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<p data-bbox="129 763 767 824"><b>COOPERATIVE GOVERNANCE, TRADITIONAL AFFAIRS AND HUMAN SETTLEMENTS NOTICE</b></p> <p data-bbox="102 978 788 1010">Thabo Mofutsanyana District Municipality ..... 2</p>			

## COOPERATIVE GOVERNANCE, TRADITIONAL AFFAIRS AND HUMAN SETTLEMENTS NOTICE

## THABO MOFUTSANYANA DISTRICT MUNICIPALITY

## MUNICIPAL HEALTH BY-LAW

Under the provisions of Section 156 of the Constitution of the Republic of South Africa, 1996, the Thabo Mofutsanyana District Municipality enacts as follows:-

## Table of Contents

1.	Definitions	Page 3 - 9
2.	Chapter 1: Prevention and Suppression of Health Nuisances	Page 9- 10
3.	Chapter 2: Waste management	Page 10 - 13
4.	Chapter 3: Accommodation establishments	Page 13 - 14
5.	Chapter 4: Hairdressers and Barbers	Page 15- 16
6.	Chapter 5: Tattooing and Body Piercing of Humans	Page 16
7.	Chapter 6: Offensive Trades	Page 16 - 18
8.	Chapter 7: Cemeteries, Crematoria, Funeral Undertakers and Exhumations	Page 18 - 21
9.	Chapter 8: The Conveying and Handling for Sale of Meat Intended for Human Consumption	Page 21 – 22
10.	Chapter 9: Milk, Milking Sheds, Dairy Farms, Milk-depots, Milk-Shops and Purveyors of Milk	Page 23 – 27
11.	Chapter 10: Keeping of Animals and Poultry	Page 27 – 28
12.	Chapter 11: Childcare Facilities	Pages 28 – 33
13.	Chapter 12: Swimming Pools	Pages 34 - 35
14.	Chapter 13: General Provisions	Pages 35 – 36

## 1. DEFINITIONS

All words defined in this By-law will be displayed in **bold text** throughout the By-law.

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

**"above-ground burial"** means when a structure is employed for the **interment** of a body and such structure is located above normal ground level;

**"accommodation establishment"**, means a hotel, guest house/farm, boarding- or lodging house and/or any **premises** in or upon which the **business** of supplying lodging with or without one or more meals per day is conducted or intended to be conducted for reward or gain;

**"adequate", "effective", "suitable", "sufficient", "proper" or "satisfactory"** means **adequate, effective, suitable, sufficient, proper and satisfactory** in the opinion of the **Manager Municipal Health Services** with due consideration of the reasonable environmental health requirements of the particular case;

**"agent"**, means a **person** specifically or generally appointed to attend to the affairs of another;

**"animal"**, means horse, pony, mule, donkey, cattle, pig, sheep, goat, rabbit, swarm of bees, camel, reptile, indigenous animal and other wild or exotic animal, but excludes dogs and cats or other **animals** which may be lawfully kept as **domestic pets**;

**"approved"**, means, unless stated otherwise, approved by the **Manager Municipal Health Services** and/or **Council** upon recommendation of the **Manager Municipal Health Services** ;

**"area of jurisdiction", "municipal area"**, means the area falling under the control and jurisdiction of the **Council** and includes the areas of jurisdiction of all local municipalities demarcated to the **Council**;

**"ashes"** means the cremated remains of a **corpse**;

**"baby"**, means a child from 0 to 18 months old;

**"bin"**, means a refuse bin or container which is approved by Council or a service provider;

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

**"burial"** means when land is excavated for the **interment** of a body or **ashes** or when a structure is employed for the **interment** of a body or **ashes**;

**"business"**, includes trade and occupation;

**"carcass"**, means the remains of any **animal** or **poultry**;

**"cattery"**, means any establishment where cats are bred or boarded;

**"cemetery"** means any land containing one or more **graves**, or utilised for the interment of **ashes**;

**"child"**, means a person between 18 months and 18 years of age who receives day care;

**"childcare (day care) facility", "crèche", "place of care"**, means any buildings or **premises** maintained or used, whether for profit or otherwise, for the temporary or partial care of more than six **babies/children** under 18 years of age, away from their parents and/or guardians, during any time of day or night. Depending on its registration a **place of care** can admit **babies, toddlers, pre-school children** and school-going children on a full-day or a half-day basis;

**"child care worker"**, means any person concerned with the care of children;

**"communicable disease"**, means a disease resulting from an infection due to pathogenic agents or toxins generated by the infection, following the direct or indirect transmission of agents from the source to the host;

"corpse" means the remains of a deceased person and includes a still-born child and foetus;

"corpse reduction" refers to processes used to reduce corpses including **cremation**, **promession** and biodegradable process;

"cost", means the amount determined by the Council in accordance with its Schedule of Tariffs and Costs;

"Council", means the **Council** of Thabo Mofutsanyana District **Municipality** or its **duly authorised employee**, councilor, committee or **agent**;

"crèche", see "**childcare (day care) facility**", and caters mainly for, but is not limited to **babies** and **toddlers**;

"cremated remains" means all recoverable **ashes** after the **cremation**;

"cremation" means the process whereby a **corpse** is reduced by fire;

"danger to health", see "**health nuisance**";

"dangerous to health", see "**offensive**"

"day care", means the care of children up to the age of 18 years of age away from their parents on a daily basis;

"day mother", "**child minder**", means a **registered** person who, whether for profit or otherwise, takes care of a maximum of six children away from their homes;

"domestic pet", means any domestic or other **animal**, which may be lawfully kept as a pet and includes any bird and non-poisonous reptile;

"duly authorized employee", means any delegated employee or law-enforcement officer employed by **Council**;

"dwelling", means any general or special residential building and includes any house, room, shed, hut, caravan, tent, vehicle, vessel, boat or any other **structure** or place whatsoever, any portion whereof is used or appears to be intended for use by any human being for dwelling and/or sleeping;

"environmental health practitioner", means, subject to the provisions of the Health Professions Act, 1974 (Act nr. 56 of 1974) as amended, any **person** registered as such with the Health Professions **Council** of South Africa and includes —

- (a) environmental health assistants;
- (b) student **environmental health practitioners**;
- (c) **environmental health practitioners** doing compulsory community services;
- (d) health officers as described in the National Health Act (Nr. 61 of 2003);

"exhumation" means the removal of a corpse from its **grave**;

"funeral undertaker" means any person, organisation or corporate body in the business of, or which undertakes the burial of corpses for gain;

"funeral undertaker's premises" means any building, **structure** or tent together with the land on which it is situated and the adjoining land used in connection with it and includes any land without any building, **structure** or tent, and any vehicle, conveyance or ship;

"grave" includes any place, whether wholly or partly above or below ground level in which a **corpse** is permanently interred or intended to be permanently interred, whether in a coffin or other receptacle or not, and also includes any monument, tombstone, cross, inscription, rail, fence, chain, erection or other structure of whatsoever nature forming part of or appurtenance to such **grave**.

"generator", means a **person** who generates **medical waste**;

"hairdresser or barber", means a natural **person** who carries on **business** by cutting, shaving, shampooing, curling, straightening or otherwise treating or removing people's hair or beards or providing beauty treatment for reward or gain;

“**health certificate of approval**”, “**provisional health certificate of approval**” means a certificate of approval or provisional approval issued by the **Manager Municipal Health Services**;

“**health hazard**”, see “**health nuisance**”;

“**health nuisance**”, means a situation, or state of affairs, that endangers life or health or adversely affects the well-being of a **person** or community and include any activity, condition, **premises** or thing which, on account of effluent, vapours, chemical effluvia, odours, noise, vibration, radiation, **refuse**, **waste** products, dirt, chemical or biochemical material, microbial infection, vermin, vegetation, **overcrowding**, lack of **proper** general hygiene, ventilation, lighting, design, situation or on account of any other cause or practice whatsoever, is/are in the opinion of the **Manager Municipal Health Services** potentially **injurious** or **dangerous to health** or which is/are **offensive**, including, without affecting the generality of the foregoing, any facility for the storage, distribution or handling of water that is likely to be used by humans for domestic purposes or consumption, including such water itself, which is contaminated or **polluted**;

“**in-ground burial**” means when land is excavated for the **interment** of a body;

“**injurious**”, see “**offensive**”;

“**interment**” means to commit a **corpse** or **ashes** to its final place;

“**keeper of a swimming pool**”, means a **person** in control of a **swimming pool** and includes the **owner** of the **premises** on which the **swimming pool** is situated;

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

“**manager municipal health services**”, means, subject to the provisions of the Health Professions Act, 1974 (Act nr. 56 of 1974) as amended, the person appointed by **Council** as Head of Municipal Health Services and includes any **environmental health practitioner** or other **person** duly authorised to act on his/her behalf and any **duly authorised employee** appointed by **Council** to implement the provisions of this By-Law;

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

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

“**medical waste**”, means **waste** emanating primarily from human and veterinary hospitals, health care centres, clinics and surgeries as well as from chemists and Sanitary Services that has the ability to affect, infect and are considered hazardous and includes—

- (a) used medical equipment and other medical material which is capable or is reasonably likely to be capable of causing or spreading disease or causing or spreading infection, such as used surgical dressings, swabs, blood bags, laboratory **waste**, blood collection tubes, colostomy-and catheter-bags, gloves, drip bags, administration lines and tongue depressors;
- (b)
- (c) pharmaceutical products which have become outdated or contaminated or have been stored improperly or are no longer required, such as human and animal vaccines, medicines and drugs;

“**municipality**” means any local **municipality** within the **area of jurisdiction** of **Council**;

“**niche**” means a compartment in a structure in a **cemetery**, designed for the placement of **ashes**;

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

“**nuisance**”, see “**health nuisance**”;

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

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

- a) any **person** in actual occupation of those **premises**; or
- b) any **person** legally entitled to occupy those **premises**; or
- c) any **person** having the charge or management of those **premises**, or
- d) any **agent** of any abovementioned **person** should such person be absent from the Republic of South Africa or when his/her whereabouts are unknown;

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

“**offensive trade**”, means any work or trade which in the opinion of the **Manager Municipal Health Services** is of an **offensive** nature, and also includes (though not limited to) the following:

- (a) Boiling or drying bones or blood, sterilizing animal hair, manufacturing gum or glue, extracting fat by boiling or melting or tallow or grinding bones or other animal substances into meal;
- (b) Scraping cleaning or boiling intestines or offal;
- (c) Burning charcoal, brick or lime;
- (d) Dressing or tanning leather or curing hides and skins;
- (e) Manufacturing malt and yeast;
- (f) **Selling** or offering or exposing for sale the raw meat of any equine;
- (g) Keeping of **poultry** for **business** or trade purposes;
- (h) Manufacturing flock or down;
- (i) Dust or grit producing processes;
- (j) Tow-In Services/Scrap yards;
- (k) Any such other activity deemed by the **Council** to be an **offensive trade**.

