THE PROVINCE OF TRANSVAAL

Official Gazette Extraordinary

(Registered at the Post Office as a Newspaper)

PRICE: S.A. 10c OVERSEAS 15c

DIE PROVINSIE TRANSVAAL

Buitengewone Offisiële Koerant

(As 'n Nuusblad by die Poskantoor Geregistreer)

PRYS: S.A. 10c OORSEE 15c

VOL. 221 PRETORIA, 27 APRIL, 27 APRIL 1977 3885

Administrator's Notice 492 27 April, 1977

STANDARD BY-LAWS RELATING TO CAFES, RESTAURANTS AND EATING-HOUSES.

The Administrator hereby, in terms of section 96*bis*(1) of the Local Government Ordinance, 1939, publishes the standard by-laws set forth hereinafter, which have been made by him in terms of the said section.

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Definitions.

1. For the purpose of these by-laws, unless the context otherwise indicates —

"adequate", "approved", "council", "food", "handling" and "medical officer of health" shall bear the respective meanings assigned to them in the council's Food-Handling By-laws;

"cafe", "restaurant" and "eating-house" mean premises at or in which the business of a cafe, restaurant or eating-house referred to in items 20, 37 and 8 respectively of Schedule I of the Licences Ordinance, 1974 (Ordinance 19 of 1974), is conducted;

"dining area" means an area referred to in section 2(8);

"preparation room" means a room or area referred to in section 2(2);

"premises" means premises used for the carrying on of a business of a cafe, restaurant or eating-house and includes every part of premises so used and also any premises used in connection with the carrying on of the

Administrateurskennisgewing 492 27 April 1977

STANDAARDVERORDENINGE BETREFFENDE KAFEES, RESTAURANTE EN EETHUISE.

Die Administrateur publiseer hierby ingevolge artikel 96*bis*(1) van die Ordonnansie op Plaaslike Bestuur, 1939, die standaardverordeninge hierna uiteengesit, wat deur hom ingevolge genoemde artikel opgestel is.

INHOUDSOPGAWE.

Artikel.

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Woordomskrywing.

1. Vir die toepassing van hierdie verordeninge, tensy uit die sinsverband anders blyk, beteken —

"bereidingskamer" 'n kamer of plek waarna daar in artikel 2(2) verwys word;

"eetplek" 'n ruimte waarna daar in artikel 2(8) verwys word;

"goedgekeur", "hantering", "mediese gesondheidsbeampte", "raad", "toereikend" en "voedsel" soos omskryf in die raad se Voedselhanteringsverordeninge;

"kafee", "restaurant" en "eethuis" die perseel waarop 'n kafee-, restaurant- en eethuissaak waarna daar onderskeidelik in items 20, 37 en 8 van Bylae I van die Ordonnansie op Lisensies, 1974 (Ordonnansie 19 van 1974), verwys word, gedryf word;

"padkafee" 'n kafee waar daar maaltye of verversings verskaf en/of voorgedien word wat in 'n voertuig, waarvoor daar parkeergeriewe op die perseel verskaf word, genuttig word, maar dit sluit nie 'n inrybioskoop in nie;

"perseel" die perseel wat gebruik word om daarop 'n kafee-, restaurant- of eethuissaak te dryf en omvat elke deel van die perseel wat aldus gebruik word asook enige perseel wat in verband met die dryf van genoemde be-

said business, but, where the first-mentioned premises are part of a building, shall not include any other part of the building which is not used for or in connection with the said business;

"road-house" means a cafe where meals or refreshments are provided and/or served for consumption in a vehicle for which parking facilities are provided on the premises, but shall not include a drive-in cinema.

Requirements of Premises.

2.(1) No person shall carry on the business of a cafe, restaurant or eating-house in or upon any premises unless the requirements prescribed by the succeeding paragraphs of this section are, in so far as applicable thereto, complied with.

