon complies with the requirements of this section and sections 59 and 60.

62. Minimal health standards required for the operation of a salon.

- 1. Any person operating or employed in, a salon must take the following measures
 - (a) Adequately disinfect the following instruments after each use:
 - i. Razors
 - ii. Blades
 - iii. Nail files
 - iv. Scissors
 - v. Clippers
 - vi. Hairbrushes
 - vii. Combs
 - viii. Bristle brushes
 - ix. Metal clips
 - x. Rollers
 - (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 service
 - ii. Any hair implant
 - iii. Body piercing
 - 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 toweling paper in an approved manner.
- (j) Store razors, blades, needles and other sharp instruments separately in a “sharp instrument” box.
- (k) Adequately treat any injury or wound which may occur on the premises.
- (c) Clean and disinfect all surfaces that have been contaminated by blood after each service.
- (d) Keep an approved first aid kit on the premises at all times.

63. 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 will 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 10 CHILDREN'S HOMES

64. Definitions

In this Chapter, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned.

1. **Adopted child:** means a child adopted under the provisions of Chapter 4 of the Children's Act.
2. **Adoptive parent** means a person who adopts or has adopted a child under the provisions of Chapter 4 of the Act.
3. **Child** refers to any person under the age of 18 years and "children" has a corresponding meaning.
4. **Children's home:** means any residence or home maintained for the reception, protection, care and bringing-up of more than six children living apart from their parents, guardian or person in whose custody the child is, but does not include any school of industries or reform school, with the understanding that separate living accommodation can be provided on the children's home premises where a parent, guardian or person in whose custody the child is will be living together with such a child.
5. **Parent:** means natural or adoptive parent.
6. **Person in charge** refers to the owner, the principal or any person who is in effective control of the children's home whether permanently or temporarily.
7. **Prophylaxis:** means preventative treatment against disease.

65. Health certificate requirements

1. No person shall operate a children's home except in accordance with the provisions of this Chapter and in terms of a health certificate authorizing the operation of a children's home.

66. General provisions for children's home premises

1. A children's home may only be operated on premises which are located, designed, constructed, finished and equipped in such a condition that children-
 - (a) Can be cared for hygienically.
 - (b) Can be adequately protected against any possible public health hazard and public health nuisance.
 - (c) Can be adequately fed.

- (d) Are provided with adequate shelter.
 - (e) Have access to potable clean water.
 - (f) Can be adequately safeguarded from any condition which may impact on their safety.
 - (g) Are not allowed access to any accommodation set aside exclusively for the use of staff.
2. Premises from which a children's home is operated shall have the following-
- (a) Separate living quarters for staff members and families living on the premises, which comply with the provisions of Chapter 7 of these by-laws, dealing with accommodation establishments, whether services are rendered for gain or not, provided that living quarters make separate provision for -
 - i. Any guardian and child.
 - ii. Any person in whose custody the child is and the child.
 - iii. The different sexes for children 7 years and older.
 - (b) Separate approved toilet and hand wash facilities for staff members, as contemplated in the National Building Regulations and Building Standards Act.
 - (c) Separate designated change and storage facilities of adequate size for the storage of the personal belongings of staff members.
 - (d) An adequate office area.
 - (e) An adequate kitchen area, where food is to be handled and provided to children which complies with any relevant law.

67. Indoor areas

Indoor areas complying with the following requirements shall be provided-

1. For children under the age of two years:

- (a) Sleeping accommodation of 2m² per child.
- (b) An adequate separate facility for the hygienic preparation and storage of milk and milk formulas.
- (c) An adequate separate facility for the hygienic washing, sterilization and storage of feeding bottles, cups and other containers.
- (d) A separate napkin changing unit with an impervious work surface for changing the napkins of children.
- (e) Adequate hand wash and bathing facilities to clean children when changing napkins.

- (f) Cleaned after each use and clean water and clean cloths shall be used for each washing procedure.
- (g) Adequate impervious containers with a tight-fitting lid for the storage of soiled napkins.
- (h) Separate, approved storage facility for the storage of clean napkins.
- (i) Adequate storage facilities for the storage of personal belongings and clothing of each child. Adequate toilet and hand wash facilities.
- (j) Adequate separate storage facilities for clean and dirty linen and bedding.
- (k) A separate safe sleeping facility provided with an approved mattress of impervious material and bedding for each child, with a minimum distance of 750mm between sleeping facilities.

2. For children between two to six years of age:

- (a) Sleeping accommodation of 2m² per child.
- (b) Adequate separate storage facilities for the storage of personal belongings and clothing of each child.
- (c) Adequate bathing, hand wash and toilet facilities.
- (d) Adequate separate storage facilities for clean and dirty linen and bedding.
- (e) A separate safe sleeping facility provided with an approved mattress and bedding for each child, with a minimum distance of 750mm between sleeping facilities.

3. For children between seven to thirteen years of age:

- (a) Sleeping accommodation of 4m² per child separate for the sexes.
- (b) Adequate separate, private and lockable storage facilities for the storage of personal belongings and clothing of each child.
- (c) Adequate bathing, hand wash and toilet facilities.
- (d) Adequate storage facility for clean and dirty linen and bedding.
- (e) Separate safe sleeping facility provided with an approved mattress and bedding for each child, with a minimum distance of 750 mm between sleeping facilities.
- (f) Sanitary towels and tampons and facilities for the safe disposal after use.

4. For children above the age of thirteen years:

- (a) Sleeping accommodation of 4m² per child separate for the sexes.
- (b) Adequate separate, private and lockable storage facilities for the storage of personal belongings and clothing of each child.
- (c) Adequate bathing, hand wash and toilet facilities.
- (d) Adequate storage facility for clean and dirty linen and bedding.
- (e) Separate safe sleeping facility provided with an approved mattress and bedding for each child, with a minimum distance of 750 mm between sleeping facilities.

- (f) Sanitary towels and tampons and facilities for the safe disposal after use.

68. Indoor activity and play area

1. Separate indoor activity and play areas of 1,5m² per child shall be provided for the following age categories:
 - (a) Under 2 years of age, 2 to 6 years, 7 years and older; unless arrangements are made and a roster instituted to regulate times the activity and play area can be used separately by the age groups.
 - (b) Adequate child-sized seating and tables for each child two to six years of age shall be provided in the indoor play or activity area.
 - (c) Adequate seating and tables for each child seven years and older shall be provided in the indoor play or activity area.
 - (d) An approved facility for the disinfecting of toys and other equipment shall be provided.
 - (e) Adequate indoor and outdoor play equipment for the children's use shall be provided.

69. Outdoor play or activity areas

1. If a children's home premises has an outdoor play or activity area it must-
 - (a) Be free of any excavations, steps, projections, levels or any surface which may adversely impact on the health and safety of children using that area.
 - (b) Provide a minimum outdoor area of 2m² per child.
 - (c) Have an adequate means of enclosure and a lockable gate to prevent a child from leaving the premises on his or her own and to prevent the entrance of any animal and unauthorized person.
 - (d) Have separate outdoor play or activity areas for the following age.
Categories of children:
 - i. Under 2 years
 - ii. 2 to 6 years
 - iii. 7 years and older
2. In the event that adequate space is not available to cater for a separate outdoor play area the following shall occur-
 - (a) A roster regulating different times for the use of the play area by different age groups should be instituted.

- (b) Adequate supervision should be provided, to ensure the safety of each child using the outdoor play area at all times.

70. Ablution facilities.

1. A children's home premises shall be provided with the following:
 - (a) Toilets at a ratio of not more than 15 children for each toilet or chemical toilet.
 - (b) Hand wash facilities at a ratio of not more than 20 children for each hand wash facility.
 - (c) A supply of hot and cold running potable water must be available at every wash hand basin or if no running water is available, a minimum of 25 liters of potable water, stored in a hygienically clean container and must be available at each wash hand basin.

71. Bathing facilities.

1. A bath for every 8 children separated for the sexes and designated accordingly
2. Showers may be substituted for baths in the following ratios:
 - (a) Males – two thirds of total number of baths.
 - (b) Females – one third of total number of baths.
3. A supply of hot and cold running potable water at every bath and shower facility, if no running water is available, a minimum of 25 litres of potable water stored in a hygienically clean container must be available at each bath or shower.

72. Medical care for children

1. Any person who operates or is in charge of a children's home must-
 - (a) Provide an adequate first aid area with adequate and appropriate first aid equipment for the treatment of minor ailments and bodily injuries sustained by children.
 - (b) Have an accessible list of emergency contact numbers which shall include fire brigade, ambulance, environmental health practitioner, outbreak response, clinic, hospital, doctor and police.
 - (c) Be trained in basic first aid.

- (d) Ensure that adequate provision is made for disposable gloves and disinfectants to protect staff and children, and also to disinfect contaminated areas and surfaces when dealing with blood related illness and injuries.
- (e) Ensure that immediately after treating a child with blood related illnesses and injuries, areas and surfaces where treatment took place are adequately disinfected.
- (f) Ensure that post exposure prophylaxis for HIV and Hepatitis B be made available to any child or caregiver who may have been so exposed.
- (g) In respect of any child who becomes ill or has suffered an injury requiring medical attention-
 - i. Immediately transport such a child to the nearest clinic or hospital or call for medical assistance.
 - ii. Ensure that appropriate medical care is given to the child in the sick bay area, if the illness or injury is not of a nature requiring attendance at the clinic or hospital, and
 - iii. Immediately notify the Municipality in the event of the illness being a notifiable disease.
- (h) Ensure that every child has a road to health card and has completed basic immunization schedules as required by the Department of Health.
- (i) Take measures to adequately manage communicable diseases.
- (j) Isolate in an approved manner, any child that is suffering from any infectious disease until such time that the disease no longer poses any threat to those around them.

