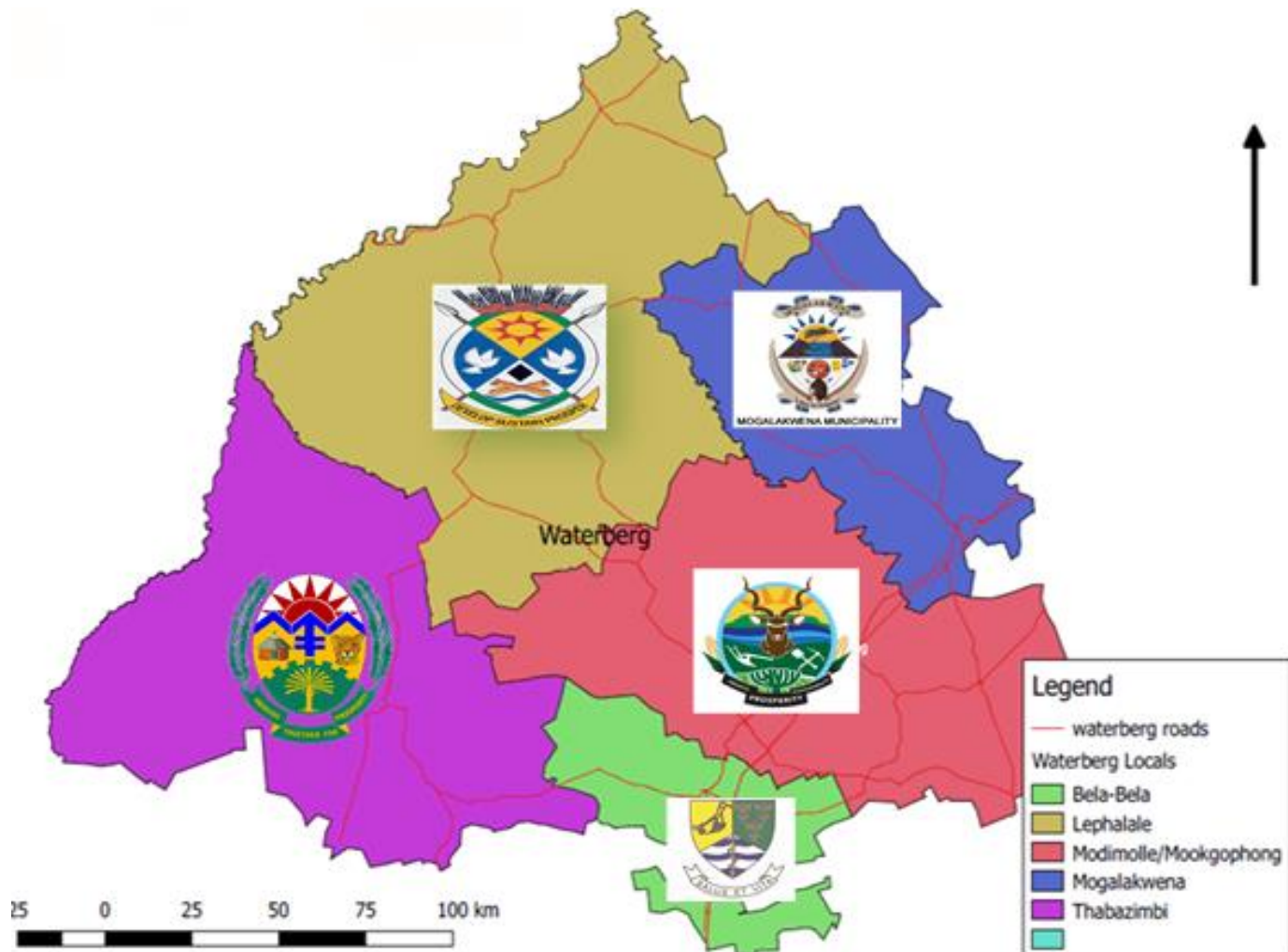


WATERBERG DISTRICT MUNICIPALITY
MUNICIPAL HEALTH SERVICES BY LAWS



The Municipal Manager of Waterberg District Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000), publishes the Municipal Services By-Law for Waterberg District Municipality as approved by its Council on _____, as set out hereunder.

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CHAPTER 1

1. INTERPRETATION AND FUNDAMENTAL PRINCIPLES

- (1) 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.
- (2) 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, of 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.

Definitions

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;
authorised official	means any official of the Council or a delegated person who has been authorised by the Council to administer, implement and enforce the provisions of these By-laws;
Cemetery	means a land or part of a land within the municipal area set aside by the Council as a cemetery for the disposal of the dead;
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 there from or who is a carrier thereof, to any other person;
Council	means the Council of the Waterberg District Municipality;
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

	intended for use by any human being for sleeping or in which any human being dwells or sleeps and “room” has a corresponding meaning;
disturbing noise	means a noise level that exceeds the ambient sound level measured continuously at the same measuring point by 7 dBA or more
“environmental health”	the identification, evaluation and control of all those factors in the environment(biological, physical and chemical) that have a deleterious effect on the health and well-being of people in the municipal area;
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 Professions Act, 1974 (Act No. 56 of 1974);
exemption certificate	means a certificate issued in terms of section 11;
hot water	means water which has a minimum temperature of 55°C at the point of discharge;
Health certificate	means a public health issued by the Council in terms of the section 11;
Municipal area	means the area under the jurisdiction of the Council;
Municipal manager	means a person appointed as such by the Council in terms of relevant legal prescript;
NBRBS Act	means National Building Regulations and Building Standards Act;
Municipality	Means Waterberg District Municipality
Offensive trade	means any business or business which involves in an activity such as: Panel beating or spray painting; operating a waste recycling plant including oil and petroleum product recycling; scrap yard or scrap metal dealing; 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; manure making or storing or compost making; parchment making; manufacturing malt or yeast; cement works, coke-ovens or salt glazing works; sintering of sulphurous materials; viscose works; 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; Work of a knacker. Slaughter of animals. Fish mongering

and fish frying. Manufacture of flock and rags; Animal bristle and hair storing and sterilizing. Manufacture of chemicals; Fell-mongering Storage of rags; Wood saw-dust; Iodoform; works for the production of carbon bisulfide, cellulose lacquer, cyan or its compounds, hotpitch or bitumen, pulverized fuel, pyridine, liquid or gaseous sulphur dioxide or Sulphur chlorides; 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 the refining or processing of petrol, oil or their products; any other work or trade of an offensive nature which, with the sanction of the Council may add to the list.

**offensive
trader**

means any person who owns, conducts or carries on an offensive trade.

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;
- (d) who manages the premises or a business on the premises on behalf of a person referred to in paragraph (a), (b) or (c)

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 incapacity, the executor, guardian or other person who is legally responsible for administering that person’s estate;

Person

means a natural or juristic person, and includes an organ of state;

pest

means any animal, reptile, insect or mammal, 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;

Portable water

means water that complies with the requirements set out in South African National Standards 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 land on which a caravan park or camping ground is situated; or
	(e) any vessel, vehicle or movable structure used for a scheduled use;
Prescribed fee	means a fee determined by the Council
Public health	means methods which aim at preventing disease, prolonging life and promoting health through the organized efforts of society and includes 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); Sanitary conditions; (b) Circumstances which make it easier for a communicable disease to break out or spread; (c) circumstances which make food or drink, including water for domestic consumption, unhygienic or unsafe to eat or drink; and (d) Circumstances which allow pests to infest any place where they may affect public health;
Public health nuisance	means the use of any premises or place in a manner which creates conditions that significantly increase the risk of a public health hazard occurring or which compromises any aspect of public health to an extent that is more than trivial or insignificant, and without limitation, includes those circumstances in which a public health nuisance is considered to exist in terms of 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 the public have the right to use, and includes a public place as defined in the Tobacco Control Amendment Act 12 of 1999.
proclaimed township	means an approved township as contemplated in the local municipal Town Planning Scheme, or a township approved in terms of any prior law relating to townships;
scheduled use	means a use listed in Schedule 2.

Vector	means any organism, including but not limited to, rats, bats, mice, cockroaches, fleas, flies, mites, mosquitoes and ticks, which is capable of transmitting a pathogen to the people, or capable of causing food to become unclean, unwholesome, spoiled, or unsafe for human.
Vicinity	the area as seen in the context of the problem which could range from adjacent premises up to an entire neighbourhood
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.
body piercing	means the piercing of the skin for the purpose of inserting any foreign object;
cosmetology or beauty service	includes, but is not limited to, any one or more of the following services: (a) Manicure, pedicure, nail technology, or the application of artificial nails or nail extensions, whatever the substance used; (b) eyebrow shaping and plucking including the application of false or artificial eyebrows or eyelashes and tinting of eyelashes; (c) cosmetic and camouflage makeup of the face and its features, whether by permanent, semi-permanent or temporary means; (d) facial skin care; (e) removal of unwanted or superfluous hair from any part of the body by any means, other than shaving, including by means of waxing, chemical depilatories, electrical or mechanical means, whether or not any apparatus, appliance, heat, preparation or substance is used in any of these operations; (f) body piercing and tattooing for cosmetic purposes; (g) massaging; (h) body bronzing by means of ultraviolet radiation or any similar method; (i) body contouring including all forms of slimming; or (j) somatology
	“

- Hairstressing** includes, but is not limited to, any one or more of the following services:
- (a) Shampooing and cleansing, conditioning and treating hair;
 - (b) chemical reformation of the hair including permanent waving, relaxing and straightening of the hair;
 - (c) hair colouring, including tinting, dyeing and colouring by means of permanent, semi-permanent or temporary means, including the use of colour rinses, shampoos, gels or mousses and lightening by means of tints, bleaches, highlights or high lifting tints or toners;
 - (d) hair cutting and shaping;
 - (e) barbering services including shaving and singeing of hair; or
 - (f) the adding to hair of natural and artificial hair and hair extensions, board work, pastiche, wig-making or the performing of any operation specified in paragraphs (a) to (e) on a wig or hairpiece to be worn by any person; or
 - (g) trichology and trichological treatment of the hair including the treatment of abnormalities and disorders of the hair;
- salon** means any place where any or more of the following services are performed for gain: hairstressing service; cosmetology or beauty service; body piercing and tattooing; or massaging service;
- salon service** means any one or more or a combination of the practices or services generally and usually performed by a person rendering service in the hairstressing, cosmetology or beauty service industry including any massage, body piercing and tattooing service.

2. Purpose-

- (1) The purpose of these By-laws is to enable the Council to set minimum environmental health standards to prevent disease, prolong life, protect and promote the 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;
 - (b) defining the rights and obligations of the Council and the public in relation this purpose.

CHAPTER 2

ENVIRONMENTAL HEALTH PRINCIPLES

Part 1: Environmental health principles

4. Principles

Everyone:

- (a) has a constitutional right to an environment that is not harmful to his or her health or well-being.
 - (b) has a right to have access to safe water, and the Council has a constitutional duty to strive, within its financial and administrative capacity, to promote a safe and healthy environment.
 - (c) has a duty, at all times, to eliminate risk of an environmental health hazard occurring, continuing or recurring by reducing it to a level acceptable to the Council.
 - (d) who owns or occupies premises in the municipal area must ensure that they are used for and maintained in a manner that ensures that no environmental health hazard or health nuisance occurs on the premises.
 - (e) who wishes to undertake an activity which creates a risk to public health that is more than trivial or insignificant must –
 - (i) 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 shall bear the costs of taking those measures and of any reasonable costs incurred by the Council in the event that it ensures that the risk is eliminated or reduced to an acceptable level.
1. The Council must regulate all activities and administer all matters for which it is legally responsible in a manner that –
 - i. avoids creating an environmental health hazard or an environmental health nuisance;
 - ii. does not make it easier for any human or animal disease to spread; does not give rise to unsanitary or unhygienic conditions;
 - iii. prevents unsafe food or drink from being eaten or drunk; avoids creating conditions favourable for infestation by pests; or
 - iv. wherever reasonably possible, improves public health in the municipal area.
 2. In dealing with matters affecting public health the Council must –
 - i. adopt a cautious and risk-averse approach;
 - ii. prioritise the collective interests of the people, group or sector of society of the municipal area.

- iii. 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;
- iv. adopt a long-term perspective that takes account of the interests of future generations.
- v. take account of, and wherever possible without compromising public health, minimise any adverse effects on other living organisms and ecosystems.

5. Application of principles:

The environmental health principles set out in section 4 must be considered and applied by any person –

- 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 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 health in that area.

Part 2: Environmental health hazard and environmental health nuisance:

6. An environmental health hazard

(1) Environmental health hazard exists or occurs if any of the following occurs on land or premises:

- (a) A water pool, ditch, gutter, dung pit or heap is so foul or in such a state or so situated or constructed to be offensive or to be injurious or dangerous to health;
- (b) An accumulation of waste or other matter which is offensive or injurious or dangerous to health occurs;
- (c) a building, structure, enclosure or runway is–
 - i. so constructed, situated, used or kept as to be offensive or injurious or dangerous to health;
 - ii. not kept in a clean state and free from offensive smells or effluvia rising from whatever source therefrom;
 - iii. kept or health certificated to remain in an unsanitary state as to be offensive or injurious or dangerous to health; or
 - iv. infested with pests or vermin or in a state that is conducive to the breeding of pests or vermin;

- (d) conditions exist that are conducive and contribute to the spread of a contagious and communicable disease;
 - (e) organic matter is being used or kept in a manner that attracts vector, vermin, or pests such as, but not limited to rats, mice, flies and mosquitoes;
 - (f) unsanitary conditions occur in any part of the land or premises;
 - (g) any water supply for domestic consumption is unsafe for human consumption;
 - (h) a building, structure, enclosure or runway is erected without first removing or decontaminating in an approved manner, any faecal, animal or vegetable waste disposed of on the land or premises; or
 - (i) a building or structure is demolished without first eradicating all vermin;
 - (j) a dwelling is occupied for which no proper and sufficient supply of pure water is available within 200 meters;
 - (k) a dwelling is occupied for which no proper toilet facilities are available;
 - (l) a dwelling is occupied which is not properly ventilated.
- (2) In addition to the instances stipulated in subsection (1), an environmental health hazard exists or occurs if any factory or industrial or business premises –
- a. is not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gases, vapours, dust or other impurities generated;
 - b. is so overcrowded, badly lighted or ventilated as to be injurious or dangerous to the health of those employed therein or thereon; or
 - c. cause or give rise to smells or effluvia which are injurious or dangerous to health.
- (3) An environmental health nuisance, whether or not occurring or arising from an environmental health hazard, exists if –
- a. a building, structure, enclosure or runway on land or premises is aesthetically offensive;
 - b. an obnoxious smell, pests, vermin, vector, dust, ash, grit, soot, smoke or noise from whatever source emanate from land or premises;
 - c. any part of land or premises is kept or health certificated to remain in such a state as to be offensive; or
 - d. any other activity, condition declared to be an environmental nuisance under any law exists or occurs on or emanates from land or premises.

7. Prohibition on creation, existence or occurrence of environmental health hazard or environmental health nuisance:

- (1) No person may, in any area under the jurisdiction of the municipality –
- (a) create an environmental health hazard or an environmental health nuisance;
 - (b) perform any act which may cause an environmental health hazard or an environmental health nuisance;
 - (c) organise, allow or health certificate an activity, event or function in or on land or premises, or use, cause, allow or health certificate to be used on land or premises for a purpose which by its nature or otherwise or by reason of its consequences creates or is likely to create an environmental health hazard or an environmental health nuisance;
 - (d) unless he or she is authorised or health certificated by law to do so or does so with the written permission of the municipality and in accordance with any conditions imposed by the municipality –
 - (i) in a public place activate, handle or use any material, object or thing which is likely to cause an environmental health hazard or an environmental health nuisance;
 - (ii) introduce into or handle in a public place any material, object or thing or any liquid or solid substance which by its nature or by reason of the manner of its introduction or handling creates an environmental health hazard or an environmental health nuisance;
 - (e) defecate or urinate in a public place except in a facility which is provided by or on behalf of the municipality for its purpose;
 - (f) spit in a public place;
 - (g) do work on any premises or use any building or land for purposes calculated to disfigure such premises or to interfere with the convenience or comfort of other people or to become a source of danger to any person;
 - (h) carry on any premises in the municipal area any trade, business, profession or hobby which is a source or become a source of discomfort or annoyance to other people;
 - (i) deposit, leave, spill, drop or place any fruit or vegetable peels, broken bottles, glass, refuse or thing which is offensive or likely to cause annoyance, danger or injury to persons in or upon any premises, street or public place;
 - (j) allow any building or structure or any portion thereof on any premises to fall into a dilapidated, neglected or unsightly state, or fail to maintain the roof-water disposal system, pipes, sewers, drains, water fittings, waste water

fittings, water closet fittings and all other appurtenances forming part of or attached to any building or structure in good and sound repair, or fail to maintain the walls of any building or structure free from dampness;

- (k) use or cause or health certificate to be used a stoep or veranda of a shop or business premises or vacant land adjoining such shop or business premises for the purpose of storing, stacking, dumping, disposing, displaying or keeping articles or merchandise;
- (l) use or cause or health certificate any shop or business premises or vacant land adjoining such shop or business premises or any portion thereof which is open or visible to the public for the purpose of storing, stacking, dumping, disposing, or keeping any waste material, refuse, cartons, crates, containers or other articles of a like nature;
- (m) defoul, misuse or damage a toilet provided in a public building or public place;
- (n) cause or allow the disturbance of the ordinary comfort, convenience, peace or quiet of other people by the utilisation or use of electrical appliances, machinery, malfunctioning air conditioning units or similar appliances or equipment.
- (o) carry, convey, or cause or health certificate to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become offensive or dangerous or injurious to health, unless such objectionable material or thing is covered with a suitable material to prevent the creation of any environmental health hazard or environmental health nuisance;
- (p) accumulate, dump, store or deposit any waste material in any street, public place or built-up or vacant premises or land;
- (q) by an action directly or indirectly or by negligence allow that [a] an environmental health hazard or environmental health nuisance be created or continued.
- (r) bathe or wash himself or any animal or article or clothing or any other article or thing in any public stream, pool or water trough or at any public hydrant or fountain or at any place which has not been set aside by the municipality for any purpose.
- (s) cleanse or wash any vehicle or part in any street or public place.

- (t) use any chemical in such a way that it could cause injury, ill-health or death to human beings.
- (u) dispose any chemical in such a way as to have a detrimental effect on the environment.

(2) A person who contravenes a provision of subsection (1) commits an offence.

8. Duty to eliminate or reduce environmental health hazard or environmental health nuisance:

(1)(a) The owner, occupier or user of land or premises must –

- i. ensure that an environmental health hazard or an environmental health nuisance does not exist or occur on his or her land or premises; and
- ii. within 24 hours of becoming aware of the existence of an environmental health hazard or environmental health nuisance on the land or premises, eliminate the environmental health hazard or environmental health nuisance, or if he or she is unable to eliminate the environmental health hazard or environmental health nuisance –
 - aa take steps to reduce the risk to environmental health; and
 - bb report the existence of the environmental health hazard or environmental health nuisance to the environmental health practitioner.

(b) For the purposes of subsection (1)(a), the owner, occupier or user of land or premises must, for the purpose of eliminating or reducing the quantity of –

- (i) flies, use fly-traps; or any other appliance that will reduce or eliminate flies
- (ii) mosquitoes –
 - (aa) drain accumulated water at least once every seven days;
 - (bb) cover accumulated water with oil;
 - (cc) in the case of wells, provide a mosquito-proof cover and a pump;
 - (dd) fit tanks, barrels and similar containers in which mosquitoes may breed with mosquito-proof covers or mosquito wire gauze screens in a manner that prevents mosquitoes gaining access to water contained in them; and
 - (ee) regularly clear clogged or sagging gutters and down pipes so that stagnant water cannot accumulate in them; and
- (iii) vermin, use mouse traps or vermin poison.

(2)(a) The owner, occupier or user of land or premises –

- (i) must adequately protect a well, hole, pit, reservoir, pond or excavation thereon containing or capable of containing at any point water to a depth of more than 300 mm so as to prevent access thereto by a child under the age of 4 years;
 - (ii) must ensure that every well, hole, pit, reservoir, pond or excavation thereon is not filled in a way, or with any material, that may cause an adjacent well, borehole or underground water source to be polluted or contaminated to an extent that may create an environmental health hazard or an environmental health nuisance; and
 - (iii) May not allow the fencing of any premises to fall into a state of disrepair or to become unsightly or dilapidated.
- (b) For the purpose of subsection (2)(a)(i), “adequately protect” means to provide a fence or wall or covering, which wall or fence may be not less than 1,25 metre in height and must be so situated and constructed as to be impenetrable to a child under the age of 4 years, and a gate to such enclosure must be fitted with a self-closing device and a latch inaccessible to such a child from the outside, and which covering must be so secured and constructed as to be impenetrable to a child under the age of 4 years.
- (c) Despite the provisions of paragraph (b), the municipality may health certificate the use of other effective means of protection.
- (d) Should any hole, well, pit, excavation, pond, or reservoir contemplated in subsection (2), be serve unprotected or inadequately protected, the municipality may serve a notice of compliance on the owner, occupier or user requiring him or her adequately to protect or fill in such hole, well, pit, excavation, pond or reservoir within a period specified in the notice not being less than 14 days.
- (3)(a) The occupier of premises which is a factory in or on which an activity is carried on any business, occupation or trade, must at all times –
- (i) while any activity is being carried on the premises;
 - (ii) while the premises are open for business;
 - (iii) while the occupation or trade is being carried on; or
 - (iv) during business hours, whichever is applicable, keep any sidewalk or verge which abuts or adjoins the premises, including the gutter and kerb, free of litter and keep the same in a clean and satisfactory state and to this end remove all litter there from.
- (b) The occupier must ensure that all litter removed and placed in refuse receptacles provided by or on behalf of the municipality to be disposed of in a municipal landfill site.

- (4) The owner, occupier or user of land or premises who contravenes a provision of subsection (1) or (2)(a) or (b) or the occupier who contravenes a provision of subsection (3) commits an offence.

9. Duty to report environmental health hazards:

Any person, who knows of an environmental health hazard on any premises, must within 24 hours of becoming aware of its existence –

- (a) eliminate the environmental 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 environmental health hazard to the Municipal health service Waterberg District Municipality .

CHAPTER 3

POTENTIALLY HAZARDOUS USES OF PREMISES AND ENFORCEMENT

Part 1: Potentially hazardous uses

10. 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 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.

11. 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 health certificate in terms of section 12 before commencing that use and must comply with the terms and conditions of that health certificate.

12. 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 By-laws relating to the use

concerned, must apply to the Council in accordance with section 14 for an exemption certificate.

- 2) The Environmental Health section may grant an exemption certificate, subject to such conditions as it may impose, if an environmental health practitioner is satisfied that –
 - a) the measures taken to avoid or reduce the risk to public health arising from the scheduled 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 health hazard or a public health nuisance.

13. Health certificates-

- (1) Any person who wants to undertake a scheduled use that is listed in Part A of Schedule 2, must apply to the Environmental Health section in accordance with section 14 for a health certificate.
- (2) The Council may issue a health certificate to the owner or occupier of any premises, if an environmental health practitioner is satisfied that the use for which the health certificate is required is not likely to cause a public health hazard or a public health nuisance.
- (3) A public health certificate –
 - (a) must be issued subject to conditions aimed at reducing the risk to public health created by the scheduled use, to a level acceptable to the Council;
 - (b) may exempt the health certificate holder from complying with any relevant provision of these By-laws, if the Council reasonably believes that the health certificate requires the health certificate holder to take measures to avoid or reduce the risk to public health arising from the activity that are equivalent to, or better than, the measures required by the relevant provision of these By-laws; and
 - (c) may approve any activity authorized by the health certificate approved in terms of these By-laws.