(2)(a) Save as otherwise provided in these by-laws, a room or area for the preparation of food or drink shall be provided in every cafe, restaurant and eating-house and such preparation room shall have a minimum floor area of 25 m² and a width of not less than 3 m, plus an additional floor area of —

(i) 0,4 m² for every 1 m² that the floor area of the dining area exceeds 40 m² up to and including 200 m², and thereafter;

(ii) 0,3 m² for every 1 m² that the dining area exceeds 200 m²:

Provided that in every road-house the minimum floor area of the preparation room shall be 55 m², plus an additional floor area of 0,75 m² for every 20 m² that the area of the parking facilities forming part of such road-house, including drive-ways and passage-ways, exceeds 800 m²: Provided further that where the medical officer of health is satisfied that, having regard to the extent to which food is handled on the premises, a preparation room of dimensions less than the minimum dimensions required in terms of these by-laws, is adequate, he may permit such smaller preparation room as he deems fit.

(b) Where the cooking and serving of food, but not the preparation thereof or the cleaning of utensils, is undertaken in an area of the preparation room open to the view of the patrons, the floor area of that part not open to the view of the patrons shall be at least 75% of the total minimum floor area prescribed for the preparation room.

(c) At least 50% of the floor area required for the preparation room shall be unobstructed floor space.

(3) In addition to the requirements prescribed under subsection (2), a room or area with a minimum width of 2,5 m and a minimum floor area of 7 m² shall be provided for the washing up of utensils and equipment: Provided that such minimum floor area in every road-house shall be 14 m².

(4) The room or area referred to in subsection (3) shall be equipped with —

(a) washing-up facilities for utensils as required in terms of section 2(8), (9) or (10) of the council's Food-Handling By-laws and where the medical officer of health deems necessary, an approved pot washing sink;

(b) an approved table solely for the reception of soiled cutlery and crockery and the removal from such cutlery and crockery of unconsumed food;

sigheid gebruik word, maar waar eersgenoemde perseel 'n gedeelte van 'n gebou uitmaak, omvat dit geen ander gedeelte van die gebou wat nie vir of in verband met genoemde besigheid gebruik word nie;

Vereistes vir Perseel.

2.(1) Niemand mag 'n kafee-, restaurant- of eethuissaak in of op 'n perseel dryf nie, tensy die vereistes wat in die volgende paragrawe van hierdie artikel voorgeskryf word, vir sover die betrokke vereistes van toepassing is, nagekom word.

(2)(a) Behalwe waar hierdie verordeninge anders bepaal, moet daar 'n kamer of ruimte vir die bereiding van voedsel of drank in elke kafee, restaurant en eethuis verskaf word en sodanige bereidingskamer moet 'n vloeroppervlakte van minstens 25 m² hê en minstens 3 m breed wees, benewens 'n bykomende vloeroppervlakte van —

(i) 0,4 m² vir elke 1 m² wat die vloeroppervlakte van die eetplek 40 m² tot en met 200 m² oorskry en daarna;

(ii) 0,3 m² vir elke 1 m² wat die eetplek 200 m² oorskry:

Met dien verstande dat in die geval van elke padkafee, die vloeroppervlakte van die bereidingskamer minstens 55 m² moet wees, benewens 'n bykomende vloeroppervlakte van 0,75 m² vir elke 20 m² wat die oppervlakte van die parkeergebied wat deel uitmaak van sodanige padkafee, met inbegrip van inrypaaie en looppaaie, groter is as 800 m²: Voorts met dien verstande dat waar die mediese gesondheidsbeampte oortuig is, nadat hy die mate waartoe voedsel op die perseel gehanteer sal word, in ag geneem het, dat 'n bereidingskamer wat kleiner is as die minimum afmetings wat ingevolge hierdie verordeninge vereis word, toereikend is, hy na goeddunke sodanige kleiner bereidingskamer kan toelaat.

(b) As die gaarmaak en voordien van voedsel, maar nie die bereiding daarvan of die skoonmaak van die kombuisgerei, nie op 'n plek in die bereidingskamer in sig van klante gedoen word nie, moet die vloeroppervlakte van daardie deel wat nie in sig van die klante is nie, minstens 75% van die totale minimum vloeroppervlakte wat vir die bereidingskamer voorgeskryf word, beslaan.

(c) Minstens 50% van die vloeroppervlakte wat vir die bereidingskamer nodig is, moet onbelemmerde vloerruimte wees.

(3) Benewens die vereistes wat in subartikel (2) voorgeskryf word, moet 'n kamer of ruimte wat minstens 2,5 m breed is en 'n vloeroppervlakte van minstens 7 m² het, vir die opwas van kombuisgerei en toerusting verskaf word: Met dien verstande dat sodanige vloeroppervlakte by elke padkafee minstens 14 m² moet wees.

