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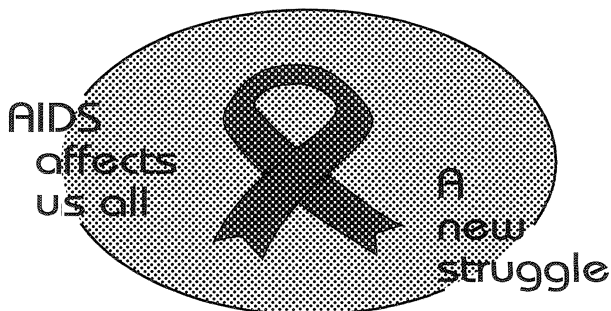
Vol. 7

PIETERMARITZBURG,

18 FEBRUARY 2013
18 FEBRUARIE 2013
18 kuNHLOLANJA 2013

No. 899

We all have the power to prevent AIDS



**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

Prevention is the cure

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MUNICIPAL NOTICE

No. 10

18 February 2013

**uTHUNGULU DISTRICT
MUNICIPALITY**

UTHUNGULU



**ENVIRONMENTAL
HEALTH BY-LAWS**

The Municipal Manager of the uThungulu District Municipality hereby, in terms of sections 11 – 13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), presents a draft of the Environmental Health Bylaws for the uThungulu District Municipality.

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CHAPTER 1**INTERPRETATION AND FUNDAMENTAL PRINCIPLES****Definitions and interpretation**

(1) In these Bylaws, unless the context otherwise indicates –

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

“approved” when used to describe a particular object, measure or material, means an object, measure or material which is 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;

“authorised official” means an official authorised by the Council for the purpose of these bylaws to perform and exercise any or all of the functions in terms of these Bylaws or the provisions of any other law;

“clean” means free of any dirt, impurity or objectionable matter or contamination;

“communicable diseases” means any disease which can be communicated directly or indirectly from an animal or through any agent to a person or from a person suffering from a disease or who is a carrier of a disease to any other person;

“compliance notice” means a notice issued in terms of section 17 to comply with these bylaws or with a permit issued in terms of these Bylaws;

“Council” means the uThungulu District Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Executive Committee has delegated any powers and duties with regard to these Bylaws;

“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 practitioner” means an official appointed by the Council, and who is duly registered as an environmental health practitioner or environmental health

officer with the Health Professions Council of South Africa in terms of section 33(1) of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974);

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

“health nuisance” means any activity, condition, premises or thing which, on the account of effluent, vapours, odours, noise, vibration, radiation, refuse, waste products, dirt, chemical or biochemical material, microbial infection, vermin, vegetation overgrowth, lack of property hygiene, ventilation, lighting, design, or situation or on account of any other cause or practice whatsoever is, in the opinion of the Environmental health Practitioner or a duly authorized municipal employee, potentially injurious or dangerous to health or which is offensive and, without affecting the generality of the foregoing, includes any facilities for the storage, distribution or handling of water that is likely to be used by human beings for domestic purpose or consumption including such water itself which is contaminated or polluted.

“hot water” means water which has a minimum temperature of 55o 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 64 A of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

“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);

“overcrowding”, in relation to any dwelling, means -

- (a) a residential occupancy in excess of 12 occupants per sanitary convenience; and
- (b) an occupancy of habitable rooms (being all those rooms in a dwelling excluding kitchens, pantries, bathrooms, sanitary conveniences, laundries, hallways, storerooms, stairways, landings or passages) for sleeping purposes where such occupation exceeds 1 adult per 3 m² of floor space for each person aged 10 years or more and 1,8 m² of floor space for each person less than 10 years of age;

“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 license; or
- (b) 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 which may create a public health hazard or public health nuisance if it is present in significant numbers and includes, without limitation, rats, mice, flies, mosquitoes, bed bugs, fleas, lice and cockroaches;

“potable water” means water that complies with the requirements set out in SANS. 241: 2005: Drinking Water;

“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 trade;

“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;

“prohibition notice” means a notice issued in terms of section 18;

“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 2 (3);
- (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 sections 4, 5 and 6; and

“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.

(2) 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 Bylaws.

(3) Compliance with these Bylaws does not exempt the premises, occupier, occupant and or person from complying with any other national and provincial legislation.

(4) Words applying to any individual shall include persons and groups, and the masculine gender shall include females as well as males and the singular number shall include the plural and vice versa.

CHAPTER 2

PUBLIC HEALTH HAZARD

Public health hazards and public health nuisances

2. Prohibition on causing public health hazards

- (1) No person may create a public health hazard anywhere in the municipal area.
- (2) Every owner or occupier of premises must ensure that a public health hazard does not occur on those premises.
- (3) An owner or occupier of premises creates a public health hazard if –
 - (a) the premises are infested with pests or pests are breeding on the premises;
 - (b) there are conditions on the premises which are conducive to the spread of a communicable disease or which may cause a non-communicable disease;
 - (c) there is any unsanitary condition in any part of the premises; or
 - (d) any water supply for domestic consumption on the premises is unsafe for human consumption.

3. Duty to report public health hazards

3. (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.

Public health nuisances

4. 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 their premises.

5. General public health nuisances

- (1) The 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 dwelling to be overcrowded;
- (h) 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;
- (i) any factory or industrial or business premises to cause or give rise to any smell or effluvia which is offensive or injurious or dangerous to health;
- (j) non compliance with the South African National Standard SANS 10103 :2004 : The measurement and rating of environmental noise, with respect to land use, health, annoyance and to speech communication; or
- (k) any other activity, condition or thing declared, in terms of the National Health Act, 2003 (Act No. 61 of 2003) or any applicable provincial legislation and regulations promulgated under such legislation, to be a health nuisance as defined in such legislation.

6. 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;
 - (c) any other substance that attracts flies is used or kept other than for the purposes of trapping or killing flies;
 - (d) waste or other material is left or kept in a manner that attracts rodents or other pests to the premises;
 - (e) containers in which mosquitoes can breed, such as tyres, bottles, crockery, and tins, have been left or are kept on the premises;
 - (f) 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;
 - (g) gutters and down pipes are sagging or clogged so that stagnant water can accumulate in them; or
 - (h) 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)(h)

- (a) draining accumulated water at least once every seven days;
- (b) covering accumulated water with oil at least once every seven days; or
- (c) in the case of a well, providing a mosquito-proof cover and a pump.

