

PROVINCIAL NOTICE

[NO. 187 OF 2011]

**NOTICE IN TERMS OF SECTION 14(2)(a)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000:
PUBLICATION: STANDARD ENVIRONMENTAL HEALTH BY-LAW**

I, M.G Qabathe, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), make standard by-laws as set out in the Schedule.

SCHEDULE

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Definitions and Application

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

“**accommodation establishment**” means any premises in or upon which the business of supplying lodging with or without one or more meals per day is conducted or intended to be conducted for reward or gain, but does not include any such premises which is duly registered as a hotel under any law relating to the registration of hotels, or which provides lodging with one or more meals per day and has fewer than five beds available for occupation, or which provides no meals and has fewer than three rooms that are let or intended for letting;

“**agent**” means a person specifically or generally appointed to attend to the affairs of another;

“**animal**” means horse, pony, mule, donkey, cattle, pig, sheep, goat, camel, reptile, indigenous animal and other wild or exotic animal, but excludes dogs and cats kept as domestic pets;

“**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;

“**carcass**” means the remains of any animal or poultry;

“**cattery**” means any establishment that has as its business the breeding or boarding of cats;

“**child care facility**” means any building or premises maintained or used, whether for profit or otherwise, for the temporary or partial care of children under 18 years of age apart from their parents, but does not include any boarding school, school hostel or any establishment which is maintained or used mainly for the tuition or training of children and which is controlled by or which has been registered or approved by the State;

“**communicable disease**” means any disease which can be communicated directly or indirectly from any person suffering therefrom or who is a carrier thereof to any other person;

“**cost**” means the amount determined by a duly authorized employee of the Council;

“**Council**” means the Council of the Municipality of or its duly authorised employee, councillor, committee or agent;

“**generator**” means a person who generates medical waste.

“**hairdresser or barber**” means a natural person who carries on business by cutting, shaving, shampooing, curling, straightening or otherwise treating or removing people’s hair or beards or providing beauty treatment for reward or gain;

“**health nuisance**” means any activity, condition, premises or thing which, on account of effluent, vapours, chemical effluvia, odours, noise, vibration, radiation, refuse, waste products, dirt, chemical or biochemical material, microbial infection, vermin, vegetation, overcrowding, lack of proper general hygiene, ventilation, lighting, design, situation or on account of any other cause or practice whatsoever, is in the opinion of the Director: Municipal Health or a duly authorised Council employee potentially injurious or dangerous to health or which is offensive, including, without affecting the generality of the foregoing, any facility for the

storage, distribution or handling of water that is likely to be used by man for domestic purposes or consumption, including such water itself, which is contaminated or polluted;

"kennel" means any establishment that has as its business the breeding, training or boarding of dogs and includes pounds whether operated by the State or otherwise;

"medical certificate" means a certificate signed by a medical practitioner;

"medical practitioner" means a person registered as such under the laws relating to the registration of persons as medical practitioners;

"medical waste" includes—

- (1) any waste, whether infected or not, resulting from a medical, surgical, veterinary or laboratory procedure on humans or animals, such as blood, body fluids, tissue, organs, body parts, extracted teeth, corpses (excluding corpses intended for burial in terms of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992));
- (2) used medical equipment and other medical material which is capable or is reasonably likely to be capable of causing or spreading disease or causing or spreading infection, such as used surgical dressings, swabs, blood bags, laboratory waste, blood collection tubes, colostomy- and catheter-bags; gloves, drip bags, administration lines and tongue depressers;
- (3) contaminated and uncontaminated sharps, including clinical items which can cause a cut or puncture or injection, such as needles, syringes, blades and microscope slides;
- (4) pharmaceutical products which have become outdated or contaminated or have been stored improperly or are no longer required, such as human and animal vaccines, medicines and drugs;
- (5) genotoxic chemical waste and radio isotopes from experimental or diagnostic work or any other source;

"municipality" means the Local Municipality established in terms of Section 12 of the Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"nightsoil" means human excrement not disposed of in an approved sanitary convenience;

"objectionable material" means garden litter, rubbish, waste material, rubble, scrap metal, article or thing, disused machinery, motor cars or other vehicles, as well as the disused parts thereof, refuse from any building operations, or any refuse capable of being deposited on any land or premises, including new or used building materials not necessarily required in connection with bona fide building operations actually in progress on any land, and includes any solid, liquid or gas which is or may become a nuisance or which materially interferes with the ordinary comfort or convenience of the public;

"occupier" in relation to any premises means and includes —

- (1) Any person in actual occupation of those premises; or
- (2) Any person legally entitled to occupy those premises; or
- (3) Any person having the charge or management of those premises, and includes the agent of any such person when he or she is absent from the Republic of South Africa or his or her whereabouts are unknown;

