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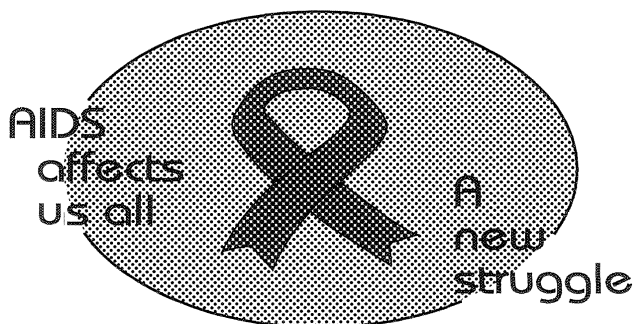
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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 30



MAKHADO MUNICIPALITY

CONTROL OF TEMPORARY ADVERTISEMENTS AND PAMPHLETS BY-LAW

The Municipal Manager of Makhado Local Municipality hereby, in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), publishes Control of temporary advertisements and pamphlets by-law for the Municipality as approved by its council, as set out hereunder.

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DEFINITIONS

1. In these by-laws, unless the context otherwise indicates:

“**advertisement**” means any temporary poster, free standing sign, banner, advertising any event or matter but excludes an election advertisement and show house advertisement.

“**banner**” means any streamer and any sign on calico, paper mache, woven or similar material sheet of any kind whatsoever;

“**pamphlets**” means any pamphlets, handbook, brochure or book, the object of which is to advertise or to introduce anything.

“**Council**” means Makhado Local Municipality municipal council;

“**street**” means any public street, avenue, sidewalk public open space or park within the Makhado Local Municipality.

“election advertisement” means any advertisement or advertising apparatus which is visible from a street in any way whatsoever, and which is displayed in connection with a parliamentary or municipal election or by-election or referendum.

“free standing sign” means a sign which has its own support and which is not attached to any building or structure or to the ground;

2. AUTHORIZATION OF ADVERTISEMENTS BY COUNCIL

- (1) No person shall, without the explicit authorization of the Council, and unless he or she has paid the applicable charges prescribed in this by-law, affix, attach, fasten, place, display or cause to be displayed any advertisement, pamphlet or publication.

3. EXEMPTED ADVERTISEMENT

- (1) The following advertisements and pamphlets are exempted from the stipulations of these by-laws:
 - (a) advertisements and pamphlets displayed or distributed by the Council.
 - (b) temporary advertisements displayed inside a business building;
 - (c) temporary advertisements:
 - (i) regarding the sale or rent of any property during the period which is offered, and for a period not exceeding 14 days after it has been rented or sold;
 - (ii) regarding an application in terms of the Council’s Town Planning Scheme or any other statutory advertisement during the required period of advertising; and
 - (iii) regarding building work or similar activities, while such building work or activities are in progress on the property to which they apply; and
 - (d) pamphlets placed in post boxes.

4. PROHIBITED ADVERTISEMENTS, PAMPHLETS AND PUBLICATIONS

- (1) No advertisement or pamphlets, which in the opinion of the Council is suggestive of anything indecent or which may harm public morals, shall be displayed or distributed, and no such advertisement, pamphlets or publication may be attached to any pole, building or structure which is the property of the Council.
- (2) No pamphlets shall in any way be scattered from the air, distributed in any street or attached to the windscreens of any parked vehicles without the prior consent of the Council, which consent shall not be unreasonably withheld and the granting or non-granting thereof shall be communicated to the applicant within a maximum of seven (7) days from the date of receipt of the application.
- (3) No advertisement or pamphlet connected with any function, event, presentation or business outside the municipality, excluding advertisements or pamphlets relating to charitable, church, political or school functions or meetings, shall be displayed or distributed in any manner.

5. REQUIREMENTS FOR ADVERTISEMENTS

- (1) Any person acting on the consent granted in terms of section 2, who displays, causes or permits to be displayed in a street or other public place, a poster or other advertisement, shall comply with or cause to be complied with, the following requirements:
- (a) the poster or advertisement shall be attached, in such a manner that it will not become wholly or partially dislodged by wind or rain, to a neat and strong board made of wood or other suitable material approved by the council, and the dimensions of such board, poster, advertisement or other material shall not exceed 850 mm by 600mm.
 - (b) a board or material as prescribed in terms of paragraph (a) shall not be placed on or against or be attached to or otherwise supported by any transformer kiosk, traffic light or sign or other structure or object except on or against an electric pole in a street, park or other public space. No poster or advertisement shall be attached to any tree standing in a street, park or other public space.
 - (c) subject to anything contained in paragraph (b), a board or material as prescribed in terms of paragraph (a) shall be firmly attached to a strong and stable support.
 - (d) no board or material as aforesaid shall be positioned such that, in the opinion of the Council, it constitutes a danger to any traffic or pedestrian in any street or other public space.
 - (e) no poster or other advertisement connected with a meeting, function or event other than an election shall be displayed for longer than 14 days before the day on which it commences or longer than three days after the day on which it terminates.
 - (f) no more than 1000 posters or other advertisements connected with a meeting, function or event other than an election, may be displayed at any one time.
 - (g) not more than two advertisements regarding the same occasion, event or presentation, and in the case of election advertisements regarding the same candidates, may be displayed on the same side of one street block and, excluding a sign for the purpose of advertising a show house, may not be displayed closer than 25 metres from the nearest edge of the sidewalk at any street-crossing or street junction.
- (2) Any person acting on the consent granted in terms of section 2, who displays, causes to be displayed or permits to be displayed in or in view of a street or other public space, a freestanding sign, shall comply with or cause to be complied with the following requirements:
- (a) the sign shall be constructed of durable material, to the satisfaction of the Council.
 - (b) the highest point of the sign shall not exceed five (5) metres above ground level.
 - (c) the sign shall not have any one face with an area exceeding 1,5m².

- (d) the sign shall only be displayed or placed on premises which are zoned for business purposes in terms of the Town Planning Scheme or be displayed in such a manner that it does not interfere with the pedestrian and the flow of traffic.
- (3) Any person acting on the consent granted in terms of section 2, who displays or causes to be displayed or permits to be displayed a show-house sign in or in view of a street, shall comply with the following requirements:
- (a) the banner shall only be affixed on the premises of the person to whom authority has been granted for the display thereof, and shall not be affixed on or across any sidewalk, street or other public space: provided that in the case of banners for the purpose of advertising any welfare, religious or educational function, meeting or other occasion, a banner may be displayed on or across a sidewalk, street or other public place with the prior written approval of the Council and subject to such conditions as the Council may impose.
- (b) every banner shall be attached to a wall, fence, pole or other structure to the satisfaction of the Council.
- (c) every banner shall be properly maintained to the satisfaction of the Council.
- (d) No banner shall be attached to a street lamp post or electrical pole.
- (e) If the Council is of the opinion that any banner is not being maintained in a satisfactory condition, the Council may instruct that such banner be removed and the person to whom authority has been granted for the affixing or displaying thereof, shall be bound to do so. In such case the Council shall not be obliged to refund any monies paid.
- (f) In the event of the Council granting permission for the affixing of a banner for the purpose of advertising any welfare, religious or educational function, meeting or other occasion, such banner shall be displayed for a period not exceeding 14 days prior to and 2 days after the date upon which such function, meeting or other occasion takes place and in the event of the banner not being removed within the period as set out above, the Council shall have the right to remove the banner and to recover the cost for such removal from the organisation or body, by not refunding the deposit.

6. ELECTION ADVERTISEMENTS

- (1) The requirements prescribed in the succeeding subsections of this section shall be complied with in respect of posters or other advertisements relating to a Parliamentary or Municipal election, provided that nothing contained in this section shall apply to a poster or other advertisement, relating to such an election, which-
- (a) if it does not conflict with any act, ordinance, by-law or regulation, may be displayed on the day of election on or in front of the premises on which the voting hall is situated;

- (b) is positioned entirely within fixed premises, or is displayed on such premises other than on an exterior wall or on the outside of any fence forming the evident boundary of the premises; or
 - (c) is displayed in or on a private vehicle, or being driven in a street or other public space in the course of the normal use thereof.
- (2) The number of signs or other advertisements which may be displayed by any candidate, party or group in any election in the municipality, shall be 5 000 provided that not more than 500 signs or other advertisement may be displayed by any candidate, party or group in a single ward.
 - (3) No sign or advertisement directly connected with an election may be displayed for a period exceeding the period commencing one month prior to the first date for registration and ending on the fourth day after midnight of the day of the election.

7. PROCEDURE FOR OBTAINING CONSENT

- (1) When any person applies for permission to display an advertisement, excluding an election advertisement, freestanding sign or banner, such advertisement, together with the relevant, duly completed application form shall be submitted to the Council's offices and the prescribed deposit paid. Every such advertisement shall be stamped with the official stamp of the Council.
- (2) When any person applies for permission to display an election advertisement, freestanding sign banner, the necessary application form as prescribed by the Council shall be completed and submitted to the offices of the Council and the prescribed fees shall be paid. No such election advertisement, banner or freestanding sign may be displayed before written approval by the Council has been granted for the display thereof. The approval or disapproval of the application shall be communicated to the applicant within a maximum of seven (7) days from the date of receipt of the application.

8. FEES AND DEPOSITS

- (1) No advertisement, election advertisement or pamphlet shall be placed, displayed or distributed in any street, whether or not by virtue of permission granted in terms of section 2 unless the appropriate fee or deposit as determined by council from time to time has been paid to the Council.

9. REMOVAL OF ADVERTISEMENTS, ELECTION ADVERTISEMENTS AND BANNERS

- (1) Every deposit paid in terms of section 8 shall, subject to the provisions of section 10, only be refunded when all the advertisements and election advertisements to which the deposit applies, have been removed to the satisfaction of the Council.

