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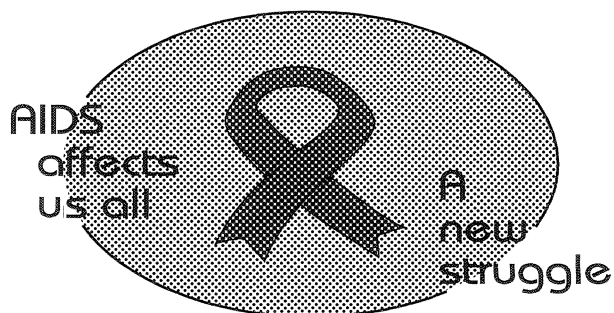
Vol. 7

PIETERMARITZBURG,

7 OCTOBER 2013
7 OKTOBER 2013
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No. 1032

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DEPARTMENT OF HEALTH

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MUNICIPAL NOTICE

No. 113

7 October 2013

SISONKE DISTRICT MUNICIPALITY



MUNICIPAL HEALTH SERVICES BYLAWS

(FINAL DOCUMENT)

40 MAIN STREET, IXOPO, 3276

TEL : 039 8348700

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SISONKE DISTRICT MUNICIPALITY'S MUNICIPAL HEALTH BYLAWS

The Sisonke District Municipal Council has accepted the following bylaws at its meeting on.....in terms of section 156 (2) of the constitution of South Africa (Act no 108 of 1996) read with section 31 (2) of the Local Government: Municipal Structures Act (Act No 117 of 1998) and hereby publish the bylaws in terms of section 13 (a) of the Local Government: Municipal Systems Act (Act No 32 of 2000) to come into effect on the date of publication hereof in the Provincial Gazette.

.....

N. Dlamini

Municipal manager



SISONKE DISTRICT MUNICIPALITY'S MUNICIPAL HEALTH BYLAWS

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SISONKE DISTRICT MUNICIPALITY'S MUNICIPAL HEALTH BYLAWS

CHAPTER 1

1. DEFINITIONS

In these bylaws, unless the context indicates otherwise

- "Authorised Official" –** means an Environmental Health Practitioner registered by the Health Professional Council of South Africa and employed by Council to administer, implement and enforce provisions of these bylaws.
- "Compliance Notice"-** means a notice issued in terms of chapter 5 section 6 to comply with these bylaws or with a permit issued in terms of these bylaws.
- "Municipal Manager"-** means a person appointed as such by Council in terms of section 82 of the Local Government, Municipal Structures Act (Act No .177 of 1998).
- "Council"** shall mean the Council of Sisonke District Municipality or a structure or person exercising delegated powers or carrying out an instruction, where any power in these bylaws has been delegated or an instruction given as contemplated in section 59 of the municipal systems act 32 of 2000
- "Occupier"-** in relation to any premises, means any person
- (a) occupying the premises;
 - (b) leasing the premises; or
 - (c) who is not occupying the premises but is entitled to do so.
 - (d) who manages the premises or a business on the premises on behalf of a person referred to in (a), (b) or (c)
- "Owner"-** in relation to any premises, means-
- (a) the person in whose name the title to the premises is registered; or

- (b) if the person referred to in (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; or
- (c) any person having a charge or a management of such premises and includes the agent of any such person when he is absent from the republic of South Africa or his whereabouts are unknown.
- "Permit"-** means a public health permit granted by Council in terms of chapter 4 section 5.
- "Person"-** means a natural person or a juristic person, and includes an organ of state.
- "Pest"-** means any animal that may create a public health hazard or public health nuisance if it is present in significant numbers and without limitation, includes rats, mice, flies, mosquitos and cockroaches.
- "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 or;
- (c) any vessel, vehicle or movable structure that is used for a scheduled use.
- (d) any building or other structure together with the land on which it is situated and any adjoining land occupied or used in connection with any activities carried on, in the building or structure, and include any land without any building or other structures and any locomotive, ship, boat or other vessels which operates or is present within the area of jurisdiction of Council.
- "Prescribed fee"-** means a fee determined by the Council by resolution.
- "Prohibition notice"-** means a notice issued in terms of Chapter 5, section 9 of these bylaws.
- "Public health"-** means the mental and physical health and well-being of people in the Council area.

- “Public health hazard”-** means any actual threat to the public, and without limitation, includes-
- (a) the circumstances referred to in chapter 2 section 3
 - (b) unsanitary conditions;
 - (c) circumstances that make it easier for a communicable disease to spread;
 - (d) circumstances that make food or drink including water for domestic consumption, unhygienic or unsafe to or drink, and;
 - (e) circumstances that allow pests to infest any place where they may affect public health.
- “Health nuisance”-** in terms of the Health Act- means a situation, or state of affairs, that endangers life or health or adversely affects the well-being of a person or community.
- “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 a 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.
- “Effluent”** means any waste water which may arise as a result of undertaking any scheduled use
- “Schedule Uses”** means any business listed below or that involves an activity listed below;
- A) Panel Beating or spray painting;
 - B) Operating a waste recycling plant;
 - C) Scrap yard;
 - D) Tanning, Glue or size making;
 - E) Charcoal, brick and/ or lime burning;
 - F) Manure and compost making or storing;
 - G) Manufacturing malt and yeast;
 - H) Cement works, Coke –ovens or salt glazing works;
 - I) Sintering of sulphurous materials;
 - J) Viscose works

- K) Ore and mineral smelting, calcining, puddling and Rolling of iron and other metals, conversation of pig iron into cast iron, reheating, tempering, hardening, forging, conversion and compounding of carbon with iron and other metals;
- L) Works for the production of carbon bisulphite, cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverised fuel, pyridine, liquid or gaseous sulphur dioxide or sulphur chlorides;
- M) Works for the production of amyl acetate, aromatic ethers, butyric acid, caramel, enamelled wire, glass, hexamine, lampblack, B-naphtha, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride and zinc oxide; or
- N) The refining or processing of petrol, oil or their products; and

“Scheduled business person” means any person who owns, conducts or carries on a business which is listed as scheduled use or which includes an activity listed as a scheduled use.

“Adverse Effect” means any actual or potential impact on the environment that impairs or could impair human health or well-being or the environment to an extent that is more than trivial or insignificant;

“Pollution” means the direct or indirect alteration of the physical, chemical or biological” properties of a water resource so as to make it—

(a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or

(b) harmful or potentially harmful

(aa) to the welfare, health or safety of human beings;

(bb) to any aquatic or non-aquatic organisms;

(cc) to the resource quality: or

(dd) to property;

“Air Pollutant” means any substance that causes or may cause air pollution including, without limiting the generality of the foregoing, dust, smoke, fumes and gases;

“Air Pollution” means any change in the environment caused by any air pollutant that has an adverse effect on human health or well-being or on the composition, resilience and productivity of any

natural or managed ecosystem, or on materials useful to people or will have such an effect in the future, or

Means any change in the composition of the air caused by smoke, soot, dust including fly ash, cinders, solid particles of any kind, gases, fumes, aerosols and odorous substances.