"offensive" means a state of affairs which is a health hazard or which has the potential to result in a health hazard;

"overcrowding" means

- (1) a residential occupancy in excess of 12 occupants per sanitary convenience and/or
- (2) occupancy of habitable rooms (being all rooms in a dwelling excluding kitchens, bathrooms and sanitary conveniences) for sleeping purposes where such occupation exceeds 1 adult person per 4 m² and/or 1 child under 10 years of age per 2 m²;

"owner" includes—

- (1) The person or persons in whom from time to time is vested the legal title to any immovable property;
- (2) In any case where a property is subject to a registered lease the lessee of such property;
- (3) In cases where the person in whom the legal title is vested is insolvent or deceased, or is of unsound mind or whose estate has been assigned for the benefit of his or her creditors, the person in whom the administration of the property is vested as trustee, executor, curator or assignee, or administrator;
- (4) In cases where the owner as above described is absent the agent or person receiving the rent of the property in question;

(5). In any case where the property is beneficially occupied under a servitude or right similar thereto the occupier of such property;

“**permit**” means the written permission granted by the Council in terms of this by-law.

“**person**” includes any sphere of government; natural and juristic person includes any sphere of government; natural and juristic persons;

“**poultry**” means any fowl, goose, ostrich, duck, pigeon, dove, turkey, muscovite, guinea-fowl, peacock and/or peahen or bird whether domesticated or wild;

“**premises**” means any building, tent or any other structure, together with the land on which the same is situated and the adjoining land used in connection therewith and any land without buildings or tents, and includes any vehicle, conveyance, ship or boat;

“**proprietor**”, in relation to an accommodation establishment, means the natural person who carries on or who is charged with carrying on business by supplying lodging or both lodging and meals for reward or gain and includes an owner of said property;

“**structure**” means any stable, shed, pigsty, kraal, aviary, paddock, covering structure, poultry house, enclosure, run, loft or building used for the keeping, housing or enclosing of animals and poultry;

“**styptic**” means a substance applied to stop bleeding;

“**trades**” for purpose of this by-law is restricted to the following: accommodation establishments, hairdressers and barbers, tattooing and body piercing of humans and child care facilities;

“**transporter**” means any person who removes medical waste from the premises of a generator or who transports medical waste or both;

“**verminous**” means being infested with vermin which includes but is not limited to lice, fleas and any organism which may infest or be parasitic on a person;

(2) This Bylaw is subject to the National Environmental Management Act, 1998 (Act No. 108 of 1998).

PART1

PREVENTION AND SUPPRESSION OF HEALTH NUISANCES

Health nuisance

2. No owner or occupier of any shop or business premises or vacant land adjoining a shop or business premises must use, cause or permit to be used such shop or business premises, vacant land or any portion thereof which is open to the public, for the purpose of storing, stacking, or keeping any waste material, refuse, crates, cartons, containers or any other articles of like nature, in such a way as to cause a health nuisance.

Prevention of health nuisances

3. Notwithstanding the provision of any other By-law or legislation no person must—

(1) Allow any erf to be overgrown with bush, weeds or grass or other vegetation, except cultivated trees, shrubs and grass, to such an extent that, in the opinion of the Council, it may be used as a shelter by vagrants, wild animals or vermin or may threaten the public health or the safety of any member of the community.

(2) Fail to maintain the sewers, drains, water fittings, waste water fittings, water closet fittings and all other sanitary accessories forming part of or attached to any building or structure in good and sound repair.

(3) Deposit, keep, cause or permit to be deposited or kept any night soil on any premises, except in a proper sanitary convenience approved by the Council.

(4) Keep, cause or suffer to be kept upon any premises any sanitary convenience of such nature or in such condition that it is a health nuisance.

(5) Carry, convey or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become a health nuisance, unless such objectionable material or thing is covered with suitable material in order to prevent the creation of any health nuisance.

(6) Cause or permit any stream, pool, ditch, drain, gutter, watercourse, sink, bath, cistern, water closet, privy or urinal on any land or premises to that owned or occupied by him or her or of which he or she is in charge to be or to become so foul or in such a state or to be so situated or constructed so as to be a health nuisance.

(7) Cause or permit any foul or polluted water or any foul liquid or objectionable material to run or

flow from any premises to that owned or occupied by another person, whether occupied for trade, business, manufacturing, dwelling or other purposes, onto any land or into any storm water, river or canal system.

- (8) Commit, cause or permit to be committed any act which may pollute any water to which inhabitants of the area of jurisdiction of the council have the right of use or access.

