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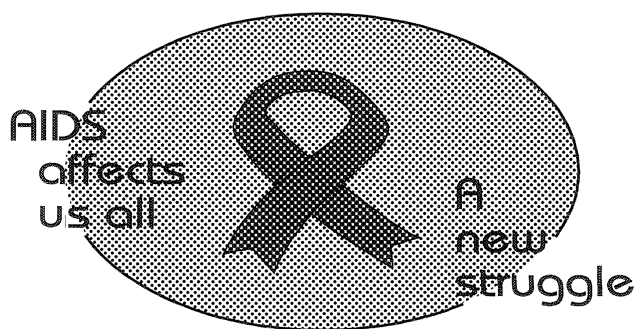
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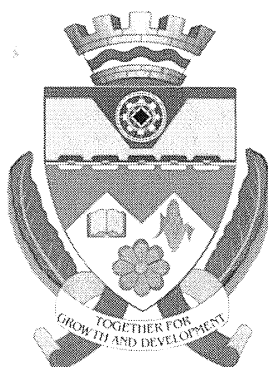
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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 111



VICTOR KHANYE LOCAL MUNICIPALITY

CREDIT CONTROL AND DEBT COLLECTION POLICY 2013/2014

Credit Control and Debt Collection Policy**Victor Khanye Local Municipality**

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CREDIT CONTROL AND DEBT COLLECTION

1. PREAMBLE

Whereas section 96(a) of Local Government: Municipal Systems Act, act no 32 of 2000, obliges a council to collect all money that is due and payable to it, subject to the act and any other applicable legislation

And Whereas section 96(b) of the Local Government: Municipal Systems Act, act no 32 of 2000, provides that a council must adopt, maintain and implement a credit control and debt collection policy which is consistent with its rates and tariff policies and complies with the provisions of the act.

2. SCOPE OF APPLICATION

This policy applies within the Victor Khanye Local Municipality on each and every account issued by the municipality as well as any debt that has to be collected by the municipality. This policies includes all the ratepayers and all users of services for which a tariff is levied in terms of council's tariff policy.

3. PURPOSE

To control credit and debt Collection within the Victor Khanye Local Municipality with the objectives of sustainable service delivery, which contributes towards the fulfillment of the following constitutional mandate as required by Section 152 (1) & (2) of Act no 108 of 1996 (Constitution of the Republic of South Africa).

1. (a) To provide democratic and accountable government for local communities
- (b) To ensure the provision of services to communities in a sustainable manner
- (c) To promote social and economic development
- (d) To promote a safe and healthy environment
- (e) To encourage the involvement of communities and community organizations in the matters of local government.
2. A Municipality must strive, within its financial and administrative capacity to achieve the above-mentioned objectives.

4. DEFINITION

Act:-

Means the local government: Municipal System act, act no.32 of 2000

Council:-

Means the Victor Khanye Local Municipality, a municipal council as referred to in chapter 7 of the Constitution of the Republic of South Africa, act no 108 of 1996.

Customer:-

Means any person to whom a service is rendered and levied or charged in terms of the tariff structure of the council.

Employer:-

Means an employer as defined in paragraph 1 of the seventh schedule of the Income tax act, act no 58 of 1962;

Occupier:-

Includes any person in actual occupation of premises without regard to the title under which they occupy, if any;

Owner:-

In relation to premises means the person, natural or legal, who from time to time is registered as such in a deeds registry as defined in the Deeds Registries act, act no 47 of 1937.

Person:-

Means any natural person, local government body or similar authority, a company or close corporation incorporated under any law, a body of persons whether incorporated or not, a statutory body, a public utility body, voluntary association or a trust.

Service:-

Means any service rendered by the council, in respect of which an account may be rendered, excluding any service rendered by the council as an agent for another principal.

Standard rate of interest:-

Means the interest rate as determined by the council from time to time.

Debtors:-

A person who owes the municipality money for services consumed and to whom an account was rendered.

Credit Control and Debt Collection Policy**Victor Khanye Local Municipality****Debtor's socio-economic status:-**

It is the situation within which a debtor is perceived to be living in, which will assist in assessing how much income does the debtor generate thus how much can the debtor be able to pay for arrears.

Indigent:-

A person who is needy and further more who generates no income or generates income which is so minimal that he can't make a worthwhile contribution towards the payment of municipal services.

Illegal tempering:-

It is the unauthorized handling of municipal infrastructural assets, with the intention to distort information that can be accessed from such machinery or with the intention to consume services in a fraudulent manner.

Level 1 cut-off:-

The electricity supply to the property will be discontinued at the meter box and a seal will be installed. In respect of water supply a washer will be installed in the supply pipe to reduce the supply to a minimum basic supply of not more than six kiloliter per month. A notice to this effect will be delivered to the property requesting the occupier to contact the debt collection unit in order to make arrangements for the payment of the outstanding amount.

Level 2 cut-off:-

The electricity supply to the property will be discontinued at the pole outside the property and a seal will be installed. In respect of water supply a washer will be installed in the supply pipe to reduce the supply to a minimum basic supply of not more than six kiloliter per month and a locking device will be installed over the main tap to ensure limited supply. A notice to this effect will be delivered to the property requesting the occupier to pay the outstanding amount in full before the supply to the property will be restored.

5. OBJECTIVES OF THE POLICY

The objectives of this policy are to:

- 4.1 Ensure that all monies due and payable to the municipality are collected;
- 4.2 Provide for credit control procedures and mechanisms and debt collection procedures and mechanisms;
- 4.3 Provides for indigents in a way that is consistent with rates and tariff policies and any national policy on indigents subject to the indigent Policy of the municipality.

- 4.4 Set realistic targets consistent with generally recognized accounting practices and collection ratios and the estimates of income set in the budget less an acceptable provision for bad debts;
- 4.5 Provide for the interest charge on arrears, where appropriate; and provide for extension of time for payment of an account;
- 4.6 Provide for disconnection of services or the restriction of the provision of services when payment are in arrears; and also provide for matters relating to unauthorized consumption of services, theft and damage;

Victor Khanye Local Municipality would like to give priority to the basic needs of the municipality, promote the development of the local community, ensure that all members of the municipality have access to at least the minimum level of basic municipal service, which are equitable, accessible, and are provided in an economically & environmentally sustainable manner.

This policy aims to stimulate and maintain cost recovery measures in the provision of services so that the level, standard and quality of municipal services can be reviewed and improved over a period of time.

6. CREDIT CONTROL MEASURES

Debtors are expected to pay amounts owed to the municipality according to the terms of payment that have been agreed upon by the debtor and the municipality.

Accounts must be paid on the due date indicated on the statements issued or on the tax invoice as determined by Council.

6.1 Deposits payable:

A deposit, as determined by council from time to time, will be charged before a new connection to electricity or water supply is made. In respect of indigent users, no deposit will be levied if such indigent user is registered in terms of council's indigent policy.

In cases where a service provider is already connected to council's supply without a deposit paid, such services will continue until the connection is registered into the name of a new service debtor. However, council will encourage service debtors to pay a deposit if they are already connected.

A separate deposit register must be maintained and reconciled on an annual basis. Deposits should be paid in cash, however in the instances of a bulk services consumer a bank guarantee in favor of council can be presented and safe guarded by council until the services are terminated.

Credit Control and Debt Collection Policy**Victor Khanye Local Municipality**

When a deposit giver terminate his/her municipal services, all amounts outstanding must be paid or recovered before the deposit, or the remainder part thereof, can be reimbursed to the deposit giver.

6.2 Interest Payable

Interest will be levied on all outstanding amounts, not fully paid by the due date, on the municipal account.

Interest will be levied in accordance to the standard rate of interest as determined by council from time to time. Council may approve a standard rate of interest which is linked to the bank prime interest rate. In the absence of a council resolution, the rate of interest will be prime+2.

6.3 Allocation of payments

Payments from debtors will be allocated in priority sequence as follows to the various municipal services:

- Electricity supply
- Water supply
- Refuse services
- Sewerage services
- Property tax
- Other miscellaneous charges

6.4 Payments on municipal accounts via the pre-paid electricity system

Council will maintain a 50/50 allocation system on the purchase of pre-paid electricity. In respect hereof council will maintain a process whereby the financial system will verify if any amounts are outstanding on the municipal account of a debtor tendering an amount for the purchase of pre-paid electricity. If such a debtor owes council monies, 50% of the amount tendered for electricity purchase will be allocated to the outstanding municipal account of the property. Electricity to the value of the remaining 50% will be issued to the debtor.

The allocation will be disclosed on the pre-paid note issued to the debtor as well as on the monthly municipal account send to the said debtor.

The abovementioned verification process will test for any amounts outstanding on the account, regardless of the fact if it is in arrears or a current debt. This process will be electronically maintained and no arrangements made by any debtor will override this process. All payments received via this process will be allocated in accordance to the priority set under paragraph 6.3.

Credit Control and Debt Collection Policy**Victor Khanye Local Municipality****6.5 Debt collection process**

The debt collection process will be maintained by the Debt Collection Unit and will be under the supervision of the Assistant Manager (Revenue services).

In respect of the collection of debts owed to the municipality the following process will be followed:

1. All water and electricity meters will be read on a monthly basis and captured on the financial system before the monthly billing cycle. Meters are read and captured manually however the use of electronically systems need to be encourage with the aim to reduce human error to the minimum. Exception reports to be generated to detect incorrect readings and corrections to be made.
2. Billing cycle to be performed after all meter readings are captured. Data submitted to service provider for the posting of municipal accounts.
3. Due date for payment of municipal account indicated on the tax invoice send to debtors.
4. The following facilities to be maintained for the payment of municipal accounts:
 - a. Cashier points at Delmas and Botleng,
 - b. EFT payments direct into the bank primary bank account,
 - c. Debit order system maintained by the municipality through a separate secondary bank account,
 - d. Direct deposits into the bank account at any ABSA branch.

If the account is not paid by the due date it will be handed over to the debt collection unit to recover the arrear debt.

6.6 Arrear debt collection

If a municipal account is not paid on the due date a final notice will be delivered or posted to the arrear debtor. The final notice will contain a notice that the debtor may arrange to pay the outstanding balance off in terms of the credit control policy. A further period of seven (7) days are allowed to settle the outstanding amount. The account of the debtor is debited with the cost of such final notice at the approved tariff of council.

After the notice is issued and the time frame has lapsed the following process commence:

- (i) If the debtor pays the account in full no further action is necessary.
- (ii) If the debtor cannot pay the account in full an agreement (an acknowledgement of debt) can be entered into. An arrangement, to pay the outstanding debt, between council and the debtor is agreed on.
- (iii) The monthly installment for residential users must be determined according to the debtor's social economic status, provided that the

Credit Control and Debt Collection Policy

Victor Khanye Local Municipality

minimum monthly payment shall be the current account plus the agreed on installment for the outstanding account. For debtors, other than private households, the extension for the payment of arrears will only be allowed after a substantial amount is paid upfront on the arrears. The amount to be determined by the Chief Financial Officer or a senior official in the Revenue Section being the Assistant Manager, Accountant or the senior person in the debt collection unit. All payments received will first be allocated towards the current account and only thereafter the remaining amount will be allocated to the oldest outstanding debt.

- (iv) Only debtors with positive proof of identity or an authorized agent with a power of attorney will be allowed to make arrangements to pay. All arrangements will be monitored by the debt collection unit to ensure that debtors honor their arrangements. Debtors whom dishonored their arrangement will be dealt with as per paragraph (vi) hereunder.
- (v) The interest on outstanding amounts will be applicable at the standard interest rate as determined by council, being prime rate plus 2%. The outstanding accounts of households registered in terms of council's Indigent policy will not be charged with interest.
- (vi) Defaults on arrangements will result in appropriate measures being taken by council including but not limited to the cancellation of installments, the restriction or disconnection of the supply of water and/or electricity or the discontinuance of any other service to the premises. In the absence of reaction on the final notice referred to above, the electricity supply to the property of the debtor is discontinued (level 1 cut-off). A notice is delivered at the property of the debtor to notify him/her that the cost of the level 1 cut-off, will be charged against his/her account.
- (vii) With regards to properties where electricity is not supplied by council and in the absence of the required reaction as mentioned above in respect of the final notice, the water supply to the property is restricted by the installation of a trickier washer which will only allow access to the basic water supply being six kiloliter per month.
- (viii) Once the debtor enters into a payment arrangement with council or pay his account in full the service to the property will be restored.
- (ix) In the circumstances of no further reaction from the debtor after the services were restricted to the property, the debt collection unit will, via the field workers, revisit the property after 14 days to ensure that the service is still discontinued. If it is found that the property is reconnected, a tamperproof disconnection, (level 2 cut-off) will be performed to ensure a more tamperproof disconnection. The cost hereof will be charged against the account of the debtor.

Credit Control and Debt Collection Policy**Victor Khanye Local Municipality**

- (x) In the case of a level 2 cut-off the services to the property will only be restored once the arrear account is paid in full.
- (xi) If consecutive follow-up actions due to no reaction by the debtor reveal that a disconnection has been tampered with, another level 2 disconnection, will take place in the case of electricity, or the installation of a trickier in the case of water, are done. The account of the debtor is once again charged with the cost of these actions and the legal steps are taken to collect arrears where the cut-off actions yielded not satisfactory results.
- (xii) Accounts which are less than R3,000, will not be handed over for legal action due to the legal costs exceeding the capital amount. All legal and related costs will be charged to the account of the property debtor. Legal actions will not be instituted against households registered in terms of council's Indigent policy.
- (xiii) In circumstances when a property owner intends to sell his/her property and applies for a clearance certificate in terms of Section 118 of the Systems Act, No 32 of 2000, such property owner will be liable for the payment of all outstanding amounts on the same property for the preceding two years, regardless of the fact if it is his/her own debts or those of a tenant or any other occupier of the property. A clearance certificate, certifying that all outstanding amounts for the immediate past two years in respect of a property are paid in full, will only be issued by the municipality once proof of such payment can be presented by the registered owner of the property.

7. CUSTOMER CARE AND MANAGEMENT

Councilors are responsible for policy making and officials are responsible for executing policies which will be agreed upon within council, so that they can be implemented and supported by councilors and officials equally. There will be a report on areas of weakness identified and achievement gained.

- Consumers will be treated according to the Batho Pele Principles – Consultation, access, value for money, openness and transparency, accountability, redress, courteous, be supplied with all the necessary information. Various forms of communication with the community within the municipal area will be created and utilized.
- There will be means of communicating with the community about the level of services that they will be receiving, the cost involved in the provision of the service, the reason for the payment of the service fees and the manner in which monies raised from service are used.
- Consumers/users will be provided with different mechanisms to measure the performance,

Credit Control and Debt Collection Policy**Victor Khanye Local Municipality**

and to provide feedback to the municipality about the type of service received including its quality and value for money. (The mechanisms will be stated in the municipality's communication strategy).

The consumers will also be informed about the system, which will be used for measuring and billing, their consumption of various services in an accurate and verifiable manner.

Communication Strategy

The community will at all times be made aware of the Credit Control and Debt Collection measures that council is implementing through various means which, are possible and accessible to the existing and potential debtors of the municipality

- (a) Considering the fact that the Municipality is legally compelled to implement its credit control and debt collection policy, ward committees may be requested to submit positive executable proposals to support the matter, and make it more acceptable to the community.
- (b) That the Municipal Manager could be requested to draw-up a notice regarding the Policy, and or that the policy be published in Public Places and be distributed to all households in the Municipality's area of jurisdiction

Disputed Amounts

If a user has a dispute with regard to his/her account, such dispute should be presented in writing, arrangement could be made, (an official could write for those who can't) and will be investigated by the assigned Municipal official, in the meantime, the user may postpone the payment on that part/portion of the account which is under dispute, however, the remainder part of the account must be paid on due date. Should it be discovered that the fault lie with the Municipality, the user's account will be corrected, however, if the fault lies with the user, the user will be liable to pay the outstanding amount, plus a service fee, if applicable, as well as interest which might have been accumulated.

Account collection agreements

The municipality may enter into account collection agreements for the payment of services with various employers or agents who will act on behalf of council to recover outstanding amounts.

8. CREATION OF A DATA BASE

- (1) Credit control and debt collection starts when the customer applies for municipal Services and every customer must complete an application form.
- (2) The application form will be used to get credit information on customers. It will also assist with the identification of those who qualify for indigence support and those who should only have access to restricted consumption, such as prepaid meters.
- (3) The application form will be a binding contract between the council and the customer and will inform the customer of the conditions on which the service is rendered.
- (4) A copy of the application form, the conditions on which the service is rendered, the council's credit control and debt collection policy and the credit control and debt collection by-law will be handed to every customer who might request it from time to time.

9. CREDIT CONTROL & DEBT COLLECTION PROCEDURES AND MECHANISMS

- (1) Reasonable access to pay points and various forms of payment will be provided.
- (2) Enforcement of payment will be prompt, consistent and cost-effective.
- (3) Criminal conduct will result in prosecution in court.
- (4) Non-payment by debtors of their accounts has a direct negative impact on the ability of service delivery to other consumers.
- (5) Current account levied not paid by the indicated due date are in arrears and all debtors with arrears are subject to credit control measures.
- (6) Credit control measures are applied with pro-active reminder or warning. Account statements are regarded as reminders of the arrears status of the account as well as stating the intention to take credit control measures.
- (7) No metered services can continue to be delivered to any unknown consumer, who is not registered with the municipality as a consumer.
- (8) Refusal by banks to honour payments by cheque or debit order is regarded as non-payment, upon which the relevant debtors are subject to credit control measures as well as the payment of the approved tariff.

Credit Control and Debt Collection Policy**Victor Khanye Local Municipality**

- (9) Client who make no further use of any service but still owe an amount, are inactive debtors who, after the submission of a second inactive account statement to their latest known postal addresses are handed for legal action or alternative Credit Control and Debt Collection procedures.

10. IRRECOVERABLE DEBTS

With the exclusion of approved indigent applicants, outstanding amounts of debtors be submitted from time to time to Council for considering the writing off thereof should circumstances requires it. With each submission to council, the circumstances will also be reported to council for consideration.

Should money be received from debtor after the debtor's account was written off then the amount should be paid into the Provision for Bad Debts.

11. INDIGENT CONSUMERS

There is an indigent policy, which will provide guidance as to how indigent consumers will be dealt with in more detail.

Households are subsidized with 6kl of water and 50kWh electricity per month. Should this be exceeded the debtor will be held liable for the account.

The subsidy for the indigents will be funded form the equitable share / intergovernmental grant.

Electricity as well as the water consumption in access of 6kl will be levied separately on the municipal account if applicable.

12. DISCOUNT SERVICES

From time-to-time the municipality will issue announcements on the categories of people deserving discount.

13. ILLEGAL TAMPERING AND DISCONNECTION

Should a meter of a consumer / user be found to be tempered with, a **penalty** will apply according to the amount approved by Council in the tariff structure. A new meter will only be installed after the payment has been made in full or acceptable arrangements have been made. The penalty must be paid in full and no arrangements may be made for the payment of the penalties.

If a consumer tampers with the supply of electricity/water, the supply will be terminated and the consumer will receive a notice about the illegal connection, and that his/her action constitutes a criminal offence.

14. RIGHT OF ACCES

The municipality has the right of access to premises (at reasonable times) to read, inspect, install, disconnects, restrict the provision of services, and repair service connections for reticulation.

15. INCOME TARGETS

Income as set in the budget less on acceptable provision for bad debt.

LOCAL AUTHORITY NOTICE 112

VICTOR KHANYE LOCAL MUNICIPALITY CEMETERIES AND CREMATORIA BY-LAWS

The Municipal Manager of the VICTOR KHANYE LOCAL MUNICIPALITY hereby, in terms of section 13(a) of the *Local Government : Municipal Systems Act, 2000* (Act No. 32 of 2000), publishes the Cemeteries and Crematoria By-laws for VICTOR KHANYE LOCAL MUNICIPALITY as approved by its Council, as set out hereunder.

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CHAPTER 1

INTERPRETATION

DEFINITIONS

For the purpose of these by-laws, any word or expressions to which a meaning has been assigned in the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) shall bear the same meaning in these by-laws, and unless the context indicates otherwise-

"ACTIVE CEMETERY"	means a public cemetery situated within the area of jurisdiction of the municipality, and includes the buildings and fixtures within the cemetery;
"CEMETERY SERVICES"	means services relating to the management, administration, operation and maintenance of an active cemetery;
"CREMATORIUM"	means any building fitted with appliances for cremation, including everything essential, incidental or ancillary thereto, and, includes buildings in which the ceremony is conducted and the cremation carried out and any structure which in any special circumstance the MEC for health may approve as a crematorium;
"MONUMENTAL SECTION"	means a section of a cemetery, which has been set aside by the municipality wherein memorial work may be erected to cover an entire grave area;
"ADMINISTRATOR OF CEMETERIES"	means the head of the section or department of the Council which has the responsibility for the administration of the cemeteries of the Council, and any person acting in his or her stead or any person duly authorized by the Council to act on his or her behalf.
"ADULT"	means a deceased person over the age of 12 years and any deceased person the dimensions of whose coffin cannot be accommodated in an excavation of 1,40m in length and 400 mm in width;
"AESTHETIC SECTION" (lawn section)	means a section of a cemetery, set aside by the municipality, in which a headstone only may be erected on a berm and on which the municipality must provide and maintain a strip of lawn;
"ASHES"	means the cremated remains of a cremated human body;
"BERM SECTION"	means a section set aside by the Council in a cemetery, where memorial work is erected on a berm;
"BERM"	means a concrete strip laid by the municipality in the aesthetic section beside a row of graves or between two rows of graves;
"BIRTHS AND DEATHS REGISTRATION ACT"	means the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);
"BODY"	means any dead human body, including the body of a stillborn child;
"BURIAL ORDER"	means an order issued by a person authorized to do so in terms of the Births and deaths Registration Act, 1992 (Act 51 of 1992);
"BURIAL PLACE"	means any burial-ground whether public or private, or any place whatsoever in which one or more bodies is or are buried, interred, cremated or otherwise disposed of, or where it is intended to bury, inter, cremate, or otherwise disposed of a body;
"BURIAL"	means burial or inhumation into earth or any other form of burial and includes a tomb and any other mode of disposal of a body;
"CEMETERY"	means any piece of land for the burial or interment of a body and, except for Chapter 3 of these by-laws, refers only to public cemeteries;

"CHILD"	means a deceased person under the age of 12 years old or under whose coffin will fit into a grave opening prescribed for children in section 27 of these by-laws.
"COMMONWEALTH WAR BURIAL"	means a commonwealth war burial as defined in section 1 of the Commonwealth War Graves Act, 1992 (Act 8 of 1992);
"COMMONWEALTH WAR GRAVE"	means any grave, tombstone, monument or memorial connected with a Commonwealth war burial in terms of the Commonwealth War Graves Act, 1992 (Act No. 8 of 1992);
"COUNCIL"	means <ul style="list-style-type: none"> a) Victor Khanye Local Municipality established by section 12 of the Municipal Structures Act, 1998 (Act no. 117 of 1998), 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, or any other law, as the case may be;
"CREMATED REMAINS"	means all recoverable human remains after the cremation;
"CREMATION"	means the process of disposing of a human body or any remaining part of a human body by burning it and reducing it to ashes;
"EXHUMATION"	means the removal of a human body from its place of interment;
"FULL CAPACITY"	means that all existing space for interment has been used so that it is no longer reasonably practicable, whether for economic, aesthetic, physical or any other good reason for the municipality to set out any more sites for graves;
"GARDEN OF REMEMBRANCE"	means a section of a cemetery or crematorium set aside for the erection of memorial work to commemorate a deceased person whose body has been cremated;
"GRAVE OF A VICTIM OF CONFLICT"	means grave of a victim of conflict as defined in section 2 of the National Heritage Resources Act 1999 (Act 25 of 1999);
"GRAVE OF CONFLICT"	means the grave of a person who died while defending the country;
"GRAVE"	means any piece of land excavated for the burial of a body within a cemetery and includes the contents, headstone or other marker of such place and any other structure on or associated with such place;
"HEALTH ACT"	means the Health Act, 1977 (Act 63 of 1977);
"HERO"	means a person who performed a heroic act for the country and is given the status of a hero by the Council;
"HEROES ACRE"	means an area of land set aside for the burial of a hero;
"INDIGENT PERSON"	means a person who makes use of the cemetery service and who is called an indigent person either in these by-law or in any other law or;

"INDIGENT RELIEF"	means assistance received for the burial or cremation of an indigent person;
"INHUMATION"	means the action or practice of burying human remains or the fact or condition of being buried;
"INTERMENT"	means burial in the ground or in any form of tomb or burial place and includes the cremation of a body and interred shall have a corresponding meaning;
"LANDSCAPE SECTION"	means a section in a cemetery set aside by the Council where memorial work is restricted to a plaque or memorial slab;
"LAWN SECTION"	means a section in a cemetery set aside by the Council where memorial work is restricted to a headstone only;
"MEDICAL OFFICER OF HEALTH"	means the medical officer of health of the municipality appointed in terms of section 22 of the Health Act, or any person appointed to assist him or her in terms of section 24 of the Health Act, who is authorized by the medical officer of health and who acts under his or her supervision;
"MEMORIAL SECTION"	means a section of a cemetery set aside for the erection of memorials;
"MEMORIAL WALL"	means a wall in a cemetery or crematorium section containing a niche or niches for placing of ashes or inscribed plaques or both in a garden of remembrance;
"MEMORIAL WORK"	means any headstone, monument, plaque, or other work, or object, erected or intended to be erected in any cemetery or crematorium to commemorate a deceased person, and includes a curb demarcating a grave, and a slab covering a grave;
"MUNICIPAL AREA"	means the area under the control and jurisdiction of the Council;
"MUNICIPALITY"	Includes, subject to the provisions of any other law, the municipal manager, but only if his inclusion is impliedly required or permitted by these by-laws and only in respect of the performance of any function, or the exercise of any duty, obligation or right in terms of these by-laws or any other law;
"MUNICIPAL MANAGER"	Means the municipal manager as defined in the Local Government : Municipal Systems Act;
"NEW CEMETERY"	Means a public cemetery which is developed, or set aside for development, by the municipality and which is or may become an active cemetery as contemplated in section 2(1) of these by-laws;
"NICHE"	means a compartment or hollow in a memorial wall or garden of remembrance for the placing of ashes;
"NORMAL OPERATIONAL HOURS"	means Monday to Friday 08:00 to 15:00 excluding Saturdays, Sundays and Public holidays;
"OFFICE HOURS"	means Monday to Thursdays 07h:30 to 16h:30 excluding Saturdays, Sundays and Public holidays; Fridays 07h : 30 to 13h : 30.
"OFFICER-IN-CHARGE"	means the person authorized by the Council to be in control of any cemetery;
"ORDINANCE"	means the Crematorium Ordinance, 1965 (Ordinance No. 18 Of 1965);
"PASSIVE CEMETERY"	Means a public cemetery owned, regulated, established, maintained, or controlled by the municipality that is certified as a "passive cemetery" in terms of section 5(1) of these by-laws.