7. 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;
- (b) ash, grit, soot or smoke is emitted from any chimney or appliance or from any other means on the premises in a manner 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 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 that is sufficient to have an adverse impact on public health.

CHAPTER 3

POTENTIALLY HAZARDOUS USES OF PREMISES

Potentially hazardous uses

8. Duty to list potentially hazardous uses

If—

- (a) 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; and
- (b) reasonable measures have or are not taken to avoid the risk or to reduce it to an acceptable level, the Council must -
 - (i) list the activity concerned in Annexure B; and
 - (ii) prescribe measures that must be taken to avoid the risk or to reduce it to a level acceptable to the Council.

9. Scheduled trades

Any person who uses premises in a manner or for a purpose listed in Annexure B must—

- (a) comply with every provision specified in the Chapter of these Bylaws relating to that use, unless that person has been granted an exemption in terms of section 10 from complying with any such provision; and
- (b) 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

(1) Any person who wants to undertake a scheduled trade listed in Annexure B on any premises but wishes to be exempted from complying with any requirement of these Bylaws relating to the use concerned may apply to the Council for an exemption certificate, in accordance with the procedure set out in section 12.

(2) The Council may grant an exemption certificate, subject to such conditions as it may impose, if an environmental health practitioner is satisfied that –

(a) the measures taken to avoid or reduce the risk to public health arising from the scheduled trade are equivalent to or better than the measures required by the relevant requirement of these Bylaws; and

(b) the scheduled trade 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

(1) Any person who wants to undertake a scheduled trade that is listed in Annexure B must apply to the Council in accordance with section 12 for a public health permit.

(2) 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.

(3) A public health permit –

(a) must be issued subject to conditions aimed at reducing the risk to public health created by the scheduled trade, to a level acceptable to the Council; and

(b) may exempt the permit holder from complying with any relevant provision of these Bylaws, 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 Bylaws.

12. Application procedure

(1) Any person who wants to obtain a permit in terms of section 11 or an exemption certificate in terms of section 10 must apply to the Council in writing in a format determined by the Council, prior to undertaking the scheduled trade concerned.

(2) The following information must be submitted together with the application -

(a) a location plan, drawn to a scale of 1:5 000 showing the position of the proposed premises and of all roads, dwellings, factories and works in the neighbourhood, within 1 000 meters of such premises;

(b) approved plans, sections and elevations, drawn to a scale of at least 1:100, of the buildings and premises proposed to be erected or used;

(c) full particulars as to the nature of the proposed trade or business, of the raw materials to be used, of the processes to be carried on and of the products, by-products and waste materials thereof;

(d) full particulars of the plant to be installed, including the number, capacity and type or description of all boilers, digesters, driers and other apparatus;

(e) full particulars, with any necessary explanatory drawings, of the measures proposed to be adopted for the disposal and/or prevention of -

- (i) vapours, odours and effluvia;
 - (ii) fluids and liquid waste matters, and
 - (iii) solid waste matters;
 - (f) the number of persons to be employed on the premises;
 - (g) particulars of latrine and change-room accommodation for employees; and
 - (h) any further particulars, plans or drawings which the Council may require.
- (3) The applicant must publish a notice prescribed in Annexure A twice in a local newspaper which, in the opinion of the Council, has a sufficient circulation in the district, stating in general terms the nature and the purpose of the application and calling upon interested parties to lodge written objections, if any, to such application with the Council on or before a date specified in such notice, which may not be earlier than 14 days after the second publication of the notice, as provided hereinafter. The first insertion in the newspaper must be made within one week of lodging the application and the second insertion must be made on the seventh or eighth day following the date of the first insertion. The applicant must forward a copy of each issue of the newspapers containing the notices to the Council.
- (4) The Council may, after considering any objection lodged and if satisfied that the buildings, plant and works and the arrangements in connection therewith are in accordance with these Bylaws and that no nuisance or a danger or potential danger to the public health is likely to arise, give permission for the erection or use of such buildings, plant or works for the purposes set forth in the application.
- (5) When the Council receives an application contemplated in subsection (1), it must ensure that the relevant premises concerned are inspected by an environmental health practitioner as soon as reasonably possible.
- (6) Before deciding whether or not to approve an application contemplated in subsection (1), the Council –
- (a) 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 trade concerned, have been consulted and had an opportunity to make representations; and
 - (b) may require the applicant to provide any further information which the Council considers relevant to enable it to make an informed decision.

13. General terms applicable to permits and certificates

- (1) A permit or an exemption certificate–
- (a) is not transferable from one person to another; and
 - (b) applies only to the premises specified in that certificate or permit.
- (2) Every permit or exemption certificate must–
- (a) specify the address and other relevant details regarding the location of the premises concerned;
 - (b) describe the premises concerned;
 - (c) describe the activity concerned;
 - (d) describe particulars of the plant, including the number, the capacity and the type or description of the boilers, digesters, driers, and other apparatus or plant approved for use therein;

- (e) specify the raw materials to be used; the processes to be carried on and the products and waste materials thereof;
- (f) specify the measures to be taken for abating or preventing any nuisance or any danger or potential danger to the public health from vapours, effluvia, and solid and liquid waste matters;
- (g) specify terms and conditions imposed, if any; and
- (h) indicate when it expires.

(3) An applicant must pay a prescribed fee, as determined by the Council, in respect of an application for a permit or exemption certificate and such fee must accompany the application.

(4) The Council may refuse to consider an application until it has been provided with the information required to make an informed decision and until the prescribed fee (if any) has been paid.

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

(1) An environmental health practitioner may, by written notice to the holder of an exemption certificate or permit, suspend, amend or cancel that certificate or permit in accordance with subsection (2), (3) or (4), as the case may be.

(2) An environmental health practitioner may suspend or cancel an exemption certificate or permit 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; or
- (b) the holder of the permit or certificate has failed to comply with a compliance notice issued in terms of section 16 which states that the permit or certificate may be suspended or cancelled without further notice if the holder fails to comply with the compliance notice.

(3) An environmental health practitioner may suspend or cancel an exemption certificate or permit after having given the holder thereof, by written notice, a reasonable opportunity of making representations as to why the permit or exemption certificate should not be suspended or cancelled, if –

- (a) the environmental health practitioner 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
- (b) the holder of such certificate or permit contravenes or fails to comply with any relevant provision of these Bylaws.