Accumulation of waste

4. (1) Where any objectionable material, article or matter of whatsoever nature has been accumulated or stored on any erf, street, thoroughfare, public square or commonage or where there is an overgrowth of bush, weeds, grass or vegetation on any erf in contravention of section 2 or 3 the Council may serve a notice, to abate such health nuisance, on —
- (a) The person directly or indirectly responsible for such accumulation or storing;
 - (b) The owner of such material, article or thing, whether or not he or she is responsible for such accumulation, or storing;
 - (c) The owner of the erf on which such accumulation or storing takes place, whether or not he is responsible therefor, or
 - (d) The owner of the erf on which there is an overgrowth of bush, weeds, grass or vegetation.
- (2) In the event of the recipient failing to comply with the requirements of a notice served on him or her in terms of subsection (1) within the time specified in such notice, the Council may, at the expense of the recipient, together with any assistants and advisors it may require, forthwith enter upon such premises and clear from such premises any such trees, bushes, weeds, grass, stones and rubble or objectionable matter. The cost of such work must be recoverable by the Council in any court of competent jurisdiction from the person in default.

Occupation of premises

5. No person must occupy or cause or suffer to be occupied any premises for habitable purposes so as to be a health nuisance, whether by overcrowding or otherwise.

Letting of premises

6. The owner of any premises which is let or sublet to more than one tenant, must maintain at all times in a clean and sanitary condition every part of such premises as may be used in common by more than one tenant.

Factory or trade premises

7. No person must keep, cause or suffer to be kept any factory or trade premises so as to cause or give rise to smells or effluvia that constitute a health nuisance.

Precautions by occupier or owner

8. Every person who is the occupier or in charge of any premises or the owner of any vacant land in the area of jurisdiction of the Council, must take all possible precaution to prevent conditions favouring the multiplication and prevalence of, and must take steps for the eradication of mosquitoes, flies, fleas, bugs, cockroaches or other vermin or pests. An authorised person employed by council may serve upon such owner, occupier or person in charge a notice in regard to the prevention or eradication of any such vermin or pest and specify a time period within which such vermin or pest must be eradicated.

Accumulation or deposit of health nuisance

9. No person must keep, cause or suffer to be kept on any premises any accumulation or deposit of filth, rubbish, refuse, manure, other offensive matter, or objectionable material or thing so as to be a health nuisance.

Occupation of unserviced land

10. No person must, without the written permission of the Council, occupy or permit to be occupied for human habitation a caravan, tent or other similar shelter of any description on unserviced land except on an authorised camping or caravan site.

Contraventions

11. Any person who contravenes or fails to comply with any provisions of this Part or fails to comply with any notice lawfully given thereunder is guilty of an offence.

PART 2 KEEPING OF ANIMALS AND POULTRY

Keeping of animals

12. In order to promote public health no person must keep or permit to be kept on any premises or property any animal or poultry without the permission of the Council.

Permit

13. (1) For the purpose of promoting public health and restricting public nuisances, the Council may from time to time determine the number, kinds and sex of animals or poultry that may be kept per unit area and the areas within which such animals or poultry must be prohibited.
- (2) The Council may from time to time, determine the kinds of animals and poultry for which a permit is required and the relevant application fee and annual fee for such permit. Applications for such permits must be made on the prescribed form made available by the Council for such purposes.
- (3) Permits issued in terms hereof are not transferable and are only be valid for the specific property in respect of which the application was made.

Requirements and approvals

14. (1) The Council may require an application in terms of section 13(2) to be accompanied by a detailed site plan indicating all existing or proposed structures and fences on the property for which the permit is required.
- (2) The Council may require detailed plans and specifications of structures wherein it is proposed to keep animals and poultry, in order to evaluate whether or not to grant a permit applied for in terms of section 13(2).
- (3) Notwithstanding anything to the contrary contained in this by-law, the Council may refuse to approve an application or grant approval subject to specific conditions if, in its opinion, the property owing to its location, siting or geographical features or size, is unsuitable for the keeping of animals or poultry.
- (4) No structure that accommodates animals must be sited:
- a) within 15m of any boundary of the erf which abuts another residential erf; and
 - b) within 6m of any boundary of the erf which abuts any road or public open space.
 - c) within 4,5m from any dwelling, servants quarters, inhabited outbuilding and shop or building where food is processed.
- (5) Where a structure in which animals will be kept forms part of an outbuilding used for human habitation, such structure must be sited at least 4,5m from such habitable room and must not be under the same roof space as the habitable room.
- (6) No structure in which poultry is kept must be sited :
- a) within 1,5m from any boundary of a residential erf; and
 - b) within 1,5m from any dwelling, servants quarters, inhabited outbuilding and shop or building where food is processed, sold or stored.
- (7) All structures in which animals or poultry are kept must be suitably screened from any street to the satisfaction of the Council.
- (8) No structure in which poultry is kept must have a height in excess of 3,5m.
- (9) Notwithstanding the aforementioned provisions, the Council may after considering conditions particular to the property and on condition that no objection is received from adjoining neighbours, waive any or all of the requirements of this part and impose other conditions if appropriate.