“**officer in charge**” means the authorised official in a supervisory capacity with regard to a **cemetery** or **crematorium**;

“**overcrowding**”, means —

- (a) a residential occupancy in excess of 12 occupants per **sanitary convenience**; and/or
- (b) occupancy of habitable rooms (being all rooms in a **dwelling** excluding kitchens, bathrooms, **sanitary conveniences**, garages, passages, lobbies, laundries or sculleries and/or any other room not **approved** by **Council** for habitation purposes) for sleeping purposes where such occupation exceeds 1 adult **person** per 4 m<sup>2</sup> and/or 1 child under 10 years of age per 2 m<sup>2</sup>;

“**owner**”, includes—

- (a) in cases where the **person** in whom the legal title is vested is insolvent or deceased, or is of unsound mind or whose estate has been assigned for the benefit of his creditors, the **person** in whom the administration of the property is vested as trustee, executor, curator or assignee, or administrator;
- (b) in cases where the **owner** as above described is absent, the **agent** or **person** receiving the rent of the property in question;

“**person**”, means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, organ of State, public utility body, voluntary association of trust or any other juristic person;

“**place of care**”, see “**childcare (day care) facility**”, and also includes:

- (a) “**after-school centre**”, means a place of care for school-going children, which operates in the afternoons during school terms although full-day care may be offered during school holidays, if registered appropriately;
- (b) “**place of care cum pre-primary school**”, means a registered **place of care** and **pre-primary school** that is managed as a unit. Children of more than three years of age attend the **pre-primary school**
- (c) “**place of care cum pre-primary after-school centre**”, similar to “**place of care cum pre-primary school**”, except that school children are cared for in the same building in the afternoons and during school holidays;
- (d) “**place of care cum after-school centre**”, similar to “**place of care cum pre-primary after-school centre**”, except that it can involve children of any age group;
- (e) “**play group**”, means a place of care where children are cared for, for a maximum of four hours a day and the provision of meals are unnecessary;
- (f) “**pre-primary school**”, “**nursery school**”, an institution registered with the Department of Education that provides for children from the age of three up to school-going age and function during school hours only;
- (g) “**pre-school child**”, means a child older than three years of age, but who does not go to school yet;

“**policy**” means any policy which may be published by the **Council** from time to time;

“**polluted water**”, means water that is not **pure water** and includes natural surface water;

“**potable water**”, means piped, clean and clear water complying with the specifications of SABS 241, as amended from time to time, in terms of physical, biological, organoleptic and chemical requirements that are **suitable** for delivery as drinking water;

“**poultry**”, means any **fowl, goose, ostrich, duck, pigeon, dove, turkey, muscovy, guinea-fowl, partridge, pheasant, quail, peacock and/or peahen or bird whether domesticated or wild and the chicks thereof**;

“**premises**”, means any building, **structure** or tent together with the land on which it is situated and the adjoining land used in connection with it and includes any land without any building, **structure** or tent, and any vehicle, conveyance or ship;

“**pre-school child**”, means a child older than three years who does not yet go to school;

“**prescribed fee**” means a fee as determined by the **Council**;

“**promession**” means the process whereby the **corpse** is disposed of by freeze drying;

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

“**public place**”, means any road, street, pavement, sidewalk, park, garden or other place to which the public has authorized and unimpeded access;

“**pure water**”, see “**potable water**”, although it may not necessarily be piped;

“**refuse**”, means **refuse** discarded from any **business** or **dwelling** and which is not **special refuse** as defined in this Part;

“**refuse bin/receptacle**”, see “**bin**”;

“**registered**”, see “**approved**”;

“**sanitary convenience**”, means any toilet or latrine or area equipped with an urinal or slush or bidet and includes any room used for bath and shower purposes;

“**sell**”, means **sell** by wholesale or retail, and includes attempt or offer to **sell**, advertise, keep, store, expose, transmit, consign, convey or deliver for sale and further means exchange for any compensation be it direct or indirect;

“**service provider**”, means any **person approved** by **Council** or a **municipality** and includes a **municipality**, which renders a **business-, domestic- or special refuse or waste** removal service and/or the management of a **waste disposal site** within the **area of jurisdiction of Council**;

“**special refuse**”, means and includes **refuse** of the following types, namely:

- (a) **animal carcasses**, mean dead **animals**;
- (b) **animal refuse**, being **refuse** resulting from the keeping of **animals** other than cats, dogs or other small **domestic pets** and includes stable litter and manure;
- (c) **builder’s refuse**, being materials discarded in the course of operations for the demolition, erection, alteration or reconstruction of buildings or gardens;
- (d) **dangerous refuse**, being **refuse** which in the opinion of the **service provider** or **Manager Municipal Health Services** is likely to be **injurious or dangerous to health** or property and includes **medical waste**;
- (e) **destructor refuse**, being foodstuffs unfit for human consumption or other materials, which are required to be destroyed in the interests of public health, as well as confidential documents and other material which the **owner** requests to be destroyed;
- (f) **garden refuse**, being leaves, grass, loppings from trees or hedges, flowers, plants or any other vegetable matter discarded in the course of gardening operations;
- (g) **obnoxious refuse**, being **refuse** of an obnoxious nature, which in the opinion of the **service provider** or **Manager Municipal Health Services** requires removal more frequently than once a week in the interest of public health;
- (h) **trade refuse**, being **refuse** of a heavy, bulky or other special nature, which cannot be contained in a **special refuse bin** and does not belong to any other category specified in this By-Law.

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

“**styptic**”, means a substance applied to stop bleeding;

“**swimming pool**”, means any **premises** where **swimming pool** facilities are provided for the public, occupants, tenants, guests or clients and includes the associated buildings, and also relates to any **swimming pool** forming part of the recreational/training facilities of any school or other educational establishment, gymnasium, sport facility, club, **accommodation establishment**, town house complex or block of flats;

“**toddler**”, means a child between the age of 18 and 36 months old;

“**trades**”, means, subject to the provisions of any other legislation, the following: **accommodation establishments, hair-dressers and barbers, tattooing and body piercing of humans, childcare facilities, offensive trades** and any other activity deemed by **Council** to be a **trade**;

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

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

“**waste**”, means any undesirable or superfluous by-product, emission or residue of any process or activity which has been discarded, accumulated or stored for the purpose of discarding or processing. It may be gaseous, liquid or solid or any combination thereof and may originate from a residential, commercial or industrial area;

“**waste disposal site**”, “**disposal site**”, means a site used for the accumulation of **waste** for the purpose of disposing or treatment of such **waste**, which is **approved** and a permit issued for by the Department of Environmental Affairs and Tourism. The term “disposal site” includes landfills (general and hazardous), **waste** storage areas, transfer stations, materials recovery plants and **waste** treatment facilities.



“waste material”, see “objectionable material”;

## CHAPTER 1

### PREVENTION AND SUPPRESSION OF HEALTH NUISANCES

#### 2. Prevention and suppression of health nuisances

Unless otherwise stated, any duly authorised employee of Council may enforce the stipulations of this Chapter in collaboration with the **Manager Municipal Health Services**.

- (1) No **owner** or **occupier** of any shop or **business premises** or vacant land adjoining a shop or **business premises** shall use, cause or permit to be used such shop or **business premises**, vacant land or any portion thereof which is open to the public, for the purpose of storing, stacking, or keeping any **waste material**, **refuse**, crates, cartons, containers or any other articles of like nature in such a way as to cause a **health nuisance**.
- (2) Notwithstanding the provision of any other By-law or legislation no **person** shall—
  - (a) allow any **premises** to be overgrown with bush, shrubs, weeds, grass or other vegetation, except cultivated and properly maintained trees, shrubs and grass, to such an extent that, in the opinion of the Council it may be used as a shelter by vagrants, wild **animals** or vermin or may threaten the public health or the safety of any member of the community;
  - (b) fail to maintain the sewers, drains, water fittings, wastewater fittings, water closet fittings and all other sanitary accessories forming part of or attached to any building or **structure** in good and sound repair;
  - (c) deposit, keep, cause or permit to be deposited or kept any **night soil** on any **premises**, except in a **proper sanitary convenience approved** by the **Council**;
  - (d) keep, cause or suffer to be kept upon any **premises** any **sanitary convenience** of such nature or in such condition that it is a **health nuisance**;
  - (e) carry, convey or permit to be carried or conveyed through or in any street or **public place**, any **objectionable material** or thing, liquid or solid, which is or may become a **health nuisance**, unless such **objectionable material** or thing is covered effectively with **suitable** material in order to prevent the creation of any **health nuisance**;
  - (f) cause or permit any stream, pool, ditch, drain, gutter, watercourse, sink, bath, cistern, water closet, privy or urinal on any land or **premises** to that owned or occupied by him or of which he is in charge to be or to become so foul or in such a state or to be so situated or constructed so as to be a **health nuisance**;
  - (g) cause or permit any foul or **polluted** water or any foul liquid or **objectionable material** to run or flow from any **premises** to that owned or occupied by another **person**, whether occupied for trade, **business**, manufacturing, **dwelling** or other purposes, onto any land or into any storm water, river or canal system;
  - (h) commit, cause or permit to be committed any act which may pollute any water to which inhabitants of the **area of jurisdiction** of the **Council** have the right of use or access.
- (3) Where any **objectionable material**, article or matter of whatsoever nature has been accumulated or stored on any erf, street, thoroughfare, public square or commonage or where there is an overgrowth of bush, weeds, grass or vegetation on any erf in contravention of sub-section 2 (1) and (2) the **Council** may serve a notice to abate such **health nuisance** on:
  - (a) The **person** directly or indirectly responsible for such accumulation or storing; or
  - (b) The **owner** of such material, article or thing, whether or not he is responsible for such accumulation, or storing; or

- (c) The **owner** of the erf on which such accumulation or storing takes place, whether or not he/she is responsible therefore; or
- (d) The **owner** of the erf on which there is an overgrowth of bush, weeds, grass or vegetation.
- (4) In the event of the addressee of such notice failing to comply with the requirements of a notice served on him/her in terms of sub-section 3 within the time specified in such notice, the **Council** may, at the expense of the recipient, together with any assistants and advisors it may require, forthwith enter upon such **premises** and clear from such **premises** any such trees, bushes, weeds, grass, stones and rubble or **objectionable matter**. The **cost** of such work shall be recoverable by the **Council** in any court of competent jurisdiction from the **person** in default.
- (5) No **person** shall occupy or cause or suffer to be occupied any **premises** for habitable purposes so as to be a **health nuisance**, whether by **overcrowding** or otherwise.
- (6) The **owner** of any **premises**, which is let or sublet to more than one tenant, shall at all times maintain in a clean and sanitary condition every part of such **premises** that may be used in common by more than one tenant.
- (7) No **person** shall keep, cause or suffer to be kept any **premises** so as to cause or give rise to any condition that constitutes a **health nuisance**.
- (8) Every **person** who is the **occupier** or in charge of any **premises** or the **owner** of any vacant land in the **area of jurisdiction** of the **Council**, shall take all possible precaution to prevent conditions favouring the multiplication and prevalence of, and shall take steps for the eradication of mosquitoes, flies, fleas, bugs, cockroaches or other vermin or pests. A **duly authorised employee** of the **Council** may serve upon such **owner**, **occupier** or **person** in charge a notice in regard to the prevention or eradication of any such vermin or pest and specify a time period within which such vermin and/or pest must be eradicated.
- (9) No **person** shall keep, cause or suffer to be kept on any **premises** any accumulation or deposit of filth, rubbish, **refuse**, manure, other **offensive matter**, or **objectionable material** or thing so as to be a **health nuisance**.
- (10) No **person** shall, without the written permission of the **Council**, occupy or permit to be occupied for human habitation a caravan, tent or other similar shelter of any description on any premises except on an authorised camping or caravan site.
- (11) No **person** shall burn any trade **waste**, weeds, **refuse**, rubbish or other matter or thing whatsoever in the **municipal area**, except with the consent of a **duly authorised person** employed by the **Council**.
- (12) No **person** shall cause or permit the discharge into the atmosphere from any **premises** of any dust and/or smoke in such quantities or in such manner as to give rise to a **health nuisance** and/or be **offensive, injurious or dangerous to health**.
- (13) Any **person** erecting any building or doing any work involving the erection, demolition or repair of any building shall, before commencing, provide or make available **sanitary facilities** for the use of the **personnel** engaged with the work and shall at all times maintain it in a **proper** functional and hygienic condition.
- (14) The **owner** of any **premises** on which **sanitary facilities** are provided shall properly screen the entrances thereto from public view.
- (15) No **person** shall dispose of sewerage effluent or **wastewater** from showers, baths, washbasins, water-closets or sinks in such a manner or position as to cause damp ness, or to endanger the purity of any water-source or water-supply, or cause any **nuisance** thereby.