(4) An environmental health practitioner 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 practitioner 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.

CHAPTER 4**ENFORCEMENT, REMEDIAL WORK AND COSTS****15. Appointment and identification of environmental health practitioners**

- (1) The Council must issue an identity card to each environmental health practitioner.
- (2) The identity card must –
 - (a) contain a recent photograph of the environmental health practitioner; and
 - (b) 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 Bylaws.

16. General powers of an environmental health practitioner

- (vii) be accompanied by an interpreter and any other person reasonably required to assist him or her in conducting the inspection.
 - (2) 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.
 - (3) An inspection conducted or work undertaken in terms of this section, must be conducted with strict regard to decency and order, a person's right to respect for and protection of his or her (1) An environmental health practitioner may, for the purposes of implementing or administering any power or duty under these Bylaws –
 - (a) exercise any power afforded to such officer in terms of these Bylaws or any other applicable legislation;
 - (b) issue a compliance notice in terms of section 17 requiring any person to comply with the provisions of these Bylaws;
 - (c) issue a prohibition notice in terms of section 18 prohibiting any person from conducting an activity;
 - (d) undertake measures in terms of section 21 to remove, reduce or minimize any public health nuisance;
 - (e) cancel, suspend or amend any permit or exemption certificate in terms of section 14; and
 - (f) enter and inspect any premises and for this purpose may–
 - (i) question any person on the premises;
 - (ii) take any sample that the environmental health practitioner considers necessary for examination or analysis;
 - (iii) monitor and take readings or make measurements;
 - (iv) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises;
 - (v) examine any book, record or document relevant to the inspection or investigation;
 - (vi) seize anything that may be used as evidence in the prosecution of a person for an offence in terms of these Bylaws; and
- dignity, and a person's right to freedom and security and personal privacy.

17. Compliance notice

(1) If an environmental health practitioner, 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 bylaws without a permit, the environmental health practitioner 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.

(2) A compliance notice must state –

- (a) the reasons for serving the notice;
- (b) the measures that must be taken –
 - (i) to ensure compliance with these Bylaws; or
 - (ii) to eliminate or minimize any public health hazard or 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.

(3) 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;
- (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; and
- (c) take legal action against the offender.

(4) The owner or occupier of premises is responsible for the compliance with and observation of the provision of this Bylaw and he or she is further responsible for the acts, omissions and defaults of his or her employees, agents or family members in this regard. Any breach of this Bylaw by any member of his or her family or by any of his or her employees or agents shall be deemed to be a breach by the owner or occupier personally.

18. Prohibition notice

(1) An environmental health practitioner may, after inspecting premises, serve a prohibition notice prohibiting the premises from being used for a specified purpose 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 practitioner reasonably believes that that person has not complied with the terms of a compliance notice.

(2) The environmental health practitioner must give the person on whom he or she intends serving a prohibition notice a reasonable opportunity, by written notice, 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.

(3) A prohibition notice must state –

- (a) the reasons for serving the notice;
- (b) 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.

(4) The environmental health practitioner must as soon as possible affix a copy of the notice in a conspicuous position on the premises.

19. Withdrawal of prohibition notice

(1) An environmental health practitioner 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.

(2) After completing the investigation, the environmental health practitioner 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 or will be removed or the prohibition order withdrawn.

(3) The Council may charge the owner or occupier of any premises where an investigation is carried out in terms of subsection (1), a prescribed fee for undertaking the investigation.

20. 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.

(2) The Council may not apply to court in terms of subsection (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.

21. Municipal remedial work

(1) The Council may enter any premises and perform any function on the premises that it reasonably considers necessary to –

- (a) ensure compliance with these Bylaws or with any compliance notice or prohibition notice;
- (b) reduce, remove or minimise any public health nuisance; or
- (c) reduce, remove or minimise any public health hazard.

(2) The provisions of section 16(3) apply, with the necessary changes, to any entry or work undertaken by the Council in terms of this section.

22. Cost orders

(1) The Council may recover any costs reasonably incurred by it in taking measures contemplated in section 21 from any person who was under a legal obligation to take those measures, including –

- (a) a person on whom a compliance notice referred to in section 17(1) that required those steps to be taken, was served;
- (b) the owner or occupier of the premises concerned; or
- (c) any person responsible for creating a public health hazard or a public health nuisance.

(2) The municipal manager may issue a certificate specifying the costs a person is liable to pay in terms of subsection (1) and a notice requiring that person to pay those costs by a date specified in the notice.

(3) The certificate referred to in subsection (2) constitutes prima facie proof of the amount due in terms of subsection (1)

23. Appeals

(1) A person whose rights are affected by a decision taken by any authorised official under these Bylaws may appeal against the decision by giving written notice of the appeal, together with reasons for the appeal, to the municipal manager within 21 days of the date of the notification of the decision.

(2) In circumstances contemplated under subsection (4)(b), the municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in that subsection.

(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) Where the appeal is against a decision –

- (a) taken by a staff member other than the municipal manager, the municipal manager is the appeal authority; and
- (b) taken by the municipal manager, the executive mayor is the appeal authority.

(5) An appeal authority must commence with an appeal within six weeks after receipt thereof as contemplated under subsection (1) and resolve the appeal within a reasonable period.

CHAPTER 5

DWELLINGS

24. Caravans, tents or vehicles

(1) No person may, without the written consent of the Council, occupy or permit to be occupied, for human habitation, a caravan, tent, hut or other similar shelter of any description on any land except on an authorised camping or caravan site.

(2) No person may use or let, or permit to be used or let, for purposes of human habitation, any disused railway coach, tramcar, bus or any other temporary or movable structure, whether standing on wheels or otherwise, without the written consent of the Council and then only for such period, and subject to such conditions, as may be specified in such consent.

25. Occupation

(1) No person who is the owner or occupier of any dwelling or room may permit such dwelling or room to be overcrowded so as to constitute a nuisance or be injurious to health.

(2) No person may occupy, or permit to be occupied, either in terms of a contract of letting and hiring or otherwise, any dwelling-

(a) which is not constructed in conformity with the requirements of the National Building Regulations and Building Standards Act;

(b) which is of such construction, or in such a state, or so situated, or so dirty or so infested with pests, or so kept, as to be injurious or dangerous to health or liable to favour the spread of any communicable disease; or

(c) in which there is any dampness in any foundation, wall or floor or any serious leaks in the roof.

