

The Administrator, acting on the advice and with the consent of the Executive Committee, has been pleased, under the authority of Section 200bis of the Local Government Ordinance N° 21 of 1942, to make the following amendment to the Standard Bylaws published on the 10th March 1953, under Provincial Notice N° 87 of 1953, as amended :

LOCAL GOVERNMENT ORDINANCE N° 21 OF 1942

STANDARD BYLAWS FRAMED UNDER THE PROVISIONS OF SECTION 200 BIS

STANDARD BYLAWS : AMENDMENT

The Standard Bylaws published under Provincial Notice N° 87 of 1953, as amended are hereby further amended by the insertion after Chapter XIII of the following chapter :

CHAPTER XIV

**BYLAWS RELATING TO CRECHES AND CRECHES-CUM-NURSERY SCHOOLS
FOR CHILDREN**

DEFINITIONS

1. In these bylaws, unless the context otherwise indicates :

"child" means a child admitted to a crèche or a crèche-cum-nursery school in terms of these bylaws;

"Council" means the City Council of the City of Pietermaritzburg;

"crèche" means any building or premises maintained or used for the custody and care during the whole or part of the day, on all or only some days of the week, of more than 6 children of pre-school going age and which has been registered as a place of care under the Children's Act, 1960;

"crèche-cum-nursery school" means any building or premises maintained or used for the custody, care and tuition during the whole or part of the day, on all or only some days of the week, and where a nursery school programme applies, of more than 6 children of pre-school going age and which has been registered as a place of care under the Children's Act, 1960;

"licensee" means a person or body of persons to whom a licence has been granted in terms of the Licence and Business Hours Ordinance, 1973 (Ordinance 11 of 1973);

"medical officer of health" means the medical officer of health of the council or any officer authorised to act on his behalf;

"place of care" means a place of care as defined in section 1 of the Children's Act, 1960;

SCOPE OF BYLAWS

2. These bylaws shall apply in crèches and crèche-cum-nursery schools.

LICENSING

3. (1) Subject to the provisions of Bylaw 18, no person or body of persons shall establish, erect, maintain or conduct a crèche or a crèche-cum-nursery school, unless such person or body is in possession of a licence authorising him to do so, and a registration certificate issued by the Minister of Social Welfare and Pensions in terms of the Regulations for Crèches and Crèches-cum-Nursery Schools, promulgated in terms of the Children's Act, 1960 (Act 33 of 1960), specifying the

premises to which such licence relates and stating the number and the ages of children permitted to be kept on such premises.

- (2) The licensee shall be responsible for the care and supervision of the children specified in his licence and shall at all times be responsible to the Council for the satisfactory performance of his obligations in terms of such licence.

SPECIFIC REQUIREMENTS IN RESPECT OF BUILDINGS FOR CHILDREN AGED 3 YEARS AND OVER BUT UNDER SCHOOL-GOING AGE FOR ALL-DAY CARE

4. The following minimum accommodation and facilities shall be provided in respect of crèches and crèche-cum-nursery schools admitting for all-daycare children aged 3 years and over but under school-going age :
 - (a) An office
 - (b) A staff room; Provided that one room may, subject to the approval of the medical officer of health, be used as an office and staff room combined.
 - (c) An isolation room with a minimum floor area of 2m x 3m, fitted with a built-in wash-hand basin with hot and cold running water, and equipped with a first-aid cupboard and equipment and bed or stretcher.
 - (d) A playroom for play activities, serving of meals and sleeping purposes, with a minimum free-playing area of 3m² for every child. Not more than one-third of the total indoor play area may consist of a covered verandah or stoep, which shall be protected against wind, rain and other inclement weather conditions.
 - (e) A kitchen complying with the following requirements -
 - (i) The kitchen including scullery, shall have a minimum floor area of 14m² for a maximum of 30 children accommodated, with an additional 0,200m² per child for 30 to 100 children, and a further 0,100m² per

child for every child in excess of 100.