- (2) Any person, including a church, charitable or educational organisation, who after displaying or causing to be displayed, any advertisement, election advertisement or banner neglects to remove or cause to be removed such advertisement or banner within the period set out in section 5(1)(e), or section 6(2), commits a crime and in addition to any fine payable in terms of Section 11(1), forfeits the deposit relating to advertisements, election advertisements and banners paid in terms of section 8, and shall be liable to the Council for the number of advertisements not removed, at an amount determined by the council from time to time per advertisement, provided that in the case of a banner, the full deposit is forfeited.

10. DAMAGE TO MUNICIPAL PROPERTY

- (11) No damage shall be caused to any tree, electric pole or any municipal property and any person who caused any damage, or permits any damage to be caused, shall be guilty of an offence and shall be responsible, in addition to the fine imposed, for the repairs, to the satisfaction of the Council, of any damage at his own expenses.

11. OFFENCES AND PENALTIES

- (1) Any person who displays, causes to be displayed or permits to be displayed any advertisement or election advertisement, banner or freestanding sign in view of any street or other public place without obtaining permission in terms of section 2, and any person who, having obtained permission as aforesaid, fail to comply with any requirement of these by-laws or who otherwise contravenes any provision thereof shall upon conviction be guilty of an offence and liable on conviction to a fine not exceeding R1 000.00(One Thousand Rand).
- (2) When any person is charged with an offence in terms of these by-laws relating to any advertisement, election advertisement, freestanding sign or banner, and pleads not guilty, the onus of proving that he or she neither displayed nor caused or permitted to be displayed such advertisement, election advertisement, freestanding sign or banner, rests upon him or her.
- (3) Any person should displays or permits to be displayed, distributes or allows or permits to be distributed any advertisement or election advertisement in or in view of any street or other public place, and any person other than a police officer or other person charged with the enforcement of these by-laws who is authorised by the person responsible for the display or distribution of the advertisement to remove it, shall be deemed to be displayer or distributor thereof whilst it is being displayed or distributed as aforesaid.
- (4) Any person who is either alone or jointly with any other person responsible for organising, or in control of any meeting, function or event with which an advertisement is connected shall, until the contrary is proved, be deemed to have displayed or distributed or to have caused, permitted or allowed to be displayed every

advertisement which is displayed or distributed in connection with that meeting, function or event.

- (5) The owner or occupier of land or premises on which any advertisement or election advertisement is displayed in contravention of these by-laws, shall be deemed to be guilty of an offence unless in either case he or she proves that he did not know, or could not by the exercising of reasonable diligence, have known of or prevented such display.
- (6) The Council may, without notifying any person, remove or destroy any advertisement which was displayed without permission having been obtained in terms of section 2 or in contravention of any provision of these by-laws or which has not been removed within the period specified in terms of section 5(1) or 6(3) or which constitutes in any respect a contravention of the provisions of these by-laws, and the person who displayed such advertisement or caused, permitted or allowed it to be displayed, shall be liable to pay the Council the cost of the said removal and destruction, at an amount assessed by the Council and deducted from the deposit made in terms of section 8, and in addition shall be guilty of an offence.

12. REPEAL OF BY-LAWS

- (1) These by-law repeals local authority notice 1245 dated 24 May 1989 and its amendment notice 124 gazette number 341 dated 15 May 1998 and any other by-law on the control of temporary advertisement and pamphlet published by the former local authorities are hereby repealed.

13. SHORT TITLE

- (1) This by-law is called Makhado Local Municipality: Control of temporary advertisement and pamphlets by-laws and shall come into operation on the date of publication thereof in the *Provincial Gazette*.

LOCAL AUTHORITY NOTICE 31**MAKHADO MUNICIPALITY****WASTE MANAGEMENT BY-LAW**

The Municipal Manager of Makhado Local Municipality hereby, in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), publishes Waste Management by-laws for the Municipality as approved by its council, as set out hereunder.

PREAMBLE

WHEREAS the Municipality has the Constitutional obligation to provide services including refuse removal, collection and disposal;

AND WHEREAS poor waste management practices can have adverse impact on the environment in and beyond Municipal boundaries;

AND WHEREAS the Municipality is committed to ensure that all residents, organisations, institutions, businesses, visitors or tourist and public bodies are able to access services from a legitimate waste service provider;

AND WHEREAS the Municipality wishes to regulate waste collection, separation, storage, processing, treatment, recycling, reuse and disposal of waste including littering and illegal dumping and the regulation of facilities used for the management of waste, with the ultimate aim of avoiding or minimising the generation and impact of waste;

AND WHEREAS the Municipality promotes the waste hierarchy approach as outlined in the National Waste Management Strategy;

THEREFORE the Council of Makhado Municipality adopted the following by-law.

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CHAPTER 1: DEFINITIONS, OBJECTIVES AND PRINCIPLES

1. Definitions

In this by laws, any word or expression to which a meaning has been assigned in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and associated regulations shall have the meaning so assigned and, unless the context indicates otherwise.

“**building waste**” includes all waste produced during the construction, alteration, repair or demolition of any structure, and includes building rubble, earth, vegetation and rock displaced during such construction, alteration, repair or demolition;

“**bulky waste**” means business waste or domestic waste which by virtue of its mass, shape, size or quantity is inconvenient to remove in the routine door-to-door council service provided by the council or service provider;

“**by-law**” means legislation passed by the municipality’s Council which is binding on persons who resides within, visiting the area of authority of the municipality or using municipal services;

“**Garden waste**” means organic waste which emanates from gardening or landscaping activities at residential, business or industrial premises including but not limited to grass cuttings, leaves, branches, and includes any biodegradable material and excludes waste products of animal origin and bulky waste.

“**health care risk waste**” means waste capable of producing any disease and includes but is not limited to the following:

- (a) laboratory waste;
- (b) pathological waste;
- (c) isolation waste;
- (d) genotoxic waste;

(e) infectious liquids and infectious waste;

(f) sharps waste;

(g) chemical waste; and

(h) pharmaceutical waste;

“industrial waste” means waste generated as a result of manufacturing, maintenance, fabricating, processing or dismantling activities, but does not include building waste, business waste, special industrial waste, hazardous waste, health care risk waste or domestic waste;

“litter” means waste, excluding hazardous waste, arising from activities in public areas that has not been deposited of in a public litter container;

“municipality” means the Makhado Local Municipality established in terms of the provisions of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

“nuisance” means any injury, harm, damage, inconvenience or annoyance to any person which is caused in any way whatsoever by the improper handling or management of waste, including but not limited to, the storage, placement, collection, transport or disposal of waste or by littering;

“occupier(s)” in relation to any premises, means any person who is in actual occupation of such premises and if no person is in actual occupation thereof, any person who whether as owner, lessee, licensee or otherwise has, for the time being, control of such premises and shall include a street trader who occupies a site for the purposes of such street trader's business;

“owner” means the registered owner, lessee or occupier of premises, or the person in charge or control of any premises or part thereof who is over 18 years of age, and any person who obtains a benefit from the premises or is entitled thereto;

“receptacle” means an approved container having a capacity for temporary storage of waste in terms of these by-laws;

“service provider or contractor” means the person, firm or company whose tender or quotation has been accepted by or on behalf of the Municipality and includes the contractor's heirs, executors, administrators, trustees, judicial managers or liquidators, as the case may be, but not, except with the written consent of the Municipality, any assignee of the contractor; and

“**tariff**” means the prescribed charge determined by the Municipality in terms of any applicable legislation for any service rendered by the Municipality in terms of these by-laws.

2. Objectives of the by-law

- (1) The objectives of these by-laws are to –
- (a) give effect to the right contained in section 24 of the Constitution by regulating waste management within the area of the municipality’s jurisdiction;
 - (b) provide, in conjunction with any other applicable law, an effective legal and administrative framework, within which the Municipality can manage and regulate waste management activities;
 - (c) ensure that waste is avoided, or where it cannot be altogether avoided, minimised, reused, recycled, recovered, and disposed of in an environmental sound manner; and
 - (d) promote and ensure an effective delivery of waste services.

3. Scope of application

- (1) This by-law apply within the area of jurisdiction of the Makhado Municipality.

4. Principles

- (1) Any person exercising a power in accordance with these by laws must, at all times, seek to promote the waste management hierarchy approach as outlined in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and the National Waste Management Strategy, which is promoting waste avoidance and minimisation, waste reuse, recycling and recovery, waste treatment and disposal.
- (2) The by-law seeks to promote sustainable development and environmental justice through fair and reasonable measures for the management of waste within the municipality’s jurisdiction.
- (3) The by-laws promotes participation of all municipal residents in the promotion of responsible citizenship by ensuring sound waste management practices within residential and industrial environments.

5. General duty of care

- (1) Every person has a duty to manage any waste generated by the persons activities or the activities of those persons working under his or her direction in such a manner that the waste does not cause harm to human health or damage to the environment. In particular, the person must ensure that:
 - (a) waste generation is avoided and where such waste cannot be avoided, minimise the toxicity and amounts of waste;
 - (b) they reduce, reuse, recycle and recover waste;
 - (c) where waste must be disposed of, ensure that the waste is treated and disposed in an environmentally sound manner; and
 - (d) they manage the waste in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts.
- (2) Any person subject to the duty imposed in subsection (1) may be required by the Municipality or an authorised official to take measures to ensure compliance with the duty.
- (3) The measures referred to in subsection (2) that a person may be required to undertake include –
 - (a) investigation, assessment and evaluation of the impact that their activities, the process or a situation have on the environment;
 - (b) informing and educating employees about the environmental risks of their work and the manner in which their tasks must be performed in order to avoid causing damage to the environment;
 - (c) ceasing, modifying or controlling any act, process, situation or activity which causes damage to the environment;
 - (d) containing or preventing the movement of pollutants or other causes of damage to the environment;
 - (e) eliminating or mitigating any source of damage to the environment; or
 - (f) rehabilitating the effects of the damage to the environment.