“PAUPER”	Means a dead person whose identity is unknown to the municipality despite all reasonable steps to identify him or her;
“PRESCRIBED FEE”	means a fee determined by the Council by resolution in terms of section or any other applicable legislation;
“PRESCRIBED”	means prescribed by the Council;
“PRIVATE CEMETERY”	Means any cemetery which is not a public cemetery;
“PRIVATE GRAVE”	Means any piece of ground that has been laid out for a grave within any cemetery and in respect of which an exclusive right of use has been purchased in terms of section 23 of these by-laws;
“PUBLIC CEMETERY”	Means any cemetery which is owned, regulated, established or maintained by, or the control of which is legally vested in, the municipality;
“REGISTERED DESCRIPTION”	Means the description of the land as set out in the title deed registered at the deeds office in terms of the Deeds Registry Act, 1937 (Act 47 of 1937);
“REGISTRAR OF DEATHS”	Means a person duly appointed to register deaths in terms of the Births and Deaths Registration Act, 1992 (Act 51 of 1992);
“REGULATION”	means a regulation published in terms of the Ordinance;
“RESIDENT”	Means a person who, at the time of death, ordinarily resides in the boundaries of the municipality;
“SANS”	Means the South African National Standards Codes of Practice or the South African Bureau of Standards Codes of Practice as contemplated in Government Notice No. 1373 (Act 29 of 1993);
“SERVICE AREA”	Means the area of jurisdiction of the municipality;
“SERVICE DELIVERY AGREEMENT”	Means an agreement between the municipality and a service provider in terms of which the service provider is required to provide cemetery service;
“SOUTH AFRICAN HERITAGE RESOURCES AGENCY”	means the South African Heritage Resources Agency, established in terms of section 11 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999);
“STILL-BORN CHILD”	Means a human fetus that has had at least 26 weeks of intra-uterine existence but who was born dead in the sense of showing no sign of life after a complete birth;
“STONE MASON”	means a person carrying on business as a stonemason;
“STRUCTURES ACT”	Means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);
“SUPERVISOR”	Means a person appointed from time to time by the municipality to supervise any cemetery in accordance with section 3(1) of these by-laws;
“SYSTEMS ACT”	Means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);
“TARIFF”	Means the charge to users for rendering cemetery services, determined and promulgated by the municipality, or adjusted by a service provider, in terms of Tariff Policy by-laws adopted under section 75 of the Systems Act;
“TOMB”	means an above ground burial vault;

"UNDERTAKER"	Means a person registered to undertake the preparation of a human body for burial or cremation in terms of the Health Act;
"USER"	Means a person who has paid or caused any of the charges determined from time to time by the municipality to be paid or who has obtained the right to have any memorial work erected or constructed or who has obtained any other rights referred to or mentioned in these by-laws;
"VICTIM OF CONFLICT"	means a person defined in section 1 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

- (2) If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), or any other law been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it.

CHAPTER 2

ESTABLISHMENT OF PUBLIC CEMETERIES

2. Establishment of Cemeteries

- (1) The municipality may from time to time set aside, acquire or develop any ground for the purpose of establishing a cemetery.
- (2) The municipality may allocate and set apart portions of the cemetery for different religious denominations.
- (3) The municipality must at all times ensure that sufficient burial space is available for the burial of bodies within the service area.
- (4) The municipality is responsible for the maintenance of all cemeteries and for repairing damage to the cemetery other than the maintenance and repair of memorial work.
- (5) The cemetery services may be suspended by the municipality for maintenance or repair but only after reasonable notice has been given by it of its intention to do so in a newspaper, published in an official language, circulating in the municipality and specifying that an objection to the suspension may be made in writing to the municipal manager within 30 days of the publication of the notice in the newspaper. Suspension may not be made unless there is another active cemetery in the same category that is available to the public in the service area as an adequate temporary substitute.

3. Supervisors

- (1) The municipality or service provider must appoint a supervisor to every cemetery to control the day-to-day management of the cemetery.
- (2) The supervisor may supervise more than one cemetery.

4. Classification of Cemeteries

- (1) The municipality or service provider may classify active cemeteries into different categories for the purposes of establishing different levels of service.
- (2) The classification must be undertaken in such a manner that the cemeteries are classified for the purposes of price differentiation in order to ensure affordability but must not amount to unfair discrimination.

5. Passive Cemeteries

- (1) Once a cemetery is full and can no longer be used as an active cemetery, the municipality must issue a certificate declaring that cemetery to be a passive cemetery.
- (2) The municipality or service provider may close any section of the cemetery on the grounds of it being full and, if either the municipality or service provider does so, it may continue to use the rest of the cemetery as an active one until the whole cemetery is full and, when that happens, it must be declared a passive cemetery in accordance with subsection (1).
- (3) The municipality is responsible for the maintenance of all passive cemeteries.

CHAPTER 3**PRIVATE CEMETERIES****6. Registration of Existing Graves**

Any owner, other than the municipality, of land in which any grave exist, must, if he is aware of its existence, inform the municipality about it on a form prescribed by the municipality.

7. Establishment and Continued Use of Private Cemeteries

No person shall establish a private cemetery within the service area, and no owner of any private cemetery already in existence shall, if the municipality did not authorize the use of such cemetery previously, continue to use it for burial purposes without the municipality's authority having been obtained in terms of section 8.

8. Application for a Private Cemetery

- (1) An application to establish a private cemetery, or for the municipality to approve the continued use of a private cemetery must be made in writing to the municipal manager. The application must include –
 - (a) A locality plan to a scale of not less than 1:10 000, showing the position of a proposed or existing cemetery in relation to the boundaries of the land on which it is either proposed to be established or upon which it is already situated, and a registered description of the site showing all streets, public places and privately-owned property within a distance of 100 meters of the site;
 - (b) A block plan to a scale of, at least, 1 in 500 showing the position of external boundaries, internal roads and paths, sub-divisions, grave sites, drainage and any buildings existing or proposed to be erected;
 - (c) A plan and sections to a scale of at least 1 in 100 of any building existing or proposed to be erected, which shall in the latter case conform with the building and sewage by-laws of the municipality;
 - (d) A list of registers or records kept, or proposed to be kept, for the identification of graves, the sale or the transfer of grave sites and interments;
 - (e) The full names and addresses of the owner and the supervisor;
 - (f) The nature of the title under which the owner of the private cemetery holds or will hold the land on which the cemetery is or will be used as a cemetery, and whether the land is encumbered in any way;

- (g) Proof, to the satisfaction of the municipality, that the owner has adequate financial measures and insurance to be able to discharge the obligation of maintaining the private cemetery and all existing and future graves; and
 - (h) A schedule of burial fees proposed to be charged or currently being charged.
- (2) On receipt of the application referred to in subsection (1), the municipal manager must place a notice in at least one newspaper, in an official provincial language, circulating within the municipality stating the nature of the application and specifying a date, being not less than 14 days, by which objections to the granting of the application must be lodged with the municipal manager.
 - (3) Within 7 days of the closing date for the lodging of objections, the municipal manager must submit the application to the municipality for consideration by the municipality.
 - (4) The municipality must consider the application and any objections to it that may have been lodged within 30 days. If, after consideration of the application and any objection to it, the municipality is satisfied that no interference with any public amenity, or nuisance or danger to the public health is likely to take place or arise, the municipality may authorize, in writing, the establishment or the continued use of the proposed private cemetery, in accordance with the written application submitted to the municipality in terms of subsection (1).
 - (5) If approval is granted for the establishment or continued use of a private cemetery, or for the continued use of the private cemetery in terms of subsection (4), no departure from the plans submitted in terms of subsection (1) may be made without the approval of municipality in writing.

9. Duties of the Owner of a Private Cemetery

Every owner of a private cemetery, which has been, authorized in terms of section 8(4) to establish or continue the use of a private cemetery shall-

- (a) maintain a burial register in accordance with section 21 of the Births and Deaths Registration Act, 1992 (Act 51 of 1992)'
- (b) maintain a duplicate copy of the burial register referred to in subsection (a) at a place other than the place where the burial register referred to in subsection (a) is kept;
- (c) keep a record or records showing –
 - (i) the number of each grave site and the ownership of the ground in which the grave is situated; and
 - (ii) the number of interments in each and every grave site and the name, age, sex, race, last known address, date and cause of death of each person interred in it;
- (d) comply with the provisions of Chapter 3 and any other relevant provisions of the Births and Deaths Registration Act, 1992 (Act 51 of 1992);
- (e) maintain all grounds, fences, gates, roads, paths and drains in good order and condition and clear of weeds and overgrowth;
- (f) provide for the identification of grave sites by subdividing the cemetery into blocks containing a number of graves or grave sites and demarcated by means of signs showing the number and situation of each block;
- (g) separately number every grave site in each block by means of a durable number plate;
- (h) maintain all signs and number plates in a neat and legible condition;

- (i) allow the municipality or its duly authorized officers to enter and inspect the cemetery, the burial register, and all records kept in connection therewith;
- (j) render a monthly report on all burials to the municipal manager on a date to be determined by the municipal manager, detailing the name, last known address, age, sex, race, date and cause of death of every deceased person who has been interred, and the name of the medical practitioner who issued the certificate of death, a copy of the burial order, the authority who issued the burial order, the block and grave site number, and the date of interment;
- (k) render an annual return to the municipal manager on a date to be determined by the municipal manager, detailing the names and addresses of all trustees, committee members and persons controlling the private cemetery, if there be any;
- (l) appoint a supervisor to manage the cemetery and keep the requisite records;
- (m) the appointment and any subsequent appointment of a supervisor must be reported to the municipal manager in an appropriate monthly report submitted to the municipal manager in terms of subsection (j); and
- (n) comply with any other conditions prescribed by the municipality.

CHAPTER 4

SERVICE PROVIDERS

10. Agreement, Delegation and Customer-Care Charter

- (1) The municipality may discharge all or any of its obligations under these by-laws for the rendering of cemetery services by entering into a service delivery agreement with a service provider or service providers in terms section 81 (2) of the Systems act: Provided that it shall not be discharged for its obligation to enforce these by-laws or to monitor whether they have been complied with by the service provider or any other person.
- (2) Subject to the provisions of the Systems Act or any other law, the municipality may assign to a service provider any power enjoyed by it under these by-laws but may do so only if the assignment is necessary to enable the service provider to discharge an obligation under the service delivery agreement.
- (3) Any reference in these by-laws to "municipality or service provider" must be read as applying only to the municipality if there is no relevant service delivery agreement and, if there be a service delivery agreement it must be read as applying to the service provider.
- (4) Without derogating from the generality of the provisions of subsection (1), the municipality may not discharge an obligation to monitor and enforce the provisions of these by-laws by entering into an agreement with a service provider to do so.
- (5) A service provider employed in terms of subsection (1) must prepare a customer care charter which shows how the service provider intends to deal with complaints and customer care.

11. Tariffs

- (1) Notwithstanding the provisions of section 10(1), the municipality retains the responsibility to establish maximum tariffs for cemetery services.
- (2) The municipality must evaluate and promulgate maximum tariffs annually, prior to 1 July of each the ensuing financial year.

CHAPTER 5

DISPOSAL OF A BODY

12. Disposal of a Body

- (1) No person may, save with the prior written permission of the municipality, dispose of or attempt to dispose of a body, other than –
 - (a) by interment in a private cemetery established or approved in terms of sections 7 or 8 or a public cemetery established by the municipality in terms of section 2(1), and in accordance with the procedure set out in Chapter 7 or these by-laws; or
 - (b) by cremation in a crematorium as regulated by Chapter 12 of these by-laws.
- (2) No body intended for burial or cremation may be presented at a cemetery or crematorium unless being first enclosed in a sealed body bag or placed within a coffin, except where there is an objection thereto on religious grounds.
- (3) Where there is an objection to a coffin or body bag on religious grounds, the body must be covered in a burial shroud or other suitable perishable material.

13. Funeral Undertakers

- (1) Subject to the provisions of sections 20, 33, 34 and 39 of the Health Act, no funeral undertaker shall enter into a contract to bury or cremate any body in any cemetery or crematorium under the control of the municipality unless –
 - (a) the funeral undertaker is in possession of a certificate of competence issued by the municipality in terms of the Health Act;
 - (b) the premises from which the funeral undertaker operates is zoned in accordance with any law relating to where such business may be carried out; and
 - (c) all the requirements of a funeral undertaker and a funeral undertaker's premises in terms of the Health Act have been complied with.
- (2) The municipality may, after giving reasonable notice to an undertaker of its intention to conduct an inspection, enter into and inspect the undertaker's premises to enable it to determine whether subsection (1)(b) and (1)(c) have been complied with.
- (3) Undertakers must keep records of all the bodies, which they receive, and of the burial orders for these bodies.
- (4) Any supervisor may refuse to bury a body presented for burial by an undertaker who has not complied with these by-laws.
- (5) Where a supervisor refuses such a burial the refusal must be reported in writing to the municipality with the reasons for refusal within 7 days of the refusal.

14. Register

- (1) The supervisor of a cemetery must maintain a burial register in accordance with section 21 of the Births and Deaths Registrations Act, 1992 (Act 51 of 1992).
- (2) The supervisor must maintain a duplicate copy of the burial register referred to in subsection (1) at a place other than the place where the burial register referred to in subsection (1) is kept.

CHAPTER 6**FUNERALS****15. Religious Ceremonies**

- (1) The members of any religious denomination may, subject to these by-laws and the control of the municipality, conduct religious ceremonies in a cemetery in connection with any interment or memorial service.
- (2) Religious ceremonies according to the rites of any denomination may only be conducted in the section of a cemetery set apart by the municipality for members of the denomination.

16. Exposure of Corpses

No person shall convey a corpse which is not covered, or expose any corpse or any part of it in any street, part of the cemetery which the public has access to or public place.

17. Instructions of the Supervisor

Every person taking part in any funeral procession ceremony shall comply with the directions of the supervisor within a cemetery.

18. Music and Singing

No music or singing will be allowed in a cemetery, except for sacred singing, and except in a police or military funeral, without the supervisor's permission.

19. Structures used for Religious Services or Rites

No person shall occupy any chapel or shelter or any other structure used for religious services or rites in a cemetery for more than 45 minutes, unless authorized to do so by the supervisor of the cemetery.

20. Hours for Interments

- (1) Subject to the provisions of subsection (2), interments shall take place during the following hours;
 - (a) on a Monday to Thursday, excluding public holidays, from 09h00 to 15h30 and
 - (b) on a Friday, excluding public holidays, from 9h00 to 15h : 30.
- (2) The supervisor may, upon payment of the prescribed charge, allow interments to take place after the hours referred to in subsection (1) on weekdays and also on Saturdays, Sundays and public holidays.
- (3) If the interment commences or is completed after the hours referred to in subsection (1), the charges will be payable as prescribed in the cemetery tariffs.

21. Numbering of Graves

- (1) Until such time as a memorial has been erected on a grave, the supervisor shall fix and maintain an identification plate on every grave plot in the cemetery.
- (2) No person shall inter a body in any grave, which has not been allotted by the municipality.

CHAPTER 7

INTERMENTS

22. Application for Use of a Grave

- (1) No person shall inter or cause to be interred, anybody within any cemetery without the permission of the supervisor, which may only be granted on the submission to him or her of the original burial order authorizing interment, together with the notice referred to in subsection (2).
- (2) A person wishing to have a body interred must notify the supervisor on a form prescribed by the municipality not less than eight hours before the desired time for the interment.
- (3) The application must be signed by the nearest surviving relative of the person whose body is to be interred in the grave, or by someone whom the nearest surviving relative has authorized to sign the application on his or her behalf.
- (4) If the Supervisor is satisfied that the signature of the nearest surviving relative cannot be obtained promptly, he may, grant permission to inter a body on an application signed by any other interested person.
- (5) Not more than one interment may be made in a grave, except with the written permission of the supervisor.
- (6) Where there has been an interment in a grave, and where a deeper grave is subsequently required for the interment of another body in the same grave, application to inter the other body must be made to the Supervisor when notice of the first interment is given to the supervisor.
- (7) A second interment in the same grave will not be allowed within one year of the date of the first interment.
- (8) Not more than three bodies may be interred in the same grave.
- (9) The municipality may, upon application and in its sole discretion, inter any body without any charge in whatever place and manner as it considers fit.
- (10) No body shall be interred unless it is placed in a coffin as described in section 30, unless there is an objection thereto on religious grounds in terms of section 12(2).

23. Purchase of Burial Rights

- (1) The Municipality or service provider may sell the right to use any piece of ground for a grave to any person.
- (2) Any person wishing to purchase the right to use a piece of ground for a grave must apply to the municipality.
- (3) The piece of land in respect of which a right of use is sold must be allotted by the municipality and the holding and exercising of the right shall be subject to the cemetery by-laws.
- (4) The purchase price of the right to use a piece of land for the grave shall be a prescribed tariff and the purchaser shall not be entitled to use the land as a grave until the price is paid.
- (5) Upon the death of a person the nearest relative shall have the right, on payment of the charges determined from time to time by the municipality, to purchase one adjoining grave, if it be available, for future use.

24. Rights Not Transferable

- (1) No person shall, without the consent of the Municipality or service provider, sell or transfer to any other person any right relating to a grave or niche which he has obtained or may obtain in terms of the provisions of these by-laws.
- (2) Every acquisition of the right to use a piece of land as a purchased grave or to make use of a niche shall be registered by the Municipality and the charge determined from time to time by the municipality shall be paid to the Municipality by the new user.
- (3) The municipality or service provider may repurchase the right to an unused grave or niche if this is necessary either for the efficient administration of the cemetery or because of any reasonable environmental considerations.
- (4) Where the municipality repurchases a right to use land for a grave, it must provide just compensation to the user which shall not be less than the initial purchase price and which shall make an allowance for inflation.
- (5) The right to a niche shall accrue to the Municipality without any compensation when the ashes of a deceased are removed or when the commemorative plate is removed from a niche.

25. Permission to Inter

- (1) Subject to the provisions of subsection (2), the Supervisor may not grant permission to inter a body where –
 - (a) a burial order in terms of the *Births and Deaths Registration Act*, 1992 (Act 51 of 1992) has not been presented to the supervisor;
 - (b) all appropriate tariffs, as prescribed by the municipality, have not been paid; and
 - (c) an application in terms of section 22(2) has not been made.
- (2) Where, in the opinion of the supervisor, circumstances are exceptional he or she may grant permission to inter a body where the requirements in subsections (1)(b) and (1)(c) have not been met.

26. Alteration of Date of Interment

Should any alteration be made to the day or hour that has been previously fixed for an interment, notice of the alteration shall be given to the supervisor at the cemetery at least 6 hours before the time that had been fixed for interment.

27. Dimensions of Grave Openings

- (1) Graves for adults shall have, at least, the following dimensions:
 - (i) a length of 2 200 millimeters;
 - (ii) a width at the position of the shoulders of 900 millimeters;
 - (iii) a width at the position of the head of 600 millimeters;
 - (iv) a width at the position of the feet of 500 millimeters; and
 - (v) a depth of 1 900 millimeters.

- (2) Graves for children shall have the following dimensions:
 - (i) a length of 1 400 millimeters;
 - (ii) a width at the position of the shoulders of 500 millimeters;
 - (iii) a width at the position of the head of 450 millimeters;
 - (iv) a width at the position of the feet of 330 millimeters; and
 - (v) a depth of 1 500 millimeters.
- (3) Where the interment of any body requires an aperture in excess of the standard dimensions, the notice of interment must specify the dimensions of the coffin and its fittings.

28. Children's Coffins which are too Large for a Child's Grave

Should a child's coffin be too large for the dimensions of a child's grave, it will be placed in an adult's grave and the prescribed charge for an adult's grave shall be paid.

29. Covering with Earth

There shall be, at least, 1 200 mm of earth between the top of any adult's coffin or body bag and the surface of the ground and at least 900 mm of earth between the top of a child's coffin or body bag and the surface of the ground. Every coffin or body bag shall, upon being placed in a grave, be covered by at least 300 mm of earth without delay.

30. Coffins in Graves

No person shall place in any grave, or cause to be placed in any grave, any coffin constructed from any material other than soft wood or other perishable material, without the written consent of the Supervisor but any attachments that normally form part of a coffin need not be made of soft wood or other perishable material.

31. Number of Bodies in One Coffin

- (1) Subject to the provisions of section 22(5) two or more bodies of members of the same family may be buried in the same coffin where –
 - (a) two members of a family die together, including, but not limited to two persons who were married to one another;
 - (b) a mother and child or children die during childbirth; or
 - (c) two unmarried persons of the same or different sex whom the user believes on reasonable ground to have lived together as man and wife, who die at the same time.
- (2) Anatomy remains of two or more bodies may be buried in the same grave.
- (3) Where more than one body is buried, the user will be liable to pay the tariff prescribed for each of the bodies.

32. Interment of Deceased Persons Resident Outside the Municipality

- (1) Subject to subsection (2), the municipality may in its discretion permit the interment of a deceased person who was resident outside the municipal area.
- (2) Where a person has been granted a right in terms of section 23, the municipality must permit the interment of that person even if he was resident outside the municipal area at the time of death.

33. Pauper and Indigent Burials

- (1) The body of a pauper or an indigent person must be buried at the cost of the Municipality at a Cemetery to be determined by the municipality.
- (2) In the case of an indigent person, the Municipality or service provider shall take all reasonable steps to ascertain the religion of the deceased and bury him in the section of the cemetery set apart for members of the denomination.

CHAPTER 8**EXHUMATION OF BODIES AND RE-OPENING OF GRAVES****34. Disturbance of Human Remains**

Subject to these by-laws, the provisions of an exhumation order given in terms of the Inquests Act, 1959 (Act 58 of 1959), section 46 of the Health Act, or any other provision of any law relating to the exhumation of bodies, no person shall disturb any mortal remains or any ground surrounding them in any cemetery.

35. Opening of Graves

- (1) Subject to the provisions of any law pertaining to the exhumation of a corpse, no grave may be opened without the written consent of the following authorities:
 - (a) the Department of Health for the province in which the municipality is situated; and
 - (b) the municipality.
- (2) In addition to the consent required in subsection (1), where a grave is older than 60 years and is situated outside a cemetery administered by the municipality, or constitutes a grave of a victim of conflict, the approval of the South African Heritage Resources Authority or the Provincial heritage Resources Authority established for the province if there be one, is required through the issuing of a permit in terms of section 36(3) of the National Heritage Resources Act, 1999 (Act 25 of 1999).
- (3) No person may disinter, remove, re-inter or cremate a body buried in a Commonwealth war grave, or otherwise interfere with a Commonwealth war grave or a Commonwealth war burial other than in accordance with the Commonwealth War Graves act, 1992 (Act 8 of 1992).

36. Exhumations

- (1) Subject to the provisions of sections 34 and 39, no person shall exhume or cause any corpse to be exhumed or removed without the written consent of the municipality and the medical officer of health.
- (2) The charges for exhumation determined from time to time by the municipality shall in every case be paid before the exhumation takes place.
- (3) The written consent of the municipality must be submitted to the supervisor at least two days before the date fixed for the exhumation or removal of a corpse.

37. Screening of Activities

An undertaker must effectively screen the grave, from which any corpse is to be removed, from public view during the exhumation.

38. Persons to be Present During Exhumations

No exhumation or removal of any body or human remains shall take place unless the medical officer of health and a member of the South African Police Service are present.

39. Transfer of Buried Corpses

Should the transfer of a corpse be considered expedient by the Municipality at any time, or should any provision of these by-laws be contravened during the interment of a corpse in any grave, the municipality may, after having complied with any applicable provincial or national legislation and these by-laws, transfer the corpse to another grave and where it is reasonably possible to do so, a relative of the deceased person must be notified of the transfer.

CHAPTER 9

CARE OF GRAVES

40. Care of Graves

The Municipality or service provider shall keep graves clear of weeds and in proper order.

41. Shrubs and Flowers

- (1) No person, other than the supervisor, may plant any shrub, tree, plant or flower upon any grave in the cemetery.
- (2) No shrub, tree, plant or flower in the cemetery may be cut or removed by any person without the consent of the supervisor.
- (3) The supervisor shall have the right to prune, cut down, dig up or remove any shrub, tree, plant or flower in the cemetery at any time without the necessity of obtaining permission of any person or court to do so.