(4) Die kamer of ruimte waarna daar in subartikel (3) verwys word, moet toegerus wees met —

(a) opwasgeriewe vir kombuisgerei soos by artikel 2(8), (9) of (10) van die raad se Voedselhanteringsverordeninge vereis en, as die mediese gesondheidsbeampte dit nodig ag, 'n goedgekeurde opwasbak vir potte;

(b) 'n goedgekeurde tafel uitsluitlik vir vuil eetgerei en breekgoed en vir die verwydering van onverbruikte voedsel van sodanige eetgerei en breekgoed;

(5)(a) The floor surface of the preparation room and the room or area referred to in subsection (3), shall be of an approved impermeable finish.

(b) The junctions between the walls and the floor of the preparation room and of the room or area referred to in subsection (3), shall be coved.

(c) Where required by the Medical Officer of Health, the floor of the preparation room and of the room or area referred to in subsection (3), shall be graded to an outside gully drained in accordance with the Council's Drainage By-laws.

(6) Where the storeroom, required in terms of section 2(7) of the council's Food-Handling By-laws, is not in the opinion of the medical officer of health, conveniently accessible from the preparation room, a further storeroom or area, for the storage of foodstuffs required for the normal day's usage, shall be provided to his satisfaction, which storeroom or area shall have a minimum floor area of 6,5 m², a height of not less than 2,6 m and a width of not less than 2,2 m.

(7) Where, in addition to the storeroom required in terms of section 2(7) of the council's Food-Handling By-laws and the storeroom or area required in terms of subsection (6), the medical officer of health deems it necessary, separate facilities shall be provided to his satisfaction for the storage, sorting and trimming of raw vegetables and fruit.

(8) The unobstructed floor area of any area set aside on any premises for the consumption of food or drink by patrons on the premises, other than parking facilities in a road-house, shall allow for a minimum of 1,2 m² for every intended patron. For the purpose of this section "unobstructed floor area" includes space occupied by tables and chairs, and, where food or drink is consumed at counters, includes the space occupied by such counters.

(9)(a) Where on any premises an area is set aside for the consumption of food or drink by patrons on such premises, sanitary accommodation in accordance with section 22(1) of Part IV of the council's Public Health By-laws shall be provided for the use of all patrons of such cafe, restaurant or eating-house.

(b) In addition to the requirements referred to in paragraph (a), the compartments of and approaches to such sanitary accommodation shall be provided with adequate artificial lighting and such sanitary accommodation shall —

(i) be equipped with adequate and approved hand washing facilities;

(ii) be under the direct supervision of the person in control of such cafe, restaurant or eating-house, who shall be responsible for ensuring that such accommodation is maintained in a clean and sanitary condition and in good working order;

(iii) clearly indicate the race and sex for which such accommodation is intended;

(iv) in the opinion of the medical officer of health, be easily accessible to patrons from such cafe, restaurant or eating-house.

(10) The requirements of subsections (2), (3), (5), (6) and (7), shall only apply to premises which are newly constructed or reconstructed after the date of

(5)(a) Die vloeroppervlakte van die bereidingskamer en die kamer of ruimte waarna daar in subartikel (3) verwys word, moet 'n goedgekeurde vloeistofdigte afwerking hê.

(b) Die aansluiting tussen die mure en die vloer van die bereidingskamer en van die kamer of ruimte waarna daar in subartikel (3) verwys word, moet gewelf wees.

(c) As die Mediese Gesondheidsbeampte dit vereis, moet die vloer van die bereidingskamer en van die kamer of ruimte waarna daar in subartikel (3) verwys word, ooreenkomstig die Raad se Rioleringsverordeninge skuins afloop na 'n buitelolput.

(6) As die mediese gesondheidsbeampte meen dat die pakkamer wat ingevolge artikel 2(7) van die raad se Voedselhanteringsverordeninge vereis word, nie maklik toeganklik van die bereidingskamer is nie, moet 'n bykomende pakkamer of ruimte vir die opberg van voedsel wat vir die gewone dag se gebruik nodig is, tot sy voldoenig verskaf word. Sodanige pakkamer of ruimte moet 'n vloeroppervlakte van minstens 6,5 m² hê, minstens 2,6 m hoog en minstens 2,2 m breed wees.