14. Approval of measures, objects and materials-

- (1) The Council may approve, provided that the said approval is not in conflict with any other legal requirement and /or public interest, 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 health certificate; or

- (b) guidelines prescribed by the Council in terms of subsection (3).
- (3) The Council may publish guidelines in the Provincial Gazette which describe
 - (a) appropriate measures that can be taken and objects and materials that can be used, 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; and
 - (b) the circumstances in which taking these measures or using these objects or materials are acceptable to the Council.

15. Application procedure-

- 1) Any person who wants to obtain an exemption certificate or a health certificate must apply to the Council's Environmental Health section in writing in a form attached as Annexure 1, 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 to be/ or used for the scheduled use concerned, have been consulted and have 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 health certificate, and what terms and conditions, if any, to include in it, the Council must apply the public health principles set out in Part 1 of chapter 2

16. General terms applicable to certificates and permit-

- (1) An exemption certificate or a health certificate–
 - (a) is not transferable from one person to another; and
 - (b) applies only to the premises specified in that certificate or health certificate.
- (2) Every exemption certificate or health certificate must–
 - (a) specify the address and other relevant details regarding the location of the premises concerned;
 - (b) describe the premises concerned;
 - (c) describe the activity concerned;
 - (d) specify terms and conditions imposed, if any;

- (e) indicate the expiry date; and
 - (f) any other term or condition that the Council may deem fit.
- (3) An applicant must pay a prescribed fee, if so determined by the Council, in respect of an application for a health certificate 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.

17. Suspension, cancellation and amendment of exemption certificates and health certificates-

- (1) Council may by written notice to the holder of an exemption certificate or health certificate, suspend, amend or cancel that certificate or health certificate, after having informed such holder of the reasons for such an exemption certificate and health certificate being cancelled or suspended.
- (2) Council may suspend or cancel an exemption certificate or health certificate with immediate effect if –
 - (a) the Council reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health posed by a public health hazard or a public health nuisance; or
 - (b) the holder of such certificate or health certificate fails to comply with a compliance notice, in which is stated that such certificate or health certificate may be suspended or cancelled without further notice if the holder fails to comply with that notice.
- (3) Council may suspend or cancel an exemption certificate or health certificate after having given the holder thereof a reasonable opportunity of making representations as to why the health certificate or exemption certificate should not be suspended or cancelled if –
 - (a) The Environmental Health Practitioner reasonably believes that it is desirable to do so to eliminate or reduce the risk to public health posed by a public health hazard or a public health nuisance; or
 - (b) the holder of such certificate or health certificate contravenes or fails to comply with any relevant provision of these By-laws.
- (4) Council may amend an exemption certificate or health certificate by endorsing such certificate or health certificate or by written notice to the holder thereof, if the Environmental Health Practitioner reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the exemption certificate or health certificate concerned was issued.

18. Demolition orders-

- 1) If the Council believes that a public health or a safety 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 relevant 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.

19. Right of entry and remedial work-

- (1) The Council may, subject to the provisions of any other law, enter any premises and do anything, excluding demolition of buildings and structures, on the premises that it reasonably considers necessary –
 - (a) to ensure compliance with these By-laws.
 - (b) to reduce, remove or minimise any significant public health hazard; or
 - (c) to reduce, remove or minimise any public health nuisance.

20. Cost orders-

- (1) The Council may recover any costs reasonably incurred by it in taking measures contemplated in section 16 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 health hazard or a public health nuisance.
- (2) The municipal manager or delegated official 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

FOOD CONTROL

21. Food and Safety Control

(1) All facilities used in connection with the handling, preparation, storage and serving of foodstuffs must comply with the relevant Regulations, published in terms of the Foodstuffs, Cosmetic and Disinfectants Act 1972, (Act No. 54 of 1972), as amended:

(a) Certificate of acceptability:

No person shall handle food or permit food to be handled on food premises in respect of which a valid certificate of acceptability has not been issued or is not in force according to Regulation 638 of 22 June 2018.

(b) Food quality requirements:

- (i) No person shall provide food for sale for human consumption that is not safe, wholesome and fit for human consumption and conforms to safety, nutrition and quality requirements.
- (ii) All food intended for human consumption must comply with the standards as stipulated in the Foodstuffs, Cosmetic and Disinfectants Act, 1972 (Act No. 54 of 1972) .

(c) Transportation of food:

No person shall transport food in any part of a vehicle

- (a) Unless that part of a vehicle is clean and has been cleaned to such an extent that chemical contamination of the food is prevented together with
 - i. contaminated food or waste food,
 - ii. poison or any harmful substance;
 - iii. a live animal; or
 - iv. Any object that may contaminate or spoil the food.

(d) Labelling of foodstuffs:

All food intended for human consumption must be honestly and accurately labelled accordance with regulation no R146.

Meat and animal product safety:

- (2) Environmental health practitioner must ensure that the hygiene control and all meat inspections at a municipal abattoir are executed.

(3) Any person, who keeps an animal prior to slaughtering it for any religious or ceremonial purposes, must comply with the provisions of this Chapter applicable to the animal concerned.

(4) A person intending to slaughter an animal in any place other than in a recognised abattoir must -

- (a) notify the municipal health service
- (b) slaughter the animal in a position where the slaughtering cannot be observed by any person on neighbouring premises or any member of the public;
- (c) use the meat derived from the slaughtered animal solely for the purposes of the religious or ceremonial feast;
- (d) handle the meat in a hygienic manner at all times;
- (e) dispose of any portions of the animal which are not used or consumed, in a manner which will not become a public health hazard or public health nuisance; and
- (f) not keep such animal prior to slaughtering for a period in excess of 24 hours.

CHAPTER 5 SANITARY SERVICES

22. Compulsory connection to municipal sewerage 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, kitchen sink, washing machines and dish washers are connected to the municipal sewer in a manner approved by the municipality.

23. Prohibition against obstruction of sanitary services-

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

(a) 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 or any other applicable legislation.

(b) Toilets for workers-

- i. Every contractor must provide his or her workers with toilet facilities as prescribed by the National Building Regulations and Building Standards Act.
- ii. No temporary toilet may be erected or placed on any pavement or other public place without the written approval of Council.

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, in the opinion of the Council.

26. Separate storage of urine-

- (1) Any owner or occupier required by the Council to provide for the separate storage of urine, due to the size, extent of occupation or use of any premises, must comply with any notice issued by the Council calling on him or her to provide an adequate urine tank or an adequate number of urine buckets on the premises.
- (2) Every owner or occupier referred to in subsection (1) must use the urine tank or urine bucket exclusively for the reception of urine.

27. 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 or other approved 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.

28. 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.

29. Blocked or defective outlet pipes-

Every owner or occupier of premises must keep any drainage system free from obstruction and in a good state of repair.

30. 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 6 PRIVATE SEWERAGE WORKS

31. Maintenance of sewerage works-

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

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

No person may dispose of sewerage or waste water from any bath, wash-hand basin, toilet, shower, kitchen sink, swimming pool, washing machines, dish washers and refuse receptacles 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.

CHAPTER 7 WATER SAFETY

33. Pollution of sources of water supply-

No person may pollute or contaminate any catchment area, river, canal, well, reservoir, filter bed, water purification or pumping works, tank, cistern or other source of water supply or storage in a way that creates a public health nuisance or a public health hazard.

34. Dangerous wells, boreholes and excavations-

Every owner or occupier of premises must ensure that any well, borehole or other excavation located on his or her premises –

- (a) is fenced, filled in or covered over in a way that adequately safeguards it from creating a public health nuisance or public health hazard; and
- (b) is not filled in a way, or with material, that may cause any adjacent well, borehole or underground water source to be polluted or contaminated to an extent that may create a public health nuisance or a public health hazard.

35. Provision of adequate water supply-

Every owner of premises must provide every resident on the premises with an adequate and readily available safe portable water supply at all times.

CHAPTER 8 OFFENSIVE TRADES

36. Health certificate requirement-

No person may conduct an offensive trade in or on any premises, except in terms of a valid health certificate issued.

37. 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 safe portable 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;
- (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 meters, 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 male and female employees 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 portable 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 portable water, must be provided in an accessible position; and
 - ii an adequate metal locker must be provided for every employee in the work area.

38. Duties of offensive traders-

Every offensive trader must -

- (a) maintain the premises in a clean, hygienic and good condition at all times;
- (b) maintain all walls and floors of the premises in a manner and condition that prevents the absorption of any waste or waste water;
- (c) maintain all machinery, plant, apparatus, furniture, fittings, tools, implements, vessels, containers, receptacles and vehicles in a clean, hygienic and good condition at all times;
- (d) prevent any waste accumulating on the premises and provide proof when required of safe disposal of recycled or hazardous related waste materials;
- (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;
- (f) provide and maintain effective measures to preclude the open attraction of pest and to prevent the breeding thereof; and
- (g) provide for approved personal protective clothing for the safety of his or her employees

39. Liquid refuse from bone and tripe boiling-

- (1) Every bone boiler and every tripe boiler must adequately cool all waste water before it is discharged into any sewer or other receptacle.

- (2) The cooling process referred to in subsection (1), must take place in a manner that prevents the generation of any noxious and injurious effluent.

40. Liquids, tanks and tubs in leather making-

Every fell-monger, leather dresser or tanner must -

- (a) renew and dispose of the liquid from every tank or other receptacle used on the premises to wash or soak any skin or hide, other than a lime pit, at adequate intervals and in an adequate manner;
- (b) clean the entire tank or other receptacle every time it is emptied;
- (c) clean every tub or other receptacle used to contain a solution of the material known as "puer".

41. Storage of rags, bones and waste-

No trader in rags, bones or waste may place or store, or cause or permit to be stored, rags, bones or waste in any part of the premises concerned which is –

- (a) inhabited by people; or
- (b) not adequately ventilated.

CHAPTER 9

HAIRDRESSING, BEAUTY AND COSMETOLOGY SERVICES

42. Health certificate requirement-

No person may operate a salon except in terms of a valid health certificate issued.

43. Requirements for premises-

No person may operate a salon on any premises which do not comply with the following requirements:

- (a) adequate lighting and ventilation, as prescribed in the National Building Regulations and Buildings Standards Act, must be provided;
- (b) all shelves, fixtures and table tops on which instruments are placed must be constructed of an approved material that is durable, non-absorbent, and easy to clean;
- (c) water and toilet facilities must be provided as prescribed in the National Building Regulations and Building Standards Act;
- (d) adequate, separate facilities, with a supply of running safe portable water, must be available for the washing of hair and hands;
- (e) an approved system for the disposal of waste water must be provided;

- (f) adequate storage facilities must be provided;
- (g) the walls and floors must be constructed of a material that is easy to clean and which prevents 8/5cut hair from being dispersed;
- (h) the premises may not be used for the storage and preparation of food or sleeping unless any area for that purpose is clearly demarcated /separated by an impervious wall,
- (i) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing –
 - (a) an adequate metal locker for every employee;
 - (b) a wash-hand basin provided with a supply of running hot and cold portable water; and
 - (c) an adequate supply of soap and disposable towels at every wash-hand basin; and
- (j) if no change-room has been provided in terms of paragraph (i) –
 - (a) a wash hand basin with a supply of running hot and cold portable water, must be provided in an accessible position; and
 - (b) an adequate metal locker must be provided for every employee in the work area.

44. Duties of salon operators-

Any person operating a salon must :

- (a) maintain the premises, tools, equipment and clothing in a hygienic and good condition at all times;
- (b) equip the premises with an adequate means to disinfect and sterilise instruments and equipment that may come into direct contact with any customer's hair or skin;
- (c) provide employees on the premises with approved personal protective clothing and equipment;
- (d) collect all hair clippings and other waste in an approved container after every service;
- (e) store or dispose of waste in an approved manner;
- (f) adequately train any person working on the premises on health and hygiene matters;
- (g) not permit any animal on the premises unless it is a guide dog accompanying a blind person;
- (h) ensure that any employee working with the public with an open wound on their hands or with a communicable skin condition to take the necessary precautions; and
- (i) ensure that every person working in the salon complies with the requirements of this section.

45. Required minimum health standards for the operation of a salon-

Any person operating or employed in, a salon must take the following measures:

- (a) adequately disinfect all instruments after each use;

- (b) adequately sterilise the following instruments after each use;
 - (i) any instrument used for body piercing or tattooing;
 - (ii) any instrument which has come in contact with blood or any other body fluid;
- (c) wash and clean all plastic and cloth towels after each use;
- (d) dispose of all disposable gloves or other disposable material after each use;
- (e) wash all aprons and caps daily;
- (f) wash his or her hands with soap and water or disinfectant before and after rendering each service to a client;
- (g) wear approved disposable personal protective clothing when providing one of the following salon services: any chemical service; any hair implant; body piercing; and tattooing;
- (h) wash all walls, floors, chairs and other surfaces in the premises at least once a day with a disinfectant or household detergent;
- (i) dispose of all waste water
- (j) register as a Health Care Risk Waste generator and obtain the removal service of a registered Health Care Risk Waste transporter.
- (k) adequately treat any injury or wound which may occur on the premises;
- (l) clean and disinfect all surfaces that have been contaminated by blood after each service;
- (m) keep an approved first aid kit on the premises at all times as prescribed by the Occupational Health and Safety Act 1993 (Act No. 85 of 1993);
- (n) All tubes and needles must be stored in single service, sterile, sealed autoclave bags that must be opened in the presence of the client.

46. Prohibition against the use of salon premises for other purposes-

- (1) Any person operating a salon must ensure that the premises are used exclusively for that purpose.
- (2) Any person who wants to prepare any beverage for customers on the premises of a salon, must provide a separate area, equipped with a facility for cleaning crockery and utensils, for that purpose.

CHAPTER 10

SECOND-HAND GOODS

“second-hand goods business” means any business in which used goods and materials are sold, including, without limitation – clothing, furniture, scrapped motor vehicles, footwear, timber, building bricks or blocks, building material or fittings, machinery, drums, tins, bottles, packing cases, boxes, crates or other containers, metal, rags, plastic bags, paper or any other material, which has previously been used; and bones or tallow.

47. Requirements for premises-

No person may operate a second-hand goods business in or on any premises which do not comply with the following requirements:

- (a) any section of the premises where second-hand goods are stored and handled must be enclosed/ demarcated by walls constructed of brick, rock or concrete, with a minimum height of two metres (2m) ;
- (b) all gates to the premises must be of solid construction with a minimum height of two metres;
- (c) all materials must be stacked or stored below the height of the perimeter screening;
- (d) adequate lighting and ventilation, as prescribed in the National Building Regulations and Building Standards Act must be provided;
- (e) all storage areas must be paved with cement, concrete or other approved impervious material;
- (f) all backyard surfaces and open spaces of the premises must be graded and drained to allow for the effective run-off of all precipitation;
- (g) adequate sanitary facility and fixtures for both sexes employed on the premises must be provided, as prescribed in the National Building Regulations and Building Standard Act;
- (h) an adequate number of refuse containers must be provided;
- (i) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing -
 - (a) an adequate metal locker for every employee;
 - (b) a wash-hand basin provided with a supply of running hot and cold portable water; and
 - (c) an adequate supply of soap and disposable towels at every wash-hand basin; and
- (j) if no change-room has been provided in terms of paragraph (i) –
 - (a) a wash hand basin with a supply of running hot and cold portable water, must be provided in an accessible position; and
 - (b) an adequate metal locker must be provided for every employee in the work area.

48. Duties of second-hand goods traders-

Any person who conducts a second-hand goods business must -

- (a) store second-hand goods in a backyard, building or open space that is constructed of an approved material in such a manner as to prevent the infestation of rodents or other vermin and pests;
- (b) ensure that no water accumulates in any article stored on the premises;

- (c) ensure that goods are stored in such a manner as to prevent the pollution of the surrounding environment which includes but is not limited to air, water or soil.
- (d) keep the premises in a clean, neat and sanitary condition at all times;
- (e) immediately on receipt, disinfect all furniture, soft furnishings, clothing, bedding or other fabrics in an adequate manner;
- (f) keep any other articles separate from articles which have been disinfected
- (g) label all articles which have been disinfected in a conspicuous place on each article; and
- (h) provide personal protective clothing for personnel employed in his or her premises

CHAPTER 11

ACCOMMODATION ESTABLISHMENTS

“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.

49. Health certificate requirement-

No person may operate an accommodation establishment except in terms of a valid health certificate issued.

50. 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-
 - (i) less than 11,3 m³ of free air space and 3,7 m² of floor space for each person over the age of ten (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 ten (10) years;
- (b) no latrine, passage, staircase, landing, bathroom, cupboard, outbuilding, garage, stable, tent, storeroom, lean-to, shed, kitchen, dining room, 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 meter 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; (Such establishment to comply with the provisions of R962 and the National Building Regulations and Building Standards Act.).
- (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 subpar.(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 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 portable 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;
- (i) a separate room with approved containers must be provided for the storage of dirty articles used in connection with an accommodation establishment, pending removal to be laundered; and

- (ii) 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.
- (j) 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;
 - (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;
- (k) 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).
- (l) adequate changing facilities must be provided for non-resident employees;
- (m) adequate ablution and sanitary facilities, which comply with the provisions of paragraphs (e) and (f), must be provided for resident and non-resident employees;
- (m) an adequate refuse holding area must be provided and an approved refuse removal system must be maintained;
- (n) 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;
- (o) All accesses to an accommodation establishment must have a door which when closed, prevents the wind or rain entering the premises; and
- (q) All windows must be constructed in a manner that prevents rain entering the accommodation establishment when the windows are closed.
- (r) must comply with the Tobacco Control Regulations.

51. 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(i);
- (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(j);
- (h) Keep all sanitary, ablution and water supply fittings in a good working order;
- (i) Keep every wall, surface and ceiling, unless constructed of materials not intended to be painted, painted at intervals to ensure that the area painted, remain clean and in a good state of repair;
- (j) Handle refuse in the manner provided in section 62(n); and
- (k) Must ensure compliance with relevant Health Regulations promulgated under the Health Act (No 63 of 2003) and the Foodstuffs, Cosmetics and Disinfectants Act (No 54 of 1972) if food is provided to the occupants.

CHAPTER 12

SWIMMING POOLS AND SPA-BATHS

“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.

52. Health certificate requirement-

No person may operate swimming pools and spa-baths except in terms of a valid health certificate issued.

53. Requirements for premises-

(1) 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
- (b) every swimming-pool must be surrounded by a wall or fence as prescribed by the NBRBS Act.
- (c) the surface of the floor area surrounding any spa-bath or swimming-pool must be constructed of an impervious, non-slip material;
- (d) an approved chemical gas mask must be provided at the chlorinator installation;
- (e) if so instructed in writing by or authorized person , an oxygen or air breathing apparatus must be provided; and
- (f) an adequate number of refuse receptacles must be provided on the premises.

54. Duties of spa-bath keepers-

Every spa-bath keeper must –

- (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 kit in a prominent, easily accessible and protected position;
- (c) purify, treat and maintain the spa-bath water to an adequate quality level at all times;
- (d) provide and maintain, in good working order, equipment for testing the quality of the spa-bath water;
- (e) be capable of undertaking routine tests on the water quality in the spa-bath and interpreting the tests results; and
- (f) maintain a daily record of the spa-bath water quality.

55. 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 kit in a prominent, easily accessible and protected position;

- (c) be qualified and proficient in life saving, rendering first aid, use of a resuscitation appliance, the operation of the swimming pool and testing and maintaining the safety of the swimming pool water;
- (d) ensure that the swimming pool water is purified, treated and maintained to an adequate quality at all times;
- (e) provide and maintain, in proper working order, equipment for testing the quality of the swimming pool water;
- (f) be capable of undertaking routine tests on the water quality in the swimming pool and interpreting the tests results; and
- (g) maintain a daily record of the swimming pool water quality.

56. Water supply-

- (1) Unless the prior written approval of Council or authorised personnel has been obtained, no person operating a spa-bath or swimming pool may use water from an approved water source to clean, fill or maintain the water level in a swimming pool or spa-bath.
- (2) Council or authorized person must –
 - (a) take samples of a swimming pool or spa-bath water, at intervals which it or 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.

57. Safety of water-

- (1) 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 7.2 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.

58. Order and behaviour-

(1) No person may –

- (a) interfere with a spa-bath keeper or swimming pool keeper in the execution of his or her duties;
- (b) allow any dog or other pet belonging to him or her or under his or her care to enter or to remain within the premises of a spa-bath or swimming pool, unless it is a guide dog accompanying a blind person;
- (c) enter or remain in any premises of a spa-bath or swimming pool if he or she knows or suspects that he or she may be suffering from any communicable or contagious disease; and
- (d) urinate, defecate, spit or blow his or her nose in a spa-bath or swimming pool.

CHAPTER 13

KEEPING OF ANIMALS

“agricultural holding” means the same as defined in the applicable local municipal Town Planning Scheme;

“animal” means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, reptile, insects 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;

“cattery” means premises in or upon which –

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

“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 –

- (c) in relation to any animal, the owner of the animal or any other person responsible for feeding and caring for the animal;
- (d) 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, reptile, insect, 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;
- “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 the local municipal Town Planning Scheme; Planning Scheme, or a township approved in terms of any prior law relating to townships;
- “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;
- “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

59. Application -

- (1) Subject to the provisions of subsection (2), the provisions of this Chapter do not apply to –
- (a) any agricultural show where animals are kept on a temporary basis; and
 - (b) any laboratory where animals are kept for research purposes.

- (2) The provisions of these By-laws apply to the keeping of animals at any agricultural show and at research laboratories.
- (3) No person may, keep or allow to be kept, any animal other than an approved pet on an erf in a proclaimed township, provided that not more than three (3) pets be kept on a premises and the keeping of such pet does not create or constitute a nuisance
- (4) The premises should operated under the permit issued in compliance with the relevant bylaws of a specific local authority
- (5) If at any time it appears to an authorized official that the keeping of animals 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) refer the matter to relevant local authority for revocation of the permit; or
 - (b) prohibit the keeping of such animals, provided municipality has given the holder of such permit and the occupier of the premises not less than 14 days' notice in writing of its intention to cancel the permit or prohibit keeping of such animals has considered any representations made within that period.
- (5) Council/municipality 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 (4) and instruct the owner to comply with the requirements within the period stated in such notice, which must be at least 48 hours.
- (6) Council must as soon as a permit has been cancelled, notify the health certificate holder of that fact in writing.
- (7) Council 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

60. 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 internal wall surfaces of the stable must be constructed of smooth brick or other durable surface brought to a smooth finish;
 - (c) the height of the walls to the wall plates of the stable must –
 - (i) if the roof is a pitched roof be 2,4 metres;
 - (ii) if the roof is a flat roof be 2,7 metres;

- (iii) if the roof is a lean to roof be a mean height of 3 metres with a minimum of 2,4 metres on the lowest side;
 - (iv) in the case of a stable which has an opening along the entire length of one of its long sides be not less than 2 metres;
- (d) the stable must have a floor area of at least 9 m² for each head of cattle, horse, mule or donkey accommodated in it;
- (e) 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;
- (f) the lowest point of every opening, window or louvers must be at least 1,8 metres above floor level;
- (g) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish graded to a channel and drained in terms of section 98;
- (h) 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;
- (i) 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;
- (j) there must be a water supply adequate for drinking and cleaning purposes next to every stable or enclosure.

61. Duties of keeper of cattle, horses, mules and donkeys-

Any person who keeps any cattle, horse, mule or donkey 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 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 127mm 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;
 - (i) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids; and
 - (j) take adequate measures to keep the premises free of pests and to prevent offensive odours arising from the keeping of cattle, horses, mules and donkeys.

Part 3: Keeping of goats and sheep

62. Application-

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

63. Requirements for premises-

(1) No person may keep goats or sheep in –

- (a) an enclosure which does not comply with the following requirements:
 - (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 and have a smooth internal finish;
 - (iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel drained in terms of section 98;

- (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.

