
The Council of Waterberg District Municipality has in terms of section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with sections 11 and 98 of the Local Government : Municipal Systems Act, 2000, (Act No. 32 of 2000), made the following By-laws:

WATERBERG DISTRICT MUNICIPALITY

DRAFT PUBLIC AND ENVIRONMENTAL

HEALTH BY-LAWS

TABLE OF CONTENTS

CHAPTER 1 INTERPRETATION AND FUNDAMENTAL PRINCIPLES

1. Definitions and interpretation
2. Purpose

CHAPTER 2 PUBLIC AND ENVIRONMENTAL HEALTH

Part 1: Public and environmental health principles

3. Principles
4. Application of principles

Part 2: Public and environmental health hazards and public health nuisances

5. Prohibition on causing public health hazards
6. Duty to report public health hazards
7. Prohibition on causing public health nuisances
8. Prohibition on causing environmental health hazards

CHAPTER 3 POTENTIALLY HAZARDOUS USES OF PREMISES AND ENFORCEMENT

Part 1: Potentially hazardous uses

9. Duty to list potentially hazardous uses
10. Scheduled uses
11. Exemption certificates
12. Public and Environmental Health permits
13. Approval of measures, objects and materials
14. Application procedure
15. General terms applicable to certificates and permits
16. Suspension, cancellation and amendment of exemption certificates and permits

Part 2: Enforcement, remedial work and costs

17. Demolition orders
18. Municipal remedial work
19. Cost orders

CHAPTER 4: SANITARY SERVICES

20. Compulsory connection to municipal sewage system
21. Prohibition against obstruction of sanitary service
22. Requirements in respect of toilet facilities
23. Toilets for workers at building sites
24. Prohibition against use of a bucket toilet under the same roof as a dwelling
25. Condition of toilets, urinals, backyards and refuse areas
26. Provision of sanitary services in areas without sewers
27. Blocked or defective outlet pipes
28. Disposal of sewage, sewage effluent and wastewater without causing a public health nuisance and/or hazard

CHAPTER 6 WATER

29. Definitions
30. Pollution of sources of water supply
31. Dangerous wells, boreholes and excavations
32. Provision of adequate water supply
33. Use of water from sources other than the municipal supply
34. Furnishing of particulars of the source of water
35. Notice of the sinking or digging of boreholes or wells
36. Storm water runoff from premises which may impact on public or environmental health
37. Containment of waste water

CHAPTER 7 OFFENSIVE TRADES

38. Definitions
39. Permit requirement
40. Requirements for premises
41. Duties of offensive traders

CHAPTER 8 ACCOMMODATION ESTABLISHMENTS

42. Definitions
43. Permit requirement
44. Requirements for premises of accommodation establishments
45. Duties of operators of accommodation establishments

CHAPTER 9

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

SWIMMING POOLS AND SPA-BATHS

- 46. Definitions
- 47. Requirements for premises
- 48. Duties of spa-bath keepers
- 49. Duties of swimming pool keepers
- 50. Water supply
- 51. Safety of water

**CHAPTER 10
CHILD - CARE SERVICES**

- 52. Definitions
- 53. Permit requirement
- 54. General requirements for child-care premises
- 55. Indoor play areas
- 56. Outdoor play areas
- 57. Toilet and wash facilities
- 58. Toilet and wash facilities for children under the age of 2 years
- 59. General requirements
- 60. Resting and play equipment
- 61. After-school facilities
- 62. Medical care for children
- 63. Safety Measures
- 64. General duties of a child-care service provider
- 65. Application for admission
- 66. Registers
- 67. Medical reports
- 68. General journal
- 69. Medical journal
- 70. Child care from residential premises

**CHAPTER 11
KEEPING OF ANIMALS**

- 71. Definitions

Part 1: General provisions relating to the keeping of animals

- 72. Application of Chapter

Part 2: Keeping of cattle, horses, mules and donkeys on agricultural holdings

- 73. Requirements for premises
- 74. Duties of keeper of cattle, horses, mules and donkeys

Part 3: Keeping of goats and sheep on agricultural holdings

- 75. Application
- 76. Requirements for premises

**DRAFT BY- LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

77. Duties of keeper of goats and sheep

Part 4: Keeping of poultry

78. Application
79. Permit requirement
80. Requirements for premises
81. Duties of keepers of poultry

Part 5: Keeping of rabbits

82. Application
83. Permit requirement
84. Requirements for the premises
85. Duties of keepers of rabbits

Part 6: Keeping of birds other than poultry

86. Requirements for the premises
87. Duties of keepers of aviaries

Part 7: Kennels and catteries

88. Requirements for premises
89. Food preparation areas
90. Duties of keepers of kennels or catteries

Part 8: Pet shops and pet parlours

91. Requirements for premises
92. Duties of pet shop or pet parlour keepers

Part 9: Keeping of wild animals

93. Requirements for the premises
94. Duties of keepers of wild animals

Part 10: Keeping of pigs on agricultural holdings

95. Requirements for premises
96. Duties of keepers of pigs

Part 11: General provisions

97. Drainage
98. Dangerous animals
99. Requirements for keeping of bees
100. Illness attributable to animals, poultry or birds
101. Keeping of and slaughtering animals for religious and ceremonial purposes
102. Keeping of live stock outside proclaimed townships

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

**CHAPTER 12
MISCELLANEOUS**

- 148. Offences and penalties
- 149. Serving of notices
- 150. Application to the State
- 151. Repeal
- 152. Application

**SCHEDULE 1:
PUBLIC HEALTH NUISANCES**

- 1. General Nuisances
- 2. Pest control
- 3. Air pollution
- 4. Fouling and littering on public places and open spaces

**SCHEDULE 2:
SCHEDULED USES**

- Part A: Activities for which a permit is required
- Part B: Scheduled uses

**SCHEDULE 3:
REPEALED BY-LAWS**

CHAPTER 1

INTERPRETATION AND FUNDAMENTAL PRINCIPLES

1. DEFINITIONS AND INTERPRETATION

- (1) In these By-laws, unless the context otherwise indicates -

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

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

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

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

"communicable diseases" means any disease which can be communicated directly or indirectly from any animal or through any agent to any person or from any person suffering therefrom or who is a carrier thereof, to any other person;

"Council" means -

- (a) the Waterberg District Municipality exercising its legislative and executive authority through its municipal Council; or
- (b) its successor in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
- (d) a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, or any other law, as the case may be;

"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;

"environment" means the surroundings within which humans exist and that are made up of—

- (i) the land, water and atmosphere of the earth;
- (ii) micro-organisms, plant and animal life;
- (iii) any part or combination of (i) and (ii) and the interrelationships among and between them; and
- (iv) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and wellbeing;

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

"environmental health" means the state of the environment

DRAFT BY – LAWS FOR WATERBERG DISTRICT MUNICIPALITY

“environmental health hazard” means any pollution of the environment or threat or source of danger to the promotion of a safe and healthy environment

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

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

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

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

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

“occupier”, in relation to any premises, means any person -

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

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

“owner”, in relation to any premises, means -

- (a) the person in whose name the title to the premises is registered, and includes the holder of a stand licence; 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;

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

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

"pollution" means any change in the environment caused by—
(i) substances;
(ii) radioactive or other waves; or
(iii) noise, odours, dust or heat,
emitted from any activity, including the storage or treatment of waste or substances, construction and the provision of services, whether engaged in by any person or an organ of state, where that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of natural or managed ecosystems, or on materials useful to people, or will have such an effect in the future

"potable water" means water that complies with the requirements set out in SABS 241: Water for Domestic Supplies;

"premises" means -

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

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

"public health" means the mental and physical health and well-being of people in the municipal area;

"public health hazard" means any actual threat to public health, and without limitation, includes -

- (a) the circumstances referred to in section 5 (3);
- (b) unsanitary conditions;

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (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 may allow pests to infest any place where they may affect public health;

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

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

"scheduled use" means a use listed in Schedule 2.

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

2. PURPOSE

- (1) The purpose of these By-laws is to enable the Council to protect and promote the long term health and well-being of people in the municipal area by -
 - (a) providing, in conjunction with any other applicable law, an effective legal and administrative framework within which the Council can -
 - (i) manage and regulate activities that have the potential to impact adversely on public health; and

- (ii) require premises to be properly maintained and managed; and

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (b) defining the rights and obligations of the Council and the public in relation to this purpose.