(7) Benewens die pakkamer wat ingevolge artikel 2(7) van die raad se Voedselhanteringsverordeninge vereis word en die pakkamer of ruimte wat ingevolge subartikel (6) vereis word, moet daar, as die mediese gesondheidsbeampte dit nodig ag, tot sy voldoening, afsonderlike gerieve vir die opberg, uitsoek en skoonmaak van rou groente en vrugte verskaf word.

(8) Die onbelemmerde vloeroppervlakte van enige ruimte wat in enige perseel opsy gesit word vir die gebruik van voedsel of drank deur klante op die perseel, afgesien van parkeergeriewe by 'n padkafee, moet voorsiening maak vir minstens 1,2 m² vir elke beoogde klant. By die toepassing van hierdie artikel omvat "onbelemmerde vloeroppervlakte" ruimte wat deur tafels en stoele in beslag geneem word, en waar voedsel of drank by toonbanke verbruik word, ook die ruimte wat deur sodanige toonbank in beslag geneem word.

(9)(a) As daar op 'n perseel 'n ruimte opsy gesit word vir die verbruik van voedsel of drank deur klante op sodanige perseel moet daar ooreenkomstig artikel 22(1) van Deel IV van die raad se Publieke Gesondheidsverordeninge toiletkamers verskaf word vir die gebruik van klante van sodanige kafee, restaurant of eethuis.

(b) Benewens die vereistes wat in paragraaf (a) gemeld word, moet daar toereikende kunsmatige verligting in die hokkies van en toegange tot sodanige toiletkamers verskaf word en sodanige toiletkamers moet —

(i) met toereikende en goedgekeurde handewasgeriewe voorsien word;

(ii) onder die regstreekse toesig van die beheerder van sodanige kafee, restaurant of eethuis staan wat moet sorg dat die toiletgeriewe skoon gehou word, higiënies en in 'n werkende toestand is;

(iii) 'n duidelike aanduiding hê van die ras en geslag vir wie sodanige toiletkamers bedoel is;

(iv) na die mening van die mediese gesondheidsbeampte maklik toeganklik wees vir die klante van sodanige kafee, restaurant of eethuis.

(10) Die bepalings van subartikels (2), (3), (5), (6) en (7) is slegs van toepassing op 'n perseel wat na die datum waarop hierdie verordeninge afgekondig is, nuut

promulgation of these by-laws: Provided that the medical officer of health may, if he is satisfied that the application of any one or more of the said requirements is essential in the interest of public health, give notice in writing to the owner or person in control of unreconstructed premises or premises in existence at the time of promulgation of these by-laws, to comply with such requirements as he may specify and within such reasonable period stated in the notice.

Protective Clothing.

3.(1) All persons actually engaged in the cooking and preparation of food shall wear an approved head-dress or hair-net, which head-dress or hair-net shall be in a clean and sound condition.

(2) It shall be the duty of the person in control of any cafe, restaurant or eating-house to provide such head-dress or hair-net and ensure that such head-dress or hair-net is worn.

Laundry Facilities.

4. Approved laundry facilities shall be provided where the laundering of articles other than drying cloths is undertaken on the premises of any cafe, restaurant or eating-house and, where such laundering is not so undertaken such articles shall only be laundered at a licensed laundry.

Approved Utensils.

5. Only approved pots, pans, crockery, cutlery and other equipment and utensils shall be used for the handling of food and drink.

Inspection.

6. The medical officer of health may, in order to satisfy himself that the provisions of these by-laws are being complied with —

(a) enter the premises at all reasonable times;

(b) examine the premises and anything thereon;

(c) examine and question any person on the premises, or who has recently been on the premises; and

(d) make tests and take any samples which in his opinion are required in connection with the performance of his duties in terms of this section.

Obstruction.

7. Any person who fails to give or refuses access to any officer of the council duly authorized by these by-laws or by the council to enter upon and inspect premises, if he requests entrance to such premises, or obstructs or hinders such officer in the execution of his duties in terms of these by-laws, or who fails or refuses to give information that he may lawfully be required to give to such officer, or who gives to such officer false or misleading information knowing it to be false or misleading, or who unlawfully prevents any other person from entering upon such premises, shall be guilty of an offence.

opgerig of herbou word: Met dien verstande dat, as die mediese gesondheidsbeampte daarvan oortuig is dat die toepassing van een of meer van genoemde bepalings in belang van die openbare gesondheid noodsaaklik is, hy skriftelik aan die eienaar of persoon in beheer van 'n bestaande of onherboude perseel wat ten tyde van die afkondiging van hierdie verordeninge bestaan, kennis kan gee om binne sodanige billike tydperk wat in die kennisgewing gemeld word, sodanige vereistes wat hy stel, na te kom.