(3) No person may use, or permit to be used, either under a contract of letting and hiring or otherwise, as a dwelling for human habitation, any building not erected for such purpose, unless and until such building has been altered and made suitable for such purpose in accordance with the National Building Regulations and Building Standards Act.

(4) No person may use or let, or permit to be used or let, for purposes of human habitation or occupation, any cellar, basement or underground room or garage in any building or premises without the written consent of the Council.

(5) In the event of any premises or dwelling not being occupied, the owner of such premises must maintain all portions thereof in a neat and tidy condition at all times.

26. Flat complexes or blocks

(1) The owner of a block of flats or any other building of which sections are leased individually as dwellings, must maintain all passages, staircases and all other sections of such block of flats or other buildings which are used communally by the lessees thereof, in a clean, tidy, and sanitary condition, and free of insects, offensive objects or odours or of any object or anything whatsoever which could be offensive or injurious to health, or which could promote the spreading of any communicable disease.

(2) The owner and occupant in charge of any communal yard, sanitary facility, change room or premises are, for purposes of these Bylaws, jointly and severally responsible for

the maintenance of such communal yard, sanitary facility, change room or premises in a clean and tidy condition at all times.

CHAPTER 6

SANITARY SERVICES

27. Requirements in respect of toilet facilities

The owner of premises must ensure that the number of toilets provided on those premises comply with the provisions of the National Building Regulations and Building Standards Act.

28. Toilets for workers

A contractor must provide his or her workers with toilet facilities as prescribed by the National Building Regulations and Building Standards Act.

29. Condition of toilets, urinals, backyards and refuse areas

The owner or occupier of any premises must keep every backyard, refuse area, toilet and urinal in a sanitary condition and good state of repair.

30. Shows or public events

The owner of a circus, travelling show or public event visiting or performing in the Council's area of jurisdiction must make suitable provision, to the satisfaction of the Council, and for the duration of such visit –

- (a) for sanitary conveniences for the use of staff, employees and performers, as well as members of the public attending as spectators; and
- (b) for the disposal of the excreta of any animals used in connection with such circus or travelling show.

CHAPTER 7

PRIVATE SEWAGE WORKS

31. 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.

32. Disposal of sewage, sewage effluent and wastewater without causing a public health nuisance or public health 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 -

- (a) cause dampness in or on any premises;
- (b) endanger the quality of any water supply, surface water, stream or river; or
- (c) create a public health nuisance or public health hazard.

33. 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 8**WATER****34. 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; and

"effluent" means any wastewater which may be generated as a result of undertaking any scheduled trade or an activity which is likely to cause a public health nuisance.

35. 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.

36. 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.

37. 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.

38. Notice of sinking or digging of boreholes or wells

(1) No person may sink or dig, or cause or permit to be sunk or dug, a well or borehole, to obtain water, unless -

- (a) it is done so in accordance with any relevant law; and

(b) he or she has given the Council at least 14 days' written notice of his or her intention to do so.

(2) The notice referred to in subsection (1)(b) must state the proposed location and the purpose for which the water is to be used.

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

(1) Every owner or occupier of premises must erect adequately designed, constructed and maintained hydraulic and hydrological structures on those premises -

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

(b) 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;

(c) to separate all effluent from storm water systems;

(d) to prevent the erosion or leaching of material from any slimes dam, ash dam and any dump or stockpile on the premises, and to contain any eroded or leached material in the area where it originated;

(e) to prevent any waste or waste water from entering any borehole, well, spring, vlei or water course; and

(f) to prevent any adverse impact on the quality of surface and ground water occurring, due to the location of any dump, stockpile, dam, drain, canal, conduit, sewer or any other structure on the premises.

(2) An owner or occupier of premises –

(a) must keep all water passages open and free of obstruction from matter which may impede the flow of water or effluent;

(b) may not locate any dump within the one hundred year flood line of any water resource;

(c) 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;

(d) 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

(e) 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.

40. 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 9

SCHEDULED TRADES

The use of premises defined as a scheduled trade is considered to pose an unacceptable risk to public health unless the measures specified are taken to avoid the risk or to reduce it to a level acceptable to the Council.

41. Definitions

In this Chapter, unless the context otherwise indicates -

“**effluent**” means any wastewater which may be generated as a result of undertaking any scheduled trade or an activity which is likely to cause a public health nuisance;

“**scheduled trade**” means any business or activity listed in Annexure B; and

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

42. Permit requirement

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

43. Requirements for premises

No person may conduct a scheduled 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 nonabsorbent material, equipped with closely fitting lids, are provided for the removal of all waste and wastewater 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 toilet 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;
- (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 (5) or more persons of the same gender are employed, are provided containing –
 - (i) a locker for every employee;
 - (ii) a wash-hand basin provided with a supply of running hot and cold potable water; and
 - (iii) a supply of soap and disposable towels at every wash-hand basin;and
- (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) a locker must be provided for every employee in the work area.

44. Duties of scheduled traders

Every scheduled 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.

45. 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 (1) must take place in a manner that prevents the generation of any noxious and injurious effluent.

CHAPTER 10

HAIRDRESSING, BEAUTY AND COSMETOLOGY SERVICES

46. 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;

“hairstylist or barber” means a person who carries on a business by cutting, shaving, shampooing, colouring, curling, straightening, adding hair extensions, trichology and trichological treatment of the hair including the treatment of abnormalities and disorders of the hair or otherwise treating or removing people's hair or beards for payment;

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

- (a) hairstyling or barber service;
- (b) cosmetology or beauty service;
- (c) body piercing and tattooing; or
- (d) massaging service; and

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

47. Requirements for salon premises

No person may operate a salon on any premises unless -

- (a) adequate lighting and ventilation, as prescribed in the National Building Regulations and Buildings Standards Act, are provided;
- (b) water and sanitary facilities, as prescribed in the National Building Regulations and Building Standards Act, are provided;

- (c) wash basins, with hot and cold running water and fitted with a trapped waste pipe, are provided;
- (d) adequate separate change-rooms for males and females, where five or more persons of the same gender are employed, are provided, containing –
 - (i) a 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 towels at every wash-hand basin;
- (e) if no change-room has been provided in terms of paragraph (d) –
 - (i) a wash hand basin with a supply of running hot and cold potable water, is provided in an accessible position; and
 - (ii) a locker is provided for every employee in the work area;
- (f) all tables and shelves on which instruments are laid are constructed of or covered with glass, marble, glazed tiles or other similar smooth, impervious, durable and non-corroding material;
- (g) the floor is even and suitably covered and maintained with impervious material or constructed with a smooth, impervious surface, so that it may be easily swept and thoroughly cleansed; and
- (h) a sufficient number of easily portable refuse receptacles, with close-fitting lids and made of impervious material so that they can be readily washed and cleaned, is provided.

