



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
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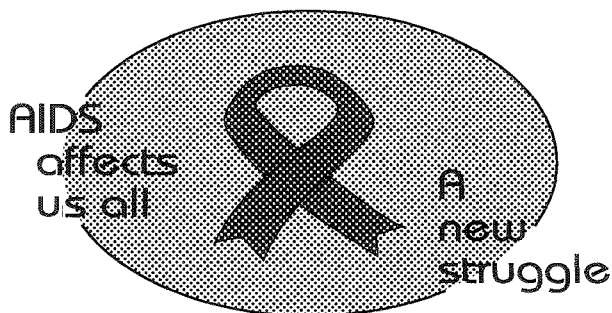
Vol. 9

PIETERMARITZBURG,

25 JUNE 2015
25 JUNIE 2015
25 kUNHLANGULANA 2015

No. 1394

We all have the power to prevent AIDS



**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

Prevention is the cure

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IMPORTANT

Information

from Government Printing Works

Dear Valued Customers,

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Please take note of these guidelines when completing your form.



GPW Business Rules

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address submit.egazette@gpw.gov.za. This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
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5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za)
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.



DO use the new Adobe Forms for your notice request. These new forms can be found on our website: www.gpwonline.co.za under the Gazette Services page.

DO attach documents separately in your email to GPW. (In other words, your email should have an Adobe Form plus proof of payment – 2 separate attachments – where notice content is applicable, it should also be a 3rd separate attachment)

DO specify your requested publication date.

DO send us the electronic Adobe form. (There is no need to print and scan it).

DON'T submit request as a single PDF containing all other documents, i.e. form, proof of payment & notice content, it will be **FAILED** by our new system.

DON'T print and scan the electronic Adobe form.

DON'T send queries or RFQ's to the submit.egazette mailbox.

DON'T send bad quality documents to GPW. (Check that documents are clear and can be read)



Form Completion Rules

No.	Rule Description	Explanation/example
1.	All forms must be completed in the chosen language.	GPW does not take responsibility for translation of notice content.
2.	All forms must be completed in sentence case, i.e. No fields should be completed in all uppercase.	e.g. "The company is called XYZ Production Works"
3.	No single line text fields should end with any punctuation, unless the last word is an abbreviation.	e.g. "Pty Ltd.", e.g. Do not end an address field, company name, etc. with a period (.) comma (,) etc.
4.	Multi line fields should not have additional hard returns at the end of lines or the field itself.	This causes unwanted line breaks in the final output, e.g. <ul style="list-style-type: none"> Do not type as: 43 Bloubokrand Street Putsonderwater 1923 Text should be entered as: 43 Bloubokrand Street, Putsonderwater, 1923
5.	Grid fields (Used for dates, ID Numbers, Telephone No., etc.)	<ul style="list-style-type: none"> Date fields are verified against format CCYY-MM-DD Time fields are verified against format HH:MM Telephone/Fax Numbers are not verified and allow for any of the following formats limited to 13 characters: including brackets, hyphens, and spaces <ul style="list-style-type: none"> 0123679089 (012) 3679089 (012)367-9089
6.	Copy/Paste from other documents/text editors into the text blocks on forms.	<ul style="list-style-type: none"> Avoid using this option as it carries the original formatting, i.e. font type, size, line spacing, etc. Do not include company letterheads, logos, headers, footers, etc. in text block fields.



No.	Rule Description	Explanation/example
7.	Rich text fields (fields that allow for text formatting)	<ul style="list-style-type: none"> • Font type should remain as Arial • Font size should remain unchanged at 9pt • Line spacing should remain at the default of 1.0 • The following formatting is allowed: <ul style="list-style-type: none"> ○ Bold ○ Italic ○ Underline ○ Superscript ○ Subscript • Do not use tabs and bullets, or repeated spaces in lieu of tabs and indents • Text justification is allowed: <ul style="list-style-type: none"> ○ Left ○ Right ○ Center ○ Full • Do not use additional hard or soft returns at the end of line/paragraphs. The paragraph breaks are automatically applied by the output software <ul style="list-style-type: none"> ○ Allow the text to wrap automatically to the next line only use single hard return to indicate the next paragraph ○ Numbered lists are allowed, but no special formatting is applied. It maintains the standard paragraph styling of the gazette, i.e. first line is indented.
	e.g. 1. The quick brown fox jumps over the lazy river. The quick brown fox jumps over the lazy river. The quick brown fox jumps over the lazy river. 2. The quick brown fox jumps over the lazy river. The quick brown fox jumps over the lazy river. The quick brown fox jumps over the lazy river.	



You can find the **new electronic Adobe Forms** on the website www.gpwonline.co.za under the Gazette Services page.

For any **queries or quotations**, please contact the **eGazette Contact Centre** on 012-748 6200 or email info.egazette@gpw.gov.za

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MUNICIPAL NOTICE

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CHAPTER 1 INTEPRETATION AND FUNDAMENTAL PRINCIPLES

Definitions and interpretation

1. (1) In these Bylaws, unless the context otherwise indicates –

“adequate” when used to describe a standard or manner in which anything required by these Bylaws shall 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 Bylaws 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 Municipality, the risk of any public health hazard or public health nuisance occurring, continuing or recurring;

“authorised official” means any official of the Municipality who has been authorized by the Municipality to administer, implement and enforce the provisions of these bylaws;

“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;

“Municipality” means the Msunduzi Municipality or its successors in law and includes its Executive Committee or any other body acting by virtue or any power delegated to it in terms of legislation or any officer to whom the Executive Committee has delegated any powers and duties with regard to these bylaws or a service provider fulfilling a responsibility under these bylaws, assigned to it in terms of section 81 (2) of the Local Government: Municipal Systems Act, or any other law, as the case may be;

“dwelling” means any house, room, shed, hut, tent, cave, container, shelter, vehicle, boat or any other structure or place whatsoever, any part of which is used or appears intended for use by any human being for sleeping or in which any human being dwells or sleeps and “room” has a corresponding meaning;

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

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

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

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

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

“National Building Regulations and Building Standard Act” means the National Buildings Regulations Standards Act No 103 of 1977

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

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

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

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

- (a) the person in whose name the title to the premise is registered, and includes the holder of a stand license; or
- (b) if the person referred to in paragraph (a) is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian or other person who is legally responsible for administering that person’s estate;

“peace officer” means a peace officer as defined in terms of the Justice of the Peace and Commissioners of Oath Act;

“permit” means a public health permit issued by the Municipality in terms of the section 11;

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

“pest” means any animal 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;

“potable water” means water that complies with the requirements set out in SANS 241: Water for Domestic Supplies;

“premises” means –

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

“**prescribed fee**” means a fees determined by the Municipality by resolution in terms of section 75A of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), or any other applicable legislation;

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

“**public health hazard**” means any actual threat to public health, and without limitation, includes –

- (a) the circumstances referred to in section 5 (3);
- (b) unsanitary conditions;
- (c) circumstances which make it easier for a communicable disease to spread;
- (d) circumstances which make food or drink, including water for domestic consumption, unhygienic or unsafe to eat or drink; and
- (e) circumstances which 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 Municipality and includes any road, place or thoroughfare which is in the undisturbed use of the public or which the public have the right to use;

“**schedule use**” means a use listed in Schedule 2.

(2) Unless the context otherwise indicates, any word or expression which is defined in any Chapter, has the same meaning wherever it is used in these Bylaws.

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

Purpose

2. (1) The purpose of these bylaws is to enable the Municipality to protect and promote the long term health and well-being of people in the municipal area by –

- (a) providing, in conjunction with any other applicable law, an effective legal and administrative framework within which the Municipality can –

- (i) manage and regulate activities that have the potential to impact adversely on public health; and
 - (ii) require premises to be properly maintained and managed; and
- (b) defining the rights and obligations of the Municipality and the public in relation to this purpose.

CHAPTER 2 PUBLIC HEALTH

PART 1: Public health principles

Principles

3. (1) Every person has a constitutional right to an environment that is not harmful to his or her health or well-being and to have access to sufficient water and the Municipality has a constitutional duty to strive, within its financial and administrative capacity, to promote a safe and healthy environment.

(2) The risk of a public health hazard occurring, continuing or recurring shall be eliminated wherever reasonably possible, and if it is not reasonably possible to do so, it shall reduce to a level acceptable to the Municipality ensuring that it is used for and maintained in a manner that ensures that no public health hazard or public health nuisance occurs on the premises.

(3) Any person who owns or occupies premises in the municipal area shall ensure that it is used for and maintained in a manner that ensures that no public health hazard or public health nuisance occurs on the premises.

(4) Any person who wishes to undertake an activity which creates a risk to public health that is more than trivial or insignificant shall –

(a) take all reasonable measures to eliminate that risk, and if that is not reasonably possible, to reduce the risk to a level acceptable to the Municipality; and

(b) bear the costs of taking those measures and of any reasonable costs incurred by the Municipality in ensuring that the risk is eliminated or reduced to an acceptable level.

(5) The Municipality shall regulate all activities and administer all matters for which it is legally responsible in a manner that –

(a) avoids creating a public health hazard or a public health nuisance;

(b) does not make it easier for any human or animal disease to spread;

(c) does not give rise to unsanitary or unhygienic conditions;

(d) prevents unsafe food or drink from being eaten or drunk;

(e) avoids creating conditions favorable for infestation by pests; or

(f) wherever reasonably possible, improves public health in the municipal area.

(6) In dealing with matters affecting public health the Municipality shall –

- (a) adopt a cautious approach;
- (b) priorities the collective interests of the people of the municipal area, and of South Africa, over the interests of any specific interest group or sector of society;
- (c) take account of historic inequalities in the management and regulation of activities that may have an adverse impact on public health and redress these inequalities in an equitable and non-discriminatory manner;
- (d) adopt a long-term perspective that takes account of the interests of future generations; and
- (e) take account of, and wherever possible without compromising public health, minimize any adverse effects on other living organisms and ecosystems.

Applications of principles

4. (1) The public health principles set out in section 3 shall be considered and applied by any person –

- (a) exercising a power or function or performing a duty under these Bylaws;
- (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: Public health hazards and public health nuisances

Prohibition on causing public health hazards

5. (1) No person may create a public health hazard in the municipal area.

(2) Every owner or occupier of premises shall ensure that a public health hazard does not occur on those premises.

(3) An owner or occupier of premises creates a public health hazard if –

- (a) the premises are infested with pests or pests are breeding in large numbers on the premises;
- (b) there are conditions on the premises which are conducive to the spread of a communicable disease or which may cause a non-communicable disease;
- (c) there is any unsanitary condition in any part of the premises; or
- (d) any water supply for domestic consumption on the premises is unsafe for human consumption.