CHAPTER 2: PLANNING AND INSTITUTIONAL MATTERS

6. Integrated Waste Management Plan (IWMP)

- (1) The Municipality must prepare an Integrated Waste Management Plan (IWMP) which should be adopted by the Council, in which the plan must be incorporated in the Integrated Development Plan in accordance with the provisions of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).
- (2) The Plan contemplated in subsection (1) may include but not limited to the following:
 - (a) establishing a means of ensuring that waste is collected, reused, recycled or disposed of without causing harm to human health or damage to the environment and, in particular, without risk to water, air, soil, plants or animals; causing nuisance through noise or odours; or adversely affecting rural or urban areas or areas of special interest.
- (3) The Plan contemplated in sub section (1) must be establishing an integrated network of waste handling and waste disposal facilities to ensure that -
 - (a) comprehensive and adequate waste services are rendered within the Municipality;
 - (b) the disposal of waste occurs at accessible waste disposal facilities; and
 - (c) the most appropriate methods and technologies are used in order to ensure a high level of protection for and prevention of damage to the environment and harm to human health;
 - (d) encouraging the minimisation or reduction of waste;
 - (e) promoting the recovery of waste by means of recycling or reuse through proven alternative technology; and
 - (f) any other object which would enhance sustainable development.

7. Waste Management Officer (WMO)

- (1) The Municipality must, in accordance with section 10(3) of the National Environmental Management Waste Act, 2008 (Act No.59 of 2008), designate in writing a waste management officer from its administration to be responsible for coordinating matters pertaining to waste management.

- (2) In exercising the power contemplated in subsection (1), the Municipality may adhere to the guidelines set out by the provincial or national department responsible for waste management.

8. Service Providers or Contractors

- (1) The Municipality may discharge any of its obligations by entering into a service delivery agreement with a service provider or service providers in terms of the Municipal Systems Act, 2000.
- (2) Subject to the provisions of the Municipal Systems Act or any other legislation, the Municipality may assign to a service provider any power enjoyed by the municipality under these by-laws provided that the assignment is required for the service provider to discharge an obligation under its service delivery agreement.
- (3) Service providers must provide services in accordance with a customer charter which must be drawn up in consultation with the Municipality and which must-
 - (a) accord with the provisions of these by-laws;
 - (b) be accessible to the public;
 - (c) establish the conditions of the service including collection times; and
 - (d) provide for the circumstances in which Municipal services may be limited.

CHAPTER 3: PROVISION OF WASTE SERVICES

9. Storage and receptacles for general waste

- (1) Any person or owner of premises where general waste is generated must ensure that such waste is stored in a receptacle provided or approved by the Municipality.
- (2) Any person or owner of premises contemplated in sub section (1) must ensure that-
 - (a) the receptacle is stored inside the yard where applicable, away from the public area when still waiting for collection;
 - (b) on agreed collection date, it should be placed outside the premises in an area accessible to the municipal officials or service providers;
 - (c) pollution and harm to the environment is prevented;
 - (d) waste cannot be blown away and that the receptacle is covered or closed;
 - (e) measures are in place to prevent tampering by animals;
 - (f) nuisance such as odour, visual impacts and breeding of vectors do not arise;
 - (g) suitable measures are in place to prevent accidental spillage or leakage;

- (h) the receptacle is intact and not corroded or in any other way rendered unfit for the safe storage or transportation of the waste;
- (i) that a receptacle(s) provided by the Municipality is not used for any other purpose other than storage of waste;
- (j) in cases where a receptacle (s) is damaged or corroded, the owner or occupier must notify the Municipality and arrange for replacement as soon as it comes to their attention;
- (k) waste is only collected by the Municipality or authorised service provider;
- (l) in cases where an owner or occupier is not available on the day of collection, make necessary arrangements to ensure that waste is accessible for removal or collection.

10. Collection and transportation

- (1) The Municipality may -
 - (a) only collect waste stored in approved receptacles;
 - (b) set collection day of the week; and
 - (c) collect waste outside the set schedule on request by any person and at a fixed tariff agreed to by both parties prior to collection.
- (2) Any person transporting waste within the jurisdiction of the Municipality must –
 - (a) ensure that the receptacle or vehicle or conveyance is adequate in size and design for the type of waste transported;
 - (b) remove or transport the waste in a manner that would prevent any nuisance or escape of material;
 - (c) maintain the receptacle or vehicle or conveyance in a clean, sanitary condition at all times;
 - (d) not permit waste transported to become detached, leak or fall from the receptacle or vehicle or conveyance transporting it;
 - (e) ensure that waste is transported or deposited at a waste transfer station, recycling facility or disposal facility licensed to accept such waste;
 - (f) ensure that the vehicle is not used for other purposes whilst transporting waste; and
 - (g) apply to the Municipality to register as a transporter of waste in accordance with the requirements set out by the Municipality and adhere to all the conditions attached to the registration.

11. Waste transfer stations

- (1) Any holder of waste must –
 - (a) utilise appropriate waste transfer stations as directed by the Municipality or service provider; and
 - (b) adhere to the operational procedures of a transfer station as set out by the Municipality.

12. Waste disposal

- (1) Waste generated in the municipal area must be disposed of at a waste disposal facility as directed by the Municipality.
- (2) In disposing of waste the operator of the site must comply with the provisions of any other legislation regulating the disposal of waste.
- (3) Any person disposing waste at a Municipal owned disposal site must adhere to the site operational procedures approved by the Municipality.

CHAPTER 4: RECYCLING OF WASTE**13. Storage, separation and collection of recyclable domestic waste**

- (1) Any person who is undertaking any activity involving reduction, re-use, recycling or recovery of waste including scrap dealers, buy-back centres and formalised recycling groups must before undertaking that activity, make sure that the activity is less harmful to the environment than the disposal of such waste and must notify the Municipality of an intention to undertake such an activity in writing.
- (2) Any person undertaking the activities contemplated in sub section (1) must adhere to the requirements set out in national or provincial legislation.
- (3) The Municipality may require any person or owner of premises to separate their waste and use different receptacles provided by the Municipality or service provider.
- (4) In cases where the Municipality, service provider or industry has provided separate receptacles for recyclable material, no person may use other receptacles for recyclable material.

CHAPTER 5: WASTE INFORMATION

14. Registration and provision of waste information

- (1) Any person who conducts an activity which has been identified in terms of provincial or national waste information system must, upon request, present to the Municipality proof that such an activity is registered and reporting the required information.
- (2) The Municipality may, at its own discretion and as reasonably possible, require any facility, person of activity to register and report to the Municipality any other information for the purpose of facilitating effective waste management within its jurisdiction.

CHAPTER 6: PROVISION FOR REGISTRATION OF TRANSPORTERS

15. Requirements for registration

- (1) Any person who transport waste for gain must adhere to the requirements as set out in section 25 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).
- (2) The Municipality may, by notice in the provincial gazette, require any person or category of transporters to register and report to the Municipality information as set out in that notice. The notice may include but not limited to-
 - (a) the application forms;
 - (b) a prescribed fee;
 - (c) renewal intervals;
 - (d) list of transporters, types and thresholds of waste transported; and
 - (e) minimum standards or requirements to be complied with.

CHAPTER 7: LISTED WASTE MANAGEMENT ACTIVITIES

16. Commencement, conducting or undertaking of listed waste management activities

- (1) Any person conducting a listed waste management activity listed in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of

2008), must upon request by an official of the Municipality, provide proof of compliance with the requirements of a licence issued by the competent authority.

- (2) Any person conducting or intending to conduct any activity contemplated in sub section (1) must, at least sixty (60) days before commencement, conducting or undertaking such activity, inform the municipal waste management officer in writing of the intention.

CHAPTER 8: GENERAL PROVISIONS

17. Duty to provide facilities for litter

- (1) The Municipality, or owner of premises in the case of privately owned land, must take reasonable steps to ensure that sufficient and appropriate receptacles are provided for the discarding of litter by the public, in any place to which the public has access.
- (2) The Municipality, or owner of privately owned land, must ensure that all receptacles installed on the premises for the collection of litter are –
 - (a) maintained in good condition;
 - (b) suitably weighted and anchored so that they cannot be inadvertently overturned;
 - (c) constructed in such a manner as to ensure that they are weatherproof and animal proof;
 - (d) of suitable size to contain all litter likely to be generated on the premises and by the users thereof;
 - (e) placed in locations convenient for the use by users or occupants of the premises to discourage littering or the unhealthy accumulation of waste; and
 - (f) emptied and cleansed periodically or when full. The emptying and cleansing of receptacles must be done frequently to ensure that no receptacle or its contents may become a nuisance or provide reasonable grounds for complaint.
- (3) In any public place where a receptacle has been placed for the depositing of litter, the Municipality may put up notices about littering.

18. Prohibition of littering

- (1) No person may –
 - (a) cause litter;
 - (b) sweep any waste into a gutter, onto a road reserve or onto any other public place;
 - (c) disturb anything in, or remove anything from any receptacle which has been placed for the purposes of collecting litter in such a manner as to cause the contents of the receptacle to spill or fall onto the ground around it; and
 - (d) allow any person under his or her control to do any of the acts contemplated in paragraphs a, b or c above.
- (2) Notwithstanding the provisions of subsection (1), the Municipality, or owner in the case of privately owned land to which the public has access, must within a reasonable time after any litter has been discarded, dumped or left behind, remove such litter or cause it to be removed.