48. Duties of salon operators

Every person carrying on the business of a salon must ensure that –

- (a) the premises in which such business is conducted and all instruments, appliances, implements, utensils and other articles belonging or pertaining thereto or used or intended to be used in connection therewith, are maintained in a clean condition and a good state of repair at all times;
- (b) all cut hair is immediately swept up and placed in a covered refuse receptacle provided for the purpose;
- (c) waste is stored or disposed of in an approved manner;
- (d) the premises are equipped with adequate means to disinfect and sterilize instruments and equipment that may come into direct contact with any customer's hair or skin, by one of the following ways –
 - (i) immersion in boiling water;
 - (ii) immersion in disinfectant solution; or
 - (iii) treatment in an approved disinfecting apparatus in an approved manner;
- (e) every towel which has been used upon any person is adequately laundered before being used upon any other person;
- (f) no animal enters the premises, unless it is a guide dog accompanying a blind person; and
- (g) the premises are not used for the storage and preparation of food or for sleeping, unless an area used for that purpose is clearly separated by an impervious wall.

49. Requirements for operation of a salon

Any person operating or employed in a salon must -

- (a) adequately disinfect all instruments and or equipment after each use;
- (b) wash and clean all plastic and cloth towels after each use;
- (c) wash all aprons and caps daily;
- (d) provide employees on the premises performing body piercing and tattooing with approved protective clothing and equipment;
- (e) dispose of all disposable gloves or other disposable material after each use;
- (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 body piercing or tattooing services;
- (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 toweling paper accordingly;
- (j) store razors, blades, needles and other sharp instruments separately in a "sharp instruments" box;
- (k) store all tubes and needles in single service, sterile and sealed autoclave bags that must be opened in the presence of the client;
- (l) adequately treat any injury or wound which may occur on the premises;
- (m) clean and disinfect all surfaces that have been contaminated by blood, after each service; and
- (n) keep an approved first aid kit on the premises at all times.

50. Prohibition against use of salon premises for other purposes

- (1) Any person operating a salon must ensure that the premises are used exclusively for that purpose.
- (2) 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 11**ACCOMMODATION ESTABLISHMENTS****51. Definitions**

In this Chapter, unless the context otherwise indicates –

"accommodation establishment" means any place in which accommodation is provided for payment to four or more people, with or without meals;

"dormitory" means a sleeping room in which sleeping accommodation is provided for four or more persons;

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

“owner” means the natural person who carries on or who is charged with carrying on a business of supplying lodging or both lodging and meals for payment, and includes the owner of the property where the business is carried on.

52. Requirements for accommodation establishments

- (1) Every accommodation establishment must comply with the following requirements –
- (a) the premises intended to be used or already in use as an accommodation establishment must be in good structural order and repair, both internally and externally;
 - (b) no latrine, passage, staircase, landing, bathroom, cupboard, outbuilding, garage, stable, tent, storeroom, lean-to, shed, kitchen, diningroom, food preparation area, cellar or loft may be used as sleeping accommodation;
 - (c) all furniture, linen, utensils, fittings and equipment provided must be clean and in good order and sufficient for the purpose thereof;
 - (d) all rooms and passages must be provided with adequate lighting and ventilation as prescribed in the National Building Regulations and Building Standards Act, so as to enable such room to be used at all times without detriment to health or safety or causing a nuisance;
 - (e) openings such as doors, windows or fanlights may not be obstructed in a manner that interferes with the lighting or cross ventilation they provide;
 - (f) all walls, floors and roofs must be constructed in a manner which prevents wind or rain from entering an accommodation establishment or dampness from entering the interior surfaces of any wall or floor;
 - (g) all accesses to an accommodation establishment must have a door which, when closed, prevents the wind or rain from entering the premises;
 - (h) all windows must be constructed in a manner that prevents rain from entering the accommodation establishment when the windows are closed;
 - (i) a sufficient number of refuse receptacles with close fitting lids and an adequate refuse holding area must be provided, and an approved refuse removal system must be maintained;
 - (j) an adequate number of toilets, wash hand basins, baths or showers, as prescribed in the National Building Regulations and Building Standards Act, must be provided and such fixtures must be designated for the different genders;
 - (k) baths, showers and washbasins on the premises must at all times be served with running hot and cold potable water; and
 - (l) separate bathrooms and toilets must be provided for male and female boarders and for employees, and must be so located that they are easily accessible to those persons they are intended to serve: Provided that where the number of boarders do not exceed twelve (12), separate facilities for the different genders need not be supplied.
- (2) If ten (10) or more boarders can at any one time be accommodated on the premises, it must have -
- (a) a suitable sitting room or sitting rooms; and

(b) where meals are provided, a suitable dining room or dining rooms, providing seating accommodation on the basis of not less than one (1) square meter for each boarder.

(3) Where meals are provided or cooking takes place, an adequately equipped kitchen must be provided.

53. Duties of owner of accommodation establishment

(1) The owner of an accommodation establishment must at all times and to the satisfaction of the Council -

(a) maintain the whole of the accommodation establishment in a clean and sanitary condition;

(b) keep the furniture, utensils, linen and equipment in a clean, hygienic and good condition at all times;

(c) clean and wash any bed linen, towels, bath mats or face cloths after each use by a different person;

(d) supply only wholesome food to the boarders and other persons on the premises;

(e) ensure that the accommodation establishment is free from pests; and

(f) not cause or permit any person suffering from a communicable disease to be employed in or on the premises, unless he or she is in possession of a medical certificate to the effect that such person is fit to continue his or her employment.

(2) The owner of an accommodation establishment may not -

(a) permit the premises to become overcrowded;

(b) permit cooking in a living room or area designated as a living room; or

(c) conduct the business of an accommodation establishment in such a manner so as to cause any nuisance or annoyance to residents of neighbouring properties.