Duty to report public health hazards

6. (1) The owner or occupier of premises who knows of a public health hazard on those premises, shall within 24 hours of becoming aware of its existence –

- (a) eliminate the public health hazard; or

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

Prohibition on causing public health nuisances

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

Consumption of liquor at public places

8. (1) No person/s shall consume liquor at a public place unless authorised to do so by the relevant authority.

CHAPTER 3 POTENTIALLY HAZARDOUS USES OF PREMISES AND ENFORCEMENT

PART 1: Potentially hazardous uses

Duty to list potentially hazardous uses

9. If the Municipality 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 Municipality shall list the activity concerned in Schedule 2 and shall prescribe measures that shall be taken to avoid the risk or reduce it to a level acceptable to the Municipality.

Scheduled uses

10. (1) Any person who uses premises in a manner or for a purpose listed in Schedule 2 shall comply with every provision specified in the Chapter of these bylaws relating to that use, unless that person has been granted an exemption in terms of section 10 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, shall obtain a permit in terms of section 11 before commencing that use and shall comply with the terms and conditions of that permit.

Exemption certificates

11. (1) Any person who wants to undertake a scheduled use on any premises but wishes to be exempted from complying with any requirement of these bylaws relating to the use concerned, may apply to the Municipality in accordance with section 13 for an exemption certificate.

(2) The Municipality 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 bylaws; 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 nuisance.

Public health permits

12. (1) Any person who wants to undertake a scheduled use that is listed in Part A of Schedule 2, shall apply to the Municipality in accordance with section 13 for a public health permit.

(2) The Municipality may issue a public health permit to the owner or occupier of any premises, if an environmental health practitioner is satisfied that the use for which the permit is required is not likely to cause a public health hazard or a public health nuisance.

(3) A public health permit –

- (a) shall be issued subject to conditions aimed at reducing the risk to public health created by the scheduled use, to a level acceptable to the Municipality;
- (b) may exempt the permit holder from complying with any relevant provision of these bylaws, if the Municipality reasonably believes that the permit requires the permit 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 bylaws; and
- (c) may approve any measure or material in connection with the activity authorised by the permit that shall be approved in terms of these bylaws.

Approval of measures, objects and materials

13. (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 public health hazard or public 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 public health permit; 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 public health hazard or public 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 objects or materials are acceptable to the Municipality.

Application procedure

14. (1) Any person who wants to obtain an exemption certificate or a permit shall apply to the Municipality in writing in a form prescribed by the Municipality, prior to undertaking the scheduled use concerned.

(2) When the Municipality receives an application contemplated in subsection (1), it shall 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 Municipality –

- (a) shall ensure that any persons in the vicinity of the premises whose health or well-being may be affected if the premises are used for the scheduled use concerned, have been consulted and had an opportunity to make representations; and
- (b) may require the applicant to provide any further information which the Municipality considers relevant to enable it to make an informed decision.

(4) In deciding whether or not to issue an exemption certificate or a permit, and what terms and conditions, if any, to include in it, the Municipality shall apply the public health principles set out in section 3.

General terms applicable to certificates and permits

15. (1) An exemption certificate or permit -

- (a) is not transferable from one person to another; and
- (b) applies only to the premises specified in that certificate or permit.

(2) Every exemption certificate or permit shall –

- (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, and
- (e) indicate when it expires.

(3) An applicant shall pay a prescribed fee, if determined by the Municipality, in respect of an application for a permit or exemption certificate and such fee shall accompany the application.

(4) The Municipality 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.

Suspension, cancellation and amendment of exemption certificates and permits

16. (1) An environmental health practitioner may by written notice to the holder of an exemption certificate or permit, suspend, amend or cancel that certificate or permit.

(2) An environmental health practitioner may suspend or cancel an exemption certificate or permit with immediate effect if the environmental health practitioner 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.

(3) An environmental health practitioner may suspend or cancel an exemption certificate or permit after having given the holder thereof a reasonable opportunity of making representations as to why the permit or exemption certificate should not be suspended or cancelled if –

- (a) the environmental health practitioner reasonably believes that it is 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 permit contravenes or fails to comply with any relevant provision of these bylaws.

(4) An environmental health practitioner may amend an exemption certificate or permit by endorsing such certificate or permit or by written notice to the holder thereof, if the environmental health practitioner reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the exemption certificate or permit concerned was issued.

Part 2: Enforcement, remedial work and costs

Demolition orders

17. (1) If the Municipality believes that a public health hazard would be eliminated or a public health nuisance would be significantly reduced by demolishing a building or other structure, it may, subject to the provisions of any other law, apply to any court having jurisdiction for an order directing any person to demolish the building or structure or authorizing the Municipality 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 Municipality 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.

Municipal remedial work

18.(1) The Municipality may, subject to the provisions of any other law, enter any premises and do anything on the premises that it reasonably considers necessary –

- (a) to ensure compliance with these Bylaws or with any compliance notice issued in terms of section 32 of the Rationalization of Local Government Affairs Act;
- (b) to reduce, remove or minimize any significant public health hazard; or

(c) to reduce, remove or minimize any public health nuisance.

Cost orders

19. (1) The Municipality 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 17(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 may issue a cost order requiring a person who is liable to pay costs incurred by the Municipality in terms of subsection (1), to pay those costs by a date specified in the order and such order constitutes prima facie evidence of the amount due.

CHAPTER 4:

SANITARY SERVICES

Compulsory connection to municipal sewage system

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

Prohibition against obstruction of sanitary services

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

Requirements in respect of toilet facilities

22. Every owner of premises shall ensure that the number of toilets provided on their premises comply with the provisions of the National Building Regulations and Building Standard Act.

Toilet for workers

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

Prohibition against use of a bucket toilet under the same roof as a dwelling

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

Conditions of toilets, urinals, backyards and refuse areas

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

Separate storage of urine

26.(1) Any owner or occupier required by the Municipality to provide for the separate storage of urine, due to the size, extent of occupation or use of any premises, shall comply with any notice issued by the Municipality 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) shall use the urine tank or urine bucket exclusively for the reception of urine.

Provision of tank for waste liquids in areas without sewers

27. (1) Any owner of premises not connected to a public sewer or not provided with other adequate measures for the disposal of waste liquid, shall 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), shall be equipped either with –

- (a) an overhead tank placed in a way that its contents can be gravity fed into the Municipality's waste removal vehicles; or
- (b) an adequate filter, pump and indicator, with outlet pipes constructed and placed in 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.

Pumping of contents of underground tank to surface tank

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

Blocked or defective outlet pipes

29. Every owner or occupier of premises shall keep any drainage system free from obstruction and in a good condition.

Prohibition against urine in slops tanks

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

CHAPTER 5**PRIVATE SEWAGE WORKS****Permit for provision of service for the removal of human excrement or urine**

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

Permit for installation of sewage works

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

Maintenance of sewage works

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

Disposal of sewage, sewage effluent and wastewater without causing a public health nuisance and/or hazard

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

- (a) cause dampness in or on any premises;
- (b) endanger the quality of any water supply, surface water, stream or river; or
- (c) create a public health nuisance and/or hazard.

Compulsory use of Municipality's sewage removal service

35. Every occupier of premises shall use the sewage removal service prescribed by the Municipality for those premises.

CHAPTER 6

WATER

Definitions

36. In this Chapter, unless the context otherwise indicates –

“**domestic consumption**” in relation to water, means the use of water for –

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

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

Pollution of sources of water supply

37. 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.

Dangerous wells, boreholes and excavations

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

- (a) is fenced in or covered over in a way that safeguards it from creating a public health hazard; and
- (b) does not contain any material or substance 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 public health hazard.

Provision of adequate water supply

39. Every owner of premises shall provide every resident on the premises with an adequate and readily available potable water supply at all times.

Use of water from sources other than the municipal supply

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

Furnishing of particulars of the source of water

41. (1) Any owner or occupier of premises on which a well, borehole, spring, dam, river or other water source is located, the water of which is used for domestic consumption, shall within 14 days of receiving a notice from the Municipality calling on him or her to do so, provide the Municipality with all particulars of the water source reasonably available to the owner or occupier.

(2) An owner or occupier of premises contemplated in subsection (1), shall, if requested to do so by the Municipality, and at his or her own cost, furnish to the Municipality a certificate of analysis and bacteriological investigation issued by an analyst, as defined in the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), in respect of any water supply on that premises used for domestic consumption.

(3) If water from a borehole is used for domestic consumption, a certificate of analysis as contemplated in subsection (2) shall be submitted to Municipality annually or at any time on request of an environmental health practitioner.

Notice of the sinking or digging of boreholes or wells

42. (1) No person may sink or dig, or cause or permit to be sunk or dug, a well or borehole, to obtain water, unless –

- (a) it is done so in accordance with any relevant law; and
- (b) he or she has given the Municipality at least 14 days written notice of his or her intention to do so.

(2) The notice referred to in subsection (1) (b), shall state the proposed location and the purpose for which the water is to be used.

Storm water runoff from premises which may impact on public health

43. (1) Every owner or occupier of premises shall erect adequately designed, constructed and maintained hydraulic and hydrological structures on their premises –

- (a) to divert the maximum storm water runoff, which could be expected within a period of 24 hours with an average frequency of recurrence of once in 100 years, from any part of the premises on which any waste, likely to create a public health nuisance, is or was handled, produced, stored, dumped or spilled;
- (b) to collect all polluted runoff water from any part of the premises on which waste is handled, produced, stored, dumped or spilled, for reuse, treatment or purification;
- (c) to separate all effluent from storm water systems;
- (d) to prevent the erosion or leaching of material from any slimes dam, ash dam and any dump or stock-pile on the premises, and to contain any eroded or leached material in the area where it originated;
- (e) to prevent any waste or waste water from entering any borehole, well, spring, vlei or water course; and
- (f) to prevent any adverse impact on the quality of surface and ground water occurring, due to the location of any dump, stock-pile, dam, drain, canal, conduit, sewer or any other structure on the premises.

(2) An owner or occupier of premises –

- (a) shall keep all water passages open and free of obstruction from matter which may impede the flow of water or effluent;
- (b) may not locate any dump within the one hundred year flood line of any water resource;
- (c) may not use coal, coal discard, carbonaceous material or any other material for the construction of any slurry, evaporation or catchment dam, or any embankment, road or railway in a way likely to create a public health nuisance
- (d) shall construct bund walls around any tank, or group of tanks containing any substance that can create public health nuisance, of a size that is capable of containing the volume of the largest tank in the event of any unlawful or accidental discharge from the tank or group of tanks; and
- (e) shall clean any industrial surface area so as to prevent the pollution of storm water which may result in an adverse impact on the quality of any surface or ground water.