64. 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;
- (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.
- (g) Take adequate measures to keep the premises free of pests and to prevent offensive odours arising from the keeping of goats and sheep.

Part 4: Keeping of poultry

65. Application-

The provisions of sections 81(d), (f), (g) and 82(e), do not apply to any person keeping ten or less poultry.

66. 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 health certificate authorising that activity.

67. Requirements for premises-

(1) 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 and must have a smooth internal surface;
 - (ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish;
 - (iii) the upper floor of a two or more story structure must be constructed of an impervious and easily cleanable material;
 - (iv) (iv) the minimum floor area must be –
 - (aa) 0,20 m² for each grown fowl, duck, muscovite duck or guinea fowl;
 - (bb) 0,5 m² for each grown goose, turkey or peacock; and
 - (cc) 0, 14 m² 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 –
 - (i) every wall, if provided, must be at least 2,4 m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface;
 - (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 or other impervious material brought to a smooth finish 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 98;
 - (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 77 mm high;
 - (iii) the platform must be graded and drained in terms of section 98; and
 - (iv) the roof of the platform must extend a minimum of 1 meter beyond the edges of the base of the platform.

68. Duties of keeper of poultry-

- (1) 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

69. Application-

The provisions of sections 85(b), (c), (d), (f) and (g), and 86(d), (f) and (g), do not apply to any person keeping five (5) or less rabbits.

70. Permit requirements-

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 health certificate authorising that activity.

71. Requirements for the premises-

(1) 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 120, 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; and
 - (cc) must have a smooth internal surface;

- (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 or other impervious material brought to a smooth finish, and if required by an environmental health practitioner, the floor surface must be graded to a channel drained in terms of section 98;
- (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
- (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 system;
- (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.

86. Duties of keepers of rabbits

(1) 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;

- (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; and
- (h) Take adequate measures to keep the premises free of pests.

Part 6: Keeping of birds other than poultry

72. Requirements for the premises-

- (1) 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.

73. Duties of keepers of aviaries-

- (1) 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;
 - (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

74. Requirements for premises-

- (1) No person may use premises as kennels or a cattery except in terms of a health certificate authorizing 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 or other impervious material 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
- (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 or other impervious material brought to a smooth finish;
 - (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 meter 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 –
- (i) dwelling or other building or structure used for human habitation;
 - (c) place where food is stored and prepared for human consumption; or
 - (iii) the boundary of the premises.

75. Food preparation areas-

(1) 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.

91. 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) store all loose food in receptacles, with close fitting lids, in the food store;
- (f) provide adequate refrigeration facilities to store perishable foods on the premises; (g) provide adequate separate refuse receptacles, with close fitting lids, on the premises for refuse other than faeces;
- (h) keep any sick dog or cat isolated from any other animals;
- (i) maintain the premises free from offensive odours and every enclosure, shelter, kennel, cage or food store clean and free from pests; and
- (j) ensure that no dog or cat disturbs the comfort, convenience, peace and quiet of the public.

Part 8: Pet shops and pet parlours

76. Requirements for premises-

(1) 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 or other impervious material brought to a smooth finish;
- (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 portable 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 99;
- (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 100mm 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 portable water; or
 - (ii) a stainless steel sink or trough of adequate size with a drainage board and provided with a supply of running portable water;
- (h) the platform, sink or trough referred to in paragraph (g) must be drained in terms of section 99;
- (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 and every change room must –
 - (i) have a floor area providing at least 0,5 m² for each employee;
 - (ii) have a minimum overall floor area of 6 m² and width of two metres; and
 - (iii) be equipped with an adequate metal locker for each employee;
- (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 portable 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 99;
- (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.

77. Duties of pet shop or pet parlour keepers-

(1) 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 exterior cavity of any tubular or hollow material used to construct a cage must be sealed;
 - (iii) the cages must be able to be moved easily;
 - (iv) where rabbits are kept in a cage, the metal floor-tray referred to in subparagraph (i), must be drained to a removable receptacle;
 - (v) the cages must be fitted with a drinking vessel filled with water;
 - (vi) the distance from any cage to the nearest wall must be a minimum of 150 mm;
 - (vii) the cages must be kept a minimum of 450 mm above floor level; and
 - (viii) 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 115
- (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 portable 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

78. Requirements for the premises-

(1) 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:
 - (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 –
 - (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 portable 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 portable water and drained in accordance with section 99, 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 99;
- (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.

79. Duties of keepers of wild animals-

- (1) Any person who keeps wild animals must –
 - (a) 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; (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

80. Requirements for premises-

- (1) 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
 - (iii) have a smooth, impervious internal surface;
 - (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 or other durable and impervious material brought to a smooth finish; 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 98;
- (g) the pigsty must be strong enough to prevent the pigs breaking out;
- (h) the pigsty may not be situated within 100 metres of –
 - (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.
- (l) effective fly control measures must be provided.

81. Duties of keepers of pigs-

- (1) 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 98(b);
 - (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: Keeping of pets

82. Duties of keepers of pets-

(1) Any person who keeps pets must –

- (a) maintain the premises in a clean and sanitary condition at all times;
- (b) clean all manure and food scraps from any premises at adequate intervals;
- (c) prevent the soil beneath or around any premises from becoming saturated with urine or polluted by any other matter or liquid
- (d) ensure the availability of drinking water on the premises.

Part 12: General provisions

83. Drainage-

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

84. Requirements for keeping of bees-

(1) No person may keep bees on any premises unless –

- (a) that person is the holder of a health certificate authorising that activity; and
- (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.

(2) No person may dump or deposit any garbage, compost, grass cuttings or manure within five metres of any bee hive.

85. Illness attributable to animals, poultry or birds-

(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 practitioner within 24 hours of diagnosis, by the person making the diagnosis.

- (2) An environmental health practitioner 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.

86. Keeping of and slaughtering animals for religious and ceremonial purposes-

- (1) A person intending to slaughter an animal in any place other than in a recognised Abattoir must -
- (a) notify the Council in writing, three (3) days prior to the event; and;
 - (b) submit prior written permission from the owner, tenant or person in control of the land where such a slaughtering will occur if the person who performs the slaughtering is not the owner, tenant or person in control of the relevant land; if the applicant is the owner, proof of ownership must be submitted with the application;
 - (c) obtain prior written permission from Council to conduct such a slaughtering,
 - (d) slaughter the animal in a position where the slaughtering cannot be observed by any person on neighbouring premises or any member of the public;
 - (e) use the meat derived from the slaughtered animal solely for the purposes of the religious or ceremonial feast;
 - (f) handle the meat in a hygienic manner at all times;
 - (g) dispose of any portions, faecal deposits and blood of the animal which are not used or consumed, in a manner which will not become a public health hazard or public health nuisance;
 - (h) not keep such animal prior to slaughtering for a period in excess of 12 hours; and
 - (i) ensure that the animal does not cause a noise nuisance or disturbing noise whilst being kept for slaughter or being slaughtered.
- (2) A person intending to slaughter an animal for religious and/or ceremonial purposes may require the services of an environmental health practitioner for post-mortem examination of the slaughtered animal at a cost determined by Council from time to time.

CHAPTER 14

CARAVAN PARKS AND CAMPING GROUNDS

“approved” means approved by the Council, regard being had to the reasonable public health requirements of the particular case;

”camp” or **“camping”** means the erection or use of a temporary or movable structure for the purpose of human occupation, including tents but excluding non-folding caravans;

“camping ground” means an area of land on which accommodation is provided for camping purposes, whether or not a charge is made for such accommodation;

“camp site” means an area or plot of ground within a camping ground for the accommodation of a camper’s party;

“camper’s party” means a party of not more than six persons;

“caravan” means a vehicle, with or without means of self-propulsion, designed and permanently constructed for sleeping or dwelling purposes, or both, intended for travel, recreation and vocational purposes and having no foundation other than wheels which may be supplemented by stabilizing jacks. (Park Homes or any other similar structure or vehicle not normally health certificate without a special health certificate are from this definition).

“caravan park” means an area of land on which accommodation is provided for three or more caravans, whether or not a charge is made for such accommodation:

“caravan site” means an area or plot of ground within a caravan park for the accommodation of a caravan and its towing vehicle, if any:

87. Requirements for Premises-

- (1) For each caravan or camp site there shall be provided a clearly demarcated and numbered level area of not less than 120 m² with a minimum width of 10m.
- (2) In addition to the area required in terms of sub-section (1), there shall be provided, for recreational purposes, an area equal to at least 25% of the gross usable area of the caravan park or camping ground.
- (3) Roadways not less than 5m in width, with a hardened surface, shall be provided so as to afford vehicle adequate access to all caravan or camp sites under all weather conditions, and such roads shall afford free access to a public road.
- (4) The caravan park or camping ground shall be properly and attractively laid out and landscaped, and it shall be a condition that the plan as approved by the Council shall be adhered to in every detail by the licensee.
- (5) Approved direction signs, indicating the water closets, urinals, ablution and other facilities required in the caravan park or camping ground in terms of these by-laws, shall be placed at approved points.
- (6) A fence not less than 2m high and meeting with the approval of the Council shall be provided to enclose the entire area of the caravan park or camping ground.
- (7) The entrance to the caravan park or camping ground, roadways, paths, water closets, urinals, ablution and other facilities, and the fire fighting and first aid points, shall be adequately illuminated during the hours of darkness.
- (8) An adequate and constant supply of portable water, shall be available and one permanent stand pipe shall be provided in a convenient position for every four caravan or camp sites,

and under every stand pipe tap there shall be a gully trap set in a dished and properly rendered surround and connected to an approved drainage system.

- (9) All baths, showers and wash hand basins shall be provided with an adequate and constant supply of hot and cold running water and shall be fitted with waste pipes suitably trapped and discharging over and into an external gully connected to an approved drainage system.
- (10) Every bathroom or shower cubicle shall have a door which is lockable from the inside and shall be provided with a built-in soap dish. In addition, every bathroom shall be provided with a seat and a wall hook or a towel rail of at least 600mm and every shower cubicle with a disrobing area suitably screened from the shower, a seat and a wall hook or towel rail of at least 600mm.

88. Sanitary Facilities

The following separate water closet and urinal accommodation shall be provided:

- (1) Males: A minimum of one water closet and 750 mm of urinal space for every eight caravan or campsites or part thereof. The bucket and channel of the urinal shall be of stainless steel or other approved materials.
- (2) Females: A minimum of two water closets and thereafter an additional water closet for every six caravans or camp sites or part thereof in excess of twelve sites. A binette with a self-closing lid shall be provided in each water closet.
- (3) The internal wall surface of all bathrooms, shower cubicles and water closets shall be painted with a light colored oil paint or shall be provided with a wall covering of an approved material.
- (4) All water closets, urinals, ablution and other facilities shall be suitably designated and the entrances in the water closets, urinals and ablution facilities shall be screened from public view.
- (5) An approved slop sink unit with an adequate and constant supply of cold running water shall be provided for caravaners and campers where chemical toilets receptacles shall be emptied and cleaned. The unit shall be installed within a separate compartment adjacent to an ablution block with access thereto for both sexes. The floor of such compartment shall be graded and drained to an approved drainage system.
- (6) For every twenty caravan or camp sites or part thereof for the uses of caravaners or campers, a screened or enclosed drying yard and a laundry room equipped with a double bowl stainless steel laundry trough and an ironing board or table shall be provided. The laundry trough shall be provided with an adequate and constant supply of hot and cold running water and fitted with waste pipes suitably trapped and discharging over and into

an external gully connected in an approved drainage system. An earthed 15 ampere socket outlet for a three-pin plug shall be fitted in the laundry room.

- (7) For every twenty caravan sites or part thereof and for every ten camp sites or part thereof, there shall be provided under a roofed area, on an approved impervious floor, which shall be graded and drained to an approved drainage system, a double compartment wash-up sink unit for the washing of caravaner's or camper's culinary utensils.

CHAPTER 15 DISPOSAL OF THE DEAD

89. Requirements:

(1) Any person involved in processes of disposal of the dead must abide by Health Act and regulations:-

- (a) The Funeral Undertaker must be in possession of a certificate of competence issued by the relevant authority
- (b) The premise from which the Funeral Undertaker operates must be zoned in accordance with the local Town Planning Scheme for such businesses.
- (c) The requirements relating to a Funeral Undertaker's premises are in accordance with Act 61 of 2003. (d) The premises be subject to inspection,
- (d) The Council reserves the right to refuse permission to any Funeral Undertaker to undertake business in any cemetery or crematorium under its jurisdiction if such undertaker is not in compliance with these By-laws;

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90. Application to exhume a body or body ashes-

Any person who intends to exhume or cause to exhume a body or body ashes shall comply with provisions of these By-laws.

91. Exhumation requirements-

(1) The Environmental Health Services shall grant authorization for an exhumation to be conducted subject to compliance with the following requirements:

- (a) Handling of the mortal remains must be done by a registered undertaker.
- (b) All persons engaged in the physical exhumation shall be provided with approved protective clothing such as durable hand gloves, overalls, gumboots and aprons of durable material and nose and mouth masks.
- (c) An effective, approved disinfectant to be provided and effectively used to disinfect during and after exhumation.

- (d) After exposing the coffin, and/or body remains, such coffin, body remains and soil surrounding it shall be effectively disinfected.
- (e) If the coffin is still in a good state of repair it must not be opened and must be placed in a suitable container immediately after exhumation.
- (f) If the deceased has not been buried in a coffin, or if the state of decomposition of the coffin and the remains render compliance with sub-section (5) impossible, the remains and the content of the grave must be placed in a suitable container immediately after exhumation.
- (g) All used disposable protective clothing to be placed into refuse bags and to be disposed of in an approved manner.

92. General provision

The applicant must at all times comply with the provisions of the By laws relating to Municipal Cemeteries of the municipality.

93. Cemetery facility

- a) shall have Cemetery Name Signs with a maximum size of cemetery name signs shall be 1,5(one point five) meter in height and one meter in width. Height shall be measured from the top of the uppermost board to the bottom of the lowest board.
- b) side must be fenced and contain at least one or more entrances with lockable gate(s).
- c) Must contain ablution facility accommodating both gender.
- d) facility must have accessible safe water supply .
- e) yard must be kept clean free from environmental hazards.
- f) Must have a direction sign board to direct the public situated outside

CHAPTER 16

DRY CLEANING AND LAUNDRIES

"clothes or clothing" shall mean and include all articles of wearing apparel, table linen, bed linen and window curtains, or any other articles submitted for laundry work;

"Council" means the municipal council of the Waterberg Municipality in which the executive and Legislative authority of the municipality is vested, and which is the decision making body of the municipality, and its delegates;

"Head" means the Head: Social Services or a person delegated by her to perform the functions set out in these by-laws;

"laundry" means and include all premises where laundry work is performed;

"laundry work" shall mean and include the washing, mangling, drying, bleaching, dry cleaning and ironing of any clothing or clothes, for gain and also delivery thereof;

"receiving depot" shall mean such premises other than a laundry, where clothes or clothing are deposited, kept or stored for purposes of laundry work and shall include the entire apartment in which such depot is situated;

"prescribed fees" means the fees as determined from time to time by the Council by means of resolution;

94. Application and requirements

Registration of laundry

- (1) Any person desiring to establish or carry on any laundry or receiving depot within the municipality shall apply in writing on the prescribed forms, to the municipality for health certificate in respect of the premises concerned.
- (2) Such health certificate shall be in the format as approved from time to time.
- (3) No health certificate shall be transferable from one person to another.
- (4) no person may conduct a business as a laundry or receive any clothes or clothing to be laundered on any premises not registered in accordance with these by-laws. A person in contravention of this subsection shall be guilty of an offence.
- (5) Premises registered as a receiving depot in terms of these regulations shall be used for such purposes exclusively.

95. Requirements for buildings, appliances, apparatus and furniture

- (1) Every person conducting the business of a laundry shall in respect of the premises where any such business is carried on, or in respect of the appliances, apparatus and furniture used on such premises, or in respect of the persons engaged in connection with such business, or in respect of the conducting of such business, comply with the following conditions:
 - a) every building in which laundry work is performed shall be sufficiently lighted and ventilated by means of windows, doors and other openings so as to clear contaminated air therein.
 - b) the floor of every wash-place in a laundry shall be properly paved with cement concrete with a smooth surface or with other hard and impermeable material and shall be properly and efficiently drained. The walls of every such wash-place shall be of smooth finish and covered either in oil-based paint or with glazed tiles, impervious bricks or a washable surface to a height of at least 2 metres from floor level.

- c) the wash-stone, bench, slab, block or other implement, article or thing used for the purpose of receiving clothes or clothing in the process of being soaped or cleaned, shall be constructed in such a manner to health certificate being kept in a thoroughly clean condition at all times.
- d) every part of the laundry including the furniture and fittings therein shall at all times be kept scrupulously clean and free from vermin.
- e) every employee in a laundry shall be clean in person and his wearing apparel shall be kept in a proper state of cleanliness. Suitable overalls shall be provided by the employer and shall be worn by all persons engaged in the laundry. Such overalls shall not be removed from the laundry premises.
- f) all clothes or clothing brought into any laundry for laundry work shall be kept in such laundry until returned to the owner thereof or to the Receiving Depot.
- g) no iron, stove or other apparatus likely to emit noxious fumes or gas injurious or dangerous to health shall be used in a laundry, unless efficient ventilation as prescribed by national legislation or regulations, are provided to the rooms in the laundry where these gasses are used.

(2) Structural facilities

- (a) The layout of the laundry and plant in health facilities must meet process requirements for ensuring health and safety of employees; for controlling of infection; and avoiding contamination.
- (b) Ventilation must comply with specific air flow requirements e.g. from clean to soiled linen areas and from roof to floor in contaminated linen areas.
- (c) Drainage for laundry from health facilities should be designed without open drains; with lockable inspection or rodding eyes; with a flow from clean to dirty areas; and not connected to storm water drainage.
- (d) Internal walls should be constructed of an impervious material, brought to a smooth finish and painted with a light coloured paint that is easily cleanable.
- (e) Ceilings should be constructed of a dust proof material, smoothly finished and painted with a light coloured washable paint.
- (f) Floor surfaces should be constructed of cement or some other adequate impervious material, brought to a smooth finish and properly drained.
- (g) The minimum height from floor to ceiling of any room or area should not less than 2.4 meters.

(3) Water supply and sanitation facilities

- (a) Toilet facilities and hand wash basins should be provided on the premises for staff and must be separated by gender. At least 1 (one) toilet and 1 (one) hand wash basin should be provided for every 20 (twenty) employees on the premises.
- (b) Toilet facilities should be equipped with a flushing system and a constant supply of toilet running water, and provided with toilet paper, soap and disposable paper towel.
- (c) Where five or more persons of the same sex are employed on the premises, adequate separate change rooms should be provided for male and female employees and designated for each sex; a locker must be provided for each staff member in the change rooms, as well as a hand wash basin provided with a supply of running hot and cold portable water.
- (d) A supply of soap and disposable towels at every hand wash basin.
- (e) An approved, suitable and effective means of drainage and sewage disposal should be in place on the premises, and must be approved by the local authority concerned.

(4) Storage, work areas and facilities

- a) A workroom or area used for housing dry- cleaning machines, washing-machines, and all other fixed or movable equipment used for the operation of a dry cleaning or laundry facility should be provided on the premises.
- b) In the case of receiving depots, a separate area with a minimum width of not less than 2m must be provided, fifty percent of that area must be unobstructed.
- c) A floor area of not less than 2.5 m² per person should be provided in the work area for persons employed on the premises.
- d) A separate area with separate designated counters, with an impervious surface must be provided for receiving and dispatching of articles.
- e) A separate area should be provided for receiving and marking of soiled and dirty articles and the area is equipped with:
 - f) Working tables constructed of a durable material with an impervious surface;
 - g) Adequate containers constructed of a washable material for storage of dirty articles; and
 - h) Hanging rails and shelves constructed of an impervious material in the area for marking clean articles.
- i) A store room of facilities for the storage of packaging material and other articles should be provided and equipped with adequate packing shelves.
- j) Suitable and separate hazard-free lockable storage for chemicals must be provided.
- k) All packaging shelves should be a height of at least 250mm above floor level.
- l) A separate room or area with separate designated counters, with an impervious surface should be provided for the receipt and dispatch of articles.

- m) All machinery and equipment should be equipped with adequate suction fans to remove any noxious gas, steam and hot air from any room and to release it in the open air in an adequate manner.
- n) If nappies are laundered on the premises, a separate pre-rinsing area should be provided for rinsing of nappies prior to washing.
- o) The premises, as well as all fittings, equipment and appliances and machinery must be kept clean, hygienic and in good repair at all times.

CHAPTER 18

SURVEILLANCE AND PREVENTION OF COMMUNICABLE AND NON COMMUNICABLE DISEASES

96. Prevention and restriction of and control over communicable diseases:

- (1) An environmental health practitioner may, when it comes to his or her notice that a communicable disease is present or has occurred in his or her area and if he/she is reasonably satisfied that the spread of such disease constitutes or will constitute a real danger to health, may, by written order and subject to conditions contained in such order –
 - (a) close any public place;
 - (b) regulate or restrict any person to any area;
 - (c) place any person or persons or any premises or specific area under quarantine in order to prevent the spread of such disease or in order to control or restrict such disease.

CHAPTER 18

VECTOR CONTROL

97. Requirements

- (1) Premises must comply with the following requirements for rodent or pest control purposes:
 - (a) Effective measures must be implemented to prevent and control infestation from rodents, insects and other pests on any premises. Pest control programs on premises should sets out procedures necessary to prevent and control pests within the premises. It includes identification of pests, level of infestation and measures implemented to prevent and control pest infestation in the internal and exterior perimeters of the premises.
 - (b) Pest control program should adopt an integrated pest management (IPM) approach which includes facility inspections, waste management, housekeeping, hygiene standards, structural maintenance and repairs of premises.

- (c) Pest control program to include:
 - (i) Regular inspection of premises to identify conditions that promotes harbourage of pests (i.e. availability of water, food, shelter that may be used by pests);
 - (ii) Clear prevention and control measures to be implemented in dealing with pest infestations within premises; and
 - (iii) Procedures on correct storage of food, management of waste and housekeeping to ensure proper management of conditions that may promote pest infestation.
- (e) Suitably trained and competent personnel should be designated for the implementation and maintenance of documented pest control programs.

98. General hygiene standards

(1) Waste management

- (a) Waste generated on premises should be properly removed and stored at all times.
- (b) Waste storage areas must be kept clean and waste removed regularly to eliminate potential food sources and harbourage for pests.
- (c) Containers used for the discarding or storage of waste material to be fitted with tight fitting lids, maintained rodent proof and constructed of material which may not be penetrated by rodents.
- (d) Waste storage containers must be kept closed, cleaned and disinfected regularly to avoid attracting pests.

(2) Housekeeping

- (a) Good housekeeping practices should be adopted to ensure premises are kept free of conditions that may attract pests.
- (b) A cleaning program should be in place which promotes the immediate cleaning of minor spills and filth (i.e. clean-as-you-go principle).
- (c) External environment should be maintained in good condition, including cutting and trimming of overgrown grass and vegetation to prevent harbourage of pests.

(3) Water and Food

- (a) Stagnant water should be emptied and removed to eliminate possible breeding area for mosquito and source of water for rodents and other pests.
- (b) Food products and any matter that may attract vectors must be covered at all times and stored correctly.
- (c) Premises should be maintained in a manner which does not allow the accumulation of water that may result in breeding or harbourage of any pest.

(4) Use of Baits on Premises

- (a) Bait stations must be placed in a locked, labelled, tamper-resistant container designed specifically for holding baits.
- (b) Baits containers should be securely placed to ensure container may not be moved or picked up.
- (c) Regular inspections on the bait station must be conducted to check for the presence of rodents.
- (d) Bait stations must be maintained in good condition and replaced regularly.
- (e) Bait stations should be placed in a manner so as not to be accessible by children or untargeted animals.
- (f) Schematic representation of areas where rodent bait stations have been placed must be recorded and updated when required.