19. Prohibition of nuisance

- (1) Any person handling waste within the Municipality, either through storage, collection, transportation, recycling or disposal must-
 - (a) take reasonable measures to prevent nuisance, injury, harm, damage, annoyance or inconvenience to any person and the environment; and
 - (b) take measures to remedy any spillages, harm, damage or nuisance referred to in sub-section (a).
- (2) The Municipality may, by written notice, instruct any holder of waste at their own cost; to clean any waste causing nuisance to any person or the environment;
- (3) Failure to comply to the notice contemplated in sub section (2); the Municipality may clean or remedy waste causing nuisance to any person or the environment, at the Municipality's cost and claim such cost from the offender.

20. Burning of waste

- (1) No person may:-
 - (a) dispose of waste by burning it, either in a public or private place; and

- (b) incinerate waste either in a public or private place except in an incinerator licensed by the relevant national or provincial authorities to do so, or at a place designated by the Municipality for such purpose.

21. Unauthorised disposal or dumping

- (1) No person may –
 - (a) except with the permission of the occupier, owner or of the person or authority having control thereof dump, accumulate, place, deposit, leave or cause or allow to be dumped, accumulated, placed, deposited or left any waste whatsoever, whether for gain or otherwise, on or in a public place; any drain, watercourse, flood prone areas, tidal or other water in or in the vicinity of any road, highway, street, lane, public footway or pavement, roadside or other open space to which the public have access; or private or municipal land.

22. Abandoned articles

- (1) Any article, other than a motor vehicle deemed to have been abandoned in terms of the National Road Traffic Act, 1996 (Act 93 of 1996) which, 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 of such article, is reasonably regarded by the Municipality as having been abandoned, may be removed and disposed of by the Municipality as it may deem fit.
- (2) The Municipality may remove and dispose of any article which is chained or fastened to any pole, parking meter or any other property belonging to the council, without authorisation as it may deem fit.

23. Liability to pay applicable tariffs

- (1) The owner of premises where the Municipality is rendering waste services contemplated in this by-law is liable for the payment of prescribed tariffs for such services, and is not exempted from or reduction of such tariffs due to non usage, partial or limited use of such services.
- (2) The Municipality reserves the right to review such tariffs contemplated in sub section (1) on an annual basis.

- (3) The Municipality may exempt any person or category of persons deemed to be falling in the indigent category from paying prescribed tariffs for waste management services as outlined in the Municipal Indigent Policy.

24. On - site disposal

- (1) The Municipality may, as it deem fit in an area where a municipal waste management service is not already provided, after consultation with the concerned community, declare an area(s) as demarcated for on-site disposal of general waste.
- (2) A declaration contemplated in subsection (1) must be published in a provincial gazette and may include but not limited to-
 - (a) time frames for such a declaration;
 - (b) minimum standards to be adhered to for on-site disposal; and
 - (c) quantity of waste that may be disposed;
- (3) The Municipality has a right to inspect the areas contemplated in sub section (1) on a regular basis.

25. Storage, collection, composting and disposal of garden waste

- (1) The owner or occupier of the premises on which garden waste is generated may compost garden waste on the property, provided that such composting does not cause a nuisance or health risk.
- (2) The owner or occupier of the premises on which garden waste is generated and not composted must ensure that such waste is collected and disposed within a reasonable time after the generation thereof.
- (3) The Municipality may as far it is reasonably possible, direct any transporter of garden waste or any person providing garden maintenance services, to transport their garden waste to a designated transfer station or facility provided by the Municipality.
- (4) At the written request of the owner or occupier of premises the Municipality or service provider may, in its sole discretion, deliver an appropriate receptacle for the purpose of storing garden waste in addition to any approved receptacle delivered to the premises for the storage of domestic waste; at a prescribed additional tariff.

26. Collection and disposal of bulky waste

- (1) Any person generating bulky waste must ensure that such waste is collected and recycled or disposed of at a designated facility and may not put such waste as part of the municipal routine collection.
- (2) At a request of the owner or occupier of any premises, the Municipality may remove bulky waste from premises at a prescribed tariff provided that the Municipality is able to do so with its refuse removal equipment.

27. Generation, storage, collection, reuse and disposal of building waste

- (1) The owner or occupier of premises on which building waste is generated and person conducting an activity which causes such waste to be generated must ensure that-
 - (a) until disposal, all building waste, together with the containers used for the storage, collection or disposal thereof, is kept on the premises on which the waste was generated;
 - (b) the premises on which the building waste is generated does not become unsightly or cause a nuisance as a result of accumulated building waste;
 - (c) any building waste which is blown off the premises is promptly retrieved; and
 - (d) pursuant to any instructions from the Municipality, any structure necessary to contain the building waste is constructed.
- (2) Any person may operate a building waste removal service subject to adherence to relevant legislation.
- (3) Should the Municipality provide such a service, it shall be done at a prescribed tariff.
- (4) The owner or occupier of premises may apply to the Municipality for written consent to place an appropriate receptacle for the storage and collection of building waste in the road reserve for the period of such consent.
- (5) Every receptacle, authorised in terms of subsection (3) and used for the removal of building waste, must –
 - (a) have a clearly marked name, address and telephone number of the person in control of such approved receptacle;
 - (b) be fitted with reflecting chevrons or reflectors which must completely outline the front and the back thereof; and
 - (c) be covered at all times other than when actually receiving or being emptied of such waste so that no displacement of its contents can occur.

- (6) The owner or occupier of premises on which building waste is generated must ensure that the waste is disposed of at a facility designated for that purpose by the Municipality.
- (7) For the purpose of reclamation of land, reuse or recycling, building waste may with written consent of the Municipality, be deposited at a place other than the Municipality's waste disposal sites.
- (8) A consent given in terms of subsection (7) shall be subject to the conditions as the Municipality may deem necessary.

28. Special industrial, hazardous or health care risk waste

- (1) Any waste generator who generates special industrial, hazardous or health care risk waste or an owner of premises where such waste is generated must contract with an accredited service provider to collect and dispose of such waste at a licensed hazardous waste disposal facility.
- (2) Subsection (1) does not apply to generators of waste who have the capacity to conduct the service.
- (3) Any person transporting industrial, hazardous or health care risk waste must ensure that the facility or place to which such waste is transported is authorised to accept such waste prior to offloading the waste from the vehicle.

CHAPTER 9: ADMINISTRATIVE MATTERS, COMPLIANCE AND ENFORCEMENT

29. Exemptions

- (1) Any person may by means of a written application, in which the reasons are given in full, apply to the Municipality for exemption from any provision of this by-law.
- (2) The Municipality may –
 - (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted be stipulated therein;
 - (b) alter or cancel any exemption or condition in an exemption; or
 - (c) refuse to grant an exemption.
- (3) In order to consider an application in terms of sub-section (1), the municipality may obtain the input or comments of the owners or occupants of surrounding premises.
- (4) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (2),

however, if an activity is commenced before such undertaking has been submitted to the Municipality, the exemption lapses.

- (5) If any condition of an exemption is not complied with, the exemption lapses immediately.

30. Notice of contravention

- (1) The Council may serve a notice of contravention on a person who has committed an offence in terms of these by-laws.
- (2) A notice of contravention must-
- (a) specify, at the time when the notice is issued, the name and residential and postal address, if either or both of these be known, of the person on whom the notice is served;
 - (b) state the particulars of the contravention;
 - (c) specify the amount of the penalty payable in respect of that contravention and the place where the penalty may be paid; and
 - (d) inform the person that he or she must-
 - (i) within 28 calendar days of the date of service of the notice, pay the penalty; or
 - (ii) within 7 calendar days of the notice, inform Council in writing that he or she elects to be tried in court on a charge of having committed an offence.

31. Appeals

A person whose rights are affected by a decision taken by the Municipality in terms of these By Laws, may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) to the municipal manager or delegated official within 21 days of the date of the notification of the decision.

32. Offences and penalties

- (1) Any person who –
- (a) obstructs or hinders the Municipality in exercising the powers or performance of functions or duties as outlined in this by-laws; or
 - (b) contravenes or fails to comply with any provision of these by-laws; or

- (c) fails to comply with the terms of a notice served upon him or her in terms of these bylaws shall be guilty of an offence and liable upon conviction to a on conviction liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

34. Repeal of by-laws

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this by-law, and insofar as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

33. Short title and commencement

- (1) These by-laws is called Makhado Local Municipality by-law and takes effect on the date to be determined by the Municipality in the provincial gazette.
- (2) Different dates may be so determined for different provisions of these by-laws.

LOCAL AUTHORITY NOTICE 32**MAKHADO MUNICIPALITY****FOOD HANDLING BY-LAWS**

The Municipal Manager of Makhado Local Municipality hereby, in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), publishes food handling by-laws for the Municipality as approved by its council, as set out hereunder.