- (ii) The kitchen shall be provided with a double compartment sink, wash-hand basin, vegetable washing sink, and where the medical officer of health deems it necessary, an approved pot-washing sink shall be installed on the premises.
- (iii) In the discretion of the council and after due consideration having been given to the matter, amount and nature of cooking undertaken on the premises, there shall be provided, immediately above every cooking stove, oven or similar apparatus, a hood or canopy of adequate size, having a flue at least 300mm in diameter, and, in addition, such mechanical device as the council shall deem necessary in these circumstances, exhausting to the atmosphere at such a height and in such a position or manner as is necessary to prevent the discharge therefrom from constituting a nuisance or annoyance to the neighbourhood: Provided that where the Council is satisfied that the purposes of this sub-paragraph will be effectively achieved thereby a mechanical device may be provided instead of a hood or canopy as aforesaid.
- (iv) The wash-hand basins mentioned in paragraph (e)(ii) shall be made of stainless steel or other approved impervious material and shall have an adequate and wholesome supply of hot and cold running water effectively distributed and laid over the sinks and wash-hand basins.
- (v) Each bowl of the double compartment sink shall have a minimum depth of 225mm and minimum capacity of 55 litres.
- (vi) The draining boards of the sinks shall be fitted with 150mm splash screens and installed 100mm from any wall surface, and every part of a wall surface within 600mm from any part of the sink or draining board so installed, shall be tiled or given some other approved finish having similar properties to a tiled surface, to a height of at least 1,500mm from the floor.

- (vii) The floor of the kitchen shall be of concrete or other similar impervious material.
- (viii) Natural light and ventilation, shall be provided in accordance with the council's Building Bylaws.
- (ix) Wall surfaces shall be tiled or smooth-plastered and oil-painted in light-coloured oil paint.
- (x) Ceilings shall be dust-proof.
- (xi) All cupboards, shelves and other equipment for the storage of kitchen utensils and equipment shall be of metal and shall be so fitted or situated as to be easily cleaned and not to favour the harbourage of insects, rodents and other vermin.
- (xii) All work tables shall be constructed of metal with a stainless steel top.
- (xiii) The stove or other cooking units shall be so installed as to allow easy access between the stove or cooking unit and the adjoining wall surfaces to allow for cleaning.
- (xiv) Facilities for the storage of vegetables shall be provided.
- (xv) There shall be provided suitable refrigeration facilities for the storage of perishable foodstuffs.
- (xvi) There shall be provided a sufficient number of metal bins with covers for the temporary storage of refuse pending disposal.
- (xvii) Nothing contained in these bylaws shall preclude the use of a domestic kitchen situated on the premises of a nursery school or crèche-cum-nursery school, provided such kitchen complies with the requirements of these bylaws.

- (f) A storeroom or pantry, properly ventilated and rodent-proof, having a minimum floor area of 6,500m² and a minimum width of 2,0m.
- (g) Storage for stretchers, bedding and linen.
- (h) Storage for personal belongings of every child.
- (i) Storage accommodation for indoor and outdoor play materials and equipment.
- (j) Sanitary and ablution facilities for the children complying with the following requirements.
 - (i) Easy access between ablution facilities, for every 10 children or part of 10 children.
 - (ii) There shall be provided one water-closet for every 10 children or part of 10 children.
 - (iii) No division of toilets for the sexes is necessary.
 - (iv) Seats of water-closets should be of reduced size, juvenile type, as approved by the Medical Officer of Health. Seat should be of tilt-up and front-cut-away type.
 - (v) There shall be provided one wash-hand basin for 10 children or part of 10 children and such basin shall be so fitted that the upper surface shall not be more than 500mm above floor level.
 - (vi) A constant supply of running cold water or thermostatically controlled water shall be provided to the wash-hand basin set aside for use by the children.

