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## LOCAL AUTHORITY NOTICES

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### LOCAL AUTHORITY NOTICE 186

#### By-Law Relating to Streets

The Municipal Manager of Fetakgomo Local Municipality hereby, in terms of section 13(a) in conjunction with section 75 (1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the By-Law relating Streets for the Fetakgomo Local Municipality, to be approved by the Council, as set out hereunder.

#### Purpose of By-Law

- To promote the achievement of a safe environment for the benefit of residents within the area of jurisdiction of the municipality;
- To provide for procedures, methods and practices to regulate the use and utilisation of streets in the area of jurisdiction of the municipality

#### Definitions

1. In this By-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, unless the context otherwise indicates: -

"Animals" means any horses, mules, donkeys, cattle, pigs, sheep, goats, ostriches indigenous mammals and other wild animals;

"Sidewalk" means that portion of a street between the outer boundary of the roadway and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians;

"Street" means any road, street or thoroughfare or any other place which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and except where in-consistent with the context includes -

- (a) the verge of any such road, street or thoroughfare
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;

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- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other object belonging to such road, street or thoroughfare.

"**Vehicle**" means a device designed or adapted mainly to travel on wheels or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves solely on rails; and

"**Work**" means work of any nature whatsoever undertaken on any land within the area of jurisdiction of the Municipality and, without in any way limiting the ordinary meaning of the word, includes the erection of a new building or alterations or additions to any existing building, the dumping of building or other material anywhere in the street, or delivery to or removal from any site of any soil or material of any nature whatsoever.

**Sidewalks and encroachments on streets**

- 2. No person shall -
  - (a) construct or lay a sidewalk in a street -
    - (ii) except with the written permission of the municipality, or
    - (iii) otherwise than in accordance with the requirements prescribed by the municipality,  
or
  - (b) construct a verandah, stoep, steps or other projection or erect a post in a street except with the written permission of the municipality.

***Advertisements visible from streets***

- 3. (1) No person shall display any advertisement, placard, poster or bill in a street -

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- (a) except with the written permission of the municipality, and
  - (b) otherwise than in accordance with such conditions as may be determined by the municipality.
- (2) This section shall not be applicable to signs which have been exempted under the provisions of the municipality's by-law relating to Advertising Signs and the Disfigurement of the Front or Frontages of Streets.

***Animals or objects causing an obstruction*****4. No person shall -**

- (a) deposit or leave any goods or articles in a street, other than for a reasonable period during the course of the loading, off-loading or removal thereof, or
- (b) in any way obstruct the pedestrian traffic on a sidewalk by bringing or allowing to be brought thereon any animal, object or vehicle (other than a perambulator or wheel-chair which is being used for the conveyance of children or the disabled), or
- (c) cause or allow any blind, awning, cord or other object to project or to be stretched over or onto a street -
  - (i) except with the written permission of the municipality, or
  - (ii) otherwise than in accordance with such conditions as may be determined by the municipality.

***Trees in streets*****5. (1) No person shall -**

- (a) plant a tree or shrub in a street, or in any way cut down a tree or a shrub in a street or remove it therefrom, except with the written permission of the municipality;
- (b) climb, break or damage a tree growing in a street, or

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(c) in any way mark or paint any tree growing in a street or attach any advertisement thereto.

(2) Any tree or shrub planted in a street shall become the property of the municipality.

***Trees causing an interference or obstruction***

6. (1) Whenever there is upon any property any tree or other growth which interferes with overhead wires or is a source of annoyance, danger or inconvenience to persons using a street, the municipality may by notice in writing order the owner or occupier of such property to prune or remove such tree or growth to the extent and within the period specified in such notice.
- (2) Any person failing to comply with a notice issued in terms of subsection (1) shall be guilty of an offence.
- (3) If any person fails to comply with a notice in terms of this section, the municipality may itself prune or remove the tree or growth at the expense of the person on whom the notice was served.

**Refuse, motor vehicle wrecks, waste material, etc.**

7. No person shall -
- (a) dump, leave or accumulate any garden refuse, motor vehicle wrecks, spare parts of vehicles, building or waste materials, rubbish or any other waste products in any street or public place, or
- (b) permit any such objects or substances to be dumped or placed in a street or public place from premises owned or occupied by him.

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except with the written permission of the municipality and otherwise than in accordance with such conditions as may be determined by the municipality.

**Prohibition upon certain activities in connection with objects in streets**

8. No person shall, in a street -
- (a) effect any repairs or service to a vehicle, except where necessary for the purpose of removing such vehicle from the place where it was involved in an accident, or
  - (b) clean or wash a vehicle.

***Prohibition upon games and other acts in streets***

9. No person shall -
- (a) roll a hoop, fly a kite, shoot with a bow and arrow or catapult, discharge fireworks or throw a stone, stick or other projectile in, onto or across a street, or
  - (b) do anything in a street which may endanger the life or safety of any person, animal or thing or may be a nuisance, obstruction or annoyance to the public unless such street is provided with clear signs and identifiable paving and street furniture which distinguishes it as "residential erf" or "street park".

***Use of explosives***

10. No person shall in or upon a street use explosives or undertake blasting operations -
- (a) except with the written permission of the municipality, and
  - (b) otherwise than in accordance with such conditions as may be determined by the municipality.

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**Conveyance of animal carcasses or other waste products through streets**

11. No person shall carry or convey through a street the carcass of an animal or any garbage, night-soil, refuse, litter, rubbish, manure, gravel or sand -
  - (a) unless it is properly covered, and
  - (b) unless it is conveyed in such type of container as will not allow any offensive liquids or parts of the load to be spilt in the street.

***Fences on street boundaries***

12. No person shall erect a barbed-wire fence or other dangerous fence on the boundary of a street except with the written permission of the municipality.

***Building materials in streets***

13. No person shall bore or cut stone or bricks, slake or sift lime, or mix building materials, or store or place building materials in a street except with the written permission of the municipality, and then only in accordance with the requirements prescribed by the municipality.

**Balconies and verandahs**

14. No person shall, except with the written permission of the municipality -
  - (a) use a balcony or verandah erected beyond the boundary line of a street for purposes of trading or the storage of goods, or for the washing or drying of clothes thereon, or
  - (b) enclose or partition a balcony or verandah erected beyond the boundary line of a street or portion thereof as a living or bedroom.



**BY-LAW RELATING TO STREETS***Drying of washing on fences on boundaries of streets*

15. No person shall dry or spread washing on a fence on the boundary of a street

**Outspanning in streets**

16. No person shall outspan or allow to be outspanned in any street any vehicle drawn by animals, or detach or leave in any street any trailer, caravan or vehicle which is not self-propelled; provided that this provision shall not apply to the actual loading or unloading of such vehicle.