73. Medicines

1. Any person who operates a children's home must ensure that –
 - (a) A room or cupboard of adequate size, is set aside to be used solely for the storage of medicines and drugs, and
 - (b) Every room or cupboard set aside in terms of paragraph (a) above, is kept locked at all times except when medicines or drugs are being removed from it or returned to it.

74. Laundry facilities

1. If laundering is carried out on the premises of a children's home, this activity must take place in accordance with the following provisions –
 - (a) A work-room or area used for housing washing-machines, irons, ironing boards, presses and other fixed or movable equipment, with a minimum floor area of 6 m² or 2,5 m² unobstructed floor space per person employed in the laundry, whichever is the greater size, must be provided.
 - (b) All internal walls must be constructed and finished so as to render them non-absorbent in a manner consistent with the provisions of the National Building Regulations and Building Standards Act, and painted with a light-colored washable paint.
 - (c) All ceilings must be dust-proof, smoothly finished, and painted with a light-colored washable paint.
 - (d) All floor surfaces must be constructed of cement or other non-absorbent material brought to a smooth finish in a manner consistent with the provisions of the National Building Regulations and Building Standards Act.
 - (e) Lighting and ventilation as contemplated in the National Building Regulations and Building Standards Act must be provided.
 - (f) Adequate separate facilities for the receiving of dirty laundry and dispatch of clean laundry must be provided.
 - (g) A store-room or facility for the storage of all relevant materials must be provided and equipped with adequate packing shelves of which the lowest shelf must be at least 250 mm above floor level.
 - (h) A separate pre-rinsing area must be provided on any premises where nappies are laundered.
 - (i) The laundry area must be inaccessible to any child and must at all times be kept locked when not in use.

75. Safety Measures

1. A person in charge of a children's home must ensure that the following safety measures are complied with-
 - (a) Children must be adequately protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other article, thing or substance that may be dangerous or cause injury to any child.

- (b) Any slats or rails forming part of an enclosure, security gate, play pen, bed, cot or any other object or structure whatsoever must be a maximum of 75 mm apart, must be installed and maintained in a good state of repair, and if painted, only non-toxic paint must be used.
- (c) All pesticides, detergents and other harmful substances must be stored in a locked place inaccessible to any child at all times.
- (d) No noxious or poisonous or dangerous plant or shrub may be permitted on the premises.
- (e) No animals or birds may be kept on the premises unless an approved area, complying with the requirements of Chapter 15 of these by-laws relating to the keeping of animals, is provided, separately from the indoor and outdoor activity and play areas.
- (f) No paddling pool, swimming pool or other structure may be permitted in any children's home without adequate fencing and a safety net.
- (g) Any sandpit must be adequately covered when not in use and must be treated with a treatment agent on a regular basis.
- (h) All toys for children under the age of three years shall be free from any small parts and if painted, only with non-toxic paint.
- (i) No person known or suspected to be suffering from an infectious or contagious disease, and no person so suffering, may be allowed to enter the premises or may be employed in the children's home if in the opinion of an environmental health practitioner, the person is capable of communicating the infectious or contagious disease to the children.
- (j) Any other reasonable measures which may, in the opinion of an environmental health practitioner, be necessary to protect the children from any physical danger, must be taken by the children's home service provider on the instruction of an Environmental Health Practitioner.

76. Duties of the person in charge of a children's home

1. Any person who operates a children's home must –
 - (a) Ensure that the children are properly cared for and supervised at all times.

- (b) Maintain every part of the premises, including any equipment, linen, bedding, feeding utensils and play equipment in good repair and in a clean and hygienic condition at all times.
- (c) Ensure that all staff members and caregivers at the premises are trained in First Aid, and are at all times healthy and clean.
- (d) Ensure that 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.
- (e) Ensure that children are at all times appropriately supervised by an adult when utilizing the indoor and/or outdoor areas.

77. Register

1. Any person who operates a children's home must keep an admission and discharge register of all children admitted to and discharged from the children's home in accordance with regulation 33 of the Regulations promulgated in Government Gazette 10546 of 12 December 1986 in terms of the provisions of section 60 of the Act.
2. The following particulars where applicable shall be entered in the register –
 - (a) His or her full name, sex, date of birth, identity number; names, addresses and telephone numbers of parent or parents, guardian or guardians or next of kin.
 - (b) Date of admission.
 - (c) Particulars of any leave of absence or any absence longer than one day and the reason for such absence.
 - (d) In the case of a pupil who absconded from the children's home or who is a pupil referred to in section 38(1) (b) of the Act, the date on which he so absconded or on which his leave of absence, referred to in section 38(1) (b), expired, as the case may be, and if he returns or is returned to the children's home, the date on which he so returned or was brought back.
3. A separate file shall be kept in a children's home in respect of each pupil in that children's home in which the following documents where applicable shall be filed-
 - (a) All documents relating to the pupil received at the time of his admission.
 - (b) All reports received from the school which the pupil attends or attended.
 - (c) Reports and notes from social workers and the staff of the children's home on the pupil.
 - (d) For each leave of absence, the address where leave of absence was spent.

78. Medical registers and files

1. Any person who operates a children's home must keep a register containing the following health data:
 - (a) Operations, illnesses and any communicable diseases which the child has suffered and the relevant dates
 - (b) Details of all immunizations.
 - (c) Details of allergies and any medical assessment and treatment the child may be undergoing.
 - (d) Details and quantity of any medicine given to a child with the name and signature of the person who administered the medicine.
 - (e) All reports on any physical, psychiatric or clinical-psychological examination of the pupil and any report on the results of any treatment given.

CHAPTER 11

DRY CLEANING AND LAUNDRY ESTABLISHMENTS

79. Definitions

In this Chapter, unless the context otherwise indicates –

1. **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.

80. Requirements for the operation of a dry cleaning and laundry establishment

1. No person may conduct a dry-cleaning or laundry business on premises which do not comply with the following requirements:
 - (a) The work-room or area used for housing dry-cleaning machines, washing machines, ironing boards, presses and other fixed or movable equipment, with a minimum unobstructed floor area of 2,5 m² per person employed on the premises, must be provided.
 - (b) Adequate separate areas for marking clean and dirty articles must be provided with-
 - i. Tables with an impervious surface.
 - ii. Adequate washable containers for dirty articles.

- iii. A hanging rails and shelves constructed of an impervious material in the area for marking clean articles.
- (c) A separate room or area with separate designated counters, with impervious surfaces, must be provided for the receipt and dispatch of articles.
- (d) A store-room or facility for the storage of packing material and other articles must be provided and equipped with adequate packing shelves of which the lowest shelf must be at least 250 mm above floor level.
- (e) Adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing-
 - i. An adequate metal locker for every employee.
 - ii. A wash-hand basin provided with a supply of running hot and cold potable water.
 - iii. An adequate supply of soap and disposable towels at every wash-hand basin.
- (f) All machinery and equipment must be equipped with adequate suction fans to remove any noxious gas, steam and hot air from any room and to release it in the open air in an adequate manner.
- (g) All machinery and equipment must be placed so that there is free access to all areas around and underneath each machine or item of equipment, to enable those areas to be adequately cleansed.

81. Duties of a person operating a dry cleaning and laundry establishment

1. Any person conducting a dry-cleaning and laundry establishment 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 vehicle.

- (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 Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) and the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965) legislation and with the provisions of the National Building Regulations and Building Standards Act at all times.

CHAPTER 12

EARLY CHILDHOOD DEVELOPMENT CENTERES

82. Definitions

In this Chapter, unless the context otherwise indicates-

1. **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.
2. **Child-care premises/ early childhood development center:** refers to premises in which child-care services are offered.
3. **Approved:** means approved by the Head of Health Services in a municipality of an Environmental Health Practitioner, regarding a public health requirement of a particular case.
4. **Best available method** means a method available that will best prevent diseases and health hazards.
5. **Child-care service** :refers to any service, whether for gain or otherwise for the reception, protection, care and bringing-up of more than six children apart from their parents but does not include any reform school, boarding school, school hostel or any establishment which is maintained or used mainly for the tuition or training of children and which is controlled by or which has been registered or approved by the State, including a provincial administration, as contemplated in the Child Care Act, 1983 (Act No. 74 of 1983).
6. **Pre-school institution** refers to any undertaking or institution involving the care 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 specifically for children under the age of seven years.

83. Permit requirements

1. No person may provide a child-care service except on child-care premises which comply with the requirements enclosed within this chapter and in terms of a permit authorizing that activity.

84. Application of Guidelines

1. These guidelines shall apply to all pre-school institutions, early childhood development centers and childcare centers. The Head of the Municipal Health Services or Environmental Health Practitioner when implementing these guidelines shall apply the principle of best available method.

85. Health Certificate

1. No person or body of persons shall conduct an early childhood development center unless such a person or body is in possession of a health certificate to the effect that the premises and complies with such by-laws, the certificate shall state:
 - (a) The number and both minimum and maximum age of the children permitted to be kept on such premises.
 - (b) The hours during which such an early childhood development center may operate.
2. The Environmental Health Practitioner shall issue the health certificate.
3. The health certificate issued is not transferable from one individual to another.