**CHAPTER 2
PUBLIC AND ENVIRONMENTAL HEALTH**

Part 1: Public and environmental health principles

3. PRINCIPLES

- (1) Every person has a constitutional right to an environment that is not harmful to his or her health or well-being and to have access to sufficient water and the Council has a constitutional duty to strive, within its financial and administrative capacity, to promote a safe and healthy environment.
- (2) The risk of a public health hazard occurring, continuing or recurring must be eliminated wherever reasonably possible, and if it is not reasonably possible to do so, it must be reduced to a level acceptable to the Council.
- (3) Any person who owns or occupies premises in the municipal area must ensure that it is used for and maintained in a manner that ensures that no public health hazard, public health nuisance or any environmental health hazard occurs on the premises.
- (4) Any person who wishes to undertake an activity which creates a risk to public or environmental health that is more than trivial or insignificant must -
 - (a) take all reasonable measures to eliminate that risk, and if that is not reasonably possible, to reduce the risk to a level acceptable to the Council; and
 - (b) bear the costs of taking those measures and of any reasonable costs incurred by the Council in ensuring that the risk is eliminated or reduced to an acceptable level.
- (5) The Council must regulate all activities and administer all matters for which it is legally responsible in a manner that -
 - (a) avoids creating a public or environmental health hazard ,a public health nuisance
 - (b) does not make it easier for any human or animal disease to spread;
 - (c) does not give rise to unsanitary or unhygienic conditions;
 - (d) prevents unsafe food or drink from being eaten or drunk;

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- or
- (e) avoids creating conditions favourable for infestation by pests;
 - (f) wherever reasonably possible, improves public health and environmental health in the municipal area.
- (6) In dealing with matters affecting public and environmental health the Council must -
- (a) adopt a cautious and risk-averse approach;
 - (b) prioritise the collective interests of the people of the municipal area, and of South Africa, over the interests of any specific interest group or sector of society;
 - (c) take account of historic inequalities in the management and regulation of activities that may have an adverse impact on public health and redress these inequalities in an equitable and non-discriminatory manner;
 - (d) adopt a long-term perspective that takes account of the interests of future generations; and
 - (e) take account of, and wherever possible without compromising public health, minimise any adverse effects on other living organisms and ecosystems.

4. APPLICATION OF PRINCIPLES

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

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

Part 2: Public and environmental health hazards and public health nuisances
5. PROHIBITION ON CAUSING PUBLIC HEALTH HAZARDS

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (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 in large numbers 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.

6. DUTY TO REPORT PUBLIC HEALTH HAZARDS

The owner or occupier of premises who knows of a public health hazard on those premises, must within 24 hours of becoming aware of its existence -

- (a) eliminate the public health hazard; or
- (b) if the owner or occupier is unable to comply with paragraph (a), take reasonable steps to reduce the risk to public health and forthwith report the existence of the public health hazard to the Council in writing.

7. PROHIBITION ON CAUSING PUBLIC HEALTH NUISANCES

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

8. PROHIBITION ON CAUSING ENVIRONMENTAL HEALTH HAZARD

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

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

CHAPTER 3

POTENTIALLY HAZARDOUS USES OF PREMISES AND ENFORCEMENT

Part 1: Potentially hazardous uses

9. DUTY TO LIST POTENTIALLY HAZARDOUS USES

If the Council reasonably believes that any premises have been, or are likely to be, used for a purpose or in a manner that has caused, or is likely to cause, a public or environmental health hazard or to create a public health nuisance, unless reasonable measures are taken to avoid the risk or to reduce it to an acceptable level, the Council must list the activity concerned in Schedule 2 and must prescribe measures that must be taken to avoid the risk or reduce it to a level acceptable to the Council.

10. SCHEDULED USES

- (1) Any person who uses premises in a manner or for a purpose listed in Schedule 2 must comply with every provision specified in the Chapter of these By-laws relating to that use, unless that person has been granted an exemption in terms of section 11 from complying with any such provision.
- (2) Any person who uses premises in a manner or for a purpose that is listed in Part A of Schedule 2, must obtain a permit in terms of section 12 before commencing that use and must comply with the terms and conditions of that permit.

11. EXEMPTION CERTIFICATES

- (1) Any person who wants to undertake a scheduled use 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 in accordance with section 14 for an exemption certificate.
- (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 or environmental health arising from the scheduled use are equivalent to or better than the measures required by the relevant requirement of these By-laws; and
 - (b) the scheduled use in respect of which the exemption is required, is not likely to cause a public or environmental health hazard or a public health nuisance.

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

12. PUBLIC AND ENVIRONMENTAL HEALTH PERMITS

- (1) Any person who wants to undertake a scheduled use that is listed in Part A of Schedule 2, must apply to the Council in accordance with section 14 for a public and environmental health permit.
- (2) The Council may issue a public and environmental 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 or environmental 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 and environmental health created by the scheduled use, to a level acceptable to the Council;
 - (b) may exempt the permit holder from complying with any relevant provision of these By-laws, if the Council reasonably believes that the permit requires the permit holder to take measures to avoid or reduce the risk to public and environmental health arising from the activity that are equivalent to, or better than, the measures required by the relevant provision of these By-laws; and
 - (c) may approve any measure or material in connection with the activity authorised by the permit that must be approved in terms of these By-laws.

13. APPROVAL OF MEASURES, OBJECTS AND MATERIALS

- (1) The Council may approve any object or material used, or any measure taken, in specified circumstances as being adequate to eliminate the risk of any public health hazard or public health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Council.
- (2) An object, material or measure referred to in subsection (1) may be approved by the Council in -
 - (a) a public and environmental health permit; or
 - (b) guidelines prescribed by the Council in terms of subsection
- (3).
 - (3) The Council may publish guidelines in the *Provincial Gazette* which describe -

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (a) appropriate measures that can be taken and objects and materials that can be used, to eliminate the risk of any public and environmental health hazard or public health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Council; and
- (b) the circumstances in which taking these measures or using these objects or materials are acceptable to the Council.

14. APPLICATION PROCEDURE

- (1) Any person who wants to obtain an exemption certificate or a permit must apply to the Council in writing in a form prescribed by the Council, prior to undertaking the scheduled use concerned.
- (2) 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.
- (3) 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 use 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.
- (4) In deciding whether or not to issue an exemption certificate or a permit, and what terms and conditions, if any, to include in it, the Council must apply the public and environmental health principles set out in section 3.

15. GENERAL TERMS APPLICABLE TO CERTIFICATES AND PERMITS

- (1) An exemption certificate or a permit-
 - (a) is not transferable from one person to another; and
 - (b) applies only to the premises specified in that certificate or permit.
- (2) Every exemption certificate or permit must-
 - (a) specify the address and other relevant details regarding the location of the premises concerned;

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (b) describe the premises concerned;
 - (c) describe the activity concerned;
 - (d) specify terms and conditions imposed, if any; and
 - (e) indicate when it expires.
- (3) An applicant must pay a prescribed fee, if determined by the Council, in respect of an application for a permit or exemption certificate and such fee must accompany the application.
- (4) The Council may refuse to consider an application until it has been provided with the information that it reasonably requires to make an informed decision and until the prescribed fee has been paid.

16. SUSPENSION, CANCELLATION AND AMENDMENT OF EXEMPTION CERTIFICATES AND PERMITS

- (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.
- (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 or environmental health posed by a public or environmental health hazard or a public health nuisance; or
 - (b) the holder of such certificate or permit fails to comply with a compliance notice, in which is stated that such certificate or permit may be suspended or cancelled without further notice if the holder fails to comply with that notice.
- (3) An environmental health practitioner may suspend or cancel an exemption certificate or permit after having given the holder thereof a reasonable opportunity of making representations as to why the permit or exemption certificate should not be suspended or cancelled if -
- (a) the environmental health practitioner reasonably believes that it is desirable to do so to eliminate or reduce the risk to public or environmental health posed by a public or environmental 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 By-laws.

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (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 or environmental health or to take account of changed circumstances since the exemption certificate or permit concerned was issued.

Part 2: Enforcement, remedial work and costs

17. DEMOLITION ORDERS

- (1) If the Council believes that a public or environmental 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.

18. MUNICIPAL REMEDIAL WORK

The Council may, subject to the provisions of any other law, enter any premises and do anything on the premises that it reasonably considers necessary -

- (a) to ensure compliance with these By-laws or with any compliance notice;
- (b) to reduce, remove or minimise any public or environmental health hazard; or
- (c) to reduce, remove or minimise any public health nuisance.

19. COST ORDERS

- (1) The Council may recover any costs reasonably incurred by it in taking measures contemplated in section 17 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 18(a) 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 or environmental health hazard or a public health nuisance.

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (2) The municipal manager may issue a cost order requiring a person who is liable to pay costs incurred by the Council in terms of subsection (1), to pay those costs by a date specified in the order and such order constitutes prima facie evidence of the amount due.

**CHAPTER 4:
SANITARY SERVICES**

20. COMPULSORY CONNECTION TO MUNICIPAL SEWAGE SYSTEM

Every owner of premises to which a municipal sewage service is available, must ensure that all waste water drainage pipes from any bath, wash-hand basin, toilet, shower or kitchen sink is connected to the municipal sewer in an approved manner.

21. PROHIBITION AGAINST OBSTRUCTION OF SANITARY SERVICES

No person may prevent, obstruct or interfere with any sanitary service provided by the Council.

22. REQUIREMENTS IN RESPECT OF TOILET FACILITIES

Every 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.

23. TOILETS FOR WORKERS ON BUILDING SITES

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

24. PROHIBITION AGAINST USE OF A BUCKET TOILET UNDER THE SAME ROOF AS A DWELLING

No person may provide, erect, retain or use any bucket toilet inside, or under the same roof, as a dwelling.