“Air Pollution Control Zone” means the geographical area to which chapter 11 section 1 of these bylaws is declared to apply;

“Ambient Sound Level” means the reading of an integrating impulse sound level meter measured at the end of a total period of at least 10 minutes after such integrating sound level meter has been put into operation, during which period a noise alleged to be disturbing noise is absent;

“Atmosphere” means air that is not enclosed by a building, machine, chimney or other such structures and/or equipment;

“Authorised Official” means a person authorized by Council to perform the functions of an authorised official in terms of these bylaws;

“Chimney” means any structure or opening of any kind from or through which air pollutants and/ or emissions may be emitted;

“Compressed Ignition Powered Vehicle” means a vehicle powered by an internal combustion, compression ignition, diesel or similar fuel engine;

“Disturbing Noise” means the noise level which exceeds the ambient sound level by 7 dB (A) or more, and disturbing in relation to a noise shall have a corresponding meaning;

“Dust” means any solid matter in a fine or disintegrated form which is capable of being dispersed or suspended in the atmosphere;

“Dwelling” means any building or other structure or part of a building or structure, used for residential purposes, and any outbuildings ancillary to it;

“Fuel-burning equipment” means any furnace, boiler, incinerator, or other equipment, including a chimney-

(a) designed to burn, or capable of burning ,liquid, gas or solid fuel;

(b) used to dispose of any material or waste by burning or;

(c) used to subject liquid, gas or solid fuel to any process involving the application of heat.

“Light absorption meter” means a measuring device that uses a light sensitive cell or detector to determine the amount of light absorbed by an air pollutant;

“Littering” means the discarding or leaving behind of any object or matter whether gaseous, liquid or solid by the person in whose control or possession it was;

“Noise level” means the reading on an integrating sound level meter taken at the measuring point at the end of a reasonable period after the integrating sound meter has been put into operation during which period the noise level alleged to be disturbing noise is present, to which reading 5dB (A) is added if the disturbing noise contains a pure tone component or is of an impulsive nature;

“Obscuration” means the ratio of visible light attenuated by suspended air pollutants to incident visible light, expressed as a percentage;

“Open burning” means the combustion of material by burning without a chimney to vent the emitted products of combustion to the atmosphere, and **“burning in the open”** has a corresponding meaning;

“Operator” means a person who owns or manages an undertaking, or who controls an operation or process, which emits air pollutants;

“Person” includes a natural person, company, closed corporation, trust, association and partnership;

“Premises” means any building or other structure together with the land on which it is situated and any adjoining land occupied or used in connection with any activities carried on in that building or structure, and includes any land without any buildings or other structures and any locomotive, ship, boat or other vessel which operates or is present within the area under the jurisdiction of the Council;

“Proclaimed township” means any land unit zoned and utilized for residential purposes;

- “Public road”** means a road which the public has the right to use;
- “Smoke”** means the gases, particulate matter and products of combustion emitted into the atmosphere when material is burned or subjected to heat and includes the soot, grit and gritty particles emitted in smoke;
- “Vehicle”** means any motor car ,motor cycle, bus ,truck or other conveyance propelled wholly or partly by any volatile spirit, steam ,gas or oil, or by any means other than human or animal power;
- “Water Source”** includes-
- (a)** a spring;
 - (b)** a natural channel in which water flows regularly or intermittently and;
 - (c)** a wetland ,lake or dam into which, or from which, water flows and;
 - (d)** a reference to a water source includes, where relevant, its bed banks and mouth.
- “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
- “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 animals ,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 animals and; (b) in relation to a battery system ,cattery, kennels ,pet parlour or pet shop means the person who owns the business which it forms part of or the person in charge of the premises in which the animals are kept.
“Kennels”	means premises in or upon which- (a) Boarding facilities for dogs are provided (b) Dogs are bred for commercial purposes; (c) Dogs are kept for the purposes of being trained or hired out with or without handlers or; (d) Dogs are kept for commercial security purposes.
“Livestock”	means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;
“Pet”	means a tame animal kept in a household for companionship or amusement;
“Pet parlour”	means any premises where beauty treatment is given to pests by washing, drying ,brushing ,clipping ,trimming or by attending to their nails or teeth;
“Pet shop”	means any premises where the business of keeping and selling pets is carried out;
“Poultry”	means fowls, 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;
“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 and;
“Wild animals”	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;
“Approval”	means approval by an authorised 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;
“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;
“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;
“WASTE”	in relation to water includes any solid material or material suspended, dissolved or transported in water (including sediments) and which is spilled or deposited on land or into a water resource in such volume or composition or manner as to cause, or to be reasonably likely to cause the water resources to be polluted.

CHAPTER 2

HEALTH HAZARDS AND/ OR NUISANCE

PROHIBITION ON CAUSING PUBLIC HEALTH HAZARDS

1. No person is allowed to create a public health hazard.
2. Every owner or occupier of premises must ensure that a public health hazard does not occur on the premises.
3. An owner or occupier of premises creates a health hazard if –
 - a) The premises are infested with pests or pests are breeding in significant numbers on the premises;
 - b) There are conditions on the premises that are conducive to the spread of communicable diseases;
 - c) There are unsanitary conditions in any part of the premises;
 - d) Any water supply for domestic consumption on the premises is unsafe for human consumption

DUTY TO REPORT

4. The owner or occupier of premises who knows of a public hazard on the premises must within twenty four (24) hours of becoming aware of its existence-
 - a) Eliminate the public hazard;

- b) If the owner or occupier is unable to comply with section 4 (a), take reasonable steps to reduce the risk to public health and report the existence of the public health hazard to the municipality.
- 5. An owner or occupier who contravenes or fails to comply with section 4 commits an offence.

CHAPTER 3

PUBLIC HEALTH NUISANCE

PROHIBITION ON CAUSING PUBLIC HEALTH NUISANCE

- 1. No person shall cause a public health nuisance.
- 2. Every owner or occupier of premises must ensure that a public health nuisance does not arise on the premises.

GENERAL NUISANCES

3.1 An owner or occupier of premises creates a public health nuisance where-

- a) Any stream ,pool,marsh,ditch,gutter,watercourse,cistern,urinal,drain,sewer,septic tank, long drop, slop tank, ash heap or dung heap is so full or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to the public health;
- b) Any stable, kraal, shed, run or other structure used for the keeping of animals or birds is so constructed, situated ,used or kept as to be offensive or to be injurious or dangerous to health;
- c) Any accumulation or refuse ,offal, manure or any other matter that is offensive or is injurious or dangerous to health;
- d) Any factory ,industrial or business premises is so overcrowded, inadequately lit or ventilated as to be injurious or dangerous to the health of those employed therein or thereon and;
- e) Any factory, industrial or business premises causes or gives rise to smells or effluvia which are offensive or which are injurious or dangerous to health.
- f) Any building which is so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health.

- g) Any occupied dwelling for which no proper and sufficient supply of pure water is available within a reasonable distance.
- h) Any area of land kept or permitted to remain in such a state as to be offensive.
- i) Any other activity, condition or thing declared to be a nuisance by the Minister in terms of the Health Act 32 of 2003

3.2 The owner of any premises shall-

a) Maintain

- i. All buildings, hardened areas and storm water drains in good order and condition;
- ii. all sanitary fitments, waste pipes, soil pipes, drains, drainage connections and other drainage fittings and pipes, together with the necessary accessories, in good order and condition;

(b) provide suitable and effective means of drainage and disposal of all waste liquids and storm water;

(c) ensure that every room or other structure or accommodation used for human habitation or occupation is adequately lighted and ventilated in accordance with the requirements of the Building Bylaws;

(d) paint, colour-wash, lime-wash or otherwise suitably renovate any exterior part of the premises when so required by an Authorised Official

PESTS CONTROL

Any owner or occupier of premises creates a public health nuisance where-

- 4. Waste or other material is left or kept in a manner that attracts rodents or other pests to the premises or;
- 5. Flies or mosquitos are attracted to, or breeding, in significant numbers on the premises.