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DEFINITIONS

1. In these by-laws, unless inconsistent with the context:

“**Business**” means any business, undertaking or calling whether required to be licensed or not and whether or not licensed although required by any law to be so licensed and includes any organization or association of persons engaged in the supply of food to members, employees or the public or any special class thereof for any consideration whatsoever;

“**Council**” means –

- (a) the Makhado Local Municipality, exercising its legislative and executive authority through its Municipal Council; or
- (b) its successor in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws, has been delegated or sub-delegated or an

instruction given as contemplated in Section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or

- (d) a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of section 81(2) of the Local Government Municipal Systems Act, 2000, or any other law, as the case may be;

“Detergent” means a substance or compound soluble in water which at a temperature of 50° Celsius will provide complete removal of all types of characteristic soiling materials in a short period of time, will produce a free-rinsing surface, will reduce to a minimum the formation of a film of precipitated mineral salts and similar substances of the washed surface and will function effectively in waters of varying hardness;

“Dwelling” means a building or part of a building used or constructed or designed or adapted to be used for residential purposes together with such outbuildings as are ordinarily used therewith;

”Food” means any substance (other than drugs or water but including ice) which is intended or ordinarily used for human consumption, or which enters into, or is used in the composition or preparation of, articles for human consumption;

“Food room” means any room in which food is manufactured, prepared, stored, sold or offered or exposed for sale and any vehicle in which food is conveyed;

“Food Shop” means a building or portion of a building used or constructed or adapted to be used for the sale and display of goods in conjunction with a food business, excluding any part thereof used or intended to be used as a food preparation area, scullery, storage area, or change-room;

“Health Inspector” means the duly appointed Health Inspector of the Municipality and shall include any duly appointed Assistant Health Inspector for the Municipality and any other person from time to time lawfully acting in either such capacities;

“Perishable Food” means and includes milk, dairy products, meat, dressed poultry, fish and any other article of food which is of such a nature or is in such form or is so packed as to be liable to decomposition or deterioration at ordinary temperatures;

“**Premises**” means any manufactory, shop, store or other building, tent or temporary structure or vehicle and the land upon which the same is situated or which is used in connection with the business carried on therein;

“**Sell**” means to sell by wholesale, retail or through the medium of a machine and, in addition to its ordinary meaning, includes offer, advertise, keep, expose, transmit, consign, convey or deliver for sale or authorize, direct or allow a sale or prepare or possess for purposes of sale, and further includes barter or exchange or supply or disposal for any consideration, direct or indirect;

“**Sterilizer**” means a substance soluble or miscible in water which has a germicidal effect; and

“**Veterinary Office**” means a veterinary surgeon in the employ of the Council or any qualified veterinary surgeon acting under the instruction of the Health Inspector.

GENERAL

2. Authorized officers

- (1) The under mentioned persons are hereby constituted duly authorized officers for the purposes of these by-laws –
- i) the Health Inspector;
 - ii) any Veterinary officer;
 - iii) any Health Inspector in the employ of the Council; and
 - iv) any other persons specially authorized by resolution of Council to perform the functions of a duly authorized officer under these by-laws.

3. Power of entry, inspection and examination

- (1) Any duly authorized officer may at all reasonable times inspect and examine any food and any premises, plant, machinery, utensils, vessels, receptacles, vehicles and the like from, in or by which food is produced, manufactured, prepared, stored, kept or conveyed and no person shall –
- (i) refuse or without lawful reason fail to give access to any such officer if he or she requests entrance to or upon any premises; or

- (ii) refuse or without lawful reason fail to give any information lawfully required by such officer; or
- (iii) obstruct or hinder such officer in the execution of any of his or her duties or the exercise of any of his or her powers under these by-laws.

4. Compulsory sale of food samples

- (1) Any duly authorized officer may require any person to sell his or her any sample of food required by such officer for any purpose authorized by these by-laws and any person who shall refuse or without lawful reason fail to sell any such sample to such officer at a reasonable price shall be guilty of an offence.

5. Inspecting and examining depots

- (1) The Health Inspector of any authorized office may require, by notice under his or her hand, any person to bring or deliver any specified article, container or package of food for inspection or examination to a depot established for the purpose and any authorized officer shall have the power to cut into or open any article, container or package of food in connection with such inspection or examination.

6. Detention, seizing and destruction of food

- (1) Any authorized officer may restrict or prohibit the sale of and may detain or seize any food or food wrappings or packaging which, in his or her opinion, is diseased, unsound, unwholesome, contaminated or otherwise unfit for human consumption or use for such time as may be reasonably necessary to obtain the certificate of the Health Inspector and may authorize the destruction of any such food upon the certificate of the Health Inspector.

7. Owner's risk

- (1) The Health Inspector may, at the owner's risk, permit such treatment as may render the food or food wrappings or packaging referred to in section 6 above fit for human consumption.

8. Prohibiting sale or supply of food

- (1) The Health Inspector shall have the power to prohibit, for such period or periods as he or she may think necessary, the sale or supply of any food –
- (a) from any premises whereon a case of communicable disease has occurred;
 - (b) from any source wherefrom food previously supplied is suspected to have been the cause of any case or cases of communicable disease;
 - (c) from any vehicle (other than a bicycle) or through the medium of a machine which is not registered or approved in terms of these by-laws, or the use of which has been prohibited in terms of these by-laws or which is in such a condition that the conveyance or storage of food therein or the sale of food there from is, in the opinion of the Health Inspector, likely to endanger public health;
 - (d) if he or she is of the opinion that consumption thereof is likely to cause sickness or disease;
 - (e) if it does not meet with the standards of these by-laws; or
 - (f) at or from any premises whereon the buildings or other circumstances do not meet with the requirements of these by-laws.

9. Restriction or prohibiting a food business

- (1) Where any person who carries on a business involving the manufacture, preparation, storing, handling, sale or distribution of food, whether required to be licensed or not, has failed to observe the requirements of these by-laws, the Health Inspector may serve notice upon such person requiring him or her within the time specified therein to discontinue the introduction into the sale or disposal of food within the municipality.

10. Structure of premises

- (1) No person shall carry on business which involves the manufacture, preparation, storing, handling, sale or distribution of food in or upon any premises which do not comply with the following provisions, namely: -

- (a) walls shall be constructed of brick, concrete, or other approved material and the internal surface of such walls shall be well and smoothly finished; provided that in respect of any portion or portions of the premises where food is manufactured or prepared, the internal walls shall, in addition, be suitably covered with tiles or other approved impervious material to a height of not less than 2m measured from the floor;
- (b) the floor of any portion of the premises used or intended to be used for the manufacture, preparation, storage, handling, sale or distribution of food shall be constructed of concrete or other similar solid and impervious rat-proof material.
- (c) ceilings shall be provided of approved material covered with lime or cement plaster or other suitable impervious material finished to a smooth surface and rendered dust-proof.
- (d) There shall be provided adequate natural or artificial means of lighting and ventilation in conformity with the requirements of the Municipal Building by-laws and National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).
- (e) (i) There shall be provided in connection with every refreshment room, restaurant, eating house or other establishment where food is prepared for consumption on the premises adequate kitchen and scullery facilities.
- (ii) The floor of such kitchen, exclusive of the scullery, shall be calculated on the following basis-
- (a) for the first 50 persons accommodated: 0,75sqm per person;
- (b) for the next 50 persons accommodated: 0,4sqm per person;
- (c) for the next 100 or more persons accommodated: 0.2sqm per person;
- provided that subject to the provisions of subparagraph (v) hereunder the minimum floor area of any kitchen of an establishment where residential accommodation is provided in connection with the business shall be 28sqm and of any other establishment shall be 20sqm.
- iii. There shall be provided in connection with every establishment where food is manufactured or prepared for consumption off the premises adequate kitchen and scullery facilities. The minimum floor area, exclusive of the scullery, shall be 35sqm

in respect of any baker, pastry cook or confectioner and shall be 20sqm in respect of any other establishment. The floor area of the scullery, exclusive of the kitchen, shall be not less than one quarter of the floor area of the kitchen.

- (iv) For the purposes of this by-laws where a room or rooms, separate from the kitchen, are provided solely for the manufacture, preparation or handling of food in or upon the premises or upon such other premises within the Municipality which are used in connection with such business, such room or rooms may be regarded as forming part of the kitchen.
- (v) Where the Health Inspector is of the opinion that the nature of the business or the range of type of food to be prepared or handled are such that a lesser floor area will suffice, he or she may in his or her sole discretion authorise in writing a reduction of the minimum floor area required by this by-law subject to such conditions as he or she may deem fit to impose.
- (f) The premises shall be so constructed as to be fully vermin proof and, in all respects, in conformity with the prescribed standards.
- (g) A pure, ample and convenient water supply shall be laid on to all points requisite for the proper functioning of hygiene and sanitary amenities which supply in respect of premises within the Municipality shall be obtained only from the Council.
- (h) There shall be no opening or inlet to any drain from any portion of the premises used for the manufacture, preparation, storage, handling, sale or distribution of food and no water closet, privy, urinal or stable shall directly communicate with such portions of the premises.
- (i) No soil pipe shall be conducted through that portion of a building used for the manufacture, preparation, storage, handling, sale or distribution of food.
- (j) There shall be provided, an adequate yard space, for the storage of refuse receptacles, with access thereto other than through the shop or manufactory.
- (k) There shall be provided effective means of draining and disposal of waste liquids and stormwater.

11. Food shop and food kiosk

- (1) For the purpose of this section, kiosk shall mean self-contained retail premises from which the vendee is excluded.
- (2) No person shall carry on a business which involves the sale and display of foodstuffs, whether for on consumption or otherwise, within a food shop which has a lesser floor area than 28sqm, or a ceiling height less than 2,6m, or a width less than 3,8m.
- (3) No person shall carry on a business which involves the storing or handling in or sale and distribution of foodstuffs from any kiosk, unless-
 - (a) such kiosk is situated in a position approved by the Municipal Engineer;
 - (b) such as kiosk has a minimum floor area of 10sqm, a minimum height of 2,6m, and a minimum width of 2,15m;
 - (c) sales from such kiosk are restricted to the sale of factory wrapped sweets and ice-cream and factory-prepared liquid refreshments contained in sealed bottles, cans, tins, or cartons, or liquid refreshments dispensed in non-returnable single-use containers from factory-filled dispenses, and factory pre-packed cakes, pastries, biscuits, savoury snacks, popcorn and peanuts, or any other articles of food or goods as the Health Inspector may approve in writing where he or she is of the opinion that no nuisance or danger to health will be created by the sale of such articles or goods, which approval may at any time be withdrawn.
- (4) No food kiosk shall be used for the preparation or cooking of food.
- (5) No person who carries on a business which involves the manufacture, preparation, storing, handling, sale or distribution of food within a food shop, shall keep or cause or permit any mechanical, electronic or electrical contrivance, instrument, apparatus or device operated within a food shop or any portion of the premises used for the purpose of such shop unless the following requirements are complied with:

- (a) such contrivances, instruments, apparatus or devices shall be kept and operated solely in a room or area exclusively reserved for that purpose;
- (b) any separate room referred to in sub-paragraph (a) above shall comply with the minimum dimensions of a room, and such requirements as to light and ventilation as are prescribed by the Building by-laws;
- (c) any separate area referred to in sub-paragraph (a) above shall be physically separated from the remainder of the food shop by means of a wall, constructed to a height of 1,5m;
- (d) accessible toilet accommodation for patrons shall be provided; provided that the Health Inspector may dispense with the requirements of separate urinals for males when considered reasonable in the circumstances, having regard to the health requirements of a particular case;

provided that the floor area of any room or area referred to in this section shall be in addition to the minimum floor area required for the food shop in terms of subsection 2.