*Protection of street surface*

17. (1) No person shall -
- (a) use a vehicle or allow it to be used in any street if such vehicle is in such a defective condition that it will or may cause damage to any street, and
  - (b) drive, push, roll, pull or propel any object, machine or other material through or along a street in such a way, or while such object, machine or material is in such a condition, as may damage, break or destroy the surface of the street in any way.
- (2) If the municipality identifies a person who, as a result of the actions referred to in subsection (1), has damaged, broken or destroyed the surface of a street, the cost of repairs, as determined by the municipality, may be recovered from the offender.
- (3) Any person who is the owner of land on which any work is done shall be liable for any damage to any portion of a street caused by or in connection with the execution of such work by such owner, his or her employee or any independent contractor acting on behalf of such owner.
- (4) When any work which has to be undertaken on any land entails the driving of vehicles over kerbs, sidewalks or road verges, the owner of such land shall not commence, or allow any other person to commence, any such work unless and until such a person has deposited with

**BY-LAW RELATING TO STREETS**

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the municipality an amount sufficient to cover the cost of repairing any damage which may be caused to any portion of such street as a result of, or in connection with, the execution of such work by such owner, his or her employee or any independent contractor acting on behalf of such owner.

- (5) After completion of such work, the municipality shall itself undertake the repair of any portion of such street as may have been damaged by such work and shall set off the cost of such repairs against such deposit. If such cost is less than the amount of the deposit, the municipality shall refund the balance to the depositor, but if the amount of the deposit does not cover such cost, the owner shall be liable for the difference, which shall become payable on receipt of an account specifying the additional amount due.
- (6) No person other than an authorised official of the municipality in the performance of his or her duties may apply, mark, paint or draw lines, marks, words, signs or advertisements on the surface of a street.

***Damaging of notice-boards***

18. No person shall deface damage or in any way interfere with any notice-board, road traffic sign, street-name board or other similar sign or any hoarding which has been erected in a street by or with the permission of the municipality.

***Street and door-to-door collections***

19. No person shall -
  - (a) collect or attempt to collect money in a street or organise or in any way assist in the organisation of such collection, except with the written permission of the municipality and otherwise than in accordance with such conditions as may be determined by the municipality, or

**BY-LAW RELATING TO STREETS**

- 
- (b) collect from door to door, beg or solicit or accept alms, except with the written permission of the municipality.

**Excavations in streets**

20. No person shall make or cause to be made an excavation or dig or cause to be dug a pit, trench or hole in a street -
- (a) except with the written permission of the municipality, and
- (b) otherwise than in accordance with the requirements prescribed by the municipality.

**Poison in streets**

21. No person other than an official of the municipality or an authorised person who administers legally approved weed-killers or poisons, shall use, set or cast poison in any street.

**Processions**

22. (1) Subject to the provisions of sub-section (6) no person shall hold, organise, initiate, control or actively participate in a procession or gathering in a street, or dance or sing or play a musical instrument, or do anything which is likely to cause a gathering of persons or the disruption or obstruction of traffic in such street, or shall use any loudspeaker or other device for the reproduction or amplification of sound without the written permission of the municipality in terms of subsections(2) and (3).
- (2) Any person who intends to perform or carry out any one or more of the actions described in subsection (1) in any street shall submit a written application for permission thereto, which shall reach the municipality at least seven days before the date upon which any one or more of such actions is or are intended to be performed or carried out; provided that persons who intend participating actively in a procession, or gathering in any street need not apply to the municipality for permission thereto and it shall not be illegal for such persons to participate

**BY-LAW RELATING TO STREETS**

actively in such procession or gathering if the organizer, promoter or controller thereof has obtained the permission of the municipality. An application made in terms hereof shall contain the following:

- (a) full details of the name, address and occupation of the applicant;
  - (b) full details of the street where or route along which any one or more of the actions prescribed in subsection(1) is or are intended to be performed or carried out, proposed starting and finishing times or any one or more of the aforesaid actions and, in the case of processions and gatherings, the number of persons expected to attend, and
  - (c) general details of the purpose of any one or more of the aforesaid actions intended to be performed or carried out.
- (3) Any application submitted in accordance with subsection (2) shall be considered by the municipality, and if any one or more of the actions to be performed or carried out as proposed in such application is or are not, in the opinion of the municipality, likely to be in conflict with the interests of public peace, good order or safety, the municipality shall issue a certificate granting permission and authorisation for the performance or carrying out of any one or more of such actions subject to such conditions as the municipality may deem necessary to uphold public peace, good order or safety.
- (4) The municipality may refuse to grant permission for the performance or carrying out of any one or more of the actions described in subsection(1), if the performance or carrying out of such action or actions will, in the opinion of the municipality, be in conflict with the interests of public peace, good order or safety.
- (5) The municipality may withdraw any permission granted in terms of subsection (3), if, as a result of further information, it is of the opinion that the performance or carrying out of the action or action in question will be in conflict with the interests of public peace, good order or safety.

**BY-LAW RELATING TO STREETS**

(6) The provisions of this section shall not apply -

- (a) to wedding or funeral processions
- (b) to a gathering or demonstration as contemplated by the Regulation of Gatherings Act No 205 of 1993 in which case the provisions of the said act shall be applicable.

***Roller-skating and skating on skate-boards***

23. No person shall, except with the prior written permission of the municipality, skate on roller skates or a skate board or a similar device in or on a proclaimed main road or in or upon an area where skating is prohibited by an applicable road traffic sign.

***Persons to be decently clad***

24. No person shall appear in any street without being clothed in such a manner as decency demands.

***Overflow of water into streets***

25. No person shall cause or allow any water other than rain water to flow into a street.

***Behaviour in streets***

26. No person shall -

- (a) cause a nuisance to other persons by loitering, standing, sitting or lying;
- (b) sleep, overnight or erect any shelter;
- (c) wash or dry clothes, blankets or any other domestic articles;
- (d) use abusive, insulting, obscene, threatening or blasphemous language;
- (e) fight or act in a riotous manner;
- (f) beg or ask members of the public for money or contributions;
- (g) annoy or inconvenience any other person by yelling, shouting or making any noise in any manner whatsoever;
- (h) defecate, urinate or wash himself;

**BY-LAW RELATING TO STREETS**

- (i) solicit or importune any person for the purpose of prostitution or immorality;
- (j) engage in gambling;
- (k) use intoxicating liquor or drugs;
- (l) spit in a street.