CHAPTER 12

DRY-CLEANING AND LAUNDRY ESTABLISHMENTS

54. 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; and

“**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.

55. Premises for dry-cleaning or laundry businesses

No person may conduct a dry-cleaning or laundry business on premises, unless -

(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, is provided;

(b) adequate separate areas for marking clean and dirty articles are 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, is provided for the receipt and dispatch of articles;

(d) a store-room or facility for the storage of packing material and other articles is 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 are provided where five or more persons of the same gender are employed, containing -

- (i) a 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) where no change-room has been provided in terms of paragraph (e), the following is provided –

- (i) a wash hand basin with a supply of running hot and cold potable water, in an accessible position; and
- (ii) a locker must be provided for every employee in the work area;

(g) separate toilets for males and females are provided, which comply with the provisions of the National Building Regulations and Building Standards Act;

(h) every toilet and change-room is clearly gender designated;

(i) all internal walls are constructed of an impervious material, brought to a smooth finish and painted with a light-coloured washable paint;

(j) all floor surfaces are constructed of cement or some other adequate impervious material, brought to a smooth finish and properly drained;

(k) adequate lighting and ventilation, as prescribed by the National Building Regulations and Building Standards Act are provided;

(l) all machinery and equipment are 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;

(m) all machinery and equipment are so placed 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

(n) a separate pre-rinsing area is provided on any premises where nappies are laundered.

56. Duties of owner of dry-cleaning and laundry businesses

A person conducting a dry-cleaning or laundry business or in charge of premises on which a dry-cleaning, laundry or receiving depot is being conducted, 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) ensure that dirty articles are kept separate from clean articles at all times, including when in transit;
- (c) ensure that change-rooms are used 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) ensure that protective clothing is stored in a locker when it is not being worn;
- (g) 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;
- (h) 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 National Environment Management: Air Quality Act, 2004 (Act No. 39 of 2004);
- (i) 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;
- (j) insulate all steam piping with an adequate material; and
- (k) dispose of all waste water in an approved manner.

CHAPTER 13

SWIMMING POOLS AND SPA-BATHS

57. 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 and communal swimming pools, excluding a swimming pool at a private home which is not used for commercial purposes; and

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

58. Requirements for premises

No person may operate a swimming pool or spa bath in or on any premises unless -

- (a) readily accessible change-rooms, showers and toilet facilities are provided, separate for each gender, in compliance with the National Building Regulations and Building Standards Act;
- (b) the swimming-pool is 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 is constructed of an impervious, non-slip material;
- (d) an oxygen or air breathing apparatus is provided, if so instructed in writing by an environmental health practitioner; and
- (e) an adequate number of refuse receptacles is provided on the premises.

59. Duties of spa-bath keepers

Every spa-bath keeper must –

- (a) keep the premises, including change-rooms and sanitary facilities, 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.

60. Duties of swimming pool keepers

A swimming pool keeper must –

- (a) keep the premises including change rooms and sanitary facilities 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) 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.

61. Water supply

(1) Unless the prior written approval of an environmental health practitioner 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 practitioner 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; and
- (b) submit the samples to an accredited laboratory for analysis.

62. Safety of water

A spa-bath keeper or 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.

63. Restrictions

No person may –

- (a) 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;
- (b) 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; or
- (c) urinate, defecate, spit or blow his or her nose in a spa-bath or swimming pool.

CHAPTER 14**GENERAL****64. Offences and penalties**

Any person who –

- (a) contravenes or fails to comply with any provisions of these Bylaws;

- (b) fails to comply with any notice issued in terms of or for the purposes of these Bylaws;
 - (c) fails to comply with any lawful instruction given in terms of or for the purposes of these Bylaws;
 - (d) knowingly gives false or misleading information to an Environmental Health Practitioner;
 - (e) threatens, resists, interferes with or obstructs an authorized officer or an Environmental Health Practitioner in the performance of his or her powers, duties or functions as contemplated in these Bylaws; or
 - (f) impersonates an Environmental Health Practitioner,
- is guilty of an offence and, upon conviction, is liable to a fine or to imprisonment for a period not exceeding two years, or to both.

65. Serving of notices

- (1) A notice, order or other document is regarded as having been properly served if -
- (a) it has been delivered to the person concerned personally;
 - (b) it has been sent by registered post or speed post to the person to whom it is addressed at his or her last known address;
 - (c) it is served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address;
 - (d) if the address of the person concerned in the Republic of South Africa is unknown, 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 Bylaws be served on the owner or occupier of premises may be addressed to "the owner" or "the occupier" of the specified premises and need not bear the name of the owner or occupier.

66. Title and Commencement Date

These Bylaws are called the Environmental Health Bylaws and will commence on the date of publication in the Government Gazette.

ANNEXURE A

**NOTICE TO BE PUBLISHED BY APPLICANT FOR PERMISSION OF THE
COUNCIL TO USE PREMISES FOR THE CARRYING ON OF A
SCHEDULED TRADE
uTHUNGULU DISTRICT MUNICIPALITY
ENVIRONMENTAL HEALTH BYLAWS**

Notice is hereby given that an application will be made in terms of the above-mentioned Bylaws to the Council of the uThungulu District Municipality, for permission to use premises at the following address: -

.....

(Insert site address)

for the following purposes

.....

(Description of purposes and nature of trade or proposed to be carried out)

Any person objecting to the use of the above-mentioned premises for such purposes may do so by lodging on or before, with a written notice, in duplicate, setting out the grounds of his/her objection, with the Municipal Manager, uThungulu District Municipality.

Name and address of applicant

.....

.....