(5) Rodent Proofing

- (a) Premises should be constructed and maintained in a rodent proof manner to prevent penetration of by rodents and other pests.
- (b) Rodent proofing in buildings must be conducted in terms of the SANS Code 080:1972 – Code of Practice for the Rodent Proofing of Premises.
- (c) Any openings or gaps on the premises where rodents may enter must be repaired or sealed immediately.
- (d) All rodent proofing must be maintained in good order and repair so as to be impervious to rodents and other pests.

(6) Pesticide use

- (a) The frequency of pesticide application should be based on the level of pest infestation on the premises, e.g. high levels of pest infestation may initially require monthly pesticide application.
- (b) Pest infestation must be identified prior to pesticide use as type of pest determines type of pesticide to be used.
- (c) Pesticides should be used in a manner as not to cause harm to the environment and to human health.
- (d) Pesticides must be applied only when control for a specific pest cannot be achieved in any other way, such as, including, but not limited to waste management, usage of traps, good housekeeping.
- (e) In the case where an external pest control service provider is utilized, such a contractor must be registered in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No 36 of 1947).
- (f) Pesticides must be handled, stored and disposed of in terms of SANS 10206:2010 – The Handling, Storage and Disposal of Pesticides.

- (g) Operators of pesticides must use proper personal protective clothing and gear during pesticide application.
- (h) Pesticides must be applied according to the label/manufacturers instruction.
- (i) In food establishments, the use of pesticides for pest control must be conducted in terms of SANS Code 10133:1977 – The application of pesticides in food handling, food processing and catering establishments.
- (j) In food establishments, the use of pesticides for pest control must be conducted in terms of SANS Code 0133:1977 – Code of practice of practice for the application of pesticides in food handling, food processing and catering establishments.
- (k) Pest control certificates for extermination must be issued by Pest control operators registered in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock remedies Act, 1947 (Act No. 36 of 1947) and such certificates must not be older than 6 months.
- (l) The application of pesticides on the premises must be recorded and records must be made available at the request of an authorised official.
- (m) The application of pesticides on premises must be communicated to all in public areas within the premises prior to such application.
- (n) Such communication to include:
 - (i) Purpose of pesticide application;
 - (ii) Registered name and number of pesticide used;
 - (iii) Precautions to be taken prior or after the application;
 - (iv) Date and time of application;
 - (v) Area of application; and
 - (vi) Contact details of responsible individual.
- (o) The storage of pesticides for commercial use should be avoided on premises. In cases where such storage may not be avoidable, the following applies:
 - (i) Pesticides must be stored in dry, well ventilated, lockable storage areas where access is limited to relevant individuals;
 - (ii) Pesticide storage area must be located away from food or water handling and storage areas;
 - (iii) Pesticide storage area must specifically be designated for such storage and no other item to be stored in such area;
 - (iv) Stored pesticides must be correctly labelled and maintained free of leaks;
 - (v) Disposal of pesticides, pesticide containers and pesticide residues should be effectively conducted in terms of SANS 10206:2010 – The Handling, Storage and Disposal of Pesticides;

- (vi) Clear, visible warning signage must be placed on the entrance of storage areas;
- (vii) Spill control procedures must be documented and made available;
- (viii) Pesticides should be kept in their original containers and tightly closed at all times;
- (ix) Pesticide storage containers must be inspected regularly for leaks; and (x). An inventory of all stored pesticides must be kept away from the storage area.

(7) Records of pest control to be kept

The following records must be documented and kept on the premises:

- (a) Records detailing site inspections and chemical applications that have been conducted on the premises;
- (b) Premises site- inspection records are to include, but not limited to:
 - (i) Date of inspection;
 - (ii) Pest sightings during inspection;
 - (iii) Area of pest infestation;
 - (iv) Location of baits, if used; and
 - (v) Recommendations made on rodent proofing, hygiene or food, waste and water storage.
- (c) Records of chemical applications on premises may include, but not limited to:
 - (i) Name of pesticide used;
 - (ii) Target pest;
 - (iii) Method of application;
 - (iv) Specific area where pesticide has been applied;
 - (v) Amount of pesticide used at the application site;
 - (vi) Date of chemical applications; and (vii) Details and signature of applicator.

8. Records must be made available to an authorised official on request

CHAPTER 19

ENVIRONMENTAL POLLUTION CONTROL

99. Noise Control:

(1) No person

- (a) may erect educational, residential, flat, hospital, church or office buildings in an existing area for which a zone sound level has been designated, unless acoustic screening measures have been provided in the building to limit the reading on an integrating impulse sound level meter, measured to such a level as determined by the designated zone sound levels, approved by Council;

- (b) may situate educational, residential, hospital or church even within a controlled area or an area that has been rezoned: Provided that such situation may be allowed by the local authority concerned in accordance with the acoustic screening measures mentioned by the environmental health practitioner in the approved building plans
 - (c) may operate or play a radio, television set, gramophone, recording device, drum, musical instrument, sound amplifier or similar device producing, reproducing or amplifying sound, or allow it to be operated or played, in a public place, if the noise level, measured at any point which may be occupied by a member of the public or at one metre from the source of the sound, exceeds 90dBA, unless permission has been obtained from the municipality stating the period that noise should not exceed 8 hours in a day or from 14:00 to 22:00 pm in a given day.
- (2) Excessive, disruptive and displeasing noise emanating from any activity on any premises must be controlled to ensure acceptable levels.
 - (3) The level of noise produced on an industry that emits noise should conform to the requirements as specified in the Occupational Health & Safety Act 85 of 1993
 - (4) Noise prevention and mitigation measures should be applied where predicted or measured noise impacts from a project facility or operations exceed the applicable noise level guideline at the most sensitive point of reception.
 - (5) Utilising measures for controlling noise from stationary sources by implementing noise control measures at source.

100. Prohibition of Disturbing Noise

- (1) No person may make, produce or cause a disturbing noise, or allow it to be made, produced or caused by any person, animal, machine, device or apparatus or any combination thereof.
 - (a) Any person intending to host an event shall consult with neighbours who are likely to be affected by an event to seek their consent in writing before any event is staged, such written consent shall detail the time, date and type of event; the application form;
 - (b) Application for traditional and religious ceremonies, promotions and marketing events shall be submitted to the District Municipality seven (7) days before the event takes place, such an application must be accompanied by the written consent as outlined above in subsection 1(a);
- (2) General powers of the Municipality.

The municipality may –

- (a) for the purpose of applying these regulations, at any reasonable time enter a premises –
 - (i) to conduct any examination, inquiry or inspection thereon as it may deem expedient; and
 - (ii) to take any steps it may deem necessary;
- (b) if a noise emanating from a building premises, vehicle, recreational vehicle, animal or street is a disturbing noise or noise nuisance, instruct in writing the person causing such noise or who is responsible therefore, or the owner or occupant of such building, premises, vehicle, recreational vehicle or street, or all such persons, to discontinue or cause to be discontinued such noise or to take steps to lower the level of such noise to a level conforming to the requirements of these regulations within the period stipulated in the instruction: Provided that the provisions of the paragraph shall not apply in respect of a disturbing noise or noise nuisance caused by rail vehicles, air traffic or by vehicles that are not used as recreational vehicles on a public road;
- (c) if the owner or person in charge of an animal making a fails to comply with an instruction referred to in subsection (b), subject to the applicable provisions of any other law, impound or cause to be impounded such animal;
- (d) impose such conditions as it deems fit when granting any permission or exemption in terms of these regulations, including the specification of times and days when activities that may cause noise are permitted or prohibited;
- (e) subject to the applicable provisions of any other law, place or cause to be placed measuring instruments or similar devices, road traffic signs or notices at any place within its area of jurisdiction for the enforcement of the provisions of these regulations: Provided that road traffic signs and notices shall be placed on private property only with the permission of the owner.

(3) Exemptions

The provision of these regulations shall not apply, if –

- (a) the emission of sound is necessary for the purpose of warning people of a dangerous situation; or
- (b) the emission of sound takes place during an emergency.

(4) General prohibition

No person may –

- (a) fail to comply with a written condition, instruction, notice, requirement or demand issued by a District Municipality in terms of these regulations;
- (b) tamper with, remove, put out of action, damage or impair the functioning of a noise monitoring system, noise limiter, noise measuring instrument, acoustic device, road traffic sign or notice placed in a position by or on behalf of a district;
- (c) for the purposes of these regulations, in respect of a duly authorized employee of a district–
 - (i) fail or refuse to grant admission to such employee to enter and to inspect a premises;
 - (ii) fail or refuse to give information which may lawfully be required of him or her to such employee;
 - (iii) hinder or obstruct such employee in the execution of his or her duties; or
 - (iv) give false or misleading information to such employee knowing that it is false or misleading.

CHAPTER 20 POLLUTION CONTROL

101. Land, soil, water and air pollution control

- (1) No person;
 - (a) is allowed to dispose of any chemical toilets contents, pesticide contents and containers or any other waste in any area unless permitted by the municipality;
 - (b) to may dispose of oil or any hazardous waste on any soil;
 - (c) is allowed to dump any building rubble in any area unless permitted by the local municipality;
 - (d) may litter or dump any waste on any private or public land not designated for that purpose.
- (2) No person
 - (a) may pollute any water source;
 - (b) is allowed to dispose of any chemical toilets contents or pesticides contents and containers or any waste into water
- (3) **Waste Management:**
 - a) Waste generated in the municipal area must be disposed of at an approved landfill site.

- b) No person may burn waste either in a public or private place, for the purpose of disposing of that waste.
- c) No person may dump waste
- d) No person may incinerate waste either in a public or private place, except in an incinerator at a place where the relevant authorities permit of such incineration.

(4) Storage of special industrial, hazardous or health care risk waste

- (a) Any person carrying on an activity which generates special industrial, hazardous or health care risk waste, must ensure that such waste generated on the premises is kept and stored thereon until it is collected from the premises.
- (b) Special industrial, hazardous or health care risk waste stored on premises must be stored in such a manner that it does not become a nuisance or causes harm to human health or damage to the environment, and in accordance with the requirements of any applicable legislation relating to buildings.

(5) General requirements with regard to Air pollution:

- (a) Any person who is wholly or partially responsible for causing significant air pollution or creating a risk of significant air pollution occurring must take all reasonable measures:
 - (i) to prevent any potential significant air pollution from occurring; and;
 - (ii) to mitigate and, as far as reasonably possible, to remedy any significant air pollution that has occurred.
- (b) The Council may through air quality subsection direct any person who fails to take the measures required under subsection (1) –
 - (i) to investigate, evaluate and assess the impact of specific activities and report thereon;
 - (ii) to commence taking specific reasonable measures before a given date;
 - (iii) to diligently continue with those measures; and
 - (iv) to complete them before a specified reasonable date.

CHAPTER 21

CHILD CARE CENTERS / ECDS

102. Standards

Child care centres must comply with the following standards:

1) Location and design

The premises used for or in connection with child- care services located, designed, constructed, finished, and equipped and in such a condition that child-

- (a) can be cared for hygienically; and

- (b) can be adequately protected against any possible public health hazard, risk and/or public health nuisance.
- 2)** A partial care facility for children with disabilities or chronic illnesses, in addition to the National Norms and Standards contemplated in subsection (1) shall-
 - (a) be accessible to such children;
 - (b) provide facilities to meet the needs of such children; and
 - (c) employ persons that are trained in and provide training to persons employed at the facility on;
 - (i) The needs, health and safety of such children;
 - (ii) Appropriate learning activities and communication strategies for such children; and
 - (iii) Basic therapeutic intervention.
- 3)** A partial care facility may offer programmes appropriate to the developmental needs of the children in that facility as may be prescribed, in line with the Children's Act, 2005 (Act No. 38 of 2005) ("the Children's Act").
- 4) Issue of a Health Certificate for operation of a child care centre**
 - (a) The premises must be operated under a valid Health Certificate issued by an EHP, to the effect that the premises comply with EH norms and standards.
 - (b) A health certificate shall indicate the following information:
 - (i) The details of the health certificate holder, owner/person in charge of the child care center;
 - (ii) The physical address of the premises;
 - (iii) The identity number of the certificate holder;
 - (iv) The number of children and the minimum age groups permitted on the premises;
 - (v) Hours of operation; full day or half day care;
 - (vi) Prohibitions placed on the premises;
 - (vii) A certificate number;
 - (viii) Date of issue; and
 - (ix) The validity period (one calendar year from the date of issue).
 - (c) The health certificate is displayed in a conspicuous manner on the premises, so as to be clearly visible to everyone entering the premises.
 - (d) A health certificate shall not be transferable from one owner to another, or from one premises to another.
 - (e) Health certificates must be renewed by an EHP of the relevant local authority;
 - (i) Annually;
 - (ii) In case of change of ownership;

- (iii) In the case of renovations/additions to the existing premises; and
- (iv) If the services moves from one premises to another.
- (f) A health certificate may be withdrawn by an EHP where conditions of the premises are such that they pose a hazard or risk to the children's health and safety.
- (5) Enclosure of the premises
 - (a) An enclosed yard, enclosed with a fence, brick, wall or other approved material must be provided to ensure the safety of children on the premises.
 - (b) An entrance and exit control available on the premises.
 - (c) The yard must be kept clean at all times free from long grass, debris, litter, stagnant water and other miscellaneous waste.
- (6) Indoor play area
 - (a) An indoor play area for playing, eating and for sleeping purposes is provided in line with the requirements as set out in the Children's Act.
 - (b) A building structure used as an indoor play area must be compliant with the requirements of the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977):
 - (i) Exterior walls and roof is constructed in a manner as to prevent the permeation of wind and rain and to ensure the health and safety of children;
 - (ii) Windows and doors must allow natural light and cross ventilation; and
 - (iii) Floors have a smooth surface that is easily cleanable and prevents the permeation of dampness;
 - (c) An indoor play area with a minimum of 1.5m² free unobstructed floor space must be available for each child.
 - (d) If no outdoor play area must be provided on the premises, an indoor play area with a free unobstructed floor space of 3m² must be provided;
 - (e) Separate indoor and outdoor play areas must be provided for at different age groups (0-2 years), (2-4 years), (4-6years).
 - (f) An activity area of 4m² must be provided for every child of school going age catered for on the premises.
 - (g) The play area should be free from any structural hazards, such as sharp corners, stairs, slippery surfaces that may pose a danger or constitute a hazard to children on the premises.
 - (h) Adequate seating (juvenile size chairs and tables), playing and sleeping (water proof mattresses) equipment must be available for the individual use of each child.
 - (i) Cots and water proof mattresses must be spaced 750mm apart during sleep or nap time to allow free and safe movement by a child care supervisor.

- (j) Linen used for sleeping purposes must be laundered at least weekly, especially for children under the age of 3 (three) years.
- (k) Indoor playing equipment/toys should be provided free from sharp points or edges.
- (l) The area must be kept clean and in good repair at all times, free from debris, litter and other miscellaneous rubbish.
- (m) During cold weather conditions, the premises should be adequately heated throughout with suitable means of heating, to prevent children being exposed to extreme cold conditions. Heating facilities used are safe for children and staff and do not emit noxious fumes, gases or odours.
- (n) Storage facilities for the storage of children's toys, books, and other play material must be provided in the indoor play area.

(7) Outdoor play area

- (a) An outdoor play area of adequate size must be provided on the premises, in line with the requirements as set out in the Children's Act.
- (b) An outdoor play area of a minimum of at least 2m² must be provided for each child.
- (c) Separate outdoor play areas should be provided for different age groups, (0-2 years) (2-4 years), (4-6 years).
- (d) The play area must be enclosed by adequate means of enclosure and provided with a lockable gate, to prevent unauthorized entry and children leaving the premises on their own accord.
- (e) The play equipment provided must be free from sharp points or corners, splinters, protruding nails or bolts or rusty parts, hazardous small parts, lead-based paints, poisonous material, or flaking or chalking paint. The play equipment should also be designed to guard against entrapment or situations that may cause strangulation.
- (f) The play equipment should be kept clean and maintained in good working order and in good repair.
- (g) Playground equipment provided on the premises must be safe and should not pose any harm to the safety of the children, with regards to the height and material construction of the equipment and playground surfacing.
- (h) The outdoor play area must be kept clean and free from litter, debris and accumulation of other waste.
- (i) The outdoor play area must be free of any excavations, steps, projections, levels or any surface which is dangerous or may constitute a safety hazard.

(8) The use of artificial/synthetic grass surfaces

Where artificial grass surfaces are used in outdoor play areas, the following measures must be put in place to ensure the safety of children:

- (a) Due to the ability of synthetic fibres to retain high surface temperatures, measures should be taken to reduce high surface temperatures on the grass (applying water on the synthetic fibre on warm days).
 - (b) The surfaces should be cleaned regularly with suitable cleaning material to prevent the offensive odours and the occurrence of other health hazards.
- (9) Toilets / ablution and nappy changing facilities
- (a) Adequate toilet and wash up facilities must be provided on the premises for use by the children, in line with requirements as set out in the Children's Act.
 - (b) For centres catering for toddlers, junior type toilets and washbasins should be provided where appropriate.
 - (c) Toilet and hand washing facilities must be accessible to the children.
 - (d) For children 0-3 years:
 - (i) Developmentally appropriate toilets are provided;
 - (ii) At least 1 (one) toilet is provided for every 20 children;
 - (iii) Where there are no sewerage systems in place, potties are provided;
 - (iv) At least 1 (one) potty is provided for every 5 (five) toddlers;
 - (v) Human excreta from potties to be disposed of hygienically in a toilet;
 - (vi) Potties are cleaned after every use and disinfected in a properly demarcated area;
 - (vii) A clearly demarcated nappy changing equipped with an easily cleanable surface and water-proof mattress in line with the Children's Act is provided, and this area is located away from the any food preparation area;
 - (viii) Proper hygiene practices are employed during diaper changing, to prevent the faecal contamination of the immediate environment in the changing area, as well as to prevent transmission of faecal oral infections, these hygiene practices include the following:
 - (aa) Covering all faeces/urine on diaper;
 - (bb) Disposal of faeces or urine in a toilet;
 - (cc) Covering of the nappy and placing it in a refuse bin with a closed lid;
 - (dd) Disinfection of changing area;
 - (ee) Wiping of babies hands; and
 - (ff) Washing of hands with soap and water (caregiver)
 - (e) For children 3-6 years –
 - (i) At least 1 (one) flushing toilet and at least 1 (one) hand wash basin must be provided for every 20 children on the premises;
 - (ii) A supply of cold and hot running portable water must be available at every wash-hand basin;

- (iii) Where none waterborne toilets are available, Ventilated Improved Pit toilets are recommended;
- (iv) The toilet facility must be available within 200m of the child care facility;
- (v) Pit toilets used are so structured as to be able to be used by children (reduced pots size and height), and doors openable on the outside;
- (vi) The pit toilets must be maintained in good order and cleaned regularly to prevent the occurrence of offensive smells and attraction of flies; and
- (vii) Children are not to use pit toilets if unaccompanied by a care giver.
- (f) Toilet facilities are structurally safe and kept in a clean and hygienic condition at all times.
- (g) Toilet facilities must be properly illuminated ventilated in line with the National Building Regulations and the Building Standards Act.
- (h) Toilets are maintained in good order and in good repair, and are kept clean and free from offensive smells at all times.
- (i) Where no running water is available, the use of low cost hand washing points should be made in various ways; including the following-
 - (i) a pitcher of water and a basin (one person can pour the water for another to wash their hands; the wastewater falls into the basin);
 - (ii) a small tank (e.g. an oil drum) fitted with a tap, set on a stand and filled using a bucket, with a small soak away or a basin under the tap to catch the wastewater; and
 - (iii) a “tippy-tap” made from a hollow gourd or plastic bottle that is hung on a rope and that pours a small stream of water when it is tipped.
- (j) Children must be educated on the importance of washing hands at all times after visiting the toilet.
- (k) Separate toilets and hand wash facilities should be provided for staff members on the premises.
- (l) An adequate amount of toilet paper, soap and towel should be available in the toilet facilities at all times.
- (10) Water supply requirements
 - (a) Where no running water is available, a minimum of 10-25 litres per person per day must be made available and stored hygienically on the premises for all uses.
 - (b) Children must be encouraged to drink water during the day to prevent dehydration and interruptions in concentration.

(11) Designated milk preparation areas for children under 2(two) years

- (a) Where bottle or breast fed children are accommodated on the premises, a designated area must be provided in the kitchen for the preparation, and washing of feeding bottles and teats.
- (b) An adequate supply of portable running cold and hot water is available for washing of bottles and teats.
- (c) Cooling facilities are provided for the hygienic storage of milk bottles.
- (d) Storage facilities are available for storage of milk and other foods.
- (e) To minimize infections from viruses, bacteria and parasites and the risk of disease transmission, all bottles used for feeding of children must be sterilized.
- (f) Before sterilizing, used bottles, teats and caps are must be thoroughly washed with clean soapy water to remove all traces of milk. The following methods of sterilization may be employed:
 - (i) Microwaving – Sterilizing using a microwave for approximately 90 seconds;
 - (ii) Boiling – If bottles are suitable for boiling, boil bottles in a pot with lid for approximately 10 minutes;
 - (iii) Cold water – Using of a sterilizing solutions such as bleach dissolved in cold water, the solutions must be changed every 24 hours; or
 - (iv) Electric steam sterilizing – Use of steam sterilizers, sterilizes bottles in 8-12 minutes.
- (g) Refrigeration/Cooling facilities are provided for the hygienic storage of milk bottles that are prepared and stored before use. The temperature of the refrigerator is not higher than 50 C and is monitored daily.
- (h) Storage facilities are available for storage of milk and other foods.

(12) Storage facilities

To minimize infections from viruses, bacteria and parasites and the risk of disease transmission, the following measures must be applied:

- (a) Separate storage facilities must be provided for proper storage on the premises; and
- (b) Adequate storage space and/or facilities should be made available for storage of:-
 - (i) Personal belongings of each child;
 - (ii) Personal belongings for staff on the premises;
 - (iii) Equipment such as children's prams, push-up chairs, cots and play and work tools, toys;
 - (iv) Cleaning material which may be unsafe, toxic, dangerous or hazardous materials.

(13) After Care Services

- (a) Where after care services are provided on the premises, separate facilities are provided for that purpose.

- (b) After school centre may not be permitted on the same premises as day care centre unless separate facilities are provided, or unless conducted on different times.
- (c) An indoor play area of not less than 1.5m² free floor spaces is provided for each child in after care and an outdoor play area of not less than 2m² is provided for each child.
- (d) At least 1 (one) toilet and 1 (one) hand-wash facility is provided for every 20 children of part thereof on the premises and designated by sex.
- (e) An adequate supply of toilet paper and soap is provided in the toilet and hand wash facilities at all times.
- (f) Adequate tables and chairs are provided for use by the aftercare children.