25. CONDITION OF TOILETS, URINALS, BACKYARDS AND REFUSE AREAS

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

**DRAFT BY LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

PROVISION OF TANK FOR WASTE LIQUIDS IN AREAS WITHOUT SEWERS

- (1) Any owner of premises not connected to a public sewer or not provided with other adequate measures for the disposal of waste liquid, must provide the premises with a tank big enough to contain the slops, bath water or other waste water produced on the premises during a period of 48 hours.
- (2) Subject to the provisions of subsection (3), premises referred to in subsection (1), must be equipped either with -
 - (a) an overhead tank placed in a way that its contents can be gravity fed into the Council's waste removal vehicles; or
 - (b) an adequate filter, pump and indicator, with outlet pipes constructed and placed in a way that the tank may be easily emptied and cleansed.
- (3) The provisions of subsection (2) do not apply if -
 - (a) adequate arrangements have been made for dispersing waste water produced on the premises, other than urine, over land associated with the premises concerned; and
 - (b) the waste water is dispersed in a way that will not create a public health nuisance.

26. PROVISION OF SANITARY SERVICES IN AREAS WITHOUT SEWERS

Any owner of premises without access to a municipal sewer must provide the premises with a acceptable means of disposal of all sewage effluent generated on the premises.

PUMPING OF CONTENTS OF UNDERGROUND TANK TO SURFACE TANK

Any occupier of premises on which both underground and overhead tanks are provided for the storage of waste water, must pump the contents of the underground tank to the overhead tank immediately prior to the overhead tank being emptied by the Council.

27. BLOCKED OR DEFECTIVE OUTLET PIPES

- (1) Every owner or occupier of premises must keep any drainage system free from obstruction and in a good condition.
- (2) No owner or occupier of premises may allow any condition or action on that premises that causes a obstruction to any drainage system on an adjacent premises.

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

28. DISPOSAL OF SEWAGE, SEWAGE EFFLUENT AND WASTE WATER WITHOUT CAUSING A PUBLIC HEALTH NUISANCE AND/OR HAZARD

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

- (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 and/or hazard.

PROHIBITION AGAINST URINE IN SLOPS TANKS

No person may discharge or allow any urine or excrement to be discharged into a slops tank situated on any premises.

**CHAPTER 5
PRIVATE SEWAGE WORKS**

30. PERMIT FOR PROVISION OF SERVICE FOR THE REMOVAL OF HUMAN EXCREMENT OR URINE

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

31. PERMIT FOR INSTALLATION OF SEWAGE WORKS

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

32. MAINTENANCE OF SEWAGE WORKS

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

34. COMPULSORY USE OF COUNCIL'S SEWAGE REMOVAL SERVICE

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

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

WATER

29. DEFINITIONS

In this Chapter, unless the context otherwise indicates -

"domestic consumption" in relation to water, means the use of water for -

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

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

30. 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 or environmental health hazard.

31. 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 or environmental 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 or environmental health hazard.

32. 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.

33. USE OF WATER FROM SOURCES OTHER THAN THE MUNICIPAL SUPPLY

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

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

34. FURNISHING OF PARTICULARS OF THE SOURCE OF WATER

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

35. NOTICE OF THE 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.

36. STORM WATER RUNOFF FROM PREMISES WHICH MAY IMPACT ON PUBLIC OR ENVIRONMENTAL 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

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

was handled, produced, stored, dumped or spilled, for re-use, 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 stock-pile 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, stock-pile, 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 or environmental health hazard , 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.

37. 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.

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

**CHAPTER 7
OFFENSIVE TRADES**

38. DEFINITIONS

In this Chapter, unless the context otherwise indicates -

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

"offensive trade" means any business listed below or business which involves an activity listed below:

- (a) panel beating or spray painting;
- (b) operating a waste recycling depot, facility or plant including oil and petroleum product recycling;
- (c) scrap yard or scrap metal dealing;
- (d) blood boiling, bone boiling, tallow melting, fat melting or fat extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, hide boiling, skin curing, blood drying, gut scraping, leather dressing, tanning or glue or size making;
- (e) charcoal burning, brick burning, lime burning;
- (f) manure making or storing or compost making;
- (g) parchment making;
- (h) manufacturing malt or yeast;
- (i) cement works, coke-ovens or salt glazing works;
- (j) sintering of sulphurous materials;
- (k) viscose works;
- (l) ore or mineral smelting, calcining, puddling or rolling of iron or other metal, conversion of pig iron into cast iron, reheating, tempering, hardening, forging, conversion or compounding of carbon with iron or other metals;??
- (m) works for the production of carbon bisulphide, cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, peridine, liquid or gaseous sulphur dioxide or sulphur chlorides;

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (n) works for the production of amyl acetate, aromatic ethers, butyric acid, caramel, enamelled wire, glass, hexamine, lampblack, B-naphthol, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride or zinc oxide; or
- (o) the refining or processing of petrol, oil or their products;
- (p) sand blasting or shot
- (q) truck depot
- (r) tanker washing

39. PERMIT REQUIREMENT

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

40. REQUIREMENTS FOR PREMISES

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

- (a) the floors of the premises are constructed of cement concrete or a similar impervious material, brought to a smooth finish;
- (b) the floors of the premises are adequately graded and drained for the disposal of effluent to an approved disposal system;
- (c) the inside walls, except where glazed or glass brick or glazed tiles are used, are plastered, brought to a smooth finish and painted with a light-coloured, washable paint;
- (d) the surface of any backyard or open space is paved with concrete or similar impervious material, brought to a smooth finish;
- (e) the premises are provided with adequate light and ventilation as prescribed in the National Building Regulations and Building Standards Act;
- (f) an adequate supply of running potable water is provided;
- (g) an adequate number of portable containers constructed of iron or another non-absorbent material, equipped with closely fitting lids, are provided for the removal of all waste and waste water from the premises;

**DRAFT BY – LAWA FOR WATERBERG DISTRICT
MUNICIPALITY**

- (h) adequate means are provided for the disposal of all effluent arising from the manufacturing or other process performed on the premises;
- (i) adequate accommodation is provided for the storage of all finished products, articles or materials which are used in the manufacturing or other process and which may -
 - (i) discharge offensive or injurious effluent or liquid; or
 - (ii) decompose in the course of the work or trade;
- (j) adequate means are provided to control the discharge in the open air of any noxious, injurious or offensive gas, fume, vapour or dust produced during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of material;
- (k) adequate sanitary fixtures are provided as prescribed in the National Building Regulations and Building Standards Act;
- (l) a perimeter wall made of brick or some other impervious material, with a minimum height of 2 metres, is constructed around the premises;
- (m) all gates to the premises are of solid construction with a minimum height of 2 metres;
- (n) all perimeter walls and gates adequately screen activities on the premises from public view; and
- (o) all materials are stacked or stored on the premises below the height of the perimeter screening;
- (p) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing -
 - (i) an adequate metal locker for every employee;
 - (ii) a wash-hand basin provided with a supply of running hot and cold potable water; and
 - (iii) an adequate supply of soap and disposable towels at every wash-hand basin;
- (q) if no change-room has been provided in terms of paragraph (p) -
 - (i) a wash-hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
 - (ii) an adequate metal locker must be provided for every employee in the work area.

41. DUTIES OF OFFENSIVE TRADERS

Every offensive trader must –

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (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.

**CHAPTER 8
ACCOMMODATION ESTABLISHMENTS**

42. DEFINITIONS

In this Chapter, unless the context otherwise indicates -

"accommodation establishment" means any place in which accommodation is provided for gain 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.

43. PERMIT REQUIREMENT

No person may operate an accommodation establishment except in terms of a permit authorising that activity.

44. REQUIREMENTS FOR PREMISES OF ACCOMMODATION ESTABLISHMENTS

No person may operate an accommodation establishment on premises which do not comply with the following requirements:

- (a) no room wholly or partly used by persons for sleeping in may be occupied by a greater number of persons than will allow-

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (i) less than 11,3 m³ of free air space and 3,7 m² of floor space for each person over the age of 10 years; and
- (ii) less than 5,7 m³ of free air space and 1,9 m² of floor space for each person under the age of 10 years;
- (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) if a dormitory is provided on the premises -
 - (i) a single bed, manufactured of metal or some other durable material and equipped with a mattress, must be provided for every person housed in the dormitory;
 - (ii) a separate locker must be provided for every person making use of the dormitory for safeguarding the person's clothing and other possessions;
 - (iii) every bed in a dormitory must be so placed that its sides are at least one metre away from any part of any other bed;
- (d) an accommodation establishment must be provided with -
 - (i) an area for the preparation and cooking of food, adequate for the use of and easily accessible to any occupier residing in the accommodation establishment;
 - (ii) adequate separate wash-up facilities; and
 - (iii) where meals are provided to persons housed in the accommodation establishment, a dining-room or adequate dining area with tables and chairs or benches and unobstructed floor area, including the area occupied by tables, chairs and benches, of at least 1,2 m² for every seat provided for dining purposes;
- (e)
 - (i) an accommodation establishment must be provided with one or more showers, each suitably placed in a separate compartment, easily accessible to every occupier, and fitted with waste pipes which comply with the provisions of the National Building Regulations and Building Standards Act.
 - (ii) a bath fitted with a waste pipe may be substituted for each shower referred to in subparagraph (i);
 - (iii) the facilities referred to in subparagraphs (i) and (ii) must be designated for the different sexes;
- (f) an accommodation establishment must be provided with sanitary fixtures as prescribed in the National Building Regulations and

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

Building Standards Act and such fixtures must be designated for the different sexes;