ANNEXURE B**LIST OF SCHEDULED TRADES**

1. Panel beating or spray painting;
2. Operating a waste recycling plant including oil and petroleum product recycling;
3. Scrap yard or scrap metal dealing;
4. Parchment making;
5. Sintering of sulphurous materials;
6. Viscose works;
7. 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;
8. Works for the production of carbon bisulphide, cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, peridine, liquid or gaseous sulphur dioxide or sulphur chlorides;
9. Works for the production of amyl acetate, aromatic ethers, butyric acid, caramel, enameled wire, glass, hexamine, lampblack, B-naphthol, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride or zinc oxide;
10. Bacon factories and meat-processing factories;
11. Food-processing factories;
12. Chemical works;
13. Dye works;
14. Breweries and distilleries;
15. Malt and yeast manufacturing works;
16. Sugar mills and sugar refineries;
17. Works or premises used for the storing or mixing of manure, super phosphate or fertilizers;
18. Fat-melting or tallow-melting works and any similar works or establishments for dealing with meat, bones, blood or offal, or with other organic matter derived from animals or poultry;

19. Works or premises used for the manufacture, storage or mixing of meal derived from fish, crustacea, poultry, meat offal from animals or poultry, or other organic matter derived from animals or poultry;
20. Works or premises used for storing, drying, preserving, or otherwise processing bones, horns, hoofs or other waste matter or excretions from animals or poultry;
21. Premises used for storing, sorting or dealing with hides and skins, or for fellmongery;
22. Tanning and leather-dressing works;
23. Slaughter houses or abattoirs and knackers' yards;
24. Glue or size factories;
25. Gut-scraping works;
26. Tripe-cleaning or tripe-boiling works;
27. Soap or candle works;
28. Wool-scouring or wool-washing works;
29. Processing of fish products;
30. Whaling stations, and premises or works used for storing or processing material derived from whales;
31. Paper mills or paper works;
32. Sawmills, wood bark grinding, chipping or extracting work, and destructors;
33. Landfill sites, sewage treatment and water purification plants and activities;
34. Crematoria;
35. Lead-smelting works;
36. Oil refineries and works concerned with the processing of products of petroleum refining;
37. Paint and varnish works;
38. Rubber works, including retreading or motor vehicle tyres;
39. Brick-burning and lime-burning works;
40. Stone-crushing and stone-dressing works;
41. Asbestos works – any processes where asbestos is used, milled or handled;
42. Cement works;
43. Metallurgical works;
44. Reduction works and ore-dressing works;
45. Charcoal burning and brick burning;
46. Works or premises where sand or shot blasting or similar dust or grit producing processes is applied;
47. Dry cleaning establishments; and
48. The handling or storage of any substance or material, which can lead to a public health hazard.

SANS 1013 Table (from Jongens Keet Noise Impact Assessment)
Acceptable Rating Levels for Noise in Districts

1	2	3	4	5	6	7
Type of District	Equivalent continuous rating level ($L_{req,r}$) for noise dBA					
	Outdoors			Indoors, with open windows		
	Day-night LR_{ca}^a	Day-time LR_{eq}^b	Night-time LR_{eq}^b	Day-night LR_{de}^b	Day-time LR_{eq}^b	Night-time LR_{eq}^b
Residential Districts						
a) Rural districts	45	45	35	35	35	25
b) Suburban districts with little road traffic	50	50	40	40	40	30
c) Urban districts	55	55	45	45	45	35
Non Residential Districts						
d) Urban districts with some workshops, with business premises, and with main roads	60	60	50	50	50	40
e) Central business districts	65	65	55	55	55	45
f) Industrial districts	70	70	60	60	60	50
<p>NOTE 1 If the measurement or calculation time interval is considerably shorter than the reference time intervals, significant deviations from the values given in the table may result.</p> <p>NOTE 2 If the spectrum of the sound contains significant low frequency components, or when an unbalanced spectrum towards the low frequencies is suspected, special precautions should be taken, and specialist attention is required. In this case the indoor sound levels may significantly differ from the values given in columns 5 to 7. See also annex B.</p> <p>NOTE 3 Residential buildings, e.g. dormitories, hotel accommodation, residences etc may only be allowed in non-residential districts on condition that the calculated or anticipated indoor $LR_{eq} 7$ values given in column 3 of table 1 are not exceeded.</p>						
<p>a The values given in columns 2 and 5 are equivalent continuous rating levels and include corrections for total character, impulsiveness of the noise and the time of day.</p> <p>b The values given in columns 3, 4, 6 and 7 are equivalent continuous rating levels and include corrections for tonal character and impulsiveness of the noise</p>						

Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974);

Definition of scope of other health professions registrable in terms of this Act and registration of certain persons

33. (1) The Minister may, on the recommendation of the council, by regulation define the scope of any other health profession registrable in terms of this Act by specifying the acts which shall for the purposes of the application of this Act be deemed to be acts pertaining to that profession: Provided that such regulation shall not be made unless the professional board established in terms of section 15 in respect of any profession which may in the opinion of the Minister be affected by such regulation, has been given an opportunity of submitting, through the council, representations as to the definition of the scope of the profession in question: Provided further that if there is a difference of opinion between the council and such professional board as to the definition of the scope of the profession concerned, the council shall mention this fact in its recommendation.

[Sub-s. (1) substituted by s. 30 (b) of Act 89 of 1997.]

Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

Part 7: Municipal managers

82. Appointment.—(1) A municipal council must appoint—

- (a) a municipal manager who is the head of administration and also the accounting officer for the municipality, and
- (b) when necessary, an acting municipal manager.

(2) A person appointed as municipal manager must have the relevant skills and expertise to perform the duties associated with that post.

[S. 82 amended by s. 121 of Act No. 32 of 2000. Sub-s. (2) added by s. 121 of Act No. 32 of 2000.]

Local Government Transition Act, 1993 (Act No. 209 of 1993)

10G (7)(a)(ii) A municipality may by resolution supported by a majority of the members of the council levy and recover levies, fees, taxes and tariffs in respect of any function or service of the municipality.

Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)

81. Responsibilities of municipalities when providing services through service delivery agreements with external mechanisms.—

(1) If a municipal service is provided through a service delivery agreement in terms of section 76 (b), the municipality remains responsible for ensuring that that service is provided to the local community in terms of the provisions of this Act, and accordingly must—

- (a) regulate the provision of the service, in accordance with section 41;
- (b) monitor and assess the implementation of the agreement, including the performance of the service provider in accordance with section 41;

- (c) perform its functions and exercise its powers in terms of Chapters 5 and 6 if the municipal service in question falls within a development priority or objective in terms of the municipality's integrated development plan;
- (d) within a tariff policy determined by the municipal council in terms of section 74, control the setting and adjustment of tariffs by the service provider for the municipal service in question; and
- (e) generally exercise its service authority so as to ensure uninterrupted delivery of the service in the best interest of the local community.