***Animals in a street***

27. No owner or person -

- (a) in charge of any wild or ferocious animal, monkey or horned cattle shall allow such animals at any time to be insufficiently attended or at large in any street or shall keep any such animal in such a manner as to be a danger or annoyance to the public; or
- (b) shall, allow, permit or cause any animal to graze or stray in or about any street.

***Display of street number of places***

28. (1) The municipality may prescribe by notice in writing to the owner of any premises that a number allocated to such premises by the municipality shall be displayed and the owner of such premises shall, within 30 days of the date of such notice, display the allocated number on the premises.
- (2) a number displayed as contemplated by sub-section (1) shall -
- (a) be displayed in a conspicuous position on the premises and must at all times be visible and legible from the adjacent street; and
  - (b) be replaced by the owner of the premises as often as it gets obliterated, defaced or illegible.

**BY-LAW RELATING TO STREETS*****Bridges and crossings over gutters and sidewalks***

29. No private crossing, pathway, bridge or culvert shall be made or built to or in front of any dwelling or other premises in any street or public place -
- (a) except with the written permission of the municipality, and
  - (b) otherwise than in accordance with the requirements prescribed by the municipality.

***Control of amusement shows and devices***

30. (1) No person shall set up or use in any street or public place any circus, whirligig, roundabout or other side-show or device for the amusement or recreation of the public -
- (a) except with the written permission of the municipality
  - (b) otherwise than in accordance with such conditions as may be determined by the municipality.
  - (c) unless suitable sanitary conveniences for both sexes of the staff have been provided ,  
and
  - (d) if it is in any way dangerous or unsafe for public use.
- (2) An authorised official of the municipality shall, for the purposes of inspection; at all reasonable times have free access to such circus, whirligig, roundabout or other side-show or device.

***Control of animal-drawn vehicles***

31. (1) No person shall -
- (a) simultaneously drive or be in control of more than one animal-drawn vehicle in a street;

**BY-LAW RELATING TO STREETS**

- (b) drive or be in control of an animal-drawn vehicle in a street if he or she is under 16 years of age, or
- (c) if he or she is in control of an animal-drawn vehicle in a street, allow a person under 16 years of age to drive or be in control of such vehicle.

***Vehicles to be attended***

32. No person shall, in a street, sleep in a vehicle other than a motor vehicle parked in a taxi rank or on some other stand duly allocated by the municipality.

***Municipality may act and recover costs***

33. (1) Notwithstanding any other provisions of this by-law, the municipality may -
- (a) where the permission of the municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained, and
  - (b) where any provision of this by-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance,

serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the municipality may require to rectify such contravention within the period stated in such notice.

- (2) Any person who fails to comply with a notice in terms of subsection (1) shall be guilty of an offence, and the municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.



**BY-LAW RELATING TO STREETS**

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***Penalty***

34. Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to -
- (1) a fine or imprisonment for a period not exceeding six months or either such fine or such imprisonment or both such fine and such imprisonment;
  - (2) in the case of a continuing offence, an additional fine or an additional period of imprisonment of 10 days or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and
  - (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure.

**LOCAL AUTHORITY NOTICE 187****Refuse Removal By-Law**

The Municipal Manager of Fetakgomo Local Municipality hereby, in terms of section 13(a) in conjunction with section 75 (1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Refuse Removal By-Law for the Fetakgomo Local Municipality, to be approved by the Council, as set out hereunder.

**Purpose of By-Law**

- To promote the achievement of a safe and healthy environment for the benefit of the residents in the area of jurisdiction of the municipality;
- To provide for procedures, methods and practices to regulate the dumping of refuse and the removal thereof.

**Definitions**

1. In this By-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, unless the context otherwise indicates: -

**"Bin-Liner"** means a plastic bag, as prescribed by the municipality, which shall be placed inside the container;

**"Builder's Refuse"** means any waste or refuse resulting from or generated by the construction, renovation or demolition of a building or other structure or works;

**"Bulky Refuse"** means any refuse, other than industrial refuse, which emanates from any premises and which by virtue of its mass, shape, size or quantity cannot be conveniently accumulated in or removed from a container with a bin liner;

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**REFUSE REMOVAL BY-LAW**

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**"Charge"** means the charge prescribed by the municipality by special resolution;

**"Container"** means a standard type of refuse container as approved by the municipality.

**"Domestic Refuse"** means any refuse or waste normally emanating from or incidental to the normal occupation of a dwelling, flat, hotel, boarding-house, restaurant, guest house, hospital, school, cafe, shop, old age home or office but shall not include stones, soil, gravel, bricks, waste liquids, night soil, or industrial, builder's or trade refuse;

**"Garden Refuse"** means any refuse which is generated as a result of normal gardening activities such as grass cuttings, leaves, trees, plants, flowers, weeds and other similar light matter;

**"Industrial Refuse"** means any refuse generated as a result of manufacturing, maintenance, production and dismantling activities;

**"Municipality"** means the Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

**"Municipal Service"** means, unless otherwise stated, the provision or supply of water-, sewerage or electricity services;

**"Occupier"** for the purposes hereof means the person who controls and resides on or who controls and otherwise uses immovable property;

**"Owner"** means and includes:

- (a) the person or persons with whom the legal proprietary of any fixed property is vested;

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**REFUSE REMOVAL BY-LAW**

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- (b) the person administering an estate as curator, executor, proxy, trustee or administrator of a person with whom the legal title is vested and who is insolvent or dead or of his mind;
- (c) the agent or persons receiving the rental of a property in cases where the owner as described above is away;
- (d) the usufruct of fixed property, or
- (e) the fiduciaries of fixed property;

"Trade Refuse" means any trade material or trade waste as determined by the municipality and agreed to by the owner or occupier.

**Domestic refuse removal**

2. The municipality shall provide a service for the removal and disposal of domestic refuse subject to such conditions as it may determine.

**Use of service compulsory**

3. Every occupier of a property shall make use of the service for the removal and disposal of domestic refuse provided by the municipality in respect of all domestic refuse which emanates from such property.

**Municipality to remove refuse**

4. No person other than the municipality or person authorised thereto by the municipality shall remove domestic refuse from any property or dispose of it.