Storage of substances and disposal of carcasses

15. (1) All manure resulting from the keeping of animals and poultry must, pending removal from the premises, be stored under shelter in sealed fly-proof containers and disposed of on a regular basis so as to prevent any nuisance from being created, provided that such disposal may not include composting on the premises.

- (2) All feed must be stored in a rodent proof place, container or storeroom for the keeping of animals and poultry.
- (3) The premises for keeping of animals and poultry must be kept in such condition as not to attract or provide harbourage for rodents.
- (4) Carcasses are to be disposed of at the owner's expense and in a manner approved by the Council.

Stores

16. The municipality may from time to time determine that a fly and rodent proof manure store and feed store of adequate size and constructed of permanent material, is required on premises where animals, poultry and pigeons are kept.

Keeping of kennel or cattery

17. No person must keep a kennel or cattery unless the following requirements are complied with:
 - (1) Dogs and cats must be kept in a separate enclosure:
 - i) constructed of durable materials and with adequate access for cleaning, disinfecting and de-vermination purposes.
 - ii) with a floor constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100mm wide, extending over the full width of the floor and situated within the enclosure, which channel must drain into a gully connected to the Council sewer system by means of a pipe of approved material with a minimum diameter of 100mm or to another approved disposal system.
 - iii) with a kerb 150mm high along the entire length of the channel referred to in subparagraph (ii), to prevent stormwater from such area from entering the channel.
 - (2) Every enclosure referred to in subsection (1) must contain a roofed shelter for the accommodation of dogs and cats of which:
 - i) every wall must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface without cracks or open joints.
 - ii) the floor must be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints and the surface between the floor and the walls of a permanent structure must be covered.
 - (3) In the case of dogs, a dog kennel of moulded fibre cement or other similar material which is movable and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter contemplated in section 17(2) and if the base of such kennel is not rendered waterproof, a raised sleeping board which will enable the dog to keep dry must be provided in every such kennel.
 - (4) A concrete apron at least 1m wide must be provided at the entrance of the enclosure over its full width, the apron must be graded to allow for the drainage of water away from the enclosure.
 - (5) A supply of potable water, adequate for drinking and cleaning purposes, must be provided in or adjacent to every enclosure.
 - (6) Separate isolation facilities for sick dogs and cats must be provided to the satisfaction of the Council.
 - (7) If cages are provided for the keeping of cats, such cages must be of durable, impervious material and constructed so as to be easily cleaned.

Structures kept in good repair

18. All structures must at all times be kept in a proper state of repair by the owner or occupier of the premises.

Animal causing health nuisance

19. (1) If, in the opinion of the Council, any animals kept on any property in terms of which a permit has been issued by the Council under this By-law cause a health nuisance, danger to health or endanger the safety of the public or where more animals are kept than authorised in the permit issued, the Council may serve written notice on the holder of the permit, or in his or her absence the person in charge, to remove or cause to be removed such nuisance or danger or excess number of animals within a specified period.

- (2) The holder of a permit or the person in charge, on receiving a notice in terms of subsection (1), must comply with the requirements as specified by the Council in such notice, failing which the Council may at its discretion —
- (a) cancel the permit to keep animals on such property, or
 - (b) amend the permit.

Return of permit

20. The holder of a permit must, when requested by Council to do so, return the permit issued to him or her for amendment or cancellation, as the case may be.

Unauthorised use of structure

21. No person must alter or use a structure for the keeping of animals or poultry for purposes other than those specified in the permit.

Contraventions

22. Any person who contravenes any of the provisions of this Part or fails to comply with any notice lawfully given thereunder must be guilty of an offence.