Containment of waste water

44. Any dam, conduit or channel used for the containment of waste water shall have a free board of at least 0.5 metres above the highest level of precipitation which could be expected within a period of 24 hours with an average frequency of recurrence of once in 100 years.

CHAPTER 7

OFFENSIVE TRADES

Definitions

45. In this Chapter, unless the context otherwise indicates –

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

“**offensive trade**” means any business listed below or business which involves an activity listed below:

- (a) panel beating or spray painting;
- (b) operating a waste recycling plant including oil and petroleum product recycling;
- (c) scrap yard or scrap metal dealing;
- (d) blood boiling, bone boiling, tallow melting, fat melting or fat extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, hide boiling, skin curing, blood drying, gut scraping, leather dressing, tanning or glue or size making;
- (e) charcoal burning, brick burning, lime burning;
- (f) manure making or storing or compost making;
- (g) parchment making;
- (h) manufacturing malt or yeast, edible oils;
- (i) cement works, coke-ovens or salt glazing works;
- (j) sintering of sulphurous materials;
- (k) viscose works;

- (l) ore or mineral smelting, calcining, puddling or rolling of iron or other metal, conversion of pig iron into cast iron, reheating, tempering, hardening, forging, conversion or compounding or carbon with iron or other metals;
- (m) works for the production of carbon bisulphide, cellulose lacquer, cyanide or its compounds, hot pitch or bitumen, pulverized fuel, peridine, liquid or gaseous sulphur dioxide or sulphur chlorides;
- (n) works for the production of amyl acetate, aromatic ethers, butyric acid, caramel, enamel wire, glass, hexamine, lampblack, B-naphthol, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride or zinc oxide; or
- (o) the refining or processing of petrol, oil or their products;
- (p) Sandblasting;
- (q) sawmill, wood, timber manufacture.

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

Permit requirement

46. No person may conduct an offensive trade in or on any premises, except in terms of a permit authorizing such trade.

Requirements for premises

47. 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 Standard Act;
- (f) an adequate supply of running potable water is provided;
- (g) an adequate number of portable containers constructed of iron or another non-absorbent material, equipped with closely fitting lids, are provided for the removal of all waste and waste water from the premises;
- (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 injurious effluent or liquid; or
 - (ii) decompose in the course of the work or trade;
- (j) adequate means are provided to control the discharge in the open air of any noxious, injurious or offensive gas, fume, vapour or dust produced during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of material;

- (k) adequate sanitary fixtures are provided as prescribed in the National Building Regulations and Building Standards Act;
- (l) a perimeter wall made of brick or some other impervious material, with a minimum height of 2 metres, is constructed around the premises;
- (m) all gates to the premises are of solid construction with a minimum height of 2 metres;
- (n) all perimeter walls and gates adequately screen activities on the premises from public view and
- (o) all materials are stacked or stored on the premises below the height of the perimeter screening;
- (p) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, shall be provided containing –
 - (i) an adequate metal locker for every employee;
 - (ii) a wash-hand basin provided with a supply of running hot and cold potable water; and
 - (iii) an adequate supply of soap and disposable towels at every wash hand basin;
- (q) if no change-room has been provided in terms of paragraph (p) –
 - (i) a wash hand basin with a supply of running hot and cold potable water, shall be provided in an accessible position; and
 - (ii) an adequate metal locker shall be provided for every employee in the work area.

Duties of offensive traders

48. Every offensive trader shall –

- (a) maintain the premises in a clean, hygienic and good condition at all times;
- (b) maintain all walls and floors of the premises in a manner and condition that prevents the absorption of any waste or waste water;
- (c) maintain all machinery, plant apparatus, furniture, fittings, tools, implements, vessels, containers, receptacles and vehicles in a clean, hygienic and good condition at all times;
- (d) prevent any waste accumulating on the premises; and
- (e) prevent the emission of noxious, injurious or offensive gases, fumes, vapours or dust generated during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of any material on the premises.

Liquid refuse from bone and tripe boiling

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

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

Liquids, tanks and tubs in leather making

50. Every fellmonger, leather dresser or tanner shall –

- (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 every tub 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”

CHAPTER 8 HAIRDRESSING BEAUTY AND COSMETOLOGY SERVICES

Definitions

51. In this chapter, unless the context otherwise indicates –

“**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, anyone 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 eye lashed 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; or
- (i) body contouring including all forms of slimming;

“**hairdressing**” includes, but is not limited to, anyone 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 again:

- (a) Hairdressing or beauty service;
- (b) cosmetology or beauty service;
- (c) body piercing and tattooing; or
- (d) massaging services;

“**salon service**” means anyone or more or a combination of the practices or services generally and usually performed by a person rendering service in the hairdressing, cosmetology or beauty service industry including any massage, body piercing and tattooing service.

Permit requirement

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

Requirements for premises

53. 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 Standard Act, shall be provided;
- (b) all shelves, fixtures and table tops on which instruments are placed shall be constructed of an approved material that is durable, non-absorbent, and easy to clean;
- (c) water and toilet facilities shall be provided as prescribed in the National Building Regulations and Building Standards Act;
- (d) adequate facilities, with a supply of running potable water, shall be available for the washing of hair and hands;
- (e) an approved system for the disposal of waste water shall be provided;
- (f) adequate storage facilities shall be provided;
- (g) the walls and floors shall be constructed of a material that is easy to clean and which prevents cut hair from being dispersed; and
- (h) the premises may not be used for the storage and preparation of food or for sleeping unless any area for that purpose is clearly separated by an impervious wall.
 - (i) adequate separate change-rooms for males and females, where five or more persons of the same sex shall be provided containing-
 - (i) an adequate metal locker for every employee;
 - (ii) a wash-hand basin provided with a supply of running hot and cold potable water; and
 - (iii) an adequate supply of soap and disposable towels at every wash- hand basin;
- (j) if no change-room has been provided in terms of paragraph (i) –

(i) a wash hand basin with a supply of running hot and cold potable water, shall be provided in an accessible position; and

(ii) an adequate metal locker shall be provided for every employee in the work area.

Duties of salon operators

54. Any person operating a salon shall –

- (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 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;
- (g) not permit any animal on the premises unless it is a guide dog accompanying a blind person; and
- (h) ensure that every person working in the salon complies with the requirements of this section and sections 55 and 56.

Requirement minimum health standards for the operation of a salon

55. Any person operating or employed in, a salon shall take the following measures:

(a) Adequately disinfect the following instruments after each use:

- (i) razors;
- (ii) blades;
- (iii) nail files;
- (iv) scissors;
- (v) clippers;
- (vi) hairbrushes;
- (vii) combs;
- (viii) bristle brushes;
- (ix) metal clips; and
- (x) rollers;

(b) adequately sterilize 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 disposable gloves when providing one of the following salon services:

- (i) any chemical services;
- (ii) any hair implant;
- (iii) body piercing; and
- (iv) 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, sharp instruments, bloodied and otherwise contaminated towels and toweling paper in an approved manner;

(j) store razors, blades, needles and other sharp instruments separately in a "sharp instrument box";

(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; and

(m) keep an approved first aid kit on the premises at all times.

Prohibition against the use of salon premises for other purpose

56. (1) Any person operating a salon shall 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, shall provide a separate area, equipped with a facility for cleaning crockery and utensils, for that purpose.

CHAPTER 9

SECOND-HAND GOODS

Definitions

57. In this chapter, unless the context otherwise indicates-

"second-hand goods business" means any business in which used goods and materials are sold, including, without limitation-

- (a) clothing, furniture, scrapped motor vehicles, footwear, timber, building bricks or blocks, building material or fittings, machinery, drums, tins, bottles, packaging cases, boxes, crates or other containers, metal rags, plastic bags paper or any other material, which has previously been used.

Requirements for premises

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

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

Duties of second-hand goods traders

59. Any person who conducts a second-hand business shall-

- (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 harborage of rodents or other vermin and pests;

- (b) ensure that no water accumulates in any article stored on premises;
- (c) keep the premises in a clean, neat and sanitary condition at all times;
- (d) immediately on receipt, disinfect all furniture, soft furnishings, clothing, bedding or other fabrics in an adequate manner;
- (e) keep any other articles separate from articles which have been disinfected; and
- (f) label all articles which have been disinfected in a conspicuous place on each article.

CHAPTER 10

ACCOMMODATION ESTABLISHMENTS

Definitions

60. In this Chapter, unless the context otherwise indicates-

“accommodation establishment” means any place in which accommodation is provided for gain to four or more people, with or without meals;

“dormitory” means a sleeping room in which sleeping accommodation is provided for four or more persons.

Permit requirements

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

Requirements for premises of accommodation establishments

62. 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 12 m³ of free air space and 4 m² of floor space for each person over the age of 10 years; and
 - (ii) less than 6 m³ of free air space and 2 m² of floor space for each person under the age of 10 years;
- (b) no latrine, passage, staircase, landing, bathroom, cupboard, outbuilding, garage, stable, tent, storeroom, lean-to, shed, kitchen, 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, shall be provided for every person housed in the dormitory;

- (ii) a separate locker shall 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 shall be so placed that its sides are at least one meter away from any part of any other bed;
- (d) an accommodation establishment shall 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, including the area occupied by tables, chairs and benches, of at least 1.2 m² for every seat provided for dining purposes;
- (e)
 - (i) an accommodation establishment shall be provided with one or more showers, each suitably placed in a separate compartment, easily accessible to every occupier, and fitted with waste pipes which comply with the provisions of the National Building Regulations and Building Standards Act.
 - (ii) a bath fitted with a waste pipe may be substituted for each shower referred to in subparagraph (i).
 - (iv) the facilities referred to in subparagraphs (i) and (ii) shall be designated for the different sexes;
- (f) an accommodation establishment shall be provided with sanitary fixtures as prescribed in the National Building Regulations and Building Standards Act and such fixtures shall be designated for the different sexes;
- (g) an accommodation establishment shall be provided with an adequate supply of hot and cold running potable water;
- (h) all rooms and passages shall be provided with an adequate ventilation and lighting as prescribed in the National Building Regulations and Buildings Standards Act;
- (i) openings such as doors, windows or fanlights may not be obstructed in a manner that interferes with the lighting or cross ventilation they provide;
- (j)
 - (i) a separate room with metal bins or canvas laundry bags shall 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 shall be provided.
- (k) a store-room for the storage of furniture and equipment and a separate linen room with cupboards or shelves for the storage of clean bed and other linen, towels,

blankets, pillows and other articles used in connection with an accommodation establishment, shall be provided;

- (l)
 - (i) all walls and ceilings shall 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 shall be constructed of concrete or some other durable, impervious material brought to a smooth finish; and
 - (iii) the floor surface of every habitable room shall be constructed of an approved material ;
- (m) The following facilities shall 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).
- (n) adequate changing facilities shall be provided for non-resident employees;
- (o) adequate ablution and sanitary facilities, which comply with the provisions of paragraphs (e) and (f), shall be provided for residents and non-resident employees;
- (p) an adequate refuse holding area shall be provided and an approved refuse removal system shall be maintained;
- (q) all walls, floors and roofs shall be constructed in a manner which prevents wind or rain entering an accommodation establishment or dampness entering the interior surfaces of any wall or floor;
- (r) all accesses to an accommodation establishment shall have a door which when closed, prevents the wind or rain entering the premises, and
- (s) all windows shall be constructed in a manner that prevents rain entering the accommodation establishment when the windows are closed.