12. Repair and maintenance of building, drains and other appurtenance

- (1) The owner shall maintain all buildings, hardened areas, drains, drainage connections and other appurtenance in good order and condition.

13. Painting and renovation of premises

- (1) The owner shall paint, colour-wash or otherwise suitably renovate any exterior part of the premises owned by him or her when so required by the Health Inspector.
- (2) The occupier shall paint or otherwise suitably renovate any internal part of the premises occupied by him or her at least once in every year and at such other times as may be required by the Health Inspector.

14. Power of medical officer of health to relax requirements.

- (1) The Health Inspector may in his or her sole discretion permit any person to carry on business involving the storage, handling, sale or distribution of food, for such period or periods as he or she may deem necessary, in or upon premises which do not comply in whole or in part with the requirements of sections 10 to 13 inclusive of these by-laws.
- (2) Any person desirous of obtaining permission for relaxation of the requirements in terms of paragraph (1) above shall apply in writing to the office of the Health Inspector and the Health Inspector may grant such permission, subject to such terms and conditions as he or she may determine, or he or she may refuse such permission.

15. Manufacturing equipment, furniture, fittings and fixtures

- (1) No person shall carry on any business which involves the manufacture, preparation, storing, handling, sale or distribution of food in or upon any premises which do not comply with the following provisions, namely;-
 - (a) suitable and adequate washing, rinsing and sterilising facilities, which shall comprise sinks, together with the necessary draining board or boards, and be composed of stainless steel or other approved hard, non-absorbent material, shall be installed. The bowl of each of such sinks shall be of a minimum capacity of 0,07m³ and, when so required by the Health Inspector, there shall also be provided a deep trough of troughs of a minimum capacity of 0,15m³;
 - (b) a constant and adequate supply of hot water shall be laid on to sink installations and such other points as the Health Inspector may prescribe;
 - (c) furnishing, fixtures and fittings shall be of good sound materials and construction, without crevices or interspaces likely to collect dust or dirt or to favour harbourage or development of rodents, cockroaches or other vermin;
 - (d) there shall be provided on every premises where perishable foodstuffs are manufactured, prepared, stored, handled, sold or distributed suitable and adequate refrigerated storage accommodation; and

- (e) Suitable and efficient means for the collection, filtration, treatment, conveyance and disposal of fumes resulting from cooking or other process of manufacture or preparation shall be provided in any premises when deemed necessary by the Health Inspector.

16. Mechanical mixing of dough, batter and pastry

- (1) Any baker, pastry cook or confectioner or other person preparing or making any bread, cakes, biscuits or pastry of whatsoever nature or kind for the purposes of sale shall mix all dough, batter or paste to be used in the preparations or making of such bread, cakes, biscuits or pastry in or by means of proper mixing machines, suitable and adapted for the purpose.

17. Hand-mixing of cream-substitute.

- (1) No baker, pastry cook or confectioner shall engage or require or allow any other person to be engaged in the manufacture, preparation or handling of cream-substitute unless he or she or such other person, as the case may be, wears sterilised and protective rubber gloves whilst so engaged.

18. Food protection, storage and distribution

- (1) Every person who carries on any business involving the manufacture, preparation, storage, handling, sale or distribution of food shall ensure that in connection with such business:-
- (a) the premises used for the purposes of such business, including the furnishings, fittings and fixtures, the yard area and outbuildings shall at all times be maintained thoroughly clean and tidy and, as far as practicable, free from rodents, cockroaches and other vermin;
- (b) all utensils, crockery or other articles used in connection with the manufacture, preparation, handling, cooking, eating and drinking of any food or beverage shall,

- after each occasion of use, be thoroughly cleansed by means of hot water and detergent and thereafter sterilized in hot water at a temperature of not less than 77° Celsius or, alternatively, in hot water to which an approved chemical sterilizer has been added;
- (c) Every bottle, jar, tin or other such like container for the packing of any article of food or drink and every cork, stopper or cover in connection therewith is thoroughly cleansed by means of hot water and detergent and thereafter sterilized in hot water at a temperature of not less than 77° Celsius;
- (d) all plant, equipment, cooking, eating and other utensils, including crockery, shall be maintained at all times in a sound and hygienic condition, and free of dirt, grime, dust or any extraneous or unclean substance;
- (e) no flesh of any animal or the carcass of any bird which has died as a result of an accident or disease shall be prepared for sale, stored, kept, exposed for sale or sold for human consumption unless, in the case of an animal or bird which has died as a result of an accident, such flesh or carcass has been examined and passed by the Director, Municipal Abattoir, and Chief Veterinary Officer.
- (f) in respect of the storing, keeping, wrapping and delivery of food –
- (i) there is provided on the premises in which the business is conducted, or elsewhere with the approval of the Health Inspector, a separate storeroom which shall be of a minimum floor area of 15sqm; provided that, where the Health Inspector is of the opinion that a lesser floor area or alternate storage facilities will suffice, he or she may in writing authorize the use of a storeroom of a lesser floor area or such alternate storage facilities;
- (ii) there are provided proper and sufficient facilities for the keeping or containing of food stored or exposed for sale, or delivered to the business when it is closed, such that the food is thereby –
- (aa) rendered inaccessible to cockroaches, rodents and canines, and
- (bb) protected from dust or flies or contamination from any other cause; and

- (iii) that at all times all milk, dairy products, meat, dressed poultry, fish, or any other article of food whether frozen, cooked or otherwise, which is of such a nature or in such a form as to be liable to decomposition or deterioration at ordinary temperatures shall be kept either under refrigeration at a temperature not exceeding 8° C or at a temperature not less than 65° as the case may be; and
- (g) no sawdust or similar material shall be deposited on the floor or any part of the premises.

19. Unsuitable equipment

- (1) Any authorized officer may forbid the use of any vessel, utensil, machine, equipment or apparatus used for the manufacture, preparation, storage, handling, sale or distribution of food which, in his opinion, is unsuitable, worn out, rusted, defective, not functioning properly, in such condition that it cannot be rendered clean and sterile or is in such condition that food contained therein is not protected from contamination by dust, vermin or other cause and no person shall thereafter use such vessel, utensil, machine, equipment or apparatus for such purpose without the written authority of the Health Inspector.

20. Unsuitable containers and methods

- (1) Any authorized officer may forbid the use of any type or class of bottle, jar, tin, carton, plastic tube or other container for the packing of any article of food or drink, any cork, stopper or cover in connection therewith and any process or method of packing food which, in his opinion, is such that food contained therein or thereby is not protected from contamination by any cause or may be adversely affected thereby and no person shall thereafter use such container, cover, process or method or type or class thereof for the purpose without the written authority of the Health Inspector.
- (2) No person who carries on any business involving the manufacture, preparation, storage, handling or distribution of food shall in connection with such business -
 - (a) handle, convey, transmit, deliver, store or deposit any food or cause or permit any food to be handled, conveyed, transmitted, delivered, stored or deposited unless such

- food is effectively protected against contamination where there is a reasonable possibility of it becoming contaminated by flies, dirt, dust or any other cause;
- (b) cause or permit any matter, substance or ingredient which is diseased, unsound, unwholesome or injurious to health to be used in the manufacture or preparation of any article intended for human consumption as food or drink, whether solid or liquid;
 - (c) cause or permit any article of food or drink which is not clean, wholesome, sound and free from any foreign object, disease, infection or contamination to be kept, stored, sold or exposed for sale or introduced into the jurisdiction area of the Makhado Municipality for purposes of sale;
 - (d) cause or permit any bottle, jar, tin or other container or any paper, cardboard or other material which is not clean and free from any matter or substance which might contaminate or infect food or drink to be used for the packing and wrapping of any article of food or drink;
 - (e) Cause or permit any:-
 - (i) person to sleep in a food room or a food room to be used as a living or sleeping apartment or to communicate directly or indirectly by door, passage, window or otherwise with any living room or sleeping apartment;
 - (ii) food to be manufactured, prepared, stored, handled, sold or exposed for sale in a dwelling or other premises that are not designed, constructed or approved for the manufacture, preparation, storage or exposure of food for sale, without the prior written permission of the Health Inspector;
 - (iii) food room to be used for any purpose incompatible with the business carried on therein;
 - (iv) articles not required in the process of manufacture, preparation, storage, handling or sale of food to be kept or stored in any food room; and
 - (v) cause or permit any live bird or animal to be kept in or adjoining a food room.
 - (f) cause or permit any confectionery, cut cooked meats or other unwrapped ready-to-eat foodstuffs to be handled other than by use of some suitable apparatus or instrument;

- (g) cause or permit any article of wearing apparel to be hung or kept inside any portion of the premises used for manufacturing, preparing, storing, keeping, handling, or exposing food, otherwise than in suitable lockers.