PART 3 MEDICAL WASTE MANAGEMENT

Generators of medical waste

23. (1) Generators must handle and store medical waste in a safe manner that poses no threat to human health or to the environment and are under a duty to ensure that medical waste is removed from their premises, transported and disposed of in accordance with this By-law.
- (2) Without limiting the generality of the duty in subsection (1), generators must comply with the following requirements:
- (a) separate medical waste from other waste at the point at which it is generated;
 - (b) store medical waste in leak-proof, sealable containers and ensure that containers which are used for the storage of sharps and other clinical items which can cause cuts or punctures or injections are, in addition, rigid and puncture-resistant;
 - (c) label each medical waste container indelibly and in large, legible lettering with —
 - (i) the name and address of the generator;
 - (ii) the words “Danger: Medical Waste”, “Gevaar: Mediese Afval” and “Ingozi: Inkunkuma Yezamayeza”; and the international bio-hazard logo; and
 - (iii) the date on which the medical waste container is removed from the generator’s premises;
 - (d) prevent public access to medical waste containers which are in use;
 - (e) store filled medical waste containers in controlled, secure areas which are reserved for the storage of medical waste;
 - (f) make arrangements for the removal of medical waste from their premises and for the transportation of medical waste to a disposal site by a person who transports medical waste in terms of this By-law and who is registered as a transporter as contemplated in section 26 of this By-law;
 - (g) make arrangements for the disposal of medical waste by a person permitted to dispose of medical waste in terms of this By-law.
- (3) Generators may apply in writing to the Council for permission to handle, store and otherwise deal with their medical waste in a manner which does not comply with the requirements set out in subsection (2).
- (4) The Council may in writing grant the permission referred to in subsection (3); provided that it may grant such permission subject to conditions.
- (5) Generators may transport and dispose of medical waste, provided that they do so in terms of this By-law.
- (6) Generators must —
- (a) maintain an up-to-date written record of medical waste removed from their premises in the format as prescribed from time to time by the Council.

- (b) acquire from the disposer of the medical waste written notification that the medical waste has been disposed of and, on receiving such notification, indicate in their written records that the medical waste has been thus disposed of;
- (c) keep the written record referred to in (a) and the notification referred to in (b) for a period of one year after the removal from their premises of the medical waste.

Transporters of medical waste

24. (1) Transporters must remove medical waste from the premises of a generator, transport, store and deliver such medical waste to the site at which it will be disposed of in a safe manner which poses no threat to human health or the environment.
- (2) Without limiting the generality of the duty in subsection (1), transporters must comply with the following requirements:
- (a) not remove medical waste from the containers in which the generator has stored the medical waste;
 - (b) transport and store medical waste in such a way that no member of the public can gain access to the medical waste or the containers in which it is stored;
 - (c) transport medical waste in vehicles which are —
 - (i) capable of containing the medical waste;
 - (ii) designed to prevent spillage;
 - (iii) constructed of materials which are easy to clean and to disinfect;
 - (iv) capable of being secured in order to prevent unauthorised access;
 - (d) deliver medical waste only to a person and site permitted to dispose of medical waste in terms of section 26.
- (3) Transporters may apply in writing to the Council for permission to remove, transport, store and deliver medical waste in a manner which does not comply with the requirements set out in subsection (2).
- (4) The Council may in writing grant the permission referred to in subsection (3); provided that it may grant such permission subject to conditions.
- (5) Transporters may dispose of medical waste, provided that they do so in terms of this By-law.
- (6) Transporters must maintain a written record in respect of each collection and delivery of medical waste, which they must update simultaneously with each collection and delivery, and such record must be in the format as prescribed from time to time by the Council and must keep such record for a period of one year from the date on which the medical waste is delivered. Transporters must keep a copy of the relevant record in the vehicles used for the transportation of the medical waste.

Permits and records

- 25 (1) Medical waste may only be disposed of by a person—
- (a) who holds a license to operate a hazardous waste site in terms of the National Environment Management: Waste Act, 2008 (Act No. 59 of 2008)
 - (b) who complies with all terms and conditions attached to such license.
- (2) A person permitted in terms of subsection (1) to dispose of medical waste must do so at the site at which the license permits him or her to dispose of medical waste and may not dispose of medical waste at any other place.
- (3) Persons who dispose of medical waste must—
- (a) maintain an up-to-date written record of each delivery of medical waste to the disposal site in the format as prescribed from time to time by the Council.
 - (b) keep such record for a period of one year from the date on which the medical waste is disposed of.

Registration

26. (1) Every generator must register with the Council within 6 months of the coming into operation of this By-law by completing and submitting a written notification to the Council in the format prescribed from time to time.
- (2) Every transporter must register with the Council within 6 months of the coming into operation of this By-law by completing and submitting a written notification to the Council in the format

- prescribed from time to time.
- (3) Generators and transporters must advise the Council of any changes to the information provided in terms of subsections (1) or (2) as soon as such change takes place.

Contraventions

27. Any person who contravenes any provision of this Part or fails to comply with any notice lawfully given thereunder commits an offence.