- (g) an accommodation establishment must be provided with an adequate supply of hot and cold running potable water;
- (h) all rooms and passages must be provided with adequate ventilation and lighting as prescribed in the National Building Regulations and Building Standards Act;
 - (i) openings such as doors, windows or fanlights may not be obstructed in a manner that interferes with the lighting or cross ventilation they provide;
- (j) (i) a separate room with metal bins or canvas laundry bags must be provided for the storage of dirty articles used in connection with an accommodation establishment, pending removal to be laundered; and
 - (iii) if articles used in connection with an accommodation establishment are laundered on the premises, a separate approved washing, drying and ironing area equipped with the necessary facilities for this purpose must be provided.
- (k) a store-room for the storage of furniture and equipment and a separate linen room with cupboards or shelves for the storage of clean bed and other linen, towels, blankets, pillows and other articles used in connection with an accommodation establishment, must be provided;
- (l) (i) all walls and ceilings must have a smooth finish and be painted with a light-coloured washable paint, or have some other approved finish;
 - (ii) the floor surface of every kitchen, scullery, laundry, bathroom, shower, ablution room, toilet and sluice room must be constructed of concrete or some other durable, impervious material brought to a smooth finish; and
 - (iii) the floor surface of every habitable room must be constructed of an approved material;
- (m) the following facilities must be provided for people who are employed and also reside on the premises:
 - (i) sleeping quarters equipped with a bed, mattress and locker which comply with the provisions of paragraphs (a), (b) and (c) for each employee; and
 - (ii) if employees are not provided with meals in the accommodation establishment, food preparation and dining facilities that comply with the provisions of paragraph (d).

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (n) adequate changing facilities must be provided for non-resident employees;
- (o) adequate ablution and sanitary facilities, which comply with the provisions of paragraphs (e) and (f), must be provided for resident and non-resident employees;
- (p) an adequate refuse holding area must be provided and an approved refuse removal system must be maintained;
- (q) all walls, floors and roofs must be constructed in a manner which prevents wind or rain entering an accommodation establishment or dampness entering the interior surfaces of any wall or floor;
- (r) all accesses to an accommodation establishment must have a door which when closed, prevents the wind or rain entering the premises; and
- (s) all windows must be constructed in a manner that prevents rain entering the accommodation establishment when the windows are closed.

45. DUTIES OF OPERATORS OF ACCOMMODATION ESTABLISHMENTS

Every person who conducts an accommodation establishment must -

- (a) keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hangings and other soft furnishings, table linen, bed linen, and other bedding, towels and cloths of whatever nature used in connection with the accommodation establishment, in a clean, hygienic and good condition at all times;
- (b) clean and wash any bed linen, towel, bath mat or face cloth after each use by a different person;
- (c) take adequate measures to eradicate pests on the premises;
- (d) provide a container made of a durable and impervious material, equipped with a close-fitting lid, in every toilet used by females;
- (e) provide towel rails or hooks in every bathroom and in every room in which there is a wash-hand basin or shower;
- (f) store all dirty linen, blankets, clothing, curtains and other articles used in connection with an accommodation establishment in the manner provided in section 62(j);
- (g) store all clean linen, towels, blankets, pillows and other articles used in connection with the accommodation establishment in the manner provided in section 62(k);
- (h) keep all sanitary, ablution and water supply fittings in good working order;

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (i) keep every wall, surface and ceiling, unless constructed of materials not intended to be painted, painted at the intervals to ensure that the area painted, remains clean and in a good state of repair; and
- (j) handle refuse in the manner provided in section 62(p).

**CHAPTER 9
SWIMMING POOLS AND SPA-BATHS**

46. DEFINITIONS

In this Chapter, unless the context otherwise indicates -

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

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

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

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

47. REQUIREMENTS FOR PREMISES

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

- (a) readily accessible change-rooms, showers and toilet facilities must be provided separate for each sex in compliance with the National Building Regulations and Building Standards Act;
- (b) every swimming-pool must be surrounded by a wall or fence as prescribed by the National Building Regulations and Building Standards Act;
- (c) the surface of the floor area surrounding any spa-bath or swimming-pool must be constructed of an impervious, non-slip material;

48. DUTIES OF SPA-BATH KEEPERS

Every spa-bath keeper must -

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (a) keep the premises in a safe, clean and sanitary condition and in good repair at all times;
- (b) provide a properly maintained approved first-aid box in a prominent, easily accessible and protected position;
- (c) purify, treat and maintain the spa-bath water to an adequate quality level at all times;
- (d) provide and maintain, in good working order, equipment for testing the quality of the spa-bath water;
- (e) be capable of undertaking routine tests on the water quality in the spa-bath and interpreting the tests results; and provide analysis report Which are not more than six months old when required by Council and relevant authorities.

49. DUTIES OF SWIMMING POOL KEEPERS

Every swimming pool keeper must -

- (a) keep the premises in a safe, clean and sanitary condition at all times;
- (b) provide a properly maintained approved first-aid box in a prominent, easily accessible and protected position;
- (c) be qualified and proficient in life saving, rendering first aid, use of a resuscitation appliance, the operation of the swimming pool and testing and maintaining the safety of the swimming pool water;
- (d) ensure that the swimming pool water is purified, treated and maintained to an adequate quality at all times;
- (e) provide and maintain, in proper working order, equipment for testing the quality of the swimming pool water;
- (f) be capable of undertaking routine tests on the water quality in the swimming pool and interpreting the tests results; and provide analysis report which are not more than six months old when required by Council and relevant authorities.

50. WATER SUPPLY

- (1) Unless the prior written approval of an environmental health practitioner has been obtained, no person operating a spa-bath or

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

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;
 - (b) submit the samples to an analyst authorised in terms of section 12 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 to conduct an analysis.

51. SAFETY OF WATER

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

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

**CHAPTER 10
CHILD - CARE SERVICES**

52. DEFINITIONS

In this Chapter, unless the context otherwise indicates -

"child-care premises" mean premises on which child-care services are offered;

**DRAFT BY –LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

"child-care service" means any service, whether for gain or otherwise, for the reception, protection, care and bringing-up of children apart from their parents

53. PERMIT REQUIREMENT

No person may provide a child-care service except on child-care premises which comply with the requirements of sections 54 to 70 and who is in possession of a valid permit authorising that activity. Permits may not be transferred for one person to another or from one premises to another.

54. GENERAL REQUIREMENTS FOR CHILD-CARE PREMISES

A child-care service may only be provided in or on premises which are located, designed, constructed, finished, equipped and in such a condition that children -

- (a) can be cared for hygienically; and
- (b) can be adequately protected against any possible public health hazard and public health nuisance.

55. INDOOR PLAY AREAS

Child-care premises on which children under compulsory school-going age are cared for, must be provided with an indoor play area which must -

- (a) be enclosed by buildings and structures constructed of materials and in a manner that ensures the health and safety of children using that area;
- (b) have a floor which is smooth, easily washable and which prevents the permeation of dampness;
- (c) have a play area with a minimum of 1,5 m² free unobstructed floor space per child, or 3 m² if no outdoor play area is provided, and which is divided by walls or removable partitions into separate indoor play areas in which children of the following age groups are cared for separately at all times:
 - (i) 0-2 years;
 - (ii) 2-4 years; and
 - (iii) 4 years up to compulsory school-going age.

56. OUTDOOR PLAY AREAS

If child-care premises have an outdoor play area it must -

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (a) be free of any excavations, steps, projections, levels or any surface which may adversely impact on the health and safety of children using that area;
- (b) provide a minimum outdoor play area of 2 m² per child;
- (c) have an adequate means of enclosure and a lockable gate to prevent a child leaving the premises on his or her own and to prevent the entrance of any animal and unauthorised person; and

57. TOILET AND WASH FACILITIES

Child-care premises must have adequate toilet and wash facilities for all children with -

- (a) a ratio of not more than 15 children for each toilet or chemical toilet;
- (b) a ratio of not more than 20 children for each hand wash facility; and
- (c) a supply of hot and cold running potable water must be available at every wash-hand basin, or if no running water is available, a minimum of 25 litres of potable water, stored in a hygienically clean container, must be available on the premises at all times.

58. TOILET AND WASH FACILITIES FOR CHILDREN UNDER THE AGE OF 2 YEARS

Child-care premises must provide the following additional toilet and wash facilities for children under the age of 2 years:

- (a) a separate napkin changing unit for changing the napkins of children under the age of 2 years;
- (b) adequate wash facilities to clean children wearing napkins;
- (c) adequate containers for the storage of clean and soiled napkins.

59. GENERAL REQUIREMENTS

No person may provide a child-care service unless the child-care premises comply with the following additional requirements:

- (a) separate toilet and hand wash facilities must be provided for staff members;
- (b) no child may, at any time, have access to living quarters of staff and adequate measures must be taken to keep the living quarters separate;

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (c) an adequate sick-bay area for the treatment and care of any child who falls ill or who is injured during day care, must be provided;
- (d) an adequate method for hand washing must be provided in the sick-bay area;
- (e) an approved lockable and adequately equipped first aid unit must be provided and maintained in the sick-bay area;
- (f) an adequate office area must be provided;
- (g) an adequate kitchen area, where food is to be handled, prepared, stored and provided to children, must be provided;
- (h) the kitchen area referred to in paragraph (g) must comply with any relevant law;
- (i) a separate storage area of adequate size must be provided for the storage of indoor and outdoor play materials, equipment, stretchers, sleeping mats, bedding and linen; and
- (j) a separate designated storage facility of adequate size for the storage of the personal belongings of each child and staff member must be provided.