**REFUSE REMOVAL BY-LAW****Accumulation and removal of domestic refuse**

5. (1) Subject to the provisions of subsection (6) hereunder the municipality may require from every occupier of a property to provide on such property a container with a capacity of not less than 85 litres, constructed of a material approved by the municipality and with a closefitting lid and two handles for die accumulation of domestic refuse.
- (2) If the municipality is of the opinion that more than one container for the accumulation of domestic refuse is essential on a particular property, it may, according to the quantity of domestic refuse normally accumulated on such property, require the occupier or occupiers thereof to provide as many containers as it may determine on such property.
- (3) If a container used by an occupier does not comply with the requirements the municipality, it may instruct such occupier to obtain and use some other suitable container.
- (4) The municipality may, where it considers it necessary or desirable, of its own accord supply containers to particular classes of occupiers, or on particular classes of properties, or in particular areas, in which event the cost of such container shall be recovered from the owners of the properties.
- (5) All containers shall be equipped with bin liners, unless the municipality determines otherwise.
- (6) The municipality may, generally or in particular, issue instructions to occupiers on the manner in which or the arrangements according to which refuse or refuse bags shall be placed in containers, be removed therefrom, be tied and thereafter be placed for removal, and any disregard of such instructions shall be considered to be a contravention in terms of this by-law.
- (7) No material, including any liquid which, by reason of its mass or other property is likely to render such bin liners or containers too difficult for the municipality's employees to handle or carry, shall be placed in such bin liners or containers.

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**REFUSE REMOVAL BY-LAW**

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- (8) The containers or bin liners, or both, shall be removed by the municipality at such intervals as the municipality may deem necessary, only if such containers or bin liners, or both, have been put at the prescribed places as provided by the municipality.
- (9) The municipality shall not be liable for the loss of or for any damage to a container or bin liner.
- (10) In any case where the occupier of a property is not also the owner, the municipality may hold the owner himself, instead of the occupier, liable for compliance with the provisions of this by-law.
- (11) The municipality may, in specific cases, impose different directions, other than the use of an 85 litre container.
- (12) The municipality may lay down policy with regard to the reclamation of refuse in which case directions may be issued in terms of which certain types of refuse shall be separated and disposed of.

**Accumulation of domestic refuse**

- 6. The owner or occupier of any property shall ensure that all domestic refuse generated on such property shall be accumulated only in a container, as determined by section 5, and in no other manner.

**Littering**

- 7. No person shall -

**REFUSE REMOVAL BY-LAW**

- 
- (1) throw, drop, deposit or spill any refuse into or onto a public place, street, vacant stand, vacant erf, stream or water-course, or
  - (2) sweep any refuse into a gutter on a public place or into any public street.

**Pavements**

8. It shall be the duty of every owner or occupier of a shop or trade premises to ensure that the pavement in front of or abutting such shop or premises is kept clean and free of refuse or waste material emanating from such shop or premises or resulting from the delivery of goods to such shop or premises or the supply or sale of goods to the public by the occupier of such shop or premises.

**Garden refuse**

9. (1) Garden refuse may be removed from property where it accumulates according to any arrangements which the owner or occupier of such property desires to make, provided that, should any accumulation of garden refuse not be removed and should such accumulation in the opinion of the municipality constitute a nuisance or danger to public health or an unnecessary fire hazard to nearby property, the municipality may order such owner or occupier by written notice to cause such accumulation to be removed within a specified period. If it has sufficient facilities available, the municipality may in its discretion and on application from the owner or occupier of property remove garden refuse therefrom at the cost of the owner or occupier in which case the municipality may impose certain rules.
- (2) No garden refuse may be dumped, kept or stored on any sidewalk or vacant ground.

**REFUSE REMOVAL BY-LAW**

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**Removal of bulky and industrial refuse**

10. (1) The occupier or, in the case of premises occupied by more than one person, the owner of premises in which bulky or industrial refuse is generated, shall ensure that such refuse is disposed of in terms of this by-law within a reasonable period after the generation thereof.
- (2) Bulky and industrial refuse shall, once it has been removed from the premises on which it was generated, be deposited on a site designated by the municipality as a disposal site.
- (3) The municipality does not accept any responsibility for the removal of bulky or industrial refuse.

**Builder's refuse**

11. Builder's refuse which may have accumulated in the course of the construction, alteration, renovation or demolition of any structure or works shall be removed from the property concerned according to suitable arrangements to be made by the owner of such property. If there is any undue delay in the removal of such refuse after the completion of the works involved, the municipality may direct, by written notice to such owner, that the refuse be removed within a specified time to an approved disposal site.

**Trade refuse**

12. The municipality may enter into an agreement with the owner or occupier of any premises for the removal of trade refuse by the municipality at a charge fixed by the municipality.

**Disposal sites for domestic, garden and builder's refuse**



**REFUSE REMOVAL BY-LAW**

13. (1) The municipality periodically sets aside and maintains a place or places where domestic, garden and builder's refuse shall be dumped. Any person dumping domestic, garden and builder's refuse in any other place shall be guilty of an offence.

(2) The municipality may, from time to time, determine tariffs for the dumping of certain types of refuse.

**Ownership of refuse**

14. All refuse removed by the municipality and all refuse on disposal sites controlled by the municipality shall be the property of the municipality, and no person who is not duly authorised by the municipality to do so shall remove or interfere with such refuse.

**Abandoned objects**

15. Anything other than a vehicle deemed to have been left or abandoned anywhere in terms of the National Road Traffic Act, 1996 (Act 93 of 1996), which is, in the light of such factors as the place where it is found, the period it has been lying at such place and the nature and condition thereof, reasonably regarded by the municipality as having been abandoned, may be removed and disposed of by the municipality as it may deem fit.

**Liability**

16 (1) Where anything has been removed and disposed of by the municipality in terms of section 15, the person responsible shall be liable to pay the municipality the charge fixed by it for such removal, disposal or custody.

(2) For the purposes of subsection (1), the person responsible shall be:

(a) the owner of the object, including any person who is entitled to be in possession of the object by virtue of a hire-purchase agreement or an agreement of lease at the time

**REFUSE REMOVAL BY-LAW**

when it was abandoned or put in the place from which it was so removed, unless he can prove that he was not concerned in and did not know of its being put in such place, or

- (b) any person by whom the object was put in the place aforesaid, or
- (c) any person who knowingly permitted the object to be put in the said place.

**Charges and deposit**

17. The charges payable to the municipality for the establishment, provision and maintenance of a refuse removal service and the amount a person making use of such service shall deposit with the municipality, shall be determined by the municipality.

**Penalty**

18. Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to-
- (1) a fine or imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
  - (2) in the case of a continuing offence, to an additional fine or an additional period of imprisonment of 10 days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
  - (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

**LOCAL AUTHORITY NOTICE 188****Draft Standard Child Care Facilities By-Law**

The Municipal Manager of Fetakgomo Local Municipality hereby, in terms of section 13(a) in conjunction with section 75 (1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Standard Child Care Facilities By-Law for the Fetakgomo Local Municipality, to be approved by the Council, as set out hereunder.