- (vii) The floors of the ablution block shall be of impervious material rendered to a smooth surface.
- (viii) There shall be provided a sufficient number of impervious bins with covers for the temporary storage of paper, paper towels, tissues and other articles pending disposal.
- (k) Sanitary and ablution facilities for the staff complying with the following requirements :
 - (i) Sanitary and ablution facilities for the staff shall be entirely separate from such facilities provided for the children, and shall have no direct communication with any apartment used in connection with the children.
 - (ii) There shall be provided 1 toilet and 1 wash-hand basin for every 15 persons or part of 15 persons.
 - (iii) A constant supply of hot and cold water shall be provided to each wash-hand basin.
 - (iv) All wash-hand basins shall be close fitting to walls and the walls at the rear of such basins shall be glaze tiled to a height of not less than 450mm above the upper surfaces of such wash-hand basins, or be treated in some other material similar to tiling.
- (l) Laundry facilities shall be provided to the satisfaction of the Medical Officer of Health.
- (m) Outdoor play areas of the minimum of 5,500m² per child shall be provided. This area shall provide for grassy areas and shade and for hard surfaces for wheel-toys. It shall be free of excavations and dangerous steps or levels.

**SPECIFIC REQUIREMENTS IN RESPECT OF BUILDINGS FOR CHILDREN UNDER
3 YEARS OF AGE**

5. The following minimum accommodation and relevant services shall be provided for the accommodation of children under 3 years of age :

- (a) An office.
- (b) A staff room in terms of Bylaw 4(b).
- (c) An isolation room consisting of 2 separate cubicles, each 2m x 3m, minimum size, fitted with wash-hand basin, with hot and cold running water, first-aid cupboard and equipment and cot or stretcher.
- (d) A nursery which shall provide 3,500m² in floor area per child. Cots shall be arranged so that there shall be a minimum of 750mm between the cots. Not more than one-third of the total indoor nursery space may consist of covered verandah or stoep, which shall be protected against wind, rain and other inclement weather conditions.

A wash-hand basin shall be provided in each nursery.

- (e) A milk kitchen with a minimum size of 8,500m² for a maximum number of 25 babies, and thereafter the size of the room and facilities to be increased according to the satisfaction of the Medical Officer of Health.

The milk kitchen shall comprise -

- (i) receiving compartment for sterilising bottles, fitted with a stainless steel double-compartment sink, sterilising unit and wash-hand basin.
- (ii) preparation compartment separate from receiving compartment fitted with refrigeration unit, stove and wash-hand basin.

- (f) A kitchen in terms of Bylaw 4(e).
- (g) A pantry in terms of Bylaw 4(f).
- (h) Storage for bedding and linen.
- (i) Storage for prams.
- (j) Storage for personal belongings of child.
- (k) Sanitary and ablution facilities for children complying with the following requirements -
 - (i) A sluice room, with a minimum floor area of 6,500m², equipped with a sluice sink, fitted with 150mm splash screen and installed 100mm from any wall surface. Every part of a wall surface within 600mm from sink shall be tiled or given some other approved finish having similar properties to a tile surface, to a height of at least 1,500mm from floor. Wash-hand basin to be provided in sluice room.
 - (ii) A bathing unit with a minimum floor area of 6,500m², fitted with 2 baby bathing units for every 20 children, such units to be approved by the Medical Officer of Health. The flow of water to be supplied to bathing units by side inlets or movable overhead fittings and the temperature of the water shall be regulated. A wash-hand basin shall be provided in the bathing unit and a constant supply of hot and cold running water shall be provided to sluice sink and wash-hand basins.
 - (iii) For children not using napkins, toilet equipment of such a nature as meets with the approval of the Medical Officer of Health shall be provided. Such equipment shall be suitably stored and used only in sluice room save where it may be required for use in the isolation room.