(14) Medical care for children

- (a) Adequate, timely and appropriate medical attention is provided in cases where children might require medical care, in line with the norms and standards as set out in Section 89 of the Children's Act.
- (b) For any child who becomes ill or has suffered an injury requiring medical attention, a care giver must:
 - (i) Immediately notify the parent or guardian of the child;
 - (ii) Immediately call for medical assistance, if necessary;
 - (iii) Provide the necessary care and treatment for minor ailments in the sickbay area;
 - (iv) Immediately notify an EHP/relevant health authority in an event of the illness being suspected of being a communicable disease; and
 - (v) Only administer medicine to a child with the written consent of the parent or guardian, a medical journal must be kept in which details of any medicine administered to a child, including the quantities is recorded. The journal must be signed by any parent bringing along medication to be administered during the day to any child.
- (c) Availability and/or easy access of a telephone essential for notification of a parent or guardian where applicable and to summon medical assistance in accordance when required.
- (d) It is a prerequisite that every child to attend pre-school to have completed basic immunization schedules for his/her age as determined by the National Expanded Programme on Immunization of the Department of Health.
- (e) Children suspected or diagnosed an infectious or communicable disease are closely monitored and possibly the parents advised to exclude from attending child care until it has been declared by a doctor that it is safe to do so.
- (f) Caregivers are trained in basic first aid.
- (g) Medical reports of each child must be kept on the premises, each record must contain;

- (i) Information containing the child's general state of health and physical condition, including any allergies;
 - (ii) Any illnesses, including any communicable diseases, operations etc. that a child may have suffered in a specified period;
 - (iii) Immunization records; and
 - (iv) Details of allergies and any medical treatment that the child may be undergoing.
- (h) A list of emergency telephone numbers which include, fire brigade, ambulance, outbreak response, clinic, hospital, doctor and police must be available and easily accessible on the premises.
- (i) Adequate provision is made for disposable gloves and disinfectants to protect staff and children and to disinfect contaminated areas and surfaces when dealing with blood related illnesses and injuries.
- (j) All areas and surfaces where a treatment of a child or caregiver for an illness or injury has taken place must be disinfected immediately.
- (k) A management plan should be in place for exposure to HIV and Hepatitis B for any child or caregiver who may have been accidentally exposed to blood or bloody substances.
- (l) Health care risk waste accumulated on the premises as a result of provision of medical care for children is safely packaged, labelled, stored and safely disposed off.
- (m) A child showing signs of illness or condition that is suspected to be communicable may not be admitted to the regular child care programme, until such time that a medical officer of health has certified that the condition may not pose any health risk to other children on the premises.
- (n) Medicines, cleaning substances and any dangerous substances must be kept in locked spaces and kept out of reach of children.
- (o) An approved, lockable and adequately equipped first aid kit is available.
- (p) The first aid kit must include, amongst other equipment must contain adhesive bandages; Sterile gauzes; Medical tape; scissors; a cardiopulmonary mouthpiece protector; Liquid soap; First aid instruction book; Disposable gloves.

(15) Sick bay facilities

- (a) A sickbay area for the treatment and care of a child who falls ill, who is injured during day care or who may be suffering from an illness that is suspected to be infectious is provided on the premises, in line with the requirements as set out in the Children's Act.
- (b) The sick bay area:
 - (i) Must be properly ventilated and illuminated in line with the Building Regulations;

- (ii) Must be equipped with an adequate supply of portable water and a wash up facilities (for washing of wounds, hand washing etc.);
- (iii) Must be free from any offensive odours, fumes, vapours and gases;
- (iv) May not be utilized for any other purpose, such as storage area for other things;
- (v) Should not be accessible by other children at all times, especially when the child in the sick bay area is suffering or suspected to be suffering of an infectious diseases.

(16) Keeping of registers and records

Registers, records and journals are kept for administrative control as per the requirements set out in the Regulations pertaining to the Children's Act.

(17) Staffing requirements

An adequate number of competent care givers must be available to supervise and care for children on the premises, in line with specifications set out in the Children's Act.

(18) General hygiene requirements

- (a) Play rooms are regularly cleaned to minimize dust and moulds.
- (b) Solid waste is removed from playrooms daily.
- (c) Waste water is disposed off quickly and safely.
- (d) The density of vectors in the premises is minimized by use of appropriate and effective methods of eliminating and preventing the breeding of vectors, in line with the specifications as set out in
- (e) Basic environmental controls are in place and are the basis of a vector control strategy on the premises (disposal of waste, excreta, food hygiene, cutting of grass etc).
- (f) Each child is provided with a face cloth which must be individually marked for that child's use and is individually hanged on pegs or hooks, disposable towels may be utilized.
- (g) If cots or mattresses are used, the floor must be free from dirt, dampness or any liquid substances.
- (h) Individual sheets and covers are provided for each child and washed at least once a week, or more often, if necessary.
- (i) Mouth contact toys used for children under the age of 2 years are cleaned and sanitized daily, by scrubbing in warm and soapy water using a brush, rinsing with clean water, submerging in a sanitizing solution for at least 2 minutes and air dried.
- (j) Waste is kept out of reach of children at all times.

(19) Safety measures

- (a) Strict safety measures must be in place for protection of children's welfare in line with the requirements as set out in the Children's Act.
- (b) Reasonable measures should be taken to safeguard the health, safety and welfare of pre-school children.
- (c) All heating appliances/heat emitting surfaces must be protected by a fix guard or must be thermostatically controlled to ensure safe surface temperatures.
- (d) Hot water must be thermostatically controlled to ensure safe temperatures.
- (e) Children must be protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other objects that may be dangerous or constitute a hazard or injury to the children on the premises.
- (f) The premises must be free from any noxious, poisonous or dangerous plants or shrubs.
- (g) No animals or birds are kept on the premises where a child care centre is operated, except by written permission of the EHP after the necessary EH assessment has been completed.
- (h) No paddling pool, swimming pool or other related structure are permitted in any child care centre premises, except by written permission by the EHP (if a swimming pool has been allowed by the EHP, such swimming pool must be fenced off and be covered at all times); Ponds, pits and or other hazards in the garden or external play area should be fenced off to ensure safety of children.
- (i) Smoking is prohibited on the premises and "No smoking" signs must be installed strategically on the premises.
- (j) Dangerous objects, materials, sharp instruments and utensils are kept stored away and out of reach of children and dangerous substances are not used in the vicinity of children.
- (k) All open electrical plugs should be adequately covered;
- (l) Approved fire control equipment approved should be provided and maintained in good working order, in line with the relevant By-Laws of a specific Local Authority;
- (m) If children are transported to and from the child care centre, care must be taken to ensure that;
 - (i) Children are supervised by at least one adult, apart from the driver during boarding and disembarkation;
 - (ii) Doors of the vehicle are child locked at all times during the transportation of children;
 - (iii) Children are not transported in the front seat or in the boot of any vehicle during transportation without proper supervision;

- (iv) Children are not overloaded in any car; and
- (v) The driver responsible for transporting the children, as well as the transportation utilized is permitted in terms of the requirements of the National Road Traffic Act, 1996 (Act No. 93 of 1996).

(20) Sand Pits

- (a) All sandpits are under shaded areas and the following measures are taken to ensure the hygienic maintenance of the sand pits: The sand pit must be:
 - (i) Covered at night to prevent contamination by animals, and other pests;
 - (ii) Properly constructed, well drained to keep it as dry as possible;
 - (iii) Raked once a week to remove dirt and rubbish and to air the sand;
 - (iv) Hosed with tap water at least once a week;
 - (v) Covered at all times when not in use;
 - (vi) Disinfected when obviously dirty and contaminated;
 - (vii) Disinfected by ranking sand through the sand;
 - (viii) Toys must be removed from the sand pit after each day; and
 - (ix) Changed at least annually.
- (b) If the sand is contaminated by animal or human faeces, blood or other body fluids, children must be removed from the sand pit and:
 - (i) Use of a watering can with mild detergent or household disinfectant diluted in water, over the sand to kill germs; or disinfect by ranking salt through the sand; or
 - (ii) The sand must be completely replaced if contaminated extensively.
- (c) Children must be supervised at all times when playing in the sand pit;
- (d) Only sand that is appropriate for use in sand pits is utilized;
- (e) Caregivers must ensure that children wash their hands every time after playing in the sand pit.

(21) After school facilities

If after- school care services are provided for children of school-going age on the same premises as the child-care services, the following are provided:

- (a) Separate facilities must be provided for school going age children and for under school going age children;
- (b) An indoor care area of at least 1.5m² must be provided for each child;
- (c) At least 1 (one) toilet facility and 1 (one) hand-wash basin must be provided for every twenty (20) children or part thereof;
- (d) Toilet and hand wash facilities are separated by sex;
- (e) Adequate seating and tables are provided for each child.

CHAPTER 22
STANDARDS FOR OLD AGE HOMES / HOMES FOR THE AGED

103. Requirements

Old aged homes must comply with the following Norms and Standards;

(1) Registration and Issue of Health Certificate for maternity home

- (a) The premises should be operated in terms of a permit or registration by the relevant authority, authorizing that activity.
- (b) The premises are complies with the requirements of the Older Persons Act, 2006 (Act No. 13 of 2006), as well as the Norms and Standards for acceptable levels of services to older persons and service standards for residential facilities, published by the Department of Social Development.
- (c) The premises must be operated under a valid Health Certificate issued by an EHP, to the effect that the premises comply with the Norms and Standards for Old Age Homes.
- (d) The premises must promote the health and safety of residents or older persons;
- (e) A health certificate issued by an EHP to the effect that the premises comply with EH requirements shall be issued and indicate the following:
 - (i) The details of the health certificate holder, owner/person in charge of the child care center;
 - (ii) The physical address of the premises;
 - (iii) The identity number of the certificate holder;
 - (iv) A certificate number;
 - (v) Number of beds/patients that can be accommodated on the premises; (vi) Services offered on the premises; (vii) Prohibitions applicable;
 - (viii) Date of issue; and the validity period (one calendar year from the date of issue).
- (f) The health certificate must be displayed in a conspicuous manner on the premises, so as to be clearly visible to everyone entering the premises.
- (g) A health certificate shall not be transferable from one owner to another, or from one premises to another.
 - (h) Health certificates must be renewed by an EHP:
 - (i) Annually;
 - (ii) In case of change of ownership;
 - (iii) In the case of renovations/additions to the existing premises; and (iv) If the services moves from one premises to another.

(2) Structural and physical facilities

- (a) Walls the of premises should be constructed of brick, stone, concrete or other impervious material, plastered and brought to a smooth finish; and covered with a light coloured paint, adequate plastic finish or other approved material.
- (b) Floors should be constructed of concrete, hardwood or other durable material and brought to a smooth finish.
- (c) Ceilings must be constructed so as not to attract dust and in the case of operating theaters, labour wards, sterilizing rooms and wash up rooms, the ceiling must have a hard, smooth and washable surface.
- (d) Rooms should be adequately and individually ventilated and illuminated.
- (e) All windows in the rooms should be adequately protected or guarded to ensure the safety of service users.
- (f) Heating facilities that are likely to emit offensive and harmful gases, fumes and odours are not allowed.
- (g) Proper signage must be available on the premises.

(3) Accommodation requirements

- (a) Suitable accommodation must be provided for each service user on the premises in line with the requirements of the Older Persons Act, 2006 (Act No.13 of 2006) which meets minimum space as follows:
 - (i) Single rooms must have a floor space of at least 9m² and double rooms with a floor space of 16m² for people sharing (double room).
 - (ii) For ward type accommodation, a floor space of at least 7.5m² must be provided for every service user accommodated in the ward.
 - (iii) For ward-type accommodation, an unobstructed space of at least 1.2m² should be maintained between beds, to enable movement of carers and equipment.
 - (iv) Single rooms accommodating wheel chair users must have at least 12m² usable floor space.
 - (v) The rooms and/wards must be cleaned daily and kept hygienic and free from offensive odours.
 - (vi) For frail care patients, a maximum of 4 (four) beds should be placed per room, with a floor space of 7.5m² per bed.

(4) Dining areas, lounges/sun porches and corridors/passages/ staircases

- (a) The dining area must have a minimum floor space of at least 1.2m² for every service user.
- (b) The lounge area or sun porches area have a minimum floor space of at least 1.5m² for every service user.

- (c) All floor surfaces must be equipped with a non-slip surface, and all carpets, mats and other loose coverings should be suitably and securely secured to the floors and adequately illuminated.
- (d) Corridors area of least 1.8m wide must be provided with a hand railing along the length of at least one wall.
- (e) All corridors, staircases, steps and ramps must be adequately eliminated and fitted with effective ramps.

(5) Toilet and ablution facilities

- (a) Adequate and accessible toilet, bathing and washing facilities must be provided to meet the needs of service users in line with the Older Persons Act, 2006 (Act No. 13 of 2006).
- (b) At least 1 (one) toilet and one bath should be provided for at least every 8 (eight) service users on the premises **ratio 1:8**. Where suitably adapted en-suite toilet and bathing/shower are provided in the user's rooms, these rooms can be excluded from the calculation. The toilet facilities should be designed for use by one person at a time.
- (c) Each service user must have access to toilet facility within close proximity of his/her private accommodation or where they are cared for.
- (d) Additional toilet facilities must be provided, accessible and clearly marked next to the lounge and dining areas for use by service users.
- (e) In calculating the number of toilets, no account must be taken of any toilet contained in a bathroom.
- (f) Every toilet should be equipped with an adequate flushing system and all toilets, bathrooms or showers should be maintained in good working order.
- (g) All toilets must be kept clean at all times; floors scrubbed and bowl cleaned and disinfected daily.
- (h) Adequate and accessible toilet, wash-up and bath facilities should be provided for staff members employed on the premises.
- (i) All bathrooms must be fitted with porcelain, enamel or cast iron enamel baths with a constant supply of cold and hot running portable water.
- (j) Walls of the toilet facilities should be constructed of a smooth surface and be light coloured.
- (k) Toilet facilities must be adequately illuminated and ventilated.
- (l) Separate toilet facilities and hand wash basin should be provided on the premises, for visitors.
- (m) Every toilet facility must be equipped with an adequate flushing system and should be maintained in proper working condition.
- (n) Bathrooms and toilets must all be designated for each sex.

- (o) The toilet areas should be adequately illuminated and ventilated.
- (p) The bathroom complex must be painted with a light coloured durable, washable paint.
- (q) Floors should be covered with a non-slip, non-shining surface.

(6) Staff facilities

- (a) Work station for staff members must be equipped with hand wash basins, with a supply of cold and hot running water to prevent cross infection.
- (b) Separate toilet facilities must be provided for staff members on the premises.
- (c) Separate residential accommodation should be provided for staff required to reside on the premises.
- (d) Adequate sleeping accommodation, toilet and hand wash facilities must be provided for the residential or domestic staff.
- (e) Separate bathrooms and toilets must be provided for domestic and residential staff. The bathrooms must be fitted with porcelain enamel or cast-iron enamel baths with a supply of hot and cold running water.
- (f) At least 1 (one) toilet should be provided for every 12 (twelve) members of staff, **ratio 1:12.**
- (g) At least 1 (one) bathroom or shower is provided for every 12 members of staff, **ratio 1:12.**
- (h) In calculating the number of toilets for staff members, no account must be taken of any toilet contain in a bathroom.
- (i) Every toilet facility must be equipped with an adequate flushing system and maintained in proper working condition.
- (j) The bathrooms and toilets must be designated for each sex.

(7) Examination rooms

- (a) A hand wash basin with a supply of cold and hot running water should be available in all examination rooms.
- (b) Floors should be constructed of a non-slippery floor to prevent accidental slipping.
- (c) Walls must be painted with a light coloured washable paint.
- (d) The room must be adequately equipped for first aid for emergency situations.

(8) Sluice rooms

- (a) Sluice rooms must have a minimum floor area of 7.5m² and a minimum width of 2.5m.
- (b) The sluice room must be well ventilated and illuminated.
- (c) The rooms must be equipped with impervious shelves.
- (d) The rooms must be equipped with hand wash basin for washing of hands by staff and hot and cold running water as well as a combination of a hopper sink with a wash facility for bedpans/urinals.

- (e) The wall area behind the slop hopper sinks and hand wash basins should be equipped with a back splash plate or should be tiled, to facilitate easy cleaning.
- (f) Floors must be constructed of an easy cleanable surface.
- (g) Separate storage space should be provided for urinalysis testing.

(9) Storage facilities

- (a) Adequate storage facilities must be provided for:
 - (i) Storage of medicines and drugs and such facilities and should be kept locked at all times except when medicines or drugs are being removed or returned to it,
 - (ii) Storage of poisons, habit-forming drugs and potentially dangerous drugs.
 - (iii) Storage room must contain adequate moveable shelving made of impervious material.
- (b) Every shelf in a store room should be a minimum height of 225 mm above the floor.
- (c) All storerooms and store facilities must be kept clean at all times and cleaned routinely at least once every week.
- (d) Individual lockable cupboards should be available for storage of each resident's personal items.
- (e) Adequate storage facilities must be provided for the storage of any spare equipment, including particularly heavy equipment and gas cylinders. The equipment must be stored in manner so as not to obstruct any passages, entrances or exits to the premises.

(10) General Requirements

- (a) Measures should be taken for infection control and to prevent spread of infection and communicable diseases.
- (b) All areas of the premises should be maintained in good condition, including the kitchen equipment, laundry machinery; outdoor steps, pathways; gardening equipment to ensure a safe environment for the service users.
- (c) Separate residential accommodation should be provided for staff required to reside on the premises.
- (d) Adequate accommodation for the administrative purposes must be provided on the premises.
- (e) Adequate storage facilities for articles that are reasonable necessary to store on the premises for the day to day running of the nursing home should be provided.
- (f) A fire escape, the stairs of which are a minimum of 1m wide with landings at each turning point, measuring a minimum of 2.2m by 1.7m should be affixed on the premises.

- (g) Fire-fighting and control equipment, approved by the relevant authority of the relevant local authority must be provided and maintained on the premises.
- (h) An emergency stand-by electrical plant is provided which is adequate to provide an immediate alternative supply of electricity to any part of the old age home to ensure the continued operation, throughout the period of the of the failure of all electrically operated appliances and equipment which, in the opinion of an EHP of any relevant professional, are or may be lifesaving;
- (i) Appropriate first aid emergency equipment should be available on the premises.
- (j) A vector control program must be in place on the premises (in line with requirements as set out in Section 18 of this norms and standards.
- (k) Landry area should be available for laundering of linen or other soiled articles on the premises and facilities used in connection with laundering of linen on the premises are compliant with the requirements as set out in section 18 of this document.
- (l) A separate linen room, containing adequate cupboards or shelves for the storage of linen must be provided on the premises.
- (m) If an outside contractor is utilized for laundry purposes, it must be done in an approved laundry by a qualified or registered service provider.

CHAPTER 23

SCHOOL PREMISES

104.Requirements

(1) Issue of a Health Certificate

- (a) The premises must comply with the requirements of the Children's Act with regards to care for children.
- (b) The premises must be operated under a valid Health Certificate issued by an EHP, to the effect that the premises and general facilities comply with EH Norms and Standards for school premises.
- (c) The premises should promote the health and safety of students/children.
- (d) A valid health certificate must be issued by an EHP certifying that the premises comply with EH requirements. The certificate must indicate the following information:
 - (i) The name of the school;
 - (ii) The physical address of the premises;
 - (iii) Name and identity number of the owner or person in charge;
 - (iv) Number of children to be accommodated at the school;
 - (v) Date of issue; and The validity period (one calendar year from the date of issue).

- (e) The health certificate must be displayed in a conspicuous manner on the premises, so as to be clearly visible to everyone entering the school premise.
- (f) A health certificate is not transferable from one owner to another, or from one school premises to another;
- (g) Health certificates must be renewed by an authorised official:
 - (i) Every 2 (two) years;
 - (ii) In case of change of ownership;
 - (iii) In the case of renovations/additions to the existing premises; and
 - (iv) If the school moves from one premises to another.

(2) Structural facilities

- (a) Walls should be constructed of brick, stone, concrete or other impervious material and must:
 - (i) Be plastered and brought to a smooth finish; and
 - (ii) Be covered with a light coloured paint.
- (b) Floors should be constructed of concrete, hardwood or other durable material and brought to a smooth finish.
- (c) Ceilings should be constructed so as not to attract dust and in the case of operating theaters, labour wards, sterilizing rooms and wash up rooms, the ceiling must have a hard, smooth and washable surface.
- (d) Classrooms must be adequately ventilated and illuminated in compliance to the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977).
- (e) The school premises should be equipped with outdoor shaded areas to prevent children from being exposed to excessive heat/sun exposure during play time. The planting of trees around the premises is encouraged.
- (f) Adequate floor space of at least 1.5-2 m² per child should be available per classroom.
- (g) The school premises should be enclosed with an approved means of enclosure, such as a fence, bricks or other approved material.
- (h) Entrance and exit should be controlled so as to prevent unauthorized entry to the school premises.
- (i) An outdoor play area/yard should be available for outdoor activities on the school premises.

(3) Toilet and ablution facilities

- (a) Adequate toilet and wash up facilities that meet the needs of pupils and staff members should be available on the school premises.

- (b) At least 1 (one) toilet facility should be available for every 25 children ratio 1:25, and in addition at least 1 (one) urinal is available for every 50 boys ratio 1:50.
- (c) The school toilet facilities should be equipped with an adequate flushing system and running water.
- (d) At least 1 (one) hand wash basin should be available for every 25 (twenty) children ratio 1:25 on the school premises, equipped with a constant supply of running water.
- (e) Hand wash basins should be located in or immediately adjacent to the toilets.
- (f) If non-waterborne toilets are utilized, Ventilated Improved Toilets are recommended.
- (g) If pit toilets are used, the design of the pit toilets should be constructed in such a manner as not to cause harm or injury to the children.
- (h) Pit toilets should be so structured as to be able to be used by small children (reduced pots size and height), and doors should be open-able on the outside.
- (i) The pit toilets should be maintained in good order and cleaned regularly to prevent smells and flies going in and out of the toilet facilities.
- (j) Young children should not use pit toilet unaccompanied.
- (k) Children must be educated on hand washing after visiting the toilet.
- (l) Separate toilets and hand wash facilities must be provided for staff members on the premises. Toilet and washing facilities for staff may also open for use by visitors. At least 1 (one) toilet facility and at least 1 (one) hand wash basin should be provided for every twelve staff members on the premises ratio 1:12.
- (m) Staff toilets should be separated by gender.
- (n) Toilet facilities must be properly illuminated and ventilated in compliance with the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977).
- (o) Toilets should be easily accessible to all, including staff and children with disabilities - no more than 30 m from all users. Male and female toilets should be completely separated.
- (p) Toilets must provide privacy and security.
- (q) Toilet facilities should be kept unlocked at all times during school hours.
- (r) Toilets must be cleaned daily and wherever dirty, with a disinfectant being used on all exposed surfaces. A cleaning and maintenance plan should be in place for cleaning and maintenance of all toilets.
- (s) All toilets facilities should be designated/ separated by gender.
- (t) An adequate supply of soap and toilet paper should be maintained in the toilet facilities at all times.

(4) Washroom facilities boarders/residential pupils and staff

- (a) Facilities for bathing and showering should be provided on the premises for residential students and staff on the premises.
- (b) Water closets and/or hand wash basins, baths and/showers should be provided and easily accessible to the sleeping accommodation.
- (c) All wash up facilities should be separately provided for male and female boarders.
- (d) At least 1 (one) bath/shower and should be provided for every twenty pupils or staff members on the premises ratio 1:20 and or at least 1 (one) shower is available for every 20 pupils or staff members.
- (e) Wash-up facilities should be separated for pupils and staff, and separate wash-up facilities should be available for boys and for girls. At least one shower should be accessible for females with disabilities and one for males with disabilities.
- (f) A supply of cold and hot running water should be available in the wash rooms.
- (g) If no running water is available on the premises, a minimum of 25 (twenty) liters per person per day for all residential school children and staff should be available and kept and stored hygienically on the premises for all drinking, personal hygiene, food preparation, cleaning and laundry.
- (h) Drinking water must be adequately stored and protected against contamination by flies, dust or animals.

(5) Water supply

- (a) A reliable water point, with soap or a suitable alternative, must be available at all the critical points within the school, particularly in toilets and kitchens.
- (b) A reliable drinking-water access points should be accessible by staff and school children, including those with disabilities, at all times.
- (c) If no running water is available on the premises, a minimum of 5 liters per person per day for non-residential children and staff must be kept and stored hygienically on the premises for all purposes (drinking, personal hygiene/hand washing and cleaning. For boarding schools, a minimum of 20 liters per person per day for all residential school children and staff must be available on the premises for drinking, washing up, cleaning and food preparation purposes.;
- (d) Hand washing is encouraged in children. Simple and low-cost hand washing points can be made in various ways, are utilised for areas with no running water:
 - (i) a pitcher of water and a basin (one person can pour the water for another to wash their hands; the wastewater falls into the basin);

- (ii) a small tank (e.g. an oil drum) fitted with a tap, set on a stand and filled using a bucket, with a small soak away or a basin under the tap to catch the wastewater; and
- (iii) a “tippy-tap” made from a hollow gourd or plastic bottle that is hung on a rope and that pours a small stream of water when it is tipped.