**CHAPTER 1****DEFINITIONS AND APPLICATION OF BY-LAW****1. Definitions**

For the purposes of this By-Law, unless the context indicates otherwise -

**"Adequate"** means adequate in the opinion of the Municipality;

**"Approved"** means approved by the relevant authority, regard being had to the reasonable environmental health requirements that may apply to each particular case;

**"Authorised Officer"** means any employee, official or metropolitan police officer of the Municipality who is duly authorised to exercise any power or perform any function in terms of this By-Law;

**"Certificate Of Acceptability"** means a certificate of acceptability issued by the Municipality in terms of the regulations made under the Health Act, 1977 (Act 63 of 1977), and published by Government Notice R. 918 of 30 July 1999;

**"Child Care Service"** means any building or premises maintained or used, whether for profit or otherwise, for the temporary or partial care of children under 18 years of age apart from their parents, but does not include any boarding school, school hostel or any establishment which is maintained or used mainly for the tuition or training of children and which is controlled by or which has been registered or approved by the State.

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**STANDARD CHILD CARE FACILITIES BY-LAW**

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"**Environmental Health Practitioner**" means the Environmental Health Practitioner appointed as the Municipality's representative or any official authorised to act on his or her behalf;

"**Health Certificate**" means a health certificate issued in terms of section 4;

"**Health Certificate Holder**" means a person to whom a health certificate has been issued in terms of section 4, and includes a legal person or a partnership or association of persons to whom a health certificate has been issued or a person acting for such health certificate holder;

"**Municipality**" means the Municipality established by General Notice 6770 in *Provincial Gazette Extraordinary* 141 of 1 October 2000 in terms of the provisions of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"**Police Officer**" means an officer referred to in section 64G of the South African Police Service Act, 1995 (Act 68 of 1995);

"**Premises**" means any land or building or part of any land or building in or on which a child care service is operated;

"**Registration Certificate**" means a registration certificate issued by the relevant authority; and

"**Suitable**" means suitable in the opinion of the Municipality.

## **2. Application of by-law**

This By-Law applies to all child care services operated within the area of jurisdiction of the Municipality.

## **3. Application of by-law to existing child care services**

(1) Notwithstanding the provisions of section 4, the Environmental Health Practitioner may grant an extension of time to a person who was operating a child care service before the date of commencement of this By-Law so that such person may comply with the provisions of this By-Law within 12 months or such shorter period as may be determined by the Environmental Health Practitioner.

**STANDARD CHILD CARE FACILITIES BY-LAW**

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

**CHAPTER 2  
HEALTH CERTIFICATES****4. Health certificates**

(1) No person may operate a child care service on any premises unless he or she is in possession of a health certificate to the effect that the premises and the general Health facilities comply with this By-Law. Such health certificate must state -

- (a) the number of children permitted to be cared for on the premises;
- (b) the minimum and the maximum ages of the children permitted to be cared for on the premises; and
- (c) the hours during which the child-care service may operate.

(2) A health certificate must be displayed -

- (a) on the premises to which it relates; and
- (b) in such manner as to be clearly visible at all times to any member of the public entering the premises.

(3) The Environmental Health Practitioner may issue a health certificate if he or she is satisfied that this By-Law are being complied with in respect of the child care service and premises in question, provided that if the Environmental Health Practitioner is of the opinion that such compliance is not reasonably practicable owing to the physical features and facilities of the premises, he or she may issue a health certificate subject to compliance with such other reasonable requirements as he or she may deem necessary.

(4) If a health certificate holder dies or ceases to operate the child care service to which his or her health certificate relates, the health certificate becomes invalid and is not transferable to any other person or to any heir of or successor in title to the health certificate holder.

(5) If a health certificate holder proposes transferring a child care service operated on certain premises to other premises, he or she must obtain a health certificate in respect of such other premises before the child care service may be operated on those premises.

(6) No person may operate a child care service unless he or she is in possession of a certificate of acceptability in respect of the child care service.

**STANDARD CHILD CARE FACILITIES BY-LAW****CHAPTER 3****REQUIREMENTS FOR THE PREMISES OF CHILD CARE SERVICES FOR CHILDREN  
UNDER COMPULSORY SCHOOL-GOING AGE****5. (1) Compliance with National Building Regulations**

All structures on the premises of any child care service for children under compulsory school-going age must comply with the requirements the regulations.

**6. Indoor play area**

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

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

**7. Outdoor play area**

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

- (a) The outdoor play area must consist of not less than 3 m<sup>2</sup> of outdoor area per child, provided that if no outdoor play area is available on the premises, an approved additional indoor play area of 1,5 m<sup>2</sup> additional space per child is substituted for the outdoor play area.
- (b) The outdoor play area must be free of any excavations, steps, projections, levels or surfaces

**STANDARD CHILD CARE FACILITIES BY-LAW****8. Toilet and wash facilities for children**

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

(a) Toilet and wash facilities for children from the age of three years to compulsory school-going age must be in an approved separate screened-off area of the premises and must include -

(i) where no sewer system is available in respect of the premises -

(aa) an approved toilet on the premises or immediately adjacent to the premises;

(bb) one bucket for every eight children, which bucket must be of a size suitable for use as a toilet; and

(cc) a container with a tight-fitting lid for the disposal of the contents of the bucket or buckets, as the case may be, provided that the contents of the container are disposed of regularly during the day into the approved toilet and that the bucket or buckets and the container and any chamber-pot, pot or "potty" is kept in a clean and sanitary condition at all times;

(ii) where a sewer system is available in respect of the premises, one approved toilet for every 20 children;

(iii) where washbasins are available, one washbasin for every 20 children, which washbasin must -

(aa) be at such height as to be conveniently used by children; and

(bb) be supplied with running water, provided that if no running water is available, a minimum of 25 litres of potable water is supplied on a daily basis in a container capable of being closed, which container must be accessible to the washbasins; and

(iv) where no washbasins are available, one suitable container for every 20 children, provided that -

(aa) such container is capable of being filled from a potable water container that can be closed;

(bb) such container is placed at a height convenient for children; and

(cc) a minimum of 25 litres of potable water is supplied on a daily basis from the potable water container.

(b) Toilet and wash facilities for children who are under three years of age or still in nappies must include an approved separate nappy changing area in which is provided -

(i) a nappy changing unit with a surface that can be cleaned easily, which unit must -

(aa) have one bath or sink for every 20 children who are in nappies; and

(bb) be supplied with water, provided that if no running water is available on the premises, an approved source of potable water is available and accessible to the nappy changing area on a daily basis;

(ii) disposable material for the cleaning of children who are in nappies;

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**STANDARD CHILD CARE FACILITIES BY-LAW**

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- (iii) approved separate containers for the storage of clean nappies and soiled nappies; and
- (iv) approved facilities for the cleaning of cloth nappies.