60. RESTING AND PLAY EQUIPMENT

Any person who provides a child-care service must provide -

- (a) adequate child-sized seating and tables for each child;
- (b) adequate individual resting or sleeping places for each child;
- (c) an approved blanket for the individual use of each child; and
- (d) adequate indoor and outdoor play equipment for the children's use.

61. AFTER-SCHOOL FACILITIES

Any person who provides a child-care service for children of school-going age must provide the following after-school care facilities:

- (a) if an after-school care is provided on the same premises as for the care of children under school going age, the facilities for the two groups of children must be kept totally separate, except for the kitchen and office area;
- (b) an indoor care area of at least 1,5 m² free floor space for each child must be provided;
- (c) an outdoor play area of at least 2 m² for each child must be provided;

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (d) one toilet and one hand-wash facility must be provided for every 20 children, or part of that number, and the facilities must be separately designated for the use of each sex; and
- (e) adequate seating and tables must be provided for each child.

62. MEDICAL CARE FOR CHILDREN

Any person who provides a child-care service or is in charge of child-care premises must -

- (a) in respect of any child who becomes ill or has suffered an injury requiring medical attention -
 - (i) immediately notify the parent or guardian of the child;
 - (ii) immediately call for medical assistance; and
 - (iii) provide necessary care and treatment in the sick-bay area required in terms of section 59(c);
- (b) immediately notify the Council in the event of the illness being a communicable disease;
- (c) ensure that every child has completed basic immunization schedules as considered necessary by the Council;
- (d) be trained in basic first aid; and
- (e) only administer medicine to a child with the written consent of that child's parent or guardian.

63. SAFETY MEASURES

No person may provide a child-care service unless the following safety measures are complied with:

- (a) children must be adequately protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other article, thing or substance that may be dangerous or cause injury to any child;
- (b) any slats or rails forming part of an enclosure, security gate, play pen, bed, cot or any other object or structure whatsoever, must be a minimum of 75 mm apart, must be installed and maintained in a good state of repair, and if painted, only non-toxic paint must be used;
- (c) all medicines, pesticides, detergents and other harmful substances must be stored in a locked place inaccessible to any child at all times;
- (d) no noxious or poisonous or dangerous plant or shrub may be permitted on the premises;
- (e) no animals or birds may be kept on the premises;

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (f) no person known or suspected to be suffering from an infectious or contagious disease, and no person so suffering, may be allowed on the premises while, in the opinion of an environmental health practitioner, the person is capable of communicating the infectious or contagious disease to the children;
- (g) no paddling pool, swimming pool or other structure may be permitted in any child-care service without adequate fencing and a safety net;
- (h) any sandpit must be adequately covered when not in use and must be treated with a treatment agent on a regular basis; and
- (i) any other reasonable measures which may, in the opinion of an environmental health officer, be necessary to protect the children from any physical danger, must be taken by the child-care service provider on the instruction of an environmental health practitioner.

64. GENERAL DUTIES OF A CHILD-CARE SERVICE PROVIDER

Any person who provides a child-care service must -

- (a) ensure that the children are properly cared for and supervised at all times;
- (b) maintain every part of the premises, including any equipment, in good repair and in a clean and hygienic condition at all times;
- (c) ensure that all persons on or in the premises are clean in person and clothing and are in good state of health;
- (d) ensure that no person smokes or uses any tobacco product in the presence of children;
- (e) ensure that the toys, books and other indoor play materials intended for day-to-day use are available in any indoor play area and suitably stored so that they are within easy reach of the children;
- (f) ensure that the children are at all times under the direct supervision of an adult in the following ratio:
 - (i) one adult supervisor for every 6 babies between 0-6 months;
 - (ii) one adult supervisor for every 18 children between 6 months and 3 years;
 - (iii) one adult supervisor for every 20 children between 3 and 5 years;
 - (iv) one adult supervisor for every 30 children between 5 and 6 years; and
 - (v) one adult supervisor for every 35 children of school going age;

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (g) if transport to or from a child care service is provided, ensure that -
- (i) the children are supervised by at least one adult apart from the driver during transport;
 - (ii) the doors of the vehicle are lockable so that they cannot be opened from inside the vehicle;
 - (iii) no children are transported in the front seat or the boot of the vehicle;
 - (iv) no babies are placed under the seat of a vehicle;
 - (v) the vehicle is not overloaded in terms of any applicable law;
 - (vi) the driver of the vehicle holds a valid licence to transport the passengers; and
 - (vii) the vehicle is licensed and is in a road worthy condition;
- (h) when children are transported in the back of an enclosed light commercial vehicle, ensure that no exhaust fumes enter the enclosed area and that it is adequately ventilated
- (i) if meals are provided, display a two-weekly menu that must be visible to the parents;
- (j) provide nutritionally balanced meals of adequate volume to satisfy the energy needs of the children in each age group;
- (k) provide a laundry area an adequate distance from any area used to care for children or the kitchen, if laundry is done on the premises;
- (l) provide an adequate number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste materials, inside the premises;
- (m) provide an approved refuse area, with adequate refuse bins, for the storage of refuse pending removal;
- (n) provide each child with a towel, preferably disposable, for his or her individual use on the premises;
- (o) provide adequate individually marked pegs or hooks for each child to hang his or her towel on; and
- (p) provide an adequate and easily available supply of toilet paper, soap and tissues for the children's use.

Application for admission

65. ANY PERSON WHO PROVIDES A CHILD-CARE SERVICE MUST ENSURE THAT –

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (a) an application form containing the following information is completed by the parent or guardian of every child when he or she is admitted to the child-care service:
 - (i) the child's name and date of birth;
 - (ii) the name, address and telephone number of the parent or guardian;
 - (iii) the place of employment and telephone number of the parent or guardian;
 - (iv) the name, address and telephone number of a responsible person other than the parent or guardian who may be consulted in emergencies; and
 - (v) the name, address and telephone number of the child's doctor together with permission to consult him;
- (b) all application forms are kept for a minimum period of three years from the date a child is discharged; and
- (c) the date of admission and discharge of each child is written on the relevant application form.

66. REGISTERS

Any person who provides a child-care service must keep an admission and discharge register of all children admitted to and discharged from the child-care service, in which -

- (a) the presence or absence of each child is recorded daily; and
- (b) each child's date of birth is recorded.

67. MEDICAL REPORTS

Any person who provides a child-care service must obtain a report from the parent or guardian of each child containing the following health data:

- (a) information concerning the child's general state of health and physical condition;
- (b) operations, illnesses and any communicable diseases which the child has suffered and the relevant dates;
- (c) details of required immunizations; and
- (d) details of allergies and any medical treatment the child may be undergoing.

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

68. GENERAL JOURNAL

Any person who provides a child-care service must keep a journal, in which any important or outstanding event, including any accident on the premises or during transportation of children, and any explanation is recorded.

69. MEDICAL JOURNAL

Any person who provides a child-care service must keep a medical journal in which the details and quantity of any medicine given to a child is recorded, and the child-care provider must ensure that the journal is signed daily by the parent or guardian of any child to whom medicine was given.

70. CHILD CARE FROM RESIDENTIAL PREMISES

- (a) No person may operate any child care facility from any residential premises without relevant permission obtained from the municipality.
- (b) All requirements for a child care facility must be adhered to
- (c) A maximum of 12 children may be accommodated at such a facility at a residential premises.

**CHAPTER 11
KEEPING OF ANIMALS**

71. DEFINITIONS

In this Chapter, unless the context otherwise indicates -

"agricultural holding" means the same as defined in the applicable Town Planning Scheme;

"animal" means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit and wild animal;

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

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

"beehive"

"cattery" means premises in or upon which -

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

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

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

"keeper" means -

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

"kennels" means premises in or upon which -

- (a) boarding facilities for dogs are provided;
- (b) dogs are bred for commercial purposes;
- (c) dogs are kept for the purposes of being trained or hired out with or without handlers; or
- (d) dogs are kept for commercial security purposes;

"livestock" means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;

"pet" means a domestic animal, bird or poultry kept in a household for companionship or amusement;

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

"pet shop" means the premises on which the business of keeping and selling of pets is carried out;

"pigsty"

"poultry" means fowls, ducks, muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowls;

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

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

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

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

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

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

"stable" means any building or structure used to accommodate livestock other than poultry;

"swill"

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

Part 1: General provisions relating to the keeping of animals

72. APPLICATION OF CHAPTER

- (1) Subject to the provisions of subsection (2), the provisions of this Chapter do not apply to -
- basis; and
- (a) any agricultural show where animals are kept on a temporary
 - (b) any laboratory where animals are kept for research purposes.
- (2) The provisions of section 98 apply to the keeping of animals at any agricultural show and at research laboratory.
- (3) No person may, subject to the provisions of section 75, keep or allow to be kept, any animal other than an approved pet on an erf in a proclaimed township, provided the keeping of such pet does not create or constitute a nuisance.
- (4) If at any time it appears to an authorised official that the keeping of poultry or rabbits on an erf or agricultural holding, in respect of which a permit has been granted, is likely to constitute a nuisance or danger to the public health, that official may -
- (a) cancel the permit; or
 - (b) prohibit the keeping of such poultry or rabbits.
- (5) An authorised official must serve a notice on the permit holder or the owner of the erf or agricultural holding concerned, informing him or her of a decision in terms of subsection (1) and instruct the owner to comply with the requirements within the period stated in such notice, which must be at least 48 hours.

