

16 June 1994

**M.N. 65, 1994*

The City Council of the City of Pietermaritzburg, acting in terms of section 265(1) of the Local Authorities Ordinance, 1974 (Ordinance 25 of 1974), hereby publishes the subjoined tariff made by the City Council at its meeting held on 25 April 1994.

I.J. CROSS
Town Clerk

CITY OF PIETERMARITZBURG

TARIFF:BYLAWS RELATING TO DAIRYMEN AND MILK DEALERS

"Fee for certificate of registrationR200,00
Fee for the annual renewal thereof.....R100,00"

16 June 1994

*M.N. 66, 1994

The City Council of the City of Pietermaritzburg, has in terms of section 268 of the Local Authorities Ordinance, 1974 (Ordinance 25 of 1974), made the following new bylaws.

I.J. CROSS
Town Clerk

CITY OF PIETERMARITZBURG

BYLAWS RELATING TO DAIRYMEN AND MILK DEALERS

1. 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.

2. (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 Medical Officer of Health 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 bylaw unless the contrary is proved.

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3. (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 Medical Officer of Health, 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 Medical Officer of Health 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 Medical Officer of Health is satisfied that the application complies with the provisions of this bylaw, 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 bylaw 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 Medical Officer of Health 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 Medical Officer of Health to grant a new application or to renew a certificate may appeal against such refusal to the City Council.
4. 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.

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5. The Medical Officer of Health 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.

6. Whenever the Medical Officer of Health 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 Medical Officer of Health
 - (1) exhibit for inspection all invoices, accounts, books and other documents relating to the supply of such milk, and
 - (2) furnish forthwith to the Medical Officer of Health
 - (a) an accurate list of the names and addresses of the customers or persons to whom he supplied such milk, and
 - (b) for any period specified by the Medical Officer of Health, an accurate list of the names and addresses of all persons from whom milk sold or distributed by such dairyman or milk dealer, was obtained.
7. The Dairy Bylaws published on 13 November 1956 under Provincial Notice 575 are hereby repealed.
8.
 - (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.
 - (2) Any person convicted of any offence under these bylaws shall be liable to a fine not exceeding five hundred rand in the case of a first conviction and, in the case of a second or subsequent conviction for the same offence, a fine not exceeding one thousand rand or, in default of payment of any fine imposed in either case, to imprisonment for a period not exceeding three months. In the case of a continuing offence, a fine not exceeding fifty rand for each day during which the contravention continues may be imposed; provided that no such fine shall in any one prosecution or within any one month exceed one thousand rand.