(2) A municipality, through a service delivery agreement—

(a) may assign to a service provider responsibility for—

- (i) developing and implementing detailed service delivery plans within the framework of the municipality's integrated development plan;
 - (ii) the operational planning, management and provision of the municipal service;
 - (iii) undertaking social and economic development that is directly related to the provision of the service;
 - (iv) customer management;
 - (v) managing its own accounting, financial management, budgeting, investment and borrowing activities within a framework of transparency, accountability, reporting and financial control determined by the municipality, subject to applicable municipal finance management legislation;
 - (vi) the collection of service fees for its own account from users of services in accordance with the municipal council's tariff policy in accordance with the credit control measures established in terms of Chapter 9;
- (b) may pass on to the service provider, through a transparent system that must be subject to performance monitoring and audit, funds for the subsidisation of services to the poor;
- (c) may in accordance with applicable labour legislation, transfer or second any of its staff members to the service provider, with the concurrence of the staff member concerned;
- (d) must ensure continuity of the service if the service provider is placed under judicial management, becomes insolvent, is liquidated or is for any reason unable to continue performing its functions in terms of the service delivery agreement; and
- (e) must, where applicable, take over the municipal service, including all assets, when the service delivery agreement expires or is terminated.

(3) The municipal council has the right to set, review or adjust the tariffs within its tariff policy. The service delivery agreement may provide for the adjustment of tariffs by the service provider within the limitations set by the municipal council.

(4) A service delivery agreement may be amended by agreement between the parties, except where an agreement has been concluded following a competitive bidding process, in which case an amendment can only be made after the local community has been given—

- (a) reasonable notice of the intention to amend the agreement and the reasons for the proposed amendment; and
- (b) sufficient opportunity to make representations to the municipality.

(5) No councillor or staff member of a municipality may share in any profits or improperly receive any benefits from a service provider providing a municipal service in terms of a service delivery agreement.

SANS 241: 2005 DRINKING WATER SPECIFICATION

Table 1 - Microbiological Safety Requirements

1	2	3	4	5
		Allowable Compliance Contribution ¹		
Determinant	Unit	95% of Samples MIN.	4% of Samples MAX.	1% of Samples MAX.
		Upper Limits		
E. coli ² or	Count/100ml	Not Detected	Not Detected	1
Thermo tolerant (faecal) coliform bacteria ³	Count/100ml	Not Detected	1	10

¹ The allowable compliance contribution shall be at least 95 % to the limits indicated in column 3, with a maximum of 4 % and 1 %, respectively, to the limits indicated in column 4 and column 5. The objective of disinfection should, nevertheless, be to attain 100 % compliance to the limits indicated in column 3.

² Definitive, preferred indicator of faecal pollution

³ Indicator of unacceptable microbial water quality could be tested instead of *E. coli* but is not the preferred indicator of faecal pollution. Also provides information on treatment efficiency and after-growth in distribution networks.

Table 2 - Physical, Organoleptic and Chemical Requirements

1	2	3	4	5
Determinant	Unit	Class I (Recommended operational limit)	Class II (MAX. allowable for limited duration)	Class II * (Water consumption period, MAX.)
Physical & Organoleptic Requirements				
	mg/l			
Colour (aesthetic)	PI	<20	20-50	No limit**
Conductivity at 25°C (aesthetic)	mS/m	<150	150-370	7 years
Dissolved solids (aesthetic)	mg/l	<1000	1000-2400	7 years
Odour (aesthetic)	TON	<5	5-10	No limit**
pH value at 25°C (aesthetic/operational)	pH units	5,0-9,5	4,0-10,0	No limit****
Taste (aesthetic)	FTN	<5	5-10	No limit**
Turbidity (aesthetic/operational/indirect health)	NTU	<1	1-5	No limit+
Chemical Requirements-macro determinant				
Ammonia as N (operational)	mg/l	<1,0	1,0-2,0	No limit+
Calcium as Ca (aesthetic/operational)	mg/l	<150	150-300	7 years
Chlorine as Cl (aesthetic)	mg/l	<200	200-600	7 years
Fluoride as F (health)	mg/l	<1,0	1,0-1,5	1 year
Magnesium as Mg (aesthetic/health)	mg/l	<70	70-100	7 years
Nitrate & Nitrite as N (health)	mg/l	<10	10-20	7 years
Potassium as K (operational/health)	mg/l	<50	50-100	7 years

Sodium as Na (aesthetic/health)	mg/l	<200	200-400	7 years
Sulfate as SO ₄ (health)	mg/l	<400	400-600	7 years
Zinc as Zn (aesthetic/health)	mg/l	<5,0	5,0-10	1 year
Chemical Requirements-micro determinant				
Aluminium as Al (health)	µg/l	<300	300-500	1 year
Antimony as Sb (health)	µg/l	<10	10-50	1 year
Arsenic as As (health)	µg/l	<10	10-50	1 year
Cadmium as Cd (health)	µg/l	<5	5-10	6 months
Total Chromium as Cr (health)	µg/l	<100	100-500	3 months
Cobalt as Co (health)	µg/l	<500	500-1000	1 year
Copper as Cu (health)	µg/l	<1000	1000-2000	1 year
Cyanide (recoverable) as CN (health)	µg/l	<50	50-70	1 week
Iron as Fe (aesthetic/operational)	µg/l	<200	200-2000	7 years**
Lead as Pb (health)	µg/l	<20	20-50	3 months
Manganese as Mn (aesthetic)	µg/l	<100	100-1000	7 years
Mercury as Hg (health)	µg/l	<1	1-5	3 months
Nickel as Ni (health)	µg/l	<150	150-350	1 year
Selenium as Se (health)	µg/l	<20	20-50	1 year
Vanadium as V (health)	µg/l	<200	200-500	1 year
Chemical Requirements-organic determinant				
Dissolved organic carbon as C (aesthetic/health)	mg/l	<10	10-20	3 months++
Total trihalomethanes (health)	µg/l	<200	200-300	10 years+++
Phenols (aesthetic/health)	µg/l	<10	10-70	No limit**

* The limits for the consumption of Class II water are based on the consumption of 2 litres of water per day by a person of 70Kg mass over a period of 70 years. Columns 4 and 5 shall be applied together.

** The limits given are based on aesthetic aspect

*** No primary health effect – low pH values can result in structural problems in the distribution system

+ These values can indicate process efficiency and risks associated with pathogens

++ When dissolved organic carbon is deemed of natural origin, the consumption period can be extended

+++ This is a suggested value because trihalomethanes have not been proven to have any effect on human health