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (6) An authorised official must as soon as a permit has been cancelled, notify the permit holder of that fact in writing.
- (7) An authorised official may, subject to the foregoing provisions of this section, issue a new permit if he is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

Part 2: Keeping of cattle, horses, mules and donkeys on a agricultural holding

73. REQUIREMENTS FOR PREMISES

- (1) No person may keep any cattle, horse, mule or donkey in a stable or enclosure that does not comply with the following requirements:
 - (a) every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material;
 - (b) the stable must have a floor area of at least 9 m² for each head of cattle, horse, mule or donkey accommodated in it;
 - (c) lighting and ventilation must be provided by openings or glazed opening windows or louvers totalling at least 0,3 m² for each animal to be accommodated in it except in the case of a stable open along the entire length of one of its long sides;
 - (d) the floor of the stable must be constructed of concrete and graded to a channel and drained in terms of section 97;
 - (e) any enclosure must have an area of at least 10 m² for each head of cattle, horse, mule or donkey accommodated in it and the fencing must be strong enough to prevent the animals from breaking out;
 - (f) no enclosure or stable may be situated within -
 - (i) 15 metres of the boundary of any land, property, dwelling or other structure used for human habitation; or
 - (ii) 50 metres of any water resource or water supply intended or used for human consumption; and
 - (g) there must be a water supply adequate for drinking and cleaning purposes next to every stable or enclosure.

74. DUTIES OF KEEPER OF CATTLE, HORSES, MULES AND DONKEYS on agricultural holdings

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

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

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

Part 3: Keeping of goats and sheep on agricultural holdings

75. APPLICATION

The provisions of sections 76 and 77 also apply to the temporary keeping of a goat on any premises for the provision of milk for medical reasons.

76. REQUIREMENTS FOR PREMISES

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (1) No person may keep goats or sheep in -
- requirements:
- (a) an enclosure which does not comply with the following
 - (i) the minimum overall floor area must be 30 m²; and
 - (ii) at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it; or
 - (b) a stable which does not comply with the following requirements:
 - (i) every wall must be constructed of brick, stone, concrete or other durable material;
 - (ii) every wall must be at least 2 metres in height
 - (iii) the floor must be constructed of concrete and graded to a channel drained in terms of section 97;
 - (iv) at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it with an overall minimum floor area of 6 m²; and (v) lighting and ventilation openings totalling at least 0,15 m² per goat or sheep must be provided.
- (2) No person may keep goats or sheep in an enclosure or stable within -
- (a) 15 metres of any boundary of any land, dwelling, building or other structure used for human habitation; or
 - (b) 50 metres of any water resource or water supply intended or used for human consumption.
- (3) Every person must provide a water supply adequate for drinking and cleaning purposes situated next to or in every enclosure or stable used to accommodate goats or sheep.

77. DUTIES OF KEEPER OF GOATS AND SHEEP

Any person who keeps goats or sheep must -

- (a) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair;
- (b) provide portable manure storage receptacles of an impervious material and with close fitting lids;
- (c) keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned;
- (d) remove all manure from the enclosure or stable at least once every seven days and place it in the manure storage receptacles;

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (e) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way that will not create a public health nuisance; and
- (f) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.

Part 4: Keeping of poultry

78. APPLICATION

The provisions of sections 80(d), (f), (g) and 81(e), do not apply to any person keeping ten or less poultry.

79. PERMIT REQUIREMENT

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

80. REQUIREMENTS FOR PREMISES

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

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

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (i) every wall, if provided, must be at least 2,4 m high, must be constructed of concrete, stone, brick or other impervious material
 - (ii) if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building or structure;
 - (iii) the floor must be constructed of concrete and if required by an environmental health practitioner, the floor surface must be graded and drained by means of a channel drained in terms of section 97;
 - (iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its edges;
 - (v) the cages of the battery system must be made of an impervious material; and
 - (vi) if required by an environmental health practitioner, a tray of an impervious material must be fitted under every cage for the collection of manure;
- (d) a water supply adequate for drinking and cleaning must be provided in or next to every poultry house and poultry run and in or next to a building or structure housing a battery system;
- (e) no poultry house, poultry run, or building or structure housing a battery system, may be constructed within 3 metres of -
- (i) any dwelling or other building or structure used for human habitation; and
 - (ii) any place where foodstuffs are stored or prepared for human consumption; or
 - (iii) the nearest boundary of any land;
- (f) feed must be stored in an adequate rodent-proof storeroom;
- (g) adequate washing facilities must be provided for the cleaning of the cages;
- (h) if required by an environmental health practitioner, due to the amount of manure stored on the premises awaiting removal, a storage area complying with the following requirements must be provided:
- (i) a roofed platform constructed of concrete or other impervious material;
 - (ii) the platform's outside edges must have a minimum curb of 100 mm high;

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (iii) the platform must be graded and drained in terms of section 97; and
- (iv) the roof of the platform must extend a minimum of 1 metre beyond the edges of the base of the platform.

81. DUTIES OF KEEPER OF POULTRY

Any person who keeps poultry must -

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

Part 5: Keeping of rabbits

82. APPLICATION

The provisions of sections 84(b), (c), (d), (f) and (g), and 85(d), (f) and (g), do not apply to any person keeping ten or less rabbits.

83. PERMIT REQUIREMENTS

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

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

84. REQUIREMENTS FOR THE PREMISES

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

- (a) in relation to a rabbit hutch -
 - (i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
 - (ii) the floor surface must be -
 - (aa) constructed of concrete or other impervious material brought to a smooth finish;
 - (bb) situated at least 150 mm above ground level; and
 - (cc) graded to a channel drained in terms of section 97, if required by an environmental health practitioner;
 - (iii) adequate ventilation must be provided; and
 - (iv) the rabbit hutch must be adequate in size to allow free unobstructed movement of animals kept therein.
- (b) any rabbit run must be enclosed with wire mesh or other durable material and constructed in a way that prevents the escape of rabbits from the run;
- (c) in relation to a building or structure housing a battery system -
 - (i) every wall must -
 - (aa) be at least 2,4 metres high;
 - (bb) be constructed of concrete, stone, brick or other durable material;
 - (ii) if walls are provided, the building or structure must be ventilated and lighted by means of natural openings or windows of an area not less than 15% of the floor area of the building or structure;
 - (iii) the floor must be constructed of concrete and if required by an environmental health practitioner, the floor surface must be graded to a channel drained in terms of section 97;
 - (iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its outside edges; and

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (v) every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure;
- (d) a water supply adequate for drinking and cleaning purposes must be provided in or next to every rabbit hutch or building or structure housing a battery;
- (e) no person may erect a rabbit hutch, rabbit run or building or structure housing a battery system within five metres of -
 - (i) any dwelling, building or other structure used for human habitation;
 - (ii) any place where foodstuffs are stored or prepared for human consumption; or
 - (iii) the nearest boundary of any land;
- (f) an adequate rodent-proof storeroom must be provided for the storage of feed; and
- (g) adequate washing facilities must be provided for the cleaning of cages.

85. DUTIES OF KEEPERS OF RABBITS

Any person who keeps rabbits must -

- (a) keep all rabbits within the rabbit hutch, rabbit run or building or structure housing a battery system;
- (b) maintain the premises and any equipment, apparatus, containers or receptacles used in connection with keeping rabbits, in a clean, sanitary condition and in good repair;
- (c) maintain the premises free from offensive odours and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from pests;
- (d) provide portable manure storage receptacles of an impervious material with close-fitting lids which receptacles must be kept on a platform;
- (e) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system, at least once every 48 hours;
- (f) keep the manure and waste in manure storage receptacles until it is removed from the premises; and
- (g) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a way which will not create a public health nuisance.

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

Part 6: Keeping of birds other than poultry

86. REQUIREMENTS FOR THE PREMISES

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

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

87. DUTIES OF KEEPERS OF AVIARIES

Any person who keeps birds in an aviary must -

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

Part 7: Kennels and catteries

88. REQUIREMENTS FOR PREMISES

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

- (a) every dog or cat must be kept in an enclosure which complies with the following requirements:
 - (i) the enclosure must be constructed of impervious materials and must provide adequate access for cleaning purposes;
 - (ii) the floor must be constructed of concrete and brought to a smooth finish and graded to a channel 100 mm wide, extending the full width of the floor, which channel must be graded and drained into a gully connected to the Council's sewer by means of a pipe 100 mm in diameter; and

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

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

any -

**DRAFT BY - LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- habitation;
- consumption; or
- (i) dwelling or other building or structure used for human
 - (ii) place where food is stored and prepared for human
 - (iii) the boundary of the premises.

89. FOOD PREPARATION AREAS

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

- (a) the floor of the room or roofed area must be constructed of concrete or other impervious material brought to a smooth finish;
- (b) the internal wall surfaces of the room or roofed area must be smooth and easily cleanable;
- (c) adequate washing facilities for food bowls and utensils must be provided; and
- (d) a rodent-proof storeroom must be provided for the storage of food.