86. Duties of a person operating an early childhood development center

1. The health certificate holder shall ensure that the children are at all times properly cared for and supervised and shall:
 - (a) Maintain every part of the early childhood development center including any outdoor area and all structure, equipment are in good repairs and is kept clean/ in a hygienic condition at all times.
 - (b) Ensure that all persons on or in the premises are clean and clothing and are in good state of health.

- (c) Ensure that no person shall smoke or use any tobacco product in the presence of children.
- (d) Ensure that all toys, books and other indoor play material intended for the day-to-day use are available in the indoor play area and is suitably stored so as to be easily reached by children.
- (e) Ensure that the children are at all times under the direct supervision of the specified number of adults.

87. Requirements for the operation of an early childhood development center

1. Any person who provides a child-care service must-
 - (a) Provide a laundry area an adequate distance from any area used to care for children or the kitchen, if laundry is done on the premises.
 - (b) Provide an adequate number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste materials, inside the premises.
 - (c) Provide an approved refuse area, with adequate refuse bins, for the storage of refuse pending removal.
 - (d) Provide each child with a towel, preferably disposable, for his or her individual use on the premises.
 - (e) Provide an adequate and easily available supply of toilet paper, soap and tissues for the children's use.

88. Food preparation area

1. In addition to the standard requirements enclosed within the Regulation 638 of the 22 of June 2018 relating to the general hygiene requirement for a food premises and the transportation of food, the following considerations must be made:
 - (a) 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. The milk kitchen shall have approved containers for washing and rinsing.
 - (b) An adequate supply of potable running cold and hot water must be available for washing of bottles and teats.
 - (c) A separate cooling facility for the hygienic storage of milk and milk bottles.

- (d) To minimize infections from viruses, bacteria and parasites and the risk of disease transmission, all bottles used for feeding of children must be sterilized.
- (e) If meals are provided, a display of two-weekly menu must be visible to the parents.
- (f) Provide nutritionally balanced meals of adequate volume to satisfy the energy needs of the children in each age group.

89. Classrooms

1. A building structure used as a classroom must be compliant with the requirements of the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977), therefore-
 - (a) The exterior walls and roof must be constructed in a manner to prevent the permeation of wind and rain and to ensure the health and safety of children.
 - (b) Windows and doors must allow natural light and enable cross ventilation.
 - (c) The floors have a smooth surface that is easily cleanable and prevents the permeation of dampness.
2. Adequate juvenile size chairs and tables, playing and sleeping must be available for the individual use of each child.
3. Provide adequate educational material to stimulate each developmental stage of the children.
4. The area must be kept clean and in good repair at all times, free from debris, litter and other miscellaneous rubbish.
5. During cold weather conditions, the premises should be adequately heated throughout with suitable means of heating, to prevent children being exposed to extreme cold conditions. Heating facilities used are safe for children and staff and do not emit noxious fumes, gases or odors.

90. Indoor play area

1. An indoor play area for playing, eating and for sleeping purposes is provided in line with the requirements as set out in the Children's Act.
2. The building structure used as a classroom must be compliant with the requirements of the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977), therefore-

3. The exterior walls and roof must be constructed in a manner to prevent the permeation of wind and rain and to ensure the health and safety of children.
4. Windows and doors must allow natural light and enable cross ventilation.
5. The floors must have a smooth surface that is easily cleanable and prevents the permeation of dampness.
6. Have a play area with a minimum of 1,5 m² free unobstructed floor space per child, or 3 m² if no outdoor play area is provided, and which is divided by walls or removable partitions into separate indoor play areas in which children of the following age groups are cared for separately at all time
 - (a) 0-2 Years;
 - (b) 2-4 years; and
 - (c) 4 years up to compulsory school-going age.
7. Ready access to the indoor play area for the nursery.
8. Have an activity area of 4m² for every child of school going age catered for on the premises.
9. Storage facilities for the storage of children's toys, books, and other play material must be provided in the indoor play area.

91. Outdoor play areas

1. If child-care premises have an outdoor play area it must-
 - (a) Be free of any excavations, steps, projections, levels or any surface which may adversely impact on the health and safety of children using that area.
 - (b) Provide a minimum outdoor play area of 2 m² per child.
 - (c) Have an adequate means of enclosure and a lockable gate to prevent a child leaving the premises on his or her own and to prevent the entrance of any animal and unauthorized person.
 - (d) have separate outdoor play areas for the following different age group:
 - i. 0-2 years;
 - ii. 2-4 years;
 - iii. 4 -7 years
 - (e) The play area should 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.

92. Resting facility

1. Cots and waterproof mattresses must be spaced 750mm apart during sleep or nap time to allow free and safe movement by a childcare supervisor.
2. All linen and blankets used for sleeping purposes must be laundered at least weekly, especially for children under the age of 3 (three) years.
3. During cold weather conditions, the premises should be adequately heated throughout with suitable means of heating, to prevent children being exposed to extreme cold conditions. Heating facilities used are safe for children and staff and do not emit noxious fumes, gases or odors.

93. Play equipment

1. The indoor playing equipment/toys should be provided free from sharp points, edges and lead paint.
2. All mouth contact toys used for children must be cleaned and sanitized daily, by scrubbing in warm and soapy water using a brush, rinsing with clean water, submerging in a sanitizing solution for at least 2 minutes and air dried.

94. Ablution facilities

1. Requirements for ablution for children under the age of 2 years

An early childhood development center must provide the following additional toilet and wash facilities for children under the age of 2 years:

- (a) Adequate wash facilities, soap and paper towel for the purpose of hand washing.
- (b) There must be an adequate number of bins with self-closing bins for the proper disposal of nappies and other forms of waste.

2. Requirements for ablution facilities for children over the age of 2 years

Early childhood centers must have adequate toilet and wash facilities for all children with-

- (a) A ratio of not more than 15 children for each toilet or chemical toilet.
- (b) A ratio of not more than 20 children for each hand wash facility.
- (c) At least 1 (one) toilet and 1 (one) hand-wash facility are provided for every 20 children of part thereof on the premises and designated by sex.

- (d) A supply of hot and cold running potable water must be available at every wash hand basin, or if no running water is available, a minimum of 25 liters of potable water, stored in a hygienically clean container, must be available on the premises at all times as an alternative.

95. Aftercare facilities

1. Where after care services are provided on the premises or separate facilities are provided for that purpose:
 - (a) An after school center may not be permitted on the same premises as day care center unless separate facilities are provided and it is conducted on different times.
 - (b) An indoor play area of not less than 1.5m² free floor spaces is provided for each child in after care and an outdoor play area of not less than 2m² is provided for each child.
 - (c) At least one toilet and one hand-wash facility are provided for every 20 children of part thereof on the premises and designated by sex.
 - (d) An adequate supply of toilet paper and soap is provided in the toilet and hand wash facilities at all times.
 - (e) Adequate tables and chairs are provided for use by the aftercare children.

96. Medical care for children

1. Any person who provides a service an early childhood development center or is in charge of the facility must with respect to any child who becomes sick or has suffered an injury requiring medical attention-
 - (a) Immediately notify the parent or guardian of the child.
 - (b) Immediately call for medical assistance.
 - (c) Provide necessary care and treatment in the sick-bay area.
2. In the events a child becomes sick/ill due to a communicable disease, the following must be done-
 - (a) Children suspected or diagnosed an infectious or communicable disease must be closely monitored and possibly the parents advised to exclude

from attending childcare until it has been declared by a doctor that it is safe to do so.

- (b) Immediately notify the Environmental Health Practitioner /relevant health authority in an event of the illness being suspected of being a communicable disease.

CHAPTER 13

HEALTH ESTABLISHMENTS

97. Requirements for the operation of a health establishment

1. Physical and structural facilities

- (a) Internal walls must be constructed of an impervious material brought to a smooth finish and easily cleanable and painted with a light-colored paint.
- (b) Ceilings must be constructed of a dust proof material, smoothly finished and painted with a light-colored washable paint.
- (c) Floor surfaces must be constructed of impervious material, brought to a smooth finish and properly drained.
- (d) The locality of all facilities, including lifts, fire escapes, and entrances exits should be clearly marked for convenience of patients, staff and visitors.
- (e) Facilities for patients and other visitors must be adapted to accommodate physically disabled persons.
- (f) Consultation rooms should be provided separately from waiting rooms to facilitate privacy for consultation purposes.
- (g) The use of equipment, material or substances by workers must be in line with the requirements of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- (h) The premises must comply with the requirements of the National Environmental Management: Waste Act, 2004 (Act No. 39 of 2004), as well as relevant By-Laws of the local authority concerned with regards to the management of general waste on the premises.

98. Ablution facilities.

1. Adequate toilet and wash up facilities should be provided for patients and staff on the premises. At least 1(one) toilet is provided for every 12-15 (twelve to fifteen) in-patients, and 1 (one) hand wash basin, and 1 (one) bath or shower is provided for every 12-15 (twelve to fifteen) in-patients.
2. Separate toilet and hand washing facilities must be provided for staff on the premises.
3. At least 1 (one) toilet facility and 1 (one) hand wash basin should be provided for every 50 out-patients.
4. Staff required to sleep on the premises must be provided adequate wash up facilities. At least 1 (one) bath or shower must be provided for every 15 (fifteen) members of staff on the premises.
5. Floors of walls of the toilet facilities must be constructed of a smooth and easily cleanable material.
6. All toilet facilities on the premises must be kept clean and in good repair at all times.
7. All hand wash facilities should be supplied with a constant supply of potable running water.
8. An adequate and constant supply of soap, toilet paper and towel must be maintained in all toilet and hand wash facilities at all times.