## CHAPTER 2

### WASTE MANAGEMENT

#### 3. Waste management

For the purpose of this Chapter, the definitions and requirements specified elsewhere in this By-Law should be operative in so far as they may be applicable and the under-mentioned requirements shall be complied with.

#### 4. General waste

##### Provision of Service

- (1) A **service provider** shall provide a regular service for the **proper** collection, removal, storage and disposal of **refuse** or **special refuse** or **waste** within its **area of jurisdiction** and any **owner** or **occupier** of any **premises** shall cause or permit the **service provider** and no other **person** to remove, in the normal course of rendering such service, all **refuse**, **special refuse** or **waste**, provided:
  - (a) that the **service provider** shall be entitled to refuse to collect or to dispose or to accept for disposal or to dispose of any substance for the reason that contact therewith is harmful to **persons** or to property, or that its disposal will lead to the pollution of water courses, or to other consequences harmful to the environment and/or human health or is otherwise impracticable or beyond the **service provider's** resources;
  - (b) that the **service provider** may require the **owner** or **occupier** of a **premises** to remove or dispose of any **special refuse** at his/her own risk and according to requirements, if any, laid down by the **service provider** and/or **Manager Municipal Health Services**;
  - (c) that all **refuse** shall only be deposited at a **suitable waste disposal site**;
  - (d) that all **refuse** intended for collection be placed in **adequate** and **proper bins/refuse receptacles**, as required by the **service provider** and/or **Manager Municipal Health Services** and should never constitute any **health nuisance**.

#### 5. Medical waste

##### A. Generators

- (1) **Generators** must handle and store **medical waste** in a safe manner that poses no threat to human health or to the environment and are under a duty to ensure that **medical waste** is removed from their **premises**, transported and disposed of in accordance with this By-law.
- (2) Without limiting the generality of the duty in sub-section A (1), **generators** must comply with the following requirements:
  - (a) separate **medical waste** from other **waste** at the point at which it is generated;
  - (b) store **medical waste** in disposable, leak-proof, sealable containers and ensure that containers which are used for the storage of sharps and other clinical items which can cause cuts or punctures or injections are, in addition, rigid and puncture-resistant;
  - (c) ensure that no containers for **medical waste** are being re-used, unless properly sterilised;
  - (d) label each **medical waste** container indelibly and in large, legible lettering with the words "**Danger: Medical Waste**"
  - (e) prevent public access to **medical waste** containers which are in use;
  - (f) store filled **medical waste** containers in controlled, secure areas which are reserved for the storage of **medical waste**;
  - (g) make arrangements for the removal of **medical waste** from their **premises** and for the transportation of **medical waste** to a **waste disposal site** by a **person** who transports **medical waste** in terms of this By-law and who is registered as a **transporter** as contemplated in sub-section C (2) here-under;

- (3) **Generators** may apply in writing to the **Manager Municipal Health Services** for permission to handle, store and otherwise deal with their **medical waste** in a manner that does not comply with the requirements set out in sub-section A(2).
- (4) The **Manager Municipal Health Services** may in writing grant the permission referred to in sub-section A (3), provided that it may grant such permission subject to conditions.
- (5) **Generators** may transport and dispose of **medical waste**, provided that they do so in terms of this By-law.
- (6) **Generators** must:
  - (a) maintain an up-to-date written record of medical waste removed from their premises;
  - (b) acquire from the disposer of the medical waste written notification that the medical waste has been disposed of and, on receiving such notification, indicate in their written records that the medical waste has been disposed of;
  - (c) keep the written record referred to in sub-section A (6) (a) and the notification referred to in sub-section A (6) (b) for a period of one year after the removal of the medical waste from their premises.

## B. Transporters

- (1) **Transporters** must remove **medical waste** from the **premises** of a **generator**, transport, store and deliver such **medical waste** to the **disposal site** at which it will be disposed of in a safe manner which poses no threat to human health or the environment.
- (2) Without limiting the generality of the duty in sub-section B (1), **transporters** must comply with the following requirements:
  - (a) not remove **medical waste** from the containers in which the **generator** has stored it;
  - (b) transport and store **medical waste** in such a way that no member of the public can gain access to it or the containers in which it is stored;
  - (c) transport **medical waste** in vehicles which are —
    - (i) capable of containing the **medical waste**;
    - (ii) designed to prevent spillage;
    - (iii) constructed of materials which are easy to clean and to disinfect;
    - (iv) capable of being secured in order to prevent unauthorised access;
  - (d) deliver **medical waste** only to a **person** and site permitted to dispose of **medical waste** in terms of sub-section B (7).
- (3) **Transporters** may apply in writing to the **Manager Municipal Health Services** for permission to remove, transport, store and deliver **medical waste** in a manner, which does not comply with the requirements set out in sub-section B (2).
- (4) The **Manager Municipal Health Services** may in writing grant the permission referred to in sub-section B (3), provided that it may grant such permission subject to conditions.
- (5) **Transporters** may dispose of **medical waste**, provided that they do so in terms of this By-law.
- (7) **Transporters** must maintain a written record in respect of each collection and delivery of **medical waste**, which they must update simultaneously with each collection and delivery and must keep such record for a period of one year from the date on which the **medical waste** is delivered. **Transporters** must keep a copy of the relevant record in the vehicles used for the transportation of the **medical waste**.

- (7) **Medical waste** may only be disposed of by a **person**—
- (a) who holds a permit to operate a hazardous **waste disposal site** in terms of section 20 of the Environment Conservation Act, 1989 (Act 73 of 1989), or who is authorized to incinerate **medical waste** by means of equipment which has been **approved** in terms of the National Environment Management Air Quality Act, 2004, (Act 39 of 2004) or both; and
  - (b) who complies with all terms and conditions attached to such permit and authorisation.
- (8) A **person** permitted in terms of sub-section B (7) to dispose of **medical waste** must do so at the **disposal site** at which the permit or authorisation, or both, permits him or her to dispose of **medical waste** and may not dispose of **medical waste** at any other place.
- (9) **Persons** who dispose of **medical waste** must—
- (a) maintain an up-to-date written record of each delivery of medical waste to the disposal site;
  - (b) keep such record for a period of one year from the date on which the **medical waste** is disposed of.

### C. General

- (1) Every **generator** must register with the **Manager Municipal Health Services** within 6 months of the coming into operation of this By-law by completing and submitting a written notification to the **Manager Municipal Health Services** in the format prescribed from time to time.
- (2) Every **transporter** must register with the **Manager Municipal Health Services** within 6 months of the coming into operation of this By-law by completing and submitting a written notification to the **Manager Municipal Health Services** in the format prescribed from time to time.
- (3) **Generators** and **transporters** must advise the **Manager Municipal Health Services** of any changes to the information provided in terms of sub-sections C (1) and C (2) as soon as such changes takes place.

## CHAPTER 3 ACCOMMODATION ESTABLISHMENTS

### 6. Accommodation establishments

For the purpose of this Chapter, the definitions and requirements specified elsewhere in this By-Law should be operative in so far as they may be applicable and the under-mentioned requirements shall be complied with.

- (1) Every **accommodation establishment** shall comply with the following requirements:
  - (a) The **premises** intended to be used or already in use as an **accommodation establishment** shall be in good structural order and repair, both internally and externally;
  - (b) All furniture, linen, utensils, fittings and equipment provided by the **proprietor** shall be clean and in good order and **sufficient** for the purpose thereof;
  - (c) Every room shall be provided with **adequate** means of lighting and ventilation so as to enable such room to be used at all times without detriment to health or safety or causing a **nuisance**;
  - (d) It shall be provided with a **sufficient** number of **refuse receptacles** with close-fitting lids;
  - (e) An **adequate** number of bathrooms and toilets, suitably equipped, shall be provided on the **premises**;

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- (f) Separate bathrooms and toilets shall be provided for male and female **boarders** and for employees, and shall be so located that they are easily accessible to those **persons** they are intended to serve; provided, however, that where the number of **boarders** and/or employees does not exceed ten (10), separate facilities for the different sexes need not be supplied;
- (g) Baths, showers and washbasins on the **premises** shall be served at all times with **pure** running hot and cold water;
- (h) It shall be provided with a **suitable** yard, paved and drained to the satisfaction of the **Manager Municipal Health Services**;
- (i) If ten (10) or more **boarders** can at any one time be lodged on the **premises**, it shall have —
- (i) a **suitable** sitting room or sitting rooms so furnished and of such capacity as to meet the reasonable requirements of the **boarders**, and
  - (ii) where meals are provided, a **suitable** dining room or dining rooms which shall provide seating accommodation on the basis of not less than one (1) m<sup>2</sup> for each **boarder**;
- (j) Where meals are provided or cooking takes place, a kitchen complying with the “Standards and requirements for food premises” laid down in the Regulations Governing General Hygiene Requirements for Food **Premises** and the Transport of Food, R962 of 23 November 2012 as amended, must be provided;
- (2) The **proprietor** of an **accommodation establishment** shall be responsible for the due compliance with and observation of the provisions of this By-law, and further he shall be responsible for the acts, omissions and defaults of his employees or **agents** in such regard, and any breach of this By-law by himself, by any member of his family or by any of his employees or **agents** shall be deemed to be a breach by the **proprietor personally** of this By-law.
- (3) The **proprietor** of an **accommodation establishment** shall, to the satisfaction of the **Manager Municipal Health Services**, at all times—
- (a) maintain the whole of the **accommodation establishment** in a clean and sanitary condition;
  - (b) keep the furniture, utensils, linen and equipment in a sound condition and clean state;
  - (c) supply only wholesome food to the **boarders** and other **persons** on the **premises**, and
  - (d) not knowingly cause or permit any **person** suffering from a **communicable disease** to be employed in or on the **premises** unless he is in possession of a medical certificate to the effect that such **person** is fit to continue his employment.
- (4) The **proprietor** of an **accommodation establishment** shall not—
- (a) allow any portion of the **premises** other than an **approved** bedroom to be used by any **person** for sleeping purposes; provided that the aforesaid prohibition shall not apply to any **boarder** occupying a bedroom in so far as it consists of a stoep or porch which has been suitably converted;
  - (b) conduct the **business** of the said **accommodation establishment** in such a manner so as to cause any **nuisance** or annoyance to residents of neighbouring properties;
  - (c) **permit cooking in a living room or an area designated as a living room**;
  - (d) permit the **premises** to become **overcrowded**.
- (5) Notwithstanding compliance with all the preceding provisions, no person may operate an accommodation establishment unless the property is appropriately zoned in accordance with the zoning scheme applicable thereto, and in compliance with all applicable laws.

**CHAPTER 4  
HAIRDRESSERS AND BARBERS**

**7. Hairdressers and barbers**

For the purpose of this Chapter, the definitions and requirements specified elsewhere in this By-Law should be operative in so far as they may be applicable and the under-mentioned requirements shall be complied with.