6. *It shall be the duty of*

- (1) every occupier of land or premises or, in the case of vacant land, unoccupied premises or premises used in common by a number of occupiers, the owner of land or premises to prevent mosquitoes, flies, rodents or other vermin from developing or being harboured thereon, and any such occupier or owner who shall fail to comply with the provisions hereof shall be deemed to have contravened this Bylaw.
- (2) The occupier or owner of land or premises shall, on being served with a notice signed by an Authorised Official carry out such measures as may be specified therein for the removal of conditions favourable to the prevalence or multiplication of mosquitoes, flies,

rodents or other vermin, or their harbouring thereon, within the time to be specified in the notice.

- (3) If the occupier or owner refuses to carry out the measures specified in a notice under this bylaw or fails to do so within the time specified, an Authorised Official may arrange for such measures to be carried out and the expenses incurred in so doing shall be recoverable by the Council from the person on whom the notice is served.

7. OFFENCES AND PENALTIES

Any person who contravenes or fails to comply with any of the provisions of this chapter, shall be guilty of an offence, unless another penalty is expressly provided for, be liable –

- (a) on a first conviction to a fine not exceeding R500 (five hundred rand) or to imprisonment for a period not exceeding 6 (six) months or to both such fine of
- (b) on a second conviction to a fine not exceeding R1000 (one thousand rand) or to imprisonment for a period not exceeding 1 (one) months or to both such fine of
- (c) on a third conviction to a fine not exceeding R1500 (one thousand five hundred rand) or to imprisonment for a period not exceeding 2 (two) years or to both such fines.

CHAPTER 4

POTENTIALLY HAZARDOUS USES OF PREMISES

DUTY TO LIST POTENTIALLY HAZARDOUS USES

The Council may list any use of premises, in a schedule to these by-laws, which 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 and Council must prescribe measures that must be taken to avoid the risk or reduce it to a level acceptable to the Council.

SCHEDULE USES

Any person who uses premises in a manner or for a purpose listed in the Schedule to these by-laws must-

1. Comply with each of the provisions set out in the Schedule relating to that use unless that person has been granted an exemption under section 9, chapter 4 from complying with any provision and;
2. Obtain a permit under chapter 4, sections 8 to 14 before commencing the use and must comply with the terms and conditions of the permit.

EXEMPTION CERTIFICATE

3. Any person who wishes to use premises in a manner or for a purpose listed in the Schedule to these by-laws, but who wishes to be exempted from complying with one

or more of the requirements of the Schedule, may apply to the Council for an exemption certificate.

4. The Council may grant an exemption certificate ,with or without conditions, if an environmental health officer is satisfied that –
 - (a) the measures taken to avoid or reduce the risk to public health arising from the scheduled use are equivalent to or better than the measures required by the relevant schedule and;
 - (b) the schedule use for which the exemption is required is not likely to cause a public health hazard nuisance.

PUBLIC HEALTH PERMITS

5. Any person, who wishes to use premises in a manner or for a purpose listed in the Schedule to these by-laws, must apply in writing to the Council in accordance with chapter 4 section 8 to 14 for a public health permit.
6. The Council may issue a public health permit to the owner or occupier of any premises if an Environmental Health Practitioner is satisfied that the use for which the permit is required is not likely to cause a public health hazard or a public health nuisance.
7. A public health permit –
 - (a) 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 and;
 - (b) may exempt the permit holder for complying with one or more of the provisions of the relevant schedule, if the person authorised to issue the permit 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 schedule.

APPLICATION PROCEDURE

8. Any person that wants to obtain a permit or an exemption certificate must apply to the Council in writing in a form stipulated by the Council, prior to undertaking the relevant scheduled use.
9. When the Council receives an application for a permit or an exemption certificate it must ensure that the relevant premises are inspected by an environmental health

officer as soon as reasonably possible.

10. Before deciding whether or not to approve an application referred to in section 8, the Council –

- (a) must ensure that any persons in the vicinity of the premises whose health or wellbeing may be affected if the premises are used for a scheduled use, have been consulted and have had an opportunity to make representations; and
- (b) may request the applicant to provide any further information which the Council considers relevant to enable him or her to make a properly informed decision.

GENERAL TERMS APPLICABLE TO PERMITS AND CERTIFICATES

11. A permit or an exemption certificate –

- (a) is not transferable from one person to another; and
- (b) applies only to the premises specified in the permit or certificate.

12. Every permit or exemption certificate –

- (a) must specify the address and other relevant details regarding the location of the premises concerned;
- (b) must describe the premises concerned;
- (c) must describe the activity concerned;
- (d) may specify terms and conditions; and
- (e) must indicate when it expires.

13. The Council may charge applicants a prescribed fee for considering and granting the permit or exemption certificate.

14. 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 (if any) has been paid.

SUSPENSION, CANCELLATION AND AMENDMENT OF PERMITS AND OF EXEMPTION CERTIFICATES

15. An Environmental Health Practitioner may by written notice to the holder of a permit or exemption certificate, suspend, amend or cancel the permit or certificate.

16. An environmental health officer may suspend or cancel a permit or exemption certificate with immediate effect if –

- (a) the Environmental Health Practitioner reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health posed by a public health hazard or a public health nuisance; and
 - (b) the holder of the permit or certificate has failed to comply with a compliance notice that states that the permit or certificate may be suspended or cancelled without further notice if the holder fails to comply with the compliance notice.
17. An environmental health officer may amend a permit or exemption certificate by endorsing the permit or certificate or by written notice to the holder, 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 permit or exemption certificate was issued.

CHAPTER 5

IMPLEMENTATION AND ENFORCEMENT

APPOINTMENT AND IDENTIFICATION OF ENVIRONMENTAL HEALTH PRACTITIONER

The mayor of a district council may appoint any person in the employ of the council in question as a health officer for the municipality in question.

1. The Council must issue an identity card to each environmental health officer.
2. The identity card must –
 - (a) contain a recent photograph of the environmental health practitioner;
 - (b) be signed by the environmental health practitioner; and
 - (c) identify the person as an environmental health practitioner.
3. The environmental health practitioner must display his or her identity card so that it is clearly visible or produce it at the request of any person in relation to whom the environmental health practitioner is exercising a power under these by-laws.
 - a) In the event of a conflict within any other By – Law which directly or indirectly regulates Municipal Health Services the provisions of this By – Law shall prevail.
 - b) This law is binding on the State and the Municipality.

GENERAL POWERS OF AN ENVIRONMENTAL HEALTH PRACTITIONER

4. An environmental health practitioner may, for the purposes of implementing or administering any power or duty under these by-laws –
 - (a) exercise any power afforded to such officer in terms of these by-laws or any other applicable legislation;
 - (b) issue a compliance notice in terms of chapter 5, section 6 to 8 requiring any person to comply with the provisions of these by-laws;

- (c) issue a prohibition notice in terms of chapter 5, section 9 to 12 prohibiting any person from conducting an activity;
 - (d) undertake measures in terms of chapter 5, section 16 to remove, reduce and/or minimise any public health nuisance;
 - (e) cancel, suspend or amend any permit or exemption certificate in terms of chapter 4, section 15 to 17 or
 - (f) enter and inspect premises and for this purpose may-
 - (i) question any person on the premises;
 - (ii) take any sample that the environmental health officer considers necessary for examination or analysis;
 - (iii) monitor and take readings or make measurements; and
 - (iv) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises.
5. An Environmental Health Practitioner who removes anything from any premises being inspected must –
- (a) issue a receipt for it to the owner, occupier or person apparently in control of the premises; and
 - (b) return it as soon as practicable after achieving the purpose for which it was removed.