PART 4 TRADES

Accommodation Establishments

28. (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) All furniture, linen, utensils, fittings and equipment provided by the proprietor must be clean and in good order and sufficient for the purpose thereof.
 - (c) Every room must be provided with adequate means of lighting and ventilation so as to enable such room to be used at all times without detriment to health or safety or causing a nuisance.
 - (d) Every accommodation establishment must be provided with a sufficient number of refuse receptacles with close-fitting lids.
 - (e) An adequate number of bathrooms and toilets, suitably equipped, must be provided on the premises.
 - (f) 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, however, that where the number of boarders does not exceed twelve (12), separate facilities for the different sexes need not be supplied.
 - (g) Baths, showers and washbasins on the premises must be served at all times with running hot and cold water.
 - (h) The accommodation establishment must be provided with a suitable yard, paved and drained to the satisfaction of the Council.
 - (i) If ten (10) or more boarders can at any one time be lodged on the premises, these premises must have —
 - (i) a suitable sitting room or sitting rooms so furnished and of such capacity as to meet the reasonable requirements of the boarders, and
 - (ii) a suitable dining room or dining rooms which must provide seating accommodation on the basis of not less than one (1) square meter for each boarder, if meals are provided.
 - (j) If meals are provided or cooking takes place, the establishment must have an adequately equipped kitchen.
- (2) The proprietor of an accommodation establishment must be responsible for the due compliance with and observation of the provisions of this By-law, and further he or she must be responsible for the acts, omissions and defaults of his or her employees or agents in such regard, and any breach of this by-law by himself or herself, by any member of his or her family or by any of his or her employees or agents is deemed to be a breach by the proprietor personally of this By-law.
- (3) The proprietor of an accommodation establishment must, to the satisfaction of the Council, at all times—
- (a) maintain the whole of the accommodation establishment in a clean and sanitary condition;
 - (b) keep the furniture, utensils, linen and equipment in a sound condition and clean state;
 - (c) supply only wholesome food to the boarders and other persons on the premises, and
 - (d) not knowingly 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.

- (4) The proprietor of an accommodation establishment must not—
- (a) allow any portion of the premises other than an approved bedroom to be used by any person for sleeping purposes; Provided that the aforesaid prohibition must not apply to any boarder occupying a bedroom in so far as it consists of a stoep or porch which has been suitably converted;
 - (b) accommodate any boarder in the same bedroom with another person unless such persons are of the same family or both of them have given their consent thereto;
 - (c) conduct the business of the said accommodation establishment in such a manner so as to cause any nuisance or annoyance to residents of neighbouring properties;
 - (d) permit cooking in a living room or an area designated as a living room;
 - (e) permit the premises to become overcrowded.
- (5) Notwithstanding compliance with all of the proceeding provisions, no person may operate an accommodation establishment unless the property is appropriately zoned in accordance with the zoning scheme applicable thereto, and in compliance with all applicable laws.

Hairdresser and barbers

29. (1) No person must conduct the business of hairdresser or barber in any premises within the municipal area unless—
- (a) all parts of the premises are effectively lit and ventilated;
 - (b) washbasins with hot and cold running water and fitted with a trapped waste pipe have been provided in the proportion of at least one basin for every two persons engaged at the same time in cutting, dressing or shampooing hair or shaving any person or in any operation pertaining to the business of hairdresser or barber;
 - (c) 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;
 - (d) the floor is even and suitably covered with impervious material or constructed with a smooth, impervious surface, maintained so that it may be easily swept and thoroughly cleansed; and
 - (e) he or she has provided a sufficient number of readily portable refuse receptacles with close-fitting lids made of impervious material in such a manner that they can be readily washed and cleaned.
- (2) Every person carrying on the business of barber or hairdresser 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) every hairbrush used or intended to be used in the business is kept in a clean condition at all times and washed and thoroughly cleansed at least once a day;
 - (d) every towel which has been used upon any person is adequately laundered before being used upon any other person;
 - (e) precautionary steps are taken to prevent direct contact between the head or neck of any client and the chair in which he sits;
 - (f) every brush, comb, razor, scissors, clippers or other instruments, appliance or implement which has or have been used upon any person in such a way as to have come into contact with some exposed portion of such person's body has, or have, before being used upon any other person, been disinfected in one of the following ways
 - (i) immersion in boiling water;
 - (ii) immersion in a disinfectant solution; or
 - (iii) treated in an approved disinfecting apparatus in an approved manner;
 - (g) a sufficient number of each kind of instrument, appliance or implement has been provided.
 - (h) no person is subjected to shaving, haircutting or any other operation connected with such business in that part of the premises in which the business of hairdresser or

barber is ordinarily conducted, if such person appears to be verminous or to be suffering from any disease of the skin or hair and, should any such person have been subjected to any such operation, that all towels, instruments and other things used in connection with such operation have, notwithstanding anything to the contrary herein contained, immediately thereafter been sterilised by immersion in boiling water for at least fifteen minutes;