- (1) No **person** shall conduct the **business of hairdresser or barber** in any **premises** within the **municipal area** unless—
- (a) all parts of the **premises** are **effectively** lit and ventilated;
  - (b) washbasins with hot and cold running water and fitted with a trapped **wastepipe** have been provided in the proportion of at least one basin for every two **persons** engaged at the same time in cutting, dressing or shampooing hair or shaving any **person** or in any operation pertaining to the **business of hairdresser or barber**;
  - (c) all tables and shelves on which instruments are laid are constructed of or covered with glass, marble, glazed tiles or other similar smooth, impervious, durable and non-corroding material;
  - (d) the floor is even and suitably covered with impervious material or constructed with a smooth, impervious surface, maintained so that it may be easily swept and thoroughly cleansed, and
  - (e) suitable and adequate washable waste bins with close-fitting lids are provided.
- (2) Every **person** carrying on the **business of barber or hairdresser** shall ensure that—
- (a) the **premises** in which such **business** is conducted and all instruments, appliances, implements, utensils and other articles belonging or pertaining thereto or used or intended to be used in connection therewith, are maintained in a clean condition and a good state of repair at all times;
  - (b) all cut hair is immediately swept up and placed in suitable waste bins provided for the purpose;
  - (c) every hairbrush used or intended to be used in the **business** is kept in a clean condition at all times and washed and thoroughly cleansed at least once a day;
  - (d) every towel which has been used upon any **person** is **adequately** laundered before being used upon any other **person**;
  - (e) every brush, comb, razor, scissors, clippers or other instruments, appliance or implement which has or have been used upon any **person** in such a way as to have come into contact with some exposed portion of such **person's** body has, or have, before being used upon any other **person**, been disinfected in one of the following ways:
    - (i) immersion in boiling water; or
    - (ii) immersion in a disinfectant solution;
    - (iii) treatment in an **approved** disinfecting apparatus in an **approved** manner;
  - (f) a **sufficient** number of each kind of instrument, appliance or implement has been provided;
  - (g) no **person** is subjected to shaving, haircutting or any other operation connected with such **business** in that part of the **premises** in which the **business of hairdresser or barber** is ordinarily conducted, if such **person** appears to be **verminous** or to be suffering from any disease of the skin or hair and, should any such **person** have been subjected to any such operation, that all towels, instruments and other things used in connection with such operation have, notwithstanding anything to the contrary herein contained, immediately thereafter been sterilised by immersion in boiling water for at least fifteen minutes;

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

#### CHAPTER 5 TATTOOING AND BODY PIERCING OF HUMANS

##### 8. Tattooing and body piercing of humans

- (1) Only professional tattooing and body piercing machines designed and assembled in a manner, which prevents contamination of sterilized needle sets may be used for applying permanent tattoos or body piercing;
- (2) All clip cords and spray bottles must have triggers; grasped areas must also be protected by a plastic covering, which must be disposed of after use on each client;
- (3) Work surfaces must be smooth and impervious and disinfected after rendering services to each client;
- (4) Equipment and supplies must be stored in clean, designated storage cabinets;
- (5) Instruments and equipment used for any procedure must be sterilised after use on each client;
- (6) All tubes and needles must be stored in single service, sterile, sealed autoclave bags that must be opened in the presence of the client;
- (7) A **person** responsible for tattooing or piercing must wash his/her hands with soap and hot water before attending to a client and new latex or nitrile examination gloves must be worn by the operator for the duration of the procedure for each client.

#### CHAPTER 6 OFFENSIVE TRADES

##### 9. Offensive trades

For the purpose of this Chapter, the definitions and requirements specified elsewhere in this By-Law should be operative in so far as they may be applicable and the under-mentioned requirements shall be complied with.



**10. Requirements for premises**

- (1) No **person** shall carry on, in or upon any **premises** an **offensive trade** unless the following requirements are at all times observed or complied with:
- (a) the **premises** shall be constructed in accordance with the National Building Regulations and the Regulations Regarding The Prevention of Rodent Infestation and Storage of Grain, Forage, etc in Urban and Rural Areas of the Republic of South Africa (R 1411 of 23 September 2003) as amended from time to time;
  - (b) the walls of every room shall be constructed of brick, cement-concrete or other **approved** substantial and impervious material;
  - (c) all interior wall surfaces shall have an **approved**, smooth, impervious, washable, light-coloured surface;
  - (d) every floor shall be constructed of cement-concrete or other **approved** smooth, impervious material having similar properties, which is easily cleanable, have a smooth finish without joints and where flushing or washing with water is the only **effective** method of cleaning such floor areas be graded to **approved** drains with a coved finish against the walls;
  - (e) washing and cleaning facilities **approved** by the **Manager Municipal Health Services** shall be provided with an **adequate** and constant supply of pure hot and cold running water laid on for the washing and cleaning of apparatus, equipment, implements, utensils and containers used in connection with the **offensive trade** (having regard to the size and nature of the trade or **business**);
  - (f) a wash-bay complying with the stipulations of the National Building Regulations shall be provided for the washing of vehicles used for the conveyance of **offensive** matter or material;
  - (g) if required, means shall be provided to prevent dust from entering any part of the **premises** through the roof;
  - (h) if required, means shall be provided to prevent and eradicate flies on the **premises**;
  - (i) **adequate** and **suitable** means shall be provided for the storage of all products, articles or materials used in the process of manufacture, which are likely to discharge **offensive** or **injurious** or **dangerous** liquids or become decomposed, in such a manner as to prevent any **health nuisance** arising therefrom;
  - (j) **effective** means shall be provided to prevent the discharge into the atmosphere of any **obnoxious, injurious** or **offensive** gases, fumes, vapours or dust emitted during any process on the **premises**;
  - (k) **adequate** toilet, hand-wash and, if so required by the nature of the trade, shower and change room facilities to be provided on the **premises**;
  - (l) there shall be provided an **adequate** number (having regard to the size and nature of the trade or **business**) of **refuse receptacles** with close-fitting lids for the **effective** removal of filth or **refuse** of any kind. If required by the **Manager Municipal Health Services**, a separate room or place shall be provided for the storage of receptacles containing **refuse** or trade **waste** from which any **offensive** odour of effluent may be generated;
  - (m) the yard area shall be paved with concrete or other durable and impermeable material and drained for the run-off of storm water;
  - (n) all vehicles used for the conveyance of **offensive** matter or material shall be constructed so as to prevent such matter or material from being discharged or spilled from the vehicle and if required the vehicle shall be enclosed by a **suitable** compartment with close fitted doors;
  - (o) means shall be provided for the **proper** and innocuous disposal of all liquid **wastes** resulting from whatever process carried on, in or on the **premises**;
  - (p) if the keeping of **poultry** in or upon any **premises** constitutes an **offensive trade**, such premise shall comply with the requirements of this By-law.

**11. Duties of persons carrying on or in control of an offensive trade**

(1) No **person** shall:

- (a) fail to maintain the entire **premises**, inside and outside, equipment, vehicles and/or anything used in respect of an **offensive trade** in a clean and sanitary condition and in good repair as well as free from flies, cockroaches, rodents or other pests or emissions of any **offensive** gases, fumes, vapours, or dust created during any process at all times;
- (b) fail to provide for the use of **persons** engaged in any such trade **suitable**, clean and sound protective clothing, or to ensure that the same be worn when on duty, or kept in a change-room or locker when not worn;
- (c) allow any part of the **premises** to be overcrowded or any other condition to exist thereon, which in the opinion of the **Manager Municipal Health Services** may be **offensive, injurious or dangerous to health**;
- (d) fail to provide and maintain for the use of employees an **adequate** supply of soap or other **effective** cleansing agent and towelling of an **approved** type;
- (e) fail to provide **adequate refuse receptacles** with close-fitting lids for the **effective** removal of filth or **refuse** of any kind.

**CHAPTER 7  
CEMETERIES, CREMATORIA, FUNERAL UNDERTAKERS AND EXHUMATIONS**

**12. Cemeteries, crematoria, funeral undertakers and exhumations**

For the purpose of this Chapter the definitions and requirements specified elsewhere in this By-Law should be operative in so far as they may be applicable and the under-mentioned requirements shall be complied with.

**13. Assignment**

If any provision in this By-law vests or imposes any power, function or duty of the **Council** in or on an employee of the **Council** and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act 32 of 2000, as amended or any other law been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

**14. Applicable Legislation**

No **person** shall prepare any **corpse** except on a **funeral undertaker's premises**, which shall comply with this By-law.

**15. Methods of disposal of a body**

- (1) Subject to the applicable provisions of this By-law, and any other applicable law, a body may be disposed of by:
  - (a) **In-ground burial**;
  - (b) **Above-ground burial** in accordance with policy which may be developed by the **Council** regulating above-ground burial;
  - (c) **Cremation**;
  - (d) **Promession** and biodegradable process, in accordance with policy which may be developed by the **Council** regulating these methods of **corpse reduction**.
- (2) No **person** may dispose of a **corpse** in any manner other than those prescribed by the **Council** in this By-law.
- (3) A coffin must be used for any **burial** of a **corpse** except where religious beliefs prohibit its use. A coffin interred in a **grave** should insofar as this is possible be constructed of natural wood or other non-toxic, perishable material.

- (4) All **graves** shall be a minimum depth of 1 400mm.

**16. Religious, cultural and other ceremonies**

- (1) The members of a religious, cultural or other denomination may conduct a religious or cultural ceremony in connection with an **interment** or memorial service.
- (2) The **Manager Municipal Health Services** must be informed of the nature of a ceremony to take place and all conditions laid down by the **Manager Municipal Health Services** must be complied with.
- (3) Music and singing shall be permitted, provided that it shall not be unduly loud or disturbing.

**17. Funeral undertakers**

- (1) All **funeral undertakers** that wish to operate as such within the jurisdiction of the **Council** must comply to the stipulations of this By-law.
- (2) A **funeral undertaker** shall only transport a **corpse** in a roadworthy, closed vehicle, suitable for such purpose and which meets the requirements determined by the **Manager Municipal Health Services**.
- (3) In the event of any **funeral undertaker** breaching any provision of this By-law, policy or fee structure in terms of this By-law, the **Manager Municipal Health Services** will, after due notice has been given, be entitled to suspend the **funeral undertaker** from further burials in **cemeteries** within the jurisdiction of the **Council**.

**18. Prohibited conduct within any cemetery**

No **person** may –

- (a) commit or cause a **nuisance** within any **cemetery**;
- (b) with the exception of a blind person, bring into or allow an **animal** to wander inside any **cemetery**;
- (c) leave any rubbish, soil, stone, debris, garbage or litter within any **cemetery**;
- (d) expose a **corpse** or a part thereof in a **cemetery**;
- (e) make or ignite any fire in a **cemetery**.

**19. Exhumation**

Application for **exhumation**:

- (1) Any **person** intending to exhume and remove the mortal remains from any **grave** within the **municipal area** of **Council**, albeit for the purpose of reburial, post-mortem examinations, crime investigations or any other valid reason, shall apply therefore in writing to the **Manager Municipal Health Services** on a form provided by the **Manager Municipal Health Services**.
- (2) Such application must be supported by the following documentation:
- (a) Death certificate of deceased; or a sworn declaration certifying date and cause of death; and
- (b) A letter or an affidavit from the deceased's next of kin consenting to the **exhumation**; or written consent of the Executer of the deceased estate; and
- (c) Written consent of the landowner if the **grave** is situated on a farm.
- (d) Written consent of the **Local municipality** in which area the remains are to be re-interred; or written consent of the landowner on whose farm the remains are to be re-interred.