**9. General requirements for toilet and wash facilities for all children**

The toilet and wash facilities contemplated in section 8 must meet the following general requirements:

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

**10. Laundry**

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

**11. Sickbay**

(1) On any premises on which a child care service for children under compulsory school-going age is operated, an area must be set aside as a sickbay for the treatment and care of any child who becomes ill or is injured, which area may only be used as a sickbay. Such sickbay must be equipped with -

- (a) an approved fully-lockable and fully-equipped first-aid unit, which unit must be kept out of the children's reach; and
- (b) a bed or mattress.

(2) An approved method for washing hands must be used in the sickbay referred to in subsection (1).

**12. Kitchen**

On any premises on which a child care service for children under compulsory school-going age is operated, an approved area must be set aside as a kitchen for the preparation of food and the washing



**STANDARD CHILD CARE FACILITIES BY-LAW**

up and rinsing of crockery, cutlery, pots, pans and other kitchen utensils. Such kitchen must meet the following requirements:

- (a) The kitchen may not be less than 12 m<sup>2</sup> in size.
- (b) The floor covering of the kitchen must be of an approved impermeable material which can be cleaned easily.
- (c) For the purposes of cross-ventilation, the kitchen must have an adequate number of windows that can be opened easily.
- (d) The kitchen may not be used as a thoroughfare by children or adults and must not be accessible to the children.
- (e) Approved hand-washing facilities must be provided in the kitchen, and soap, a nailbrush and towels must be available at all times for the purpose of washing hands.
- (f) Washing-up and rinsing facilities must be provided in the kitchen for washing up and rinsing crockery, cutlery, pots, pans and other kitchen utensils, and such washing-up and rinsing facilities must be separate from the food preparation area of the kitchen.
- (g) Running water must be supplied to the hand-washing facilities referred to in paragraph (e) and the washing-up and rinsing facilities referred to in paragraph
- (f). If no running water is available, a minimum of 25 litres of potable water must be made available and be accessible in the kitchen on a daily basis, provided that the container used for the water is capable of being closed.
- (h) Suitable means for the supply of adequate hot water to the kitchen must be available.
- (i) If any child who is bottle-fed is accommodated in the child care service, the child's bottles must be suitably rinsed and sterilised in the kitchen. Any filled bottles brought from home must be suitably stored in the kitchen in such manner as to prevent contamination and spoilage. Bottles must be clearly marked with the name of the child.
- (j) Perishable foods must be kept in the kitchen at a temperature below 10° C.
- (k) All food must be stored and kept in the kitchen in the best practical manner to prevent contamination and spoilage.
- (l) An approved source of power must be provided for cooking purposes in the kitchen.
- (m) All working areas in the kitchen must have an approved surface that can be cleaned easily.
- (n) An adequate number of suitable refuse bins with lids must be provided in the kitchen.
- (o) If cutlery and crockery are required for use by the children, an adequate supply of cutlery and crockery must be available in the kitchen for the use of each child.

**STANDARD CHILD CARE FACILITIES BY-LAW****13. Storage**

(1) Any premises on which a child care service for children under compulsory school-going age is operated must have adequate and suitable storage space and storage facilities for

- (a) food, crockery, cutlery and kitchen utensils;
- (b) indoor play materials and play equipment and outdoor play materials and play equipment;
- (c) stretchers, sleeping mats, bedding and linen;
- (d) the personal belongings of each child; and
- (e) the personal belongings of the staff of the child care service.

(2) The children may not have access to any storage space or storage facility contemplated in subsection (1).

**14. Seating and resting and play equipment**

On any premises on which a child care service for children under compulsory school-going age is operated -

- (a) suitable seating must be provided for each child;
- (b) suitable and safe tables of the correct size to ensure that each child sits comfortably must be provided;
- (c) an approved resting or sleeping mat or mattress must be supplied for each child if full-day care is provided on the premises, provided that -
  - (i) each mat is marked with the name or symbol of the child to whom the mat is allocated; and
  - (ii) each mattress is covered with a removable washable cover which is marked with the name or symbol of the child to whom the mattress is allocated;
- (d) a clean blanket must be provided for each child, which blanket must be marked with the name or symbol of the child to whom the blanket is allocated; and
- (e) suitable and safe indoor play equipment and outdoor play equipment must be provided for the children's use.

**15. Enclosure**

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

- (a) prevent a child from leaving the premises of his or her own accord;

**STANDARD CHILD CARE FACILITIES BY-LAW**

- (b) prevent the entrance of domestic animals onto the premises; and
- (c) prevent unauthorised access or entry.

**16. Separate facilities for after-school centre**

If a child care service cares for children of compulsory school-going age (in an after-school centre) and children under compulsory school-going age on the same premises, the facilities available for the children of compulsory school-going age must be separate from the facilities available for the children under compulsory school-going age.

**CHAPTER 4****REQUIREMENTS FOR THE PREMISES OF CHILD CARE SERVICES FOR CHILDREN  
OF COMPULSORY SCHOOL-GOING AGE (AFTER-SCHOOL CENTRES)****17. Compliance with National Building Regulations**

All structures on the premises of any child care service for children of compulsory school-going age must comply with the requirements of the National Building Regulations made under the National Building Regulations and Building Standards Act, 1977, unless the premises are situated in an unproclaimed area.

**18. Indoor study area**

An indoor study area consisting of 1.5 m<sup>2</sup> of free floor area per child must be provided on any premises on which a child care service for children of compulsory school-going age is operated. Any structure used as an indoor study area must have -

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

**19. Outdoor play area**

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

**STANDARD CHILD CARE FACILITIES BY-LAW****20. Toilet and wash facilities for children**

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

(a) The toilet and wash facilities for the children must be in an approved separate screened-off area of the premises and must include -

(i) where no sewer system is available in respect of the premises -

(aa) an approved toilet on the premises or immediately adjacent to the premises;

(bb) one bucket for every eight children, which bucket must be of a size suitable for use as a toilet; and

(cc) a container with a tight-fitting lid for the disposal of the contents of the bucket or buckets, as the case may be, provided that the contents of the container are disposed of regularly during the day into the approved toilet and that the bucket or buckets and the container are kept in a clean and sanitary condition at all times;

(ii) where a sewer system is available in respect of the premises, one approved toilet for every 20 children;

(iii) where washbasins are available, one washbasin for every 20 children, which washbasin must -

(aa) be at such height as to be conveniently used by children; and

(bb) be supplied with running water, provided that if no running water is available, a minimum of 25 litres of potable water is supplied on a daily basis in a container capable of being closed, which container must be accessible to the washbasins; and

(iv) where no washbasins are available, one suitable container for every 20 children, provided that -

(aa) such container is capable of being filled from a potable water container that can be closed;

(bb) such container is placed at a height convenient for children; and

(cc) a minimum of 25 litres of potable water is supplied on a daily basis from the potable water container.