- (i) no soap other than liquid, powder or tubed soap or shaving cream is used when any person is shampooed or shaved or is subjected to any other operation connected with the business of hairdresser or barber;
 - (j) no styptic substance other than in liquid or powder form and applied as a spray or by means of a clean, new piece of cotton-wool is used on any person;
 - (k) no person whose person or clothing is in a dirty condition engages in cutting, dressing or shampooing the hair of any other person or in shaving any such other person, or engages in any other operation connected with the business of hairdresser or barber to which such latter person is subjected;
 - (l) no person engages in cutting, dressing or shampooing the hair of any other person or in shaving any such other person, or engages in any other operation connected with the business of hairdresser or barber to which such latter person is subjected without washing his hands immediately before doing so;
 - (m) no person suffering from any communicable disease takes part in or is permitted or allows to take any part in any operation connected with the conducting of the business of hairdresser or barber unless such person has produced a medical certificate to the effect that he or she is fit so to take part.
 - (n) where waxing is practiced, the wax used in such a procedure may only be used for one application.
- (3) The provisions of this By-law applies with the necessary changes to any beauty treatment, manicuring or similar treatment.

Tattooing and Body Piercing of Humans

30. (1) Only professional tattooing and body piercing machines designed and assembled in a manner which prevents contamination of sterilized needle sets may be used for applying permanent tattoos or body piercing.
- (2) All clip cords and spray bottles must have triggers; grasped areas must also be protected by a plastic covering which must be disposed of after use on each client.
- (3) Work surfaces must be smooth and impervious and disinfected after rendering services to each client.
- (4) Equipment and supplies must be stored in clean, designated storage cabinets.
- (5) Instruments and equipment used for any procedure must be sterilised after each client.
- (6) All tubes and needles must be stored in single service, sterile, sealed autoclave bags that must be opened in the presence of the client.
- (7) A person responsible for tattooing or piercing must wash his hands with soap and hot water before attending to a client and new latex or nitrile examination gloves must be worn by the operator for the duration of the procedure for each client.

Childcare facilities

31. (1) No child care facility may be operated without the written approval of the Director: Municipal Health or his or her authorised representative, which approval may be subject to conditions.
- (2) Applications for approval must be made on the prescribed form and will only be processed after payment of the application fee approved from time to time by the Council.
- (3) Written approval in terms of subsection (1) does not exempt any person from the requirements of any other law related to the care of children and/or the use of the premises concerned.
- (4) Notwithstanding subsection (1) all child care facilities legally in operation at the time of promulgation of this By-law are exempted from requiring written approval for a period of 1 year from such promulgation.

Contraventions

32. Any person who contravenes any of the provisions of this Part is guilty of an offence.

**PART 5:
THE CONVEYING AND HANDLING FOR SALE OF MEAT INTENDED FOR HUMAN CONSUMPTION**

Handling of meat for human consumption

33. No person must convey or cause or allow to be conveyed any meat for sale and intended for human consumption, save in accordance with the following requirements:
- (a) If the conveyance is a vehicle of 1 ton or over:
 - (i) Its internal walls, floor and roof must be continuously lined with corrosion resistant metal or other approved impervious suitable material. Such lining must be rounded at all corners, junctions and intersections, and all joints must be seamless. The vehicle must be maintained externally, internally and mechanically in good order and repair.
 - (ii) Its body must be insulated in such a way that the temperature of the meat must not rise more than 5° Centigrade per hour.
 - (iii) The rear end or sides of its body must be fitted with a closely fitting metal door or doors, the interior of which must also be of non-corrodible metal and be as far as possible free of projections and ledges.
 - (iv) A fixed observation panel of glass in the partition between the driver's cab and the body of the vehicle is permissible.
 - (v) A non-corrodible metal bar or bars with fixed or movable non-corrodible metal hooks, must be fitted to the roof of the vehicle, and all carcasses, or portions of carcasses must be hung therefrom during transit. Such bar or bars must be fixed high enough to ensure that carcasses hang clear of the floor.
 - (vi) All chains or bars used for stabilising the load must be of non-corrodible metal and so installed that they can be easily removed for cleaning.
 - (vii) A loose non-corrodible container, approved by the Director: Municipal Health or his or her authorised representative, and easily removable for cleaning, must be provided inside the vehicle for conveying offal, and no offal must be conveyed in such vehicle except in such container. Such container may be carried on the outside of the vehicle, provided it is fitted into another container that will protect its contents from contamination, and it can be easily removed for cleaning.
 - (b) If the conveyance is a trailer, it must comply with the provisions of subparagraph (a)(i), (ii), (iii), (v), (vi) and (vii).
 - (c) If the conveyance is a vehicle of under 1 ton:
 - (i) It must comply with the requirements of subparagraph (a) (i) and (iii).
 - (ii) It must be permissible for retail butchers to convey therein meat from an abattoir to their trading premises without hanging such meat, provided that it is conveyed in non-corrodible containers of adequate size, approved by the Director: Municipal Health or his or her authorized representative, and easily removable for cleaning and that no offal is conveyed in any container used for conveying meat, but is conveyed in a separate container complying with the requirements of subparagraph (a) (vii) above.
 - (d) If the conveyance is a vehicle, conveying meat to a retail customer, the provisions of subparagraph (a) (i) and (iii) must be complied with.
 - (e) Cooked or prepared meats must be conveyed in non-corrodible containers approved by the Director: Municipal Health or his or her authorized representative and must be wrapped or covered so as to prevent contamination.
 - (f) Save as provided in subparagraphs (c) (ii) and (e), no meat must be conveyed on the floor of any vehicle.
 - (g) No person, animal or article liable to contaminate meat must be carried in any vehicle used for conveying for sale any meat intended for human consumption.
 - (h) The name and address of the owner and the trade name, if any, of his or her business must be printed in clear letters and figures, so as to be easily seen and legible, on both sides of every vehicle used for conveying meat for sale for human consumption.