Duties of operators of accommodation establishments

63. Every person who conducts an accommodation establishment shall-

- (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, towels, 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 durable and impervious material, equipped with a close-fitting lid, in every toilet used by females;
- (e) provide towel rails or hooks in every bathroom and in every room in which there is a wash-hand basin or shower;
- (f) store all dirty linen, blankets clothing, curtains and other articles used in connection with an accommodation establishment in the manner provided in section 62(j);
- (g) store all clean linen, towels blankets, pillows and other articles used in connection with the accommodation establishment in the manner provided in section 62(k);
- (h) keep all sanitary, ablution and water supply fittings in good working order;
- (i) keep every wall, surface and ceiling, unless constructed of materials not intended to be painted, painted at the intervals to ensure that the area painted, remains clean and in a good state of repair; and
- (j) handle refuse in the manner provided in section 62(p).

CHAPTER 11

DRY-CLEANING AND LAUNDRY ESTABLISHMENTS

Definitions

64. In this chapter, unless the context otherwise indicates-

“dry-cleaning or laundry business” means any business in which clothes or other fabrics are cleaned with water or other solvents, or clothes or fabrics are ironed;

“dry-cleaning or laundry receiving depot” means premises used for the receipt, storage and dispatch of clothes or other fabrics in connection with a dry-cleaning or laundry business.

Premise for dry-cleaning or laundry businesses

65. No person may conduct a dry-cleaning or laundry business on premises which do not comply with the following requirements:

- (a) a work-room or area used for housing dry-cleaning machines, washing machines, ironing boards, presses and other fixed or movable equipment, with a minimum unobstructed floor area of 2,5 m² per person employed on the premises, shall be provided;

- (b) adequate separate areas for making clean and dirty articles shall be provided with:-
 - (i) Tables with an impervious surface;
 - (ii) Adequate washable containers for dirty articles; and
 - (iii) Hanging rails and shelves constructed of an impervious material in the area for making clean articles;
- (c) a separate room or area with separate designated counters, with impervious surfaces, shall be provided for the receipt and dispatch of articles;
- (d) a store-room or facility for the storage of packaging material and other articles shall be provided and equipped with adequate packaging shelves of which the lowest shelf shall be at least 250mm above floor level;
- (e) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, shall be provided containing:-
 - (i) An adequate metal locker for every employee;
 - (ii) A wash-hand basin provided with a supply of running hot and cold potable water; and
 - (iii) An adequate supply of soap and disposable towels at every wash hand basin;
- (f) if no change-room has been provided in terms of paragraph (e)-
 - (i) A wash hand basin with a supply of running hot and cold potable water shall be provided in an accessible position; and
 - (ii) An adequate metal locker shall be provided for every employee in the work area;
- (g) a tea kitchen with a single-basin stainless steel sink, with a supply of running hot and cold potable water, shall be provided;
- (h) separate toilets for males and females shall be provided which comply with the provisions of the National Building Regulations and Building Standards Act;
- (i) every toilet and change-room shall be clearly gender designated;
- (j) all internal walls shall be constructed of cement or some other adequate impervious material, brought to a smooth finish and painted with a light-coloured washable paint;
- (k) all ceilings shall be dust-proof, smoothly finished, and painted with a light coloured washable paint;
- (l) all floor surfaces shall be constructed of cement or some other adequate impervious material, brought to a smooth finish and properly drained;
- (m) the minimum height from floor to ceiling of any room or area shall be 2,4 meters;
- (n) adequate lighting and ventilation, as prescribed by the National Building Regulations and Building Standards Act shall be provided;
- (o) all machinery and equipment shall 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;

- (p) all machinery and equipment shall be placed so that there is free access to all areas around and underneath each machine or item of equipment, to enable those areas to be adequately cleansed; and
- (q) a separate pre-rinsing area shall be provided on any premises where napkins are laundered.

Premises for dry-cleaning or laundry receiving depots

66. No person may operate a dry-cleaning or laundry receiving depot on premises which do not comply with the following requirements:

- (a) a separate room or area with a minimum width of two meters shall be provided for the receipt and dispatch of articles;
- (b) fifty percent of the floor space of the room referred to in paragraph (a) shall be unobstructed;
- (c) a wash-hand basin with a supply of running potable water shall be provided;
- (d) an adequate supply of soap and disposable towels shall be provided at every wash-hand basin;
- (e) all internal wall and ceiling surfaces shall be constructed of an impervious material, brought to a smooth finish and painted with a light-coloured washable paint;
- (f) all floor surfaces shall be constructed of cement or other impervious material, brought to a smooth finish;
- (g) lighting and cross-ventilation, as prescribed by the National Building Regulations and Building Standards Act, shall be provided;
- (h) adequate washable containers for sorting dirty articles shall be provided;
- (i) adequate quantities of hanging rails or impervious shelves for the storage of clean articles shall be provided;
- (j) adequate designated counters, with impervious surfaces, shall be provided separately for the receipt and dispatch of dirty and clean articles; and
- (k) an adequate metal locker shall be provided for every person employed in the receiving depot.

Premises for coin-operated laundries

67. No person may operate a coin-operated laundry on premises which do not comply with the following requirements:

- (a) separate toilet and hand washing facilities for the different sexes, as prescribed in the National Building Regulations and Building Standards Act, shall be provided;
- (b) an adequate area shall be provided where ironing is done on the premises; and
- (c) any machine on the premises shall be installed in accordance with any applicable law.

General requirements for dry-cleaning and laundry businesses

68. Any person conducting a dry-cleaning or laundry business or in charge of premises on which a dry-cleaning, laundry or receiving depot exists, shall-
- (a) keep the premises, all fittings, equipment, appliances, machinery, containers and business vehicles in a clean, hygienic and good condition at all times;
 - (b) separate dirty articles from clean articles at all times, including when in transit;
 - (c) use a change-room solely for changing;
 - (d) ensure that every person who handles clean or dirty articles wears adequate protective clothing at all times;
 - (e) keep protective clothing in a clean and sound condition at all times;
 - (f) store protective clothing in a locker when it is not being worn;
 - (g) affix the name and business address, in clear lettering, to the outside of any business vehicle;
 - (h) ensure that the premises are not directly connected to any food premises, new clothing shop, hairdresser or any other area from which contamination might occur;
 - (i) comply with the requirements of the following legislation times:
 - (i) The Occupational Health and Safety Act 1993, (Act No 85 Of 1993)
 - (ii) The National Environmental Management: Air Quality Act 2004, (Act No. 39 of 2004)
 - (j) place all piping in the building, not chased in to walls, at least 100mm away from all walls or floors and comply with the provisions of the National Building Regulations and Building Standards Act;
 - (k) insulate all steam piping with an adequate material; and
 - (l) dispose of all waste water in an approved manner.

CHAPTER 12

SWIMMING BATHS

Definitions

69. In this chapter, unless the content otherwise indicates-

“**bath**” means any swimming bath established or operated by the Municipality and shall include all buildings, structures, gardens and enclosures used in connection therewith;

“**municipality**” means the Msunduzi Municipality;

“**professional swimming coach**” means any person who for gain, instructs any other person in the art or practice of swimming;

“**manager: parks**” means the person appointed to that position or such closely matched position by the municipality;

“**superintendent**” means the officer appointed by the municipality as a bath superintendent;

General Provision

70. These bylaws shall apply to all baths owned or operated by the Municipality.

Admission

71. Before admission to a bath every person shall obtain a ticket from the attendant on duty by payment of the prescribed fee or shall present a valid monthly ticket to such attendant and such ticket must be retained for inspection by any authorised official of council. Provided that-

- (a) Parties of scholars accompanied by teachers may be admitted without purchasing tickets if the teacher in charge is authorised to incur liability on behalf of the school for the cost of the fees prescribed for admission.

Hours of bathing

72. The Manager: Parks shall from time to time fix the days and hours the baths shall be open to the public and such days and times may vary from bath to bath.

Order and behavior

73. (1) No person at any bath shall-

- (a) enter or use any building or enclosure reserved for members of the opposite sex provided that this bylaws shall not apply to children under six years old;
- (b) expectorate or commit a nuisance of any description;
- (c) at any time willfully or negligently break, injure or improperly interfere with the due and efficient action of any equipment or machinery used in connection with the bath or willfully or negligently injure any furniture, fittings or conveniences;
- (d) through any disorderly and improper conduct disturb any other person, or any municipal official in the proper execution of his/her duty;
- (e) cause or allow any animal under the control of such person or otherwise to enter the bath;
- (f) use any indecent or offensive language or behave in an indecent or offensive manner;
- (g) use any soap or other substances whereby the water in such swimming bath may be rendered turbid or unfit for the proper use of bathers;
- (h) willfully foul or pollute the water;
- (i) write, sketch or draw upon any portion of the bath or in any way disfigure or damage the bath;
- (j) make wasteful use of water when using a shower;
- (k) dress or undress except in such place as shall have been provided for that purpose;
- (l) be in a state of intoxication;
- (m) pluck any flower or destroy any plant tree or shrub;
- (n) cause any damage to the terraces or cut up or destroy the grass by walking across such grass in disregard to any prohibition notice and avoid keeping to

the paths as laid out unless otherwise directed to do so by the superintendent or any duly authorized official of the municipality;

- (o) be allowed to smoke any tobacco products during the hours of bathing and unless permitted to do so after hours;
- (p) discard fruit skins or any refuse or litter except in receptacles provided;
- (q) enter the change rooms designated for the opposite gender unless authorised do so for maintenance , repairs or security and safety purposes;

(2) No person shall enter or attempt to enter any bath-

- (a) whilst under the influence of liquor or drugs;
- (b) whilst unclean in his/her person or dress;
- (c) whilst in possession of glass bottles or similar such breakable containers.