21. Spitting and use of tobacco forbidden

- (1) No person shall spit in any premises used for the manufacture, preparation, storage, handling, sale or distribution of food and no person shall, whilst actively engaged in the manufacture, preparation, storage, handling, sale or distribution of food, use tobacco in any form whatsoever.

22. Transporting of meat, poultry and fish

- (1) Any person conveying or causing to be conveyed any flesh, meat, poultry or fish within the jurisdiction area of the Makhado Municipality shall convey or cause to be conveyed such meat, poultry, or fish in a purpose-designed van, vehicle or carrier which shall be constructed or non-absorbent material, be easily cleansed and furnish efficient protection from contamination by dust, flies or any other cause; provided that this section shall not preclude the conveyance of meat, poultry or fish by mode of hand.
- (2) No van, vehicle or carrier aforesaid shall be used for other purposes than the intended purpose and no person shall sit, stand or recline upon any meat, poultry or fish, and the driver of any van or vehicle shall not permit any person to sit, stand or recline upon any meat, poultry or fish being so conveyed.
- (3) No butcher, poulterer or fishmonger shall convey for delivery to or deliver to the purchaser thereof any flesh, meat, dressed poultry or fish unless the first wrapping thereof be of clean grease-proof paper.
- (4) Every van, vehicle or carrier used for the purpose of conveying meat to any butchery or market or any place where the meat is to be stored or to be sold, exposed or offered to the public for sale shall be so designed that all carcasses or parts thereof shall hang from a beam with stainless steel hooks fitted at such a height that, if such carcasses or parts thereof are suspended there from, they do not touch the floor of the van, vehicle or carrier.

- (5) Any person conveying or causing to be conveyed any meat in the form of head, trotters, plucks, entrails, offal or the like shall convey or cause to be conveyed such meat in a movable container constructed of impervious material which shall be fitted with a tight fitting lid or be otherwise effectively sealed.

23. Sale of food from a vehicle.

- (1) No person shall use any vehicle (other than a bicycle) for the sale of food there from except under the written permission of the Health Inspector, which permission the Health Inspector may grant (subject to such conditions or restrictions as he may determine) or refuse; provided that any vehicle which was, prior to the date of promulgation of this section, duly registered by the Licensing Officer, shall be deemed to have been registered in terms of the provisions of this section.
- (2) Application for the permission required in terms of sub-section (1) hereof, shall be made to the health Inspector, on a form obtainable from the Office of the Health Inspector.
- (3) Upon the grant of any such application, the Health Inspector shall issue to the applicant, a certificate of registration which shall be valid:
- (a) until the 31st of December of the year of issue, if the vehicle to which it relates is used or intended to be used for the conveyance of perishable food;
 - (b) in the case of any other vehicle, until revoked by the Health Inspector in terms of sub-section (11) hereof, unless;
 - (i) a change of ownership in the vehicle to which the certificate of registration relates occurs during the currency thereof in which event the new owner shall apply to the Health Inspector for a new certificate or registration within one month from the date of transfer of such vehicle to him or her;
- (4) Applications for the renewal of a certificate of registration to which the provisions of paragraph (i) of subsection (3)(b) apply, shall be made to the health Inspector on or before the 31st day of December each year.
- (5) Every vehicle intended for the conveyance of perishable food for sale shall-

- (a) be designed for the purpose for which it is to be used;
 - (b) be constructed of non-absorbent material;
 - (c) have the name and address of the owner of the vehicle and the name of the perishable food contained therein and the address of the premises at which the perishable food conveyed in such vehicle is stored or prepared marked on the vehicle in the manner described in subsection (8) hereof;
 - (d) be so constructed that it can be easily cleansed; and
 - (e) be provided to the satisfaction of the Health Inspector with protection from contamination by dust, vermin or other cause.
- (6) Except with the written consent of the Health Inspector every vehicle intended for the conveyance of perishable food for sale shall –
- (a) be entirely enclosed;
 - (b) be lighted by natural means to the satisfaction of the Health Inspector;
 - (c) be equipped to the satisfaction of the Health Inspector with mechanical air conditioning; provided that the Health Inspector may waive this requirement if he or she is satisfied that the vehicle is adequately insulated from the heat of the sun and is provided with sufficient and adequate mechanical fans to cool the interior;
 - (d) be provided with a clean water tank and washing facilities, a water heating unit, a waste water storage tank and such refrigeration and other equipment as the Health Inspector may require;
 - (e) be of a size which in the opinion of the Health Inspector is sufficient to accommodate all machinery, equipment, stocks and personnel.
- (7) For the purpose of this section perishable food shall be packed in a sealed wrapping or container at the premises referred to in subsection (9)(b) of this by-law, or be sold only through the medium of a fully enclosed, automatic dispensing machine.
- (8) The information required in terms of paragraph (b) of subsection (9) hereof shall be conspicuously marked on both sides of the vehicle in a position in which they will not be obstructed from view, in letters at least 50 mm in depth with

no stroke less than 5 mm in width of a color clearly distinguishable from their background, and shall be maintained at all times in a clearly legible condition.

- (9) the Health Inspector shall in each certificate of registration issued in respect of a vehicle intended for the conveyance of perishable food, specify-
 - (a) the place at which such vehicle is to be kept when not in use, and
 - (b) the premises at which the perishable food conveyed in and sold from such vehicle is to be prepared.
- (10) No vehicle shall, when not in use be kept at a place other than the place so specified in the certificate of registration and no perishable food shall be conveyed in or sold from the vehicle unless it is prepared at the premises so specified in the certificate of registration.
- (11) Whenever, in the opinion of the Health Inspector any vehicle in respect of which a certificate of registration has been issued, ceases to conform to the requirements of this section, or whenever the holder of a certificate fails to comply with the requirements of these by-laws or any conditions or restrictions imposed by the Health Inspector in regard to such vehicle or the sale of food therefrom, the Health Inspector may, after notice to the holder of the certificate of registration, revoke such certificate.

24. Sale of Perishable Food through the medium of a machine

- (1) No person shall sell any perishable food through the medium of a food vending machine:-
 - (a) unless such food vending machine is a type approved by the Health Inspector and the written authority of the Health Inspector for the installation and use of such food vending machine has been obtained in the manner hereinafter set out;
or
 - (b) otherwise than in accordance with the provisions of this section and any condition or restriction imposed by the Health Inspector in approving a food vending machine or its installation and use.
- (2) Application for the approval of a food vending machine shall be made to the Health Inspector and the applicant for such approval shall –

- (a) furnish the Health Inspector with a description and diagrams of the food vending machine and its component parts and such other information in regard thereto as the Health Inspector may require; and
 - (b) at his cost, carry out such tests as the Health Inspector may require in order to satisfy himself or herself that such food vending machine is suitable of the purpose for which it is intended to be used and is capable of being operated and used without danger to public health.
- (3) Every food vending machine shall –
- (a) be constructed of non-absorbent material;
 - (b) be so designed that it can be at all times easily cleansed;
 - (c) have a refrigeration or heating unit, as the case may be, capable of maintaining the temperature specified in section 18(1)(f)(iii) of these by-laws and be so designed that if the temperature at any time exceeds or falls short of such temperature, as the case may be, the food vending machine will automatically become inoperative; and
 - (d) be inscribed with an identifying serial number.
- (4) The Health Inspector may grant any application made to him or her for the approval of a food vending machine, unconditionally or subject to such conditions as he or she may determine, or may refuse such application.
- (5) Application for authority to install and use a food vending machine for the sale of perishable food shall be made to the Health Inspector, who may grant such application unconditionally or subject to such conditions as he or she may determine or refuse such application.
- (6) Where authority for the installation and use of a food vending machine is granted by the Health Inspector, he or she shall issue to the applicant a written permit which shall contain –
- (a) the name and address of the applicant;
 - (b) the address of the premises on which the food vending machine is to be installed;

- (c) the address of the premises at which the perishable food to be stored in and sold through the medium of the food vending machine is to be prepared; and
 - (d) the conditions, if any, imposed by the Health Inspector in approving the food vending machine or its installation and use.
- (7) Every person to whom a permit is issued in terms of sub-section (6) shall have the information referred to in subsection 6 (a) and (b) of the said sub-section marked on the food vending machine in the manner described in of section 23(8) of these by-laws.
- (8) Every permit issued in terms of sub-section (6) of this section shall, unless revoked in terms of sub-section (9) of this section, be valid until the 31st December of the year of issue. Applications for the renewal of any such permit shall be made to the Health Inspector on or before the 15th of December each year.
- (9) Whenever, in the opinion of the Health Inspector, any food vending machine in respect of which a permit has been issued, ceases to conform to the requirements of this section or whenever the holder of such permit fails to comply with the requirements of these by-laws or any conditions or restrictions imposed by the Health Inspector in regard to such food vending machine or its installation and use, the Health Inspector may, after due notice to the holder of such permit, revoke such permit.

25. Conveyance of foodstuffs on public resorts

- (1) Every person who carries on any business involving the manufacture, preparation, storage, handling, sale or distribution of food shall ensure that any food or drink for human consumption conveyed in connection with such business from any premises to or over any place of public resort shall be covered or otherwise effectively protected against contamination by dust, flies or any other cause whatsoever.

26. Carcasses on shoulders

- (1) Every person who carries or conveys any carcass of meat intended for sale for human consumption shall, whilst so engaged, wear a clean, washable overall, together with a rubberized hood and apron.