(b) The toilet and wash facilities for the boys must be separate from those for the girls.

**21. General requirements for toilet and wash facilities for children**

The toilet and wash facilities contemplated in section 20 must meet the following general requirements:

(a) In the toilet and wash facilities, an adequate supply of toilet paper, soap and tissues must be available and accessible to the children.

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(b) An adequate number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste materials must be provided in the toilet and wash facilities.

**22. Sickbay**

(1) On any premises on which a child care service for children of compulsory school-going age is operated, an area must be set aside as a sickbay for the treatment and care of any child who becomes ill or is injured, which area may only be used as a sickbay. Such sickbay must be equipped with -

(a) an approved fully-lockable and fully-equipped first-aid unit, which unit must be kept out of the children's reach; and

(b) a bed or mattress.

(2) An approved method for washing hands must be used in the sickbay referred to in subsection (1).

**23. Kitchen**

On any premises on which a child care service for children of compulsory school-going age is operated, an approved area must be set aside as a kitchen for the preparation of food and the washing up and rinsing of crockery, cutlery, pots, pans and other kitchen utensils. Such kitchen must meet the following requirements:

(a) The kitchen may not be less than 12 m<sup>2</sup> in size.

(b) The floor covering of the kitchen must be of an approved impermeable material which can be cleaned easily.

(c) For the purposes of cross-ventilation, the kitchen must have an adequate number of windows that can be opened easily.

(d) The kitchen may not be used as a thoroughfare by children or adults and must not be accessible to the children.

(e) Approved hand-washing facilities must be provided in the kitchen, and soap, a nailbrush and towels must be available at all times for the purposes of washing hands.

(f) Washing-up and rinsing facilities must be provided in the kitchen for washing up and rinsing crockery, cutlery, pots, pans and other kitchen utensils, and such washing-up and rinsing facilities must be separate from the food preparation area of the kitchen.

(g) Running water must be supplied to the hand-washing facilities referred to in paragraph

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- (e) and the washing-up and rinsing facilities referred to in paragraph (f). If no running water is available, a minimum of 25 litres of potable water must be made available and be accessible in the kitchen on a daily basis, provided that the container used for the water is capable of being closed.
- (h) Suitable means for the supply of adequate hot water to the kitchen must be available.
- (i) Perishable foods must be kept in the kitchen at a temperature below 10°C.
- (j) All food must be stored and kept in the kitchen in the best practical manner to prevent contamination and spoilage.
- (k) An approved source of power must be provided for cooking purposes in the kitchen.
- (l) All working areas in the kitchen must have an approved surface that can be cleaned easily.
- (m) An adequate number of suitable refuse bins with lids must be provided in the kitchen.
- (n) If cutlery and crockery are required for use by the children, an adequate supply of cutlery and crockery must be available in the kitchen for the use of each child.

**24. Storage**

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

**25. Seating**

On any premises on which a child care service for children of compulsory school-going age is operated -

- (a) suitable seating must be provided for each child; and
- (b) suitable and safe tables of the correct size to ensure that each child sits comfortably must be provided.

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**CHAPTER 5****FACILITIES FOR STAFF****26. Staff toilet and hand-washing facilities**

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

- (a) The staff's toilet and hand-washing facilities must be easily accessible to the staff and be separate from the toilet and wash facilities used by the children.
- (b) Soap and towels must be available in the staff's toilet and hand-washing facilities at all times.

**27. Bathroom facilities of staff resident on the premises**

If the staff of a child-care service resides on the premises on which the child care service is operated, the toilet and bathroom facilities for the staff must be easily accessible from the living quarters of the staff.

**CHAPTER 6****SAFETY AND MEDICAL CARE OF CHILDREN IN ALL CHILD CARE SERVICES****28. Medical care of children**

(1) Any person who operates a child care service must - A health certificate holder must - The person in charge of a child care service must -

(a) in respect of any child who becomes ill or has suffered an injury requiring medical attention -

(i) notify the child's parent or guardian immediately;

(ii) summon medical assistance; and

(b) in respect of any child who becomes ill or has suffered any injury, but does not require medical assistance, provide the necessary care and treatment in the sickbay on the premises of the child care service;

(c) in the event of any child having a notifiable disease, notify the relevant authority immediately; and

(d) in respect of children under compulsory school-going age, ensure that all the children have completed the basic immunisation schedules as deemed necessary by the Municipality, provided that if the children are too young for the immunisation, the health certificate holder / person operating the

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child care service ensures that the immunisation schedule is completed as soon as the children are old enough.

(2) A telephone must be available to notify a parent or guardian and summon medical assistance in accordance with subsection (1).

**29. Safety measures**

Any person who operates a child care service must take the following safety measures on the premises on which the child care service is operated:

(a) The children must be adequately protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other object or thing which may be dangerous or cause injury to any child.

(b) Any slats or rails forming part of an enclosure, security gate, playpen, bed, cot or any other object or structure whatsoever for children under compulsory school-going age must meet the following requirements:

(i) The slats or rails may not be more than 75 mm apart.

(ii) The slats or rails must be suitably installed and be maintained in a good state of repair.

(iii) If the slats or rails are painted, only non-toxic paint may be used.

(c) All medicines, pesticides, detergents and other substances that may be harmful to children must be stored so as not to be accessible to any child.

(d) No noxious or poisonous plant or shrub is permitted on the premises, and no animal may be kept on the premises without the approval of the Environmental Health Practitioner.

(e) No person known or suspected to be suffering from an infectious or contagious disease and no person who has been in contact with a person so suffering is allowed on the premises while such person is in the opinion of the Environmental Health Practitioner capable of communicating the infectious or contagious disease.

(f) No paddling pool, swimming pool, sand pit or other structure is permitted on the premises of a child care service for children under compulsory school-going age unless the approval of the Environmental Health Practitioner has been obtained.

(g) The provisions of the regulations relating to the exclusion of children from school on account of an infectious disease, which regulations are made under the Health Act, 1977, must be complied with.

(h) Any reasonable measures that may in the opinion of the Environmental Health Practitioner be necessary to protect the children from any physical danger must be taken.