(6) Accommodation for pupils and staff members at boarding schools

- (a) Adequate sleeping, living and accommodation facilities must be provided for boarders and should comply with the requirements of the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977), with regards to ventilation and lighting.
- (b) Separate sleeping accommodation must be provided for residential male and female pupils.
- (c) Separate sleeping and living accommodation should be provided for staff on the premises.
- (d) For dormitories, a floor space of not less than 4.2 m² must be provided for each pupil with a distance of at least 0.9 m maintained between each beds.
- (e) For cubicles, a cubicle for a single pupil with its own window and a minimum floor area of 5.0 m²; must be provided.
- (f) Single bed bedroom for a single pupil must have a minimum floor area of 6.0 m².
- (g) Sleeping accommodation must be kept clean and in good repair.
- (h) A floor space of not less than 2.3 m² should be available in all living accommodation for each pupil and staff on the premises.
- (i) Adequate storage facilities must be provided for the storage of personal belongings of residential pupils and staff, which may include a lockable locker.
- (j) Storage facilities should be provided for the storage of linen.

(7) Sick Bay facilities

- (a) An adequate and equipped sick room must be provided for isolation of sick pupils on the premises in line with the requirements of the Children’s Act.
- (b) One more rooms should be available to be utilized as sick bays for the isolation of any pupil that may fall ill. The office may be utilized for this purpose.
- (c) The area must be provided/ equipped with a hand wash basin with a supply of running water.
- (d) An approved, lockable and adequately equipped first aid kit should be made available in the sick bay area for treatment of minor injuries or illnesses.

- (e) The first aid kit must include, amongst other equipment must contain adhesive bandages; Sterile gauzes; Medical tape; scissors; a cardiopulmonary mouthpiece protector; Liquid soap; First aid instruction book; Disposable gloves
- (f) The sickbay must be equipped with a bed or water proof mattress.
- (g) Proper supervision should be provided at all times for a pupil placed in the sick bay.

(8) Medical care for pupils and students

- (a) Adequate, timely and appropriate medical attention must be provided for pupils requiring medical care on the school premises (in line with the requirements of the Children's Act.
- (b) For any pupil who becomes ill or has suffered an injury requiring medical attention, the school:
 - (i) Immediately assess the injury/illness and if minor, and provide the necessary care and treatment for minor ailments in the sickbay area;
 - (ii) Call for medical assistance, if necessary; and notify the parent/guardian of the pupil;
 - (iii) Immediately notify an EHP/ relevant health authority in an event of the illness being suspected of being a communicable disease.
- (c) A telephone should be available on the school premises for notification of a parent or guardian where applicable and to summon medical assistance in accordance with paragraph b(ii).
- (d) Pupils suspected of suffering from a communicable disease must be excluded from attending preschool if in the opinion of an EHP or relevant health professional, the person poses a health risk to other pupils and is capable of communicating the disease.
- (e) A list of emergency telephone numbers which must include, fire brigade, ambulance, outbreak response, clinic, hospital, doctor and police should be made available and easily accessible on the premises.
- (f) Adequate provision should be made for disposable gloves and disinfectants to protect staff and children and to disinfect contaminated areas and surfaces when dealing with blood related illnesses and injuries; all health care risk waste must be handled and disposed off safely.
- (g) All areas and surfaces where treatment of a child or caregiver for an illness or injury has taken place must be disinfected immediately;
- (h) The adequate training of care givers on basic first aid is recommended.

(9) Vector control

- (a) The density of vectors in the school must be minimized.

- (b) School children and staff must be protected from potentially disease-transmitting vectors.
- (c) Vectors should be prevented from contact with school children and staff or substances infected with related vector-borne diseases.
- (d) Basic environmental control methods- such as proper disposal of excreta, food hygiene, drainage, solid-waste disposal and routine cutting back of vegetation - should be the basis of any strategy.
- (e) Mosquitoes and flies should effectively be excluded from buildings by covering opening windows with fly-screen and fitting self-closing doors to the outside. The use of chemical controls, such as residual insecticide spraying, in and around the school must be conducted in accordance with the specification as set out in Chapter 3 of this Norms and Standards.
- (f) Students and staff with vector-borne diseases such as malaria and typhus should be identified and treated rapidly. They should not attend school during the infectious period so that the related vectors do not transmit the disease from them to other people in the school.
- (g) Regular inspections are carried out to detect and treat body lice and fleas.
- (h) The school premises and, to the extent possible, the immediate surroundings of the school, must be kept free of faecal material to prevent flies and other mechanical vectors from carrying pathogens.

(10) General requirements

- (a) Reasonable measures must be taken to safeguard the health, safety and welfare of pupils on the school premises.
- (b) Pupils and staff must be adequately be protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other objects that may be dangerous or constitute a hazard or injury on the premises.
- (c) Medicines, detergents, pesticides and other harmful substances should be stored in lockable places and access be given to employees responsible for utilizing such materials only.
- (d) The school premises must be kept clean at all times. The outside and inside areas should be free from sharp objects.
- (e) Waste water must be disposed off quickly and safely. Waste water disposal systems should be in place on the premises, in compliance to the relevant By-Laws of the Local Authority concerned.

CHAPTER 24

HEALTH ESTABLISHMENTS

105. Requirements

Health establishments must comply with the following EH norms and standards:

(1) Physical and structural facilities;-

- (a) Internal walls must be constructed of an impervious material brought to a smooth finish and easily cleanable and painted with a light coloured paint.
- (b) Ceilings must be constructed of a dust proof material, smoothly finished and painted with a light coloured washable paint.
- (c) Floor surfaces must be constructed of impervious material, brought to a smooth finish and properly drained.
- (d) The locality of all facilities, including lifts, fire escapes, and entrances exits should be clearly marked for convenience of patients, staff and visitors.
- (e) Facilities for patients and other visitors must be adapted to accommodate physically disabled persons.
- (f) Consultation rooms should be provided separately from waiting rooms to facilitate privacy for consultation purposes.
- (g) The use of equipment, material or substances by workers must be in line with the requirements of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- (h) The premises must comply with the requirements of the National Environmental Management: Waste Act, 2004 (Act No. 39 of 2004), as well as relevant By-Laws of the local authority concerned with regards to the management of general waste on the premises.
- (i) The use of boilers on the premises must comply with the requirements of the National Environmental Management: Air Quality Act with regards to emissions into the atmosphere.

(2) Drinking water quality

- (a) In case a health facility/hospital has additional building-specific sources of water used to augment the external supply, or have specific purposes that increase potential risk, hospitals a risk management plan is in place.
- (b) Water must be continuously tested for fitness of consumption. Where on-site water storage facilities are utilized, the storage capacity should be sufficient for 24 hours.
- (c) Water storage facilities e.g. reservoirs and tanks should be adequately protected from contamination.

- (d) Designated health facility staff monitors continuously the water in reservoirs and tanks for compliance and possible pollution activities. The water in the storage facilities must be tested for compliance and fitness for consumption.
- (e) Water source e.g. borehole, should be effectively protected from contamination.
- (f) If non-compliance is identified when testing of the water, the possible source of contamination must be traced. The possible source of contamination must then be monitored as part of a risk management approach to ensure effectiveness of interventions.
- (g) To prevent organisms that grows in temperatures between 250 C and 500 C e.g. *Ligionella* spp hot water temperatures especially must be kept above 500 C and cold water below 200 C.
- (h) The water supply system that includes the sources (if applicable),pumps, purification plant, taps, pipes, storage facilities and the distribution network linked to health facilities should be maintained in good working order.
- (i) Taps and pipes containing water not fit for human consumption are clearly marked as such.
- (j) The necessary chemicals must be available continuously for water purification, where purification is undertaken by the health facility.
- (k) Designated staff must be available for regular monitoring of the water system in the health facility. Water quality monitoring records must be kept and made available to an EHP on request.
- (l) If water is stored in a temporary water storage tank on the premises, the following standards are applicable with regards to water storage tanks:
 - (i) Portable water tanks should be constructed of a rust-free and durable material that is suitable and safe for portable water storage to prevent the contamination of water;
 - (ii) Tanks should be designed so as to prevent contamination of the water by insects, flies, animals and human contact;
 - (iii) Cold water storage tanks must be located in an appropriate area such that the water is not exposed to the excessive sun to prevent the water from reaching temperatures above 250 C;
 - (iv) Water in tanks should constantly be sampled to ensure proper levels of residual chlorine and other bacteriological and chemical parameters to ensure fitness for consumption;
 - (v) Residual chlorine should be maintained in water kept in storage tanks;

- (vi) The design of the tanks must be such that it allows sampling to be conducted and tests to be taken to verify water quality. They must also be made of material that allows disinfection and contact with flames for sterilizing, in the case where a tap must be flamed before a sample is taken;
- (vii) Portable water storage tanks and any part of the portable water distribution system should be cleaned, flushed with portable water and disinfected to prevent contamination of the water.

(3) Toilet and ablution facilities

- (a) Adequate toilet and wash up facilities should be provided for patients and staff on the premises. At least 1(one) toilet is provided for every 12-15 (twelve to fifteen) in-patients, and 1 (one) hand wash basin, and 1 (one) bath or shower is provided for every 12-15 (twelve to fifteen) in-patients.
- (b) Separate toilet and hand washing facilities must be provided for staff on the premises.
- (c) At least 1 (one) toilet facility and 1 (one) handwash basin should be provided for every 50 out-patients.
- (d) Staff required to sleep on the premises must be provided adequate wash up facilities. At least 1 (one) bath or shower must be provided for every 15 (fifteen) members of staff on the premises.
- (e) Floors of walls of the toilet facilities must be constructed of a smooth and easily cleanable material.
- (f) All toilet facilities on the premises must be kept clean and in good repair at all times.
- (g) All hand wash facilities should be supplied with a constant supply of portable running water.
- (h) An adequate and constant supply of soap, toilet paper and towel must be maintained in all toilet and hand wash facilities at all times.

(4) Storage facilities

- (a) Storage facilities should be provided for the storage for medicines and drugs and such facilities are kept locked at all times except when medicines or drugs are being removed or returned to it.
- (b) Additional storage facilities should be provided for the storage of cleaning equipment, pesticides and other potentially dangerous hazardous substances.
- (c) Storage rooms must contain adequate moveable shelving made of impervious material.
- (d) Every shelf in any store room should be of a minimum height of 225 mm above the floor.
- (e) All storerooms and store facilities must be kept clean at all times and cleaned routinely at least once every week.

- (f) Hazardous substances must be stored and disposed of in a safe manner, separate from other non-hazardous materials.
- (g) Expired medicines should be stored separately and must be disposed of in a safe manner.
- (h) Adequate storage facilities should be provided for the storage of any spare equipment, including particularly heavy equipment and gas cylinders. The equipment must be stored in manner so as not to obstruct any passages, entrances or exits to the premises.
- (i) Adequate storage facilities for articles that are reasonable necessary to store on the premises for the day to day running of the nursing home must be provided.
- (j) A separate linen room, containing adequate cupboards or shelves for the storage of linen must be provided.
- (k) If five or more persons are employed, separate change-rooms must be provided for male and female staff members, equipped with storage facilities or lockers for personal belongings of each worker.
- (l) Food and non-food items should be stored separately from any other items; refrigerators used for storage of medicines are not at any time used for storage of any foodstuffs.
- (m) Separate storage facilities for dirty and clean linen and equipment, including sluice facilities for cleaning of soiled linen and equipment should be provided.
- (n) The storage and dispensing of medicines must comply with the requirements of the relevant legislation.
- (o) Refrigeration facilities used for storage of hazardous waste or infectious material must be marked as such, and should be used to store any other item except for the designed purpose.

(5) Reception of dead bodies on the premises

- (a) All facilities used in connection with the handling, preparation, storage and transportation of dead bodies on the premises and the requirements with regards to the operation of premises for the management of Human Remains must comply with the requirements of the Regulations relating to the Management of Human Remains, R363 of 22 May 2013 published in terms of the National Health Act, 2003 (Act 61 of 2003), as amended.
- (b) Suitable trained staff should be available and responsible for duties in the mortuary and ensure that the Hygiene Standards are adhered to.
- (c) A cleaning program for the mortuary should be in place. A register and records must be kept and maintained of the information regarding the handling of corpses; including the record of refrigeration facilities and temperatures must be taken daily.

- (d) The infection control staff member should regularly monitor whether the policy regarding the handling of corpses is followed and whether the mortuary is operated in an acceptable manner and in consideration of the Norms and Standards document.
- (e) Adequate protective clothing (comprising of waterproof aprons, light coloured overalls and protective gloves) should be provided and utilized for employees working in the mortuary.
- (f) Approved methods of waste collection, storage, transportation and disposal should be adopted for the handling of infectious waste in the mortuary, in compliance to the SANS 10248.

(6) Laundry facilities

- (a) The health establishment facility must have access to a well manage laundry facilities for the effective laundering of linen, for controlling of infection; and avoiding contamination on the premises.
- (b) Internal walls should be constructed of an easily cleanable material, brought to a smooth finish and painted with a light coloured paint.
- (c) Floors should be brought to a smooth finish and are easily cleanable.
- (d) Ceilings should be constructed of a dust proof material.
- (e) The laundry facility must be properly ventilated by cross ventilation and adequately illuminated.
- (f) Drainage systems should be available and designed without open drains; with lockable inspection or rodding eyes; with a flow from clean to dirty areas; and not connected to storm water drainage.
- (g) Areas receiving soiled linen must be separated from areas handling clean linen.
- (h) Adequate ablution and toilet facilities must be provided, including an emergency shower or eye-wash facility in the wash-room where chemicals are handled.
- (i) Suitable and hazard-free storage facilities for storage of chemicals should be provided.
- (j) The capacity and the condition of the equipment used for laundering must meet the hospitals laundering requirements.
- (k) Vehicles, containers, trolleys or other manually operated equipment for the transporting of linen must conform to requirements to ensure contamination free conditions.
- (l) All dirty linen and hospital clothes regarded as infectious waste and must be stored only in the designated storage area and removed from wards, passages or any other place where patients are treated.

(7) Operational requirements

- (a) A policy for the management of linen in a facility must be in place.

- (b) Adequate resources must be provided to ensure effective laundering of linen, including for proper maintenance of buildings and equipment.
- (c) A quality management system must be established incorporating:
 - (i) work instructions and procedures;
 - (ii) Process control procedures;
 - (iii) Quality control procedures; and
 - (iv) Control of linen (clean/soiled) procedures.
- (d) A procedure specifically for infection/contamination control must be made available to staff handling linen. The procedure should include control measures through differentiation between categories of soiled linen, i.e. of high-risk to normal soiled linen: containers must be colour coded in accordance with SANS 1024-1 (as amended):
 - (i) Category A (red bag) = high risk infection for immediate incineration;
 - (ii) Category B (yellow bag) = sealed alginate bags of high-risk (blood/body fluids contaminated or sluiced) for direct loading into washing machines;
 - (iii) Category C (yellow bag/hazard label) = sealed hazardous material (chemical, anti-neoplastic drugs or radio-isotopes) for direct loading into washing machines; and
 - (iv) Category D (white bag) = normal linen of no risk during handling.
- (e) A clear policy on health and environmental protection must be documented and communicated to all laundry staff.
- (f) A person designated as the laundry controller must ensure that the requirements regarding pollution, occupational and environmental hygiene are complied with, including appropriate action in respect of any risks associated with infection or other hazards.
- (g) Procedures for the use of protective clothing and personal hygiene where staff is in contact with high-risk areas or linen should be documented to include precautionary measures.
- (h) The laundry management/controller and other designated staff must be trained and must be competent on:
 - (i) carrying out their functions effectively;
 - (ii) handling hazardous goods in the laundry service;
 - (iii) following procedures (including first aid) with regard to prevention and control of infection;
 - (iv) using protective clothing and follow procedures for decontamination; and
 - (v) operating laundry machines in order to ensure optimum results including general safety procedures.

- (i) Laundry staff must pass the appropriate medical examination at appointment followed by routine health monitoring as prescribed by occupational health and safety legislation.

(8) Record keeping

- (a) Appropriate records of all activities that affect linen and quality must be kept on the premises.
- (b) The laundry data control system must include a master list of documents to facilitate the location and revision of records or documents.
- (c) The results of inspections/checks and quality control tests should be documented and may indicate the need for remedial action where necessary.
- (d) Accurate records of stocks of chemicals, cleaning agents and detergents must be maintained.
- (e) A full set of up-to-date materials safety data sheets for all washing or cleaning chemicals used in the laundry should be available in one location for staff that is likely to become involved in the control of an emergency situation.
- (f) Operation and maintenance records of plant and equipment, including records of special precautions to ensure minimum risk of cross-infection of laundered items must be kept.
- (g) Records of medical examinations, health monitoring and training of staff must be kept.

(9) Use of boilers and incinerators

- (a) The premises must comply with the requirements of the National Environmental Air Quality Act, 2004 (Act No. 39 of 2004) with regards to the use of boilers and incinerators.
- (b) The operation of boilers, incinerators and private sewage works on any premises must comply with the following requirements:
 - (i) Coal and fuel burning equipment such as boilers and incinerators must be operated effectively to minimize smoke, gas, odours, fly-ash or any other form of air pollution;
 - (ii) Only incinerators and boilers which conform to prescribed requirements must be used; and
 - (iii) Incinerators and boilers must be maintained in good working order to ensure pollution free performance.
- (c) Incinerators and boilers should be monitored regularly to ensure effective operation in terms of permit conditions and the applicable local authority's by-laws.
- (d) All necessary technical investigations should be conducted by the operators of incinerators and boilers to ensure that the coal and fuel burning equipment and other relevant disposal facilities are operated in accordance with the relevant permit requirements.

(10) General hygiene requirements

- (a) The premises must be maintained clean, free from offensive odours, unsightly accumulation of debris, litter and miscellaneous waste at all times.
- (b) Cleaning staff should be trained and competent on cleaning techniques and processes to be utilized for various areas in the health facility.
- (c) Cleaning material and detergent required to ensure a hygienic environment in the health facility must be available and properly stored at all times.
- (d) A cleaning schedule should be kept and maintained for cleaning of all areas in the facility.
- (e) Appropriate cleaning material and equipment should be available on the premises.

CHAPTER 25

PRISONS, INCLUDING POLICE STATION HOLDING CELLS

106 Requirements

Prisons, including police station holding cells must comply with the following standards:

(1) Structural facilities

- (a) Walls must be constructed of an approved material, brought to a smooth finish and painted with a light coloured paint.
- (b) Floors must be constructed of concrete, brought to a smooth finish and are easily cleanable.
- (c) Adequate floor space should be provided for each prisoner/inmate on the premises, with regards to cell accommodation to enable prisoners to move freely, and for sleeping purposes.
- (d) Holding cells should be kept clean at all times, free from debris, litter and other miscellaneous rubbish and be maintained in good repair.
- (e) Adequate storage facilities should be provided for the storage of personal belongings of each inmate.

(2) Toilet and ablution facilities

- (a) Adequate toilet, hand washing and shower facilities should be provided on the premises for use by service users/inmates.
- (b) Toilet and wash-up facilities should be adequately illuminated and ventilated.
- (c) At least 1 (one) toilet facility and 1 (one) hand wash basin must be provided for every 20 (twenty) inmates on the premises; and at least 1(one) urinal must be provided for every 50 inmates on the premises.
- (d) At least 1 (one) shower should be provided for every 20 (twenty) inmates on the premises.
- (e) Toilet facilities should provide privacy and security.
- (f) Portable running hot and cold water should be available on wash-up facilities.
- (g) Floors and walls of the toilet and wash-up facilities must be constructed of an easily cleanable surface brought to a smooth finish.
- (h) Toilet facilities must be kept clean at all times, and provided with an adequate supply of toilet paper, soap and drying towels.
- (i) Toilet facilities should be maintained in good working order and in good repair at all times.

(3) Laundering facilities

- (a) Prisons must have access to a well-managed laundry facilities for the effective laundering of bedding and clothing for prisoners.
- (b) Surface finishes of walls, floors, ceilings, fittings, tables and trolleys in the laundry should be smooth and easily cleanable.
- (c) The laundry facility must be properly ventilated by cross ventilation and adequately illuminated.
- (d) Drainage systems should be designed without open drains; with lockable inspection or rodding eyes; with a flow from clean to dirty areas; and not connected to storm water drainage.
- (e) Areas receiving soiled linen must be separated from areas handling clean linen.
- (f) Adequate ablution and toilet facilities should be provided, including an emergency shower or eyewash facility in the wash-room where chemicals are handled.
- (g) Suitable and hazard-free storage for chemicals used for laundering must be provided.
- (h) The capacity and the condition of the equipment used for washing should meet the prisons laundering requirements.

CHAPTER 26

VACANT LAND

107. Requirements

Vacant land must comply with the following norms and standards:

(1) Physical environment

- (a) Vacant land must comply with the relevant by-laws of a specific Local Authority;
- (b) Maintained clean at all times, free from:
 - (i) Accumulation of refuse, debris, including glass, paper, rags, tins, trash, ash and coal, including dead animals;
 - (ii) Overgrown weeds, trees, long grass, and existence of undergrowth, shrubs or any poisonous plants;
 - (iii) Accumulation of wrecked motor vehicles, chassis, engine or other part of a motor vehicle which is unsightly and may pose a health nuisance;
 - (iv) Offensive smells; stagnant waters;
 - (v) Burning of refuse/waste material; and
 - (vi) Any conditions resulting in the breeding of flies, mosquitoes or other insects and the harbourage of rodents and other vermin.

CHAPTER 27

OFFICE ACCOMMODATION

108. Requirements

Office building and accommodation must comply with the following norms and standards:

(1) Toilet and ablution facilities

- (a) Adequate toilet and hand washing facilities must be available on the premises for use by employees, in line with the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977).
- (b) At least 1 (one) toilet facility and 1 (one) hand wash basin should be provided for every 20 employees on the premises. 1(one) urinal should be provided for every 20 employees on the premises.
- (c) Portable running water should be provided at every hand wash basin.
- (d) Toilets facilities should be designated by sex.

- (e) Floors of the toilet facilities should be constructed of a smooth and easily cleanable surface.
- (f) Walls must be constructed of a smooth finish and painted with a light coloured washable paint.
- (g) Toilet facilities must be properly illuminated and ventilated and kept clean at all times.
- (h) An adequate supply of toilet paper, soap and drying towels should be maintained in all toilet facilities.
- (i) Toilet facilities must be cleaned daily and maintained in good working order and in good repair at all times.