Bulk handling of meat

34. (1) All persons engaged in the bulk handling for sale of meat intended for human consumption must wear clean protective covers of a material approved by the Director: Municipal Health or his authorized representative over their heads, necks and shoulders, so as to prevent contact between the meat and any part of their bodies, except their hands.
- (2) All employers of such persons must provide them with such covers and must ensure that the provisions of sub-section (1) are complied with.

Exemptions

35. For a period of four years after the date of promulgation of this By law, the provisions of paragraphs 34(a) (i), (ii), (iii), (v) and (vi), 34(b), except the provision that the trailer should comply with paragraph 34(a) (vii) and 34(d) of this by-law, do not apply to any vehicle already lawfully in use at such date for conveying meat for sale intended for human consumption.

Interpretation

36. The provisions of this Part must be in addition to, and not in substitution for, the provisions of any other regulations of the Council relating to food intended for sale, except in so far as such regulations may be repugnant to or inconsistent with this regulation, in which case the provisions of this by-law must prevail.

Contraventions

37. Any person who contravenes or fails to comply with any of the provisions of this Part is guilty of an offence.

PART 6: GENERAL PROVISIONS

Right of entry and inspection

38. (1) Any duly authorised employee of the Council is authorised to inspect any premises within the municipal area in order to determine whether there is compliance with the provisions of this By-law.
- (2) When entering a premises in terms of sub-section (1), the authorised employee must on request by any person, identify himself or herself by producing written proof of authorisation.
- (3) The authorised employee may be accompanied by a person reasonably required to assist in conducting the inspection.

Service of documents and process

39. (1) Whenever any notice, order, demand or other document is authorised or required to be served on a person in terms of this By-law, it is deemed to have been effectively and sufficiently served on such person:
- (a) when it has been delivered to him or her personally;
 - (b) when it has been left at his place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered or certified mail to his or her last known residential or business address in the Republic and an acknowledgment of the posting thereof is produced;
 - (d) if his or her address in the Republic is unknown, when it has been served on his agent or representative in the Republic in the manner provided by paragraph (a), (b) or (c), or
 - (e) if his address and agent in the Republic are unknown, when it has been posted in a conspicuous place on the immovable property (if any) to which it relates.
- (2) When any notice, order, demand or other document as aforesaid is authorised or required to be served on a person by reason of his or her being or having been the owner or occupier of or holding some other right in respect of immovable property, it must not be necessary to name him or her but it must be sufficient if he or she is therein described as the owner, occupier or holder of such immovable property or other right, as the case may be.

Penalties

40. (1) Any person convicted of an offence under this By-law is liable to a fine and/or imprisonment for a period not exceeding two years.

- (2) In the case of a continuing offence an additional fine and/or imprisonment for a period not exceeding ten days for each day on which such offence continued may be imposed.
- (3) In addition to any penalty imposed in terms of subsections (1) and (2), the person so convicted is liable to pay the cost of repair of any damage caused or costs incurred in remedying any damage resulting from such an offence.

Exemptions

41. (1) Notwithstanding the provisions of this By-law, the Council may exempt any person and/or class of persons from any or all of these requirements and may impose any other requirements it deems appropriate.
- (2) Any premises on which animals or poultry are already being kept may be exempted from complying with requirements in respect of accommodation for animals for a period of 12 months from date of coming into operation of this By-law.
- (3) All permits, authorisations and concessions to keep animals or poultry granted in terms of any By-law or regulation repealed by section 43 must be deemed to have been granted in terms of this By-law.

Repeal

42. Any by-laws relating to environmental health adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

Short title

43. These by-laws are called the Environmental Health By-laws, 2011.