- (e) If applicable proof of date of publication of a notice of the proposed **exhumation** of the mortal remains of an unknown person(s) published 21 days prior to the proposed date of **exhumation**.
  - (f) Written consent of the Free State Department of Cooperative Governance & Traditional Affairs (COGTA) to perform the **exhumation**.
  - (g) A **grave** of victims of conflict and a grave which is older than 60 years may only be exhumed with the permission of the South African Heritage Resources Agency.
  - (h) A Commonwealth war **grave** may only be exhumed in accordance with the provisions of section 3 of the Commonwealth War Graves Act, 1992.
- (3) If the **Manager Municipal Health Services** is satisfied with the application and documentation submitted by the applicant, permission should be granted to continue with the **exhumation**/removal of the mortal remains, provided that the following conditions will be complied with, namely:
- (a) That the applicant appoints an **approved funeral undertaker** to facilitate the process;
  - (b) That the actual process of **exhumation** be done in the presence and under the control of a competent and experienced
  - (c) **Environmental Health Practitioner** employed by the **Council** and a **funeral undertaker**, supported, if applicable, by the South African Police Services;
  - (d) That the work be carried out in such a manner that no inconvenience or danger to the public health is caused and that all precautionary measures as prescribed by the **Manager Municipal Health Services** be adhered to;
  - (e) A **grave** from which a body is to be exhumed must be screened from the view of the public during the **exhumation**;
  - (f) That sufficient quantities of strong disinfectant be used during the **exhumation** and re-interment;
  - (g) That, should the coffin be found to be in a decayed state, the mortal remains must immediately be placed in a new coffin for transportation and re-interment;
  - (h) The remains of a deceased person must be reburied or cremated within 48 hours, unless the **Manager Municipal Health Services** determines that circumstances or conditions prevent reburial or **cremation** within the 48 hour period;
  - (i) The remains of the deceased **person** must, pending reburial or **cremation**, be kept at a **funeral undertaker's premises**.
  - (j) That the **grave** be filled up immediately after the **exhumation** process has been completed;
  - (k) That the number of persons present at the **exhumation** be limited to the minimum;
  - (l) No body may be exhumed less than thirty-six months after burial, other than in compliance with a Court Order.
  - (m) An emergency **exhumation** shall comply with the provisions of this By-law.
  - (n) A member of the South African Police Services must be present during emergency **exhumations**.
  - (o) All costs involved in the **exhumation** process shall be for the account of the applicant; and
  - (p) That **Council** be indemnified against any possible claim forthcoming from the process of **exhumation** up until re-interment and no action shall lie against the **Council** for anything done in good faith under this process.

**Note: No approval is needed in the case of the temporarily disturbance of a grave for the purpose of burying another body in the same grave.**

**20. Cremations****(1) Applications for Cremation**

A **person** may only cremate or cause to be cremated any body within any **crematorium** complying with applicable legislation as well as with any conditions as determined by the **Manager Municipal Health Services** from time to time.

**(2) Cremations**

- (a) Anybody which contains a cardiac pacemaker or radio-active implant of any kind or any other material which may result in an explosion or harmful emissions when incinerated may not be cremated unless it is removed.
- (b) When cremated a body must be contained in a coffin.
- (c) No body may be removed from any coffin for the purpose of incineration.
- (d) If **ashes** are buried in a grave in a container, such container must be constructed of perishable material.
- (e) Only urns or caskets containing **ashes** may be deposited in a **niche**.
- (f) **Ashes** must be disposed of as requested by the applicant for **cremation** or his or her representative.
- (g) Notwithstanding the above, the officer in charge of a **crematorium** has the right to dispose of the **ashes** in accordance with applicable legislation.

**21. Charges**

The prescribed fees to be paid to the **Council** in terms of this Part are those as contained in the Tariff structure of the **Council**, as promulgated from time to time.

**CHAPTER 8****THE CONVEYING AND HANDLING FOR SALE OF MEAT INTENDED FOR HUMAN CONSUMPTION****22. The conveying and handling for sale of meat intended for human consumption**

- (1) No **person** shall convey or cause or suffer to be conveyed any meat for sale and intended for human consumption, save in accordance with the following requirements:
  - (a) If the conveyance is a vehicle of one (1) ton or over:
    - (i) Its internal walls, floor and roof shall be continuously lined with corrosion resistant metal or other **approved** impervious **suitable** material. Such lining shall be rounded at all corners, junctions and intersections, and all joints shall be seamless. The vehicle shall be maintained externally, internally and mechanically in good order and repair.
    - (ii) Its body shall be insulated in such a way that the temperature of the meat shall not rise more than 5° centigrade per hour.
    - (iii) The rear end or sides of its body shall be fitted with a closely fitting metal door or doors, the interior of which shall also be of non-corrodible metal and be as far as possible free of projections and ledges.
    - (iv) A fixed observation panel of glass in the partition between the driver's cab and the body of the vehicle is permissible.

- (v) A non-corrodible metal bar or bars with fixed or movable non-corrodible metal hooks, shall be fitted to the roof of the vehicle, and all **carcasses**, or portions of **carcasses** shall be hung therefrom during transit. Such bar or bars shall be fixed high enough to ensure that **carcasses** hang clear of the floor.
  - (vi) All chains or bars used for stabilising the load shall be of non-corrodible metal and so installed that they can be easily removed for cleaning.
  - (vii) A loose non-corrodible container, **approved** by the **Manager Municipal Health Services** and easily removable for cleaning, shall be provided inside the vehicle for conveying offal, and no offal shall be conveyed in such vehicle except in such container. Such container may be carried on the outside of the vehicle, provided it is fitted into another container that will protect its contents from contamination, and it can be easily removed for cleaning.
- (b) If the conveyance is a trailer, it shall comply with the provisions of sub-section 22 (1) (a) (i), (ii), (iii), (v), (vi) and (vii).
  - (c) If the conveyance is a vehicle of under one (1) ton:
    - (i) It shall comply with the requirements of sub-section 22 (1) (a) (i) and (iii).
    - (ii) It shall be permissible for retail butchers to convey therein meat from an abattoir to their trading **premises** without hanging such meat, provided that it is conveyed in non-corrodible containers of **adequate** size, **approved** by the **Manager Municipal Health Services** and easily removable for cleaning and that no offal is conveyed in any container used for conveying meat, but is conveyed in a separate container complying with the requirements of sub-section 22 (1) (a) (vii) above.
  - (d) If the conveyance is a vehicle, conveying meat to a retail customer, the provisions of sub-section 22 (1) (a) (i) and (iii) shall be complied with.
  - (e) Cooked or prepared meats shall be conveyed in non-corrodible containers **approved** by the **Manager Municipal Health Services** and shall be wrapped or covered so as to prevent contamination.
  - (f) Save as provided in sub-section (c) (ii) and (e), no meat shall be conveyed on the floor of any vehicle.
  - (g) No **person**, **animal** or article liable to contaminate meat shall be carried in any vehicle used for conveying for sale any meat intended for human consumption.

### 23. Protective covers

- (a) All **persons** engaged in the bulk handling for sale of meat intended for human consumption shall wear clean protective covers of a material **approved** by the **Manager Municipal Health Services** over their heads, necks and shoulders, so as to prevent contact between the meat and any part of their bodies, except their hands.
- (b) All employers of such **persons** shall provide them with such covers and shall ensure that the provisions of sub-section 23 (a) are complied with.

### 24. Sale of prepacked meat cuts outside of butcheries

- (a) Prepacked meat, albeit fresh or frozen, may not be sold from any **premises** without a Health Certificate of Acceptability having been issued by the **Manager Municipal Health Services** for that **premises**;
- (b) The following particulars shall appear in indelible words on each package:
  - (i) the name and contact details of the registered /certified supplier;
  - (ii) the recognised name of the cut or contents;
  - (iii) the date when packed.

## CHAPTER 9

## MILK, MILKING SHEDS, DAIRY FARMS, MILK-DEPOTS, MILK-SHOPS AND PURVEYORS OF MILK

**25. Milk, milking sheds, dairy farms, milk-depots, milk-shops and purveyors of milk**

For the purpose of this Chapter, the definitions and requirements specified elsewhere in this By-Law should be operative in so far as they may be applicable and in addition, unless the context indicates otherwise, the definitions and requirements of the National Health Act, 2003 (Act 61 of 2003); the Regulations Relating to Milking Sheds and the Transportation of Milk, R961 of 23 November 2012; the Regulations Relating to Milk and Dairy Products R1555 of 21 November 1997; the Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food R962 of 23 November 2012 and the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972) and SANS 10049 Food Safety Management: Requirements for a Pre-requisite Programme, shall apply.

**26. Introduction, sale, disposal and distribution of packaged raw and/or pasteurised milk or milk products within the area of jurisdiction of Council**

- (1) Any **person** intending to dispose of, offer or expose for sale or distribute any pack-aged raw and/or pasteurised milk or milk product within the **area of jurisdiction** of the **Council** shall apply therefore in writing to the **Manager Municipal Health Services**.
- (2) If the **Manager Municipal Health Services** is satisfied with the application and documentation submitted as well as that all requirements of the applicable legislation are adhered to by the applicant, permission should be granted to continue with the introduction, sale, disposal and distribution of packaged - and/or bulk - raw and/or pasteurised milk or milk products within the **area of jurisdiction** of **Council**, provided that the following additional conditions will be complied with, namely:
  - (a) That samples of the milk/milk products be provided to the **Manager Municipal Health Services** for bacteriological and other analyses, if and when required, and that, unless otherwise indicated, all costs pertaining to the analyses be for the applicant's account;
  - (b) That packaged milk/milk products be packaged in a closed container that is labelled as follows:
  - (c) Name and address or trade name of the producer/supplier with the understanding that the producer or place of packaging be identifiable.
  - (d) That the type of product i.e. pasteurized full cream milk, certified raw milk etc. is prominent on the label.

**27. Introduction, sale, disposal and distribution of bulk raw and/or pasteurised milk or milk products within the area of jurisdiction of Council.**

- (1) For the purpose of this Section the sale of milk from bulk containers shall be categorised as follows:
  - (a) Raw milk for human consumption;
  - (b) Raw milk received with the intention to process and sell as pasteurised milk;
  - (c) Sale of pasteurised milk that has been pasteurised elsewhere at an approved facility.

**28. Milk Supplier**

Introduction, sale, disposal and distribution of bulk raw and/or pasteurised milk or milk products within the **area of jurisdiction** of **Council** is subject to the provisions of sections 26 & 27 as well as to the following additional requirements:

- (1) The retailer must control the quality of milk received from the milk supplier and where applicable must have access to copies of the following documentation:
  - (a) A valid Certificate of Acceptability of the milking shed for every milk supplier. This will entail that all milk received on the premises shall adhere to the minimum requirements as per:

- (i) R961 of 23 November 2012 - Regulations Relating to Milking Sheds and the Transportation of Milk;
- (ii) R1555 of 21 November 1997 - Regulations Relating to Milk and Dairy Products;
- (iii) A valid declaration for TB and CA issued by the State Veterinarian.

**29. Milk collection on the farm**

- (1) To maintain hygiene standards it is necessary for the tanker owner to conduct hygiene inspections on the tanker. The tank, pump/s, pipes, equipment etc., must be thoroughly cleaned after each delivery and stored as such to prevent it from being contaminated with any chemical, physical or microbiological agent.
- (2) The duties of the tanker driver as prescribed in Regulation R961 of 23 November 2012 shall be adhered to at all times in the event of milk collected for further processing at another facility or whether the milk is collected with the purpose to be sold as raw milk.
- (3) Individual milk sample collection and identification of samples must be implemented at every milking shed where milk is loaded.
- (4) Temperatures of the milk in the bulk cooling tank at the place of collection must be taken by the tanker driver before collection.
- (5) Temperature as well as rejection criteria must be recorded to this effect.
- (6) Testing of milk to be carried out before reception are:
  - (a) The Alizarol test method on individual samples. Results and rejection criteria must be recorded.
  - (b) Clot on Boiling method, where possible, as prescribed Regulation R1555 of 21 November 1997.