99. Storage facilities

1. Storage facilities should be provided for the storage for medicines and drugs and such facilities are kept locked at all times except when medicines or drugs are being removed or returned to it.
2. Additional storage facilities should be provided for the storage of cleaning equipment, pesticides and other potentially dangerous hazardous substances.
3. Storage rooms must contain adequate moveable shelving made of impervious material.
4. Every shelf in any storeroom should be of a minimum height of 225 mm above the floor.

5. All storerooms and store facilities must be kept clean at all times and cleaned routinely at least once every week.
6. Hazardous substances must be stored and disposed off in a safe manner, separate from other nonhazardous materials.
7. Expired medicines should be stored separately and must be disposed off in a safe manner.
8. Adequate storage facilities should be provided for the storage of any spare equipment, including particularly heavy equipment and gas cylinders. The equipment must be stored in manner so as not to obstruct any passages, entrances or exits to the premises.
9. 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.
10. A separate linen room, containing adequate cupboards or shelves for the storage of linen must be provided.
11. 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.
12. Food and non-food items should be stored separately from any other items; refrigerators used for storage of medicines are not at any time used for storage of any foodstuffs.
13. Separate storage facilities for dirty and clean linen and equipment, including sluice facilities for cleaning of soiled linen and equipment should be provided.
14. The storage and dispensing of medicines must comply with the requirements of the relevant legislation.
15. Refrigeration facilities used for storage of hazardous waste or infectious material must be marked as such, and should be used to store any other item except for the designed purpose.

100. Laundry

1. The health establishment facility must have access to a well manage laundry facilities for the effective laundering of linen, for controlling of infection and avoiding contamination on the premises.
2. Internal walls should be constructed of an easily cleanable material, brought to a smooth finish and painted with a light-colored paint.
3. Floors should be brought to a smooth finish and are easily cleanable.
4. Ceilings should be constructed of a dust proof material.

5. The laundry facility must be properly ventilated by cross ventilation and adequately illuminated.
6. Drainage systems should be available and 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.
7. Areas receiving soiled linen must be separated from areas handling clean linen.
8. Adequate ablution and toilet facilities must be provided, including an emergency shower or eye-wash facility in the wash-room where chemicals are handled.
9. Suitable and hazard-free storage facilities for storage of chemicals should be provided.
10. The capacity and the condition of the equipment used for laundering must meet the hospitals laundering requirements.
11. Vehicles, containers, trolleys or other manually operated equipment for the transporting of linen must conform to requirements to ensure contamination free conditions.
12. All dirty linen and hospital clothes regarded as infectious waste and must be stored only in the designated storage area and removed from wards, passages or any other place where patients are treated.

101. Waste management

1. A policy or plan for the management of waste within the facility must be in place.
2. A procedure specifically for infection/contamination control must be made available to staff handling waste within the establishment.

102. Health Care Risk Waste

1. Any environmental health practitioner in the employ of the Municipality may:
 - (a) Enter sites and premises on which healthcare waste is being generated, handled, treated, stored or disposed of.
 - (b) Gain access to vehicles on which health care waste is being contained or transported, or on which her or she suspects health care waste is being contained or transported.
 - (c) Inspecting premises, site or vehicle for the presence of health care risk waste.

- (d) Inspecting the manner in which health care risk waste is being, handled, stored, transported, treated or disposed of.
- (e) Requesting information regarding the health care risk waste from the person who oversees 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.
- (f) Examine extract or make copies of any health care risk waste records and request an explanation from the person in charge of the record, or from the person in charge of the site.

103. Reception and handling of dead bodies on premises:

1. All facilities used about the handling, preparation, storage and transportation of dead bodies on the premises and the requirements with regards to the operation of premises for the management of Human Remains must comply with the requirements of the Regulations relating to the Management of Human Remains, R363 of 22 May 2013 published in terms of the National Health Act, 2003 (Act No. 61 of 2003), as amended.
 - (a) Suitable trained staff should be available and responsible for duties in the mortuary and ensure that the Hygiene Standards are adhered to.
 - (b) A cleaning program for the mortuary should be in place.
 - (c) A register and records must be kept and maintained of the information regarding the handling of corpses; including the record of refrigeration facilities and temperatures must be taken daily.
 - (d) The infection control staff member should regularly monitor whether the policy regarding the handling of corpses is followed and whether the mortuary is operated in an acceptable manner and in consideration of the Norms and Standards document.
 - (e) Adequate protective clothing (comprising of waterproof aprons, light coloured overalls and protective gloves) should be provided and utilized for employees working in the mortuary.
 - (f) Approved methods of waste collection, storage, transportation and disposal should be adopted for the handling of infectious waste in the mortuary, in compliance to the SANS 10248.

The Municipality further provide for compliance for Mortuaries, funeral undertaker's premises, and crematorium premises as per the requirements set out in Regulations relating to the management of human remains, R363 of 22 May 2013 published in terms of the NHA 61 of 2003.

CHAPTER 14

KEEPING OF ANIMALS

104. Definitions

1. In this Chapter, unless the context otherwise indicates-
 - (a) **Agricultural holding**: means the same as defined in the applicable Town Planning Scheme.
 - (b) **Animal**: means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit and wild animal.
 - (c) **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.
 - (d) **Keeper** means in relation to any animal, the owner of the animal or any other person responsible for feeding and caring for the animal.
 - (e) **Livestock**: means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry.

Part 1: General provisions relating to the keeping of cattle

105. Application of Chapter

1. Subject to the provisions enclosed within these by-laws the provisions of this Chapter do not apply to any agricultural show where cattle are kept on a temporary basis and any laboratory where cattle are kept for research purposes.
2. No person may subject to these by-laws, keep or allow to be kept, any animal other than cattle on an erf in a proclaimed township, provided the keeping of such cattle does not create or constitute a nuisance.
3. If at any time it appears to an authorized official that the keeping of cattle on an erf or agricultural holding, in respect of which a permit has been granted, is

likely to constitute a nuisance or danger to the public health, that official may cancel the permit or prohibit the keeping of such cattle.

4. An authorized official must serve a notice on the permit holder or the owner of the erf or agricultural holding concerned, informing him or her of a decision in terms of subsection (4) and instruct the owner to comply with the requirements within the period stated in such notice, which must be at least 48 hours.
5. An authorized official must as soon as a permit has been cancelled, notify the permit holder of that fact in writing.
6. An authorized official may, subject to the foregoing provisions of this section, issue a new permit if he is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

Part 2: Keeping of cattle

106. Requirements for the premises

1. No person may keep any cattle in an enclosure that does not comply with the following requirements:
 - (a) Every wall and partition of the enclosure must be constructed of brick, stone, concrete or other durable material.
 - (b) The internal wall surfaces of the enclosure must be constructed of smooth brick or other durable surface brought to a smooth finish.
 - (c) The height of the walls to the wall plates of the enclosure must-
 - i. If the roof is a pitched roof be 2, 4 meters
 - ii. If the roof is a flat roof be 2, 7 meters,
 - iii. If the roof is a lean roof be a height of 3 meters with a minimum of 2,4 meters on the lowest side.
 - (d) In the case of an enclosure which has an opening along the entire length of one of its long sides be not less than 2 meters.
 - (e) The enclosure must have a floor area of at least 9 m² for each head of cattle accommodated in it.
 - (f) Lighting and ventilation must be provided by openings or glazed opening windows or louvers totaling at least 0,3 m² for each animal to be

accommodated in it except in the case of an enclosure open along the entire length of one of its long sides.

- (g) The lowest point of every opening, window or louvers must be at least 1,8 meters above floor level.
- (h) The floor of the enclosure must be constructed of concrete or other durable and impervious material brought to a smooth finish graded to a channel and drained wastewater.
- (i) Any enclosure must have an area of at least 10 m² for each head of cattle accommodated in it and the fencing must be strong enough to prevent the animals from breaking out.
- (j) There must be a water supply adequate for drinking and cleaning purposes next to every enclosure.

107. Duties of a keeper of the cattle

1. Any person who keeps any cattle must-
 - (a) Maintain the premises, and any equipment, apparatus, container or receptacle used in connection with keeping the animal, in a clean and sanitary condition and in good repair.
 - (b) Provide portable manure storage receptacles of an impervious material and with close fitting lids.
 - (c) Keep every manure storage receptacle on a platform constructed of concrete or other durable and impervious material near the stable or enclosure.
 - (d) Remove the contents of the manure storage receptacles or manure container or area from the premises at least once every second day and dispose of the manure in a way which will not create a public health nuisance.
 - (e) Remove all bedding from the enclosure at least once a week and store it in the manure receptacles or manure container or area until it is removed from the premises.