- (iv) Napkins by means of -
 - (aa) a recognised napkin service, in which case provision shall be made for separate storage facilities for clean and soiled napkins; or
 - (bb) a laundry service on the premises in an approved laundry which shall comprise 3 units as follows :
 - (aaa) receiving and pre-cleaning unit;
 - (bbb) washing, drying and ironing unit;
 - (ccc) storage and despatch.
- (v) A sufficient number of impervious bins with covers for temporary storage of soiled paper, tissues, paper towels and other articles pending disposal; and
- (vi) floors of sluice rooms and bathing unit of impervious material.
- (l) Sanitary and ablution facilities for the staff in terms of Bylaw 4(k).
- (m) Storage for indoor and outdoor play materials and equipment.
- (n) Washing and laundry facilities on or off the premises shall be provided to the satisfaction of the Medical Officer of Health.
- (o) The minimum outdoor area of 3m² per child shall be provided for the use of perambulators and playpens and outdoor activities for the toddler group; this area shall provide for lawns and shade and shall be free of excavations and dangerous steps or surfaces.

GENERAL REQUIREMENTS RELATING TO BUILDINGS

6. All buildings for crèches and crèche-cum-nursery schools shall comply with the following requirements :
- (a) The buildings shall be constructed of such material and in such a manner as to conform to the building bylaws and any other relevant bylaws of the council.
 - (b) The windows of all offices, playrooms, isolation rooms and other apartments shall be equal to not less than 15% of the floor area of each such room. The window areas of storerooms, sanitary blocks, sculleries and laundries shall be equal to not less than one tenth of the floor area. At least half of the total window area in any such room shall be capable of being opened for ventilation purposes. Adequate artificial lighting shall be available throughout any such building. Windows in play rooms, office and isolation rooms shall not be more than 750mm from ground level and shall be especially constructed as not to open at a level dangerous to the children.
 - (c) All floors and skirtings shall be finished with a smooth surface, free of sharp edges or other dangerous defects, and shall be incapable of collecting dust or dirt.
 - (d) Except as otherwise herein provided, the internal walls throughout shall be smooth surfaced and shall be covered with a light-coloured, durable washing finish.
 - (e) All rooms shall be ceiled and such ceilings and cornices shall be tight-jointed and close-fitting and shall be covered with a light-coloured, durable, washable finish.
 - (f) All internal woodwork shall be of sound construction and so designed or fitted as not to favour the collection of dust or the harbourage of insects.
 - (g) Every apartment on the premises shall be so provided with windows, doors or other openings as to ensure the proper cross ventilation of such apartment.
 - (h) All external walls, pillars, roof, roofgutters and down-pipes and any other external

part of the building or buildings shall be of sound construction and in a clean and sightly state.

7. (deleted).

EQUIPMENT

8. Equipment for children in crèches or crèche-cum-nursery schools shall comply with the following requirements :

- (a) The mass of chairs shall be of such that they can be lifted by the child. They shall be free of splinters or other rough or dangerous surfaces and shall be of such a height as to permit the child to sit thereon with both feet on the floor. They shall not exceed 300mm in height for the age group 2 years upwards, and 200mm for the age group under 2 years.
- (b) Tables shall be movable and shall be of strong, solid construction. They shall be free of other rough or dangerous surfaces, and shall not exceed 450mm in height for the age group 2 years upwards and 350mm for the under 2 year group.
- (c) All beds, cots, stretchers, mats or other furniture for resting or sleeping purposes shall be designed to the satisfaction of the Medical Officer of Health and shall be clearly affixed thereto. An adequate number of sheets, water-proof sheets, blankets or other bedding shall be readily available for use.
- (d) Indoor and outdoor playing equipment shall be provided and such equipment shall be of such a nature as not likely to enable a child to injure himself or cause injury to others.
- (e) No paddling pool, swimming pool, sand pit or other structure shall be permitted without the prior approval of the Medical Officer of Health and only subject to such conditions as may be laid down by him from time to time.