27. Transporting of bread, cakes and other food

- (1) Any person conveying or causing to be conveyed in the course of business, other than by mode of hand, any food consisting of bread, cakes, pies or biscuits within the jurisdiction area of the Makhado Municipality shall convey or cause such food to be conveyed in a van, vehicle or carrier designed to be loaded and unloaded from an internal passage, so that any food contained therein is not exposed to contamination by any person entering therein. Such conveyance shall be constructed of non absorbent material, be easily cleansed and furnish efficient protection from contamination by dust, flies or other cause.
- (2) No person shall enter or be within any portion of any van or vehicle aforesaid other than the driver's cab (which shall include any other portion specially set aside or designed for the seating of persons), except for the purpose of cleansing and repair, unless it is provided with an internal passage which is not used or intended or designed to be used for storing food conveyed in the van.
- (3) It shall be an offence to store or convey food in that portion of the van or vehicle designed, set aside or intended to be used as a loading passage or as a driver's cab as herein before defined.
- (4) The driver shall not permit any person to, and no person shall, sit, stand or recline upon any food being conveyed therein not upon any portion of the van or vehicle other than the driver's cab as herein before defined or the internal passage if any, referred to in subsection 2 herein.

28. Cleanliness and good order of vehicles conveying food

- (1) Every person who manufactures or prepares or conveys food for sale for human consumption shall ensure that every van, vehicle, carrier or thing used in connection

with the conveyance of any such food shall not be used for any purpose which may favour contamination or infection of such food.

- (2) The Health Inspector may forbid the use of any particular vehicle or carrier which, in his or her opinion, is unsuitable for the conveyance and delivery of food, and no person shall thereafter use such vehicle or carrier for such purpose without the written authority of the Health Inspector.

29. Provision and use of personal hygiene facilities

- (1) Every person who carries on any business which involves the manufacture, preparation, storing, handling, sale or distribution of food shall, upon the premises upon which such business is conducted, provide –
- (a) adequate seating accommodation for the use of employees, suitable lockers for the keeping of their clothes and personal effects, reasonably accessible wash hand basins connected with a constant and adequate hot and cold water supply in the proportion of at least one wash-hand basin to each fifteen or part of fifteen persons of each sex employed or engaged in such business and an approved change area, separate for the sexes, to the extent of 1sqm of unobstructed floor area for each employee;
 - (b) such additional wash-hand basins as may be required by the Health Inspector to provide in positions readily accessible to personnel whilst they are actively engaged in such business;
 - (c) an adequate supply of clean towels, nail brushes and soap in conjunction with wash-hand basins, the use of roller towels is prohibited;
 - (d) an adequate supply of toilet paper in conjunction with water closets or privies; and
 - (e) an ablution room having –
 - (i) a constant and adequate hot and cold water supply and drainage; and
 - (ii) suitable facilities for the laundering and storage of clothing.
- (2) Every person who carries on any business of the kind referred to in subsection (1) shall provide clean and sound overalls or uniforms and caps of light coloured washable material for the use of employees, and shall ensure that all employees engaged in the handling of food wear such overalls or uniforms and caps at all times

whilst so engaged, and shall maintain such overalls, uniforms and caps in a clean and sound condition.

30. Cleanliness of person and wearing apparel

- (1) Every person who engages or is engaged in the handling of food shall –
- (a) be clean as to his or her person and clothing and shall wear clean overalls and a clean cap whilst so engaged and shall wash his or her hands with soap and shall rinse them with clean water before commencing to handle any food;
 - (b) maintain scrupulous cleanliness of hands with finger nails properly trimmed or cut short;
 - (c) remove his or her overall and cap, if any, before entering any water closet or privy, and
 - (d) thoroughly wash and scrub his or her hands with soap and water immediately after each occasion of visiting the toilet.

31. Unclean or verminous persons

- (1) If, upon examination, the Health Inspector shall find the person or clothing of any person employed in connection with the manufacture, preparation, storage, handling, sale or distribution of food is so unclean or verminous as to be a source of contamination of any food or drink with which he or she is working, he or she may order such person and his or her clothing to be thoroughly cleansed and disinfected and such person shall refrain from engaging in his or her duties prior to the completion of such cleansing and disinfection.

32. Sanitation

- (1) Every person who carries on any business which involves the manufacture, preparation, storing, handling, sale or distribution of food shall, upon the premises upon which such business is conducted, provide toilet facilities and water closet accommodation for all persons employed therein, in accordance with the requirements of the Makhado Municipality Building Regulations by-laws.

- (2) Where any persons are employed in premises having more than one floor, toilet facilities shall be provided on each floor sufficient for the number of persons employed thereon and in accordance with the foregoing requirements, provided further that the provisions of toilets on every floor may be waived by the Health Inspector if such facilities are considered by him or her to be accessible with reasonable convenience;
- (3) In respect of premises in which food is consumed on the premises, water closet accommodation and wash-hand basins properly connected with a constant and adequate cold water supply and drainage for the use of patrons, which accommodation and basins shall be situated with reasonable convenience for and readily identifiable by the said patrons, to the satisfaction of the Health Inspector and be provided separately for the sexes on the following scale –
 - (a) water closets and wash-hand basins for females: For the first 200 patrons, 1 for every 40 or part thereof; thereafter 1 for every 100 or part thereof;
 - (b) water closets and wash-hand basins for males: For the first 250 patrons, 1 for every 125 or part thereof; thereafter 1 for every 250 of part thereof; and
 - (c) urinals: 1 for each 50 males.
- (4) Provide bins or a bin, constructed of durable non-absorbent material, designed to facilitate easy cleansing, equipped with handles and a close-fitting cover or covers and sufficient for the purpose of storing all refuse pending removal or disposal; the use of non-portable refuse receptacles shall not be permitted.

33. Quality of food

- (1) No person who carries on any business which involves the manufacture, preparation, storage, handling or distribution of food shall in connection with such business convey, transmit, deliver, store or deposit for sale or distribute or cause or permit to be conveyed, transmitted, delivered, stored or deposited for sale or distribution, and no person shall sell, any food which does not conform with the standards prescribed in these by-laws.

34. Temperature: provision of equipment

- (1) Every person who carries on a business which involves the manufacture, storage, handling, sale or distribution of perishable food, whether frozen, cooked or otherwise, shall provide, maintain in good order and use a maximum thermometer and such other instrument or equipment as may be necessary for determining the efficiency or otherwise of means for ensuring that food is preserved at all times in conformity with the temperatures prescribed in these by-laws.

35. Prohibition of use or sale of articles likely to contaminate food

- (1) No person shall use any device, equipment, contained or other article on direct or indirect contact with food for purposes contrary to any provision or object of these by-laws or which could cause such food to become unclean, unwholesome, contaminated or otherwise unfit for human consumption, and no person shall sell any such article in contravention of any notice served on him or her by an authorized officer.

36. Standards of prepared food

- (1) In the case of manufactured, processed, pre-cooked, prepared or ready-to-consume food –
- (a) no decomposition shall have occurred;
 - (b) antibiotics shall not be present; or
 - (c) organisms of the genera *Salmonella* and *Shigella*, the species *Vibrio cholerae*, coagulase-positive *Staphylococcus aureus*, any other pathogen and *Escherichia coli* type I shall not be present.

37. Bacterial standards of water and ice

- (1) In the case of water which enters into, or is used in the composition or preparation of food or in the form of frozen confections or other water products, or water to be used for the washing of food containers, or in the case of ice –
- (a) the count of presumptive coliform organisms shall not exceed 2 per 100 milliliters;

- (b) no typical faecal coli shall be present; or
- (c) when tested at 37 degree Centigrade the total count of viable organisms shall not exceed 100 colonies per milliliter.

38. Notice of contravention

- (1) Council may serve a notice of contravention on a person who committed an offence.
- (2) A notice of contravention must –
 - (a) specify, at the time when the notice is issued, the name and residential and postal address, if either or both of these be known, of the person on whom the notice is served;
 - (b) state the particulars of the contravention;
 - (c) specify the amount of the penalty payable in respect of that contravention and the place where the penalty may be paid; and
 - (d) inform the person on whom the notice was served that he or she may, within 28 calendar days of the date of service of the notice -
 - (i) pay the penalty; or
 - (ii) inform Council in writing that he or she elects to be tried in court on a charge of having committed an offence.
- (3) If the person elects to be tried in court he or she must, within seven calendar days, notify Council of his or her intention.

39. Serving of notices

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

- (e) the address of the person concerned and of his or her agent or representative in the Republic of South Africa is unknown, if it has been posted in a conspicuous place on the premises to which it relates.
- (2) A notice, order or other document which may in terms of this by-law be served on the owner or occupier of premises may be addressed to the owner or occupier of the specified premises and need not bear the name of the owner or occupier.

40. Appeals

- (1) A person whose rights are affected by a decision taken by the Municipality in terms of these by laws, may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) to the municipal manager or delegated official within 21 days of the date of the notification of the decision.

41. Offences and penalties

- (1) Any person who –
 - (a) contravene any provision of these by-laws; or
 - (b) contravene any conditions imposed upon the granting of any application, consent, approval, concession, relaxation, permit or authority in terms of these by-laws;
or
 - (c) fails to comply with the terms of any notice served upon him or her in terms of these by-laws, shall be guilty of an offence and liable, upon conviction, to the prescribed maximum penalty;
- (2) Any person who fails to comply with the terms of any condition or notice referred to in subsection (1)(b) or (c) above shall constitute a continuing offence and a person failing to comply with the terms of such condition or notice shall be guilty of a separate offence for each day during which he fails to comply with such terms of any condition or notice.

42. Repeal of by-laws

Food handling by-laws published under notice 1317 dated 16 August 1972 and its amendment notice 138 gazette 341 dated 15 May 1998 and any other food handling by-law published by the former local authority are hereby repealed.

43. Short Title

This by-law is called Makhado Food Handling by-Laws and takes effect on the date of publication hereof in the *provincial gazette*.

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Ook verkrygbaar by **Die Provinsiale Administrasie: Limpopo Provinsie**, Privaat Sak X9483, Kantoor van die Premier, Bodensteinstraat 26, Pietersburg, 0699. Tel. (015) 291-3910