COMPLIANCE NOTICES

6. If an environmental health officer, after inspecting premises, reasonably believes that a public health hazard or public health nuisance exists on the premises or that the premises are being used in a manner or for a purpose listed in the Schedule to these by-laws without a permit, the environmental health officer may serve a compliance notice on one or more of the following persons:
- (a) the owner of the premises;
 - (b) the occupier of the premises; or
 - (c) any person apparently in charge of the premises.
7. A compliance notice must state –
- (a) why the environmental health officer believes that these by-laws is being contravened;
 - (b) the measures that must be taken –
 - (i) to ensure compliance with these by-laws or;
 - (ii) to eliminate or minimise any public health nuisance
 - (c) the time period within which the measures must be taken
 - (d) the possible consequences of failing to comply with the notice; and

(e) how to appeal against the notice.

8. If a person fails to comply with a compliance notice that requires a particular action be taken, the Council may –

- (a) take the required action specified in the compliance notice; and
- (b) recover, as a debt, from the person to whom the notice was given, the costs and expenses reasonably incurred in taking the required action.

PROHIBITION NOTICE

9. An environmental health officer may, after inspecting premises, serve a prohibition notice prohibiting the premises from being used for specified purposes and requiring measures to be taken to ensure that this occurs, on one or more of the following persons:

- (a) the owner of the premises;
- (b) the occupier of the premises; or
- (c) any person apparently in charge of the premises.

If the environmental health officer reasonably believes that that person has not complied with the terms of a compliance notice

10. The environmental health practitioner must give the person on whom he or she intends serving a prohibition notice a reasonable opportunity to make representations before serving the notice unless the environmental health practitioner reasonably believes that the delay in doing so would significantly compromise public health, in which case the person on whom a prohibition notice is served must be given reasonable opportunity to make representations why it should be withdrawn.

11. A prohibition notice must state –

- (a) the reasons for serving the notice;
- (c) whether or not the Council will withdraw the notice if certain measures are taken, and if so, the measures that must be taken;
- (c) the possible consequences of failing to comply with the notice; and
- (d) how to appeal against the notice.

12. The environmental health officer must as soon as possible affix a copy of the notice in a conspicuous position on the premises.

- 12.1 Defect in compliance notice: No defect in the notice shall invalidate any action taken by virtue of such notice or order, or found any legal proceedings following upon such notice or order, if such notice or order substantially sets out the requirements thereof

WITHDRAWAL OF PROHIBITION NOTICE

13. An environmental health officer must, within 48 hours of receiving a written request for the withdrawal of a prohibition contained in a prohibition notice, carry out an investigation of the premises.
14. After completing the investigation the environmental health officer must inform the person on whom the prohibition notice was served or that person's agent in writing, whether or not the prohibition has been removed or the prohibition order withdrawn.
15. The Council may charge the owner or occupier of any premises where an investigation is carried out in terms of chapter 5, section 16, a prescribed fee for undertaking the investigation.

(1) Service of notices or other documents:

Service of Compliance notices, Prohibition Notices, Withdrawal of Prohibition Notices or any other documents by the Council, Authorised Official or Municipal Manager is served

(a) on any person, it shall be deemed to be duly and sufficiently served if it is sent by registered post to that person at his last known address or it is left with him personally or with some adult inmate thereof

(b) on an owner or occupier of any land or premises and the address of such owner or occupier of such land is unknown, it shall be deemed to be duly and sufficiently served if it is posted in some conspicuous place on such land or premises

(2) It shall not be necessary in any notice in subsection 1 above to an owner or occupier of land or premises to name him, if the notice describes him as the owner or the occupier of the land or premises in question

(3) A notice in terms of section 1 may be served

(a) upon the owner of any premises, by

(i) delivering it to the owner, or if the owner cannot be traced or is living abroad to his/her agent

(ii) transmitting it by post to the owners last known address, or the last known address of the agent

(iii) delivering it to the address where the premises are situated, if the owners address and his agent's address are both unknown

(b) upon the occupier of the premises by

(i) delivering it to the occupier

(ii) transmitting it by registered post to the occupier at the address at which the premises are situated

MUNICIPAL REMEDIAL WORK

16. The Council may enter any premises and do anything on the premises that it reasonably considers necessary –

- (a) to ensure compliance with these by-laws or with any compliance notice or prohibition notice;
- (b) to reduce, remove or minimise any public health nuisance; or
- (c) to reduce, remove or minimise any significant public health hazard.
- (d) Any expenses borne in providing such services shall be recovered from the owner of the premises.

CHAPTER 6:

APPEALS

1. A person whose rights are affected by a decision taken by any authorised official under these by-laws, may appeal against the decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
2. The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in chapter 6, section 4.
3. The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
4. When the appeal is against a decision taken by –
 - (a) a staff member other than the municipal manager, the municipal manager is the appeal authority; or
 - (b) the municipal manager, the executive mayor is the appeal authority.

5. An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

OFFENCES

6. Any person who -
 - (a) contravenes or fails to comply with any provisions of these by-laws;
 - (b) fails to comply with any notice issued in terms of these by-laws;
 - (c) fails to comply with any lawful instruction given in terms of these by-laws; or
 - (d) obstructs or hinders any authorised official in the execution of his or her duties under these by-laws –

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R15 000 or imprisonment for a period not exceeding twenty four (24) months or both.

CHAPTER 7:

SCHEDULE TRADE OR USES

PERMIT REQUIREMENT

1. No person may conduct a scheduled business in or on any premises, except in terms of a valid permit.

REQUIREMENTS FOR PREMISES

No person may undertake a scheduled use of 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 National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977), as amended;
- (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 effluents arising from the manufacturing process performed on the premises;
- (i) adequate accommodation is provided for the storage of all finished products or articles or materials which are used in the manufacturing process and which may-
 - 1. discharge offensive or injurious effluent or liquids; or
 - 2. 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 gases, fumes, vapours or dust produced during any handling, preparation, drying, melting, rendering, boiling, grinding process or storage of material;
- (k) adequate toilet facilities are provided as prescribed in the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977), as amended;
- (l) a perimeter wall or fence 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 from public view; and
- (o) all materials are stacked or stored on the premises below the height of the perimeter screening.

DUTIES OF A SCHEDULED BUSINESS PERSON

A scheduled business person 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; and
- (d) Prevent the emission of noxious, injurious or offensive gases, fumes, vapours or dust generated during any handling, preparation, drying, melting, rendering, boiling, and grinding process or storage of any material on the premises.

CHAPTER 8

NOISE POLLUTION

CONTROL OF NOISE

- 1. No person shall on premises or land make, produce cause or permit to be made or produced by any person, machine, animal, device or apparatus or combination of these, a noise which is a disturbing noise.

NOTICES

2. The Municipality may by written notice instruct the person causing or responsible for a disturbing noise or the owner of such building or premises on which a disturbing noise is caused or both of them, within a period specified in such notice, immediately to stop such noise or have it stopped or take the necessary steps or reduce the disturbing noise level to a level below that of a disturbing noise, provided that if the Municipality is satisfied that the disturbing noise is due to or caused by-

(a) The working of:

- (i) A machine or apparatus which is necessary for the maintenance or repair of property, or the protection of life, property or public services;
- (ii) Garden equipment;
- (iii) A machine or device;

The noise level of which has in the opinion of the Municipality been reduced or muffled according to the best practicable methods;

(b) A sport meeting or;

(c) Circumstance or activities beyond the control of the person responsible for causing the disturbing noise,

The Municipality may, whether generally or specifically, permit the working of such machine or apparatus, or such sports meeting or circumstances or activities to continue, subject to such conditions as the Municipality may deem fit.