MEDICAL CARE OF CHILDREN

9. Every licensee of a crèche or crèche-cum-nursery school or any person in charge of the children licensed to be therein shall -
- (a) strictly observe all children for any signs of illness, indisposition or other abnormal condition;
 - (b) immediately notify the parent or guardian of such illness, indisposition or abnormal condition;
 - (c) if necessary and subject to the prior consent of the parent or guardian, summon the private medical practitioner of any child suffering or suspected to be so suffering, or in the event of the unavailability of such medical practitioner, summon a medical practitioner appointed by the crèche or crèche-cum-nursery school;
 - (d) immediately isolate the child or children so suffering in the isolation room provided for the purpose, and devote all care necessary to the comfort and treatment of the child whilst on the premises;
 - (e) carry out all instructions issued by the medical practitioner and in the event of a communicable disease, notify the Medical Officer of Health immediately; and
 - (f) keep a record of all injuries and illnesses which occurred whilst the child was on the premises.

PERSONAL TOILET EQUIPMENT

10. (1) Provision shall be made in the ablution block or in an adjacent apartment by means of hooks, lockers or other means approved by the Medical Officer of Health for the separate storage of the personal toilet equipment of each child in a crèche or crèche-cum-nursery school.

Such storage accommodation and the personal toilet equipment stored shall be

clearly marked in such a manner as to be easily recognised by each child.

- (2) The following minimum personal toilet equipment shall be available for the sole use of each child in the crèche or crèche-cum-nursery school :
 - (a) face cloth
 - (b) Towel
 - (c) Handkerchief or disposable tissues
 - (d) Comb
 - (e) soap.
- (3) Provision shall be made for the boiling, washing or disinfecting of childrens' toilet equipment.

SAFETY MEASURES

11. The following measures shall be taken by a licensee of a creche or creche-cum-nursery school for the safety of the children therein:-
 - (a) Adequate measures shall be taken for the protection of the children against fires, hot water installations, electrical fittings and appliances, heating appliances and any other article or thing which may be dangerous or cause injury to any child.
 - (b) Any slats or rails used in enclosures, playpens, beds, cots or for any other purpose whatsoever shall be not more than 75mm apart and shall be firmly fixed and free from splinters or other rough or dangerous surfaces.
 - (c) The premises shall be entirely enclosed by means of a suitable fence, wall or other means so constructed as to completely preclude children from leaving the confines of the premises of their own accord and prevent the entrance of domestic animals. All gates or door sin such boundaries shall be close-fitting and securely locked or otherwise closed, so as to prevent children opening them.
 - (d) A first-aid box with the necessary materials and equipment to the satisfaction of the medical officer of health, shall be provided and shall be readily available for use and

kept out of the children's reach at all times.

- (e) All medicines, corrosive and other harmful substances shall be stored in a safe manner, and shall not be accessible to children.
- (f) No dog or cat or any noxious or poisonous plant or shrub shall be permitted on the premises of a creche or creche-cum-nursery school.
- (g) No person suffering from any infectious or communicable disease and no person who has been in contact with any person so suffering, and who has not cleansed his person and clothing so effectively as to render him incapable of spreading such disease and no person whose body is not in a clean and healthy condition, shall be allowed on the premises of a creche or creche-cum-nursery school.

DUTIES OF THE LICENSEE

12. Every licensee of a creche or creche-cum-nursery school shall:-

- (a) maintain every part of the creche or creche-cum-nursery school, including outdoor areas and all things belonging thereto, at all times in good repair and in a tidy condition and free from dirt, filth or other noxious matters or things;
- (b) keep all cutlery, crockery, utensils, vessels, containers, receptacles, appliances and equipment used for the storage, preparation and free of any defect;
- (c) provide and maintain efficient measures for the prevention and destruction of flies, cockroaches, rodents and other vermin in such creche or creche-cum-nursery school, and provide and maintain in sound condition sufficient mosquito nets for the protection of children against flies or mosquitoes;
- (d) provide and maintain at all times suitable means for protecting of foodstuffs from contamination by dust, dirt, flies or any other cause;
- (e) provide at all times an adequate supply of soap, clean towels and nail-brushes at wash-hand basins;