CHAPTER 10

ERECTION AND MAINTENANCE OF MEMORIAL WORK

42. Memorial Work

No person shall, unless the charges as determined from time to time by the Municipality have been paid, and the consent in writing of the supervisor and of the user for such grave has been obtained, bring any memorial work into a cemetery, or, after its having been brought into it, erect, alter, paint, renovate, remove or otherwise interfere with it, or cut any inscription on it.

43. Waiting Period before Erecting of Memorial

No memorial may be erected in the monumental section before six months from the date of interment, unless the supervisor, after consideration of written representations, and subject to the conditions set out in subsections (a), (b) and (c), grants approval that –

- (a) sufficient provision was made for the stabilization of the ground, and that any displacement of the memorial work will be rectified by the user;
- (b) the relatives indemnify the municipality against any claims arising as a result of damages caused to the memorial because of subsidence; and
- (c) the erector of the memorial undertakes in writing to repair memorials, which were damaged because of subsidence.

44. Position of Memorial Work

No person shall erect any memorial work on any grave except in a position approved by the supervisor or as otherwise provided for in these by-laws.

45. Repairs to Memorial Work

- (1) Should a person who has erected any memorial work to fall into a state of disrepair that may, in the opinion of the supervisor, cause danger to any person or thing situated in the cemetery, or to deface or damage the cemetery, the supervisor may order him or her by notice in writing, to make whatever repairs that the supervisor may consider necessary.
- (2) Should the address of the user be unknown to the supervisor, the notice may be published in an official language in any daily newspaper circulating within the municipality in terms of section 70(1)(c).
- (3) If the required repairs are not carried out within one month of the posting of the notice or the publication of it in a newspaper, the supervisor may him or herself carry out the repairs or remove the memorial work without paying any compensation and may recover the cost of the repairs or of removal from the person who erected the memorial work.

46. Supervision of Work

Any person engaged upon any memorial work in a cemetery shall affect it in accordance with the plan that was submitted and to the satisfaction of the supervisor.

47. Damaging of Memorial Work

Save in the case of intentional or negligent acts of the municipality or service provider, the municipality or service provider shall not be liable to compensate any person for any damage which may at any time occur to any memorial work.

48. Moving of Memorial Work

The supervisor may, after due notice to the user, at any time, change or alter the position of any memorial work without any leave of any person or court and recover the cost of doing so from the user of such memorial work. Provided that in any case where any memorial work has originally been placed in a particular position with the consent of the supervisor, any alteration to that position shall be done at the expense of the municipality.

49. Bringing Material into Cemetery

- (1) No person shall bring any material into the cemetery for the purpose of constructing any memorial work on any grave, or to erect a commemorative plaque in the garden of remembrance, unless-
 - (a) a sketch together with the essential dimensions, in metric units of linear measurements of the proposed memorial, and showing the position of the proposed work, accompanied by a specification of the materials to be used, in addition to a copy of any proposed inscription, has been submitted to the supervisor at least fourteen days prior to the date on which such material is intended to be brought into any cemetery;
 - (b) all charges due in respect of such grave or graves or niches have been paid;
 - (c) the supervisor's written approval of the proposed work has been given; and
 - (d) the grave number has been engraved on the memorial work.

50. Approval and Removal of Memorial Work by the Supervisor

- (1) Subject to the right of an affected person to appeal to the municipality or service provider against any rejection by the supervisor, the supervisor may reject any proposed design or material for a memorial, which he considers to be unsuitable.
- (2) In exercising his powers under subsection (1), the supervisor must not consider the inscription as part of the design of the memorial.

- (3) Any memorial which is not erected to the satisfaction of the supervisor must either be rectified by the user within one month after having been notified in writing by the supervisor to do so, or be removed by him or her at his or her own expense.
- (4) No person shall remove or disturb any memorial within any cemetery without the permission of the supervisor.

51. Requirements for Erection of Memorial Work

- (1) Memorial work shall be in accordance with the following requirements:
 - (a) where any part of any memorial work is to be joined to any other part, copper or galvanized iron pins of approved thickness and 160 millimeters long shall be used for such purpose and the holes, into which these pins must fit, shall be not less than 80 millimeters deep;
 - (b) any part of such work resting upon the ground or any stone or other foundation shall be fairly squared and bedded;
 - (c) no stone of uneven thickness, or having any corner wanting, shall be used unless it has been shown on the sketch submitted in terms of section 49(1)(a);
 - (d) the underside of each memorial shall be set at least 50 millimeters below the natural level of the ground and on an adequate concrete foundation;
 - (e) without the written consent of the supervisor, no kerb stones shall be used which protrude more than 250 millimeters above the surface of the ground or are more than 200 millimeters thick;
 - (f) all head and curbstones shall be properly secured from the inside with round copper or galvanized iron pins;
 - (g) all headstones up to 150 millimeters in thickness shall be securely attached to the base in an acceptable manner;
 - (h) all memorial work shall be complete as far as possible before it is brought into any cemetery;
 - (i) in the case of single graves, foot kerbs shall consist of one solid piece;
 - (j) memorial work shall be made of marble or granite or any other SANS- approved hard stone, subject to the approval of the supervisor;
 - (k) no person shall do any stonework, chiseling or other work upon any memorial work not connected with the fixing of such memorial work within any cemetery except where such work is expressly permitted in terms of these by-laws;
 - (l) if a memorial rests on a base –
 - (i) it must be set on a concrete foundation approved by the supervisor;
 - (ii) it shall be set in good cement mortar; and
 - (iii) the base shall be not less than 1 000 millimeters by 330 millimeters by 330 millimeters.

- (m) The concrete foundation to the headstone shall have the following dimensions:
 - (i) the length, at right angles to the longitudinal axis of grave, must be at least 1 300 millimeters;
 - (ii) the width must be not less than the width of the bottom of the headstone plus a projection of 160 millimeters either side; and
 - (iii) the depth must be not less than 160 millimeters;
 - (n) the concrete foundation for the kerbing shall extend across the foot of the grave plot and shall be of the following dimensions:
 - (i) the length must be at least 1 220 millimeters;
 - (ii) the width must be at least 330 millimeters; and
 - (iii) the depth must be at least 110 millimeters; and
 - (o) the tops of all concrete foundations shall be not less than 60 millimeters below ground level.
- (2) Lettering upon a memorial must be engraved in it unless it has lettering that protrudes from the surface of the memorial work in which case such lettering must be of durable material and fixed permanently upon the memorial work without protruding more than 1 centimeter from the surface of the memorial work.
 - (3) With the consent of the supervisor and the user, the name of the maker may be engraved on the memorial work.
 - (4) The supervisor may require that uniform letter sizes and spaces be used for such engraving.

52. Conveying of Memorial Work

- (1) The conveying of any stone, brick, or memorial work or any part of it along paths between graves may be undertaken only by means of a trolley fitted with pneumatic tires.
- (2) No trolley shall be moved along any path, which in the opinion of the supervisor is too narrow or unsuitable for conveyance, by a trolley.

53. Vehicles and Tools

The supervisor may prohibit the use of any vehicle, tool or other appliance by a person working on a grave.

54. Complying with the Supervisor's Directions

Any person carrying on any work within a cemetery shall at all times comply with the directions of the supervisor.

55. Rubbish and Damage to Cemetery

No person shall at any time leave any rubbish, soil, stone or other debris within any cemetery or in any way damage or deface any part of any cemetery or anything contained in it.

56. Times for Bringing in Material and Doing Work

- (1) No person shall bring memorial work or material or do any work in a cemetery on public holidays or outside of the hours of 07h00 to 16h00 during Mondays to Fridays.
- (2) In exceptional cases the supervisor may permit work to be done outside of the times prescribed in subsection (1), but only if the prescribed charges determined from time to time by the Municipality have been paid.

57. Inclement Weather

- (1) If the supervisor decides that it is undesirable to place or ix memorial work because the weather is inclement or because the soil is in an unsuitable condition, he may prohibit its being placed or fixed until he permits the work to begin or continued.
- (2) The supervisor may decide when the weather is inclement weather or when the soil is in an unsuitable condition.

58. Production of Written Permission

Any person who undertakes any work within any cemetery shall, upon demand by the Municipality, produce the written consent issued to him or her in terms of section 42.

CHAPTER 11

ALL SECTIONS

59. Adornment of Graves

- (1) No person shall, except with the consent of the supervisor, erect, place or leave upon or around a grave any railings, wire-work, flower stand, ornament, wreath, embellishment or other object of any kind, other than a vase, and any flowers and foliage in it.
- (2) No person shall erect, place or leave upon or around a grave any railings, wirework, flower stand, ornament, wreath, embellishment or other object of any kind in the aesthetic section.
- (3) Where the supervisor considers whether to grant consent for the adornment of any grave in terms of subsection (1), he must take into consideration the cultural and religious values of the local community as well as the cultural and religious values of the deceased who has been interred in it.
- (4) Fresh flowers and foliage placed on a grave with the consent of the supervisor in terms of subsection (1) may be removed by him or her when in his or her opinion they have faded.
- (5) A memorial may incorporate not more than two vases or other receptacles for flowers or foliage.

60. Monumental Section

- (1) The following provisions shall apply to the monumental section of a cemetery, if there be one:
 - (a) no memorial, which is erected, shall exceed a height of 1 500 millimeters unless an adequate foundation for a memorial in excess of that height has been incorporated in the design; and
 - (b) no planting of any kind, except with the permission of the supervisor, shall be allowed on a grave.

61. Aesthetic Section

- (1) The following provisions shall apply to the aesthetic section of a cemetery, if there be one:
- (a) no kerbing or any form of base shall be erected;
 - (b) the headstone memorial shall be erected only on the concrete strip provided by the municipality;
 - (c) the pedestal of the memorial shall not exceed 800 millimeters by 260 millimeters unless the memorial is to be erected on two adjoining grave plots, in which case the measurements may be 1 220 millimeters by 260 millimeters;
 - (d) no memorial shall overhang the pedestal at any point and it shall be erected on the berm with the edge nearest to the grave being at least 120 millimeters from the edge of the berm;
 - (e) the height of memorial shall not exceed 1 000 millimeters, including the bar;
 - (f) the municipality retains the right to flatten any remains of soil or fill any subsidence of a grave to the level of the adjoining undisturbed ground;
 - (g) except for a memorial or vase for flowers or foliage which may be placed in the space provided on the berm, no object may be placed or kept on any grave after six months of the date of interment;
 - (h) the supervisor may remove any object, which has been placed on a grave; and
 - (i) excluding the vase for flowers or foliage in the berm, no memorial may contain more than one additional container for flowers or foliage.

CHAPTER 12**CREMATORIA****62. Cremation**

- (1) No person shall dispose of a body in any manner other than by interring it in a cemetery or having it cremated in a crematorium that is approved of in law.
- (2) No person shall dispose of a body by cremation other than in conformity with the requirements of any law relating to cremation.
- (3) The ashes remaining after a cremation, may, with the written consent of the supervisor, be interred in a public or private grave in which the body of a relative or any other person has already been interred.
- (4) If ashes are not collected after a cremation, they may be strewn in a garden of remembrance by the supervisor.

63. Coffins

Coffins intended for cremation shall be constructed principally out of timber or wood derivatives, as regulated by applicable legislation.

CHAPTER 13

ADMISSION TO CEMETERIES AND PROHIBITED CONDUCT

64. Admission of Visitors

- (1) Every cemetery shall be open to the public during the following hours:
 - (a) from _____ 2012 : 07h00 to 18h00; and
 - (b) from _____ : 07h00 to 17h30.
- (2) Notwithstanding the provisions of subsection (1) the municipality shall have the right to close any cemetery or part of it to the public for such period as it may consider fit if it is, in the opinion of the municipality, in the interests of the public to do so.
- (3) No person shall enter into or remain in any cemetery, or part of it, before or after the times set out in subsection (1) or during any period when it is closed to the public.
- (4) No person under 12 years of age may enter any cemetery unless in the care of a responsible person.

65. Dress

The Municipality may prescribe the apparel that it considers appropriate for entry into a cemetery but, in doing so, must not unfairly discriminate between persons on the basis of race, religion or gender.

66. Prohibited Acts Within Cemeteries

- (1) No person shall –
 - (a) solicit any business, order or exhibit, distribute or leave any tracts, business cards or advertisements within any cemetery other than as provided for in section 51(3) of these by-laws;
 - (b) sit, stand or climb upon or over any memorial work, gate, wall, fence or building in any cemetery;
 - (c) commit any nuisance within any cemetery;
 - (d) ride any animal or motorcycle within any cemetery, and no other vehicle may exceed a speed of 16 km per hour;
 - (e) intentionally bring any animal, other than a guide dog, or bird, into a cemetery or allow an animal to wander in it;
 - (f) plant, cut, pick or remove any plant, shrub or flower without the permission of the supervisor;
 - (g) hold or take part in any demonstration in any cemetery;
 - (h) hinder any officer, workman or labourer employed by the municipality in any cemetery during the performance of his or her duties;
 - (i) obstruct, resist or oppose the supervisor in the course of his or her duty or refuse to comply with any order or request which the supervisor is entitled to make;
 - (j) use or cause any cemetery to be used for any immoral purpose; or
 - (k) mark, draw, scribble, erect advertisements or objects on any wall, building, fence, gate, memorial work or other structure within any cemetery or in any other way defaces them.

- (2) Where it is appropriate to do so, the assessment of what constitutes a prohibited act in terms of subsection (1)(c) and (1)(j) the social and cultural values of the local community should be taken into account.
- (3) The supervisor must place a notice in the cemetery setting out the prohibited conduct.

67. Keeping to the Paths

All persons shall use only the roads, walkways and paths provided in the cemetery.

68. Entrance to and Exits from Cemeteries

No person shall enter or leave any cemetery except by the gates provided for that purpose and no person shall enter any office or fenced place in a cemetery except in connection with lawful business.

69. Offences

- (1) Subject to subsection (2), any person who –
 - (a) contravenes or fails to comply with any provisions of these by-laws, other than a provision relating to payment for cemetery services;
 - (b) fails to comply with any notice or order issued or condition imposed in terms of or for the purposes of these by-laws;
 - (c) fails to comply with any lawful instruction given in terms of or for the purposes of these by-laws; or
 - (d) who obstructs or hinders any authorized representative or employee of the municipality in the execution of his duties under these by-laws;

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months and in the case of any continued offence, to a further fine not exceeding R50-00, or in default of payment, to imprisonment not exceeding one day for every day during the continuance of such offence, after a written notice has been issued by the municipality and served on the person concerned requiring the discontinuance of such an offence.

- (2) No person shall be liable to imprisonment if he is unable to afford to pay a fine, and shall instead be liable to a period of community service.
- (3) Any person committing a breach of the provisions of these by-laws shall be liable to recompense the municipality for any loss or damage suffered or sustained by it in consequence of the breach.
- (4) The supervisor may at any time order any person who does not comply with these by-laws in the cemetery or disturbs the sacred atmosphere in the cemetery in any manner, to leave the cemetery immediately in which event the person must forthwith comply with the order.

CHAPTER 14

GENERAL

70. Service of Notices

- (1) Any notice, order or other document that is served on any person in terms of these by-laws must, subject to the provisions of the Criminal Procedure Act 1977 (Act 51 of 1977), be served personally, falling which it may regarded as having duly been served –
 - (a) when it has been left at that person's place of residence or business, or, where his household is situated in the Republic, when it has been left with a person who is apparently 16 years or older;
 - (b) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic either personally or in the manner provided by subsections (a), (c) or (d); or
 - (c) If that person's address and the identity or the address of his agent or representative in the Republic is unknown, when it has been published in an official language in any daily newspaper circulating within the municipality; or
 - (d) if sent by registered post, whether service by registered post is, or is not required, if effected by sending it by properly addressing to the addressee's last known residence, place of business or postal address, prepaying and posting a registered letter containing the notice, order or other document, and unless the contrary be proved, shall be presumed to have been effected at the time at which the letter would be delivered in the ordinary course of post.
- (2) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

71. Compliance with Notices

Any person on whom a notice duly issue or given under this by-law is served shall, within the time specified in such notice comply with its terms.

72. Repeal of By-Laws

The by-laws specified in the first column of Schedule 1 are hereby repealed to the extent set out in the second column of Schedule 1: Provided that the repeal of such by-laws shall not affect anything done in terms of or any right, obligation or liability acquired or incurred under those by-laws.

73. Date of Commencement

These by-laws commence on the date of publication in the Provincial Gazette.

SCHEDULE 1: BY-LAWS REPEALED

TITLE OF BY-LAW	EXTENT OF REPEAL

LOCAL AUTHORITY NOTICE 113

VICTOR KHANYE LOCAL MUNICIPALITY

**DRAFT PROPERTY
RATES BY-LAW**

VICTOR KHANYE LOCAL MUNICIPALITY

PROPERTY RATES BY-LAW

The Municipal Manager of Victor Khanye Local Municipality hereby, in terms of Section 6 of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004), publishes the Property Rates By-law for Victor Khanye Local Municipality, as approved by its Council as set out hereunder.

PURPOSE OF BY-LAW

To allow Council to exercise its power to value and impose rates on immovable properties located within its area of jurisdiction in such a manner that it will contribute to effective and economic service delivery to the entire community.

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1. Definitions

For the purpose of these by-laws any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004) shall bear the same meaning in these by-laws and unless the context indicates otherwise-

- 1.1 “**Act**” means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);
- 1.2 “**Municipality**” means the Victor Khanye Local Municipality;
- 1.3 “**Privately owned towns serviced by the owner**” means single properties, situated in an area not ordinarily being serviced by the municipality, divided through sub division or township establishment into (ten or more) full title stands and/ or sectional units and where all services inclusive of water, electricity, sewerage and refuse removal and roads development are installed at the full cost of the developer and maintained and rendered by the residents of such estate.
- 1.4 “**Residential property**” means improved and unimproved property that:
 - (a) is used predominantly (60% or more) for residential purposes including any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property. Any such grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes.

- (b) is a unit registered in terms of the Sectional Title Act and used predominantly for residential purposes.
 - (c) Is owned by a share-block company and used solely for residential purposes.
 - (d) Is a residence used for residential purposes situated on property used for or related to educational purposes and specifically excludes vacant land irrespective of its zoning or intended use.
- 1.5 In this By-Law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa.

2. Principles

- 2.1 Rates shall be levied in accordance with the Act as an amount in the rand based on the market value of all rateable property contained in the municipality's valuation roll and supplementary valuation roll.
- 2.2 The municipality will differentiate between various categories of properties and categories of owners of properties as contemplated in Section 5 and 6 of this By-Law.
- 2.3 Some categories of properties and categories of owners shall be granted relief from rates.
- 2.4 The municipality will not grant relief in respect of payments for rates to any category of owners or properties, or to owners of properties on an individual basis.
- 2.5 There shall be no phasing in of rates based on the new valuation roll, except as prescribed by legislation and in accordance with clause 14 of this by-law.
- 2.6 The municipality's rates policy will be based on the following principles :

(a) **Equity**

The municipality shall treat all ratepayers with similar properties the same.

(b) **Affordability**

The ability of a person to pay rates shall be taken into account by the municipality. In dealing with the poor/indigent ratepayers the municipality shall provide relief measures through exemptions, reductions or rebates.

(c) **Sustainability**

Rating of property shall be implemented in a way that:

- i. it supports sustainable local government by providing a stable and buoyant revenue source within the discretionary control of the municipality; and
- ii. Supports local, social, and economic development.

(d) **Cost efficiency**

Rates shall be based on the value of all rateable property and will be used to fund community and subsidised services after taking into account surpluses generated on trading (water & electricity) and economic (refuse removal, & sewerage removal) services and the amounts required to finance exemptions, rebates, reductions and phasing-in of rates as approved by the municipality from time to time.

3. Application of By-Law

- 3.1 Where this by-law contradicts national legislation, such legislation has preference over this by-law. The Municipal Manager shall bring such conflicts immediately to the attention of the municipality once he becomes aware of such conflicts and will propose changes to the municipality's by-laws to eliminate such conflicts.
- 3.1.1 If there is any conflict between this By-Law and the Property Rates policy of the municipality, this By-Law shall prevail.

- 3.3 In imposing the rate in the rand for each annual operating budget component, the municipality shall grant exemptions, rebates and reductions to the categories of properties and categories of owners.

4. Principles applicable to financing services

- 4.1 The municipal manager or his/her nominee must, subject to the guidelines provided by the National Treasury and Executive Committee of the municipality, make provision for the following classification of services:-

- (a) Trading services
 - i. Water; and
 - ii. Electricity.
- (b) Economic services
 - i. Refuse removal; and
 - ii. Sewerage disposal.
- (c) Community and subsidised services.

These include all those services ordinarily being rendered by the municipality excluding those mentioned in 4.1 (a) and (b) above.

- 4.2 Trading and economic services as referred to in clauses (a) and (b) shall be ring fenced and financed from service charges while community and subsidised services referred to in clause (c) shall be financed from surpluses on trading and economic services, regulatory fees, rates and rates related income.

5. Categories of property

- 5.1 Different rates may be levied in respect of the categories of rateable properties as determined by the municipality's rates policy.

- 5.2 Such rates shall be determined on an annual basis during the compilation of the municipality's budget.

- 5.3 In determining the category of a property referred to in 5.1 above, the municipality shall take into consideration the following criteria or a combination thereof:-

- 5.3.1 The use of the property;
- 5.3.2 Permitted use of the property; and
- 5.3.3 The geographical area in which the property is situated.

- 5.4 In order to create certainty and to ensure consistency the criteria mentioned in 5.3 above shall be applied as indicated below in order of priority and no deviation is permissible :

- 5.4.1 Properties shall first of all be categorised in accordance with their formal zoning. Town planning schemes, town establishment schemes and town planning regulations may be used to determine the formal zoning.

- 5.4.2 If, for whatever reason, the status or zoning of a property cannot be determined in terms of 5.4.1 above, the actual use shall then be determined in order to appropriately categorise such property. All relevant information, including circumstantial evidence, may be taken into consideration in an attempt to determine for the purpose the property is being used. A physical inspection may be done to acquire the necessary information.

- 5.4.3 The geographical area in which a property is situated may be used to assist in the categorisation of a property when the provisions of 5.4.1 can not be applied. However, the geographical area as a criterion should not be used in isolation.

- 5.5 Properties used for multiple purposes shall be categorised and rated as provided for in section 9 of the Act and as more fully described in clause 7.

6. Categories of owners

- 6.1 For the purpose of granting exemptions, reductions and rebates in terms of clause 9, 10 and 11 respectively the following categories of owners of properties are determined :

- (a) Those owners who qualify and who are registered as indigents in terms of the adopted indigent policy of the municipality;
- (b) Those owners who do not qualify as indigents in terms of the adopted indigent policy of the municipality but whose total monthly income is less than the amount annually determined by the municipality in its budget;
- (c) Owners of property situated within an area affected by-
 - i. a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
 - ii. serious adverse social or economic conditions.
- (d) Owners of residential properties with a market value below the amount as determined annually by the municipality in its budget; and
- (e) Owners of agricultural properties.
- (f) Child headed families where any child of the owner or child who is a blood relative of the owner of the property, is responsible for the care of siblings or parents of the household.

7. Properties used for multiple purposes

- 7.1 Rates on properties used for multiple purposes shall be levied as follows:

- (a) In accordance with the "permitted use of the property";
- (b) In accordance with the "dominant use of the property" if sub Rule 7.1 (a) above cannot be applied; or
- (c) In accordance with the "different uses" by apportioning the market value of a category of property to the different purposes for which the property is used if both (a) and (b) above cannot be applied.

8. Differential rating

- 8.1 Criteria for differential rating on different categories of properties shall be according to-

- (a) The nature of the property including its sensitivity to rating e.g. agricultural properties used for agricultural purposes and
- (b) The promotion of social and economic development of the municipality.

- 8.2.1 Differential rating among the various property categories shall be done by way of setting different cent amount in the rand for each property category; and

- 8.3 by way of reductions and rebates as provided for in the municipality's rates policy document.

9. Exemptions and Impermissible Rates

- 9.1 Categories of property and categories of owners as determined by the municipality's rates policy on an annual basis shall be exempted from paying rates.

- 9.2 Conditions determined by the rates policy will be applied accordingly.

- 9.3 Exemptions shall automatically apply where no applications are required.

- 9.4 All applications shall be dealt with in accordance with the municipality's Credit Control Policy.

- 9.4 Rates may not be levied by the municipality on properties prescribed in Section 17(1) of the Municipal Property Rates Act, 2004.

10. Reductions

- 10.1 Reductions as contemplated in section 15 of the Act will be considered on an *ad-hoc* basis in the event of the following:

10.1.1 Partial or total destruction of a property; and

10.1.2 Disasters as defined in the Disaster Management Act, 2002 (Act 57 of 2002).

10.2 The following conditions shall be applicable in respect of 10.1:-

10.2.1 The owner referred to in 10.1.1 shall apply in writing for a reduction and the onus will rest on such applicant to prove to the satisfaction of the municipality that his property has been totally or partially destroyed. He/she shall also have to indicate to what extent the property can still be used and the impact on the value of the property.

10.2.2 Property owners will only qualify for a rebate if affected by a disaster as referred to in the Disaster Management Act, 2002 (Act No. 57 of 2002).

10.2.3 A maximum reduction determined by the municipality shall be allowed in respect of both 10.1.1 and 10.1.2 referred to above.

10.2.4 An ad-hoc reduction shall not be given for a period in excess of 6 months, unless the municipality gives further extension on application.

10.2.5 If rates were paid in advance prior to granting of a reduction, the municipality shall give credit to such an owner as from the date of reduction until the date of lapse of the reduction or the end of the period for which payment was made whichever occurs first.