(3) No person shall enter the swimming pool within the bath with any wound that may contaminate the water or cause a spread of infection to the other bathers.

(4) No child under the age of 10 shall be admitted to any bath unless accompanied by an adult.

Superintendent

74. (1) The superintendent shall have the right to refuse admission to any person to the bath who may be

- (a) unclean in person, dress or habit;
- (b) under the influence of liquor or drugs;

(2) the superintendent may require any person offending against any of the provisions of these bylaws to leave the bath forthwith and if necessary may remove such person or cause such person to be removed from the bath

Dress

75. (1) No person shall swim or otherwise bath in the swimming bath at the baths without wearing a proper bathing costume. Every bathing costume worn at the baths shall be of a type which does not indecently expose the body of the wearer thereof and for this purpose the Superintendent may disapprove any type of bathing costume which is scanty,

transparent or loose, having regard to the age and sex of the wearer.

- (2) When the Superintendent disapproves of any bathing costume he/she may order the person wearing the offending costume to change into an appropriate costume, to adjust the said costume or to change into non-bathing apparel.

Indecent exposure

76. No person shall, save when within a dressing or change room, cubicle, compartment, closet, shower or similar room, appear in a nude state at the baths.

Competitive swimming

77. No person shall instruct any person in the practice of competitive swimming at any bath except on prior application to the municipality.

Professional swimming

78. No professional swimming coach shall instruct any person in the practice of competitive swimming at any bath unless the fees which may be laid down in tariffs have been paid.

Liability

79. (1) Persons using a bath or any equipment thereat provided by the council do so at their own risk and neither the municipality nor its employees shall be liable for any injury or damage sustained by any person as a result of the use or misuse of such bath or equipment.
- (2) Neither the municipality nor its officials shall be liable to any person for any death, injury or damage suffered either as a result of any person at a bath or during the administration of first aid or other medical treatment to any person at a bath.
- (3) Persons bringing property into any bath do so at their own risk and neither the Municipal Council nor its employees shall be liable for any loss of property which occurs at any bath.
- (4) The municipality and its employees shall not be liable for any loss of or damage to any property handed by any person to employees of the municipality for the purpose of being kept whilst such person is at any bath.

Reservation of baths

80. The Manager: Parks may reserve any bath for any sport, gala, competition or for any other purpose, and may close any such bath to the public and hire the same for any period not to exceed one week to clubs, associations or educational bodies at an inclusive fee. Notices of closure of any bath for the above purpose shall be displayed at the baths for 48 hours prior to the closure.

CHAPTER 13

NURSING HOMES

Definitions

81. In this chapter, unless the context otherwise indicates-

“**general practice**” when used to describe the purpose for which a nursing home is used, means all medical, gynecological and surgical cases, excluding maternity cases;

“**maternity home**” means any nursing home, or part thereof, dealing exclusively with maternity cases;

“**nursing home**” means any premises where the nursing or care of patients is carried on for gain, but does not include-

- (a) Any institution owned or controlled by the Government of the Republic of South Africa or a Provincial Administration; or
- (b) Any consulting room, dental surgery or home for aged persons.

Use of premises

82. (1) Any person who operates a nursing home may use it for the purposes of either a maternity home or for general practice, but not for both those functions, unless-

- (a) the nursing home carried on business prior to the promulgation of these bylaws; or
- (b) the nursing home-
 - (i) complies with the requirements of subsection (2);
 - (ii) is in possession of a permit authorizing that activity; and
 - (iii) complies with the requirements of any relevant Town Planning Scheme.

(2) Any person who operates a nursing home may use the premises concerned as a maternity home and for general practice, subject to compliance with the following requirements:

- (a) one part of the premises shall be set aside exclusively as a maternity area for maternity cases and another part shall be set aside exclusively as a general practice area for general practice;
- (b) no room, passage, stairway, hall, corridor, lift, external entrance or exit or other portion of the premises may be used in common for purpose whatsoever, except those that are used for the purpose of:-
 - (i) laundries;
 - (ii) central sterilizing unit, including ancillary units and stores;
 - (iii) pathological laboratories;
 - (iv) kitchen, sculleries, washing-up facilities, larders and any associated storage space;

- (v) storage space for unused or adequately sterilized stores;
 - (vi) an administrative office other than an office used to admit and discharge patients;
 - (vii) central pharmaceutical units;
 - (viii) mortuaries; and
 - (ix) workshops.
- (c) access to any common area may not be gained from the maternity area by going through the general practice area, and vice versa;
- (d) any common area leading from the two exclusive areas shall be adequately ventilated;
- (e) there may not be any direct means of access between the two exclusive areas;
- (f) there may not be any opening, aperture or gap in any common wall dividing the two exclusive areas which could allow air to pass from one area to the other;
- (g) every floor of one of the exclusive areas, which is located immediately above the other exclusive area, shall be made of reinforced concrete or other impervious material;
- (h) no member of the nursing or ward domestic staff who has performed duties in one exclusive area may, within 24 hours thereafter, perform duties in or enter the other exclusive area in an official capacity or in uniform;
- (i) the uniforms and protective clothing worn by persons employed in the common area and the two exclusive areas, shall be clearly distinguishable from one another;
- (j) no furniture, equipment, utensils, apparatus, linen, blankets or any other articles located in a common area, may be taken to any exclusive area until they have been adequately sterilised;
- (k) all furniture, equipment, utensils, apparatus and other articles, excluding linen, blankets, kitchen utensils, catering equipment, crockery, medical, surgical instruments and other incidental items, used in or intended for use in the two exclusive areas, shall be clearly marked to indicate in which of the areas they are used or originated;
- (l) no article identified for use in the one exclusive area may be taken into or kept in the exclusive area unless a certificate is obtained from an environmental health practitioner that the article has been adequately sterilised;
- (m) all articles issued from the common area for use in the two exclusive areas, shall be returned to the common area;

- (n) no article issued for use in one exclusive area may be used in the other exclusive area until it has been returned to the common area for adequate sterilization;
- (o) no patient from the maternity area may be accommodated, nursed or cared for in the general practice area, and vice versa; and
- (p) no person shall bring any animal, poultry or bird onto the premises.

General requirements

83. No person may operate a nursing home which does not comply with the following requirements:

- (a) separate residential accommodation shall be provided for staff required to reside on the premises;
- (b) separate bathrooms and toilets shall be provided in accordance with section 85(b) and (c), for each of the following classes of persons:
 - (i) patients;
 - (ii) nursing staff; and
 - (iii) domestic staff;
- (c) the bathrooms and toilets shall be designated for each sex and shall be laid out in a manner that satisfies an environmental health practitioner;
- (d) an adequate supply of running hot and cold potable water, drawn from the Municipality's main supply, shall be provided;
- (e) a water-borne sewerage system connected to the Municipality's sewer, a septic tank or other disposal system approved by the city engineer of the Municipality and an environmental health practitioner in writing, shall be provided;
- (f) adequate accommodation for the administrative purposes of the nursing home, shall be provided;
- (g) adequate storage accommodation for articles that are reasonably necessary to store on the premises, shall be provided;
- (h) an adequate kitchen and scullery, having regard to the size and layout of the nursing home, shall be provided;
- (i) an adequate accommodation and facilities for the storage and refrigeration of food, shall be provided;
- (j) a separate linen room, containing adequate cupboards or shelves for the storage of clean linen, shall be provided;

- (k) an incinerator, adequate for the complete incineration of any combustible article placed in it, may be provided;
- (l) any laundry located on the premises, shall comply with the provisions of these bylaws;
- (m) no autopsy may be performed on these premises, other than in a room which is used solely for the reception of dead bodies and is constructed as follows:
 - (i) the room shall be divided from any other room by a solid wall;
 - (ii) the floor and walls shall be constructed of an impervious material brought to a smooth finish;
 - (iii) all tables in the room shall have impervious tops;
 - (iv) a sink, supplied with hot and cold running potable water, shall be provided; and
 - (v) an adequate drainage system shall be provided;
- (n) adequate facilities shall be provided for the hygienic handling and disposal of flowers, vases and other related materials;
- (o) fire prevention equipment, which in the opinion of the chief fire officer of the Municipality is adequate, shall be provided and maintained on the premises;
- (p) a fire escape, the stairs of which are a minimum of 1 metre wide with landings at each turning point measuring a minimum of 2.2 metres by 1.7 metres, shall be affixed to the premises;
- (q) the premises shall provide adequate accommodation for the storage of any spare equipment, including particularly heavy equipment and gas cylinders, in a manner that will not obstruct any passages or exits to the premises; and
- (r) an emergency stand-by electrical plant shall be provided which is adequate to provide an immediate alternative supply of electricity to-
 - (i) each operating theatre throughout the period of any power failure; and
 - (ii) any part of the nursing home to ensure the continued operation, throughout the period of the failure, of all electrically operated appliances and equipment which, in the opinion of an environmental health practitioner, are or may be life saving.

Floor requirements

84. No person may operate a nursing home, unless the following are provided on each floor:

- (a) a duty-room equipped in accordance with section 90;
- (b) adequate sluicing facilities, taking into account the number of beds on the floor;
- (c) a dressing fitted with adequate sterilizing equipment, containing impervious shelves for the storage of sterile drums and other equipment, and used exclusively for-
 - (i) the sterilization or preparation of instruments, dressings and other equipment; and
 - (ii) the treatment of patients;

- (d) a ward kitchen equipped with a sink with hot and cold running potable water, a refrigerator, a stove and cupboards for crockery and cutlery; provided that a floor does not require a separate ward kitchen if all the needs of that floor are adequately catered for by the premises' main kitchen;
- (e) an adequate room or cupboard for the storage of clean linen;
- (f) a portable receptacle for the collection of soiled linen;
- (g) a room reserved exclusively for sorting and handling linen: provided that such separate linen rooms are not required, if the entire premises are adequately served by one such room;
- (h) a room for the storage of any spare equipment including heavy equipment and gas cylinders; and
- (i) where accommodation is provided for children under the age of six years, a separate, milk room for the storage and preparation of milk and other children's foods, unless a ward kitchen adequately fulfils this purpose.