**30. Reception of milk at the retail store:**

- (1) With the reception of milk at the retail store it is the duty of the retailer to ensure that all milk batches received at the retail store must at least be subject to the following:
  - (a) The temperature specifications for milk at reception and storage (<4°C) as per Regulation R962 of 23 November 2012 must be adhered to at all times.
  - (b) Test results indicating that the milk has been subjected to the Alizarol test when raw or at least the clot on boiling method as prescribed in Regulation R1555 of 21 November 1997.
  - (c) Test results for the presence of antibiotics and/or antimicrobial substances shall be provided by the supplier of milk to the retailer per delivery.
  - (d) Proof that the milk has passed the Phosphatase test in the event of pasteurised milk being delivered for bulk retail purposes.
  - (e) Records of each delivery as well as corrective action to be maintained by the retailer.

**31. Pasteurisation/processing of milk at the retail store**

- (1) Thermographic recording of pasteurisation must be kept for a minimum of 4 weeks;
- (2) Thermometer calibration (yearly) and monthly verification records must be kept;
- (3) Daily testing of pasteurised milk for Phosphatase must be done and records thereof must be kept.

**32. Facility layout and structure**

- (1) The responsible person at the retail store or processing plant must be in possession of a Certificate of Acceptability issued in terms of Regulation R962 of 23 November 2012 and should furthermore comply with the following:



- (a) Wall, ceiling and floor surfaces to be maintained smooth, washable and impervious;
- (b) Flaking paints to be avoided;
- (c) Surfaces to be free from open joints and rust;
- (d) Light fittings to be provided with protection as to prevent physical contamination;
- (e) All windows and doors must be able to close securely to prevent dust contamination;
- (f) The premises shall have a waste-water disposal system approved by the **Local municipality**;
- (g) Storage of goods shall be above floor level and away from wall surfaces;
- (h) All packaging material such as plastic bottles and caps must be stored in liners and sealed when not in use;
- (i) Cleaning chemicals shall be stored separately – away from food and food containers;
- (j) The premises shall be rodent proof using the best available method;
- (k) Effective means of preventing the access of flies and other insects to be implemented in the area where milk is handled;
- (l) The use of loose granular bait for insect and rodent control or fly strips in areas where milk is handled is prohibited;
- (m) Openings in walls, cracks and gaps beneath door and floor surfaces to be eliminated;
- (n) Incoming goods must be well inspected to prevent pests being transported into the premises;
- (o) Records of pest control measures to be documented.

### 33. Requirements for the bulk tank area, tank and equipment

- (1) The tank area on the premises shall comply with the following:
  - (a) The floor surfaces shall be acid resistant, properly sloped and drained;
  - (b) The milk tank shall be a purpose designed stainless steel batch cooling tank and so designed as to have a slope towards the outlet;
  - (c) The milk tank shall have an automatic stirrer that is able to stir all the milk adequately within five minutes;
  - (d) The milk tank must have a thermometer installed that can measure the temperature of the milk accurately to 2°C;
  - (e) The milk tank must have a cooling unit that is able to cool the milk to 4 °C or colder within 3 hours and must be able to maintain such temperature during the storage of milk;
  - (f) The milk tank must not be installed closer than 0.5m to the ceiling or any wall for cleaning and maintenance purposes;
  - (g) The milk tank must be installed in such a way that a food graded milk pipe can be connected from the delivery vehicle to the milk tank;
  - (h) Connections must be restricted to a minimum with pipes as short as possible (maximum length 6 meters);
  - (i) All taps and connections must be made of stainless steel and must be easy to clean. The use of ball valves on any dairy equipment is prohibited;
  - (j) The milk tank outlet must be screw threaded and capped when not in use to prevent contamination;

- (k) The milk tank shall be properly insulated so that in the event of a power failure there will not be an increase in the temperature of the milk of more than 3 °C during a twelve hour period;
- (l) Temperatures of milk in storage must be taken daily, recorded and kept on file for one month.
- (m) The milk tank/s shall be clearly marked indicating:
  - (i) Description of the product such as "Pasteurised full cream milk";
  - (ii) Name and complete physical address of milk producer or processor or supplier.

**34. Requirements for the milk handling area**

- (1) The milk sales area must be equipped with a wash basin that is at least 230mm deep with a minimum volume of 55 litre. A continuous supply of hot and cold running water must be available;
- (2) A hand-wash basin with hot and cold running water must be provided in the sales area and supplied with antibacterial soap and disposable paper towels.
- (3) Dip tanks or suitable containers shall be provided for the sanitising of all loose (dismantled) equipment.

**35. Milk receiving area**

The area used by the delivery vehicle must be of concrete or paved, properly sloped and drained as to prevent the accumulation of water. A cold water tap with a hosepipe connection to be provided to facilitate cleaning of the milk tanker.

**36. Selling and bottling of milk**

- (1) Only new bottles with non-resealable caps may be used for in-store bottling;
- (2) Containers supplied by a customer must be visibly clean and filled from the tap on the milk tank. Milk may not be scooped out of the tank with a container or transferred to the final container by means of a third container;
- (3) Only dedicated staff is permitted to discharge milk from the bulk tank containers;
- (4) Hand sanitising should be done before milk is handled.

**37. Cold rooms and display fridges**

- (1) Surfaces of cold rooms and fridges shall be smooth, impervious and washable;
- (2) Cooling units / fridges shall be maintained free from mould growth;
- (3) Inspection checks on temperature dials shall be conducted daily.

**38. Cleaning and sanitation**

- (1) Responsible persons in handling chemicals must be identified and appropriately trained;
- (2) A complete wash programme for all equipment must be available on the premises;
- (3) Adequate appropriate cleaning equipment and approved chemicals must be used at all times. The use of household chemicals is prohibited;
- (4) The bulk milk tank must be emptied and properly cleaned between batches of milk received at least once every 24 hours.

**39. Waste management**

- (1) An approved refuse area as per Regulation R918 must be provided;
- (2) Proper refuse containers with bin liners to be provided in the milk sales area;
- (3) Effluent generated as a result of milk handling shall be disposed of into the municipal sewer or otherwise approved by the **Manager Municipal Health Services**.

**40. Staff facilities**

- (1) Changing areas with storage facilities for clothes shall be provided;
- (2) Staff should not wear protective clothing to rest or toilet facilities as to prevent contamination of milk products.

**41. Documentation**

- (1) The following minimum records in terms of food safety must be maintained by the responsible person:
  - (a) Copies of valid certificates of analysis as per Regulation R1256 and agreement details with all approved milk suppliers;
  - (b) Records of milk tested / sample results;
  - (c) Temperature checklist recordings of bulk cooling tanks and refrigeration units;
  - (d) Daily hygiene checklist
  - (e) Hygiene and food safety training records of staff.

**42. Failure to comply**

Failing to comply with the abovementioned conditions shall result in the applicant's right to introduce, sell, dispose and distribute raw and/or pasteurised milk or milk products within the **area of jurisdiction** of **Council** be withdrawn until such time that the **Manager Municipal Health Services** is satisfied that the product(s) is safe for human consumption.

**CHAPTER 10  
KEEPING OF ANIMALS AND POULTRY**

**43. Keeping of animals and poultry**

For the purpose of this Part, the definitions and requirements specified elsewhere in this By-Law should be operative in so far as they may be applicable and the under-mentioned requirements shall be complied with.

**44. Requirements for keeping of Animals, Poultry and Birds**

- (1) For the purpose of promoting public health and restricting **health nuisances**, the **Manager Municipal Health Services** may from time to time determine the number, kinds and sex of **animals** or **poultry** that may be kept per unit area and the areas within which such **animals** or **poultry** shall be prohibited.
- (2) No **person** shall keep any **animal** or **poultry** in or upon any **premises** –
  - (a) in any **structure** not **approved** by the **municipality** in whose **area of jurisdiction** the **structure** is situated;
  - (b) which are so constructed, maintained or situated that the keeping of **animals** or **poultry** therein is, in the opinion of the **Manager Municipal Health Services**, likely to cause a **health nuisance**.
- (3) All manure resulting from the keeping of **animals** and **poultry** shall, pending removal from the **premises**, be stored under shelter in sealed fly-proof containers and disposed of on a regular basis so as to prevent any **health nuisance** from being created.

- (4) All feed shall be stored in a rodent proof place, container or storeroom.
- (5) The **premises** for keeping of **animals** and **poultry** shall be kept in such condition as not to attract or provide harbourage for rodents.
- (6) **Carcasses** are to be disposed of at the **owner's** expense and in a manner **approved** by the **Manager Municipal Health Services**.
- (7) No **person** shall keep a **kennel** or **cattery** unless the following requirements are complied with:
  - (a) dogs and cats shall be kept in separate enclosures constructed of durable materials and with **adequate** access for cleaning, disinfecting and de-vermination purposes, with a floor constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100mm wide, extending over the full width of the floor and situated within the enclosure, which channel shall drain into a gully connected to a **proper** sewer system;
  - (b) every enclosure shall contain a roofed shelter for the accommodation of dogs and cats of which every wall shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface without cracks or open joints;
  - (c) a supply of **potable water**, **adequate** for drinking and cleaning purposes, shall be provided in or adjacent to every enclosure;
  - (d) separate isolation facilities for sick dogs and cats shall be provided to the satisfaction of the **Manager Municipal Health Services**.
- (8) If, in the opinion of the **Manager Municipal Health Services**, any **animals** or **poultry** kept on any property cause a **health nuisance**, **danger to health** or endanger the safety of the public he/she may serve a written notice on the **owner** of the **premises** or in his/her absence the **person** in charge, to remove or cause to be removed such **nuisance** or danger within a specified period.
- (9) The **owner** or the **person** in charge, on receiving a notice in terms of sub-section 44 (8), shall comply with the requirements as specified by the **Manager Municipal Health Services** in such notice, failing which the **Manager Municipal Health Services** may at his/her discretion take the necessary steps to remove such **nuisance** or danger.
- (10) Any **premises** on which **animals** or **poultry** are already being kept shall be exempted from complying with requirements in respect of accommodation for **animals** for a period of twelve (12) months from date of coming into operation of this By-law.

## CHAPTER 11 CHILDCARE (DAY CARE) FACILITIES

### 45. CHILDCARE (DAY CARE) FACILITIES

For the purpose of this Chapter, the definitions and requirements specified elsewhere in this By-Law should be operative in so far as they may be applicable and the under-mentioned requirements shall be complied with.

### 46. Health Certificate of Approval and Provisional Health Certificate of Approval

- (1) No **person** shall operate a **childcare facility** or allow any **childcare facility** to be operated: –
  - (a) on any **premises** in respect of which a valid **health certificate of approval** or a **provisional health certificate of approval** has not been issued or is not in force;
  - (b) in contravention of any restriction or condition or stipulation contained in such **health certificate of approval** or **provisional health certificate of approval**.