11. Rebates

11.1. Categories of property

11.1.1 The municipality may grant rebates to categories of property as determined in the municipality's rates policy.

11.2. Categories of owners

11.2.1 The municipality may grant rebates to categories of owners as determined annually in the municipality's rates policy.

11.3 Applications for rebates must reach the municipality before the date determined by the Property Policy, preceding the start of the new municipal financial year for which relief is sought.

11.4 The municipality retains the right to refuse rebates if the details supplied in the application form were incomplete, incorrect or false.

11.5 Properties with a market value below a prescribed valuation level of an amount determined annually by the municipality may, instead of a rate being determined on the market value, be rated a uniform fixed amount per property.

11.6 The extent of the rebate in terms of 11.1, 11.2 and 11.5 shall annually be determined by the municipality and it shall be included in the annual budget.

12. Payment of rates

12.1 Council may levy assessment rates: -

- (a) On a monthly basis or less regular as determined by the Municipal Finance Management Act, (No.56 of 2003) or
- (b) Annually, as agreed with the owner of the property.

12.2 Assessment rates is payable:-

(a) Annually in a once of amount determined by the municipality; or

(b) in instalments payable on or before a date in each period as determined by the municipality.

12.3 Interest on arrears rates, whether payable on or before 30 September or in equal monthly instalments, shall be calculated in accordance with the provisions of the Credit Control, Debt Collection and Indigent Policy of the municipality.

12.4 If a property owner who is responsible for the payment of property rates in terms of the Rates Policy, fails to pay such rates in the prescribed manner, it shall be recovered from him/her in accordance with the provisions of the Credit Control, Debt Collection and Indigent Policy of the Municipality.

12.5 Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act as follows:

12.5.1 If an amount, due for rates levied on a property, is not paid by the owner by the due date as shown on the account and no reaction is forthcoming from the owner after two written reminders have been issued, the municipality shall recover the amount in full or partially as follows :

12.5.2 From the agent who is lawfully responsible to collect commission or rental in respect of the property concerned;

12.5.3 From a tenant or occupier of the property, only after an attempt was made to collect it from an agent referred to in Sub Rule 12.5.2 but such attempt was unsuccessful or no such agent exists or only a part of the outstanding amount could successfully be recovered.

12.5.4 The amount recoverable is limited to the amount as stipulated in the Act and it may only be recovered after written notice has been served on the party concerned (tenant, occupier or agent) of the rates due and payable, but not yet paid by the owner of the property.

12.5.5 The notice referred to in 12.5.4 shall give the party concerned at least 14 calendar days to pay the outstanding rates.

12.6 Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.

12.7 In addition, where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.

13. Accounts to be furnished

13.1 The municipality will furnish each person liable for the payment of rates with a written account, which will specify:

(i) the amount due for rates payable;

(ii) the date on or before which the amount is payable;

(iii) how the amount was calculated;

(iv) the market value of the property; and

(v) rebates, exemptions, reductions or phasing-in, if applicable.

13.2 A person liable for payment of rates remains liable for such payment, whether or not such person has received a written account from the municipality. If the person concerned has not received a written account, he/she shall make the necessary enquiries with the municipality.

- 13.3 In the case of joint ownership, the municipality shall consistently, in order to minimise costs and unnecessary administration, recover rates from one of the joint owners provided only that it takes place with the consent of the owners concerned.

14. Phasing in of rates

- 14.1 The rates to be levied on newly rateable property shall be phased in as explicitly provided for in section 21 of the Act.
- 14.2 The phasing-in discount on the properties referred to in section 21 shall be as follows :
- 14.2.1 First year : 75% of the relevant rate;
- 14.2.2 Second year : 50% of the relevant rate; and
- 14.2.2 Third year : 25% of the relevant rate.
- 14.3 No rates shall be levied on newly rateable properties that are owned and used by organisations conducting activities that are beneficial to the public and that are registered in terms of the Income Tax Act for those activities, during the first year. The phasing-in discount on these properties shall be as indicated below:-
- 14.3.1 First year: 100% of the relevant rate;
- 14.3.2 Second year : 75% of the relevant rate;
- 14.3.3 Third year : 50% of the relevant rate; and
- 14.3.4 Fourth year : 25% of the relevant rate.

15. Special rating areas

- 15.1 The municipality will, whenever deemed necessary, by means of a formal Council resolution determine special rating areas in consultation with the relevant communities as provided for in section 22 of the Act.
- 15.2 The following matters shall be attended to in consultation with the committee referred to in clause 15.3 whenever special rating is being considered :
- 15.2.1 Proposed boundaries of the special rating area;
- 15.2.2 Statistical data of the area concerned giving a comprehensive picture of the number of erven with its zoning, services being rendered and detail of services such as capacity, number of vacant ervens and services that are not rendered;
- 15.2.3 Proposed improvements clearly indicating the estimated costs of each individual improvement;
- 15.2.4 Proposed financing of the improvements or projects;
- 15.2.5 Priority of projects if more than one;
- 15.2.6 Social economic factors of the relevant community;
- 15.2.7 Different categories of property;
- 15.2.8 The amount of the proposed special rating;
- 15.2.9 Details regarding the implementation of the special rating; and
- 15.2.10 The additional income that will be generated by means of this special rating.
- 15.3 A committee consisting of 6 members of the community of whom 3 shall be women shall be established to advise and consult the municipality in regard to the proposed special rating referred to above. This

committee will be elected by the inhabitants of the area concerned who are 18 years of age or older. No person under the age of 18 may be elected to serve on the committee. The election of the committee shall happen under the guidance of the Municipal Manager. The committee shall serve in an advisory capacity only and shall have no decisive powers.

- 15.4 The required consent of the relevant community shall be obtained in writing or by means of a formal voting process under the chairmanship of the Municipal Manager. A majority shall be regarded as 50% plus one of the households affected. Each relevant household, i.e. every receiver of a monthly municipal account, will have 1 vote only.
- 15.5 In determining the special additional rates the municipality shall differentiate between different categories as referred to in clause 5.
- 15.6 The additional rates levied shall be utilised for the purpose of improving or upgrading of the specific area only and not for any other purposes whatsoever.
- 15.7 The municipality shall establish separate accounting and other record-keeping systems, compliant with GAMAP/GRAP, for the identified area and the households concerned shall be kept informed of progress with projects and financial implications on an annual basis.

16. Frequency of valuation

- 16.1 The municipality shall prepare a new valuation roll every 4 (Four) years, with the option to extend the validity of the valuation roll to 5 (Five) years with the approval of the MEC for Local Government and Housing in the province.
- 16.2 Supplementary valuations shall be done on a continual basis to ensure that the valuation roll is properly maintained.

17. Community participation

- 17.1 Before the municipality adopts the rates by-law, the municipal manager shall follow the process of community participation envisaged in chapter 4 of the Municipal Systems Act and comply with the following requirements:
- 17.1.1 Conspicuously display the draft rates by-law for a period of at least 30 days (municipality to include period decided on) at the municipality's head and satellite offices and libraries (and on the website)
- 17.1.2 Advertise in the media a notice stating that the draft rates by-law has been prepared for submission to council and that such by-law is available at the various municipal offices and on the website for public inspection. Property owners and interest persons may obtain a copy of the draft by-law from the municipal offices during office hours at a cost as determined annually by the municipality. Property owners and interest persons may submit written comments or representations to the municipality within the specified period in the notice.
- 17.1.3 Council will consider all comments and/or representations received when considering the finalisation of the rates by-law.

18 Register of properties

- 18.1 The municipality shall compile and maintain a register in respect of all properties situated within the jurisdiction of the municipality. The register shall be divided into Part A and Part B.
- 18.2 Part A of the register shall consist of the current valuation roll of the municipality and shall include all supplementary valuations done from time to time.
- 18.3 Part B of the register will specify which properties on the valuation roll or any supplementary valuation roll are subject to :
- i. Exemption from rates in terms of section 15 of the Property Rates Act, 2004;
 - ii. Rebate or reduction in terms of section 15;
 - iii. Phasing-in of rates in terms of section 21, and

iv. Exclusions as referred to in section 17.

18.4 The register shall be open for inspection by the public at the municipal main offices during office hours or on the website of the municipality.

18.5 The municipality shall update Part A of the register every 6 months during the supplementary valuation process.

18.6 Part B of the register shall be updated on a continuous basis.

19 Regular review processes

19.1 The municipality's rates policy must be reviewed on an annual basis to ensure that it complies with the Municipality's strategic objectives as contained in the Integrated Development Plan and with legislation.

20. Short title

This By-Law is the rates By-Law of Victor Khanye Local Municipality.

21. Commencement

This By-Law shall come into operation on _____ 2013.

LOCAL AUTHORITY NOTICE 113

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VICTOR KHANYE LOCAL MUNICIPALITY**PUBLIC HEALTH BY-LAWS****VICTOR KHANYE LOCAL MUNICIPALITY****PUBLIC HEALTH BY-LAWS**

The Municipal Manager of Victor Khanye Local Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Public Health By-laws of Delmas, as set out hereunder.

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CHAPTER 1

INTERPRETATION AND FUNDAMENTAL PRINCIPLES

1. Definitions and interpretation

In these By-laws, unless the context otherwise indicates –

“Adequate” when used to describe a standard or manner in which anything required by these By-laws must be done, means the standard or manner that, in the opinion of an environmental health officer, is sufficient to safeguard public health, and to achieve the purpose and apply the principles of these By-laws and “adequately” has a corresponding meaning;

“Approved” when used to describe a particular object, measure or material, means an object, measure or material which has been approved in terms of section 12 as being adequate in specified circumstances to prevent, or reduce to a level acceptable to the Council, the risk of any public health hazard or public health nuisance occurring, continuing or recurring;

“Author of a nuisance” means the person by whose act or default or sufferance the nuisance is caused, exist or is continued;

“Authorised official” means any official of the Council who has been authorised by the Council to administer, implement and enforce the provisions of these By-laws;

“Communicable diseases” means any disease which can be communicated directly or indirectly from any animal or through any agent to any person or from any person suffering there from or who is a carrier thereof, to any other person;

“Council” means –

- a) Victor Khanye Local Municipality established by section 12 of the Municipal Structures Act, 1998 (Act no. 117 of 1998), 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, or any other law, as the case may be;

“Dog” means both a male and a female dog;

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“Dwelling” means any house, room, shed, hut, tent, cave, container, shelter, vehicle, boat or any other structure or place whatsoever, any part of which is used or appears intended for use by any human being for sleeping or in which any human being dwells or sleeps and “room” has a corresponding meaning;

“Environmental health officer” means an official appointed by the Council, and who is duly registered as an environmental health officer or environmental health practitioner with the Health Professions Council of South Africa in terms of section 33(1) of the Medical Dental and Supplementary Health Services Professions Act, 1974 (Act No. 56 of 1974);

“Exemption certificate” means a certificate issued in terms of section 10;

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

“Municipal area” means the area under the jurisdiction of the Council;

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

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

“Occupier”, in relation to any premises, means any person –

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

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

“Owner”, in relation to any premises, means –

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

“Permit” means a public health permit issued by the Council in terms of the section 11;

“Person” means a natural person or a juristic person, and includes an organ of state;

“Pest” means any animal or mammal which may create a public health hazard or public health nuisance if it is present in significant numbers and without limitation, includes rats, mice, flies, mosquitoes, bed bugs, fleas, lice, termites and cockroaches;

“Potable water” means water that complies with the requirements set out in SABS 241: Water for Domestic Supplies;

“Poundmaster” means a person in charge of a pound”

“Premises” means –

- a) any land without any buildings or other structures on it;
- b) any building or other structure and the land on which it is situated;
- c) any land which adjoins land referred to in paragraph (a) or (b) and any building or other structure on the adjoining land, if that land, building or structure is occupied or used in connection with any activity carried out on the premises referred to in paragraph (a) or (b); or
- d) any vessel, vehicle or movable structure which is used for a scheduled use;

“Prescribed fee” means a fee determined by the Council by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;

“Public health” means the mental and physical health and well-being of people in the municipal area;

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

- a) the circumstances referred to in section 5 (1);
- b) unsanitary conditions;
- c) circumstances which make it easier for a communicable disease to spread;
- d) circumstances which make food or drink, including water for domestic consumption, unhygienic or unsafe to eat or drink; and
- e) circumstances which allow pests to infest any place where they may affect public health.

“Public health nuisance” means the use of any premises or place in a manner which creates conditions that significantly increase the risk of a public health hazard occurring or which compromises any aspect of public health to an extent that is more than trivial or insignificant, and without limitation, includes those circumstances in which a public health nuisance is considered to exist in terms of Schedule 1;

“Public place” means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden park, path, bus or taxi rank, servitude or enclosed space vested in the Council and includes any road, place or thoroughfare which is in the undisturbed use of the public or which the public have the right to use;

“Scheduled use” means a use listed in Schedule 1.

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

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

2. Purpose

The purpose of these By-laws is to enable the Council to protect and promote the long term health and well-being of people in the municipal area by -

- a) providing, in conjunction with any other applicable law, an effective legal and administrative framework within which the Council can –
 - (i) manage and regulate activities that have the potential to impact adversely on public health; and
 - (ii) require premises to be properly maintained and managed; and
- b) defining the rights and obligations of the Council and the public in relation to this purpose.

CHAPTER 2 PUBLIC HEALTH

Part 1: Public health principles

3. Principles

- a) Every person has a constitutional right to an environment that is not harmful to his or her health or well-being and to have access to sufficient water and the Council has a constitutional duty to strive, within its financial and administrative capacity, to promote a safe and healthy environment.
- b) The risk of a public health hazard occurring, continuing or recurring must

be eliminated wherever reasonably possible, and if it is not reasonably possible to do so, it must be reduced to a level acceptable to the Council.

- c) Any person who owns or occupies premises in the municipal area must ensure that it is used for and maintained in a manner that ensures that no public health hazard or public health nuisance occurs on the premises.
- d) Any person who wishes to undertake an activity which creates a risk to public health that is more than trivial or insignificant must –
 - i) take all reasonable measures to eliminate that risk, and if that is not reasonably possible, to reduce the risk to a level acceptable to the Council; and
 - ii) bear the costs of taking those measures and of any reasonable costs incurred by the Council in ensuring that the risk is eliminated or reduced to an acceptable level.
- e) The Council must regulate all activities and administer all matters for which it is legally responsible in a manner that –
 - avoids creating a public health hazard or a public health nuisance;
 - does not make it easier for any human or animal disease to spread;
 - does not give rise to unsanitary or unhygienic conditions;
 - prevents unsafe food or drink from being eaten or drunk;
 - avoids creating conditions favourable for infestation by pests; or
 - wherever reasonably possible, improves public health in the municipal area.
- f) In dealing with matters affecting public health the Council must –
 - adopt a cautious and risk-averse approach;
 - prioritise the collective interests of the people of the municipal area, and of South Africa, over the interests of any specific interest group or sector of society;
 - take account of historic inequalities in the management and regulation of activities that may have an adverse impact on public health and redress these inequalities in an equitable and non-discriminatory manner;
 - adopt a long-term perspective that takes account of the interests of future generations; and
 - take account of, and wherever possible without compromising public health, minimise any adverse effects on other living organisms and ecosystems.

4. Application of principles

- a) The public health principles set out in section 3 must be considered and applied by any person –

- exercising a power or function or performing a duty under these By-laws;
- formulating or implementing any policy that is likely to have a significant effect on, or which concerns the carrying on of activities likely to impact on, public health in the municipal area;
- or exercising a public power or function or performing a public duty in the municipal area which is likely to have a significant effect on public health in that area.

Part 2: Public health hazards and public health nuisances

5. Public health nuisances

5.1 An owner or occupier of premises creates a public health nuisance if he or she causes or allows –

- a) any premises or part thereof to be of such a construction or in such a state as to be offensive, injurious or dangerous to health;
- b) any street, stream, pool, lagoon, ditch, gutter, watercourse, sink, cistern, water-closet, earth closet, pail closet, urinal, cesspool, cesspit, drain, sewer, dung pit, slop tank, ash heap or dung heap to be so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health;
- c) any stable, kraal, shed, run or premises used for the keeping of animals or birds and which is so constructed, situated, used or kept as to be offensive or to be injurious or dangerous to health;
- d) any accumulation of refuse, offal, manure or other matter which is offensive or is injurious or dangerous to health;
- e) any public building to be so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;
- f) any dwelling to be occupied without proper and sufficient supply of potable water within a reasonable distance;
- g) any factory or industrial or business premises not to be kept in a clean state and free from offensive smells arising from any drain, water closet, earth-closet, urinal or any other source, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gas, vapour, dust or other impurity generated, or so overcrowded or so badly lighted or ventilated, as to be injurious or dangerous to the health of those employed therein or thereon;
- h) any factory or industrial or business premises to cause or give rise to any smell or effluvium which is offensive or injurious or dangerous to health;
- i) any building, room or structure to be used wholly or partly by a greater number of persons than will allow less than 11,3 m³ of free air space and 3,7 m² of floor space for each person aged 10 years or more and 5,7 m³ of free air space and 1,9 m² of floor space for each person less than 10 years of age;
- j) any other activity, condition or thing declared to be a nuisance by the Minister in terms of the National Health Act, 2003.

5.2 Nuisance Prohibited

- a) No person shall by his default or sufferance cause or permit a nuisance to exist on any premises and every owner and every occupier of any nuisance shall at all times maintain such premises clean and free from any nuisance.
- b) No person shall conduct himself in such a manner as is liable to be injurious or dangerous to health or to create any state or condition of premises, which is injurious or dangerous to health.

5.3 Entry and inspection of nuisance

- a) An environmental health officer or other official of the Council duly authorized thereto may enter and inspect, or make enquiries on any premises with a view to ascertaining the existence or cause of any nuisance thereon or in connection therewith.
- b) The Council may do such work as may be necessary for ascertaining the existence or cause of such nuisance and remedying the same and may recover from the owner or occupier of the premises or from the author of the nuisance, the amount of such owner or occupier or author shall on demand, refund amount to the Council.

5.4 Procedure for abatement of nuisance.

- a) Whenever a nuisance exists or has existed and is liable to recur on any premises, the Council may serve a notice either upon the author of the nuisance or upon the owner or occupier of the premises on which the nuisance exists or has existed and is liable to recur, requiring him to remove or abate the nuisance and to do such work (with or without specifying the nature thereof) within a reasonable time to be specified in the notice, as is necessary for the removal or abatement and prevention of recurrence of the nuisance, as the case may be, provided that-
 - (i) where the nuisance arises from defect of a structural character or
 - (ii) where the premises are unoccupied, the notice shall be served on owner;
 - (iii) where the person causing the nuisance cannot be found and such nuisance does not exist by the act or default of sufferance of the occupier or owner of the premises, the Council may itself take such steps as may be necessary to abate or remove the nuisance or prevent the recurrence thereof.
- b) where any person upon whom such notice has been served fails to comply with the terms thereof, the Council may enter upon the premises to carry such work as may be necessary for the removal or abatement and the prevention of recurrence of the nuisance, as the case may be. The Council may recover the cost incurred by it in

carrying out such work from a person shall, on demand refund such amount to the Council.

- c) Where it appears that a nuisance existing within the municipality has been caused either wholly or in part by the act or default of some person outside the municipality, the provisions of this section shall mutatis mutandis apply to such person in respect of such act or default.

5.5 Pest control

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

5.6 Air pollution

- 1) An owner or occupier of premises creates a public health nuisance if-
 - a) any waste on the premises is burned outside except in an approved appliance;

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

5.7 Premises to be kept clean and free from unsightly accumulations

- 1) no person shall fail to keep any premises owned or occupied by him clean and free from filth, debris, rubbish, glass, paper, rags, tins, timber, old motor wrecks, old chassis of motor vehicles, old parts of motors, old motor tyres, weeds or undergrowth which is unsightly or is likely to become a nuisance or injurious to health or to cause an annoyance to the inhabitants of the neighbourhood.
- 2) If any owner or occupier fails to comply with the provisions of subsection (1), the Council may itself after 21 days, of issuing a written notice to such owner or occupier, clean such premises at the cost of the owner or occupier.

6. Duty to report public health hazards

- 1) The owner or occupier of premises who knows of a public health hazard on those premises, must within 24 hours of becoming aware of its existence –
 - (a) eliminate the public health hazard; or
 - (b) if the owner or occupier is unable to comply with paragraph (a), take reasonable steps to reduce the risk to public health and forthwith report the existence of the public health hazard to the Council in writing.

7 Prohibition on causing public health nuisances

- 1) No person may cause a public health nuisance anywhere in the municipal area.
- 2) Every owner or occupier of premises must ensure that a public health nuisance does not arise on those premises.

CHAPTER 3

POTENTIALLY HAZARDOUS USES OF PREMISES AND ENFORCEMENT

Part 1: Potentially hazardous uses

8. Duty to list potentially hazardous uses

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

9. Scheduled uses

- a) Any person who uses premises in a manner or for a purpose listed in Schedule 1 must comply with every provision specified in the Chapter of these By-Laws relating to that use, unless that person has been granted an exemption in terms of section 10 from complying with any such provision.
- b) Any person who uses premises in a manner or for a purpose that is listed in Part A of Schedule 1, must obtain a permit in terms of section 11 before commencing that use and must comply with the terms and conditions of that permit.

10. Exemption certificates

- a) Any person who wants to undertake a scheduled use on any premises but wishes to be exempted from complying with any requirement of these By-laws relating to the use concerned, may apply to the Council in accordance with section 13 for an exemption certificate.
- b) The Council may grant an exemption certificate, subject to such conditions as it may impose, if an environmental health officer is satisfied that –
 - the measures taken to avoid or reduce the risk to public health arising from the scheduled use are equivalent to or better than the measures required by the relevant requirement of these By-laws; and the scheduled use in respect of which the exemption is required, is not likely to cause a public health hazard or a public health nuisance.

11. Public health permits

- a) Any person who wants to undertake a scheduled use that is listed in Part A of Schedule 1, must apply to the Council in accordance with section 13 for a public health permit.
- b) The Council may issue a public health permit to the owner or occupier of any premises, if an environmental health officer is satisfied that the use for which the permit is required is not likely to cause a public health hazard or a public health nuisance.
- c) A public health permit –
 - must be issued subject to conditions aimed at reducing the risk to public health created by the scheduled use, to a level acceptable to the Council;
 - may exempt the permit holder from complying with any relevant provision of these By-laws, if the Council reasonably believes that the permit requires the permit holder to take measures to avoid or reduce the risk to public health arising from the activity that are equivalent to, or better than, the measures required by the relevant provision of these By-laws; and
 - may approve any measure or material in connection with the activity authorised by the permit that must be approved in terms of these By-laws.

12. Approval of measures, objects and materials

- a) The Council may approve any object or material used, or any measure taken, in specified circumstances as being adequate to eliminate the risk of any public health hazard or public health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Council.
- b) An object, material or measure referred to in paragraph (a) may be approved by the Council in –
 - a public health permit; or
 - guidelines prescribed by the Council in terms of paragraph (c).
- c) The Council may publish guidelines in the Provincial Gazette which describe –
 - appropriate measures that can be taken and objects and materials that can be used, to eliminate the risk of any public health hazard or public health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Council; and

- the circumstances in which taking these measures or using these objects or materials are acceptable to the Council.

13. Application procedure

- a) Any person who wants to obtain an exemption certificate or a permit must apply to the Council in writing in a form prescribed by the Council, prior to undertaking the scheduled use concerned.
- b) When the Council receives an application contemplated in paragraph (a), it must ensure that the relevant premises concerned are inspected by an environmental health officer as soon as reasonably possible.
- c) Before deciding whether or not to approve an application contemplated in paragraph (a), the Council –
 - must ensure that any persons in the vicinity of the premises whose health or well-being may be affected if the premises are used for the scheduled use concerned, have been consulted and had an opportunity to make representations; and
 - may require the applicant to provide any further information which the Council considers relevant to enable it to make an informed decision.
- d) In deciding whether or not to issue an exemption certificate or a permit, and what terms and conditions, if any, to include in it, the Council must apply the public health principles set out in section 3.

14. General terms applicable to certificates and permits

- a) An exemption certificate or a permit–
 - is not transferable from one person to another; and
 - applies only to the premises specified in that certificate or permit.
- b) Every exemption certificate or permit must–
 - specify the address and other relevant details regarding the location of the premises concerned;
 - describe the premises concerned;
 - describe the activity concerned;
 - specify terms and conditions imposed, if any; and
 - indicate when it expires.
- c) An applicant must pay a prescribed fee, if determined by the Council, in respect of an application for a permit or exemption certificate and such fee must accompany the application.

- d) The Council may refuse to consider an application until it has been provided with the information that it reasonably requires to make an informed decision and until the prescribed fee has been paid.

15. Suspension, cancellation and amendment of exemption certificates and permits

- a) An environmental health officer may by written notice to the holder of an exemption certificate or permit, suspend, amend or cancel that certificate or permit.
- b) An environmental health officer may suspend or cancel an exemption certificate or permit with immediate effect if –
- c) the environmental health officer reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health posed by a public health hazard or a public health nuisance; or
- d) the holder of such certificate or permit fails to comply with a compliance notice contemplated in section 32 of the Rationalisation of Local Government Affairs Act, in which is stated that such certificate or permit may be suspended or cancelled without further notice if the holder fails to comply with that notice.
- e) An environmental health officer may suspend or cancel an exemption certificate or permit after having given the holder thereof a reasonable opportunity of making representations as to why the permit or exemption certificate should not be suspended or cancelled if –
- the environmental health officer reasonably believes that it is desirable to do so to eliminate or reduce the risk to public health posed by a public health hazard or a public health nuisance; or
 - the holder of such certificate or permit contravenes or fails to comply with any relevant provision of these By-laws.
- f) An environmental health officer may amend an exemption certificate or permit by endorsing such certificate or permit or by written notice to the holder thereof, if the environmental health officer reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the exemption certificate or permit concerned was issued.