Beskermende Klere.

3.(1) Elkeen wat werklik voedsel gaarmaak of berei, moet 'n goedgekeurde hoofbedekking of haarnet wat skoon en heel is, dra.

(2) Dit is die plig van die persoon wat in beheer van enige kafee, restaurant of eethuis is, om sodanige hoofbedekking of haarnet te verskaf en om te sorg dat sodanige hoofbedekking of haarnet gedra word.

Wasserygeriewe.

4. Goedgekeurde wasserygeriewe moet verskaf word waar die was en stryk van artikels, afgesien van vadoeke, op die perseel van enige kafee, restaurant of eethuis gedoen word en waar sodanige was- en strykwerk nie op die perseel gedoen word nie, moet sodanige artikels slegs by 'n gelisensieerde wassery gewas en gestryk word.

Goedgekeurde Kombuisgerei.

5. Slegs goedgekeurde potte, panne, breekgoed, eetgerei en ander toerusting en kombuisgerei mag in die hantering van voedsel en drank gebruik word.

Inspeksie.

6. Die mediese gesondheidsbeampte kan, ten einde hom daarvan te vergewis dat daar aan die bepalings van hierdie verordeninge voldoen word —

(a) die perseel te alle redelike tye binnegaan;

(b) die perseel en enigiets daarop ondersoek;

(c) enigeen op die perseel of enigeen wat onlangs op die perseel was, ondersoek of ondervra; en

(d) toetse doen en monsters neem wat na sy mening vereis word in verband met die nakoming van sy pligte ingevolge hierdie artikel.

Dwarsboming.

7. Iemand wat versuim of weier om toegang te verleen aan enige beampte van die raad wat by hierdie verordeninge of deur die raad behoorlik daartoe gemagtig is om 'n perseel te betree en te inspekteer, as hy versoek om sodanige perseel te betree, of wat sodanige beampte in die uitoefening van sy pligte ingevolge hierdie verordeninge dwarsboom of hinder, of wat versuim of weier om inligting te verstrek wat hy regtens aan sodanige beampte moet verstrek, of wat aan sodanige beampte onjuiste of misleidende inligting verstrek, wetende dat sodanige inligting onjuis of misleidend is, of wat wederregtelik enige ander persoon verhoed om sodanige perseel te betree, begaan 'n misdryf.

General.

8. The provisions of these by-laws shall be interpreted as being supplementary to and not derogating from those of the Council's Food-Handling By-laws.

Offences and Penalties.

9. Notwithstanding anything contained in section 17 of the council's Food-Handling By-laws, any person who contravenes or fails to comply with any provision of these by-laws, shall be guilty of an offence and shall be liable, on conviction, to a penalty not exceeding R300 or, in default of payment, to imprisonment for a period not exceeding 12 months, or to both such fine and such imprisonment, and in the event of a continuing offence to a fine not exceeding R10 for each day on which such offence continues.

PB. 2-4-2-22

Algemeen.

8. Die bepalings van hierdie verordeninge vul die van die Raad se Voedselhanteringsverordeninge aan en doen nie daaraan af nie.

Misdrywe en Strawwe.

9. Ondanks andersluidende bepalings wat in artikel 17 van die raad se Voedselhanteringsverordeninge vervat is, begaan iemand wat enige bepaling van hierdie verordeninge oortree of wat versuim om enige bepaling na te kom, 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R300 of, by wanbetaling, met gevangenisstraf van hoogstens 12 maande, of met sodanige boete sowel as sodanige gevangenisstraf, en in geval van 'n voortgesette misdryf, met 'n boete van hoogstens R10 vir elke dag waarop sodanige misdryf voortgesit word.

PB. 2-4-2-22

Printed for the Transvaal Provincial Administration, Pta., by Hoofstadpers Beperk, P.O. Box 422, Pretoria.

Gedruk vir die Transvaalse Provinsiale Administrasie, Pta., deur Hoofstadpers Beperk, Posbus 422, Pretoria.