Part 3: Keeping of goats and sheep

108. Keeping of goats and sheep

1. No person may keep goats or sheep in –

- (a) An enclosure which does not comply with the following requirements:
 - i. the minimum overall floor area must be 30 m², and
 - ii. at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it.
- (b) A stable which does not comply with the following requirements:
 - i. every wall must be constructed of brick stone, concrete or other durable material.
 - ii. every wall must at least be 2 meters in height and have a smooth internal finish.
 - iii. the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded.
 - iv. at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it.
 - v. lighting and ventilation openings totaling at least 0,5 m² per goat or sheep must be provided.
- 2. No person may keep goats or sheep in an enclosure or stable within –
 - (a) 15 meters of any boundary of any land, dwelling, building or other structure used for human habitation or
 - (b) 50 meters of any water resource or water supply intended for human consumption.
- 3. Every person must provide a water supply adequate for drinking and cleaning purposes situated next to or in every enclosure or stable used to accommodate goats or sheep.

109. Duties of a keeper of goats and sheep

- 1. Any person who keeps goats and sheep must –
 - (a) Maintain the premises and equipment, apparatus, containers or receptacles used in connection with keeping the animal in a clean and sanitary condition and in good repair.
 - (b) Provide portable manure storage receptacles of an impervious material and closed fitting lids.
 - (c) Keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned.

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

Part 4 : Keeping of poultry

110. Keeping of poultry

1. These provisions do not apply to any person keeping ten or less poultry.

111. Requirements for permit

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

112. Requirements for premises

1. No person may keep poultry in premises which do not comply with the following requirements:
 - (a) In relation to a poultry house –
 - i. Every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface.
 - ii. The floor must be constructed of concrete or other impervious material brought to a smooth finish.
 - iii. The upper floor of a two or more-story structure must be constructed of an impervious and easily cleanable material.
 - iv. The minimum floor area must be –
 - (aa) 0,20 m² for each grown fowl, duck, Muscovy duck or guinea fowl.
 - (bb) 0,5 m² each grown goose, turkey or peacock.
 - (cc) 0,14 m² for each grown pigeon.
 - v. The minimum aggregate floor area must be 4 m².

- (b) A poultry run, if provided, must be enclosed with wire mesh or other durable materials.
- (c) In relation to a building or structure housing a battery system –
- i. Every wall, if provided, must be at least 2,4 m high, must be constructed of concrete, stone, brick, or other impervious material and must have a smooth internal surface.
 - ii. If walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building or structure.
 - iii. The floor must be constructed of concrete or other impervious material brought to a smooth finish and if required by an EHP, the floor surface must be graded and drained by means of a channel drain.
 - iv. If no walls are provided or the walls are made of metal, the floor must be provided with a curb at least 150mm high around its edges.
 - v. The cages of the battery system must be made of an impervious material.
 - vi. If required by an EHP, a tray of an impervious material must be fitted under every cage for the collection of manure.
- (d) A water supply adequate for drinking and cleaning must be provided in or next to every poultry house and poultry run and in or next to a building or structure housing a battery system.
- (e) No poultry house, poultry run or building or structure housing a battery system, may be constructed within 3 metres of –
- i. Any dwelling or other building or structure used for human habitation.
 - ii. Any place where foodstuffs are stored or prepared for human consumption.
 - iii. The nearest boundary of any land.
- (f) Feed must be stored in an adequate rodent-proof storeroom.
- (g) Adequate washing facilities must be provided for the cleaning of the cages.
- (h) If required by an EHP, due to the amount of manure stored on the premises awaiting removal, a storage area complying with the following requirements must be provided:

- i. A roofed platform constructed of concrete or other impervious material.
- ii. The platform outside edges must have a minimum curb of 100 mm high.
- iii. The platform must be graded and drained.
- iv. The roof of the platform must extend a minimum of 1 meter beyond the edges of the base of the platform.

113. Duties of a keeper of poultry

1. Any person who keeps poultry must-
 - (a) Ensure that all poultry is kept within a poultry house, poultry run or building or structure housing a battery system.
 - (b) Maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the poultry in a clean, sanitary condition and in good repair.
 - (c) Maintain the premises and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from pets
 - (d) Ensure that the poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public.
 - (e) Provide portable manure storage receptacles of an impervious material and with closed fitting lids and keep the manure storage receptacles on a platform.
 - (f) Remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every four days from a building or structure housing a battery system.

Part 5: Kennels and catteries

114. Keeping of Kennels and catteries

115. Requirements for premises

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

- (a) Every dog or cat must be kept in an enclosure which complies with the following requirements:
- i. The enclosure must be constructed of impervious materials and must provide adequate access for cleaning purposes.
 - ii. The floor must be constructed of concrete or other impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending the full width of the floor, which channel must be graded and drained into a gully connected to the Municipality's sewer by means of a pipe 100mm in diameter
 - iii. A curb 150 mm high must be provided along the edge of the channel, referred to in subparagraph (ii) to prevent any storm water runoff entering the channel
 - iv. The enclosure must be adequate in size to allow free unobstructed movement of animals kept therein
- (b) Subject to the provisions of paragraph (c) every enclosure referred to in paragraph (a) must be provided with an adequate roofed shelter that complies with the following requirements:
- i. Every wall must be made of brick, stone, concrete or other impervious material.
 - ii. Every wall must have a smooth internal surface.
 - iii. The floor must be made of concrete or other impervious material brought to a smooth finish.
 - iv. Every shelter must have adequate access for cleaning and eliminating pests.
- (c) A dog kennel which complies with the following requirements may be provided instead of the shelter contemplated in paragraph (b).
- i. The kennel must be constructed of an approved weatherproof and insulating material or other similar material.
 - ii. The kennel must be movable.
 - iii. The kennel must be placed on a base constructed of concrete or other impervious material with an easily cleanable finish.
 - iv. A sleeping board, which will enable the dog to keep dry, must be provided in any kennel that does not have a waterproof base.
- (d) A concrete apron extending at least one metre wide around the edges of the enclosure must be provided.

- (e) The apron must be graded and drained in a way that drains storm water away from the enclosure.
- (f) A water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the enclosure.
- (g) Any cage in which cats are kept must be constructed of durable impervious material and in a manner that it may be easily cleaned, and no shelter, enclosure or kennel may be situated within five metres of any dwelling or other building or structure used for human habitation, and place where food is stored and prepared for human consumption.

116. Duties of a keeper of kennels or catteries

1. Any person operating kennels or catteries must –
 - (a) Maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair.
 - (b) Provide portable storage receptacles, of an impervious material with close fitting lids, for the storage of dog and cat faeces.
 - (c) Remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in paragraph (b).
 - (d) Remove the contents of the storage receptacles from the premises at least twice every seven days and dispose of it in a manner that will not create a public health nuisance.
 - (e) Store all loose food in receptacles, with close fitting lids in the food store.
 - (f) Provide adequate refrigeration facilities to store perishable foods on the premises.
 - (g) Provide adequate separate refuse receptacles, with close fitting lids, on the premises for refuse other than faeces.
 - (h) Keep any sick dog or cat isolated from any other animal.
 - (i) Maintain the premises free from offensive odours and every enclosure, shelter, kennel, cage or food store clean and free from pests.
 - (j) Ensure that no dog or cat disturbs the comfort, convenience, peace and quiet of the public.

Part 6: Keeping of pigs

117. Keeping of Pigs

118. Requirements for premises

1. No person may keep pigs on premises which do not comply with the following requirements:
 - (a) Every wall must –
 - i. Be constructed of brick, stone, concrete or other durable material
 - ii. Have a minimum height of 1,5 meters
 - iii. Have a smooth, impervious internal surface
 - (b) The floor area must provide at least 3 m² for each pig accommodated in the pigsty, with an overall minimum floor area of 6 m².
 - (c) The roof over any portion of a pigsty must have a minimum height of 1,5 meters,
 - (d) Except in the case of a roofed structure having one of its long sides completely open, the lighting and ventilation openings must –
 - i. Be situated opposite one another in the external walls
 - ii. Provide a minimum of 0,15 m² for each pig
 - (e) The floor must be –
 - i. At least 150 mm above the surrounding ground level
 - ii. Constructed of concrete or other durable and impervious material brought to a smooth finish
 - iii. Graded for the run-off of liquids into an open channel outside the pigsty
 - (f) The open channel referred to in paragraph (e) (iii) must –
 - vi. Be constructed of concrete or other durable and impervious material
 - vii. Be a minimum of 100 mm in diameter
 - viii. Be drained.
 - (g) The pigsty must be strong enough to prevent the pigs breaking out
 - (h) The pigsty may not be situated within 100 metres of –
 - i. The boundary of the premises
 - ii. Any dwelling, building or structure used for human habitation
 - iii. Any place where foodstuffs are stored or prepared for human consumption
 - iv. Any water resource intended for domestic consumption
 - (i) A roofed over concrete platform must be provided for –

- i. The storage of all swill in containers
 - ii. The preparation of pig feed
- (j) The platform referred to in paragraph (i) must comply with the provisions of paragraph (e) and in addition, must have a curbing of a minimum height of 100mm on each edge.
- (k) A water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the pigsty.

119. Duties of keepers of pigs

1. Every person keeping pigs must –
- (a) Ensure that every pig is kept within a pigsty
 - (b) Maintain the premises and any equipment, apparatus, containers and receptacles concerned in a clean and sanitary condition and in good repair.
 - (c) Provide portable storage receptacles, of impervious material and with close fitting lids , to store manure.
 - (d) Remove all manure from the pigsty a least once every 24hours and place it in the manure storage receptacles.
 - (e) Remove the contents of the manure storage receptacles from the premises at least once every second day and dispose of the manure in a manner that will not create a public health nuisance.
 - (f) Provide rodent-proof store-room of adequate size in which all feed, other than swill, must be stored
 - (g) Provide rodent-proof receptacles, with close fitting lids, in which to store all loose feed.