Part 2: Enforcement, remedial work and costs

16. Demolition orders

- 1) If the Council believes that a public health hazard would be eliminated or a public health nuisance would be significantly reduced by demolishing a building or other structure, it may, subject to the provisions of any other law, apply to any court having jurisdiction for an order directing any person to demolish the building or structure or authorising the Council to do so and to recover the costs of doing so from the owner or the occupier of the premises concerned, or from both.

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- 2) The Council may not apply to court in terms of subsection (16.1) unless it has given the owner and the occupier of the premises not less than 14 days' notice in writing of its intention to make the application and has considered any representations made within that period.

17. Municipal remedial work

- 1) The Council may, subject to the provisions of any other law, enter any premises and do anything on the premises that it reasonably considers necessary –
 - to ensure compliance with these By-laws or with any compliance notice issued in terms of section 32 of the Rationalisation of Local Government Affairs Act;
 - to reduce, remove or minimise any significant public health hazard; or
 - to reduce, remove or minimise any public health nuisance.

18. Cost orders

- 1) The Council may recover any costs reasonably incurred by it in taking measures contemplated in section 16 from any person who was under a legal obligation to take those measures, including –
 - a person on whom a compliance notice referred to in section 17(a) that required those steps to be taken, was served;
 - the owner or occupier of the premises concerned; or
 - any person responsible for creating a public health hazard or a public health nuisance.
- 2) The municipal manager or his designate may issue a cost order requiring a person who is liable to pay costs incurred by the Council in terms of subsection 18.1, to pay those costs by a date specified in the order and such order constitutes prima facie evidence of the amount due.

CHAPTER 4:

IMPOUNDING OF DOGS

1. Impounding of dogs

- (1) Any authorized officer may seize and impound any dog -
 - (a) which he reasonably believes to be ownerless.
- (2) Any person may seize and impound any dog found trespassing on property of which he is the owner or occupier and -

- (a) which he reasonably believes to be ownerless.
- (3) Any person who has seized a dog in terms of this section shall ensure that such dog is not ill-treated in any manner.
- (4) Any person who has seized a dog in terms of this section shall forthwith cause such dog to be impounded.
- (5) No person shall set free any dog that has been seized, is being kept in custody or has been impounded in terms of this section.
- (6) Subject to any provisions to the contrary in these By-Laws contained, any dog impounded shall be kept in terms of this section.
- (7) Where the name and address of a person appears on the collar of any dog impounded, the poundmaster shall forthwith give notice to such person that dog has been impounded. A written notice addressed to the address appearing on the collar shall be deemed to be sufficient notice.

2. Unclaimed dogs may be sold or destroyed

- (1) Where an impounded dog is not claimed by any person entitled thereto within 5 (Five) days after it was impounded, an authorized officer may cause the dog to be sold or destroyed.
- (2) If the poundmaster is of the opinion that an impounded dog is ill, or seriously injured or in such a physical condition that it would be inhuman to keep it alive, he may, in consultation with the SPCA, have it destroyed.

3. Dog's collar not to be unlawfully used or removed

- (1) The owner of every dog aged 6 (Six) months or older, shall provide it with a collar bearing a clear impression of the name and address of such owner, where such dog is allowed public access;
- (2) No person shall unlawfully use or destroy the collar of a dog or remove it from the neck of the dog.

4. Certain dogs not to be allowed in public places

- (1) Subject to the provisions to the contrary in these By-Laws or any other law, no person shall bring or allow in a public place any dog that -
 - (a) is wild, dangerous or ferocious; or
 - (b) is in the habit of charging or chasing people, vehicles, animals, fowls, or birds outside the premises where such dog is kept; or

- (c) cause damage to any person or property; or
- (d) is a bitch on heat.

- (2) Any authorized officer may impound a dog such as described in subsections 1 (a) to (d).

5. Dogs not to be incited

- (1) No person shall, without reasonable cause -
 - (a) set any dog on any person, animal or bird; or
 - (b) permit any dog under his supervision or in his custody to attack or terrify any person, animal, or bird.

6. Dog causing disturbance

- (1) No person shall, without reasonable cause -
 - (a) create a disturbance or a nuisance; or
 - (b) suffers from a contagious disease, excluding a veterinary surgeon who keeps such dog in a clinic for treatment.

7. Destruction of dogs

- (1) The Council may, subject to the provisions of section 10, order the destruction of a dog -
 - (a) where it appears that such dog is of the type described in section 5(1)(a), (b) and (c) and that the person claiming such dog is not entitled to its return in terms of section 2(6); or
 - (b) where such dog is found at large in any public place and appears to be ownerless; or
 - (c) where such dog is found at large at large in a public place and the owner refuses or fails to pay any fee due in terms of the By-Laws in respect of such dog; or
 - (d) where such dog is in such a state of injury that it would, in the opinion of the Council, be humane to do so.

8. Control of dogs in public places

- (1) No person shall allow any dog in a public place unless the owner or another person keeps such dog on a leash.

2. An authorized officer may impound any dog found wandering at large and uncontrolled in a public place.
3. Except in the event of a blind person being led by a guide dog, any person in charge of a dog in a public place, shall remove any faces left by such dog.

9. Entering upon premises

- (1) An authorized officer may for any purposes connected with the application of these By-Laws -
 - (a) at any reasonable time and without notice, enter upon any premises, accompanied, if he deems necessary, by an interpreter or other assistant with a view to -
 - (I) carry out any examination, inspection, or enquiry as he may deem necessary; or
 - (II) exercising any other power in terms of these By-Laws and he may for that purpose take any necessary appliance with him onto the premises;
 - (b) call upon the owner of a dog to render such assistance or furnish such information, including his full name and address, as such officer may reasonably require.

10. Kennels

Subject to the provisions of any other law, no person may establish, manage or keep any kennels or a pets' boarding establishment in any residential area or in any area that has been classified in terms of an approved town planning scheme for residential usage, or within 500 metres thereof.

11. Establishment and lease of a dog pound

- (1) The Council may, for the purpose of the By-Laws, establish a dog pound and lease such pound to any person or body.
- (2) If a pound is leased to any person or body -
 - (a) the powers and duties set forth in section 2,3 and 8 shall be deemed to have been delegated to such person or body or to any authorized official in the employ of such person or body, as the case may be, and the provisions of the said sections shall mutatis mutandis apply;

- (b) such body or person shall accept in the pound any dog seized in terms of section 2 or 9 for the purpose of impounding it and shall thereafter dispose thereof in accordance with these By-Laws;
- (c) such person or body shall be entitled to any fees payable in terms of these By-Laws for an impounded dog and to any amount derived from the sale of an impounded dog in terms of section 3.

12. Duties of a Pound Master

(1) The Poundmaster shall -

- 1.1 keep the pound open between 08h:00 and 17h : 00 every day of the week;
- 1.2 receive any dog brought to the pound in terms of these By-Laws during the hours when the pound is open and shall, subject to the provisions of these By-Laws, keep such dog in the pound : provided that the Poundmaster may refuse to receive a dog, and may release any dog if he at any time has reason to believe that such dog was not lawfully seized or impounded;
- 1.3 Keep a register in which the following particulars in respect of every impounded dogs are recorded :
 - (i) the name, residential address, and telephone number of the person who impounded the dog;
 - (ii) the time at which and the date on which the dog was impounded;
 - (iii) The place where the dog was seized or found;
 - (iv) The date on which and the time at which the dog was seized or found.
 - (v) The reason for impounding the dog;
 - (vi) The age, breed, sex, colour markings and any injury found on the dog when the pondmaster received it;
 - (vii) The manner in which the dog was disposed of;
 - (viii) The cost of any veterinary services incurred in respect of such dog
- 1.4 ensure that all utensils used in connection with impounded dogs are at all times kept in a clean condition and in a good state of repair;
- 1.5 Ensure that the pound is at all times free from flies, insects, rodents and odious smells
- 1.6 ensure that every dog in the pound is properly fed and cared for;

- 1.7 isolates bitches on heat;
- 1.8 Takes all reasonable steps to prevent fighting among dogs in the dog; and
- 1.9 isolates any diseased dog, have such dog treated by a veterinary surgeon and take all possible steps to recover the costs incurred in this respect from the owner.

14. PENALTIES

Any person contravening any of the provisions of these By-Laws shall be guilty of an offence and liable, on conviction, to a fine not exceeding R 500, 00 (Five Hundred Rands) or in default of payment, to imprisonment for a period not exceeding 3 (Three) months, or to both such fine and imprisonment

15. APPLICATION

The Council may by notice in the Provincial Gazette determine that the provision of these By-Laws do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

CHAPTER 5 PRIVATE SEWAGE WORKS

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

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

31. Permit for installation of sewage works

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

32. Maintenance of sewage works

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

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

No person may dispose of sewage or waste water from any bath, wash-hand basin, toilet, shower or kitchen sink in a way or in a location that may -

- cause dampness in or on any premises;

- endanger the quality of any water supply, surface water, stream or river; or
- create a public health nuisance and/or hazard.

34. Compulsory use of Council's sewage removal service

Every occupier of premises must use the sewage removal service prescribed by the Council for those premises.

CHAPTER 6 WATER

35. Definitions

In this Chapter, unless the context otherwise indicates -

"Domestic consumption" in relation to water, means the use of water for –

- a) human consumption;
- b) preparing or manufacturing food or drink for human consumption;
- c) cleaning vessels or utensils used in the preparation or manufacture of food or drink for human consumption; or
- d) any other domestic purpose.

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

36. Pollution of sources of water supply

No person may pollute or contaminate any catchment area, river, canal, well, reservoir, filter bed, water purification or pumping works, tank, cistern or other source of water supply or storage in a way that creates a public health nuisance or a public health hazard.

37. Dangerous wells, boreholes and excavations

Every owner or occupier of premises must ensure that any well, borehole or other excavation located on his or her premises –

- a) is fenced, filled in or covered over in a way that adequately safeguards it from creating a public health nuisance or public health hazard; and
- b) is not filled in a way, or with material, that may cause any adjacent well, borehole or underground water source to be polluted or contaminated to an extent that may create a public health nuisance or a public health hazard.

38. Provision of adequate water supply

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

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

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

40. Furnishing of particulars of the source of water

- 1) Any owner or occupier of premises on which a well, borehole, spring, dam, river or other water source is located, the water of which is used for domestic consumption, must within 14 days of receiving a notice from the Council calling on him or her to do so, provide the Council with all particulars of the water source reasonably available to the owner or occupier.
- 2) An owner or occupier of premises contemplated in subsection (40.1), must, if requested to do so by the Council, and at his or her own cost, furnish to the Council a certificate of analysis and bacteriological investigation issued by an analyst, as defined in the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), in respect of any water supply on that premises used for domestic consumption.
- 3) If water from a borehole is used for domestic consumption, a certificate of analysis as contemplated in subsection (40.2), must be submitted to Council annually or at any time on request of an environmental health officer.

41. Notice of the sinking or digging of boreholes or wells

- a) No person may sink or dig, or cause or permit to be sunk or dug, a well or borehole, to obtain water, unless –
 - it is done so in accordance with any relevant law; and
 - he or she has given the Council at least 14 days' written notice of his or her intention to do so.
- b) The notice referred to in subsection (41)(a), must state the proposed location and the purpose for which the water is to be used.

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

- a) Every owner or occupier of premises must erect adequately designed, constructed and maintained hydraulic and hydrological structures on those premises –
 - to divert the maximum storm water runoff, which could be expected within a period of 24 hours with an average frequency of recurrence of once in 100 years, from any part of the premises on which any waste,

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likely to create a public health nuisance, is or was handled, produced, stored, dumped or spilled;

- to collect all polluted runoff water from any part of the premises on which waste, likely to create a public health nuisance is or was handled, produced, stored, dumped or spilled, for reuse, treatment or purification;
 - to separate all effluent from storm water systems;
 - to prevent the erosion or leaching of material from any slimes dam, ash dam and any dump or stock-pile on the premises, and to contain any eroded or leached material in the area where it originated;
 - to prevent any waste or waste water from entering any borehole, well, spring, vlei or water course; and
 - to prevent any adverse impact on the quality of surface and ground water occurring, due to the location of any dump, stock-pile, dam, drain, canal, conduit, sewer or any other structure on the premises.
- b) An owner or occupier of premises –
- must keep all water passages open and free of obstruction from matter which may impede the flow of water or effluent;
 - may not locate any dump within the one hundred year flood line of any water resource;
 - may not use coal, coal discard, carbonaceous material or any other material for the construction of any slurry, evaporation or catchment dam, or any embankment, road or railway in a way likely to create a public health nuisance;
 - must construct bund walls around any tank, or group of tanks, containing any substance that can create a public health nuisance, of a size that is capable of containing the volume of the largest tank in the event of any unlawful or accidental discharge from the tank or group of tanks; and
 - must clean any industrial surface area so as to prevent the pollution of storm water which may result in an adverse impact on the quality of any surface or ground water.

43. Containment of waste water

Any dam, conduit or channel used for the containment of waste water must have a free board of at least 0.5 metres above the highest level of precipitation which could be expected within a period of 24 hours with an average frequency of recurrence of once in 100 years.

CHAPTER 7 OFFENSIVE TRADES

44. Definitions

In this Chapter, unless the context otherwise indicates -

“Effluent” means any waste water which may be generated as a result of undertaking any scheduled use or an activity which is likely to cause a public health nuisance;

“Offensive trade” means any business listed below or business which involves an activity listed below:

- a) panel beating or spray painting;
- b) operating a waste recycling plant including oil and petroleum product recycling;
- c) scrap yard or scrap metal dealing;
- d) blood boiling, bone boiling, tallow melting, fat melting or fat extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, hide boiling, skin curing, blood drying, gut scraping, leather dressing, tanning or glue or size making;
- e) charcoal burning, brick burning, lime burning;
- f) manure making or storing or compost making;
- g) parchment making;
- h) manufacturing malt or yeast;
- i) cement works, coke-ovens or salt glazing works;
- j) sintering of sulphurous materials;
- k) viscose works;
- l) ore or mineral smelting, calcining, puddling or rolling of iron or other metal, conversion of pig iron into cast iron, reheating, tempering, hardening, forging, conversion or compounding of carbon with iron or other metals;
- m) works for the production of carbon bisulphide, cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, pyridine, liquid or gaseous sulphur dioxide or sulphur chlorides;
- n) works for the production of amyl acetate, aromatic ethers, butyric acid, caramel, enamelled wire, glass, hexamine, lampblack, B-naphthol, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride or zinc oxide;
- o) or the refining or processing of petrol, oil or their products;

“offensive trader” means any person who owns, conducts or carries on an offensive trade.

45. Permit requirement

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

46. Requirements for premises

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

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

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

47. Duties of offensive traders

Every offensive trader must -

- a) maintain the premises in a clean, hygienic and good condition at all times;
- b) maintain all walls and floors of the premises in a manner and condition that prevents the absorption of any waste or waste water;
- c) maintain all machinery, plant, apparatus, furniture, fittings, tools, implements, vessels, containers, receptacles and vehicles in a clean, hygienic and good condition at all times;
- d) prevent any waste accumulating on the premises; and
- e) prevent the emission of noxious, injurious or offensive gases, fumes, vapours or dust generated during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of any material on the premises.

48. Liquid refuse from bone and tripe boiling

- 1) Every bone boiler and every tripe boiler must adequately cool all waste water before it is discharged into any sewer or other receptacle.
- 2) The cooling process referred to in subsection (48.1), must take place in a manner that prevents the generation of any noxious and injurious effluent.

49. Liquids, tanks and tubs in leather making

Every fell-monger, leather dresser or tanner must –

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

50. Storage of rags, bones and waste

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

- inhabited by people; or
- not adequately ventilated.

CHAPTER 8 HAIRDRESSING, BEAUTY AND COSMETOLOGY SERVICES

51. Definitions

In this Chapter, unless the context otherwise indicates -

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

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

- a) Manicure, pedicure, nail technology, or the application of artificial nails or nail extensions, whatever the substance used;
- b) eyebrow shaping and plucking including the application of false or artificial eyebrows or eyelashes and tinting of eyelashes;
- c) cosmetic and camouflage makeup of the face and its features, whether by permanent, semi permanent or temporary means;
- d) facial skin care;
- e) removal of unwanted or superfluous hair from any part of the body by any means, other than shaving, including by means of waxing, chemical depilatories, electrical or mechanical means, whether or not any apparatus, appliance, heat, preparation or substance is used in any of these operations;
- f) body piercing and tattooing for cosmetic purposes;
- g) massaging;
- h) body bronzing by means of ultraviolet radiation or any similar method; or
- i) body contouring including all forms of slimming;

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

Shampooing and cleansing, conditioning and treating hair; chemical reformation of the hair including permanent waving, relaxing and straightening of the hair; hair colouring, including tinting, dyeing and colouring by means of permanent, semi-permanent or temporary means, including the use of colour rinses, shampoos, gels or mousses and lightening by means of tints, bleaches, highlights or high lifting tints or toners; hair cutting and shaping; barbering services including shaving and singeing of hair; or the adding to hair of natural and artificial hair and hair extensions, board work, pastiche, wig-making or the performing of any operation specified in paragraphs (a) to (e) on a wig or hairpiece to be worn by any person; or trichology and trichological treatment of the hair including the treatment of abnormalities and disorders of the hair;

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

- Hairdressing service;
- cosmetology or beauty service;
- body piercing and tattooing; or
- massaging service;

“Salon service” means any one or more or a combination of the practices or services generally and usually performed by a person rendering service in the

hairdressing, cosmetology or beauty service industry including any massage, body piercing and tattooing service.

52. Permit requirement

No person may operate a salon except in terms of a permit authorising that activity.

53. Requirements for premises

No person may operate a salon on any premises which do not comply with the following requirements:

- a) Adequate lighting and ventilation, as prescribed in the National Building Regulations and Buildings Standards Act, must be provided;
- b) all shelves, fixtures and table tops on which instruments are placed must be constructed of an approved material that is durable, non-absorbent, and easy to clean;
- c) water and toilet facilities must be provided as prescribed in the National Building Regulations and Building Standards Act;
- d) adequate facilities, with a supply of running potable water, must be available for the washing of hair and hands;
- e) an approved system for the disposal of waste water must be provided;
- f) adequate storage facilities must be provided;
- g) the walls and floors must be constructed of a material that is easy to clean and which prevents cut hair from being dispersed; and
- h) the premises may not be used for the storage and preparation of food or for sleeping unless any area for that purpose is clearly separated by an impervious wall.
- i) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing
 - an adequate metal locker for every employee;
 - a wash-hand basin provided with a supply of running hot and cold potable water; and
 - an adequate supply of soap and disposable towels at every wash-hand basin;
- j) if no change-room has been provided in terms of paragraph (i) –
 - (i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
 - (ii) an adequate metal locker must be provided for every employee in the work area.
- k) No person shall carry out any hair dressing activities on an open space.

54. Duties of salon operators

Any person operating a salon must –

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- a) maintain the premises, tools, equipment and clothing in a hygienic and good condition at all times;
- b) equip the premises with an adequate means to disinfect and sterilise instruments and equipment that may come into direct contact with any customer's hair or skin;
- c) provide employees on the premises with approved protective clothing and equipment;
- d) collect all hair clippings and other waste in an approved container after every service;
- e) store or dispose of waste in an approved manner;
- f) adequately train any person working on the premises;
- g) not permit any animal on the premises unless it is a guide dog accompanying a blind person; and
- h) ensure that every person working in the salon complies with the requirements of this section and sections 55 and 56.

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

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

- a) Adequately disinfect the following instruments after each use:
 - Razors;
 - blades;
 - nail files;
 - scissors;
 - clippers;
 - hairbrushes;
 - combs;
 - bristle brushes;
 - metal clips; and
 - rollers;
- b) adequately sterilise the following instruments after each use:
 - any instrument used for body piercing or tattooing;
 - any instrument which has come in contact with blood or any other body fluid;
- c) wash and clean all plastic and cloth towels after each use;
- d) dispose of all disposable gloves or other disposable material after each use;
- e) wash all aprons and caps daily;
- f) wash his or her hands with soap and water or disinfectant before and after rendering each service to a client;
- g) wear disposable gloves when providing one of the following salon services:
 - any chemical service;
 - any hair implant;
 - body piercing; and
 - tattooing;

- h) wash all walls, floors, chairs and other surfaces in the premises at least once a day with a disinfectant or household detergent;
- i) dispose of all waste water, sharp instruments, bloodied and otherwise contaminated towels and towelling paper in an approved manner;
- j) store razors, blades, needles and other sharp instruments separately in a "sharp instrument" box;
- k) adequately treat any injury or wound which may occur on the premises;
- l) clean and disinfect all surfaces that have been contaminated by blood after each service; and
- m) keep an approved first aid kit on the premises at all times.

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

- a) Any person operating a salon must ensure that the premises are used exclusively for that purpose.
- b) Any person who wants to prepare any beverage for customers on the premises of a salon, must provide a separate area, equipped with a facility for cleaning crockery and utensils, for that purpose.

CHAPTER 9 DRY-CLEANING AND LAUNDRY ESTABLISHMENTS

57. Definitions

In this Chapter, unless the context otherwise indicates –

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

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

5+8. Premises for dry-cleaning or laundry businesses

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

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

- (iii) hanging rails and shelves constructed of an impervious material in the area for marking clean articles;
- c) a separate room or area with separate designated counters, with impervious surfaces, must be provided for the receipt and dispatch of articles;
- d) a store-room or facility for the storage of packing material and other articles must be provided and equipped with adequate packing shelves of which the lowest shelf must be at least 250 mm above floor level;
- e) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing -
 - (i) an adequate metal locker for every employee;
 - (ii) a wash-hand basin provided with a supply of running hot and cold potable water; and
 - (iii) an adequate supply of soap and disposable towels at every wash-hand basin;
- f) if no change-room has been provided in terms of paragraph (e) –
 - (i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
 - (ii) an adequate metal locker must be provided for every employee in the work area;
- g) a tea kitchen with a single-basin stainless steel sink, with a supply of running hot and cold potable water, must be provided;
- h) separate toilets for males and females must be provided which comply with the provisions of the National Building Regulations and Building Standards Act;
- i) every toilet and change-room must be clearly gender designated;
- j) all internal walls must be constructed of an impervious material, brought to a smooth finish and painted with a light-coloured washable paint;
- k) all ceilings must be dust-proof, smoothly finished, and painted with a light-coloured washable paint;
- l) all floor surfaces must be constructed of cement or some other adequate impervious material, brought to a smooth finish and properly drained;
- m) the minimum height from floor to ceiling of any room or area must be 2,4 metres;
- n) adequate lighting and ventilation, as prescribed by the National Building Regulations and Building Standards Act must be provided;
- o) all machinery and equipment must be equipped with adequate suction fans to remove any noxious gas, steam and hot air from any room and to release it in the open air in an adequate manner;
- p) all machinery and equipment must be placed so that there is free access to all areas around and underneath each machine or item of equipment, to enable those areas to be adequately cleansed; and
- q) a separate pre-rinsing area must be provided on any premises where nappies are laundered.

59. Premises for dry-cleaning or laundry receiving depots

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

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

60. Premises for coin-operated laundries

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

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

61. General requirements for dry-cleaning and laundry businesses

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

- a) keep the premises, all fittings, equipment, appliances, machinery, containers and business vehicles in a clean, hygienic and good condition at all times;

- b) separate dirty articles from clean articles at all times, including when in transit;
- c) use a change-room solely for changing;
- d) ensure that every person who handles clean or dirty articles wears adequate protective clothing at all times;
- e) keep protective clothing in a clean and sound condition at all times;
- f) store protective clothing in a locker when it is not being worn;
- g) affix the name and business address, in clear lettering, to the outside of any business vehicle;
- h) ensure that the premises are not directly connected to any food premises, new clothing shop, hairdresser or any other area from which contamination might occur;
 - i) comply with the requirements of the following legislation at all times:
 - (i) the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993); and
 - (ii) the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965);
- j) place all piping in the building, not chased into the walls, at least 100 mm away from all walls or floors and comply with the provisions of the National Building Regulations and Building Standards Act;
- k) insulate all steam piping with an adequate material; and
- l) dispose of all waste water in an approved manner.

CHAPTER 10 SWIMMING POOLS AND SPA-BATHS

62. Definitions

In this Chapter, unless the context otherwise indicates –

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

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

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

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

63. Requirements for premises

No person may operate a swimming pool or spa bath in or on any premises which do not comply with the following requirements:

- a) readily accessible change-rooms, showers and toilet facilities must be provided separate for each sex in compliance with the National Building Regulations and Building Standards Act;
- b) every swimming-pool must be surrounded by a wall or fence as prescribed by the National Building Regulations and Building Standards Act;
- c) the surface of the floor area surrounding any spa-bath or swimming-pool must be constructed of an impervious, non-slip material;
- d) an approved chemical gas mask must be provided at the chlorinator installation;
- e) if so instructed in writing by an environmental health officer, an oxygen or air breathing apparatus must be provided; and
- f) an adequate number of refuse receptacles must be provided on the premises.

64. Duties of spa-bath keepers

Every spa-bath keeper must –

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

65. Duties of swimming pool keepers

Every swimming pool keeper must –

- a) keep the premises in a safe, clean and sanitary condition at all times;
- b) provide a properly maintained approved first-aid box in a prominent, easily accessible and protected position;
- c) be qualified and proficient in life saving, rendering first aid, use of a resuscitation appliance, the operation of the swimming pool and testing and maintaining the safety of the swimming pool water;
- d) ensure that the swimming pool water is purified, treated and maintained to an adequate quality at all times;
- e) provide and maintain, in proper working order, equipment for testing the quality of the swimming pool water;
- f) be capable of undertaking routine tests on the water quality in the swimming pool and interpreting the tests results; and
- g) maintain a daily record of the swimming pool water quality.