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**30. General obligations**

(1) The health certificate holder must, in respect of the child care service to which his or her health certificate relates -

(a) ensure that, while the children are in the care of the child care service, the children are at all times properly cared for and under the direct supervision of an adequate number of adults;

(b) maintain every part of the premises on which the child care service is operated, including any outdoor area and all structures and equipment, in good repair and in a clean and tidy condition;

(c) ensure that all persons on the premises on which the child care service is operated are physically clean and in a state of good health;

(d) ensure that no person on the premises on which the child care service is operated uses tobacco or any tobacco product in the presence of any child;

(e) ensure that no person on the premises on which the child care service is operated is under the influence of alcohol, any drug or any other harmful substance; and

(f) ensure that, if meals are provided for children -

(i) the meals meet the requirements of the relevant authority;

(ii) all menus for the meals are approved by the relevant authority and are adhered to; and

(iii) the menus for the meals are so displayed as to be visible to the parents of the children.

(2) If any child care service for children under compulsory school-going age transports children to and/or from the premises of the child care service, must ensure that -

(a) while being transported, the children are supervised by at least one adult apart from the driver of the vehicle until the children are handed over to their parents or guardians;

(b) the doors of the vehicle in which any child is transported are lockable such that they cannot be opened from inside the vehicle by a child;

(c) no child is transported in the front seat of a vehicle;

(d) a baby in a carry cot is not placed under a seat of a vehicle;

(e) the vehicle in which any child is transported is not overloaded in terms of any applicable law;

(f) the driver of the vehicle in which any child is transported is licensed to transport passengers in accordance with the applicable law; and

(g) the vehicle in which any child is transported is licensed and is roadworthy in accordance with the applicable laws.

**STANDARD CHILD CARE FACILITIES BY-LAW****CHAPTER 7****CONDITIONS AND REQUIREMENTS APPLICABLE TO THE OPERATION OF ALL CHILD CARE SERVICES****31. Application for admission**

(1) A health certificate holder must ensure that an application form requesting the following information is completed in full by the parent or guardian of a child on the admission of the child to the child care service to which the health certificate relates:

- (a) The child's name and date of birth;
- (b) the name, address and telephone number of the parent or guardian;
- (c) the place of employment and work telephone number of the parent or guardian;
- (d) the name, address and telephone number of a responsible person other than the parent or guardian who may be consulted in emergencies; and
- (e) the name, address and telephone number of the child's medical practitioner.

(2) A health certificate holder must ensure that, on the application form referred to in subsection (1), the parent or guardian gives permission for the child's medical practitioner to be consulted.

(3) A health certificate holder must, in respect of a child care service for children under school-going age, ensure that any application form contemplated in subsection (1) is retained for a minimum of two years, and the date of the child's admission to the child care service and the date of the termination of the child's care in the child care service must be recorded on the application form.

**32. Registers**

(a) a register in which is recorded the particulars and dates in respect of -

- (i) all children who have been admitted to the child care service; and
- (ii) all children who are no longer in the care of the child care service; and

(b) a register of attendance in which -

- (i) the presence or absence of each child is noted daily; and
- (ii) each child's date of birth is recorded.

**33. Medical reports**

Any person who operates a child care service must obtain from the parent or guardian of each child admitted to the child care service a report which contains the following health information and which must be retained:

- (a) Information concerning the child's general state of health and physical condition;

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- (b) information about and the dates of any operations that the child has undergone and any illnesses and communicable diseases that the child has suffered from;
- (c) if the child is under compulsory school-going age, details of any immunisation that the child has received; and
- (d) details of allergies that the child suffers from, and information about medical treatment that the child is undergoing or has undergone.

**34. Journal**

Any person who operates a child care service must keep a journal, diary, logbook or other similar book in which important or significant events relating to the child care service and the children, including accidents, are recorded.

**35. Suspension or termination of operation**

A health certificate holder must notify the Municipality of the suspension or termination of the operation of the child care service to which his or her health certificate relates.

**36. Right of entry and inspection of premises and records**

A duly authorised officer of the Municipality may, for any purpose connected with the enforcement of this By-Law, at all reasonable times and without prior notice -

- (a) enter any premises on which a child care service is operated; or
- (b) enter any premises if he or she has reasonable grounds to suspect that a child care service is operated on the premises, in order to carry out such examination, inquiry or inspection on the premises as he or she may deem necessary.

**CHAPTER 8****OFFENCES, PRESUMPTIONS, AND WITHDRAWAL OF CERTIFICATES****37. Offences**

- (1) A person is guilty of an offence under this By-Law if he or she, in respect of an official of the Municipality duly authorised under this By-Law or by the Municipality to enter and inspect any premises -
- (a) denies the official entry to the premises or causes or permits any other person to deny the official entry;

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- (b) obstructs or hinders the official in the performance of the official's duties or causes or permits any other person to so obstruct or hinder the official;
- (c) fails or refuses to give the official information that he or she is lawfully required to give or causes or permits any other person to refuse to give the official such information; or
- (d) knowingly gives the official false or misleading information or causes or permits any other person to give the official such information.
- (2) A person is guilty of an offence under this By-Law if he or she unlawfully prevents any other person from entering any premises on which a child care service is operated.
- (3) A person is guilty of an offence under this By-Law if he or she fails or refuses to comply with any provision of this By-Law or any requirement imposed by the Environmental Health Practitioner in terms of section 4.
- (4) A health certificate holder is guilty of an offence under this By-Law if, in respect of the child care service to which his or her health certificate relates, he or she allows -
- (a) a greater number of children than the number stated on the health certificate to be enrolled in the child care service or to be present on the premises of the child care service;
- (b) a child to be enrolled in the child care service or to be present on the premises of the child care service if such child is older than the maximum age or younger than the minimum age for children who may be cared for on the premises in terms of the health certificate;
- (c) the child care service to be operated during hours not stated in the health certificate.
- (5) A person who is guilty of an offence under this By-Law is liable on conviction to a fine not exceeding R20 000,00\*, to community service or to imprisonment for a period not exceeding one year, or to both such fine and such community service or such imprisonment. In the case of a continuing offence, such person is guilty of a separate offence and liable on conviction to a fine not exceeding R20 000, 00\*, to community service or to imprisonment for a period not exceeding one year, or to both such fine and such community service or such imprisonment in respect of every day or part of a day during which the offence continues.

**38. Withdrawal of health certificates**

The Municipality may at its discretion withdraw a health certificate and/or certificate of acceptability issued in terms of this By-Law if the health certificate holder is convicted of a breach of any of the provisions of this By-Law.

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**39. Presumptions**

If, in any prosecution under this By-Law, it is alleged -

(a) that the owner, lessee or occupier of any premises operates a child care service on those premises, he or she will be deemed to have operated a child care service on those premises unless the contrary is proved; and

(b) that a child was of a certain age, such child will be deemed to have been that age unless the contrary is proved.

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