90. DUTIES OF A KEEPERS OF KENNELS OR CATTERIES

Any person operating kennels or a cattery must -

- (a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
- (b) provide portable storage receptacles, of an impervious material with close fitting lids, for the storage of dog and cat faeces;
- (c) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in paragraph (b);
- (d) remove the contents of the storage receptacles from the premises at least twice every seven days and dispose of it in a manner that will not create a public health nuisance;
- (e) provide adequate separate refuse receptacles, with close fitting lids, on the premises for refuse other than faeces;
- (f) keep any sick dog or cat isolated from any other animals; and
- (g) maintain the premises free from offensive odours and every enclosure, shelter, kennel, cage or food store clean and free from pests,

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (h) ensure that no dog or cat disturbs the comfort, convenience, peace and quiet of the public.

Part 8: Pet shops and pet parlours

91. REQUIREMENTS FOR PREMISES

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

- (a) any wall and partition must -
- (i) be constructed of brick, concrete or other impervious material;
 - (ii) have a smooth and easily cleanable internal surface; and
 - (iii) be painted with a washable paint or other adequate finish;
- (b) all floor surfaces must be constructed of concrete ;
- (c) all ceilings must be dust proof and easily cleanable;
- (d) at least one wash-hand basin, with a supply of running hot and cold potable water, must be provided for employees and the ratio of wash-hand basins to persons employed on the premises must not be less than 1:15;
- (e) the wash-hand basins, referred to in subparagraph (d), must be drained in terms of section 97;
- (f) adequate storage facilities must be provided;
- (g) facilities for the washing of cages, trays and other equipment must be provided in the form of either -
- (i) a curbed and roofed over platform with a minimum surface area of 1,5 m², raised at least 100 mm above the floor and constructed of concrete or other impervious material brought to a smooth finish, which platform must be provided with a supply of running potable water; or
 - (ii) a stainless steel sink or trough of adequate size with a drainage board and provided with a supply of running potable water;
- (h) the platform, sink or trough referred to in paragraph (g) must be drained in terms of section 97;
- (i) any wall surface within 0,5 metres of the platform, sink or trough referred to in paragraph (g), must be permanently covered with waterproof material to a minimum height of 1,4 metres above the floor;
- (j) a clearly designated change room must be provided if more than six persons are employed on the premises ;

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (k) if no change room is required in terms of paragraph (j), each employee must be provided with an adequate metal locker;
- (l) for the purposes of washing, clipping or grooming of pets -
 - (i) a bathroom fitted with a bath, or similar fitting, and a wash-hand basin supplied with running potable water must be provided;
 - (ii) a clipping and grooming room fitted with impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids, for the storage of cut hair pending removal, must be provided;
 - (iii) at least 50 % of the floor area of the rooms referred to in subparagraphs (i) and (ii), must be unobstructed; and
 - (iv) the floors of the rooms referred to in subparagraphs (i) and (ii), must be graded to a channel drained in terms of section 97;
- (m) all buildings, including storage areas, must be rodent-proof; and
- (n) the premises may not have direct internal access with any room or place -
 - (i) used for human habitation;
 - (ii) where clothing is stored or sold; or
 - (iii) where food is prepared, stored or sold for human consumption.

92. DUTIES OF PET SHOP OR PET PARLOUR KEEPERS

Any keeper of a pet shop or pet parlour must -

- (a) provide cages for housing the pets which comply with the following requirements:
 - (i) the cages must be constructed of metal or other impervious material and fitted with a removable metal floor-tray to facilitate cleaning;
 - (ii) the cages must be able to be moved easily;
 - (iii) where rabbits are kept in a cage, the metal floor-tray referred to in subparagraph (i), must be drained to a removable receptacle;
 - (iii) the cages must be fitted with a drinking vessel filled with water;

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (v) the distance from any cage to the nearest wall must be a minimum of 150 mm;
- (vi) the cages must be kept a minimum of 450 mm above floor level; and
- (vii) the space below every cage must be unobstructed;
- (b) provide rodent-proof receptacles, of an impervious material and with close fitting lids, for the storage of all loose pet food in the storage facilities required in terms of section 91 (f);
- (c) provide adequate refrigeration facilities to store all perishable pet food on the premises;
- (d) ensure that in any room in which the pets are kept -
 - (i) 50 % of the floor space is unobstructed; and
 - (ii) the cages are placed a minimum of 800 mm from one another;
- (e) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment or appliances used in connection with the pet shop or pet parlour, in a clean and sanitary condition, free from pests and in good repair;
- (f) provide overalls or other protective clothing for employees and ensure that the employees wear them when on duty;
- (g) provide isolation facilities in which every pet which is, or appears to be, sick must be kept while on the premises;
- (h) provide an adequate supply of potable water for drinking and cleaning purposes;
- (i) provide adequate ventilation to ensure the comfort and survival of the pets; and
- (j) ensure that the number of pets contained in each cage does not impede their free movement.

Part 9: Keeping of wild animals

93. REQUIREMENTS FOR THE PREMISES

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

- (a) every wild animal must be kept in an enclosure and/or housing constructed and equipped as follows:

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- metres of -
habitation;
- (i) the enclosure and/or housing must satisfy the needs of the specific animal as specified by the relevant nature conservation authorities;
 - (ii) the enclosure and/or housing may not be situated within 50 metres of -
habitation;
 - (aa) any boundary of the premises;
 - (bb) any dwelling, building or structure used for human habitation;
 - (cc) any dwelling, building or structure where food is stored, handled or prepared for human consumption; or
 - (dd) any water resource intended for domestic consumption;
 - (iii) an adequate supply of potable water for drinking and cleaning purposes must be provided; and
 - (iv) the enclosure and/or housing must be graded and drained in a way that does not pollute any water resource or create a public health nuisance;
- (b) a separate room, equipped with a preparation table and wash-up sink, supplied with running potable water and drained in accordance with section 97, must be provided for the preparation of food;
 - (c) adequate facilities must be provided for washing any cages, trays, crates, refuse receptacles and food containers in the form of either -
 - (i) a curbed platform constructed of concrete or other impervious material brought to a smooth finish; or
 - (ii) a stainless steel sink or trough adequate in size to accommodate the equipment to be washed;
 - (d) both facilities referred to in paragraph (c) must be provided with a supply of running water adequate for drinking and cleaning and be drained in accordance with section 97;
 - (e) any area and room in which fodder and food are stored must be rodent-proof; and
 - (f) the enclosure and/or housing must be adequate in size to allow free unobstructed movement of animals kept therein.

94. DUTIES OF KEEPERS OF WILD ANIMALS

Any person who keeps wild animals must –

maintain the premises in a clean and sanitary condition at all times;

- (b) clean all manure and food scraps from any enclosure and/or housing at adequate intervals;

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

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

Part 10: Keeping of pigs on agricultural holdings

95. REQUIREMENTS FOR PREMISES

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

- (a) every wall must -
 - (i) be constructed of brick, stone, concrete or other durable material;
 - (ii) have a minimum height of 1,5 metres; and
- (b) the floor area must provide at least 3 m² for each pig accommodated in the pigsty, with an overall minimum floor area of 6 m²;
- (c) the roof over any portion of a pigsty must have a minimum height of 1,5 metres;
- (d) except in the case of a roofed structure having one of its long sides completely open, the lighting and ventilation openings must -
 - (i) be situated opposite one another in the external walls; and
 - (ii) provide a minimum of 0,15 m² for each pig;
- (e) the floor must be -
 - (i) at least 150 mm above the surrounding ground level;
 - (ii) constructed of concrete ; and
 - (iii) graded for the run-off of liquids into an open channel outside the pigsty;
- (f) the open channel referred to in paragraph (e)(iii) must -
 - (i) be constructed of concrete or other durable and impervious material;
 - (ii) be a minimum of 100 mm in diameter; and
 - (iii) be drained in terms of section 97;
- (g) the pigsty must be strong enough to prevent the pigs breaking out;
- (h) the pigsty may not be situated within 100 metres of –

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (i) the boundary of the premises;
 - (ii) any dwelling, building or structure used for human habitation;
 - (iii) any place where foodstuffs are stored or prepared for human consumption; or
 - (iv) any water resource intended for domestic consumption;
- (i) a roofed over concrete platform must be provided for -
- (i) the storage of all swill in containers; and
 - (ii) the preparation of pig feed;
- (j) the platform referred to in paragraph (i) must comply with the provisions of paragraph (e) and in addition, must have a curbing of a minimum height of 100 mm on each edge; and
- (k) a water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the pigsty.

96. DUTIES OF KEEPERS OF PIGS

Every person keeping pigs must –

- (a) ensure that every pig is kept within a pigsty;
- (b) maintain the premises and any equipment, apparatus, containers and receptacles concerned in a clean and sanitary condition and in good repair;
- (c) provide portable storage receptacles, of impervious material and with close fitting lids, to store manure;
- (d) keep all manure storage receptacles on a platform that complies with the provisions of section 95 (j);
- (e) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles;
- (f) remove the contents of the manure storage receptacles from the premises at least once every second day and dispose of the manure in a manner that will not create a public health nuisance;
- (g) provide a rodent-proof store-room of adequate size in which all feed, other than swill, must be stored; and
- (h) provide rodent-proof receptacles, with close fitting lids, in which to store all loose feed.