66. Water supply

- 1) Unless the prior written approval of an environmental health officer has been obtained, no person operating a spa-bath or swimming pool may use water from a source other than a municipal supply to clean, fill or maintain the water level in a swimming pool or spa-bath.
- 2) An environmental health officer must –
 - a) take samples of a swimming pool or spa-bath water, at intervals which he or she considers appropriate for the purpose of a chemical analysis or bacteriological examination of that water;
 - b) submit the samples to an analyst authorised in terms of section 12 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 to conduct an analysis.

67. Safety of water

Every spa-bath keeper and swimming pool keeper must ensure that the water in the spa-bath or swimming pool complies with the following requirements:

- a) it must be free from floating, suspended or settled debris or swimming organisms and the walls, floor, access ladders or steps and gutters must be free from slime and algae;
- b) the pH value of the water must be not less than 7 and not greater than 8;
- c) where chlorine based disinfectants are used, a minimum free available chlorine residual of 0,5 mg/l, with a maximum free available chlorine residual of 3 mg/l, must be maintained;
- d) if a disinfectant other than chlorine is used, the residual level must be equivalent in effect to the requirements of paragraph (c);
- e) the total viable bacteriological count of any sample submitted for analysis, must not exceed 100 organisms per ml of water; and
- f) *Escherichia coli* type 1 bacteria must not be present in any 100 ml of water.

68. Order and behaviour

No person may –

- a) interfere with a spa-bath keeper or swimming pool keeper in the execution of his or her duties;
- b) allow any dog or other pet belonging to him or her or under his or her care to enter or to remain within the premises of a spa-bath or swimming pool, unless it is a guide dog accompanying a blind person;
- c) enter or remain in any premises of a spa-bath or swimming pool if he or she knows or suspects that he or she may be suffering from any communicable or contagious disease; and
- d) urinate, defecate, spit or blow his or her nose in a spa-bath or swimming pool.

CHAPTER 11 NURSING HOMES

69. Definitions

In this Chapter, unless the context otherwise indicates –

“General practice” when used to describe the purpose for which a nursing home is used, means all medical, gynaecological and surgical cases, excluding maternity cases;

“Maternity home” means any nursing home, or part thereof, dealing exclusively with maternity cases;

“Nursing home” means any premises where the nursing or care of patients is carried on for gain, but does not include –

- a) any institution owned or controlled by the Government of the Republic of South Africa or a Provincial Administration; or
- b) any consulting room, dental surgery or home for aged persons.

70. Use of premises

- 1) Any person who operates a nursing home may use it for the purpose of either a maternity home or for general practice, but not for both those functions, unless –
 - a) the nursing home carried on business prior to the promulgation of these By-laws; or
 - b) the nursing home –
 - (i) complies with the requirements of subsection (2);
 - (ii) is in possession of a permit authorising that activity; and
 - (iii) complies with the requirements of any relevant Town Planning Scheme.
- 2) Any person who operates a nursing home may use the premises concerned as a maternity home and for general practice, subject to compliance with the following requirements:
 - a) One part of the premises must be set aside exclusively as a maternity area for maternity cases and another part must be set aside exclusively as a general practice area for general practice;
 - b) No room, passage, stairway, hall, corridor, lift, external entrance or exit or other portion of the premises may be used in common for any purpose whatsoever, except those that are used for the purpose of –
 - laundries;
 - central sterilising unit, including ancillary units and stores;
 - pathological laboratories;
 - kitchens, sculleries, washing-up facilities, larders and any associated

- storage space;
 - storage space for unused or adequately sterilised stores;
 - an administrative office other than an office used to admit and discharge
 - patients;
 - central pharmaceutical units;
 - mortuaries; and
 - workshops;
- c) access to any common area may not be gained from the maternity area by going through the general practice area, and vice versa;
 - d) any common area leading from the two exclusive areas must be adequately ventilated;
 - e) there may not be any direct means of access between the two exclusive areas;
 - f) there may not be any opening, aperture or gap in any common wall dividing the two exclusive areas which could allow air to pass from one area to the other;
 - g) every floor of one exclusive area, which is located immediately above the other exclusive area, must be made of reinforced concrete or other impervious material;
 - h) no member of the nursing or ward domestic staff who has performed duties in one exclusive area may, within 24 hours thereafter, perform duties in or enter the other exclusive area in an official capacity or in uniform;
 - i) the uniforms and protective clothing worn by persons employed in the common area and the two exclusive areas, must be clearly distinguishable from one another;
 - j) no furniture, equipment, utensils, apparatus, linen, blankets or any other articles located in a common area, may be taken to any exclusive area until they have been adequately sterilised;
 - k) all furniture, equipment, utensils, apparatus and other articles, excluding linen, blankets, kitchen utensils, catering equipment, crockery, medical, surgical instruments and other incidental items, used in or intended for use in the two exclusive areas, must be clearly marked to indicate in which of the those areas they are used or originated;
 - l) no article identified for use in the one exclusive area may be taken into or kept in the other exclusive area unless a certificate is obtained from an environmental health officer that the article has been adequately sterilised;
 - m) all articles issued from the common area for use in the two exclusive areas, must be returned to the common area;
 - n) no article issued for use in one exclusive area may be used in the other exclusive area until it has been returned to the common area for adequate sterilisation;
 - o) no patient from the maternity area may be accommodated, nursed or cared for in the general practice area, and vice versa; and
 - p) no person shall bring any animal, poultry or bird onto the premises.

71. General requirements

No person may operate a nursing home which does not comply with the following requirements:

- a) Separate residential accommodation must be provided for staff required to reside on the premises;
- b) separate bathrooms and toilets must be provided in accordance with section 85(b) and (c), for each of the following classes of person:
 - (i) Patients;
 - (ii) Nursing staff; and
 - (iii) Domestic staff;
- c) the bathrooms and toilets must be designated for each sex and must be laid out in a manner that satisfies an environmental health officer;
- d) an adequate supply of running hot and cold potable water, drawn from the Council's main supply, must be provided;
- e) a water-borne sewerage system connected to the Council's sewer, a septic tank or other disposal system approved by the city engineer of the Council and an environmental health officer in writing, must be provided;
- f) adequate accommodation for the administrative purposes of the nursing home must be provided;
- g) adequate storage accommodation for articles that are reasonably necessary to store on the premises, must be provided;
- h) an adequate kitchen and scullery, having regard to the size and layout of the nursing home, must be provided;
- i) adequate accommodation and facilities for the storage and refrigeration of food must be provided;
- j) a separate linen room, containing adequate cupboards or shelves for the storage of clean linen, must be provided;
- k) an incinerator, adequate for the complete incineration of any combustible article placed in it, must be provided;
- l) any laundry located on the premises, must comply with the provisions of these By-laws;
- m) no autopsy may be performed on the premises, other than in a room which is used solely for the reception of dead bodies and is constructed as follows:
 - (i) The room must be divided from any other room by a solid wall;
 - (ii) the floor and walls must be constructed of an impervious material brought to a smooth finish;
 - (iii) all tables in the room must have impervious tops;
 - (iv) a sink, supplied with hot and cold running potable water, must be provided; and
 - (v) an adequate drainage system must be provided;
- n) adequate facilities must be provided for the hygienic handling and disposal of flowers, vases and other related materials;
- o) fire prevention equipment, which in the opinion of the chief fire officer of the Council is adequate, must be provided and maintained on the premises;

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- p) a fire escape, the stairs of which are a minimum of 1 metre wide with landings at each turning point measuring a minimum of 2.2 metres by 1.7 metres, must be affixed to the premises;
- q) the premises must provide adequate accommodation for the storage of any spare equipment, including particularly heavy equipment and gas cylinders, in a manner that will not obstruct any passages or exits to the premises; and
- r) an emergency stand-by electrical plant must be provided which is adequate to provide an immediate alternative supply of electricity to –
 - (i) each operating theatre throughout the period of any power failure; and
 - (ii) any part of the nursing home to ensure the continued operation, throughout the period of the failure, of all electrically operated appliances and equipment which, in the opinion of an environmental health officer, are or may be life saving.

72. Floor requirements

No person may operate a nursing home, unless the following are provided on each floor:

- a) A duty-room equipped in accordance with section 83;
- b) adequate sluicing facilities, taking into account the number of beds on the floor;
- c) a dressing room fitted with adequate sterilising equipment, containing impervious shelves for the storage of sterile drums and other equipment, and used exclusively for –
 - (i) the sterilisation or preparation of instruments, dressings and other equipment; and
 - (ii) the treatment of patients;
- d) a ward kitchen equipped with a sink with hot and cold running potable water, a refrigerator, a stove and cupboards for crockery and cutlery: Provided that a floor does not require a separate ward kitchen if all the needs of that floor are adequately catered for by the premises' main kitchen;
- e) an adequate room or cupboard for the storage of clean linen;
- f) a portable receptacle for the collection of soiled linen;
- g) a room reserved exclusively for sorting and handling linen: Provided that such separate linen rooms are not required, if the entire premises are adequately served by one such room;
- h) a room for the storage of any spare equipment including heavy equipment and gas cylinders; and
- i) where accommodation is provided for children under the age of six years, a separate milk room for the storage and preparation of milk and other children's foods, unless a ward kitchen adequately fulfils this purpose.

73. Maintenance and construction

No person may operate a nursing home in or on premises which do not comply with the following requirements:

- a) The premises must be kept in good and hygienic condition at all times;
- b) all walls must be constructed of brick, stone, concrete or other impervious material;
- c) except where glazed or glass bricks, glazed tiles or other similar material with a hard and smooth surface have been used, the internal walls of operating theatres, sterilizing rooms, wards, labour wards, scrubbing-up rooms, dressing-rooms, duty-rooms, kitchens, sculleries, pantries, food store-rooms, milk rooms, bathrooms, toilets, sluice-rooms, wash-houses and mortuaries must be –
 - (i) plastered and brought to a smooth finish; and
 - (ii) covered with a light-coloured washable paint, adequate plastic finish or other approved material;
- d) the angles formed between each floor and wall, and between two walls, in operating units, wards, labour wards, sluice-rooms, milk rooms, bathrooms, toilets and kitchens, must be rounded;
- e) the floors of wards must be constructed of concrete, hardwood or other durable material, brought to a smooth finish and maintained in this way at all times;
- f) the floors of operating theatres, sterilizing rooms, wards, including labour wards, scrubbing-up rooms, dressing-rooms, duty-rooms, kitchens, sculleries, pantries, food store-rooms, milk rooms, bathrooms, toilets, sluice-rooms, wash-houses and mortuaries must be made of cement concrete or other impervious material brought to a smooth finish and maintained in this way at all times;
- g) all ceilings must be constructed so as not to attract dust; and
- h) the ceilings of operating theatres, labour wards, sterilizing rooms and scrubbing-up rooms must have a hard, smooth and washable surface.

74. Ventilation

No person may operate a nursing home which does not comply with the provisions of the National Building Regulations and Building Standards Act with regard to adequate light and ventilation.

75. Ward requirements

No person may operate a nursing home which does not comply with the following requirements in respect of each ward:

- a) All ceilings must have a minimum height of three metres, except in the case of existing nursing homes where the height may be a minimum of 2.6 metres as long as the floor area of the ward is sufficient to provide 22 m³ of air space for every bed;
- b) the size of the floor area must be such as to provide a minimum of 8, 5 m² of floor space for every bed;

- c) no bed may be placed –
 - (i) within 750mm of any wall on the side of a bed or wall fixture, other than a wash-hand basin or central-heating radiator; or
 - (ii) within one metre of any other bed;
- d) no space left between beds in terms of paragraph (c), may be obstructed in any manner;
- e) the following must be displayed on the outside of each ward door:
 - (i) The number of the ward; and
 - (ii) the number of patients that may be accommodated in the ward;
- f) an adequate number of easily accessible wash-hand basins, complying with the following requirements, must be placed inside each ward:
 - (i) The basins must be of adequate size for scrubbing up; and
 - (ii) the basins must be provided with an adequate supply of hot and cold running potable water;
- g) no room, any of the windows of which are situated less than 1.5 metres from an object which obstructs its light, may be used as a ward; and
- h) every ward must have a door opening directly onto a passage.

76. Maternity homes

Any person who operates a maternity home must, in addition to the requirements for nursing homes, comply with the following requirements:

- a) One or more rooms, as an environmental health officer may think fit to avoid overcrowding and congestion, must be set aside for each of the following purposes:
 - (i) a nursery;
 - (ii) a labour ward;
 - (iii) a delivery ward; and
 - (iv) a milk room;
- b) every delivery ward must have a scrubbing-up basin, with a supply of hot and cold running potable water, the taps of which are designed for operation by elbow or by foot;
- c) newborn infants must be kept in the nursery except when brought to their mothers for feeding or for some other specific purpose, except that the infants may be kept with their mother at all times if there are no more than two maternity cases in a ward;
- d) the floor area of any delivery ward in which a maximum of two maternity cases are accommodated, must provide a minimum of 10 m² for each bed and crib;
- e) one separate crib for each baby, each with a minimum of least 2 m² of floor space, must be provided in every nursery;
- f) the cribs must be situated as follows:
 - (i) A minimum of 750 mm from any other crib; or
 - (ii) a minimum of 300 mm from any wall on the side of the crib or wall fixture, excluding a wash-hand basin or a central-heating radiator;
- g) a baby's bathing and changing-room, fitted with adequate baby bathing equipment, must adjoin every nursery; and

- h) every milk room must be provided with –
 - (i) a sink made of porcelain, enamel or stainless steel and a wash-hand basin with hot and cold running potable water;
 - (ii) a refrigerator;
 - (iii) tables with impervious tops; and
 - (iv) adequate equipment for sterilising utensils used in the handling of milk.

77. Operating theatres

Any person who operates a nursing home which receives patients in need of surgical treatment must provide an operating theatre used exclusively for surgical operations, which complies with the following requirements:

- a) Every operating theatre must be provided with -
 - (i) a scrubbing-up room or bay, which must immediately adjoin the operating theatre;
 - (ii) a sterilising room;
 - (iii) a theatre sluice-room; and
 - (iv) a recovery room;
- b) the sterilising room, which adjoins an operating theatre, must be separated by a swing door or other approved type of door;
- c) the sluice-room, sterilising room and recovery room must be reasonably accessible from the operating theatre; and
- d) one sluice-room, sterilizing room and recovery room may be used to serve more than one operating theatre.

78. Ablution and sanitary requirements

Any person who operates a nursing home must ensure that the premises complies with the following requirements:

- a) All bathrooms must be fitted with porcelain enamel or cast-iron enamel baths with a supply of hot and cold running potable water;
- b) the following number of baths and toilets must be provided for patients:
 - (i) In a maternity home –
 - the ratio of toilets to patients must not be less than 1:8; and
 - the ratio of bathrooms to patients must not be less than 1:12;
 - (ii) in any other nursing home –
 - the ratio of toilets to patients must not be less than 1:12; and
 - the ratio of bathrooms to patients must not be less than 1:12;
- c) the following number of baths and toilets must be provided for nursing staff, domestic staff and other employees:
 - (i) the ratio of each of toilets and bathrooms to nursing and domestic staff must not be less than 1:12 respectively; and
 - (ii) the ratio of each of toilets and bathrooms or shower cubicles to other employees must not be less than 1:12 respectively;

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- d) in calculating the number of toilets in terms of paragraph (b), no account must be taken of any toilet contained in a bathroom; and
- e) every toilet must be equipped with an adequate flushing system maintained in proper working order.

79. Sluice-rooms

Any person who operates a nursing home must ensure that every sluice room located on the premises –

- a) is a minimum of 7 m² in area and has a minimum width of 2.2 metres;
- b) opens into a well-ventilated passage and is accessible to every ward which it serves;
- c) has a sluice-pan of approved design and equipped with an adequate flushing system maintained in proper working order;
- d) has smooth and impervious shelves or other adequate apparatus for the storage of bed-pans or other sanitary utensils;
- e) has, in the case of a maternity home, adequate apparatus for sterilizing bed-pans by steam or boiling water and in the case of a nursing home carrying on a general practice, adequate apparatus for cleaning bed-pans;
- f) has an impervious receptacle, with a tight fitting lid and of adequate size, for the reception of soiled dressings; and
- g) is used only for –
 - (i) the storage and cleansing of bed-pans and other sanitary utensils;
 - (ii) the temporary deposit of soiled dressings; and
 - (iii) the testing of urine.

80. Kitchens and sculleries

Any person who operates a nursing home must ensure that any kitchen and scullery located on the premises complies with the following requirements:

- a) Every draining board and top of every table installed, whether as a new installation or by way of replacement, must be constructed of stainless steel, enamelled metal or of another adequate smooth and impervious material;
- b) every sink installed, whether as a new installation or by way of replacement, must –
 - (i) be constructed of stainless steel;
 - (ii) have two compartments each with hot and cold running potable water; and
 - (iii) together with its draining board, be installed at least 100mm away from any wall;
- c) any wall within 600mm of any part of a sink, draining board or of any table on which food is prepared or handled, must be tiled or treated in some other adequate manner to a minimum height of 1.35 metres above the floor;
- d) a receptacle with a tight fitting lid suitable for the reception of kitchen refuse, must be provided;
- e) the receptacle must be kept tightly shut and emptied at least once a day into an external refuse receptacle; and
- f) a hood or canopy of adequate size, having a flue at least 300mm in diameter and which emits fumes and gasses in such a manner that it creates no public health nuisance, must be provided immediately over any stove where cooking is carried out on the premises.

81. Storage of foodstuffs

Any person who operates a nursing home must ensure that–

- a) all crockery, cutlery and foodstuffs are stored in a hygienic place and manner;
- b) adequate refrigeration facilities are provided for the storage of perishable foodstuffs; and
- c) any room in which fruit and vegetables are stored is adequately ventilated and equipped with heavy wire shelves and racks.

82. Layout of rooms

No person who operates a nursing home may do so unless the rooms referred to in sections 87 and 88 comply with the following additional requirements:

- a) The rooms may not be situated in, or share an entrance with, any –
 - (i) ward or room used for sleeping;
 - (ii) sluice-room; or
 - (iii) toilet and urinal;
- b) the rooms must be provided with adequate racks, shelves and other means to store bulk goods at a minimum height of 225mm above the floor;

- c) adequate lighting and ventilation, as prescribed by the National Building Regulations and Building Standards Act, must be provided.

83. Medicines and poisons

Any person who operates a nursing home must ensure that—

- a) a room or cupboard, of adequate size is set aside, to be used solely for the storage of medicines and drugs;
- b) every room or cupboard set aside in terms of paragraph (a), is kept locked at all times except when medicines or drugs are being removed from it or returned to it; and
- c) within that room or cupboard, a separate lockable cupboard or locker is reserved for the storage of poisons, habit-forming drugs and potentially dangerous drugs.

84. Sterilisation

Any person who operates a nursing home must provide adequate apparatus for the sterilisation of instruments.

85. Laundering

If laundering is carried out on the premises of a nursing home, this must take place in accordance with the provisions of Chapter 9.

86. Reception rooms for soiled articles

Any person who operates a nursing home must ensure that—

- a) the reception room for soiled articles is used exclusively for receiving and sorting soiled articles;
- b) a wash-hand basin, supplied with running hot and cold potable water is provided, in each reception room;
- c) each reception room is mechanically ventilated in a manner that ensures that any air generated in the room is discharged into the atmosphere; and
- d) a separate reception room is provided in any maternity home and used exclusively for receiving and sluicing of baby napkins.

87. Laundry rooms

If laundering is carried out on the premises of a nursing home, the premises that are used for such laundering must comply with the requirements for premises on which a laundry business is conducted as contemplated in section 65 of these By-laws.

88. Storage rooms

Any person who operates a nursing home must ensure that —

- a) any storage room is used exclusively for the storage and distribution of those articles intended to be stored in such storeroom;
- b) any storage room contains adequate moveable shelving made of impervious material;
- c) every shelf is a minimum height of 225 mm above the floor;
- d) containers used for the reception or conveyance of soiled or laundered articles are adequately marked so that they can be easily distinguishable from one another; and
- e) all persons employed in any part of the laundry are provided with, and wear, caps covering their hair and clean overalls made of light-coloured material, of a design approved by an environmental health officer.

89. Linen

Any person who operates a nursing home must ensure that at all times, all linen provided in the premises is –

- a) of good quality;
- b) maintained in good repair; and
- c) available in a quantity adequate to ensure the prompt replacement of soiled articles.

90. Refuse receptacles

Any person who operates a nursing home must provide an adequate number of refuse receptacles on the premises.

91. Accommodation for nursing staff

No person may operate a nursing home unless –

- a) adequate sleeping accommodation is provided for the resident nursing staff employed on the premises;

- b) adequate arrangements are made for the separation of the sleeping accommodation of members of the staff on day duty and those on night duty, so as to avoid the undue disturbance of staff sleeping; and a dining-room and separate recreation room is provided for the nursing staff: Provided that one room may be used as a dining and recreation room if the room is adequate for both purposes.

CHAPTER 12 KEEPING OF ANIMALS

92. Definitions

In this Chapter, unless the context otherwise indicates -

“Agricultural holding” means the same as defined in the applicable Town Planning Scheme;

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

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

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

“Cattery” means premises in or upon which –

- a) boarding facilities for cats are provided; or
- b) cats are bred for commercial purposes;

“Enclosure” in relation to an animal, means any kraal, pen, paddock, cage or other fenced or enclosed area erected to confine an animal from escaping or roaming freely on the remainder of the premises;

“Keeper” means –

- a) in relation to any animal, the owner of the animal or any other person responsible for feeding and caring for the animal;
- b) in relation to a battery system, cattery, kennels, pet parlour or pet shop means the person who owns the business of which it forms part of and the person in charge of the premises in which the animals are kept;

“Kennels” means premises in or upon which –

- boarding facilities for dogs are provided;
- dogs are bred for commercial purposes;
- dogs are kept for the purposes of being trained or hired out with or without handlers; or
- dogs are kept for commercial security purposes;

“Livestock” means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;

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

“Pet parlour” means any premises where beauty treatment is given to pets by washing, drying, brushing, clipping, trimming or by attending to their nails or teeth;

“Pet shop” means the premises on which the business of keeping and selling of pets is carried out;

“Poultry” means fowls, ducks, muscovite ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowls;

“Poultry house” means any roofed-over building or structure in which poultry is kept, other than one in which a battery system is operated;

“Poultry run” means any unroofed wire mesh or other enclosure in which poultry is kept, whether or not it is attached to a poultry house;

“Proclaimed township” means an approved township as contemplated in sections 79, 103, 111 and 141(4) of the Town Planning and Townships Ordinance, 1986, (Ordinance No. 15 of 1986), or a township approved in terms of any prior law relating to townships;

“Rabbit hutch” means any roofed-over building or structure in which rabbits are kept, other than one in which a battery system is operated;

“Rabbit run” means any unroofed wire mesh or other enclosure in which rabbits are kept, whether or not it is attached to a rabbit hutch;

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

“Wild animal” means an animal of a species that is not generally domesticated and without limitation includes all animals indigenous to South Africa other than domesticated guinea-fowls.

Part 1: General provisions relating to the keeping of animals

93. Application of Chapter

- 1) Subject to the provisions of subsection (2), the provisions of this Chapter do not apply to -

- a) any agricultural show where animals are kept on a temporary basis; and
 - b) any laboratory where animals are kept for research purposes.
- 2) The provisions of section 119 apply to the keeping of animals at any agricultural show and at research laboratory.
 - 3) No person may, subject to the provisions of section 96, keep or allow to be kept, any animal other than an approved pet on an erf in a proclaimed township, provided the keeping of such pet does not create or constitute a nuisance
 - 4) If at any time it appears to an authorized official that the keeping of poultry or rabbits on an erf or agricultural holding, in respect of which a permit has been granted, is likely to constitute a nuisance or danger to the public health, that official may -
 - (a) cancel the permit; or
 - (b) prohibit the keeping of such poultry or rabbits.
 - 5) An authorized official must serve a notice on the permit holder or the owner of the erf or agricultural holding concerned, informing him or her of a decision in terms of subsection (1) and instruct the owner to comply with the requirements within the period stated in such notice, which must be at least 48 hours.
 - 6) An authorized official must as soon as a permit has been cancelled, notify the permit holder of that fact in writing.
 - 7) An authorized official may, subject to the foregoing provisions of this section, issue a new permit if he is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

Part 2: Keeping of cattle, horses, mules and donkeys

94. Requirements for premises

No person may keep any cattle, horse, mule or donkey in a stable or enclosure that does not comply with the following requirements:

- a) every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material;
- b) the internal wall surfaces of the stable must be constructed of smooth brick or other durable surface brought to a smooth finish;
- c) the height of the walls to the wall plates of the stable must –
 - ☐ if the roof is a pitched roof be 2,4 metres;
 - ☐ if the roof is a flat roof be 2,7 metres;
 - ☐ if the roof is a lean to roof be a mean height of 3 metres with a minimum of 2,4 metres on the lowest side;
 - ☐ in the case of a stable which has an opening along the entire length of one of it's long sides be not less than 2 metres;
- d) the stable must have a floor area of at least 9 m² for each head of cattle, horse, mule or donkey accommodated in it;

- e) lighting and ventilation must be provided by openings or glazed opening windows or louvers totalling at least 0,3 m² for each animal to be accommodated in it except in the case of a stable open along the entire length of one of its long sides;
- f) the lowest point of every opening, window or louvers must be at least 1,8 metres above floor level;
- g) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish graded to a channel and drained in terms of section 143;
- h) any enclosure must have an area of at least 10 m² for each head of cattle, horse, mule or donkey accommodated in it and the fencing must be strong enough to prevent the animals from breaking out;
- i) no enclosure or stable may be situated within –
 - (i) 15 metres of the boundary of any land, property, dwelling or other structure used for human habitation; or
 - (ii) 50 metres of any water resource or water supply intended or used for human consumption; and
- j) there must be a water supply adequate for drinking and cleaning purposes next to every stable or enclosure.