Maintenance and construction

85. No person may operate a nursing home in or on premises which do not comply with the following requirements:

- (a) the premises shall be kept in good and hygienic condition at all times;
- (b) all walls shall be constructed of brick, stone, concrete or other impervious material;
- (c) except where glazed or glass bricks, glazed tiles or other similar material with a hard and smooth surface have been used, the internal walls of operating theaters, sterilizing rooms, wards, labour wards, scrubbing-up rooms, dressing rooms, duty-rooms, kitchens, sculleries, pantries, food store-rooms, milk rooms, bathrooms toilets, sluice-rooms, wash-houses and mortuaries shall be-
 - (i) plastered and brought to a smooth finish; and
 - (ii) covered with a light-coloured washable paint, adequate plastic finish or other approved material;
- (d) the angles formed between each floor and wall, and between two walls, in operating units, wards, labour wards, sluice-rooms, milk rooms, bathrooms, toilets and kitchens, shall be rounded;
- (e) the floors of wards shall be constructed of concrete, hardwood or other durable material, brought to a smooth finish and maintained in this way at all times;
- (f) the floors of operating theatres, sterilizing rooms, wards, including labour wards, scrubbing-up rooms, dressing-rooms, duty-rooms, kitchens sculleries, pantries, food store-rooms, milk rooms, bathrooms, toilets, sluice-rooms, wash-houses and mortuaries

shall be made of cement concrete or other impervious material brought to a smooth finish and maintained at in this way at all times;

- (g) all ceilings shall be constructed so as not to attract dust; and
- (h) the ceilings of operating theaters, labour wards, sterilizing rooms and scrubbing up rooms shall have a hard, smooth and washable surface.

Ventilation

86. No person may operate a nursing home which does not comply with the provisions of the National Building Regulations and Building Standards Act with regard to adequate light and ventilation.

Ward requirements

87. No person may operate a nursing home which does not comply with the following requirements in respect of each ward:

- (a) all ceilings shall have a minimum height of three metres, except in the case of existing nursing homes where the height may be a minimum of 2.6 metres as long as the floor area of the ward is sufficient to provide 22 m³ of air space for every bed;
- (b) the size of the floor area shall be such as to provide a minimum of 8,5 m² of floor space for every bed;
- (c) no bed may be placed-
 - (i) within 750mm of any wall on the side of a bed or wall fixture, other than a wash-hand basin or central heating radiator; or
 - (ii) within one meter of any other bed.
- (d) the space left between beds in terms of paragraph (c) , may be obstructed in any manner;
- (e) the following shall be displayed on the outside of each ward door:
 - (i) the number of the ward; and
 - (ii) the number of patients that may be accommodated in the ward;
- (f) an adequate number of easily accessible wash-hand basins, complying with the following requirements shall be placed inside each ward:
 - (i) The basins shall be of adequate size for scrubbing up; and
 - (ii) The basins shall be provided with an adequate supply of hot and cold running potable water;
- (g) no room, any of the windows of which are situated less than 1.5 metres from an object which obstructs its light, may be used as a ward; and
- (h) every ward shall have a door opening directly onto a passage.

Maternity homes

88. Any person who operates a maternity home shall, in addition to the requirements for nursing homes, comply with the following requirements:

- (a) one or more rooms, as an environmental health practitioner may think fit to avoid overcrowding and congestion, shall be set aside for each of the following purposes:
 - (i) a nursery;
 - (ii) a labour ward;
 - (iii) a delivery ward; and
 - (iv) a milk room;
- (b) every delivery ward shall have a scrubbing-up basin, with a supply of hot and cold running potable water, the taps of which are designed for operation by elbow or by foot;
- (c) newborn infants shall be kept in the nursery except when brought to their mothers for feeding or for some other specific purpose, except that the infants may be kept with their mother at all times if there are no more than two maternity cases in a ward;
- (d) the floor area of any delivery ward in which a maximum of two maternity cases are accommodated, shall provide a minimum of 10m² for each bed and crib;
- (e) one separate crib for each baby, each with a minimum of at least 2m² of floor space, shall be provided in every nursery;
- (f) the cribs shall be situated as follows:
 - (i) a minimum of 750 mm from any other crib; or
 - (ii) a minimum of 300 mm from any wall on the side of the crib or wall fixture, excluding a wash-hand basin or central-heating radiator;
- (g) a baby's bathing and changing-room, fitted with adequate baby bathing equipment, shall adjoin every nursery; and
- (h) every milk room shall be provided with-
 - (i) a sink made of porcelain, enamel or stainless steel and a wash-hand basin with hot and cold running potable water;
 - (ii) a refrigerator;
 - (iii) tables with impervious tops; and
 - (iv) adequate equipment for sterilizing utensils used in the handling of milk

Operating theatres

89. Any person who operates a nursing home which receives patients in need of surgical treatment shall provide an operating theatre used exclusively for surgical operations, which complies with the following requirements:

- (a) Every operating theatre shall be provided with-
- (i) a scrubbing-up room or bay, which shall immediately adjoin the operating theater;
 - (ii) a sterilizing room;
 - (iii) a theatre sluice-room; and
 - (iv) a recovery room;
- (b) the sterilizing room, which adjoins an operating theatre, shall be separated by a swing door or other approved type of door;
- (c) the sluice-room, sterilizing room and recovery room shall be reasonably accessible from the operating theatre; and
- (d) one sluice-room, sterilizing room and recovery room may be used to serve more than one operating theatre;

Ablution and sanitary requirements

90. Any person who operates a nursing home shall ensure that the premises comply with the following requirements:

- (a) all bathrooms shall be fitted with porcelain enamel or cast-iron enamel baths with a supply of hot and cold running potable water;
- (b) the following number of baths and toilets shall be provided for patients:
- (i) in a maternity home-
 - (aa) the ratio of toilets to patients shall not be less than 1:8; and
 - (bb) the ratio of bathrooms to patients shall not be less than 1:12;
 - (ii) in any other nursing home-
 - (aa) the ratio of toilets to patients shall not be less than 1:12; and
 - (bb) the ratio of bathrooms to patients shall not be less than 1:12;
- (c) the following number of baths and toilets shall be provided for nursing staff, domestic staff and other employees:
- (i) the ratio of each toilets and bathrooms to nursing and domestic staff shall not be less than 1:12 respectively; and
 - (ii) the ratio of each of the toilets and bathrooms or shower cubicles to other employees shall not be less than 1:12 respectively;
- (d) in calculating the number of toilets in terms of paragraph (b), no account shall be taken of any toilet contained in a bathroom; and
- (e) every toilet shall be equipped with an adequate flushing system maintained in proper working order.

Sluice-rooms

91. Any person who operates a nursing home shall ensure that every sluice-room located on the premises-

- (a) is a minimum of 7 m² in area and have a minimum width of 2.2 metres;
- (b) opens into a well-ventilated passage and is accessible to every ward which it serves;
- (c) has a sluice-pan of approved design and equipped with an adequate flushing system maintained in proper working order;
- (d) has smooth and impervious shelves or other adequate apparatus for the storage of bed-pans or other sanitary utensils;
- (e) has, in the case of a maternity home, adequate apparatus for sterilising bed-pans by steam or boiling water and in the case of a nursing home carrying on a general practice, adequate apparatus for cleaning bed-pans;
- (f) has an impervious receptacle, with a tight fitting lid and of adequate size, for the reception of soiled dressings; and
- (g) is used only for-
 - (i) the storage and cleansing of bed-pans and other sanitary utensils;
 - (ii) the temporary deposit of soiled dressings; and
 - (iii) the testing of urine.

Kitchens and sculleries

92. Any person who operates a nursing home shall ensure that any kitchen and scullery located on the premises complies with the following requirements:

- (a) every draining board and top of every table installed, whether as a new installation or by way of replacement, shall be constructed of stainless steel, enameled metal or of another adequate smooth and impervious material;
- (b) every sink installed, whether as a new installation or by way of replacement, shall:-
 - (i) be constructed of stainless steel;
 - (ii) have two compartments each with hot and cold running potable water and;
 - (iii) together with its draining board, be installed at least 100mm away from any wall.

- (c) any wall within 600mm of any part of a sink, draining board or of any table on which food is prepared or handled, shall be tiled or treated in some other adequate manner to a minimum height of 1.35 metres above the floor;
- (d) a receptacle with a tight fitting lid suitable for the reception of kitchen refuse shall be provided;
- (e) the receptacle shall be kept tightly shut and emptied at least once a day into an external refuse receptacle; and
- (f) a hood or canopy of adequate size, having a flue at least 300mm in diameter and which emits fumes and gasses in such a manner that it creates no public health nuisance, shall be provided immediately over any stove where cooking is carried out on the premises.

Storage of foodstuffs

93. Any person who operates a nursing home shall ensure that:-

- (a) all crockery, cutlery and foodstuffs are stored in a hygienic place and manner;
- (b) adequate refrigeration facilities are provided for the storage of perishable foodstuffs; and
- (c) any room, in which fruit and vegetables are stored, is adequately ventilated and equipped with heavy wire shelves and racks.

Layout of rooms

94. No person who operates a nursing home may do so unless the rooms referred to in section 87 and

88 comply with the following additional requirements:

- (a) the rooms may not be situated in, or share an entrance with any-
 - (i) ward or room used for sleeping;
 - (ii) sluice-room; or
 - (iii) toilet and urinal.
- (b) the rooms shall be provided with adequate racks, shelves and other means to store bulk goods at a minimum height of 225mm above the floor;
- (c) adequate lighting and ventilation, as prescribed by the National Building Regulations and Building Standards Act, shall be provided.

Medicines and poisons

95. Any person who operates a nursing home shall ensure that-

- (a) a room or cupboard, of adequate size is set aside, to be used solely for the storage of medicines and drugs;
- (b) every room or cupboard set aside in terms of paragraph (a), is kept locked at all times except when medicines or drugs are being removed from it or returned to it; and
- (c) within that room or cupboard, a separate lockable cupboard or locker is reserved for the storage of poisons, habit-forming drugs and potentially dangerous drugs.

Sterilisation

96. Any person who operates a nursing home shall provide adequate apparatus for the sterilisation of instruments.

Laundering

97. If laundering is carried out on the premises of a nursing home, this shall take place in accordance with the provisions of chapter 11.

Reception rooms for soiled articles

98. Any person who operates a nursing home must ensure that:-

- (a) the reception room for soiled articles is used exclusively for receiving and sorting soiled articles;
- (b) a wash-hand basin, supplied with running hot and cold potable water is provided, in each reception room;
- (c) each reception room is mechanically ventilated in a manner that ensures that any air generated in the room is discharged into the atmosphere; and
- (d) a separate reception room is provided in any maternity home and used exclusively for receiving and sluicing of baby napkins.

Laundry Rooms

99. If laundering is carried out on the premises of a nursing home, the premises that are used for such laundering shall comply with the requirements of premises on which a laundry business is conducted as contemplated in section 65 of these Bylaws.