3. For the purposes of applying this By – Law, the Municipality may, at any reasonable time enter a premise without prior notice
- (a) to conduct an approximate examination, enquiry or inspection as it may deem expedient; or
 - (b) To take any steps it may deem necessary
4. For the purpose of this By – Law, in respect of a duly authorised employee of the Council, no person shall –
- (i) fail or refuse to grant admission to such employees to enter and to inspect a premises;
 - (ii) fail or refuse to give information which may lawfully be required to him or her to such employees;
 - (iii) hinder or obstruct such employees in the execution of his or her duties; or
 - (iv) give false or misleading information to such employees.
5. if a noise emanating from a building, premises, vehicle, recreational vehicle or street is a disturbing noise or noise nuisance instruct in writing the person causing such noise or who is responsible therefore, or the owner or occupant of such building, premises, vehicle, recreational vehicle or street from which or from where such noise emanates or may emanate, or all such persons, to discontinue or cause to be

discontinued such noise within the period stipulated in the instruction: Provided that the provisions of this paragraph shall not apply in respect of a disturbing noise or noise nuisance caused by rail vehicles or air traffic or by vehicles that are not used as recreational vehicles on a public road;

6. if excavation work, earthmoving work, pumping work, drilling work, construction work or demolition work or any similar activity, power generation or music causes or may cause a noise nuisance or a disturbing noise, instruct in writing that such work, activity, generation or music be forthwith discontinued until such conditions as the local authority may deem necessary have been complying with;
7. The Council may, before changes are made to existing facilities or existing uses of land or buildings, or before new buildings are erected, in writing require that noise impact assessments or tests be conducted to the satisfaction of the Council by the owner, developer, tenant or occupant of the facilities, land or buildings and that reports or certificates relating to the noise impact to the satisfaction the Council be submitted by the owner, developer, tenant or occupant to the local authority;
8. if the owner or person in charge of power tools musical instruments and equipment or animal fails to comply with an instruction referred to in chapter 6, section 6 of this bylaw, subject to the applicable provisions of any other law, the instrument, equipment or animal can be confiscated, or impounded;
9. EXEMPTIONS
 - (1) The provisions of this By – Law s hall not apply, if –
 - (a) the emission of sound is necessary for the purpose of warning people of a dangerous situation; or
 - (b) the emission of sound takes place in an emergency
 - (2) Any person may by means of a written application apply to the municipality for exemption/s from any provisions of these By – Laws
 - (3) The Council may impose such appropriate conditions as it deems fit when granting any permission or exemption in terms of this By – Law;
10. Any person who contravenes or fails to comply with the provisions of this chapter shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

CHAPTER 9

POLLUTION OF A WATER SOURCES

1. Except with the permission of the Council, a person may not cause-
 - (a) Waste water;
 - (b) Any toxic or harmful substance or;
 - (c) Any litter or waste

to run into or be dumped in a water source.

2. No person may operate a boat on a water source while it is leaking oil, petrol or any toxic or noxious substance.

Use of water from sources other than the municipal supply

3. 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.
4. 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.
5. 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.
6. Water must be fit for domestic use.

OFFENCES AND PENALTIES

(1) Anyone who contravenes the provisions of this chapter, or fails to comply therewith shall be guilty of an offence and liable on conviction to a fine of twenty thousand (R20 000) or to imprisonment for a period not exceeding twenty four (24) months or both fine and imprisonment.

(2) Any person convicted of an offence for which no penalty is expressly provided, shall be liable to a fine not exceeding R2000 (two thousand rand) or to imprisonment for a period not exceeding 6 (six) month or to both such fine and imprisonment

(3) any person convicted of an offence who after such conviction persists in the act or omission which constituted such offence, shall be guilty of a continuing offence and liable on conviction to a fine not exceeding R250 (two hundred and fifty rand) or to a period not exceeding 20 (twenty) days or to both such fine and imprisonment in respect of every day on which he/she so persists with such act or omission

CHAPTER 10

LITTERING AND DUMPING

LITTERING

1. No person shall discard or leave any litter on any land or water surface, street, road or any site in or on any place to which the public has access, except in a container or at a place which has been specifically indicated as having been provided or set aside for such purpose
- 1.1 Every person or authority in control of or responsible for the maintenance of any place to which the public has access shall at all times ensure that containers or places which will normally be adequate for the discarding of litter by the public
- 1.2 Notwithstanding the provisions of 1.1 above, every person or authority responsible for the maintenance of any place to which the public has access shall within a reasonable time after litter has been discarded, dumped or left behind at such place (with the inclusion of any pavement adjacent to or land situated between such a place and a street, road or site used by the public to get access to such place) remove such litter or cause it to be removed

DUMPING

2. No person may dump, or cause or permit to be dumped, on any land or premises any waste.
3. If the provisions of chapter 10, section 2 are contravened, Council may direct, by way of a written notice, to-
 - (a) Any person who committed, or who directly or indirectly caused or permitted the contravention;
 - (b) The owner of the land or premises where the contravention took place;
 - (c) The person in control of, or any person who has or had at the time of the contravention a right to use, the land or premises where the contravention took place or;
 - (d) Any person who negligently failed to prevent the contravention from taking place
 - (e) Any person who negligently failed to prevent the contravention from taking place or;

Cease the contravention in a specified time, take steps to prevent a further contravention or the continuation of the contravention, and/or take whatever steps Council considers necessary to clean up or remove the waste, to lawfully dispose of the waste and to rehabilitate the affected area.

4. If a person fails to comply with section 2 of this chapter, or if a person fails to comply with directions given in a notice issued under section 3 of this chapter,

Council may itself take whatever steps it considers necessary to clean up or remove the litter, to rehabilitate the affected area and to ensure that the waste and any contaminated material which cannot be cleaned or rehabilitated, is disposed of lawfully. Council may then recover the reasonable costs of taking these steps from any of the persons listed in subsection 3, who shall be jointly and severally liable therefor.

OFFENCES AND PENALTIES

5. (1) Anyone who contravenes the provisions of Section 1 of this chapter, or fails to comply therewith shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 3 (three) months
- (2) Any person convicted of an offence for which no penalty is expressly provided, shall be liable to a fine not exceeding R2000 (two thousand rand) or to imprisonment for a period not exceeding 6 (six) month or to both such fine and imprisonment
- (3) any person convicted of an offence who after such conviction persists in the act or omission which constituted such offence, shall be guilty of a continuing offence and liable on conviction to a fine not exceeding R250 (two hundred and fifty rand) or to a period not exceeding 20 (twenty) days or to both such fine and imprisonment in respect of every day on which he/she so persists with such act or omission

CHAPTER 11

AIR POLLUTION CONTROL

AIR POLLUTION CONTROL ZONES

1. (1) The whole area within the jurisdiction of the Council is hereby declared an air pollution control zone.
- (2) Within the air pollution control zone, Council may from time to time by resolution-
 - (a) Prohibit or restrict the emissions of one or more air pollutants from all premises or certain premises;
 - (b) Prohibit or restrict the combustion of certain types of fuel;
 - (c) Declare smokeless zones, in which smoke with an obscuration of more than 10% may not be emitted or;
 - (d) Prescribe different requirements in an air pollution control zone relating to air quality in respect of:
 - (i) Different geographical areas;

- (ii) Specified premises;
- (iii) Classes of premises or;
- (iv) Premises used for specified purposes.

- (3) The Council may in writing exempt certain premises, classes of premises or premises used for specified purposes from the provisions of this by-law

SMOKELESS ZONE

- (4) Council may by resolution declare certain areas to be smokeless zones from a date indicated in that resolution.
- (5) No owner or occupier of any premises within a smokeless zone shall cause or permit the emission from such premises of smoke of such a density or content as will obscure light to an extent greater than 10%.
- (6) If, on the written application of any person, the Council is satisfied that there are adequate reasons for the temporal exemption of any premises from the provisions of this section, the Council may, by notice in writing to the applicant, grant such exemption for a period specified in such notice.