CHAPTER 28

HEALTH CARE WASTE

109. Requirements

- (1) Health care waste generators, transporters, treaters and disposers have a general duty of care in terms of these By-laws and any other relevant provincial and national legislation, to separate all health care risk waste at source and to handle, package, store and dispose of health care risk waste in a safe manner that poses no threat to human health or to the environment.
- (2) Without limiting the generality of the duty in subsection (1), generators must:
 - (a) ensure that the generation of health care risk waste is minimized as far as possible at source
 - (b) separate health care waste into health care risk waste and health care general waste at point at which it is generated:
 - (c) store health care risk waste in purpose manufactured, leak-proof, sealable containers and must ensure that such containers used to store sharps, razors, blades, needles and any other instrument which can cause cuts, punctures or injections, are rigid and puncture resistant;
 - (d) ensure that the radioactive waste for which he/she is responsible, treated in accordance with the Hazardous Substances Act 1973, (Act No. 15 of 1973 as amended);
 - (e) ensure that health care waste is properly labelled to identify point of origin;

- (f) ensure that all the employees in their employ are adequately trained in the identification, collection, separation, handling, storing of health care risk waste;
 - (g) take appropriate steps to ensure the health and safety of all the employees in their employ in terms of the Occupational Health & Safety Act 1993, (Act 85 of 1993 as amended);
 - (h) label all health care risk waste containers clearly in large, legible lettering with indelible ink with the following information:
 - (i) the name, address and contact telephone number of the generator
 - (ii) the words: DANGER – HEALTH CARE RISK WASTE; GEVAAR – GESONDHEIDSAFVAL, and INGOZI: INKUNKUMA YEZAMAYEZA and the international bio-hazard logo, and
 - (iii) the date on which the health care risk waste is removed from the premises of the generator.
 - (i) Prevent public access to health care risk waste containers which are in use;
 - (j) Store full health care risk waste containers in controlled, secure areas which are reserved for the storage of health care risk waste;
 - (k) Make arrangements for the removal of health care risk waste from their premises and for the transportation of health care risk waste by a person who is registered in terms of Section 9.2 of these By-laws as a transporter of health care risk waste;
 - (l) Ensure Make arrangements for the disposal of the health care risk waste by a person/institution permitted to dispose of health care risk waste in terms of these By-laws of the District Municipality or any other applicable legislation.
- (3) Generators may apply to the relevant authority for permission to handle, store and otherwise deal with health care risk waste in a manner which does not comply with the requirements as set out in subsection (2) above
- (4) The relevant authority may in writing grant the permission referred to in subsection (3) subject to certain conditions.
- (5) Generators may transport and dispose of health care risk waste generated on their premises, provided they do so in terms of this By-law; (6) Generators must:

- (a) Maintain an up-to-date written record of all health care risk waste generated and removed from their premises in a format from time to time prescribed by District Municipality;
- (b) Obtain written notification from the disposer of the health care risk waste that the health care risk has been disposed of and upon receiving such notification; indicate in their written record that the health care risk waste has been disposed of by mentioning the name of the disposer and the date of disposal;
- (c) Provide copies of the record referred to in subsection (a) and the information in subsection (b) to District Municipality on a six-monthly basis or at any other frequency as may from time to time be prescribed by District Municipality.

9.2 Duty of transporters

- (1) Transporters must remove health care risk waste from the premises of the generator, transport, store and deliver such health care risk waste to an approved site at which it will be disposed of in a manner which poses no threat to human health or the environment.
- (2) Without limiting the generality of the duty referred to in subsection (1), transporters must:
 - (a) not remove the health care risk waste from the containers in which the generator placed it;
 - (b) transport and store the health care risk waste in such way that no member of the public can gain access to the health care risk waste or the containers in which it is stored;
 - (c) transport the health care risk waste in vehicles which:
 - (i) comply with all applicable legislation as from time to time promulgated by National and Provincial Government or in the absence of such legislation
 - (ii) are capable of containing the health care risk waste;
 - (iii) are designed to prevent spillage;
 - (iv) are constructed of materials which are easy to clean and to disinfect;
 - (v) are capable of being secured in order to prevent unauthorized access.
 - (d) deliver health care risk waste only to a person and site permitted to dispose of health care risk waste in terms of section 9.3.

- (3) Transporters may apply to the relevant authority for permission to remove, transport, store and deliver health care risk waste in a manner which does not comply with the requirements as set out in subsection (2) above
- (4) The relevant authority may in writing grant the permission referred to in subsection (3) subject to certain conditions.
- (5) Transporters may dispose of health care risk waste provided they do so in terms of these By-laws
- (6) Transporters must maintain a written record in respect of each collection and delivery of health care risk waste, which they must update simultaneously with each collection and delivery. The record must be in the format as prescribed from time to time by the relevant authority and must be kept for a period of three years from date on which the health care risk waste is delivered to the disposal site. Transporters must keep a copy of the said record in the vehicle used for the transportation of the health care risk waste.

9.3. Disposal of Health Care Risk Waste

- (1) Health care risk waste may only be disposed of by a person
 - (a) Who holds a permit to operate a hazardous waste site in terms of section 20 of the National Environmental Management Act 1998 (Act 107 of 1998 as amended),
 - (b) Who complies to all the terms and conditions attached to such a permit .
- (2) A person permitted in terms of subsection (1) to dispose of health care risk waste must do so at the site at which the permit him or her to dispose of health care risk waste and may not dispose of health care risk waste at any other place.
- (3) Persons who dispose of health care risk waste must:
 - (a) maintain an up to date written record as required in terms of the National Waste Information System and any additional information as may from time to time be required by the District of all health care risk waste received and disposed of at the site;
 - (b) keep such records for a period of three years or for such a period as may be prescribed in terms of the guidelines provided for compliance to the National Waste Information System, whichever the shortest.

9.4. Duty to register

- 1) Every generator must register with the relevant authority within six (6) months of the coming into effect of these By-laws by completing and submitting a written notification to relevant authority in the format prescribed from time to time.
- 2) Every transporter must register with the relevant authority within 6 months of the coming into effect of these By-laws by completing and submitting a written notification to the relevant authority in the format prescribed from time to time.
- 3) Generators and transporters must notify the District of any changes to the information provided in

CHAPTER 29 HAZARDOUS WASTE

110. Applicable legislation and other requirements

29.1 Applicable legislation

The District Municipality, taking cognizance of the provisions of the National Environmental Management Act 1998, (Act 107 of 1998 as amended) the Hazardous Substances Act, 1973 (Act 15 of 1973 as amended), the National Health Act 2003, (Act 61 of 2003 as amended), and the regulations made under these Acts, adopts the provisions in this Chapter.

29.2 Storage of hazardous waste

- (1) An empty container in which hazardous waste such as, but not limited to, pesticides was stored is to be treated as hazardous waste, and –
 - (a) must be stored in such a manner that –
 - (i) no pollution of the environment occurs at any time;
 - (ii) no health nuisance is created at any time;
 - (b) while being stored on site, must be clearly marked or labelled with the words “Hazardous Waste”;
 - (c) the owner or occupier of the land must fence off the storage area to prevent unauthorized access; and
 - (d) shall be dealt with as Class 6 waste as described in the Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste (Second Edition, 1998) as published by the Department of Water Affairs and Forestry and as amended from time to time.

CHAPTER 30
CONSTRUCTION SITES AND INDUSTRIAL PREMISES

111. Construction sites requirements

Construction sites must comply with the following standards:

(1) Water supply and sanitation facilities:

- a) Adequate toilet facilities should be provided for use by construction workers. At least 1 (one) toilet and one hand wash basin is provided for every 20 employees on the premises (ratio 1:20). In addition at least one urinal should be provided for every 40 males on site (ratio 1:40). If more than 200 employees are employed on the site, at least 1 (one) toilet and 1 (one) urinal must be provided for at least every 50 workers (ratio 1:50);
- b) Wash-up facilities equipped with portable water should be provided for employees, especially employees engaged in the application of paints, coating, pesticides etc.
- c) Toilet and washing facilities should always be maintained in a sanitary condition.

(2) Physical facilities:

- a) Whenever food is prepared and served on the premises, the facilities used for the preparation, handling, storage and serving of foodstuffs must comply with the requirements of the Regulations in terms Foodstuffs, Cosmetics and Disinfectant Act, 1972 (Act No 54 of 1972 as Amended)

(3) Waste management and waste water:

- a) Private sewage disposal works or refuse (landfill) disposal sites managed must be operated effectively in accordance with prescribed legislation and health certificate conditions for operation of landfills and sewage works.
- b) Evaluations/monitoring must be included in the waste/pollution management plans and must be implemented per plans.
- c) Final effluent or sludge emanating from the sewage disposal works should be utilized in accordance with prescribed national guidelines to prevent soil and water pollution.
- d) The sewage drainage system must be maintained effectively to prevent blockages and spills that could give rise to environmental pollution.
- e) Staff responsible for the operation of boilers and waste disposal works or facilities should be well trained to operate the facilities effectively and pollution free.
- f) All necessary information concerning boiler and incinerator operations, as required by health certificate conditions and legislation should be recorded.
- g) Results of final sewage effluent of a sewage disposal sites should be recorded.

- h) Waste material and debris should be removed to a disposal area and re -usable material should be sorted and moved to a storage area at least once daily to prevent a hazardous condition arising.
- i) Waste generated should be disposed of at an approved landfill site and in accordance with the relevant by-laws of a Local Authority concerned.
- j) Rubbish, debris and other waste material from the demolition or construction of projects should be temporarily disposed of in a designated area on site and access to the area should be strictly controlled and disposed of at an approved waste facility

CHAPTER 31

PUBLIC GATHERING PLACES

112. Requirements

Public gathering places must comply with the following Environmental Health Standards:

- (a) Waste management:
 - (i) The management of waste on the premises should comply with the relevant by-laws of a specific Local Authority and be regulated by the local authority
 - (ii) Refuse bins should be provided at strategic points throughout the premises for collection of litter.
 - (iii) On-site management of waste should be available on the premises during events, for management of spillages and littering, to prevent a nuisance from occurring.
 - (iv) Arrangements should be in place between the event manager and the Local Authority, with regards to waste management during and after an event.
- (b) Drinking water supply:
 - (i) In the case of events, water points should be available at strategic points throughout the premises.
 - (ii) If water tankers are used during events, must comply with SANS 241
- (c) Sanitation facilities:
 - (i) Adequate toilet and hand washing facilities should be provided for staff and for the public at the ratios depicted in Table 1 below:

Table of sanitary facilities to be provided for a population of up to:

	MALES			FEMALES	
	WC Pans	Urinals	Washbasins	WC Pans	Washbasins
50	1	1	1	2	1

100	1	2	1	3	2
150	1	3	1	5	3
250	2	4	2	7	4
500	3	7	3	12	6
1000	3	12	4	16	7
1500	4	15	5	20	8

- (i) For a population, more than 1500 add 2 WC pans for every 500 persons or portion thereof
- (ii) For a population, more than 1500 add 1 Urinal for every 500 persons or portion thereof
- (iii) For a population, more than 1500 add 1 washbasin for every 500 persons or portion thereof
- (iv) For a population, more than 1500 add 1 WC pans for every 150 persons or portion thereof
- (v) For a population, more than 1500 add 1 washbasin for every 500 persons or portion thereof
- (vi) National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977)
- (vii) Suitable, effective drainage and sewage disposal system should be in place on the premises.

(d) **For short term events:**

- (i) If chemical closet toilets are used, an on-site maintenance team should be available on the premises for the duration of the event to ensure the prevention of blockages and leakages from creating a nuisance and health hazard from occurring; and
- (ii) A site plan detailing the location and type of sanitary facilities to be used during events should be submitted to the Environmental Health Practitioner

CHAPTER 32

OPERATION AND MANAGEMENT OF DIKOMASCHOOLS BY –LAWS

In these By-laws, unless the context otherwise indicates:-

“abduction” or **“kidnap”** means the taking of a person by force without his or her consent and, in this case of a minor, without the consent or permission of his or her parent or guardian, and **“abduct”** or **“kidnap”** have a corresponding meaning;

“circumcision” means the surgical removal of the foreskin or clitoris, including any external genitalia, by a traditional surgeon in accordance with section 3 as part of a cultural initiation process, and **“circumcise”** has a corresponding meaning;

“culture” means the traditional customs of a particular group and includes their habits, norms, mores, ethics and values, and **“cultural”** has a corresponding meaning;

“Environmental Health Practitioner” means the Environment Health Practitioner appointed by the Municipality;

“Executive Mayor” means the Executive Mayor of the Municipality;

“health officer” means a person in the employment of the Municipality who holds qualifications that entitle him or her to be registered as a medical practitioner, an environmental health practitioner or a nurse and who is appointed to enforce the provisions of these By-laws in accordance with his or her professional practice;

“MEC” means the member of the Executive Council of the province of Limpopo who is responsible for health in the province.

“police officer” means any person appointed as a police officer or peace officer by the South African Police Service or the Municipality;

“teacher” means a person who teaches initiates; and

“traditional authority” means any authority which in terms of indigenous law or any other law administers the affairs of any tribe or group of indigenous people or any other persons resident within an area under the control of a traditional leader;

“traditional leader” means any person who in terms of indigenous law or any other law is in charge of or exercises control over a traditional authority; and

“traditional surgeon” means a traditional healer or traditional health practitioner who performs circumcisions as part of a cultural initiation process and includes any person who has been trained to perform such circumcisions and meets with the requirements for performing circumcisions.

113. Application for operation and registration of initiation schools

- (1) Any person who intends opening and operating an initiation school must submit a written application to the Municipality for the registration of the initiation school, provide that:-
 - a. any application received by a traditional authority, the South African Police Service or civic association is referred to the Municipality; and
 - b. any application received by the Municipality is referred to the traditional authority, the local police station of the South African Police Service and the civic association.
 - c. The Municipality must, upon receipt of an application referred to in subsection (1), issue the applicant with the consent forms as set out in Schedules 1 and 2 of these By-laws.

- d. The consent forms referred to in subsection (2) must be completed and submitted to the Municipality at least 30 days prior to the commencement of the initiation school. No initiation school may commence until it has been approved by and registered with the Municipality.
- e. The Environmental Health Practitioner must issue an applicant referred to in subsection (2) with a list of the minimum requirements that are to be met before a registration certificate can be issued in respect of the initiation school, which minimum requirements are set out in Schedule 3 to these Bylaws.
- f. The Environmental Health Practitioner may, after conducting an inspection of the proposed initiation school, issue a registration certificate conditionally or unconditionally in respect of the initiation school.
- g. Subject to the provisions of these By-laws, a registration certificate may be issued if the minimum requirements pertaining to water, shelter and sanitation have been met.
- h. No person may carry out any activity pertaining to the operation and management of an initiation school unless the initiation school is registered with the Municipality and police station in the area.

2. Permission to perform circumcisions

- 1) A circumcision may be performed at or in an initiation school if the consent of the Municipality and the MEC has been obtained in writing.
- 2) A traditional surgeon may perform a circumcision in or at an initiation school if he or she:-
 - i. Medical fitness was previously subjected to a cultural initiation process; and
 - ii. has been authorized in writing by the appropriate and recognized traditional leader to perform a circumcision as part of a cultural initiation process.

3. Admission of an initiation school

- i. Any person who is 12 years of age or older may be admitted to an initiation school.
- ii. If an initiate is under the age of 12 years, his or her parent or guardian must give consent in writing for the initiate to be circumcised, which consent must be given in the prescribed consent form as set out in schedule 1 to these Bylaws.
- iii. Any person under the age of 12 years who admits himself or herself to an initiation school without the consent of his or her parent or guardian must be detained temporarily and may not be circumcised until the local police officer in charge has been notified and has obtained the consent of the parent or guardian in writing.
- iv. Any person who is 18 years of age or older may be admitted voluntarily to an initiation school.

- v. No person may abduct or kidnap any other person and take him or her to initiation school and have him/her admitted to the initiation school.

A person is guilty of a criminal offence and will be charged by a police officer if such person abducts or kidnaps another person and takes him or her to an initiation school and has him or her admitted to the initiation school.

114. Closure of initiation schools

Waterberg district municipality may close any initiation school that is or has been operating without being registered with the Municipality, the local police station, the civic association or the traditional authority in the area, provided that the opinion of the traditional leader concerned is taken into consideration in respect of the closing of the initiation school.

- i. In the event of the closure of an initiation school in terms of section (1), the initiates must be temporarily relocated to public Hospital or their place of choice as a form of intervention to accommodate their wishes.

115. Establishment of initiation school advisory committee

- a. The COGHSTA must establish an initiation school advisory committee within its area of jurisdiction to deal with matters relating to the operation of initiation schools, including appeals and complaints in respect of the initiation schools.
- b. The members of the initiation school advisory committee referred to in subsection (1) must previously have undergone a cultural initiation process. Such initiation school advisory committee must consist of at least:-
 - i. one representative of the medical, nursing, environmental health or emergency medical services profession'
 - ii. one representative of the South African Police Service or metropolitan police of the Municipality;
 - iii. one representative of the Traditional Healer's Association of South Africa;
 - iv. one representative of the national Department of Education;
 - v. one member of a traditional authority or a representative of such member;
 - vi. one member of a civic association;
 - vii. one person representing an association for the initiation school fraternity; and
 - viii. one representative of a local hospital; COGHSTA

116. Circumcision by traditional surgeons at initiation schools

- a. Prior to an initiate's circumcision, the traditional surgeon must obtain from the initiate a pre-medical examination certificate as set out in schedule 4 to these By-laws, which

certificate must state clearly that the initiate is fit to be circumcised and has no medical condition that may cause unnecessary complications during or after the circumcision.

- b. A traditional surgeon must take precautionary measures to ensure the speedy recovery of initiates after a circumcision.
- c. A traditional surgeon must ensure that health standards are maintained at all times in respect of any circumcision.
- d. A traditional surgeon must ensure that any instrument used for circumcising an initiate is not used on another initiate, provided that if an instrument is to be used on more than one initiate, the instrument is properly sterilized after each circumcision.

117. Duration of initiation school

- a. An initiation school may be operated for a period not exceeding to days or any period not exceeding thereto as agreed.
- b. An initiation school must be operated during the official school holidays in accordance with the school calendar of the national Department of Education, provided that an initiation school may be operated outside the school holiday period if:-
- c. the initiates are not learners who attend formal education institutions; Or
- d. the initiates have obtained permission from the applicable school authority to attend the initiation school.

118. Treatment of initiates

- a. No initiate may be subjected to any corporal punishment or unnecessary or undue physical suffering or punishment.
- b. A teacher or any other person may teach an initiate the language, idioms and poems of the initiation school, provided that no form of intimidation or interrogation is used to teach the initiate.
- c. No initiate may be refused any water or food to the extent that such refusal may result in the dehydration or starvation of the initiate.
- d. Adequate sanitary facilities must be provided for initiates.
- e. Initiates must be protected against extreme temperatures, especially cold temperatures during winter.
- f. Any initiate who appears to be developing septic wounds must be referred to a medical practitioner for further treatment.
- g. An initiation school must identify at least one medical practitioner and traditional health practitioner of its choice to assist it in referring to emergency cases.

119. Cultural ethics and inspection of initiation schools

- a. The Municipality, the South African Police Service and, where necessary, the national Department of Education must identify one person or more people from the medical, nursing, environmental health or police profession to make regular visits to initiation schools. Such person or people must be traditionally qualified.
- b. All initiation schools must be visited by health officers. A health officer must, during his or her visit to an initiation school, assess:-
 - i. the general environmental hygiene and medical conditions in the initiation school; and
 - ii. the general health of the initiates.
- c. health officer must be fully informed about and be aware of the proceedings of initiation schools to any conflict which may arise.
- d. A health officer or person or persons referred to in subsection (1) must refer any serious matter or problem identified during a visit contemplated in subsection (2) to the relevant authority or body for further action.

120. Offences

- 1) A person is guilty of an offence under these By-laws if he or she, in respect of an official of the Municipality duly authorized under these By-laws or by the Municipality to enter and inspect any initiation school:-
 - a. denies the official entry to the initiation school or causes or health certificates any other person to deny the official entry;
 - b. obstructs or hinders the official in the performance of the official's duties or causes or health certificates any other person to so obstruct or hinder the official;
 - c. fails or refuses to give the official information that he or she is lawfully required to give or causes or health certificates any other person to refuse to give the official such information; or
 - d. knowingly gives the official false or misleading information or causes or health certificates any other person to give the official such information.
- 2) person is guilty of an offence under these By-laws if he or she unlawfully prevents any other person from entering the premises of an initiations school.
- 3) A person is guilty of an offence under these By-laws if he or she fails or refuses to comply with any provision of these By-laws or any requirement imposed by the Environmental Health Practitioner in terms of section 2.
- 4) A person who is guilty of an offence under these By-laws is liable on conviction to a fine not exceeding **R20 000.00**, to community service or to imprisonment for a period not exceeding one year, or to both such fine and such community services or such imprisonment. In the case of a continuing offence, such person is guilty of a separate

offence and liable on conviction to a fine not exceeding **R20 000.00**, to imprisonment for a period not exceeding one year, or to both such fine and such community service or such imprisonment in respect of every day or part of a day during which the offence continues.

CHAPTER 33

APPOINTMENT, RESPONSIBILITY AND POWERS OF AN ENVIRONMENTAL HEALTH PRACTITIONER

121. Appointment of environmental health practitioner

- (1) The municipality must only appoint an environmental health practitioner who is registered at the Health professionals Council of South Africa (HPCSA) who will be vested with the authority to exercise a power granted by and within the scope of the provisions of these By-laws.
- (2) In appointing an environmental health practitioner, the municipality must have regard to:
 - (a) a person's technical understanding and experience of matters related to environmental health; and
 - (b) any other factor that may be relevant to supervision and enforcement of these By-laws, whether technical or administrative.
- (3) An environmental health practitioner may be an employee of the municipality or a service provider of the municipality, and in the instance where an environmental health practitioner is an employee of a service provider, there may be no conflict of Interest between his or her duty as an environmental health practitioner and as an employee of the service provider.
- (4) Upon appointment the municipality must issue the environmental health practitioner with an identity card which must state the name and function of the environmental health practitioner and which includes a photograph of him or her.
- (5) An environmental health, practitioner, acting within the powers vested in him or her by these By-laws or a specific environmental management Act must, on demand by a member of the local community, produce the identity card.

122. Responsibility of EHP

- (6) An environmental health practitioner, within his or her mandate –
 - (a) must monitor and enforce compliance with these By-laws;
 - (b) may investigate any act or omission which on reasonable suspicion may constitute –

- (i) an offence in terms of these By-laws;
 - (ii) a breach of a provision of these By-laws; or
 - (iii) a breach of a condition of a health certificate, authorisation or other instrument issued in terms of these By-laws.
- (7) An environmental health practitioner –
 - (a) must exercise the powers referred to in subsection (1) –
 - (i) in accordance with any instructions issued by the municipality; and
 - (ii) subject to any limitations and procedures that may be prescribed; and
 - (b) may be accompanied by an interpreter or any other person whose assistance may be reasonable required.

123. General Powers:

- (8) An environmental health practitioner may –
 - (a) require a person to disclose information, either orally or in writing, and either alone or in the presence of a witness, about any act or omission which, on reasonable suspicion, may constitute –
 - (i) an offence in terms of these By-laws;
 - (ii) a breach of a provision of these By-laws; or
 - (iii) a breach of a condition of a health certificate, authorisation or other instrument issued in terms of these By-laws;
 - (b) question a person about or inspect any document, book or record or any written or electronic information –
 - (i) which may be relevant for the purpose of paragraph (a); or
 - (ii) to which these By-laws relate;
 - (c) copy, or make extracts from any document, book or record, or any written or electronic information, referred to in paragraph (b), or remove such document, book or record or written or electronic information to make copies or extracts;
 - (d) require a person to produce or deliver to a place specified by the environmental health practitioner, any document, book or record or any written or electronic information referred to in paragraph (c) for inspection;
 - (e) question a person about or inspect, and if necessary remove, any specimen, article, substance or other item which on reasonable suspicion may have been used in –

- (i) committing an offence in terms of these By-laws;
 - (ii) breaching a provision of these By-laws; or
 - (iii) breaching a condition of a health certificate, authorisation or other instrument issued in terms of these By-laws;
 - (f) record information by any method, including by taking photographs or making videos;
 - (g) demand the name, address and identification number of any person who –
 - (i) is reasonably suspected of having committed an offence in terms of these By-laws;
 - (ii) is reasonable believed to be able to give evidence relating to an offence in terms of these By-laws; or
 - (iii) is reasonable suspected of having evidence that an offence in terms of these By-laws has been committed;
 - (h) instruct a person who –
 - (i) commits an act in contravention of a provisions of these By-laws or of a condition of a health certificate, authorisation or other instrument issued in terms of these By-laws, to cease committing that act immediately or within a specified period; or
 - (ii) fails to perform an act required by a provision of these By-laws, or by a condition of a health certificate, authorisation or other instrument issued in terms of these By-laws, to perform that act immediately or within a specified period;
 - (i) dig or bore into the soil;
 - (j) take samples;
 - (k) seize and remove any item in respect of which, on reasonable suspicion, an offence in terms of these By-laws or a condition of a health certificate, authorisation or other instrument issued in terms of these By-laws; has been or is being committed;
 - (l) carry out any other duty that may be prescribed in terms of these By-laws.
- (9) An environmental health practitioner must –
- (a) provide a receipt for –

- (i) any document, book, record or written or electronic information removed in terms of subsection (1)(d); or
 - (ii) any specimen, article, substance or other item removed in terms of subsection (1)(f); and
- (b) return anything removed within a reasonable period.