Storage rooms

100. Any person who operates a nursing home shall ensure that-

- (a) any storage room is used exclusively for the storage and distribution of those articles intended to be stored in such storerooms;
- (b) any storage room contains adequate moveable shelving made of impervious material;
- (c) every shelf is a minimum of 225 mm above the floor;
- (d) containers used for the reception or conveyance of soiled or laundered articles are adequately marked so that they can be easily distinguishable from one another; and
- (e) all persons employed in any part of the laundry are provided with, and wear caps covering their hair and clean overalls made of light-coloured material, of a design approved by an environmental health practitioner.

Linen

101. Any person who operates a nursing home shall ensure that at all times; all linen provided in the premises is-

- (a) of good quality;
- (b) maintained in good repair; and
- (c) available in a quantity adequate to ensure the prompt replacement of soiled articles.

Refuse receptacles

102. Any person who operates a nursing home shall provide an adequate number of refuse receptacles on the premises

Accommodation for nursing staff

103. No person may operate a nursing home unless-

- (a) adequate sleeping accommodation is provided for the resident nursing staff employed on the premises;
- (b) adequate arrangements are made for the separation of the sleeping accommodation of members of the staff on day duty and those on night duty, so as to avoid the undue disturbance of staff sleeping; and

- (c) a dining-room and separate recreation room is provided for the nursing staff; provided that one room may be used as a dining and recreation room if the room is adequate for both purposes.

CHAPTER 14

CHILD-CARE SERVICES

Definitions

104. In this chapter, unless the context otherwise indicates-
“**child-care service**” means any service, whether for gain or otherwise, for the reception, protection, care and bringing-up of more than six children apart from their parents, but does not include any reform school, boarding school, school hostel or any establishment which is maintained or used mainly for the tuition or training of children and which is controlled by or which has been registered or approved by the State, including a Provincial administration, as contemplated in The Childrens Act 2005, (Act No. 38 of 2005)

Permit requirements

105. No person may provide a child-care service except on child-care premises which comply with the requirements of section 106 to 116 and in terms of a permit authorizing that activity.

General requirements for child-care premises

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

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

Indoor play areas

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

- (a) be enclosed by buildings and structures constructed of materials and in a manner that ensures the health and safety of children in that area;
- (b) have a floor which is smooth, easily washable and which prevents permeation of dampness;

(c) have a play area with a minimum of 1,5 m² free unobstructed floor space per child, or 3 m² if no outdoor play area is provided, and which is divided by walls or removable partitions into separate indoor play areas in which children of the following age groups are cared for separately at all times:

- (i) 0-2 years;
- (ii) 2-4 years; and
- (iii) 4 years up to compulsory school-going age; and
- (iv) school- going children

Outdoor play areas

108. If child-care premises have an outdoor play area it shall-

- (a) be free of any excavations, steps, projections, levels or any surface which may adversely impact on the health and safety of children using that area;
- (b) provide a minimum outdoor play area of 2 m² per child;
- (c) have an adequate means of enclosure and a lockable gate to prevent a child leaving the premises on his or her own and to prevent the entrance of any animal and unauthorised person, and
- (d) have separate outdoor play areas for the following different age groups:
 - (i) 0-2 years;
 - (ii) 2-4 years;
 - (iii) 4 years up to compulsory school-going age; and
 - (iv) school-going children.

Toilet and wash facilities

109. Child-care premises shall have adequate toilet and wash facilities for all children with-

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

Toilet and wash facilities for children under the age of 2 years

110. Child premises shall provide the following additional toilet and wash facilities for children under the age of 2 years:

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

General requirements

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

- (a) separate toilet and wash facilities shall be provided for staff members;
- (b) no child may, at any time, have access to living quarters of staff and adequate measures shall be taken to keep the living quarters separate;
- (c) an adequate sick-bay area for the treatment and care of any child who falls ill or who is injured during day care, shall be provided;
- (d) an adequate method for hand washing shall be provided in the sick-bay area;
- (e) An approved lockable and adequately equipped first aid unit shall be provided and maintained in the sick-bay area;
- (f) an adequate office area shall be provided;
- (g) an adequate kitchen area, where food is to be handled, prepared, stored and provided to children, shall be provided;
- (h) the kitchen area referred to in paragraph (g) shall comply with any relevant law;
- (i) a separate storage area of adequate size shall be provided for the storage of indoor and outdoor play materials, equipment, stretchers, sleeping mats, bedding and linen; and
- (j) a separate designated storage facility of adequate size for the storage of the personal belongings of each child and staff member shall be provided.

Resting and play equipment

112. Any person who provides a child-care service shall provide:-

- (a) adequate child-sized seating and tables for each child;

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

After-school facilities

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

- (a) if an after-school care is provided on the same premises as for the care of children under school going age, the facilities for the two groups of children shall be kept totally separate, except for the kitchen and office area;
- (b) an indoor care area of at least 1,5 m² free floor space for each child shall be provided;
- (c) an outdoor play area of at least 2 m² for each child shall be provided;
- (d) one toilet and one hand wash facility shall be provided for every 20 children, or part of that number, and the facilities shall be separately designated for the use of each sex; and
- (e) adequate seating and tables shall be provided for each child.

Medical care for children

114. Any person who provides a child-care service or is in charge of child-care premises shall-

- (a) in respect of any child who becomes ill or has suffered an injury requiring medical attention-
 - (i) immediately notify the parent or guardian of the child;
 - (ii) immediately call for medical assistance; and
 - (iii) provide necessary care and treatment in the sick-bay area required in terms of section 106 (c).
- (b) immediately notify the Municipality in the event of the illness being a communicable disease;
- (c) ensure that every child has completed basic immunization schedules as considered necessary by the Municipality;
- (d) comply with the provisions of any relevant legislation, The National Health Act 2003, (Act No. 61 of 2003) and regulations published under the Health Act, 1977 (Act No. 63 of 1977), regarding the exclusion of children from day-care services on account of infectious diseases;

- (e) be trained in basic first aid; and
- (f) only administer medicine to a child with the written consent of that child's parent or guardian.

Safety measures

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

- (a) children shall be adequately protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other article, thing or substance that may be dangerous or cause injury to any child;
- (b) any slats or rails forming part of an enclosure, security gate, play pen, bed cot or any other object or structure whatsoever, shall be a minimum of 75 mm apart, shall be installed and maintained in a good state of repair, and if painted, only non-toxic paint shall be used;
- (c) all medicines, pesticides, detergents and other harmful substances shall be stored in a locked place inaccessible to any child at all times;
- (d) no noxious, or poisonous or dangerous plant or shrub may be permitted on the premises;
- (e) no animal or bird may be kept on the premises;
- (f) no person known or suspected to be suffering from an infectious or contagious disease, and no person so suffering, may be allowed on the premises while, in the opinion of an environmental health practitioner, the person is capable of communicating the infectious or contagious disease to the children;
- (g) no paddling pool, swimming pool or other structure may be permitted in any childcare service without adequate fencing and a safety net;
- (h) any sandpit shall be adequately covered when not in use and shall be treated with a treatment agent on a regular basis;
- (i) any other reasonable measures which may, in the opinion of an environmental health practitioner, be necessary to protect the children from any physical danger, shall be taken by the child-care service provider on the instruction of an environmental health practitioner.

General duties of a child-care service provider

116. Any person who provides a child-care service shall-

- (a) ensure that the children are properly cared for and supervised at all times;

- (b) maintain every part of the premises, including any equipment, in good repair and in a clean and hygienic condition at all times;
- (c) ensure that all persons on or in the premises are clean in person and clothing and are in a good state of health;
- (d) ensure that no person smokes or uses any tobacco product in the presence of children;
- (e) ensure that toys, books and other indoor play materials intended for day-to-day use are available in any indoor play area and suitably stored so that they are within easy reach of the children;
- (f) ensure that the children are at all times under the direct supervision of an adult in the following ratio:
 - (i) one adult supervisor for every 6 babies between 0-18 months;
 - (ii) one adult supervisor for every 12 children between 18 months and 3 years;
 - (iii) one adult supervisor for every 20 children between 3 and 5 years;
 - (iv) one adult supervisor for every 30 children between 5 and 6 years; and
 - (v) one adult supervisor for every 35 children of school going age.
- (g) if transport to or from a child care service is provided, ensure that-
 - (i) the children are supervised by at least one adult apart from the driver during transport;
 - (ii) the doors of the vehicle are lockable so that they cannot be opened from inside the vehicle;
 - (iii) no children are transported in the front seat or the boot of the vehicle;
 - (iv) no babies are placed under the seat of a vehicle;
 - (v) the vehicle is not overloaded in terms of any applicable law;
 - (vi) the driver of the vehicle holds a valid license to transport the passengers; and
 - (vii) the vehicle is licensed and is in a road worthy condition;
 - (viii) the vehicle used is approved by the relevant traffic authority for the transportation of children.

- (h) when children are transported in the back of an enclosed light commercial vehicle, ensure that no exhaust fumes enter the enclosed area and that it is adequately ventilated;
- (i) if meals are provided, display a two-week menu that shall be visible to the parents;
- (j) provide nutritionally balanced meals of adequate volume to satisfy the energy needs of the children in each age group;
- (k) provide a laundry area an adequate distance from any area used to care for children or the kitchen, if laundry is done on the premises;
- (l) provide an adequate number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste materials, inside the premises;
- (m) provide an approved refuse area, with adequate refuse bins, for the storage of refuse pending removal;
- (n) provide each child with a towel, preferably disposable, for his or her individual use on the premises;
- (o) provide adequate individually marked pegs or hooks for each child to hang his or her towel on; and
- (p) provide an adequate and easily available supply of toilet paper, soap and tissues for the children's use.

Application for admission

117. Any person who provides a child-care service shall ensure that-

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

- (c) the date of admission and discharge of each child is written on the relevant application form.

Registers

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

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

Medical reports

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

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

General journal

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

Medical Journal

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

CHAPTER 15

DAIRYMEN AND MILK DEALER

Definitions

122. In these Bylaws, unless inconsistent with the context-

"dairy" means any premises whether within or without the City used for the production and supply of milk for sale or distribution within the City;

"dairyman" means any person who owns, occupies or manages a dairy and is the holder of a Certificate of Registration;

"milk" means the mammary secretion obtained from the mammary glands of healthy cows of the bovine species during the usual lactation period by means of complete and regular milking;

"milk dealer" means any person who receives milk from a dairyman for the purpose of pasteurisation or sterilisation and resale within the City after treatment;

"milk product" means any product derived exclusively from milk whether or not containing food additives permitted by law or other food ingredients;

"pasteurisation" means the process described by regulations made in terms of the Foodstuffs, Cosmetics and Disinfectants Act, No. 54 of 1972.;

"sell" means to offer, advertise, keep, display, transmit, consign or deliver for sale, or to exchange, or to dispose of to any person in any manner whether for a consideration or otherwise, and the terms "sold",

"selling" and "sale" shall be construed accordingly, and

"sterilisation" means the process whereby a product in its hermetically sealed package is subjected to heat treatment to such a degree as to remain free from viable micro-organisms, and the terms "sterilise" and "sterilised" shall be construed accordingly.

