

3. Hair Saloons By-Law

The Municipal Manager of **Giyani Municipality** hereby, in terms of section 13(a) in conjunction with section 75 (1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Hair Saloons By-Law for the Greater Giyani Municipality, to be approved by the Council, as set out hereunder.

Purpose of By-Law

- To promote the achievement of a safe and clean environment for the benefit of all residents within the area of jurisdiction of the municipality;
- To provide for procedures, methods and practices for the regulation of the business of barbers, hairdressers and beauticians;

Definitions

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the Afrikaans text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates: -

“Barber” or “Hairdresser” means a person who carries on or assists in carrying on the business of cutting, shaving or dressing the hair and beard of human beings;

“Beautician” means a person who carries on or assists in carrying on the business of manicure, pedicure, massage and beauty treatment;

“Council” means the council of the Municipality or any political structure, political office bearer, councillor, or any staff member acting under council’s delegated or sub-delegated authority;

“Dwelling” means any place the whole or part of which is used as a sleeping place or is habitually occupied by any person;

"Municipality" means the Municipality of the established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000;

Hygiene on premises

No person shall carry on the business of a barber, hairdresser or beautician unless-

- (a) all parts of such premises are effectively illuminated and ventilated;
- (b) there is provided on such premises for employees of each sex separately at least one closet for every twenty or part of twenty employees of that sex; provided that where the majority of employees is of one sex and not more than two are of the other sex, separate closet accommodation need not be provided for the latter.
- (c) there is fixed on the premises at least one wash-basin with running hot and cold water laid on and fitted with a trap waste pipe, for every two or part of two persons engaged at the same time on the premises in any operation in connection with the business of a barber, hairdresser or beautician;
- (d) the wall at the rear of each such wash-basin or sink on the premises is lined to a height of not less than 450mm above the tap and for the full width of such wash-basin or sink with glass, marble, glazed tiles or other similar glazed, durable or non-corroding material approved by the council;
- (e) all tables and shelves on such premises on which instruments are usually laid, are constructed of or covered with glass, marble, glazed tiles or other similar glazed, durable or non-corroding material approved by the council;
- (f) such premises have an even floor suitably covered with linoleum or impervious material, or constructed with a smooth impervious surface and maintained so that it may be easily swept and thoroughly cleaned;

- (g) there is on such premises a sufficient number of readily portable refuse receptacle constructed of impervious material in such manner that they can be readily washed and cleaned and covered with close-fitting lids;
- (h) a minimum of 14 square metres of air space per chair is provided;
- (i) the premises on which such business is carried on and all instruments and other articles thereon which are used or intended to be used in connection with such business are at all times kept clean and in good repair;
- (j) there is on such premises a sufficient number of brushes, combs, razors, scissors, clippers or other instruments for the purpose of carrying on such business; and

General hygiene

No person carrying on the business of a barber, hairdresser or beautician, or assisting in any such business-

- (a) shall use or keep a hairbrush or equipment, instruments and articles for use in such business unless it is thoroughly clean and sterilised before use. Where articles or instruments are destined for non-recurrent use it shall not be used repeatedly;
- (b) shall, in such business, use or allow the use of any towel upon a person unless it has been thoroughly washed and sterilised since having been used upon any other person; or
- (c) shall, in such business, use or allow the use of a covering or garment upon any person so as to come into contact with the head, face or neck of such person unless it has been thoroughly washed and sterilised since having been used upon any other person; or
- (d) shall attend to or allow any person to be attended to unless an un-used piece of clean paper, or linen which has been washed and sterilised since previous use, has been applied to such person so as effectively to prevent direct contact of the head or neck of such person with the chair occupied by him; or

(e) shall use or allow the use of any brush, comb, razor, scissor, clipper or other instrument which has been in contact with the exposed portion of a person's body upon any other person, unless -

(i) it has been immersed in boiling water; or

(ii) it has been immersed for at least ten minutes in a disinfectant solution of a germicidal strength not less than that of a five percent solution of carbolic acid and has thereafter, before use, been thoroughly rinsed in clean water; or

(iii) it has been treated in a special disinfecting apparatus and in a manner approved by the council;
or

(f) shall, on that part of the premises where such business is ordinarily carried on, subject or allow any person who appears to be verminous or suffering from any hair or skin disease to be subjected to shaving, haircutting or any other operation connected with such business; or

(g) shall use or allow the use of any towel, instrument or other article which has been used on a person referred to in paragraph (f) unless it has been sterilized; or,

(h) shall, in such business, use or allow the use -

(i) of soap, shaving cream, wax or similar substance in any other than its liquid, powder or tube form; or

(ii) of soap in cake or tablet form; or

(iii) on any person of any styptic other than liquid or powder applied as a spray or by means of a clean and un-used piece of cotton wool; or

(iv) on any person of any sponge, powder-puff or alum or other styptic in stick or block form; or

- (i) shall apply or allow any operation pertaining to the business of a barber, hairdresser or beautician to be applied to any person, unless the person so applying:
 - (i) wears clean clothes;
 - (ii) has immediately before commencing such operation washed his hands; and
 - (iii) if free from any infectious or contagious disease, any disruptive disorder or any discharging ulcer or sore, or, if he has attended to or been in contact with a person thus afflicted, has thoroughly disinfected himself before commencing such operation; or
- (j) shall, when engaged in any operation in such business -
 - (i) blow away with his own breath any hair or other matter which may have fallen upon a person in the course of such operation;
 - (ii) remove such hair or matter otherwise than by means of a soft brush or a compressed air blower.

Removal of refuse

1. Every person carrying on the business of a barber, hairdresser or beautician shall -
 - (a) ensure that all hair, immediately after being cut, be swept up and placed in the covered refuse receptacles provided for the purpose;

Penalties

2. Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to -

- (a) a fine or imprisonment for a period not exceeding six months, or to both a fine and such imprisonment;
- (b) in the case of a continuing offence, an additional fine or an additional period of imprisonment or 10 days or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued; and
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention of failure.

This By-Law is called the Hair Saloons By-Law, 2005