Part 11: General provisions

97. DRAINAGE

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

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

98. DANGEROUS ANIMALS

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

99. REQUIREMENTS FOR KEEPING OF BEES

- (1) No person may keep bees on any premises unless -
 - (a) that person is the holder of a permit authorising that activity;
 - (b) every bee hive is situated -
 - (i) a minimum of five metres from any boundary of the premises; and
 - (ii) a minimum of twenty metres from any public place or building used for human habitation or from any place used for the keeping of animals, poultry and birds;
 - (c) the bees are kept in an approved bee hive; and
 - (d) the bee hive is -
 - (i) kept in an area inaccessible to children and animals;
 - (ii) kept in the shade at all times; and
 - (iii) supplied with a source of drinking water within five metres of the hive.
- (2) No person may dump or deposit any garbage, compost, grass cuttings or manure within five metres of any bee hive.
- (3) No person may keep more than 10 hives on a premises at one time

100. ILLNESS ATTRIBUTABLE TO ANIMALS, POULTRY OR BIRDS

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

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

101. KEEPING OF AND SLAUGHTERING ANIMALS FOR RELIGIOUS AND CEREMONIAL PURPOSES

- (1) No person may (subject to section 101(2) hereof) -
 - (a) slaughter any animal at any place other than an abattoir;
 - (b) permit the slaughter of any animal at any premises of which he is the owner or occupier unless it is an abattoir;
 - (c) sell or provide meat of any animal for human consumption unless it has been slaughtered at an abattoir.
- (2) The provisions of section 101(1) of these By-laws shall not apply to any person who slaughters any animal for cultural or religious purposes provided that -
 - (a) any meat from any animal slaughtered in terms of the provisions of section 101(2) of these By-laws may not be sold to any person;
 - (b) the animal slaughtered in terms of section 101(2)(a) supra may only be brought in to the municipal area and onto the premises concerned on the day of the intended slaughter;
 - (c) any animal kept on premises within the municipal area for the purpose contemplated by section 101(2)(a) supra shall not be kept in conflict with any other municipal By-law;
 - (d) any animal kept on any premises for the purposes contemplated in this section shall be securely held to prevent it from escaping and shall be slaughtered in a humane way as is reasonable within the particular religious or cultural values of the person effecting the slaughter and subject to the requirements of the SPCA;
 - (e) all reasonable measures are taken by the owner or occupier of the premises on which the slaughter is to take place to screen such slaughter from public view;
 - (f) all reasonable steps are taken by the owner or occupier of such premises to prevent any and all health nuisance resultant from such slaughter;

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (g) all blood, stomach contents and manure from such animal is disposed of by the owner or occupier on whose premises the slaughter takes place in the manner prescribed by the Municipal Manager or other authorised official so as to ensure that no fly development occurs as a consequence thereof;
 - (h) the prior written approval had been obtained for such slaughter from the Municipal Manager or duly authorised officer.
- (3) As animals slaughtered in terms of section 101(2) of these By-laws have not been subjected to the normal routine inspections at abattoirs, the municipality and its officials accepts no responsibility whatsoever for the consequences of the consumption of any meat of any animal slaughtered in terms of the authority given in terms of section 101(2)(h) of these By-laws.
- (4) Should any animal introduced into any premises in terms of authority granted in accordance with these By-laws, escape from the premises on which such slaughter was to take place and the municipality is required to recapture such animal, or should such animal cause damage to any municipal or private property during such escape all costs in recapturing such animal or repairing any damage so done by such animal shall be for the account of the owner or occupier of the premises on which the animal concerned was to have been slaughtered.
- (5) Any authorised officer may at any time, subject to compliance with the provisions of any other applicable law, enter onto and inspect any premises on which any animal is to be slaughtered in terms of these By-laws, to ensure compliance with these By-laws.
- (6) Any owner or occupier of premises where the slaughtering of an animal is to take place in terms of authority granted in accordance with these By-laws, shall at least 72 hours prior to the date of the intended slaughtering advise all owners and or occupiers of premises contiguous to the premises where the animal is to be slaughtered, of the intended slaughtering.
- (7) If any person who applies for authority to slaughter an animal, as contemplated in section 101(2)(h) of these By-laws, resides on premises which consists of multi residential units, the application for authority to slaughter shall be accompanied by a written permission of the body corporate or legal personae who owns the premises concerned as the case may be.

102. Keeping of live stock outside a proclaimed township

- (1) No person may, keep or allow to be kept, any animal other than an approved pet on any land closer than 100m to a proclaimed township;

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- (2) Any person who keep or allow to be kept, any animal other than an approved pet on any land closer than 100m to a proclaimed township must comply with all the standards sets for keeping such a animal on a agricultural holding in a proclaimed township

CHAPTER 16 MISCELLANEOUS

148. OFFENCES AND PENALTIES

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

149. 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, if it has been served on that person's agent or representative in the Republic of South Africa in the manner provided for in paragraph (a),(b) or (c); or
 - (e) if the address of the person concerned and of his or her agent or representative in the Republic of South Africa is unknown, if

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

it has been posted in a conspicuous place on the premises to which it relates.

- (2) A notice, order or other document which may in terms of these By-laws be served on the owner or occupier of premises may be addressed to the owner or occupier of the specified premises and need not bear the name of the owner or occupier.

150. APPLICATION TO THE STATE

These By-laws bind the State, including the Council.

151. REPEAL??

The By-laws relating to Public Health for the
Local Municipality, are hereby repealed and replaced by these By-laws, which are to become effective on promulgation hereof.

152. APPLICATION

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

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

SCHEDULE 1

PUBLIC HEALTH NUISANCES

1. General Nuisances

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

- (a) any premises or part thereof to be of such a construction or in such a state as to be offensive, injurious or dangerous to health;
- (b) any street, stream, pool, lagoon, ditch, gutter, watercourse, sink, cistern, water-closet, earth closet, pail closet, urinal, cesspool, cesspit, drain, sewer, dung pit, slop tank, ash heap or dung heap to be so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health;
- (c) any stable, kraal, shed, run or premises used for the keeping of animals or birds and which is so constructed, situated, used or kept as to be offensive or to be injurious or dangerous to health;
- (d) any accumulation of refuse, offal, manure or other matter which is offensive or is injurious or dangerous to health;
- (e) any public building to be so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;
- (f) any dwelling to be occupied without proper and sufficient supply of potable water within a reasonable distance;
- (g) any factory or industrial or business premises not to be kept in a clean state and free from offensive smells arising from any drain, water closet, earth-closet, urinal or any other source, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gas, vapour, dust or other impurity generated, or so overcrowded or so badly lighted or ventilated, as to be injurious or dangerous to the health of those employed therein or thereon;
- (h) any factory or industrial or business premises to cause or give rise to any smell or effluvium which is offensive or injurious or dangerous to health;
- (i) any building, room or structure to be used wholly or partly by a greater number of persons than will allow less than 11,3 m³ of free air space and 3,7 m² of floor space for each person aged 10 years or more and 5,7 m³ of free air space and 1,9 m² of floor space for each person less than 10 years of age; or
- (j) any other activity, condition or thing declared to be a nuisance by the Minister in terms of the Health Act, 1977. ????

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

2. Pest control

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

**DRAFT BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

3. Air pollution

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

4. Fouling and littering of public places and open spaces.

- (1) A person creates a public health nuisance if he or she throws, dumps, stores, keeps or drops refuse, rubbish, glass, tins, paper, car wrecks or parts of motor vehicles, dead animals, waste water or flushing water or other litter or waste, whether liquid or solid, on or in a street, road, bridge, thoroughfare, open space, vacant stand, public place or erf, spruit or watercourse, or cause or permit it to be thrown, dumped or dropped there, or cause or permit any such liquid to flow into such a place.
- (2) The person who has contravened subitem (1), must remedy, to the satisfaction of the environmental health practitioner, any damage to the environment which resulted from such contravention.

SCHEDULE 2

SCHEDULED USES

(Sections 1, 8, 9 and 11)

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

Part A: Activities for which a permit is required

Section Activity

- 30. Provision of service to remove human excrement or urine

**DRAFT – BY – LAWS FOR WATERBERG DISTRICT
MUNICIPALITY**

- 31. Installation of sewage works 45 Offensive trades
- 52. Hairdressing, beauty and cosmetology services
- 61. Accommodation Establishments
- 77. Nursing homes used for maternity purposes and for medical and surgical purposes
- 100. Child care services
- 125. Keeping of poultry
- 129. Keeping of rabbits
- 134. Dog Kennels and catteries
- 144. Keeping dangerous animals
- 145. Keeping bees

Part B: Scheduled uses

Chapter Scheduled use

- 4. Sanitary services
- 5. Private Sewage Works
- 6. Water
- 7. Offensive Trades
- 8. Hairdressing, Beauty and Cosmetology Services
- 9. Second-hand Goods
- 10. Accommodation Establishments
- 11. Dry Cleaning and Laundry Establishments
- 12. Swimming Pools and Spa-Baths
- 13. Nursing Homes
- 14. Child-Care Services
- 15. Keeping of Animals