Application of chapter

123. (1) No person shall-

- (a) carry on the business of a dairyman or milk dealer, or
- (b) introduce any milk into the City for the purpose of-
 - (i) sale or distribution for human consumption;
 - (ii) pasteurisation, sterilisation or treatment, or

(iii) manufacture into milk products,

unless he is the holder of a certificate of registration issued by the Environmental Health Manager in terms of these bylaws.

(2) All milk introduced into the City shall be deemed to have been introduced for one or more of the purposes set out in this bylaws unless the contrary is proved.

Certificate of registration

124.(1) Application for a certificate of registration and for renewals thereof shall-

- (a) (i) be made in the manner, and contain such particulars, as may be specified by the, Environmental Health Manager and
 - (ii) in the case of an application to renew a certificate, be made at least 14 days prior to 31 December of each year;
 - (b) be accompanied by the prescribed fee, which shall not be refunded regardless of the outcome of the application, and
 - (c) in the case of a milk dealer, contain a list of the names and addresses of all persons from whom supplies of milk are or will be obtained.
- (2) To ascertain whether the applicant complies with the requirements of all applicable laws, the Environmental Health Manager/Environmental Health Practitioner may-
- (a) carry out inspections and investigations relating to the dairy, or premises to be used by a milk dealer, and all utensils, vehicles, apparatus and things intended to be used in connection therewith, and
 - (b) call upon the applicant to provide him with samples of milk which such applicant intends to distribute or sell for human consumption.
- (3) If the Environmental Health Manager is satisfied that the application complies with the provisions of these bylaws, he shall-
- (a) issue or renew a certificate of registration to the applicant, and
 - (b) in the case of new applications, record the details of the applicant in a register of dairymen and milk dealers.
- (4) Should any information supplied by an applicant in terms of this bylaws no longer be accurate in so far as it relates to the operation or the premises of any dairy or the

business or premises of any milk dealer such dairyman or milk dealer shall within 7 days of such altered circumstances inform the Environmental Health Manager in writing thereof.

- (5) A certificate of registration shall-
- (a) not be transferable;
 - (b) be valid only in respect of the premises specified therein, and
 - (c) be valid for a period of one year commencing on 1 January.
- (6) Any person aggrieved by the refusal of the Environmental Health Manager to grant a new application or to renew a certificate may appeal against such refusal to the Msunduzi Municipality.
- (7) No person shall sell or supply any milk for human consumption which he has obtained otherwise than from a dairyman or milk dealer registered in terms of these bylaws.
- (8) The Environmental Health Manager may prohibit the use of any particular carrier or vehicle which in the opinion is unsuitable for the conveyance and distribution of milk, and such carrier or vehicle shall not thereafter be used for such purposes without his written consent.
- (9) Whenever the Environmental Health Manager is of the opinion that the outbreak or spread of sickness or disease is attributable to milk produced or sold by any dairyman or milk dealer or their employees, such dairyman or milk dealer shall at the request of the Environmental Health Manager -
- (a) exhibit for inspection all invoices, accounts, books and other documents relating to the supply of such milk, and
 - (b) furnish forthwith to the - Environmental Health Manager
 - (i) an accurate list of the names and addresses of the customers or persons to whom he supplied such milk, and
 - (ii) for any period specified by the Environmental Health Manager, an accurate list of the names and addresses of all persons from whom milk is sold or distributed by such dairyman or milk dealer, was obtained.

Offences and penalties

125. (1) Any person who-

- (a) withholds or gives false or misleading information in terms of these bylaws, or
- (b) contravenes any provision of these bylaws, shall be guilty of an offence.

CHAPTER 16**MISCELLANEOUS****Offences and penalties**

126. It is an offence for any person to:-

- a) contravene or fail to comply with any provisions of these bylaws; or
- b) fail to comply with any notice issued in terms of these bylaws; or
- c) fails to comply with any lawful instruction given in terms of or for the purposes of these bylaws;
- d) obstructs or hinders any authorised official of the Municipality or a peace officer in the execution of his or her duties under these bylaws.
- e) any person convicted of an offence contemplated in section 163 is liable on conviction to a fine ,or in default of payment, to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Council requiring the discontinuance of such offence, and for a second or subsequent offence he shall be liable on conviction to a fine or in default or payment to imprisonment for a period not exceeding six months.

Serving of notices

127. (1) A notice, order or other document is regarded as having been properly served if:-

- a) it has been delivered to the person concerned personally;
- b) it has been sent by registered post or speed post to the person to whom it is addressed at his or her last known address;
- c) it is served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address;

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

(2) A notice, order or other document which may in terms of these bylaws be served on the owner or occupier of the specified premises and need to bear the name of the owner or occupier.

Application to the State

128. These bylaws bind the State, including the Municipality.

Repeal

129. The bylaws listed in schedule 3 are hereby repealed.

Short title

130. These bylaws are called the Public Health Bylaws, 2015.

SCHEDULE 1

PUBLIC HEALTH NUISANCES

General Nuisances

131. An owner or occupier of premises creates a public 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 for the keeping of animals or birds and which is so constructed, situated, used or kept as to be offensive or injurious or dangerous to health;

- d) any accumulation of refuse, offal, manure or other matter which is offensive or injurious or dangerous to health;
- e) any public building to be situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;
- f) any dwelling to be occupied without proper and sufficient supply of potable water within a reasonable distance;
- g) any factory or industrial or business premises not kept in a clean state and free from offensive smells arising from any drain, water closet, earth closet, urinal or any other source, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gas, vapour, dust or other impurity generated, or so overcrowded or so badly lighted or ventilated, as to be injurious or dangerous to the health of those employed therein or thereon;
- h) any factory or industrial or business premises to cause or give rise to any smell or effluvium which is offensive or injurious or dangerous to health;
- i) any building, room or structure to be used wholly or partly by a greater number of persons than will allow less than 12 m³ of free air space and 4 m² of floor space for each person aged 10 years or more and 6 m³ of free air space and 2 m² of floor space for each person less than 10 years of age; or
- j) any other activity, condition or thing declared to be a nuisance by the Minister in terms of the Health Act.

Pest Control

132.(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 breeding thereof;
- b) flies are being attracted to, or can breed on, the premises, in significant numbers because:-
 - (i) insufficiently rotted manure or any other organic material is being kept or used; or
 - (ii) any other substance that attracts flies is used or kept other than for the purposes of trapping or killing flies;
- c) mosquitoes can breed in significant numbers on the premises because:-
 - (i) containers in which mosquitoes can breed, such as tyres, bottles, crockery, and tins, have been left or are kept on the premises;

- (ii) tanks, barrels and similar containers in which mosquitoes can breed are not fitted with mosquito-proof covers or mosquito wire gauze screens in a manner that prevents mosquitoes gaining access to water contained in them;
- (iii) gutters and down pipes are sagging or clogged so that stagnant water can accumulate in them; or
- (iv) approved measures have not been taken to prevent mosquitoes breeding in ponds, excavations, wells, swimming pools or any other stagnant water source on the premises.

(2) The following measures are approved measures for the purposes of subsection (1)(c)(iv):-

- a) draining accumulated water at least once every seven days;
- b) covering accumulated water with oil at least once every seven days; and
- c) in the case of wells, providing a mosquito-proof cover and a pump.

Air pollution

133. An owner or occupier of premises creates a public health nuisance if:-

- a) any waste on the premises is burned outside except in an approved appliance;
- b) ash, grit, soot or smoke is emitted from any chimney or appliance or from any other means on the premises in a manner or quantity that is sufficient to have an adverse impact on public health;
- c) the erection or destruction of a building or structure causes dust to be discharged into the surrounding atmosphere in a manner or quantity that is sufficient to have an adverse impact on public health; or
- d) any dust is generated on, and emitted from the premises due to any activity or process and discharged into the surrounding atmosphere in a manner or quantity that is sufficient to have an adverse impact on public health.

Fouling and littering of public places and open spaces

134.(1) A person who creates a public nuisance if he or she throws, dumps, stores, keeps or drops refuse, rubbish, glass, tins, paper, car wrecks or parts of motor vehicles, dead animals, waste water or flushing water or other litter or waste, whether liquid or solid, on or in a street, road, bridge, thoroughfare, open space, vacant stand, public place or erf, spruit or watercourse, or cause or permit to be thrown, dumped or dropped there, or cause or permit any such liquid to flow into such a place.

(2) The person who has contravened sub item (1) shall remedy, to the satisfaction of the environmental health practitioner, any damage to the environment which resulted from such contravention.

SCHEDULE 2 SCHEDULED USES

(Sections 1, 8, 9 and 11)

The activities and uses of premises listed in this schedule are considered to pose an unacceptable risk to public health unless the measures specified in the relevant chapter of these bylaws and where required, in a permit, are taken to avoid the risk or to reduce it to a level acceptable to the Municipality

Part A: Activities for which a permit is required

Section	Activity
30.	Provision of service to remove human excrement or urine
46.	Offensive trades
52.	Hairdressing, beauty and cosmetology services
61.	Accommodation establishments
81.	Nursing homes used for maternity purposes and for medical and surgical purposes.
105.	Child care services

Part B: Schedule uses

Chapter	Scheduled Use
4	sanitary services
5	Private sewage works
6	Water
7	Offensive trades
8	Hairdressing, beauty and cosmetology services
9	Second hand goods
10	Accommodation establishments
11	Dry cleaning and laundry establishments
12	Swimming pools and Spa-baths
13	Nursing homes
14	Child-care services

**SCHEDULE 3:
REPEALED BYLAWS**

Number and year	Name of Bylaws	Extent of repeal
618 of 1957	Public Health Bylaws	Entire except sections 22 to 26
117 of 1975	Swimming Bath Bylaws	Entire
66 of 1994	Dairymen and Milk Dealers Bylaws	Entire
1391 of 1929	Regulations for the control of offensive trades in Pietermaritzburg	Entire
87 of 1953	Crèches and Crèches-Cum-Nursery School	Entire

IMPORTANT

Information

from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.



GPW Business Rules

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address submit.egazette@gpw.gov.za. This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za)
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.