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- (2) The provisions of sub-section 46 (1) shall come into effect in the case of a **childcare facility** existing at the time of publication of this By-law on the first day following a period of one year after the date of promulgation of this By-law.
- (3) A **health certificate of approval** or **provisional health certificate of approval** –
- (a) Shall, in both the case of a **certificate** and a **provisional certificate**, be valid for a period of twenty-four (24) months from date of issuance;
  - (b) Shall not be transferable from one **person** to another and/or from one **premises** to another;
  - (c) Shall be valid only in respect of the nature of the activities, conditions and/or restrictions set out therein;
  - (d) May at anytime be endorsed by the **Manager Municipal Health Services** by –
    - (i) the addition of any further restriction that may be necessary to prevent a health hazard; and
    - (ii) the removal of any restriction with regard to the premises.
- (4) Any **person** wishing to obtain a **health certificate of approval** or a **provisional health certificate of approval** in respect of a **childcare facility** shall apply therefore in writing to the **Manager Municipal Health Services** on a form provided by the **Manager Municipal Health Services**.
- (5) Applications for approval will, if applicable, only be processed after payment of the application fee **approved** from time to time by the **Council**.
- (6) Upon receipt of an application referred to in sub-section 46 (4), the **Manager Municipal Health Services** shall, subject to the stipulation in sub-section 46 (5), without delay consider the application and may, in considering such an application, request such further information as he/she may deem necessary from the applicant or from any other **person**.
- (7) If, after having carried out an inspection, the **Manager Municipal Health Services** is satisfied that the premises concerned, having due regard to existing conditions of the adjacent land and facilities, –
- (a) do in all respects comply with the provisions of section 46, shall issue a **health certificate of approval** in the name of the person in charge for a maximum of twenty-four (24) months; or
  - (b) do in all respects comply with the provisions of section 47, shall issue a **provisional health certificate of approval** in the name of the person in charge, for a maximum of twenty-four (24) months to enable the person in charge to change or equip the premises so that it complies with all provisions for a **health certificate of approval** to be issued for the facility.
- (8) A **health certificate of approval** or **provisional health certificate of approval** shall be displayed in a conspicuous place for the information of the public on the 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.
- (9) If the **person** in charge of a **childcare facility** is replaced by another **person**, such **person** shall inform the **Manager Municipal Health Services** in writing of such replacement within 30 days after the date thereof and the **Manager Municipal Health Services** shall, subject to the provisions of sections 46 or 47, as the case may be, issue a new **health certificate of approval** or a **provisional health certificate of approval** in the name of the new person in charge.
- (10) No **person** may make any unauthorised changes or additions to or forge a **health certificate of approval** or a **provisional health certificate of approval**.
- (11) Written approval in terms of sub-section 46 (7) (a) and (b) does not exempt any **person** from the requirements of any other law related to the care of children and/or the use of the **premises** concerned.
- (12) If the **Manager Municipal Health Services**, on the strength of an inspection report and the recommendation of an Environmental Health Practitioner, is of the opinion that a **childcare facility** –
- (a) is being used in such a way that it constitutes an immediate and real health hazard or that a situation has developed in the **childcare facility** constituting an immediate and real health hazard, the **Manager Municipal Health Services** may, for as long as in his/her opinion that hazard exists, suspend the **health certificate of approval** or **provisional health certificate of approval** concerned and shall in writing notify the holder accordingly;

- (b) is being used contrary to the provisions of this By-law or the terms and conditions of the **health certificate of approval** or **provisional health certificate of approval** the **Manager Municipal Health Services** shall in writing notify the holder accordingly;
  - (c) in respect of which a **provisional health certificate of approval** has been issued and of which the grace period of twenty-four (24) months is about to expire, does not comply with all provisions for a **health certificate of approval** to be issued for the facility, the **Manager Municipal Health Services** shall in writing notify the holder accordingly and upon failure to comply before the deadline, suspend all childcare activities on such premises;
  - (d) Any notice referred to in sub-section 46 (12)(a) shall state the particulars which shall be sufficient within reason to inform the holder concerned on what grounds the judgment of the **Manager Municipal Health Services** is based, and shall instruct the holder to before a specified date rectify the specified matters and stating that if this is not done the **health certificate of approval** or **provisional health certificate of approval**, as the case may be, may be withdrawn without further notice;
  - (e) The suspension or withdrawal of a **health certificate of approval** or **provisional health certificate of approval**, as the case may be, in terms of this By-law shall have the effect that as long as the certificate concerned is suspended and from the date on which the certificate is withdrawn, no childcare activities may take place on the premises and no **person** shall perform any act that is contrary to such prohibition;
  - (f) The **Manager Municipal Health Services** shall, within seventy-two (72) working day hours of receiving a request for the removal of a prohibition, carry out an investigation of the childcare facility, activity or circumstance which gave rise to the prohibition and the **Manager Municipal Health Services** shall upon completion of such investigation in writing inform the person on whom the prohibition notice was served or, if he or she is not available, any other person representing such person that the prohibition has been removed or remains, as the case may be.
- (13) **Council** may levy an inspection fee equivalent to the expenses incurred by the **Manager Municipal Health Services** for carrying out investigations in terms of sub-section 46 (7).

#### 47. **Standards and requirements for premises**

Provisional approval with provisional health certificate of approval.

- (1) In order to facilitate the establishment of **places of care** in informal settlements the following minimum general requirements have to be met:
  - (a) A temporary structure, made of galvanized iron or other acceptable materials or a tent, of adequate size with enough natural light and ventilation to be provided;
  - (b) The floor should be covered with a suitable material;
  - (c) The same room may be used for a playroom, kitchen and office although provision should be made for taking care of sick children away from the others as well as for the hygienic preparation of food;
  - (d) Fresh drinking water should be available and kept in a safe and hygienic manner;
  - (e) Toilet facilities that are safe for children and maintained in a hygienic manner should be available.
- (2) A **place of care** facility for an age group 0 – 6 years should be provided with:
  - (a) An office that should be large enough to also serve as a sickbay;
  - (b) A play room to be used for play, meals and rest with a minimum floor space of 1 m<sup>2</sup> per child;
  - (c) A separate kitchen with a source of potable water close by, equipped with a table top, a basin, cleaning agents and any safe source of power that can be used for cooking purposes. Where children who are bottle-fed are cared for, suitable facilities must be provided for cleaning the bottles;

- (d) Toilet facilities: One toilet and hand-washing facility is required for every twenty (20) children or part there-of, irrespective of sex. Separate toilet facilities for the staff are not necessary. Facilities for dealing with nappies and potties must be provided - at least one potty for every five (5) toddlers and airtight storage facilities for soiled nappies;
  - (e) One (1) mattress or cot per toddler;
  - (f) Outdoor playing space of 2 m<sup>2</sup> per child required. If impossible to provide enough outdoor space, the playing space available can be utilised for different groups of children in turn. If no outdoor playing space is available, the indoor floor space provided must be 3 m<sup>2</sup> per child.
- (3) A **play group** facility for an age group 3 – 6 years should be provided with:
- (a) A play room with 1m<sup>2</sup> floor space per child. If a garage is used there must be a window to provide enough light and cross-ventilation;
  - (b) Toilet facilities: One toilet and hand-washing facility is required for every twenty (20) children or part thereof, irrespective of sex. – including staff;
  - (c) An outdoor playing space of 2 m<sup>2</sup> per child. If no outdoor playing space is available, the indoor floor space provided must be 3 m<sup>2</sup> per child.
- (4) An **after-school centre** not run at schools should be provided with:
- (a) An office that should be large enough to also serve as a sickbay;
  - (b) An indoor floor space (for meals, rest and study) of 1.5 m<sup>2</sup> per child. The room Must be arranged in such a way that each child has a suitable space to study at;
  - (c) A kitchen: If there is no kitchen, cooking facilities under a roof must be provided. The following will suffice: a nearby source of potable water, a table top, a basin, cleaning agents and any safe source of power that can be used for cooking purposes;
  - (d) Toilet facilities: One toilet and hand-washing facility is required for every twenty (20) children or part there-of, separate for the two sexes, including staff;
  - (e) An outdoor playing space of 2 m<sup>2</sup> per child.

#### 48. Full approval with health certificate of approval.

In order to ensure the full approval with a health certificate of approval of **places of care** the following minimum general requirements have to be met:

- (1) A **place of care** facility for an age group 0 – 6 years should be provided with:
- (a) An office that should be large enough to also serve as a sickbay. If more than fifty (50) children are cared for a separate sick room large enough for at least two children must be provided;
  - (b) A staff room: Provision should be made for the staff to be able to rest and to lock up their personal possessions. The office, staff- and sick room can be combined where fifty (50) or less children are cared for;
  - (c) A play room: To be used for play, meals and rest. Minimum floor space 1.8 m<sup>2</sup> per child;
  - (d) A kitchen: A kitchen complying with the "Standards and requirements for food premises" laid down in the Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food, R962 of 23 November 2012 as amended, must be provided;

- (e) Toilet facilities: One toilet and one hand-wash basin is required for every twenty (20) children or part thereof, irrespective of sex. Separate toilet facilities for the staff must be provided in terms of the National Building Regulations. Toilet facilities must be of the low-level type, or alternatively platforms of suitable height must be provided at the water-closet pans and wash hand basins to be used by the children. Such platforms must be of an impervious material. Facilities for the hygienic handling of nappies and potties must be provided - at least one potty for every five (5) toddlers and airtight storage facilities for soiled nappies;
  - (f) One (1) mattress or cot per toddler;
  - (g) An outdoor playing space of 2 m<sup>2</sup> per child consisting of lawn, sand pits which can be covered overnight, shady areas and hard surfaces for wheeled toys. If impossible to provide enough outdoor space, the playing space available can be utilised for different groups of children in turn.
- (2) A **play group** facility for an age group 3 – 6 years should be provided with:
- (a) An office that should be large enough to also serve as a sickbay. If more than fifty (50) children are cared for a separate sickroom large enough for at least two children must be provided;
  - (b) A staff room: Provision should be made for the staff to be able to rest and to lock up their personal possessions. The office, staff- and sick room can be combined where fifty (50) or less children are cared for;
  - (c) A play room: To be used for play, meals and rest. Minimum floor space 1.8 m<sup>2</sup> per child;
  - (d) A kitchen: A kitchen complying with the "Standards and requirements for food premises" laid down in the Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food, R962 of 23 November 2012 as amended, must be provided;
  - (e) Toilet facilities: One toilet and one hand-wash basin is required for every twenty children, irrespective of sex. Separate toilet facilities for the staff must be provided in terms of the National Building Regulations;
  - (f) An outdoor playing space of 2 m<sup>2</sup> per child consisting of lawn, sand pits which can be covered overnight, shady areas and hard surfaces for wheeled toys. If impossible to provide enough outdoor space, the playing space available can be utilised for different groups of children in turn.
- (3) An **after-school centre** not run at schools should be provided with:
- (a) An office that should be large enough to also serve as a sickbay;
  - (b) An indoor floor space (for meals, rest and study) of 1.8 m<sup>2</sup> per child. The room must be arranged in such a way that each child has a suitable space to study at;
  - (c) A kitchen: If applicable a kitchen complying with the "Standards and requirements for food premises" laid down in the Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food, R918 of 30 July 1999 as amended, must be provided;
  - (d) Toilet facilities: One toilet and hand-wash basin is required for every twenty children, separate for each sex, including staff;
  - (e) Outdoor playing space: 2 m<sup>2</sup> per child.
- (4) General requirements for all categories of **places of care**:
- (a) The outdoor playing space must be:
    - (i) effectively closed off with at least 1.8m high fencing;
    - (ii) provided with suitable gates with self-closing devices and childproof locks so that the children cannot leave the premises on their own;
    - (iii) should be free of poisonous plants, dangerous articles and excavations;