CHAPTER 15

OFFENSIVE TRADE

120. Definitions

1. In this Chapter, unless the following contexts indicates –
- (a) **Effluent:** refers to any wastewater which may be generated as a result of undertaking any scheduled use or an activity which is likely to cause a public health nuisance.
 - (b) **Offensive trade:** means any business listed below or business which involves an activity listed below:

- i. Panel beating or spray painting.
- ii. Operating a waste recycling plant including oil and petroleum product recycling
- iii. Scrap yard or scrap metal dealing.
- iv. Blood boiling, bone boiling, tallow melting, fat melting or fat extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, hide boiling, skin curing, blood drying, gut Scraping, leather dressing, tanning or glue or size making.
- v. Charcoal burning, brick burning, lime burning.
- vi. Manure making or storing or compost making.
- vii. Parchment making.
- viii. Manufacturing malt or yeast.
- ix. Cement works, coke-ovens or salt glazing works.
- x. Sintering of sulphurous materials.
- xi. Viscose works.
- xii. Ore or mineral smelting, calcining, puddling or rolling of iron or other metal, conversion of pig iron into cast iron, reheating, tempering, hardening, forging, conversion or compounding of carbon with iron or other metals.
- xiii. Works for the production of carbon bisulphide, cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, peridine, liquid or gaseous sulphur dioxide or sulphur chlorides.
- xiv. Works for the production of amyl acetate, aromatic ethers, butyric acid, caramel, enameled wire, glass, hexamine, lampblack, B-naphthol, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride or zinc oxide.
- xv. The refining or processing of petrol, oil or their products.
- xvi. Cement brick manufacturing
- xvii. Coal-yard activities

121. Permit requirement

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

122. Requirement for the operation of the premises

1. 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-colored, 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 must be provided.
 - (g) An adequate number of portable containers constructed of iron or another nonabsorbent 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 discharge offensive or injurious effluent or liquid; or decompose in the course of the work or trade.

123. 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, vapors or dust generated during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of any material on the premises.

CHAPTER 16

SCHOOLS

124. Application guidelines

1. These guidelines shall apply to all school institutions. The head of the Municipal Health Services or Environmental Health Practitioner when implementing these guidelines shall apply the principle of best available method.

125. Health Certificate

1. No person or body of persons shall operate a school unless such a person or body is in possession of a health certificate to the effect that the premises and complies with these By-laws, the certificate shall state:
 - (a) The number and both minimum and maximum age of the children permitted to be kept on such premises.
 - (b) The hours during which such an early childhood development center may operate.
2. The Environmental Health Practitioner shall issue the health certificate if he or she is satisfied that the provisions of these bylaws are being complied with in respect of the school in question.
3. The health certificate issued is not transferable from one individual to another.

126. Duties of a person operating a school

1. The health certificate holder shall ensure that the children are always properly cared for and supervised.

2. Maintain every part of the early childhood development center including any outdoor area and all structure, equipment are in good repairs and is always kept clean/ in a hygienic condition.
3. Ensure that all persons on or in the premises are clean and clothing and are in good state of health.
4. Ensure that no person shall smoke or use any tobacco product in the presence of children.

127. Requirements for the operation of a school

1. Structural requirements

- (a) Walls should be constructed of brick, stone, concrete or other impervious material, must plastered and brought to a smooth finish and covered with a light paint.
- (b) Floors should be constructed of concrete, hardwood or other durable material and brought to a smooth finish.
- (c) Ceilings should be constructed so as not to attract dust must have a hard, smooth and washable surface.
- (d) The school premises should be equipped with outdoor shaded areas to prevent children from being exposed to excessive heat/sun exposure during play time. The planting of trees around the premises is encouraged.
- (e) The school premises should be enclosed with an approved means of enclosure, such as a fence, bricks or other approved material.
- (f) Entrance and exit should be controlled so as to prevent unauthorized entry to the school premises.
- (g) An outdoor play area/yard should be available for outdoor activities on the school premises.

128. Food preparation area

1. In addition to the standard requirements enclosed within the Regulation 638 of the 22 of June 2018 relating to the general hygiene requirement for a food premises and the transportation of food, the following considerations must be made:
 - (a) If meals are provided, a display of two-weekly menu must be visible to the parents.

- (b) Provide nutritionally balanced meals of adequate volume to satisfy the energy needs of the children in each age group.
- (c) The preparation area must be adequately ventilated and illuminated in compliance to the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977).

129. Classrooms

1. 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).
2. Adequate floor space of at least 1.5-2 m² per child should be available per classroom.
3. The exterior walls and roof must be constructed in a manner to prevent the permeation of wind and rain and to ensure the health and safety of children.
4. Windows and doors must allow natural light and enable cross ventilation.
5. The floors have a smooth surface that is easily cleanable and prevents the permeation of dampness.
6. Adequate juvenile size chairs and tables must be available for the individual use of each child.
7. Provide adequate educational material to stimulate each developmental stage of the children.
8. The area must be always kept clean and in good repair, free from debris, litter and other miscellaneous rubbish.
9. During cold weather conditions, the premises should be adequately heated throughout with suitable means of heating, to prevent children being exposed to extremely cold conditions. Heating facilities used are safe for children and staff and do not emit noxious fumes, gases or odor.

130. Boarding establishments

1. Accommodation Establishment

- (a) Adequate sleeping, living and accommodation facilities must be provided for boarders and should 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.
- (b) Separate sleeping accommodation must be provided for residential male and female pupils.
- (c) Separate sleeping and living accommodation should be provided for staff on the premises.
- (d) 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 beds.
- (e) For cubicles, a cubicle for a single pupil with its own window and a minimum floor area of 5.0 m²; must be provided.
- (f) Single bed bedroom for a single pupil must have a minimum floor area of 6.0 m².
- (g) Sleeping accommodation must be kept clean and in good repair.
- (h) A floor space of not less than 2.3 m² should be available in all living accommodation for each pupil and staff on the premises.
- (i) Adequate storage facilities must be provided for the storage of personal belongings of residential pupils and staff, which may include a lockable locker.
- (j) Storage facilities should be provided for the storage of linen.

2. Bathrooms and showers

There should be a bath for every 8 children separated for the sexes and designated accordingly. Showers may be substituted for baths in the following ratios:

- (a) Males – two thirds of total number of baths.
- (b) Females – one third of total number of baths.
- (c) A supply of hot and cold running potable water at every bath and shower facility, if no running water is available, a minimum of 25 litres of potable water stored in a hygienically clean container must be available at each bath or shower.

131. Ablution facilities

1. Toilets at a ratio of not more than 15 children for each toilet or chemical toilet.
2. Hand wash facilities at a ratio of not more than 20 children for each hand wash facility.

3. A supply of hot and cold running potable water must be available at every wash hand basin or if no running water is available, a minimum of 25 liters of potable water stored in a hygienically clean container and must be available at each wash hand basin.

132. Medical care of children

1. Any person who operates or is in charge of a children's home must-
 - (a) Provide an adequate first aid area with adequate and appropriate first aid equipment for the treatment of minor ailments and bodily injuries sustained by children.
 - (b) Have an accessible list of emergency contact numbers which shall include fire brigade, ambulance, environmental health practitioner, outbreak response, clinic, hospital, doctor and police.
 - (c) Be trained in basic first aid.
 - (d) Ensure that adequate provision is made for disposable gloves and disinfectants to protect staff and children, and also to disinfect contaminated areas and surfaces when dealing with blood related illness and injuries.
 - (e) Ensure that immediately after treating a child with blood related illnesses and injuries, areas and surfaces where treatment took place are adequately disinfected.
 - (f) Ensure that post exposure prophylaxis for HIV and Hepatitis B be made available to any child or caregiver who may have been so exposed.
 - (g) In respect of any child who becomes ill or has suffered an injury requiring medical attention-
 - i. Immediately transport such child to the nearest clinic or hospital or call for medical assistance.
 - ii. Ensure that appropriate medical care is given to the child in the sick bay area, if the illness or injury is not of a nature requiring attendance at the clinic or hospital and immediately notify the Municipality in the event of the illness being a notifiable disease.
 - (h) Ensure that every child has a road to health card and has completed basic immunization schedules as required by the Department of Health.
 - (i) Take measures to adequately manage communicable diseases.

- (j) Isolate in an approved manner, any child that is suffering from any infectious disease until such time that the disease no longer poses any threat to those around them.