124. Powers to enter and search premises or land

- (10) An environmental health practitioner may, subject to subsection (3), enter and search any premises or land on reasonable suspicion, and provided the necessary warning has been given in terms of s(2) hereof
- (a) that an offence in terms of these By-laws has been or is being committed on, in or in respect of such premises or land;
 - (b) that a provision of these By-laws, or a condition of a health certificate, authorisation or other instrument issued in terms of a these By-laws has been or is being breached on, in or in respect of such premises or land; or
 - (c) that a thing which may serve as evidence of such offence or breach is kept on or in such premises or land.
- (11) Fair warning of at least 7 days in writing must be given to all owners or occupiers of land that there is an alleged infringement of these by-laws and giving them an opportunity to remedy this infringement within 7 days, failing which an environmental health practitioner will be entitled to exercise the powers specified herein. This warning need not be given in the event of a possible or real environmental emergency.
- (12) An environmental health practitioner may –
- (a) exercise on such premises or land any of the powers mentioned in section 65; or
 - (b) be accompanied by assistants, vehicles, vessels, materials, equipment or things that are necessary for the purpose of –
 - (i) gaining entry to or carrying out the search on such premises or land; or
 - (ii) exercising any of the powers referred to in paragraph (a).

125. Offences relating to environmental health practitioner

A person commits an offence if he or she –

- (a) hinders or interferes with an environmental health practitioner in the execution of that practitioner's official duties;

- (b) falsely professes to be an environmental health practitioner, or the interpreter or assistant of such a practitioner;
- (c) furnishes false or misleading information when complying with a request of an environmental health practitioner; or
- (d) fails to comply with a request of an environmental health practitioner.

CHAPTER 34 ENFORCEMENT

126. Approval of measures and materials:

- (1) The municipality may approve any object or material used or any measure taken in specified circumstances as being adequate to eliminate the risk of any environmental health hazard or environmental health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the municipality.
- (2) An object, material or measure referred to in subsection (1) may be approved by the municipality in –
 - (a) a health certificate; or
 - (b) guidelines prescribed by the municipality in terms of subsection (3).
- (3) The municipality may publish guidelines in the Provincial Gazette which describe –
 - (a) appropriate measures that can be taken and objects and materials that can be used, to eliminate the risk of any environmental health hazard or environmental health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the municipality; and
 - (b) the circumstances in which taking these measures or using these materials or objects are acceptable to the municipality.

127. Application for health certificate

- (4) A person who wishes to obtain a health certificate must, before he or she undertakes the relevant activity, apply to the municipality in writing in a form stipulated by the municipality.
- (5) Before the municipality issues a health certificate, the environmental health practitioner-
 - (a) must inspect the relevant premises as soon as reasonably possible;
 - (b) must, where applicable, ensure that any persons in the vicinity of the premises have been consulted and have had an opportunity to make representations; and

- (c) may request the applicant to provide any further information which the municipality may consider to be relevant to make a properly informed decision.
- (6) The municipality must keep a register which is open to public inspection at all reasonable hours and which contains the following particulars in respect of an application for a health certificate that was approved:
 - (a) The application which was made to the municipality;
 - (b) the name and address of the applicant;
 - (c) the date of the application;
 - (d) the decision of the municipality;
 - (e) the prescribed fee that was paid; and
 - (f) the conditions contemplated for such a health certificate

128. General terms applicable to health certificates:

- (7) A health certificate –
 - (a) is not transferable from one person to another;
 - (b) applies only to the premises specified in the health certificate; and
 - (c) must –
 - (i) specify the address and other relevant details regarding the location of the premises concerned;
 - (ii) describe the premises and activity concerned;
 - (iii) specify the terms and conditions, if any; and (iv) indicate when it expires.
- (8) The municipality may charge the applicant a prescribed fee for considering and granting the health certificate.
- (9) The municipality may refuse to consider an application until –
 - (a) it has been provided with the all the necessary information regarding such application and
 - (b) the prescribed fee, if any, has been paid.

129. Suspension, cancellation and amendment of health certificate:

- (10) The municipality may, by written notice to the holder of a health certificate, suspend, amend or cancel the health certificate.

- (11) The environmental health practitioner may suspend or cancel a health certificate – (
- a) with immediate effect if –
 - i. he or she reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to environmental health posed by an environmental health hazard or an environmental health nuisance; or
 - ii. the holder of the health certificate fails to comply with a compliance notice that states that the health certificate may be suspended or cancelled without further notice if the holder fails to comply with the compliance notice.
 - (b) after giving the holder a reasonable opportunity of making representations as to why the health certificate or exemption certificate should not be suspended or cancelled if –
 - i. he or she reasonably believes that it is desirable to do so to eliminate or reduce the risk to environmental health posed by an environmental health hazard or an environmental health nuisance; or
 - ii. the holder of the health certificate or certificate fails to comply with a compliance notice.
- (12) The municipality may amend a health certificate by endorsing it or by written notice to the holder, if he or she reasonably believes that it is necessary to do so to protect environmental health or to take account of changed circumstances since the health certificate or exemption certificate was issued.

130. Notice of compliance and representations:

- (13) Where a person fails to comply with a requirement relating to premises, the municipality may serve a notice of compliance on the person, which notice must state –
- a. the name and residential or postal address of the affected person;
 - b. the requirement which has not been complied with;
 - c. in detail the measures required to remedy the situation;
 - d. that the person must within a specified period take the measures to comply with the notice and to complete the measures before a specified date; and
 - e. that the person may within 14 days make written representations in the form of a sworn statement or affirmation to the municipality at a specified place.
- (14) The municipality, when considering any measure or period envisaged in subsection (1)(c) or (d), must have regard to the principles and objectives of these By-laws, the nature of the non-compliance, and other relevant factors.

- (15) Where a person does not make representations in terms of subsection (1)(e), and the person fails to take the measures before the date contemplated in subsection (1)(d), he or she commits an offence, and the municipality may, irrespective of any fines which may be imposed under section 80, act in terms of subsection (5).
- (16)(a) Representations not lodged within the time contemplated in subsection (1) (e) will not be considered, except where the person has shown good cause and the municipality condones the late lodging of the representations.
- (b) The municipality must consider the timely representations and any response thereto by the environmental health practitioner.
- (c) The municipality may, on its own volition, conduct any further investigations to verify the facts if necessary, and the results of the investigation must be made available to the health certificate holder, who must be given an opportunity of making a further response if he or she so wishes, and the municipality must also consider the further response.
- (d) The municipality must, after consideration of the representations and any response and further response make an order in writing and serve a copy of it on the person, which order must confirm, in whole or in part, alter, or set aside the notice of compliance, and where the notice of compliance is confirmed, in whole or in part, or altered, the municipality must inform the person that he or she must, within the period specified in the order, discharge the obligations set out in the order and that failure to do so constitutes an offence.
- (e) Where a person fails to discharge the obligations contemplated in paragraph (d), he or she commits an offence and the municipality may, irrespective of any fines which may be imposed under section 80, act in terms of subsection (5).
- (17) The municipality may take such measures as it deems necessary to remedy the situation, and the cost thereof must be paid to the municipality in accordance with section 76.

131. Prohibition notice:

- (1) a municipality may, after inspecting premises, serve a prohibition notice prohibiting the premises from being used for specified purposes and requiring measures to be taken to ensure that this occurs, on one or more of the following persons:
- (a) The owner or occupier of the premises if the municipality reasonably believes that the premises are being used for a purpose or in a manner that is causing an environmental health hazard or an environmental health nuisance;

- (b) any person who is carrying on an activity or using premises for a purpose or in a manner that the municipality reasonably believes is causing an environmental health hazard or an environmental health nuisance; or
 - (c) a person on whom a compliance notice was served if the municipality reasonably believes that that person has not complied with the compliance notice.
- (2) The municipality must give the person on whom he or she intends serving a prohibition notice a reasonable opportunity to make representations before serving the notice unless the municipality reasonably believes that the delay in doing so would significantly compromise environmental health, in which case the person on whom a prohibition notice is served must be given reasonable opportunity to make representations why it should be withdrawn.
- (3) A prohibition notice must state –
 - (a) the reasons for serving the notice;
 - (b) whether or not the municipality will withdraw the notice if certain measures are taken, and if so, the measures that must be taken;
 - (d) the possible consequences of failing to comply with the notice; and (e) how to appeal against the notice.
- (4) Unless a prohibition notice provides otherwise, it comes into effect when it is served under subsection (1) and remains in force until it is withdrawn.
- (5) The municipality must as soon as possible affix a copy of the notice in a conspicuous position on the premises.
- (6) It is the responsibility for anyone charged with failing to comply with a prohibition notice to prove that –
 - (a) he or she did not know of the existence of the prohibition order and could not reasonably be expected to have known of its existence; and
 - (b) he or she had complied with the prohibition notice within 48 hours of the time that the notice was affixed to the premises in terms of subsection (5).

132. Withdrawal of prohibition notice:

- (1) The municipality must, within 48 hours of receiving a written request for the withdrawal of a prohibition contained in a prohibition notice, carry out an investigation of the land or premises.
- (2) After completing the investigation, the municipality must inform, in writing, the person on whom the prohibition notice was served or that person's agent whether or not the prohibition has been removed or the prohibition order withdrawn.

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

133. Municipal remedial work:

- (1) The municipality may enter any premises and may conduct an environmental health investigation on the premises that it reasonably considers necessary –
- (a) to ensure compliance with these By-laws or with a compliance notice or prohibition notice;
 - (b) to eliminate or reduce an environmental health nuisance; or
 - (c) to eliminate or reduce a significant environmental health hazard.
- (2) The municipality may enter and execute work on or conduct inspections of premises –
- (a) where a compliance notice relating to the premises has been issued in terms of section 72, and the purpose of the inspection is to determine whether or not the notice has been complied with;
 - (b) where the owner or occupier of the premises has failed to comply with a compliance notice that was issued in terms of section 72, or a prohibition notice that was issued in terms of section 73, directing that relevant measures be taken; or
 - (c) the environmental health practitioner has reasonable grounds to believe that an environmental health hazard or environmental health nuisance, which is likely to endanger environmental health, exists on the premises.
- (3) Before inspecting any premises or commencing any work in terms of this section, persons undertaking the inspection or commencing the work must identify themselves and explain their authority to the person apparently in control of the premises or the person who gave them permission to enter.
- (4) Any inspection undertaken or work commenced in terms of this section must be carried out at a reasonable time, taking into account the circumstances of the specific situation.
- (5) Any inspection conducted or work undertaken in terms of this section must be conducted with strict regard to decency and order, including –
- (a) a person's right to, respect for and protection of his or her dignity;
 - (b) the right of a person to freedom and security; and
 - (c) the right of a person to his or her personal privacy.

135. Costs:

- (1) Should a person fail to take the measures required of him or her by a notice of compliance contemplated in section 112, the municipality may, subject to subsection (3) recover, as a debt, and in accordance with municipality's debt collection regulations, all costs incurred as a result of it acting in terms hereof from that person and any or all of the following persons:
 - (a) the owner of the land, building or premises; or
 - (b) the person or occupier in control of the land, building or premises or any person who has or had a right to use the land at the time when the situation came about.
- (2) The costs recovered must be reasonable and may include, without being limited to, costs relating to labour, water, equipment, administrative and overhead costs incurred by the municipality.
- (3) If more than one person is liable for costs incurred, the liability must be apportioned as agreed among the persons concerned according to the degree to which each was responsible for the emergency resulting from their respective failures to take the required measures.
- (4) 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.
- (5) Any person in receipt of such a costs order shall be entitled to object to the charging or amount of the said costs order by way of notice to the issuing officer specifying his or her objections. The objection shall then be adjudicated upon by the Chief Financial Officer who will make a decision and communicate this to the Municipal Manager.
- (6) Any costs charged to any person can also include legal costs required in the process of enforcement.

136. Presumptions:

- (1) When an employee of a person in the course of his or her employment performs any act or is guilty of an omission which constitutes an offence under these Bylaws, the employer is deemed also to have performed the act or to be guilty of the omission and the employer is liable on conviction to the penalties referred to in section 80, unless the employer proves to the satisfaction of the Court that –
 - (a) in performing the act or being guilty of the omission, the employee was acting without the employer's knowledge or permission;

- (b) all reasonable steps were taken by the employer to prevent the act or omission in question; and
 - (c) it was not within the scope of the authority or the course of the employment of the employee to perform an act of the kind in question.
- (2) The fact that an employer issued instructions forbidding any act or omission of the kind referred to in subsection (1) is not itself sufficient proof that he or she took all steps referred to in paragraph (1)(b).
- (3) When an employer is by virtue of the provisions of subsection (1) liable for any act or omission of his or her employee, that employee shall also be liable to prosecution for the offence.
- (4) In any prosecution for an offence under these By-laws an allegation in the charge concerned that any place was situate in a street or public place or within a particular area or was a place of a specified kind shall be presumed to be correct unless the contrary is proved.
- (5) In any prosecution for an offence under these By-laws the accused is deemed to know the provisions of these By-laws and to know that the offence with which he or she is charged is a contravention thereof unless he or she proves to the satisfaction of the Court that he or she did not have and could not reasonably be expected to have that knowledge.

137. Authentication and service of notices and other documents:

- (1) Where in the opinion of an environmental health practitioner a condition has arisen in its area of jurisdiction which is of such nature as to be offensive or a danger to health unless immediately remedied, he or she may serve a written notice on the person responsible for such condition having arisen or on the occupier or owner of the premises on which such condition exists, calling upon him or her to remedy the condition within such period as may be specified in such notice.
- (2) A notice issued by the municipality in terms of these By-laws is deemed to be duly issued if it is signed by the environmental health practitioner.
- (3) Any notice or other document that is served on a person in terms of these By-laws is regarded as having been duly served –
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;

- (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;
 - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of the body corporate; or
 - (g) when it has been delivered, at the request of that person, to his or her e-mail address.
- (4) Service of a copy is deemed to be service of the original.
 - (5) When any notice or other document is served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, or holder of the property or right in question, and it is not necessary to name that person.

138.Appeal:

- (1) A person whose rights are affected by a decision of the municipality in terms of these By-laws may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.
- (2) The appeal authority contemplated in subsection (3) must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (3) When the appeal is against a decision taken by –
 - (a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
 - (b) the Municipal Manager, the Executive Mayor is the appeal authority; or
 - (c) a political structure or political officer bearer, or a councillor the Council is the appeal authority.
- (4) The appeal authority must commence with an appeal within six weeks of receipt of the notice of appeal and decide the appeal within a reasonable time.

139. Co-operation between municipalities

- (1) In an effort to achieve optimal service delivery, the municipality may enter into agreements with the local municipalities within its area of jurisdiction in respect of the following:
 - (a) Practical arrangements with regard to the execution of the provisions of these By-laws;
 - (b) recovery of costs and expenses;
 - (c) mechanisms for the settlement of disputes with regard to the execution of powers or the matters on which there have been agreements;
 - (d) any other matter regarded necessary by the district and local municipalities to achieve optimal service delivery.
- (2) The provisions of these By-laws are applicable to the jurisdictional area of the Chris Hani District Municipality, including the District Management Area.

140. Liaison forums in community:

- (1) The municipality may establish liaison forums in a community for the purposes of -
 - (a) creating conditions for a local community to participate in the affairs of the municipality;
 - (b) encouraging a local community to participate in the implementation and enforcement of these by-laws; and
 - (c) promoting the achievement of a safe and healthy environment.
- (2) The forums contemplated in sub-section (1) may consist of-
 - (a) a member or members of an interest group or an affected person in the spirit of section 2(4) (f) to (h) of the National Environmental Management Act, 1998 (Act 107 of 1998).
 - (b) a member or members of a community in whose immediate area an environmental health hazard or environmental health nuisance occurs or may occur;
 - (c) a designated official or officials of the municipality; and
 - (d) the councillor responsible for Municipal Health Services.
- (3) The municipality may, in the implementation and enforcement of these by laws, or when considering an application for a health certificate or consent in terms of these by-laws –
 - (a) request the input of a forum;
 - (b) employ any skills or capacity that may exist in such a forum.

- (4) A forum, or a person or persons contemplated in sub-section 2, may, on own initiative, in pursuance of the aim of section 69 (2) (c), and having regard to the provisions of section 31 of the National Environmental Management Act, 1998 (Act 107 of 998) submit an input to the municipality for consideration.

141. Repeal:

The existing by-laws are hereby repealed: all by-laws of both district **and region** that relate to the aspects covered in this by-law.

142. Offences and penalties:

- (1) A person is guilty of an offence under these by-laws if he or she, in respect of an official of the Municipality duly authorised under these by-laws or by the Municipality to enter and inspect any premises –
- (a) denies the official entry to the premises or causes or health certificates any other person to deny the official entry;
 - (b) obstructs or hinders the official in the performance of the official's duties or causes or health certificates any other person to so obstruct or hinder the official;
 - (c) fails or refuses to give the official information that he or she is lawfully required to give or causes or health certificates any other person to refuse to give the official such information; or
 - (d) knowingly gives the official false or misleading information or causes or health certificates any other person to give the official such information.
- (2) A person is guilty of an offence under these by-laws if he or she fails or refuses to comply with any provision of these by-laws or any requirement imposed by the Environmental Health Practitioner.
- (3) A person who is guilty of an offence under these by-laws is liable on conviction to a fine not exceeding R20 000,00, to community service or to imprisonment for a period not exceeding one year, or both such fine and such community service or such imprisonment for a period not exceeding R20 000,00 to community service or to imprisonment for a period not exceeding one year, or to both such fine and such community service or such imprisonment in respect of every day or part of a day during which the offence continues.

143. Short title and commencement:

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; any public building to be so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;
- (e) any dwelling to be occupied without proper and sufficient supply of portable water within a reasonable distance;
- (f) 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;
- (g) 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;
- (h) 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 the accumulation of filth, debris rubbish, glass, paper, rags, tins, lumber and the growing or presence of weeds, long grass or undergrowth which is unsightly or is likely to become a nuisance or injurious to health or to cause an annoyance to the inhabitants of the neighbourhood;
- (i) any other activity, condition or thing declared to be a nuisance by the Minister in terms of the National Health Act, 2003 (Act 61 of 2003) or any other relevant health legislation.

- (j) Any other condition at or on a place or premises whatever, which in the opinion of Council is or can be detrimental, dangerous, inconvenient, offensive, injurious or dangerous to health; or which may in any other way cause a risk of disease, death or injuries.

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;
- (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 a larvicide's at least once every seven days; and
 - (c) in the case of wells, providing a mosquito-proof cover and a pump.

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 , smoke or any type of air is emitted from any chimney or appliance or from any other means on the premises in a manner or quantity that is, in the opinion of Council, sufficient to have an adverse impact on public health, or that may cause a nuisance;
- (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, in the opinion of Council, 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, in the opinion of Council, 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 health certificate it to be thrown, dumped or dropped there, or cause or health certificate any such liquid to flow into such a place. (2) The person who has contravened sub item (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

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 health certificate or registration, are taken to avoid the risk or to reduce it to a level acceptable to the Council.

Part A: Activities for which a health certificate / registration is required

Chapter	Section	Activity
2	6	Camping
5	31	Provision of service to remove human excrement or urine
5	32	Installation of sewage works
7	46	Offensive trades
8	53	Hairdressing, Beauty and cosmetology services
10	62	Accommodation Establishments
12	80	Keeping of poultry
12	84	Keeping of rabbits
12	89	Dog Kennels and catteries
12	100	Keeping bees
15	111	Laundry
16	122	Air pollution (Equipment)
16	129	Air pollution (Open burning of material)
17	143	HCRW Generator and Transporter

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	Swimming Pools and Spa-Baths
12	Keeping of Animals
15	Laundry Establishments
16	Air pollution

SCHEDULE 3

Name	Number
Public Health By laws and Sanitary Regulations	AN No 13 of 1936
Regulations relating to Pet Shops and Pet Salons	AN No 5 of 1989
Regulations for the Control of Barbers, Hairdressers and Beauty Saloons	AN No. 137 of 1984
Regulations relating to Noxious or Offensive Trades	AN No 82 of 1992
By laws relating to Laundries	LGN No 111 of 28 October 2005

SCHEDULE 4

CONSENT BY PARENT OR GUARDIAN

I, _____, ID No. _____, hereby give consent for and health certificate the applicant, _____ years of age, to attend initiation school for the prescribed duration of the initiation school and to be circumcised. I declare that I am the parent/guardian of the applicant and I reside at the following address:

SIGNATURE _____

DATE _____

SCHEDULE 5

CONSENT BY APPLICANT

I, _____, ID No _____ being
_____ years of age, hereby consent to attend to the initiation school for the
prescribed duration of the initiation school and to be circumcised. My date of birth is
_____.

I declare that I reside at the following address:

SIGNATURE _____

DATE _____

SCHEDULE 3
MINIMUM REQUIREMENTS WHICH INITIATION SCHOOLS MUST MEET
OPERATION AND MANAGEMENT OF INITIATION SCHOOLS

1. A suitable shelter must be provided for initiates. The shelter must be considered in such a manner that initiates are protected from extreme temperatures, especially during cold weather conditions.
2. A portable water supply must be provided for the initiates for drinking and cooking purposes.
3. Suitable sanitary facilities in the form of well-constructed pit latrines or portable chemical toilets must be provided for use by the initiates.
4. All body part removed during circumcision must be disposed of in a hygienic manner.
5. Refuse removal, including the disposal of used surgical instruments, must be carried out as may be prescribed by the Environmental Health Practitioner.
6. Food must be prepared hygienically and be kept separate from any area used for sleeping purposes.
7. Initiates must be given sufficient food at least twice a day and be allowed to drink water when necessary.
8. Initiates must be allowed to wear warm clothing, especially in cold water.
9. Instruments such as razor blades used in the circumcision procedure must be used once only, and any other instruments must be sterilized after the circumcision of each initiate.
10. The owner of an initiation school must identify at least one person from the medical profession to assist in the event of an emergency and for referral purposes.
11. Prescribed medication to stop bleeding and prevent unnecessary bleeding must be readily available at the initiation school.
12. A detention room must be available at the initiation school for persons who have come for a circumcision without the consent of their parents or guardians.
13. A register must be kept of all initiates in the initiation school.
14. A first-aid kit that includes antiseptics and medicines for treating minor ailments must be available at the initiation school.

SCHEDULE 4
STANDARD PRE-CIRCUMCISION MEDICAL EXAMINATION
PATIENT'S PARTICULARS:

NAME _____

SURNAME _____

DATE OF BIRTH/ID _____

RESIDENTIAL ADDRESS _____

EXAMINATION _____

GENERAL-ALLERGIES _____

BLEEDING TENDENCIES _____

ANAEMIA _____

JAUNDICE _____

LYMPHADENOPATHY _____

HEART _____

LUNGS _____

ABDOMEN _____

PSYCHIATRIC DISORDERS _____

UROGENITAL CONDITON _____

OTHER _____

I, _____, being a registered
medical practitioner,

Certify that, _____ is fit to be circumcised.

DATE

SIGNATURE

QUALIFICATIONS

PRACTICE NUMBER

TEL NO