- (f) ensure that all persons engaged in the creche or creche-cum-nursery school are clean in person and clothing at all times;
- (g) provide clean and sound overalls or coats of light-coloured washable material and suitable head-coverings for the use of persons engaged in the handling, preparation and serving of food, and ensure that such overalls or coats are worn at all such times;
- (h) provide adequate storage space to the satisfaction of the medical officer of health for toys, books and other indoor and outdoor toy materials and ensure that such storage space shall be within the easy reach of children from floor level;
- (i) ensure that the children are at all times under the direct supervision of at least one adult;
- (j) ensure that each child uses his own personal toilet equipment.
- (k) ensure that all meals provided to the children meet with the requirements of the medical officer of health. Records of menus and meals shall be kept, and shall be open to inspection at all times. All menus shall be approved by the medical officer of health.
- (l) ensure that personnel in charge of food handling is medically examined before employment and proved to be free from infectious or contagious diseases and thereafter ensure the maintenance of such medical examination annually.

APPLICATION FOR ADMISSION

13. (1) An application in the form stated in paragraphs (a) to (f) hereinafter, shall be completed by the parents or guardian of a child before admission to a creche or creche-cum-nursery school and delivered to the licensee:-
- (a) The child's name and date of birth.
 - (b) Dates of admission and discharge.
 - (c) Name, address and telephone number of parents or guardian.
 - (d) Place of employment and telephone number of parents or guardian.

- (e) Name, address and telephone number of a responsible person other than the parents or guardian, who may be consulted in emergencies.
- (f) Name, address and telephone number of child's medical practitioner and permission to send for him should circumstances so require.

REGISTERS

- 14. (1) The licensee shall keep an admission and discharge register of all the children admitted to and discharged from the creche or creche-cum-nursery school.
- (2) The licensee shall keep a record of attendance in which the presence or absence of children at a creche or a creche-cum-nursery school shall be noted daily.
- (3) A diet register shall be kept in which the nature of and items when all foodstuffs are served, shall be noted daily.

MEDICAL REPORT

- 15. A medical report containing the following data shall be obtained in respect of each child and kept by the licensee:-
 - (a) Information concerning the child's general state of health.
 - (b) Children's ailments and other communicable diseases from which the child has suffered and the dates on which he had them.
 - (c) Details of immunisation against smallpox, poliomyelitis, tetanus, measles, whooping cough, diphtheria and tuberculosis.
 - (d) Possible allergies and diseases such as epilepsy.

JOURNAL

- 16. A journal shall be kept by the licensee in which important and outstanding events such as accidents requiring hospitalisation, the programme of daily activities and other relevant data are noted in respect of each child.

TERMINATION OF OPERATIONS

17. The licensee shall notify the council of the temporary or permanent termination of the operations of the creche or creche-cum-nursery school to which the licence relates.

**APPLICATION OF STANDARD BYLAWS TO EXISTING CRECHE AND
CRECHES-CUM-NURSERY SCHOOLS**

18. (1) Not with standing the provisions of Bylaw 3, the owner of a creche or creche-cum-nursery school authorised before the date of coming into operation of these bylaws, shall be permitted to comply with the provisions of these bylaws within twelve months after the said date.
- (2) The council may, in any case where reasons to its satisfaction are given, extended the period stated in sub-bylaw (1) to a maximum of twelve months.

OFFENCES AND PENALTIES

19. Any person who contravenes or fails to comply with any provision of these bylaws shall be guilty of an offence and on conviction be liable:-
- (a) in the case of a first conviction, to a fine not exceeding five hundred rand s or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment, and
- (b) where such provision is contravened or not complied with on a second or subsequent occasion, to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment

25 October 2011
LA : JM