CHAPTER 17

STREET TRADING

133. Prohibitions

1. No person shall carry or undertake street trading-
 - (a) On a verge contiguous to-
 - i. A building belonging to or occupied solely by the state the Municipality
 - ii. A church or other place of worship or;
 - iii. A building declared to be a national monument in terms of the National monuments Act 28 of 1969.
 - (b) On any verge contiguous to a building in which business is being carried on by any person who sells goods of the same nature as or of similar nature to, good being sold by the street trader or who offers service of the same nature as or of the similar nature to a service offered by the street trader concerned without the consent of such person.
 - (c) On that half of a public road contiguous to a building used for residential purposes, if the owner or person in control or any occupier of the building objects there to.
 - (d) At any place where the carrying on of such business causes an obstruction to-
 - i. The entrance to or exit from a building or
 - ii. A fire hydrant
 - (e) In any declared area identified as such in terms of section 6A (2) of the business Act, Act 71 of 1991 in respect of which the carrying on the street trader has been-
 - i. Prohibited by the Municipality
 - ii. Restricted by the Municipality, unless such business is carried on in accordance with such restrictions.
 - (f) At any place which has been set apart and demarcated as stands or area by the Municipality in terms of section 6A(3) (b) of the business act 71 of 1991 for the purposes of the carrying on the business of street tender, unless such business is carried on in accordance with-
 - i. An agreement with the Municipality
 - ii. The allocation by the Municipality to the street trader of any area or stand
 - (g) In any public garden or park except with prior written consent of the Municipality.

134. Restrictions

1. No person engaging in street trading shall-
 - (a) Sleep overnight at the business site
 - (b) Erect any apartment structure in a public place or public road for the purpose of providing shelter.
 - (c) Place or store any goods in such a manner or position as to constitute a danger to any person.
 - (d) Carry on such business in such a manner as to create a nuisance and damage or deface any public road or public place or any public or private property.
 - (e) Create a traffic hazard.
 - (f) Interfere with the ability of persons using a sidewalk to view the goods displayed behind shop display window or obscure such goods from the view.
 - (g) Place or store their goods on or in a building, without; the consent of the owner, lawful occupier, or person in control of such building or property.
 - (h) Attach any of his or her goods by means to the building structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffics sign, bench or any other street furniture in or a public road place.
 - (i) Make an open fire on a public road or public place causing an interference with an ability of a person using sidewalk to view the goods displayed behind a shop displayed window or obscure such goods from view.
 - (j) Obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic and;
 - (k) Obstruct or inhibit the use of street furniture and any other facility designed for the use of the public.

135. Cleanliness

1. Every street trader must-
 - (a) Keep the area by him her for the purpose of street trading, as well as any goods used by him or her, in a clean and sanitary condition.

- (b) At the request of any authorized official by the Municipality, move or remove his or her goods so as to permit the cleansing of the area where he or is trading or for the purpose of affecting Municipality services.
- (c) Not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter.
- (d) Not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter.

136. Display of goods

- 1. A street trader shall ensure that any structure, container, surface or other object used by him or her for the preparation, display, storage or transportation of goods;
 - (a) Is maintained in a good state of repair and in a clean and sanitary condition and
 - (b) Is not so placed or stored so as to constitute a danger to any person.

CHAPTER 18
PUBLIC HEALTH NUISANCES

137. General nuisances

- 1. 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 closet, pail closet, urinal, cesspool, cesspit, drain, sewer, dung pit, slop tank, ash heap or dung heap to be so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health.
 - (c) Any stable, kraal, shed, run or premises used for the keeping of animals or birds and which is so constructed, situated, used or kept as to be offensive or to be injurious or dangerous to health.
 - (d) Any accumulation of 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-closet, 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 11,3 m³ of free air space and 3,7 m² of floor space for each person aged 10 years or more and 5,7 m³ of free air space and 1,9 m² of floor space for each person less than 10 years of age.
- (j) Any other activity, condition or thing declared to be a nuisance by the Minister in terms of the Health Act, 1977.

138. 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 harbors 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 of insufficiently rotted manure or any other organic material is being kept or used, any other substance that attracts flies is used or kept other than for the purposes of trapping or killing flies.
 - (c) Mosquitoes can breed in significant numbers on the premises because –
 - i. Containers in which mosquitoes can breed, such as tyres, bottles, crockery, and tins, have been left or are kept on the premises.
 - ii. Tanks, barrels and similar containers in which mosquitoes can breed are not fitted with mosquito-proof covers or mosquito wire gauze screens in a manner that prevents mosquitoes gaining access to water contained in them.

- iii. Gutters and down pipes are sagging or clogged so that stagnant water can accumulate in them.
- iv. Approved measures have not been taken to prevent mosquitoes breeding in ponds, excavations, wells, swimming pools or any other stagnant water source on the premises.

139. Air pollution

1. An owner or occupier of premises creates a public 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.

140. Fouling and littering in public places /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, thoroughfare, open space, vacant stand, public place or erf, spruit or watercourse, or cause or permit it to be thrown, dumped or dropped there, or cause or permit any such liquid to flow into such a place.
2. The person who has contravened sub item (1), must remedy, to the satisfaction of the Environmental Health Practitioner, any damage to the environment which resulted from such contravention.

**CHAPTER 19
MISCELLANEOUS**

141. Dogs causing a nuisance

1. No person may keep a dog if –
 - (a) The dog creates a disturbance or a nuisance by constantly or excessively barking, howling or whirling
 - (b) The dog suffers from a contagious disease, provided that the dog may be kept in a veterinary surgeon's clinic for treatment
 - (c) The dog defecates when taken into a public place or road while under the control or supervision of a person and the person fails to dispose of the faeces in a refuse receptacle
 - (d) The stench of faeces of the dog kept on the person's property becomes a nuisance to the occupiers of adjacent properties .
2. If an authorised officer is of the opinion that a dog is creating a nuisance or disturbance in terms of subsection 1(a) , he or she may order the owner of the dog by notice in writing to remove the dog from the place at which the dog is creating the disturbance or nuisance.
3. An owner contemplated in subsection (2) must, within 96 hours , calculate from 12:00 on the day on which the notice was served remove the dog from the place at which the dog is creating the disturbance or nuisance. If the owner fails to comply with the notice, the authorised officer may impound the dog and deal with it in terms of the provisions of section 145.
4. The Municipality is not liable to pay any compensation to any person in respect of any action in this section.

142. Dogs to be led

1. No person may permit any dog to be at large in a street or public place unless the dog is kept on a leash or a chain and under control of such a person.
2. Any authorised officer may impound a dog that is in a street or public place and is not kept on a leash or a chain.

143. Dogs not to be incited

No person may, except a person training a dog at a dog training school, may without reasonable grounds –

- (a) Incite a dog against a person, animal or bird
- (b) Permit a dog in his or her custody or under his or her control to attack or frighten any person, animal or bird

144. Pound master

1. The pound master must –
 - (a) Keep the pound open between 08:00 and 16:30 On every weekday and between 08:00 and 12:00 on Saturdays
 - (b) Keep a register in which the following particulars in respect of every impounded animals are recorded:
 - i. The name, residential address and telephone number, if any, of the person who impounded the animal
 - ii. The time at which and date on which the animal was impounded
 - iii. The place where the animal was found immediately before it was seized
 - iv. The date on which and the time at which the animal was seized
 - v. The reason for impounding the animal
 - vi. A description of the animal, which should include the estimated age, breed, sex, colour, markings and any injury found on the animal when the pound master accepted it
 - vii. Whether the animal was released, sold or destroyed and the date and time of such release, sale or destruction.
 - viii. The amount of money realized in respect of the animal's release or sale
 - ix. The amount of the veterinary expenses incurred, if any, in respect of the animal.
 - (c) Ensure that the pound and all instruments and appliances used in connection with the impounded animals are at all times kept in a clean condition and free from flies and other vermin to the satisfaction of the EHP
2. A person claiming an impounded animal must satisfy the pound master that he or she is the owner of the animal.
3. The person claiming an impounded animal must pay to the pound master the pound fees determined by the Municipality from time to time in terms of

section 80B of the Local Government Ordinance, 1939 (Ordinance 17 of 1939).

145. Pound procedure

1. The Chief of Police or his or her representative may seize and impound any animal that he or she suspects is ownerless.
2. If an owner or occupier of land finds on such land an animal that is not his or her property, the owner or occupier may seize and impound such an animal or cause such an animal to be seized and impounded.
3. Notwithstanding the provisions of subsection (1) and (2), no person may seize or impound any animal if there are reasonable grounds to believe that
 - (a) The animal is a bitch with unwanted young, unless such a bitch and unwanted young are impounded together
 - (b) The animal is sick, except a dog suffering from an infectious disease or in respect with the provisions of section 10 of the Animal Disease Act, 1984 (Act 35 of 1984).
4. A person who has seized and impounded an animal in terms of this section must ensure that such animal is not ill-treated and may, if the pound is closed, keep such animal in his or her custody for a period not exceeding 16 hours.
5. Subject to the provisions of subsection (1) and (2), no person may rescue or steal any animal that has been seized or is kept in custody or has been impounded in terms of this section.

146. Impounding of animals

1. Any authorised officer may impound any animal that –
 - (a) Is at large and apparently ownerless
 - (b) Has no name tag for identification on its collar
 - (c) Is being kept in contravention of any part of these bylaws
2. An animal referred to in subsection (1) must be detained at the pound until the person claiming the animal has paid to the pound master the pound fees.
3. If the name and address of a person appear on the collar of an impounded animal, the pound master must immediately communicate with that person.
4. No person may remove or attempt to remove from the custody of the person in charge of the pound, any animal lawfully impounded.

5. For the purpose of this section, 'pound' means a place designated by the Municipality for the detention of animals in terms of these bylaws.
6. The pound master is entitled to recover from the owner of any impounded animal the cost of any reasonable expenses incurred by the pound master in rendering or providing necessary veterinary or medical attention for the animal.