95. Duties of keeper of cattle, horses, mules and donkeys

Any person who keeps any cattle, horse, mule or donkey must -

- a) maintain the premises, and any equipment, apparatus, container or receptacle used in connection with keeping the animal, in a clean and sanitary condition and in good repair;
- b) provide portable manure storage receptacles of an impervious material and with close fitting lids;
- c) keep every manure storage receptacle on a platform constructed of concrete or other durable and impervious material near the stable or enclosure;
- d) if there is so much manure and bedding that storage receptacles are impractical, provide a manure container or area complying with the following requirements:
 - The manure container or area must be roofed and enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish; and
 - the floor must be of smoothly finished concrete that is inclined so that it drains to a water channel along the full length of the open side, which is at least 150mm in diameter and is kept filled with water;
- e) remove all the manure from the stable and enclosure at least once every 24 hours and place it in the manure storage receptacles or manure container or area until it is removed from the premises;
- f) remove the contents of the manure storage receptacles or manure container or area from the premises at least once every second day and dispose of the manure in a way which will not create a public health nuisance;

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- g) remove all bedding from the stable at least once a week and store it in the manure receptacles or manure container or area until it is removed from the premises;
- h) store all saddles, bridles, harnesses and other equipment or articles used in connection with the keeping of the animals, in a storeroom or other adequate storage facility; and
- i) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids.

Part 3: Keeping of goats and sheep

96. Application

The provisions of sections 97 and 98 also apply to the temporary keeping of a goat on any premises for the provision of milk for medical reasons.

97. Requirements for premises

- 1) No person may keep goats or sheep in –
 - a) an enclosure which does not comply with the following requirements:
 - (i) the minimum overall floor area must be 30 m²; and
 - (ii) at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it; or
 - b) a stable which does not comply with the following requirements:
 - (i) every wall must be constructed of brick, stone, concrete or other durable material;
 - (ii) every wall must be at least 2 metres in height and have a smooth internal finish;
 - (iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel drained in terms of section 143;
 - (iv) at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it with an overall minimum floor area of 6 m²; and
 - (v) lighting and ventilation openings totalling at least 0,15 m² per goat or sheep must be provided.
- 2) No person may keep goats or sheep in an enclosure or stable within –
 - a) 15 metres of any boundary of any land, dwelling, building or other structure used for human habitation; or
 - b) 50 metres of any water resource or water supply intended or used for human consumption.
- 3) Every person must provide a water supply adequate for drinking and cleaning purposes situated next to or in every enclosure or stable used to accommodate goats or sheep.

98. Duties of keeper of goats and sheep

Any person who keeps goats or sheep must -

- a) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair;
- b) provide portable manure storage receptacles of an impervious material and with close fitting lids;
- c) keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned;
- d) remove all manure from the enclosure or stable at least once every seven days and place it in the manure storage receptacles;
- e) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way that will not create a public health nuisance; and
- f) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.

Part 4: Keeping of poultry

99. Application

The provisions of sections 100 and 101, do not apply to any person keeping ten or less poultry.

100. Permit requirement

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

101. Requirements for premises

No person may keep poultry in premises which do not comply with the following requirements:

- a) In relation to a poultry house –
 - (i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
 - (ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish;
 - (iii) the upper floor of a two or more story structure must be constructed of an impervious and easily cleanable material;
 - (iv) the minimum floor area must be –
 - 0,20 m² for each grown fowl, duck, muscovite duck or guinea fowl;
 - 0,5 m² for each grown goose, turkey or peacock; and
 - 0, 14 m² for each grown pigeon; and
 - (v) the minimum aggregate floor area must be 4 m²;
- b) a poultry run, if provided, must be enclosed with wire mesh or other durable material;
- c) in relation to a building or structure housing a battery system –

- (i) every wall, if provided, must be at least 2,4 m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface;
- (ii) if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building or structure;
- (iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and if required by an environmental health officer, the floor surface must be graded and drained by means of a channel drained in terms of section 143;
- (iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its edges;
- (v) the cages of the battery system must be made of an impervious material; and
- (vi) if required by an environmental health officer, a tray of an impervious material must be fitted under every cage for the collection of manure;
- d) a water supply adequate for drinking and cleaning must be provided in or next to every poultry house and poultry run and in or next to a building or structure housing a battery system;
- e) no poultry house, poultry run, or building or structure housing a battery system, may be constructed within 3 metres of –
 - (i) any dwelling or other building or structure used for human habitation; and
 - (ii) any place where foodstuffs are stored or prepared for human consumption; or
 - (iii) the nearest boundary of any land;
- f) feed must be stored in an adequate rodent-proof storeroom;
- g) adequate washing facilities must be provided for the cleaning of the cages;
- h) if required by an environmental health officer, due to the amount of manure stored on the premises awaiting removal, a storage area complying with the following requirements must be provided:
 - (i) A roofed platform constructed of concrete or other impervious material;
 - (ii) the platform's outside edges must have a minimum curb of 100 mm high;
 - (iii) the platform must be graded and drained in terms of section 118; and
 - (iv) the roof of the platform must extend a minimum of 1 metre beyond the edges of the base of the platform.

102. Duties of keeper of poultry

Any person who keeps poultry must -

- a) ensure that all poultry is kept within a poultry house, poultry run or building or structure housing a battery system;

- b) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the poultry, in a clean, sanitary condition and in good repair;
- c) maintain the premises and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from pests;
- d) ensure that the poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;
- e) provide portable manure storage receptacles of an impervious material and with close fitting lids and keep the manure storage receptacles on a platform;
- f) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every four days from a building or structure housing a battery system;
- g) place the manure and other waste matter in manure storage receptacles;
- h) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way which will not create a public health nuisance; and
- i) take adequate measures to keep the premises free of flies, cockroaches and rodents and to prevent offensive odours arising from the keeping of poultry on the premises.

Part 5: Keeping of rabbits

103. Application

The provisions of sections 105(b), (c), (d), (f) and (g), and 106(d), (f) and (g), do not apply to any person keeping ten or less rabbits.

104. Permit requirements

No person may keep more than 5 adult rabbits on an erf in a proclaimed township or more than 20 adult rabbits on premises zoned for agricultural purposes, except in terms of a permit authorising that activity.

105. Requirements for the premises

No person may keep rabbits in premises which do not comply with the following requirements:

- a) In relation to a rabbit hutch -
 - (i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
 - (ii) the floor surface must be –
 - constructed of concrete or other impervious material brought to a smooth finish;
 - situated at least 150 mm above ground level;
 - and graded to a channel drained in terms of section 118, if required by an environmental health officer;

- (iii) adequate ventilation must be provided; and
 - (iv) the rabbit hutch must be adequate in size to allow free unobstructed movement of animals kept therein.
- b) any rabbit run must be enclosed with wire mesh or other durable material and constructed in a way that prevents the escape of rabbits from the run;
 - c) in relation to a building or structure housing a battery system –
 - (i) every wall must –
 - be at least 2,4 metres high;
 - be constructed of concrete, stone, brick or other durable material; and
 - must have a smooth internal surface;
 - (ii) if walls are provided, the building or structure must be ventilated and lighted by means of natural openings or windows of an area not less than 15% of the floor area of the building or structure;
 - (iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish, and if required by an environmental health officer, the floor surface must be graded to a channel drained in terms of section 118;
 - (iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its outside edges; and
 - (v) every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure;
 - d) a water supply adequate for drinking and cleaning purposes must be provided in or next to every rabbit hutch or building or structure housing a battery system;
 - e) no person may erect a rabbit hutch, rabbit run or building or structure housing a battery system within five metres of –
 - (i) any dwelling, building or other structure used for human habitation;
 - (ii) any place where foodstuffs are stored or prepared for human consumption; or
 - (iii) the nearest boundary of any land;
 - f) an adequate rodent-proof storeroom must be provided for the storage of feed; and
 - g) adequate washing facilities must be provided for the cleaning of cages.

106. Duties of keepers of rabbits

Any person who keeps rabbits must -

- a) keep all rabbits within the rabbit hutch, rabbit run or building or structure housing a battery system;
- b) maintain the premises and any equipment, apparatus, containers or receptacles used in connection with keeping rabbits, in a clean, sanitary condition and in good repair;
- c) maintain the premises free from offensive odours and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from pests;

- d) provide portable manure storage receptacles of an impervious material with close-fitting lids which receptacles must be kept on a platform;
- e) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system, at least once every 48 hours;
- f) keep the manure and waste in manure storage receptacles until it is removed from the premises; and
- g) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a way which will not create a public health nuisance.

Part 6: Keeping of birds other than poultry

107. Requirements for the premises

No person may keep any bird, other than poultry, in an aviary which does not comply with the following requirements:

- a) the aviary must be constructed of durable rodent-proof material;
- b) adequate access must be provided for cleaning purposes;
- c) if the aviary is constructed above ground level, its base must be constructed of an impervious and durable material and must be situated a minimum of 300 mm above ground level;
- d) the aviary may not be situated within three metres of any building or structure, boundary fence or boundary wall; and
- e) a water supply adequate for drinking and cleaning purposes must be situated in or next to every aviary.

108. Duties of keepers of aviaries

Any person who keeps birds in an aviary must -

- a) ensure that the aviary and the premises are kept in a clean condition and free from pests;
- b) provide and use rodent-proof facilities for the storage of bird food; and
- c) ensure that the birds do not disturb the comfort, convenience, peace or quiet of the public.

Part 7: Kennels and catteries

109. Requirements for premises

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

- a) Every dog or cat must be kept in an enclosure which complies with the following requirements:
 - (i) the enclosure must be constructed of impervious materials and must provide adequate access for cleaning purposes;
 - (ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and graded to a channel 100 mm wide,

- extending the full width of the floor, which channel must be graded and drained into a gully connected to the Council's sewer by means of a pipe 100 mm in diameter; and
- (iii) a curb 150 mm high must be provided along the edge of the channel, referred to in subparagraph (ii), to prevent any storm water runoff entering the channel; and
 - (iv) the enclosure must be adequate in size to allow free unobstructed movement of animals kept therein.
- a) Subject to the provisions of paragraph (c), every enclosure referred to in paragraph (a), must be provided with an adequate roofed shelter that complies with the following requirements:
 - (i) every wall must be made of brick, stone, concrete or other impervious material;
 - (ii) every wall must have a smooth internal surface;
 - (iii) the floor must be made of concrete or other impervious material brought to a smooth finish; and
 - (iv) every shelter must have adequate access for cleaning and eliminating pests;
 - c) a dog kennel which complies with the following requirements may be provided instead of the shelter contemplated in paragraph (b):
 - (i) the kennel must be constructed of an approved weatherproof and insulating material or other similar material;
 - (ii) the kennel must be movable;
 - (iii) the kennel must be placed on a base constructed of concrete or other impervious material with an easily cleanable finish; and
 - (iv) a sleeping board, which will enable the dog to keep dry, must be provided in any kennel that does not have a waterproof base;
 - d) a concrete apron extending at least one metre wide around the edges of the enclosure must be provided;
 - e) the apron must be graded and drained in a way that drains storm water away from the enclosure;
 - f) a water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the enclosure;
 - g) any cage in which cats are kept must be constructed of durable impervious material and in a manner that it may be easily cleaned; and
 - h) no shelter, enclosure or kennel may be situated within five metres of any –
 - (i) dwelling or other building or structure used for human habitation;
 - (ii) place where food is stored and prepared for human consumption; or
 - (iii) the boundary of the premises.

110. Food preparation areas

Any keeper of kennels or a cattery who is so instructed by an environmental health officer must provide a separate room or roofed area for the preparation of food which complies with the following requirements:

- a) The floor of the room or roofed area must be constructed of concrete or other impervious material brought to a smooth finish;

- b) the internal wall surfaces of the room or roofed area must be smooth and easily cleanable;
- c) adequate washing facilities for food bowls and utensils must be provided; and
- d) a rodent-proof storeroom must be provided for the storage of food.

111. Duties of a keepers of kennels or catteries

Any person operating kennels or a cattery must –

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

Part 8: Pet shops and pet parlours

112. Requirements for premises

No person may operate a pet shop or pet parlour in or on any premises which do not comply with the following requirements:

- a) Any wall and partition must –
 - (i) be constructed of brick, concrete or other impervious material;
 - (ii) have a smooth and easily cleanable internal surface; and
 - (iii) be painted with a washable paint or other adequate finish;
- b) all floor surfaces must be constructed of concrete or other impervious material brought to a smooth finish;
- c) all ceilings must be dust proof and easily cleanable;
- d) at least one wash hand basin, with a supply of running hot and cold potable water, must be provided for employees and the ratio of wash hand basins to persons employed on the premises must not be less than 1:15;

- e) the wash hand basins, referred to in subparagraph (d), must be drained in terms of section 118;
- f) adequate storage facilities must be provided;
- g) facilities for the washing of cages, trays and other equipment must be provided in the form of either –
 - (i) a curbed and roofed over platform with a minimum surface area of 1,5 m², raised at least 100 mm above the floor and constructed of concrete or other impervious material brought to a smooth finish, which platform must be provided with a supply of running potable water; or
 - (ii) a stainless steel sink or trough of adequate size with drainage board and provided with a supply of running potable water;
- h) the platform, sink or trough referred to in paragraph (g) must be drained in terms of section 118;
- i) any wall surface within 0,5 metres of the platform, sink or trough referred to in paragraph (g), must be permanently covered with waterproof material to a minimum height of 1,4 metres above the floor;
- j) a clearly designated change room must be provided if more than six persons are employed on the premises and every change room must –
 - (i) have a floor area providing at least 0,5 m² for each employee;
 - (ii) have a minimum overall floor area of 6 m² and width of two metres; and
 - (iii) be equipped with an adequate metal locker for each employee;
- k) if no change room is required in terms of paragraph (j), each employee must be provided with an adequate metal locker;
- l) for the purposes of washing, clipping or grooming of pets –
 - (i) a bathroom fitted with a bath, or similar fitting, and a wash hand basin supplied with running potable water must be provided;
 - (ii) a clipping and grooming room fitted with impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids, for the storage of cut hair pending removal, must be provided;
 - (iii) at least 50 % of the floor area of the rooms referred to in subparagraphs (i) and (ii), must be unobstructed; and
 - (iv) the floors of the rooms referred to in subparagraphs (i) and (ii), must be graded to a channel drained in terms of section 118;
- m) all buildings, including storage areas, must be rodent-proof; and
- n) the premises may not have direct internal access with any room or place –
 - (i) used for human habitation;
 - (ii) where clothing is stored or sold; or
 - (iii) where food is prepared, stored or sold for human consumption.

113. Duties of pet shop or pet parlour keepers

Any keeper of a pet shop or pet parlour must –

- a) provide cages for housing the pets which comply with the following requirements:

- (i) the cages must be constructed of metal or other impervious material and fitted with a removable metal floor-tray to facilitate cleaning;
 - (ii) the exterior cavity of any tubular or hollow material used to construct a cage must be sealed;
 - (iii) the cages must be able to be moved easily;
 - (iv) where rabbits are kept in a cage, the metal floor-tray referred to in subparagraph (i), must be drained to a removable receptacle;
 - (v) the cages must be fitted with a drinking vessel filled with water;
 - (vi) the distance from any cage to the nearest wall must be a minimum of 150 mm;
 - (vii) the cages must be kept a minimum of 450 mm above floor level; and the space below every cage must be unobstructed;
- b) provide rodent-proof receptacles, of an impervious material and with close fitting lids, for the storage of all loose pet food in the storage facilities required in terms of section 112 (f);
- c) provide adequate refrigeration facilities to store all perishable pet food on the premises;
- d) ensure that in any room in which the pets are kept –
 - (i) 50 % of the floor space is unobstructed; and
 - (ii) the cages are placed a minimum of 800 mm from one another;
- e) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment or appliances used in connection with the pet shop or pet parlour, in a clean and sanitary condition, free from pests and in good repair;
- f) provide overalls or other protective clothing for employees and ensure that the employees wear them when on duty;
- g) provide isolation facilities in which every pet which is, or appears to be, sick must be kept while on the premises;
- h) provide an adequate supply of potable water for drinking and cleaning purposes;
- i) provide adequate ventilation to ensure the comfort and survival of the pets; and
- j) ensure that the number of pets contained in each cage does not impede their free movement.

Part 9: Keeping of wild animals

114. Requirements for the premises

No person may, without the approval of the relevant nature conservation authorities, keep wild animals on premises which do not comply with the following requirements:

- a) Every wild animal must be kept in an enclosure and/or housing constructed and equipped as follows:
 - (i) The enclosure and/or housing must satisfy the needs of the specific animal as specified by the relevant nature conservation authorities;

- (ii) the enclosure and/or housing may not be situated within 50 metres of –
 - ☐ any boundary of the premises;
 - ☐ any dwelling, building or structure used for human habitation;
 - ☐ any dwelling, building or structure where food is stored, handled or prepared for human consumption; or
 - ☐ any water resource intended for domestic consumption;
- (iii) an adequate supply of potable water for drinking and cleaning purposes must be provided; and
- (iv) the enclosure and/or housing must be graded and drained in a way that does not pollute any water resource or create a public health nuisance;
- b) a separate room, equipped with a preparation table and wash-up sink, supplied with running potable water and drained in accordance with section 118, must be provided for the preparation of food;
- c) adequate facilities must be provided for washing any cages, trays, crates, refuse receptacles and food containers in the form of either –
 - (i) a curbed platform constructed of concrete or other impervious material brought to a smooth finish; or
 - (ii) a stainless steel sink or trough adequate in size to accommodate the equipment to be washed;
- d) both facilities referred to in paragraph (c) must be provided with a supply of running water adequate for drinking and cleaning and be drained in accordance with section 118;
- e) any area and room in which fodder and food are stored must be rodent-proof; and
- f) the enclosure and/or housing must be adequate in size to allow free unobstructed movement of animals kept therein.

115. Duties of keepers of wild animals

Any person who keeps wild animals must –

- a) maintain the premises in a clean and sanitary condition at all times;
- b) clean all manure and food scraps from any enclosure and/or housing at adequate intervals;
- c) prevent the soil beneath or around any enclosure and/or housing from becoming saturated with urine or polluted by any other matter or liquid; and
- d) remove all bedding from any housing at least once every seven days and store it in a manure receptacle or manure container or area, until it is removed from the premises.

Part 10: Keeping of pigs

116. Requirements for premises

No person may keep pigs on premises which do not comply with the following requirements:

- a) Every wall must –
 - (i) be constructed of brick, stone, concrete or other durable material;
 - (ii) have a minimum height of 1,5 metres; and
 - (iii) have a smooth, impervious internal surface;
- b) the floor area must provide at least 3 m² for each pig accommodated in the pigsty, with an overall minimum floor area of 6 m²;
- c) the roof over any portion of a pigsty must have a minimum height of 1,5 metres;
- d) except in the case of a roofed structure having one of its long sides completely open, the lighting and ventilation openings must –
 - (i) be situated opposite one another in the external walls; and
 - (ii) provide a minimum of 0,15 m² for each pig;
- e) the floor must be –
 - (i) at least 150 mm above the surrounding ground level;
 - (ii) constructed of concrete or other durable and impervious material brought to a smooth finish; and
 - (iii) graded for the run-off of liquids into an open channel outside the pigsty;
- f) the open channel referred to in paragraph (e)(iii) must –
 - (i) be constructed of concrete or other durable and impervious material;
 - (ii) be a minimum of 100 mm in diameter; and
 - (iii) be drained in terms of section 118;
- g) the pigsty must be strong enough to prevent the pigs breaking out;
- h) the pigsty may not be situated within 100 metres of –
 - (i) the boundary of the premises;
 - (ii) any dwelling, building or structure used for human habitation;
 - (iii) any place where foodstuffs are stored or prepared for human consumption; or
 - (iv) any water resource intended for domestic consumption;
- i) a roofed over concrete platform must be provided for –
 - (i) the storage of all swill in containers; and
 - (ii) the preparation of pig feed;
- j) the platform referred to in paragraph (i) must comply with the provisions of paragraph (e) and in addition, must have a curbing of a minimum height of 100 mm on each edge; and
- k) a water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the pigsty.

117. Duties of keepers of pigs

Every person keeping pigs must -

- a) ensure that every pig is kept within a pigsty;
- b) maintain the premises and any equipment, apparatus, containers and receptacles concerned in a clean and sanitary condition and in good repair;
- c) provide portable storage receptacles, of impervious material and with close fitting lids, to store manure;

- d) keep all manure storage receptacles on a platform that complies with the provisions of section 116 (j);
- e) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles;
- f) remove the contents of the manure storage receptacles from the premises at least once every second day and dispose of the manure in a manner that will not create a public health nuisance;
- g) provide a rodent-proof store-room of adequate size in which all feed, other than swill, must be stored; and
- h) provide rodent-proof receptacles, with close fitting lids, in which to store all loose feed.

Part 11: General provisions

118. Drainage

Any person keeping animals must ensure that all sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, channels and washing platforms required to be drained in terms of this Chapter, are drained in accordance with the provisions of the National Building Regulations and Building Standards Act.

119. Dangerous animals

- 1) No person may without a permit issued by an environmental health officer, keep any wild animal of a species that is dangerous to humans, including without limitation, large carnivores, venomous snakes, spiders or scorpions.
- 2) Any person who keeps any animal which is known to behave in a manner that is dangerous to humans must keep it in an adequate enclosure and take adequate measures to ensure that it does not escape from the enclosure or pose a danger to the residents of, or visitors to, the premises or any other person.

120. Requirements for keeping of bees

- 1) No person may keep bees on any premises unless –
 - a) that person is the holder of a permit authorising that activity; and
 - b) every bee hive is situated –
 - (i) a minimum of five metres from any boundary of the premises; and
 - (ii) a minimum of twenty metres from any public place or building used for human habitation or from any place used for the keeping of animals, poultry and birds;
 - c) the bees are kept in an approved bee hive; and
 - d) the bee hive is –
 - (i) kept in an area inaccessible to children and animals;
 - (ii) kept in the shade at all times; and

- (iii) supplied with a source of drinking water within five metres of the hive.
- 2) No person may dump or deposit any garbage, compost, grass cuttings or manure within five metres of any bee hive.

121. Illness attributable to animals, poultry or birds

- 1) The illness of any person, which may be attributed to any animal, poultry or bird kept or handled by that person, must be reported to an environmental health officer within 24 hours of diagnosis, by the person making the diagnosis.
- 2) An environmental health officer may order the removal of an animal, poultry or bird from premises if he or she reasonably believes that the animal poses a public health nuisance or public health hazard.

122. Keeping of and slaughtering animals for religious and ceremonial purposes

- 1) Any person who keeps an animal prior to slaughtering it for any religious or ceremonial purposes must comply with the provisions of this Chapter applicable to the animal concerned.
- 2) A person intending to slaughter an animal in any place other than in a recognised abattoir must -
 - a) notify the Council in writing, fourteen days prior to the event;
 - b) slaughter the animal in a position where the slaughtering cannot be observed by any person on neighbouring premises or any member of the public;
 - c) use the meat derived from the slaughtered animal solely for the purposes of the religious or ceremonial feast;
 - d) handle the meat in a hygienic manner at all times;
 - e) dispose of any portions of the animal which are not used or consumed, in a manner which will not become a public health hazard or public health nuisance; and
 - f) not keep such animal prior to slaughtering for a period in excess of 24 hours.

CHAPTER 13 REQUIREMENTS FOR FOOD HANDLING

123. Definitions

In this Chapter, unless the context otherwise indicates-

“Food premises” means a building, structure, stall or other similar structure, and includes caravan, vehicle, stand or place used for or in connection with the handling of food.

“Handle” includes manufacture, process, produce, pack, prepare, keep, offer, store, transport or display for sale or for serving, and “handling” has corresponding meaning.

“Vehicle” means a train, trolley, wagon, cart, bicycle, sled, truck, boat, ship, or airplane, and includes any other craft, vehicle or conveyance used in the handling or transport of food.

“Certificate of acceptability” means a certificates of acceptability issued in terms of the regulations under the health act, 2003 (Act 61 of 2003).

“Trade license” means a trade license issued in terms of the Mpumalanga Businesses Act, 1996 (Act no. 2 of 1996)

“Person in control” with regard to any food premises, means a natural person who is responsible for the food premises and/ or the owner of such food premises, as the case may be.

“Unsound” means unwholesome, sick, polluted, infected, contaminated, decayed or spoiled, or unfit for human consumption for any reason whatsoever.

“Facility” means any apparatus, appliance, and equipment, and implement, storage space, working surface or object used in connection with the handling of food.

“Food”- means a foodstuff intended for human consumption as defined in section 1 of the Foodstuffs, Cosmetics and disinfectants Act, 1972 (Act no. 54 of 1972).

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

“Food handling business” any practice which involves the packaging, storage, handling, producing, preparation, display, serving or sale of any foodstuff as specified in the Foodstuff, Cosmetics and Disinfectants Act in exchange for money or other goods.

“Approved supplier” means a supplier of foodstuffs or ingredients which complies with the provisions of the regulations under the health act, and has been issued with a valid certificate of acceptability in terms of the regulations.

“Potable water” means water, which is obtained from an approved source and complies with the minimum requirements for drinking water as specified in SABS code 241 for domestic drinking water.