CHAPTER 12

SMOKE EMISSIONS FROM PREMISES OTHER THAN DWELLINGS

PROHIBITION

- 1. Subject to section 2, dark smoke must not be emitted from any premises for an aggregate period exceeding three minutes during any continuous period of thirty minutes.
- 2. This section does not apply to dark smoke which is emitted from fuel burning equipment which occurs while the equipment is being started or while the equipment is being overhauled or repaired, or awaiting overhaul or repair, unless such emission could have been prevented using the best practicable means available.
- 2.1 If smoke is emitted in contravention of section 1, the owner, operator and/or the occupier of the premises shall be guilty of an offence.

INSTALLATION OF FUEL-BURNING EQUIPMENT

- 3. No person shall install, alter, extend or replace any fuel-burning equipment on any premises without the prior written authorization of the Council, which may only be given after consideration of the relevant plans and specifications.
- 3.1 Any fuel burning equipment installed, altered, extended or replaced in accordance with plans and specifications submitted to and approved, for the purposes of this

chapter, shall be presumed none-compliant until the contrary is proved to comply with the provisions of subsection 3

4. Where the fuel-burning equipment has been installed, altered, extended or replaced on premises in contravention of section 3:
 - (a) The owner or occupier of the premises and the installer of the fuel-burning equipment shall be guilty of an offence and;
 - (b) The Council may, on written notice to the owner or occupier of the premises, order the removal of the fuel-burning equipment from the premises at the expense of the owner or operator within a period stated in the notice.

OPERATION OF FUEL-BURNING EQUIPMENT

5. No person shall use or operate any fuel-burning equipment on any premises contrary to an authorisation referred to in section 3.
6. Where fuel-burning equipment has been used or operated in contravention of section 3:
 - (a) The owner and occupier of the premises concerned and the operator of the fuel-burning equipment shall each be guilty of an offence;
 - (b) The Council may on written notice to the owner and occupier of the premises:
 - (i) Revoke its authorisation under section 3 and;
 - (ii) Order the removal of the fuel-burning equipment from the premises and the expense of the owner and operator and within the period stated in the notice.

INSTALLATION AND OPERATION OF OBSTRUCTION MEASURING EQUIPMENT

7. Council may give notice to any operator of fuel-burning equipment or any owner or occupier of premises on which fuel-burning equipment is used or operated , or intended to be used or operated, to install, maintain and operate obstruction measuring equipment at his or her own cost if:
 - (a) Unauthorised and unlawful emissions of dark smoke from the relevant premises have occurred consistently and regularly over a period of at least two days;
 - (b) Unauthorised and unlawful emissions of dark smoke from the relevant premises have occurred intermittently over a period of at least fourteen days;
 - (c) Fuel-burning equipment has been or is intended to be installed on the relevant premises which are reasonable likely in the opinion of an authorised official to emit dark smoke;
 - (d) The Council considers that the nature of the air pollutants emitted from the relevant premises are reasonable likely create a hazard to human health or environment
8. A notice referred to in section 7 must inform the person to whom it is addressed to;

- (a) That person's right to make written representations and to appear in person to present and dispute information and arguments regarding the notice, and must stipulate a reasonable period within which this must be done;
- (b) That person's right of appeal
- (c) That person's right to request written reasons for the issuing of the notice and;
- (d) The measures that must be taken and the potential consequences if the notice is not complied with.

MONITORING AND SAMPLING

9. An occupier or owner of premises, and the operator of any fuel-burning equipment who is required to install obscuration measuring equipment in terms of section 6 of this chapter shall:
- (a) Record all monitoring and sampling results and maintain a copy of this record for at least four years after obtaining the results;
 - (b) If requested to do so by an authorised official, produce the record of the monitoring and sampling results for inspection and;
 - (c) If requested to do so by an authorised official, provide a written report (in a form and by a date specified by the authorised official) of part or all of the information in the record of the monitoring and sampling results.

EXEMPTIONS

10. (1) Upon an application in writing by the owner or occupier of the premises or the owner of fuel burning equipment, the Municipality may grant a temporary exemption from one or all of the provisions of this chapter
- Any exemption granted under subsection 1 must state at least the following:
- (a) a description of the fuel burning equipment and the premises on which it is to be operated
 - (b) the reasons for granting the exemption
 - (c) the condition attached to the exemption (if any)
 - (d) the period for which the exemption has been granted
 - (e) any other relevant information

CHAPTER 13

SMOKE EMISSIONS FROM DWELLINGS

- 1. No person shall emit or permit the emission of dark smoke from any dwelling for an aggregate period exceeding three minutes during any continuous period of thirty minutes.
- 2. Any person who emits or permits the emission of dark smoke in contravention of subsection 1 commits an offence.

CHAPTER 14

EMISSIONS CAUSED BY OPEN BURNING

1. Subject to section 4 of this chapter, any person who carries out open burning of a material on any land or premises is guilty of an offence, unless the prior written authorisation of the Council, which may include the imposition of further conditions with which the person requesting authorisation must comply, has been obtained.
2. The Council may not authorise open burning under section 1 unless-
 - (a) The material will be open burned on the land from which it originated;
 - (b) That person has investigated and assessed every reasonable alternative for reducing, reusing, recycling or removing the material in order to minimize the amount of material to be open burned, to the satisfaction of the Council;
 - (c) That person has investigated and assessed the impact that the open burning will have on the environment, to the satisfaction of the Council;
 - (d) A warning under section 10(1)(b) of the National Veld and Forest Fire Act, 1998 (Act 101 of 1998) has not been published for the region;
 - (e) The land on which that person intends to open burn the material is not land within a proclaimed township;
 - (f) The open burning is conducted at least 100 metres from any buildings or structures;
 - (g) The open burning will not pose a potential hazard to human health or safety, private property or the environment
 - (h) That person has notified in writing the owners and occupiers of all adjacent properties of-
 - (i) All known details of the proposed open burning and;
 - (ii) the right of owners and occupiers of adjacent properties to lodge written objections to the proposed open burning with the Council within 7 days of being notified and;
 - (l) The prescribed fee has been paid to the Council.
3. Any person who undertakes or permits to be taken undertaken open burning in contravention of section 1 commits an offence.
4. The provisions of this section shall not apply to:
 - (a) Recreational outdoor barbecue or braai activities on private premises or;
 - (b) Small controlled fires in informal settlements for the purposes of cooking, heating water and other domestic purposes.

EMISSIONS THAT CAUSE A NUISANCE

5. Prohibition

- (1) No person may create or permit emissions that cause a nuisance
- (2) any person who contravenes subsection 1 above is guilty of an offence

Compliance Notice

- (3) an authorised person may serve a notice on a person s/he reasonably is likely to commit or has committed an offence in subsection 1 above, calling upon that person:
 - (a) to abate the nuisance within a specified period in the notice
 - (b) to take all necessary steps to prevent a recurrence of the nuisance
 - (c) For the purposes of section 1 an authorised person may form a reasonable belief based on his/her own experience that an air pollutant was emitted from premises occupied and owned by the person on whom the compliance notice is to be served
- (4) A compliance notice under section 3 may be served in accordance with section 4, chapter 5 of these bylaws
- (5) Any person who fails to comply with a notice in served on that person in terms section 1 commits an offence
- (6) In addition to any penalty that may be imposed, a court may order a person convicted of an offence under section 4 to take steps the court considers necessary within a period determined by the court in order to prevent a recurrence of the nuisance
- (7) At any time the Municipality may at its own cost take whatever steps it considers necessary in order to remedy the harm caused by the nuisance and prevent a recurrence of it, and may recover the reasonable costs from the person reasonable for causing the nuisance