147. Unclaimed animals

1. If an impounded animal is not claimed by a person entitled to the animal within seven days after the day on which the animal was impounded, the pound master may sell the animal or cause the animal to be sold in the manner prescribed in section 5 of the Animals Protection Act 1962 (Act 71 of 1962).
2. The Municipality is not liable for any compensation to any person entitled to an animal contemplated in subsection (1) in respect of any action taken in terms of this section.

148. Authorised officer may destroy an animal

1. Whenever an authorised officer is of the opinion that an animal is so diseased or severely injured or in such a physical condition that it ought to be destroyed, he or she may, if the owner of the animal is absent or refuses to consent to the destruction of the animal, summon a veterinarian immediately or, if there is no veterinarian within a reasonable time distance, two adult persons whom he or she considers to be reliable and of sound judgement.
2. If such veterinarian or adult persons, after having duly examined the animal, certify that the animal is so diseased or severely injured or in such a physical condition that it would be cruel to keep it alive, the authorised officer may without consent of the owner destroy the animal or cause the animal to be destroyed with such instruments or appliances and with such precautions and in such a manner as to inflict as little suffering as practicable.
3. Any authorised officer, who in the absence of the owner of an animal, destroys or cause the animal to be destroyed must, if the owner and address are known, advise the owner of the destruction. If the destruction of the animal takes place in a public place or on a public road, the

authorised officer must , subject to the provisions of the Animal Diseases Act, 1984, remove the carcass or cause it to be removed from the public place or public road.

4. A veterinarian may in respect of any animal exercise the powers conferred by subsection (1) on an authorised officer's behalf without summoning another veterinarian or authorised officer or any other person, and in respect of exercising of those powers, the provisions of subsection (3).
5. Any expense which may be incurred by an authorised officer or veterinarian in carrying out the provisions of this section may be recovered from the owner of the animal in question as a civil debt.

149. Offenses and Penalties

1. Any person who –
 - (a) Contravenes or fails to comply with any provisions of these by-laws.
 - (b) Fails to comply with any notice issued in terms of or for the purposes of these by-laws.
 - (c) Fails to comply with any lawful instruction given in terms of or for the purposes of these by-laws.
 - (d) Obstructs or hinders any authorized representative or employee of the Municipality in the execution of his or her duties under these by-laws;
 - (e) Shall be liable on conviction to a fine not exceeding R3000-00 or imprisonment for a period not exceeding six months.

150. Serving of Notices

1. A notice, order or other document is regarded as having been properly served if-
 - (a) It has been delivered to the person concerned personally.
 - (b) It has been sent by registered post or speed post to the person to whom it is addressed at his or her last known address.
 - (c) It is served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address.
 - (d) If the address of the person concerned in the Republic of South Africa is unknown, if it has been served on that person's agent or representative in the Republic of South Africa in the manner provided for in paragraph (a), (b).

2. A notice, order or other document which may in terms of these By-laws be served on the owner or occupier of premises may be addressed to the owner or occupier of the specified premises and need not bear the name of the owner or occupier.

151. Application to the state

1. These by-laws bind the State, including the Municipality.

152. Repeal

1. The Municipal Health by-law Gazette 2266, Notice 7 of 2021 is hereby repealed.

CHAPTER 20

ANNEXURES

153. Schedules used:

1. 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 these by-laws 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 is required

Provision of service to remove human excrement or urine

Offensive trade

Beauty salons, Hairdressing, tattoo parlour and cosmetology services

Accommodation Establishments

Early childhood development Centers

Children's Home

Schools

Part B: Scheduled uses

Sanitary services

Private Sewage Works

Water

Offensive Trades

Hairdressing, Beauty and Cosmetology Services

Accommodation Establishments

Dry Cleaning and Laundry Establishments

Nursing Homes

Early childhood development Centers

Keeping of Animals



HARRY GWALA DISTRICT MUNICIPALITY

“Together We Deliver and Grow”

OFFICE OF THE MUNICIPAL MANAGER

40 Main Street, Private Bag X501, IXOPO 3276

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MUNICIPAL HEALTH SERVICES

**APPLICATION FORM FOR A CERTIFICATE OF ACCEPTABILITY OF FOOD PREMISES-
REGULATION 3 (2) OF R638 OF 22 JUNE 2018**

A. PERSONAL INFORMATION

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

| | |
|--|--|
| <p>Surname:</p> <p><i>*Surname and first names of person in whose name the certificate must be issued:</i></p> | |
| <p>First Names:</p> | |
| <p>ID No.:</p> <p><i>Copy of RSA identification document attached</i> <i>Copy of Resident documentation attached , if an Immigrant</i> <i>Certificate indicating all Directors /members and addresses attached, if applicable.</i></p> | |
| <p>Postal address:</p> | |

| | |
|----------------------|--|
| Residential address: | |
| Tel No: Business | |
| Tel No: Residential | |
| Cell No: | |
| E-mail address: | |

B. PARTICULARS FOR FOOD PREMISES/OWNER OF VEHICLE

| | |
|---|------------------------------|
| Name of Food Premises/Business/Trading Name | |
| Type of food premises: (e.g. building/ vehicle, stall) | |
| Physical Address(Food premises) Building Name | |
| Shop Number | |
| Floor Level | |
| Street Name and Number | |
| Suburb | |
| Erf Number(If applicable) | |
| Postal Address (Food Premises) | |
| Physical Address(In the case of a business solely in business of transporting perishable food on behalf of someone else) | |
| Vehicle (s) used for the transportation of perishable/prepacked foodstuffs [Regulation 3 (1)(a) and 14 (6) (a)] | (Registration number) |
| GPS Coordinates, if available | |
| Webpage, if available | |

| | |
|--|--|
| A checklist with risk factors and recommendations available and used (Y/N) | |
| Previous inspection reports available (Y/N) | |
| Relevant municipal permit/ zoning certificate in place? (Y/N) | |
| Valid Health Care Risk Waste (HCRW) contract with an approved HCRW company (Y/N) <i>*if applicable</i> | |
| A valid refuse removal contract with the Municipality or a refuse disposal site in place (Y/N) | |
| Water supply source | |

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

| | Erf No. | Address |
|--|----------------|----------------|
| Number of sanitary facilities | | |
| Change rooms | | |
| Cleaning facilities | | |
| Hand-washing facilities | | |
| Storage facilities for food/facilities | | |
| Preparation premises | | |

C. FOOD CATEGORY

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

| |
|--|
| |
| |
| |

D. QUANTITIES OF FOOD TO BE HANDLED

Indicate envisaged production output or number of persons to be catered for

| |
|--|
| |
| |

E. NATURE OF HANDLING

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

| |
|--|
| |
| |

F. STAFF

| | | | | | |
|-------|--|---------|--|-------|--|
| Males | | Females | | Total | |
|-------|--|---------|--|-------|--|

G.PARTICULARS OF EXEMPTION BEING APPLIED FOR [Regulation 14 (1)]

| | |
|--|--|
| | |
| | |

H. PLAN OF PREMISES (*Where applicable*)

Attach to this application, a lay out plan of the premises, drawn on a scale of 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, manager, secretary) | |
| I.D / Passport Number <i>Copy of RSA identification document attached</i> <i>Copy of Resident documentation attached, if an Immigrant</i> | |

| | |
|---|--|
| <i>Certificate indicating all Directors /members and addresses attached, if applicable.</i> | |
| Postal address: | |
| Residential address: | |
| Tel no.: Business | |
| Cell Number: | |

J. DECLARATION

I declare that the abovementioned information is correct.

I understand that it is my legal responsibility and liability to ensure that this premises complies with all other legislation, and undertake to comply with this undertaking [Regulation 3 (5) (c)]

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

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

Date of application: _____

Signature of person in charge: _____

Signature of owner (if not person in charge): _____

Name of Environmental Health Practitioner received the application: _____

Date received: _____

Signature: _____



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APPLICATION FOR ISSUE OF A CERTIFICATE OF ACCEPTABILITY

**(In terms of Regulations Relating to the Management of Human Remains-Government
Notice No. R363 of 22 May 2013)**

I (Full name of applicant/s) _____ wish to apply for a certificate of competence to operate a funeral undertaker business. The details are as follows:-

Name of Owner (Surname and Full Names):

I.D No: _____

Name of Person in Control: _____

I.D No: _____

Tel No: _____

Fax No: _____

Details of Business

Trade

Name: _____

Physical Address: _____

Lot No: _____

Location: _____

Postal Address: _____

Area Zoning use of Premises: _____

Building Plans Approved/Not Approved (Comments If Any –Attach copy of plans)

Brief Description of Premises

Brief Description of Business Activity

Storage Capacity of Cold Room:

Particulars of any other person other than the owner who prepares corpses on the premises

a. Name: _____

I.D No. _____

b. Name: _____

I.D No. _____

c. Name: _____

I.D No. _____

Method of wastewater disposal al: Sewer

Septic Tank

Conservancy Tank

Method of Hazardous Waste storage and frequency of disposal:

Details of Medical Waste removal service provider:

Number of Persons Employed or to be Employed:

(Males) _____

(Females) _____

Is this a new mortuary/funeral undertakers' premises?

Yes/No

(If No, please provide details of the previous owner)

Name: _____

Trade Name _____

Has a notice in terms of Section 4(1) of the Regulations been published?

Yes/No

NAME OF APPLICANT: _____

CAPACITY: _____

SIGNATURE: _____

DATE: _____