124. General requirements

- 1) No person may carry on a food handling business from a food premises unless the requirements prescribed in the succeeding subsections are complied with
 - a) Before any work is undertaken, a lay-out plan, drawn to scale and indicating the preparation area, scullery, store room, change rooms and the position of all equipment must be submitted for approval by the Environmental Health practitioner.
 - b) Every food premises dealing with perishable foods must, before commencing business, apply in writing for a trade license in accordance with the Mpumalanga businesses Act, 1996 and a Certificate of Acceptability in accordance with the Health Act. The trade license and Certificate of Acceptability for every premises must be displayed in a conspicuous place, in view of the public.
 - c) Only foodstuffs that have been obtained from an approved supplier may be sold on the premises. A copy of the certificate of acceptability of each of the approved suppliers must be kept available for inspection on the food premises

2) Structural requirements

- a) Store rooms and the display area of the premises must be equipped with adequate storage racks, shelves or boards a minimum of 250 mm above floor level.
- b) A minimum of two wash-up sinks, which is of adequate size for the type of equipment to be cleaned and is approved by the environmental health practitioner and is provided with running hot and cold water must be provided in any food preparation area for the cleaning of equipment and utensils. Wash-up sinks may not be used for the cleaning of food.
- c) A sink for the preparation of food is to be provided, fitted with running hot and / or cold water.
- d) Where an approved change room is not provided for staff, an approved metal locker shall be provided for each person and kept in an approved place.
- e) A bin with a self-closing lid or other approved disposal unit must be installed in each toilet intended for use by female staff
- f) Every food premises must be provided with a refuse yard and a sufficient amount of refuse containers as deemed necessary by the environmental health practitioner, which must comply with the specifications as laid out in the Council's Solid Waste and Sanitary By-Laws.
- g) Where cooking is carried out on the premises, and the environmental health practitioner deems it necessary, an approved hood or canopy of adequate size, having a flue of at least 300 mm in diameter, and where required by the environmental health practitioner, fitted with approved extraction fan and filters must be provided. The flue must exhaust to the atmosphere at such a height and position or manner as is necessary to prevent the discharge thereof from causing a public

health nuisance. An approved mechanical device may be installed instead of a hood or canopy.

- h) Where a fire burning device (pizza oven) is used on the premises, the flue (exhaust) must be installed in accordance with the relevant air pollution legislations.

125. Requirements for food transport vehicles

Every vehicle used for the transport of foods on behalf of a food premises must display the name, physical address, and telephone number of the applicable food premises on the vehicle and must keep a copy of the Certificate of Acceptability, and where applicable, trade license for the premises available for inspection in the vehicle at all times.

126. Handling of meat and meat products

Only meat that has been slaughtered in an approved abattoir and that has been inspected and stamped in accordance with the provisions of the Meat Safety Act may be sold.

127. Handling of game on a butcher's premises

- 1) The handling of game on a butcher's premises is only allowed under the following circumstances:
 - a) that the person in control of the butchery / facility notifies the Environmental Health Section of their intent to process game in the butchery before the commencement of operations.
 - b) that only game that has already been slaughtered and is without skins, feet or offal is brought into the premises.
 - c) that game is processed and stored separately from any other meat and is not handled simultaneously with other meat products.
 - d) that all surfaces and equipment used for or in connection with the processing of game is thoroughly cleaned and sanitized when the work is completed and before other meat is processed on the same surfaces

128. Duties of a person carrying on or in control of a food handling business:

- 1) A person in control of a food handling business must ensure that -
 - a) no foods or drinks that is not sound, wholesome and fit for human consumption, or is not labeled in accordance with the above Act or which does not comply with the provisions of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972) is kept or displayed for sale.
 - b) no part of the food premises is used for living or sleeping purposes, except where the sleeping area is totally separated from the food handling areas.

- c) change rooms and toilets are only used for the purpose provided and are not used as storage or preparation areas for foods, provided that change rooms may be used as a staff eating area.
- d) all persons employed on the premises receive adequate training in food hygiene principles.

129. Requirements for hawking in foodstuffs

1) General requirements

- a) Before any work is undertaken, all hawking caravans must be submitted for inspection to the Environmental Health Section of the Council
- b) Every hawking premises dealing with perishable foods must, before commencing business, apply in writing for a trade license in accordance with the Mpumalanga businesses Act, 1996 and for a Certificate of Acceptability in accordance with the Health Act. The trade license and Certificate of Acceptability for every hawking facility must be displayed in a conspicuous place, in view of the public.
- b) Every mobile hawking facility which sells foods on behalf of a food premises must display the name, physical address, and telephone number of the applicable food premises on the hawking structure and must keep a copy of the Certificate of Acceptability, and where applicable, trade license for the premises available for inspection at all times.
- c) All hawkers must comply with the Street Trading By-Laws of the Council and must be issued by a permit as issued by the Public Safety Department.
- d) Only foodstuffs that have been obtained from an approved supplier may be sold from a hawking facility. A copy of the certificate of acceptability of each of the approved suppliers must be kept available for inspection on the hawking facility.

2. Structural requirements

A hawking premises which complies with the following requirements must be provided

- a) If food preparation is conducted on the hawking site, a dust-proof structure must be provided that complies with the following requirements-
- b) The structure and all working surfaces must be constructed of impervious materials that can be easily cleaned
- c) Provision must be made for all cooking ranges, washing equipment, working tables, shelves and cupboards on or in which food is placed to be placed at least 45 cm off the ground / floor level
- d) An approved wash-up facility of sufficient size to be able to wash all equipment used on the premises must be provided. Where hot water is not available on the premises, provision must be made to effectively heat water for cleaning purposes.

- e) Additional to the wash-up facility, a hand washing facility with adequate potable water, soap and approved hand drying material must be provided and kept available at all times during food preparation
- f) Sufficient toilet facilities must be available on the hawking premises
- g) Chilling and heating facilities must be provided which will keep foods chilled below 7 degrees Celsius, or heated above 65 degrees Celsius during it's storage

3. Duties of a person in charge of a hawking facility

The person in charge of a food hawking facility must ensure that the following requirements are complied with -

- a) That no defective, damaged, chipped and unsuitable appliances and crockery are used;
- b) That waste water from activities must be disposed of in a waste water disposal system approved by the Council, and is under no circumstances disposed of in storm water drains;
- c) That solid waste generated from operations are properly disposed of into suitable containers, which must be sealed with a tight-fitting lid, and where no central refuse area is available for the specific use of hawkers, that all solid waste is removed from the premises on a daily basis is only disposed of in a site approved by the Council;
- d) That all foods are kept covered in order to prevent the contamination thereof by flies, dust, or handling by the public;
- e) That an adequate supply of potable water is provided and that fresh water is provided on a daily basis. Where potable running water is not available on the hawking premises, a sufficient amount of potable water for cleaning, cooking, drinking and the washing of hands must be provided in clean containers;
- f) That the hawking premises and the area surrounding the premises is thoroughly cleaned after each days operations;
- g) That hawking caravans are removed from the hawking premises daily in accordance with the Council's street trading by-laws; and
- h) all persons employed on the premises receives adequate training in food hygiene principles.

130. Public gathering and special events

Only foodstuffs that have been obtained from an approved supplier may be sold. A copy of the certificate of acceptability of each of the approved supplier must be kept available for inspection on the food premises.

131. Handling of milk and milk products

- 1) Licensing and introductory permits
 - a) Before any work in respect of a dairy is done, a lay-out plan indicating all areas of the dairy and positioning of all equipment within the dairy must be submitted for approval by the Environmental Health Section.
 - b) No person within the Emalahleni municipal area may introduce into, sell, supply, accept or receive for purposes of sale or disposal into the Emalahleni municipal area, any milk or milk product or composite dairy product (whether collected from a milk collecting depot or not) –
 - c) Which has not originated or been produced in a dairy farm in respect of which a valid current trade license in terms of the Mpumalanga Businesses Act, 1996 a Certificate of Acceptability in terms of the Health Act and an introductory permit in terms of these By-Laws, specifying the type of milk or milk products to be introduced, has been issued;
- 2) Provided that this prohibition shall not apply –
 - a) to the delivery of milk for the manufacture of butter, cheese, condensed milk, milk powder and skimmed milk powder to factories registered in terms of the Dairy Industries Act, 1961 (Act 30 of 1961), as amended;
- 3) No owner or person in control of a dairy or a milk-collecting depot outside of the municipal area shall –
 - a) introduce, sell or supply milk or milk products unless he is the holder of an introductory permit as issued by the Council, and is in possession of a valid Certificate of Acceptability issued in respect of the dairy.
- 4) The issuing of an introductory permit shall be subject to the following conditions:
 - a) That application for the introductory permit is done in writing
 - b) That all milk intended for consumption is pasteurized,
 - c) That proof can be rendered from an approved veterinarian practitioner that the dairy herd is certified to be free of Brucellosis and Tuberculosis,
 - d) That proof can be rendered from an accredited laboratory that bacteriological samples the milk product to be introduced has been taken, and has complied with the provisions of R 1555 under the Foodstuffs, Cosmetics and Disinfectants Act for three consecutive

months in respect of phosphates, E coli, Coliform count and Total Bacterial Count

- e) That milk is produced, transported and supplied in accordance with the provisions of these By-Laws, and Regulations under the Health Act and the Foodstuffs, Cosmetics and Disinfectants Act
- f) That the introductory permit is renewed on a yearly basis
- g) That the permit is not transferable from one premises to another or from one owner to another

5) Cancellation, suspension and refusal

The Council may cancel or suspend for such a period as it deems necessary or refuse to

grant an introduction permit or license to a premises or prohibit a process on a premises if –

- a) it is satisfied that the premises, in respect of which a permit has been issued, or the equipment, appliances or dairy stock on the premises does not comply with the provisions of these By-Laws.
- b) any milk product appears from a sample taken thereof at any time before consumption not to comply with the provisions of R1555 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972.
- c) any license holder or person in control of the premises obstructs an environmental health officer in the execution of his / her duties, or does not give him / her the opportunity to take samples of the milk product.
- d) the permit holder, in the opinion of a veterinarian, fails to maintain dairy stock in a state of good health and nutrition or to inoculate the stock.
- e) the permit holder permits a change in the state of the premises or the herd so that these are no longer approved.
- f) If the owner or person in charge of the dairy farm fails to comply with the requirements as specified by means of statutory notice issued by the Council within a reasonable time as specified in the said notice.
- g) If the permit supplies, sells or permits the sale of milk produced on a premises in respect of which an introductory permit has not issued or which does not comply with the requirements of the Foodstuffs, Cosmetics and Disinfectants Act, 1972.
- h) If the permit not comply with any of the requirements under section 4 of these By-laws.

- 6) a) The Council shall, as soon as a permit has been cancelled or suspended, notify the holder of the cancellation in writing.
- b) The Council may, after suspension of an introductory permit, take the necessary measures to close any shop, vehicle or container from being used for the distribution of milk in accordance with the provisions of the Foodstuffs, Cosmetics and Disinfectants Act.

- c) When an introductory permit has been cancelled or suspended, no person within the Municipal area may buy, sell or otherwise dispose of milk from the affected premises

132. Requirements for milk shops and shops supplying from bulk milk containers

1. General requirements all appliances used for or in connection with the handling of milk

- a) The bulk milk tank must be provided with a lid to effectively protect the contents from contamination.
- b) The bulk milk tank must be provided with a cooling mechanism capable of keeping the milk at a temperature of between 1 and 7 degrees Celsius.
- c) A thermometer displaying the temperature of the milk in the tank must be provided and must be maintained in proper working order.
- d) All inner surfaces of the tank must be constructed of stainless steel with no open seams or gaps and which is easily cleanable.
- e) Bulk milk tanks must be situated as close as reasonably practicable to the outside area where milk will be delivered.
- f) The length of the pipe used to convey milk from the delivery vehicle to the bulk milk tank may not exceed 6 meters.
- g) All steps in order to prevent the contamination of milk during off-loading must be taken.
- h) Pipes used for the transferal of milk from transport vehicles to the bulk milk tank must be cleaned at the end of each delivery.
- i) Milk from pipes must be emptied and may not be allowed to be exposed to sunlight for prolonged periods of time.
- j) The bulk milk tank must be provided with an outlet pipe and be so constructed and positioned that complete drainage can be effected.
- k) The end of the outlet pipe must be constructed of stainless steel which effectively covers the end of the pipe
- l) Every bulk milk tank must be provided with an agitator capable of thoroughly mixing the contents of the tank within 5 minutes of being put into operation.
- m) The bulk milk tank is to be cleaned thoroughly after emptying and before the next usage.
- n) Every person collecting farm bulk milk shall, on request, furnish the Council with a list of names and addresses of persons from whom the milk has been obtained.
- o) Running hot and cold water is to be provided in the close proximity of the bulk milk tank, in such a way that the tank can be cleaned without the use of a third container.
- p) Every milk tank shall be labeled, stating the contents "pasteurized milk" in letters a minimum of 8 cm in height.
- q) Except where the consumers' own container is used, milk may not be sold in any container other than a sterilized container which can be hermetically sealed

2. Requirements for the transport of milk

Every vehicle used for the transport of milk must comply with the following requirements-

- a) Every vehicle in which milk is transported must be maintained in a sanitary and clean condition at all times

- b) No permit holder may transport milk which he intends for introduction to the Municipal area unless the milk container is so sealed, locked or secured as to effectively prevent the contents from being tampered with during transit, and has on its exterior in letter not less than 12 mm high, the name and address of the premises where the milk was produced
- c) The name address and telephone number of the supplier and the contents of the vehicle is to be displayed on the exterior of the vehicle in letters no less than 80 mm in height.
- d) All milk or milk products awaiting collection for transport must be adequately protected from the weather and the direct rays of the sun.
- e) The driver of the vehicle must take all reasonable measures to prevent the contamination of milk transported.
- f) Every vehicle in which milk is transported must be equipped with a cooling mechanism which will ensure that the temperature of the milk contained is maintained at 7°C or lower at all times.

CHAPTER 14 MISCELLANEOUS

133. Offences and penalties

- 1) Any person who –
 - a) contravenes or fails to comply with any provisions of these By-laws; or
 - b) fails to comply with any notice issued in terms of or for the purposes of these By-laws; or
 - c) fails to comply with any lawful instruction given in terms of or for the purposes of these By-laws; or
 - d) obstructs or hinders any authorized representative or employee of the Council in the execution of his or her duties under these By-laws,
 - e) is guilty of an offence and liable on conviction to a fine not exceeding R1500-00 or in default of payment to imprisonment for a period not exceeding six months and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

134. 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;

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- c) it is served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address;
 - d) if the address of the person concerned in the Republic of South Africa is unknown, if it has been served on that person's agent or representative in the Republic of South Africa in the manner provided for in paragraph (a),(b) or (c); or
 - e) if 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 these By-laws be served on the owner or occupier of premises may be addressed to the owner or occupier of the specified premises and need not bear the name of the owner or occupier.

135. Short title

These By-laws are called the Public Health By-laws, 2013.

SCHEDULE 1
SCHEDULED USES
(Sections 1, 8, 9 and 11)

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

Part A: Activities for which a permit is required

Section	Activity
30	Provision of service to remove human excrement or urine
31	Installation of sewage works
45	Offensive trades
52	Hairdressing, beauty and cosmetology services
70	Nursing homes used for maternity purposes and for medical and surgical purposes
100	Keeping of poultry
104	Keeping of rabbits
109	Dog Kennels and catteries
119	Keeping dangerous animals
120	Keeping bees

Part B: Scheduled uses

Chapter	Scheduled use
4	Sanitary services
5	Private Sewage Works
6	Water
7	Offensive Trades
8	Hairdressing, Beauty and Cosmetology Services
9	Dry Cleaning and Laundry Establishments
10	Swimming Pools and Spa-Baths
11	Nursing Homes
12	Keeping of Animals

LOCAL AUTHORITY NOTICE 115**DRAFT****STREET TRADING BY-LAWS**

The Council of Victor Khanye Local Municipality, in terms of Section 156 (2) of the *Constitution of the Republic of South Africa, Act 108 of 1996*, read with Section 11(3)(m) of the *Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)*, hereby promulgate the Street Trading By-Laws as follows :

INDEX**CHAPTER 1: DEFINITIONS**

Section 1: Definitions

CHAPTER 2: PROHIBITIONS

Section 2: Prohibitions

CHAPTER 3: RESTRICTIONS

Section 3: Restrictions

CHAPTER 4: GENERAL DUTIES OF STREET TRADERS

Section 4: Cleanliness and public health

Section 5: Display of goods

CHAPTER 5: REMOVAL AND IMPOUNDMENT

Section 6: Removal and impoundment

Section 7: Disposal of impounded goods

CHAPTER 6: GENERAL OFFENCES AND PENALTIES

Section 8: General offences and penalties

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CHAPTER 1 DEFINITIONS

Definitions

1. In this by-law, unless the context indicates otherwise—

"approval" means approval by an authorized official and "approve" has a corresponding meaning;

"authorised official" means an official of the Council to whom it has delegated a duty, function or power under this bylaw, in relation to the exercise or performance of that duty, function or power and includes any employee acting under the control and direction of such official;

"Council" means Victor Khanye Local Municipality and in relations to the exercise of a power, the performance of a duty or the carrying out of a function includes any committee or official of the Council to whom such power, duty or function has been delegated;

"demarcated stand" means stand demarcated by Council for the purposes of street trading in terms of section 6(A)(3)(b) of the Act;

"goods" means any movable property used in connection with street trading and, without limiting the generality of the foregoing, includes products for sale, display tables, stands, receptacles, vehicles, structures or animals;

"public place" means a public place as defined by the Act;

"public road" means a public road as defined in section 1 of the National Road Traffic Act No. 93 of 1996;

"roadway" means a roadway as defined in section 1 of the National Road Traffic Act No. 93 of 1996 but excludes a public place;

"sidewalk" means a sidewalk as defined in section 1 of the National Road Traffic Act No. 93 of 1996;

"street trader" means a person who sells, barter, exchanges, hires out, displays, exposes, offers or prepares for sale, barter, exchange or hire any goods or who provides or offers any service for reward as a street vendor, hawker or pedlar in a public road or in a public place, but does not include any person who sells newspapers only;

"the Act" means the Businesses Act No. 71 of 1991 and includes the regulations made there under; and

"verge" means a verge as defined in section 1 of the Road National Traffic Act No. 93 of 1996.

CHAPTER 2 PROHIBITIONS

2. Prohibition

No street trader may carry on undertake street trading –

(1) on a verge contiguous to –

- (i) a building belonging to or occupied solely by the state or the Council;
- (ii) a church or other place of worship, or

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- (iii) a building declared to be a national monument in terms of the National Monuments Act No. 28 of 1969;
- (2) on any verge contiguous to a building in which business is being carried on by any person who sells goods of the same nature as, or of similar nature to, goods being sold by the street trader or who offers services of the same nature as, or of a similar nature to, a service offered by the street trader concerned without the consent of such person;
- (3) on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control or any occupier of the building objects thereto;
- (4) at any place where the carrying on of such business causes an obstruction to-
 - (a) the entrance to or exit from a building, or
 - (b) a fire hydrant;
- (5) in any declared area identified as such in terms of section 6A (2) of the Act in respect of which the carrying on of the business of street trader has been –
 - (a) prohibited by the Council, or
 - (b) restricted by the Council, unless such business is carried on in accordance with such restrictions;
- (6) at any place which has been set apart and demarcated as stands or areas by the Council in terms of section 6A (3) (b) of the Act for the purposes of the carrying on of the business of street trader, unless such business is carried on in accordance with –
 - (a) an agreement with the Council, or
 - (b) the allocation by the Council to the street trader of any area or stand; and
- (7) in any public garden or park except with prior written consent of the Council.

CHAPTER 3 RESTRICTIONS

3. Restrictions

No person engaging in street trading may –

- (1) sleep overnight at the business site;
- (2) erect any permanent structure in a public place or public road for the purpose of providing shelter,
or
- (3) place or store any goods in such a manner or position as to constitute a danger to any person;
- (4) carry on such business in such a manner as to–
 - (a) create a nuisance;
 - (b) damage or deface any public road or public place or any public or private property; or
 - (c) create a traffic hazard;
- (5) obstruct access to a service or to service works of the Council or of the State or any statutory body;
- (6) interfere with the ability of persons using a sidewalk to view the goods displayed behind a shop display window or obscure such goods from view;
- (7) obstruct access to a pedestrian arcade or mall;
- (8) carry on such business in a place or area in contravention of any restriction imposed by Council resolution in terms of section 6A(2)(a) of the Act;
- (9) place or store his or her goods on or in a building, without the consent of the owner, lawful occupier, or person in control of such building or property;
- (10) attach any of his or her goods by any means to the building structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or a public road or public place;

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- (11) make an open fire on a public road or public place;
- (12) interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop displayed window, or obscure such goods from view;
- (13) obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic; and
- (14) obstruct or inhibit the use of street furniture and any other facility designed for the use of the general public.

CHAPTER 4

GENERAL DUTIES OF STREET TRADERS

4. Cleanliness

Every street trader must—

- (1) keep the area used by him or her for the purposes of street trading, as well as any goods used by him or her, in a clean and sanitary condition;
- (2) at the request of any authorised official of the Council, move or remove his or her goods so as to permit the cleansing of the area where he or she is trading, or for the purpose of effecting Council services;
- (3) if his or her activities involve the cooking or other preparation of food, take steps to ensure that no fat, oil or other substance drops or overflows onto the surface of a sidewalk or splashes against a building or other structure be it movable or immovable; and
- (4) not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter.

5. Display of goods

5.1 A street trader must ensure that any structure, container, surface or other object used by him or her for the preparation, display, storage or transportation of goods—

5.1.1 is maintained in a good state of repair and in a clean and sanitary condition; and

5.1.2 is not placed or stored so as to constitute a danger to any person.

CHAPTER 5 REMOVAL AND IMPOUNDMENT

6. Removal and impoundment

(1) An inspector may remove and impound any goods –

- (a) which s/he reasonably suspects are being used or intended to be used or have been used in connection with the carrying on of the business of a street trader; and
- (b) which he finds at a place where the carrying on of such business is prohibited or restricted in terms of these bylaws;
- (c) whether or not such goods are in the possessions or under the control of any person at the time of such removal and impoundment.

(2) An inspector removing and impounding any goods may –

- (a) except in the case of goods which appear to have been abandoned or in respect of which the owner or person having control thereof cannot be found, issue to the owner or person having control of such goods a receipt for the removal and impoundment thereof and stating-
 - (i) the place where the goods must be kept;

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(ii) the amount payable in respect of expenses incurred by the Council in impounding and removing the goods; and

(iii) the date on or after which the goods will be sold or destroyed unless claimed;

(b) forthwith place such goods in a safe custody.

(3) Neither the Council nor any inspector, officer or employee of the Council will be liable for any loss or theft of or damage to any goods removed and impounded in terms of these bylaws.

7. Disposal of impounded goods

(1) Any goods impounded in terms of these by-laws will be dealt with as follows –

(a) if the goods are claimed, the street trader must pay the expenses incurred by the Council when impounding; and

(b) if the goods are not claimed within the period specified on the receipt issued in terms of these by-laws, the goods will be sold to defray expenses incurred by Council in impounding and removing the goods.

(2) In the event that the goods–

(a) are not capable of being sold, they will be destroyed after the proper time specified on the receipt issued in terms of these by-laws;

(b) any perishable goods may be sold or destroyed as soon as may be necessary.

(3) If the proceeds contemplated by this section are insufficient to pay expenses incurred by Council, the owner will be liable for any excess.

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CHAPTER 6

GENERAL OFFENCES AND PENALTIES

8. General offences and penalties

- (1) Any person who—
 - (a) contravenes any provision of these by-laws;
 - (b) ignores, disregards or disobeys any notice, sign or marking displayed or erected for the purposes of these by-laws;
 - (c) for the purposes of these by-laws, makes a false statement knowing it to be false or deliberately furnishes false or misleading information to an authorised official; or
 - (d) threatens, resists, interferes with or obstructs an authorised official, officer or employee of the Council in the performance of his or her powers, duties or functions under these by-laws,
- (2) will be liable on conviction to a fine not exceeding R 1000 00 (One Thousand Rand) or to imprisonment for a period not exceeding three consecutive months.

CHAPTER 7

GENERAL PROVISIONS

Repeal of existing By-laws

9. The Council's existing Street Trading by-laws are hereby repealed and these By-laws shall not apply retrospectively.

Short title and commencement

10. These by-laws will be called the Street Trading By-laws, 2013,

NOTICE – CHANGE OF TELEPHONE NUMBERS: GOVERNMENT PRINTING WORKS

As the mandated government security printer, providing world class security products and services, Government Printing Works has adopted some of the highly innovative technologies to best serve its customers and stakeholders. In line with this task, Government Printing Works has implemented a new telephony system to ensure most effective communication and accessibility. As a result of this development, our telephone numbers will change with effect from 3 February 2014, starting with the Pretoria offices.

The new numbers are as follows:

- Switchboard : 012 748 6001/6002
- Advertising : 012 748 6205/6206/6207/6208/6209/6210/6211/6212
- Publications Enquiries : 012 748 6052/6053/6058 GeneralEnquiries@gpw.gov.za
 - Maps : 012 748 6061/6065 BookShop@gpw.gov.za
 - Debtors : 012 748 6060/6056/6064 PublicationsDebtors@gpw.gov.za
 - Subscription : 012 748 6054/6055/6057 Subscriptions@gpw.gov.za
- SCM : 012 748 6380/6373/6218
- Debtors : 012 748 6236/6242
- Creditors : 012 748 6246/6274

Please consult our website at www.gpwonline.co.za for more contact details.

The numbers for our provincial offices in Polokwane, East London and Mmabatho will not change at this stage.