6. OFFENCES AND PENALTIES

Any person who contravenes any provisions of this By – Law commits an offence and shall, upon conviction, be liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and imprisonment, and in the case of a successive or a continuing offence to a fine for everyday such offence continues, or in default of payment thereof, to imprisonment

(2) It is an offence to:

- (a) supply false information to an authorised person in respect of any issue pertaining to the law
- (b) to refuse to co - operate with the request of an authorised person made in terms of this By - Law
- (3) Failure to comply with a notice, direction or instruction to this By - Law constitutes a continuing offence
- (4) In addition to imposing a fine or imprisonment, a court may order any person convicted of an offence

- (a) to remedy the harm caused
- (b) to pay damages for harm caused to another person or property, which order shall have the force and effect of a civil judgment
- (c) to install and operate the person's own expense air pollution measuring equipment in accordance with the provisions of chapter 12:Section 9

7. EXEMPTIONS

(1) The Municipality may grant temporary exemption in writing from one or all of the provisions of chapter 12, 13 and 14 (with the exclusion of emissions that cause a nuisance), provided that the Municipality:

- (a) is satisfied that granting the exemption will not significantly prejudice the purpose Section 24 of the Constitution of controlling air pollution in jurisdiction of municipality; and
- (b) grants any exemption subject to conditions that promote the attainment of the purpose referred to in Section 24 of the Constitution in controlling air pollution in the jurisdiction of the Municipality
- (c) grants exemptions that avoids air pollution or where it cannot be altogether avoided minimised and remedied

(2) The Municipality may not grant an exemption under subsection 1 of this chapter, until it has

- (a) taken reasonable measures to ensure that all persons whose rights may be significantly detrimentally effected by the granting of the exemption, including but not limited to adjacent land owners or occupiers, are aware of the application for exemption and how to obtain a copy of it; and
- (b) provided such person with a reasonable opportunity to object to the application; and
- (c) duly considered and taken into consideration any other objections raised.

CHAPTER 15

GENERAL PROVISIONS RELATING TO THE KEEPING OF ANIMALS

APPLICATION OF BY-LAWS

These by-laws do not apply to –

1. any agricultural show where animals are kept on a temporary basis; or
2. any laboratory where animals are lawfully kept for research purposes.

KEEPING OF CATTLE, HORSES, MULES AND DONKEYS

REQUIREMENTS FOR PREMISES

3. No person may keep any cattle, horse, mule or donkey in a stable 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 –
 - (i) if the roof is a pitched roof be 2,4 meters;
 - (iii) if the roof is a flat roof be 2,7 meters;
 - (iv) if the roof is a lean to roof be a mean height of 3 meters with a minimum of 2,4 meters on the lowest side;
 - (v) in the case of a stable which has an opening along the entire length of one of its long sides be not less than 2 meters;
 - (d) the stable must have a floor area of at least 9m² 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 totaling at least 0,3m² 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;
 - (e) the lowest point of every opening, window or louvers must be at least 1,8 meters above floor level;
 - (f) 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;
 - (g) no stable may be situated within –
 - (h) 15 meters of the boundary of any land, property, dwelling or other structure used for human habitation; or
 - (i) 50 meters of any water resource or water supply intended or used for human consumption;
 - (j) There must be a water supply adequate for drinking and cleaning purposes next to every stable.

DUTIES OF KEEPERS CATTLE, HORSES, MULES AND DONKEYS

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

- 4. 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;
- 5. provide portable manure storage receptacles of an impervious material and with close fitting lids;
- 6. keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned;

7. if there is so much manure and bedding that storage receptacles are impractical, provide a manure heap complying with the following requirements:
 - (a) the heap must be enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish and;
 - (b) the floor must be of smoothly finished concrete that is declined so that it drains to a water channel along the full length of the open side, which is at least 150 mm in diameter and is kept filled with water;
8. remove all manure from the enclosure at least once every 24 hours and place it in the manure storage receptacles or heap until it is removed from the premises;
9. remove the contents of the manure storage receptacles or heap 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;
10. remove all bedding from the enclosure at least once a week and store it in the manure receptacles or heap until it is removed from the premises and;
11. store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids.

KEEPING OF GOATS AND SHEEP

REQUIREMENTS OF PREMISES

12. No person may keep sheep or goats in an enclosure that does not comply with the following requirements-
 - (a) A minimum overall floor area must be 30m² ;
 - (b) At least 1,5m² of floor space must be provided for every goat or sheep accommodated in it;
 - (c) Every wall must be constructed of brick, stone, concrete or other durable material;
 - (d) Every wall must be at least 2 metres in height and have a smooth internal finish;
 - (e) The floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel;
 - (f) At least 1,5m² of the floor space must be provided for every goat or sheep accommodated in it with an overall minimum floor area of 6m² and;
 - (g) Lighting and ventilation openings totalling at least 0,15m² per goat or sheep must be provided.
13. No person may keep sheep or goats in an enclosure within=
 - (a) 15 metres of an 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.
14. Every person must provide a water supply adequate for drinking and cleaning purpose situated next to or in every enclosure used to accommodate sheep or goats.

DUTIES OF KEEPER OF GOATS AND SHEEP

Any person who keeps goats or sheep must-

15. 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;
16. provide portable manure storage receptacles of an impervious material and with close fitting lids;
17. keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned;
18. remove all manure from the enclosure, building or shed at least once every seven days and place it in the manure storage receptacles;
19. 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;
20. store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.

KEEPING OF POULTRY

PERMIT REQUIREMENTS FOR POULTRY

No person may keep more than 10 poultry birds on an erf in a proclaimed township or 100 poultry birds on premises zoned for agriculture except in terms of a permit issued by the Council.

REQUIREMENTS FOR PREMISES

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

21. In relation to a poultry house –

- (a) every wall must be constructed of brick, stone, concrete or other impervious material brought to a smooth internal surface;
- (b) the floor must be constructed of concrete or other impervious material brought to a smooth finish;
- (c) the upper floor of a two or more storey structure must be constructed of an impervious and easily cleanable material;
- (d) the minimum floor area must be –
 - (i) 0,20 m² for each grown fowl, duck, muscovy duck or guinea fowl;
 - (ii) 0,5 m² for each grown goose, turkey, peacock; and

- (iii) 0, 14 m² for each grown pigeon;
 - (e) the minimum aggregate floor area must be 4m²;
22. In relation to a poultry run, the run must be enclosed with wire mesh or other durable material;
23. in relation to buildings or structure housing a battery system –
- (a) every wall, if provided, must be at least 2,4m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface;
 - (b) 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 10 light through openings or opening windows of an area not less than 15% of the floor area of the building;
 - (c) the floor must be constructed of concrete or other impervious material brought to a smooth finish and if required by an authorized officer, the floor surface must be graded and drained by means of a channel;
 - (d) 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;
 - (e) the cages of the battery system must be made of an impervious material; and
 - (f) if required by an authorized officer, a tray of an impervious material must be fitted under every cage for the collection of manure;
24. a water supply adequate for drinking and cleaning must be provided in or next to every poultry hutch or building or structure housing a battery system;
25. no poultry house, poultry run, or building or structure housing a battery system may be constructed within 3 meters of –
- (a) any dwelling, other building or structure used for human habitation;
 - (b) any place where foodstuffs are stored or prepared for human consumption; or
 - (c) the nearest boundary of any land;
26. feed must be stored in an adequate rodent-proof storeroom;
27. adequate washing facilities must be provided for the cleaning of the cages;

28. 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:
- (a) a roofed platform constructed of concrete or other impervious material;
 - (b) the platform's outside edges must have a minimum curb of 100 mm high;
 - (c) the platform must be graded and drained; and
 - (d) the roof of the platform must extend a minimum of 1 metre beyond the edges of the base of the platform.