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- (b) The indoor play areas must be:
- (i) provided with an insulating floor covering;
  - (ii) kept free of private furniture and suitably equipped for childcare purposes.
- (c) All interior walls must have a durable finish that can be cleaned and where applicable be painted with a light-coloured, washable, lead-free paint;
- (d) The wall areas behind all sinks and hand-wash basins must be tiled or suitably clad to a height of at least 300 mm;
- (e) Adequate storage space for the personal property of children and staff must be provided;
- (f) Storage space must be provided for toys;
- (g) Suitable and adequate washable waste bins with close-fitting lids must be provided;
- (h) It should be insured that all apparatus and equipment used and any structures there may be on the premises are in no way dangerous to health;
- (i) A first aid box with the basic essentials must be provided;
- (j) Provision should be made for the storage of first aid materials, medicines, cleaning materials and other harmful agents in such a way that they are out of the reach of children and are kept separate from food;
- (k) Children suffering from contagious diseases should be barred from school until fully recovered;
- (l) Insects and vermin should be efficiently combated by a registered Pest Control Officer;
- (m) All food, eating utensils and equipment used for the handling and serving of food must be properly protected against dust, dirt, insects, etc.;
- (n) Should pets be kept on the premises, they must be kept out of reach of children;
- (o) Measures must be taken for the protection against and the combating of fire, the protection of electrical apparatus and equipment and any other object that may endanger or injure a child;
- (p) All power points must be suitably protected;
- (q) Alterations and additions must comply with the National Building Regulations;
- (r) Personal toiletries such as a face cloth, a toothbrush, a comb or brush and items such as soap, paper towels and toilet paper must be supplied;
- (s) Swimming pools must be provided with a safety net;
- (t) Swimming pools and water features must be secured so as to prevent access thereto by children;
- (u) The sand of any sandpit must be regularly sanitised and replaced with fresh sand;
- (v) All windows higher than 0.76 m above outside ground level must be adequately protected to prevent children from falling out;
- (w) All low level glazed areas must be of safety glass;

## CHAPTER 12

## SWIMMING POOLS

49. **Swimming pools**

For the purpose of this Chapter, the definitions and requirements specified elsewhere in this By-Law should be operative in so far as they may be applicable and the under-mentioned requirements shall be complied with.

50. **Requirements for premises**

No **person** shall carry on, in or on any **premises**, the **business** of a **keeper of a swimming pool** unless the following requirements are at all times observed or complied with:

- (1) **suitable** equipment for the **proper** and **effective** filtration, chlorination, recirculation and suction sweeping are provided and maintained in good order;
- (2) **adequate** and **suitable** medical aid materials and equipment are provided and maintained on the **premises**.
- (3) Additional requirements for **swimming pools** with a capacity exceeding 300 000 litres:
  - (a) change-rooms and sanitary facilities shall be provided in accordance with the National Building Regulations;
  - (b) the floors of all change-rooms shall be of an impervious material brought to a smooth finish, which is easily cleanable;

51. **Duties of the Keeper of a swimming pool**

For the purpose of health, safety and aesthetics, every **keeper of a swimming pool** shall ensure that:

- (1) he/she is fully acquainted with the fundamentals of water purification and **swimming pool** hygiene;
- (2) the **premises** are at all times kept in a clean and sanitary condition and maintained in good order;
- (3) the water of the **swimming pool** is kept clear, sparkling, clean and free from floating, suspended or settled debris, harmful bacteria and algae;
- (4) the pH of the water of the pool be kept as close as possible to 7,5 and not outside the range 7,7 and 7,8;
- (5) the total alkalinity of the water of the pool be kept between 100 and 150mg/l as CaCo<sub>3</sub> and never below 100 or exceed 200mg/l;
- (6) the water of the **swimming pool** is continuously recirculated, filtered and chlorinated to the extent that it always contains between 0.5 mg/l and 1.5mg/l free available chlorine residual and that faecal E-coli are absent in a sample of 100ml of the **swimming pool** water;
- (7) an **effective** chlorinator that will ensure the compliance to (6) above be installed and maintained in good order;
- (8) daily records are kept of the following:
  - (a) temperature of the water;
  - (b) pH readings;

- (c) free chlorine and total residual readings – three times a day at three different points in the pool;
  - (d) alkalinity of water once a week;
  - (e) bacteriological sampling – at least once a month – record results;
- (9) **sufficient refuse receptacles** are provided on the **premises**;

## 52. Entry, Inspection and Sampling

The **Manager Municipal Health Services** may, for any purpose connected with the carrying out of this By-law, at all reasonable times without notice –

- (1) enter upon any **premises** upon which he has reason to believe that a **swimming pool** exists and make such examination and enquiry thereon as he/she may deem necessary; and
- (2) take samples for the purpose of analysis or examination of any water therein. The costs of such analyses shall be for the account of the **keeper of a swimming pool**.

## CHAPTER 13 GENERAL PROVISIONS

## 53. General provisions

- (1) Right of entry and inspection:
  - (a) The **Manager Municipal Health Services** is authorised to inspect any **premises** within the **area of jurisdiction of Council** in order to determine whether there is compliance with the provisions of this By-law.
  - (b) When entering a **premises** in terms of sub-section 53 (1) (a), the **Manager Municipal Health Services** must on request by any **person**, identify him-/herself by producing written proof of authorisation.
  - (c) **The Manager Municipal Health Services may be accompanied by a person reasonably required to assist in conducting the inspection.**
- (2) Service of documents and process:
  - (a) Whenever any notice, order, demand or other document is authorised or required to be served on a **person** in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such **person**:
    - (i) when it has been delivered to him/her personally;
    - (ii) when it has been left at his/her place of residence or **business** in the Republic with a **person** apparently over the age of sixteen years;
    - (iii) when it has been posted by registered or certified mail to his/her last known residential or **business** address in the Republic and an acknowledgement of the posting thereof is produced;
    - (iv) when it has been faxed or e-mailed to his/her last known fax number or e-mail address and confirmed as delivered;
    - (v) if his/her address in the Republic is unknown, when it has been served on his/her **agent** or representative in the Republic in the manner provided by sub-section 53 (2) (a) (i), (ii), (iii) or (iv); or
    - (vi) if his/her address and **agent** in the Republic are unknown, when it has been posted in a conspicuous place on the immovable property (if any) to which it relates.

- (b) When any notice, order, demand or other document as aforesaid is authorised or required to be served on a **person** by reason of his/her being or having been the **owner** or **occupier** of or holding some other right in respect of immovable property, it shall not be necessary to name him/her, but it shall be **sufficient** if he/she is therein described as the **owner**, **occupier** or holder of such immovable property or other right, as the case may be.
- (3) Failure to comply with this By-law or any notice issued there-under:
- (a) Any **person** contravening or failing to comply with any of the provisions of this By-law, and any **person** failing to comply with the terms of any notice served upon him/her by the **Manager Municipal Health Services** in terms of this By-law and who fails or refuses to give access to **premises** to the **Manager Municipal Health Services** when required to give such access or who obstructs or hinders the **Manager Municipal Health Services** in the execution of his/her duties under this By-law, shall be guilty of an offence and subject to prosecution or any other steps the **Manager Municipal Health Services** may deem necessary to ensure compliance with this By-law.
- (b) Whenever it appears that the **person** by whose act or default any **health nuisance** occurs or exists or is likely to occur or exist or that the **owner** or **occupier** of the **premises** on which the **health nuisance** occurs or exists or is likely to occur or exist is not known or cannot be found, the **Manager Municipal Health Services** may execute or arrange to be executed any works deemed necessary to remove such **health nuisance** or to prevent the occurrence thereof, and the **cost** connected thereto shall be a charge on the particular property.
- (4) Recovery of expenses
- Except for the provisions of sub-section 53 (3) (b), the **Council** may recover any expense incurred by it as a result of any such contravention or the doing of anything which any **person** was directed to do by or under this By-law and which he/she failed to do, from the **person** committing the contravention or failing to do such thing.
- (5) Restrictions upon actions
- No action shall lie against the **Council** for anything done in good faith under this By-law.
- (6) Penalties
- (a) Any **person** convicted of an offence under this By-law shall be liable to a fine and/or imprisonment of six (6) months.
- (b) In the case of a continuing offence an additional fine and/or imprisonment for a period not exceeding sixty (60) days, for each day on which such offence continued, may be imposed.
- (c) In addition to any penalty imposed in terms of sub-sections 53 (6) (a) and (b), the **person** so convicted shall be liable to pay the **cost** of repair of any damage caused or **cost** incurred in remedying any damage resulting from such an offence.
- (7) Exemptions
- Notwithstanding the provisions of this By-law, the **Council** may exempt any **person** and/or class of **persons** from any or all of these requirements and may impose any other requirements it deems appropriate.
- (8) Repeal
- Any By-laws relating to environmental health adopted by the **municipality** or any **municipality** now comprising an administrative unit of the **municipality** is repealed from the date of promulgation of this By-law.
- (9) Short title and commencement
- This By-law shall be known as the Municipal Health By-law and shall come into operation on the date of publication thereof in the Provincial Gazette.
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**PROVINCIAL GAZETTE**  
*(Published every Friday)*

All correspondence, advertisements, etc. must be addressed to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, Tel.: (051) 403 3139. Free Voucher copies of the Provincial Gazette or cuttings of advertisements are NOT supplied.

**Subscription Rates (payable in advance)**

The subscription fee for the Provincial Gazette (including all Extraordinary Provincial Gazettes) are as follows:

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All advertisements must reach the Officer in Charge of the Provincial Gazette **not later than 16:00, three working days** prior to the publication of the Gazette. Advertisements received after that time will be held over for publication in the issue of the following week, or if desired by the advertiser, will be inserted in the current issue as a "Late Advertisement". In such case the advertisement must be delivered to the Officer in Charge **not later than 08:00 on the Tuesday** preceding the publication of the Gazette and double rate will be charged for that advertisement.

A "Late Advertisement" will not be inserted as such without definite instructions from the advertiser.

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**NUMBERING OF PROVINCIAL GAZETTE**

You are hereby informed that the numbering of the Provincial Gazette /Tender Bulletin and notice numbers will from 2010 coincide with the relevant financial year. In other words, the chronological numbering starting from one will commence on or after 1 April of every year.

*Printed and published by the Free State Provincial Government*

**PROVINSIALE KOERANT**  
*(Verskyn elke Vrydag)*

Alle korrespondensie, advertensies, ens. moet aan die Beampte Belas met die Provinsiale Koerant, Posbus 517, Bloemfontein, Tel.: No. (051) 403 3139 geadresseer word. Gratis eksemplare van die Provinsiale Koerant of uitknipsels van advertensies word NIE verskaf nie.

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JAARLIKS	R 586.00

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**Sluitingstyd vir die Aannee van Kopie**

Alle advertensies moet die Beampte Belas met die Provinsiale Koerant bereik **nie later nie as 16:00 drie werksdae** voordat die Koerant uitgegee word. Advertensies wat na daardie tyd ontvang word, word oorgehou vir publikasie in die uitgawe van die volgende week, of as die adverteerder dit verlang, sal dit in die Koerant wat op die pers is as 'n "Laat Advertensie" geplaas word. In sulke gevalle moet die advertensie aan die Beampte oorhandig word **nie later nie as 08:00 op die Dinsdag** voordat die Koerant gepubliseer word en dubbeltarief sal vir dié advertensie gevra word.

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Kennisgewings wat volgens Wet in die Provinsiale Koerant geplaas moet word: **R27.90** per sentimeter of deel daarvan, enkel-kolom.

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**NOMMERING VAN PROVINSIALE KOERANT**

U word hiermee in kennis gestel dat die nommering van die Provinsiale Koerant / Tender Bulletin en kennisgewingnummers vanaf 2010 met die betrokke boekjaar sal ooreenstem. Met ander woorde, die kronologiese nommering beginnende met een, sal op of na 1 April van elke jaar begin.

*Gedruk en uitgegee deur die Vrystaatse Provinsiale Regering*