DUTIES OF KEEPER OF POULTRY

Any person who keeps poultry must-

- 29. ensure that all poultry is kept within the poultry house, poultry run or building or structure housing a battery system;
- 30. 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
- 31. maintain the premises from offensive odours and every poultry house, poultry run or building or structure housing or battery system and all cages clean and free from pests;
- 32. ensure that the poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;
- 33. provide portable manure storage receptacles of an impervious material and with close fitting lids and keep the manure storage receptacles on a platform;
- 34. 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;
- 35. place the manure and other waste matter in manure storage receptacles;
- 36. 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;
- 37. take adequate measures to keep the premises free of flies, cockroaches and rodents to prevent offensive odours arising from the keeping of poultry on the premises.

KEEPING OF RABBITS

PERMIT REQUIREMENTS FOR RABBITS

No person may keep more than 5 adult rabbits on an erf in a proclaimed township or 20 adult rabbits on premises zoned for agriculture except in terms of a permit.

REQUIREMENTS FOR THE PREMISES

No persons may keep rabbits in premises that do not comply with the following requirements:

38. in relation to a rabbit hutch-
- (a) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
 - (b) the floor surface must be-
 - (i) constructed of concrete or other impervious material brought to a smooth finish;
 - (ii) situated at least 150 mm above ground level and;
 - (iii) graded to a channel ,if required by an environmental officer;
 - (c) adequate ventilation must be provided
39. 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;
40. in relation to a building or structure housing a battery system –
- (a) any wall must-
 - (i) be a minimum of least 2,4 metres high;
 - (ii) be constructed of concrete ,stone, brick or other durable material;
 - (iii) must have a smooth internal surface;
 - (b) if walls are provided ,the building must be ventilated and lighted by means of natural openings or windows of an area equal to not less than 15% of the floor area of the building;
 - (c) 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 27;
 - (d) if no walls are provided, or the walls are made of metal ,the floor must be provided with a curb at least 150mm high around its outside edges and;
 - (e) every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure;
41. a water supply adequate for drinking and cleaning purposes must be provided l or next to every rabbit hutch or building or structure housing a battery system;
42. no person may erect a rabbit hutch ,rabbit run or building or structure housing a battery system within five metres of-
- (a) any dwelling, building or other structure used for human habitation;
 - (b) any place where foodstuffs are stored or prepared for human consumption or;
 - (c) nearest boundary of any land;
43. an adequate rodent –proof storeroom must be provided for the storage of feed and
44. adequate washing facilities must be provided for the cleaning of the cages.

DUTIES OF KEEPER OF RABBITS

Any person who keeps rabbits must-

- 45. keep all rabbits within the rabbit hutch ,rabbit run or building or structure housing a battery system;
- 46. maintain the premises and any equipment , apparatus, container or receptacles used in connection with keeping rabbits ,in a clean ,sanitary condition in a good repair

47. maintain the premises free from offensive odours and every rabbit hutch, rabbit run building or structure housing a battery system and all cages clean and free from pests;
48. provide portable measure storage receptacles of an impervious material with close-fitting lids ,and every receptacle shall be kept on a platform;
49. remove all manure and any other waste water from the rabbit hutch ,rabbit run or building or structure housing a battery system, at least once every 48 hours;
50. keep the manure and waste in a manure storage receptacles until it is removed from the premises

OFFENCES AND PENALTIES

51. Any person who –
- (a) contravenes or fails to complies with the provisions of this chapter; or
 - (b) fails to comply with any notice issued in terms of or for the purposes of this chapter; or
 - (c) fails to comply with any lawful instruction given in terms of or for the purposes of this chapter; or
 - (d) hinders or obstructs any authorized or representative or employee of the Council in the execution of his or her duties under this chapter
- Is guilty of an offence and liable on conviction to a fine or in default of payment of the fine to imprisonment to a period not exceeding 6 (six) months and in the case of a continuing sentence to a fine of R50 (fifty rand) or in default in payment to imprisonment not exceeding 1 (one) day for everyday during the continuance of such offence after a notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

CHAPETR 16 STREET TRADING PROHIBITIONS

No street trader shall carry or undertake street trading-

1. On a verge contiguous-
 - (i) a building belonging to or occupied solely by the state or the Council;
 - (ii) a church or other place or worship or;
 - (iii) a building declared to be a national monument in terms of the National Monuments Act.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 there to:
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 business Act, Act 71 of 1991 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 business Act 71 of 1991 for the purposes of the carrying on of the business of street tender ,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.

RESTRICTIONS

No persons engaging in street trading shall-

- 8. Sleep overnight at the business site
- 9. Erect any apartment structure in a public place or public road for the purpose of providing shelter and;
- 10. Place or store any goods in such a manner or position as to constitute a danger to any person;
- 11. 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;
- 12. Obstruct access to a service or to service works of the Council or of the State or any statutory body;
- 13. Interfere with the ability of persons using a sidewalk to view the goods displayed behind a shop display window or obscure such goods from the view;
- 14. Obstruct access to a pedestrian arcade or mail;
- 15. 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
- 16. 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;
- 17. 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;
- 18. Make an open fire on a public road or public place;
- 19. 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;
- 20. Obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic and;

21. Obstruct or inhibit the use of street furniture and any other facility designed for the use of the general public.

CLEANLINESS

Every street trader must-

22. Keep the area by him or her for the purpose of street trading ,as well as any goods used by him or her, in a clean and sanitary condition;
23. At the request of any authorized official by 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 affecting Council services;
24. 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 and;
25. Not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter.

DISPLAY OF GOODS

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

26. Is maintained in a good state of repair and in a clean and sanitary condition and;
27. Is not so placed or stored so as to constitute a danger to any person.

REMOVAL AND IMPOUNDMENT

28. An Environmental Health Practitioner may remove and impound any goods-
 - (a) Which he reasonably suspects are being used or intended to be used or have been used in or 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 theses bylaws;Whether or not such goods are in the possessions or under the control of any person at the time of such removal and impoundment
29. An Environmental Health Practitioner, removing and impounding any goods shall-
 - (a) Except in the case of goods which appear to have been abandoned or in a respect of which the owner or person having in 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 shall be kept;
 - (ii) the amount payable in respect of expenses incurred by the Council impounding and removing the goods and;
 - (iii) the date on or after which the gifts will be sold or destroyed unless unclaimed and;
 - (b) Forthwith place such goods in safe custody.
30. Neither the Council nor an Environmental Health Practitioner ,Officer or employee of the Council shall be liable for any loss or theft of or damage to any goods removed and impounded in terms of these bylaws

DISPOSAL OF IMPOUNDED GOODS

31. Any goods impounded in terms of these bylaws shall be dealt with as follows-
- (a) If the goods are claimed, the street trader shall pay the expenses incurred by the Council for impoundment and;
 - (b) If the goods are not claimed within the period specified on the receipt issued in terms of these by-laws, the goods shall be sold to defray expenses incurred by Council in impounding and removing the goods.
32. In the event that the goods-
- (a) Are not capable of being sold, they shall be destroyed after the proper 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
33. If the proceeds contemplated by this section are insufficient to pay expenses incurred by Council the owner shall be liable for any excess.

GENERAL OFFENCES AND PENALTIES

34. 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 authorized official or;
 - (d) Threatens, resists, interferes with or obstructs an authorized official, officer or employee of the Council in the performance of his or her powers, duties or functions under these by-laws;
- shall be liable on conviction to a fine not exceeding R 1000-00 or imprisonment for a period not exceeding three months.

GENERAL PROVISIONS

These Municipal Health Bylaws repeal all other existing municipal health bylaws that existed in the municipality.