

SEKHUKHUNE
DISTRICT MUNICIPALITY
Municipal Health Services Draft By-Laws



SEKHUKHUNE
District Municipality

For inputs

Email : Mampanat@sekhukhune.gov.za

Secretary to Community Service Department.

**SEKHUKHUNE
DISTRICT MUNICIPALITY
MUNICIPAL HEALTH SERVICES BY-LAWS**

To set minimum Environmental Health standards to prevent diseases, prolong life, protect and promote the health and wellbeing of people in the municipal area and to provide for matters incidental thereto.



SEKHUKHUNE
District Municipality

Under the provisions of Section 156 of the Constitution of the Republic of South Africa, 1996 the Sekhukhune District Municipality, enacts as follows: –

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1. Definitions and interpretation

(1) In these by-laws, unless the context otherwise indicates –

“accommodation	means any place in which accommodation is provided
establishment”	for gain to four or more people, with or without meals
“adequate”	when used to describe a standard or manner in which anything required by these by-laws must be done, means the standard or manner that, in the opinion of an Environmental Health Practitioner, is sufficient to safeguard public health, and to achieve the purpose and apply the principles of these by-laws and “adequately” has a corresponding meaning.
“agricultural holding”	means the same as defined in the applicable Town Planning Scheme
“animal”	means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit and wild animal
“approved”	when used to describe a particular object, measure or material, means an object, measure or material which is adequate in specified circumstances to prevent, or reduce to a level acceptable to the Council, the risk of any public health hazard or public health nuisance occurring, continuing or recurring.
“authorised official”	means an official authorised by the Council for the purpose of these by-laws to perform and exercise any or all of the functions in terms of these by-laws or the provisions of any other law; covered, or enclosed) erected or constructed in or upon land or premises and which is used in connection with the keeping of an animal by an owner of an animal or owner or user of land;
“aviary”	means an enclosure used for the keeping of birds other than poultry, but does not include a portable case

“battery system”	means the method of keeping poultry or rabbits in cages in either single rows or tier formation within a building or structure
"category B municipality"	means a municipality as contemplate in section 155(1)(b) of the Constitution.
"cattery"	means an accommodation establishment which, for gain, caters for the boarding of cats;
"cemetery"	means a land or part of a land within the municipal area set aside as a cemetery;
"childcare facility"	means any undertaking or institution, whether for profit or otherwise, involving the custody, care or tuition or any combination of these functions, during the whole or part of the day on all or any of the days of the week of children, or the building or the premises maintained or used for the purpose of conducting such undertaking or institution thereon as the case may be;
“child care service”	means any service, whether for gain or otherwise, for the reception, protection, care and bringing up of children apart from their parents
"crematorium"	means a crematorium as defined in section 1 of the Crematorium Ordinance, 1965 (Ordinance No 18 of 1965) and includes the buildings in which a ceremony is conducted, and the cremation carried out.
“clean”	means free of any dirt, impurity or objectionable matter or contamination.
“compliance notice”	means a notice issued in terms of Section 81 to comply with these by-laws or with a permit issued in terms of these by-laws.
"council"	means the Sekhukhune District Municipal Council?

- "communicable disease"** means a disease resulting from an infection due to pathogenic or toxic agents generated by the infection, following the direct or indirect transmission of the agents from the source to the host.
- "dog kennel"** means an accommodation establishment which, for gain, caters for the accommodation of dogs;
- "domestic consumption"** in relation to water, means the use of water for human consumption, preparing or manufacturing food or drinks, cleaning vessels or utensils for human consumption or any other domestic use;
- "domestic wastewater"** means wastewater arising from domestic and commercial activities and premises and may contain any form of sewage that could cause effluent (effluent)
- "dormitory"** means a sleeping room in which sleeping accommodation is provided for four or more persons
- "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
- "enclosure"** in relation to an animal, means any kraal, pen, paddock, cage or other fenced or enclosed area erected to confine an animal from escaping or roaming freely on the remainder of the premises;
- "environment"** means the surroundings within which humans exist made up of-
- a) the land, water and atmosphere of the earth; b) micro-organisms, plant and animal life.
 - c) any part or combination of (a) and (b) and the interrelationships among and between them; and
 - d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being.

“environmental health” means the state of the environment in terms of hygiene, pollution and nuisances

"environmental health practitioner" means an official appointed by the Sekhukhune District Municipality Council and who is duly registered as an Environmental Health Practitioner with the Health Professions Council of South Africa in terms of section 33(1) of the Health Professions Act 1974 (Act No. 56 of 1974).

"hazardous waste" means waste that has the potential, even in low concentrations, to have an adverse effect on the environment and health because of its inherent toxicological, chemical or physical characteristics.

"health care risk waste" means waste generated by a hospital, clinic, nursing home, doctor's offices, medical laboratory, research facility, dental practitioner, medical practitioner, traditional healer, traditional surgeon and veterinarian or any other place where health care waste are generated and which are infectious or potentially infectious, and includes –

- a) microbial wastes including wastes including cultures and stocks of infectious wastes and associated biologicals that can cause disease in humans.
- b) human blood and blood products, including serum, plasma and other blood components.
- c) pathological wastes of human origin, including tissues, organs and body parts removed during surgery or autopsy.
- d) contaminated animal wastes including animal carcasses, body parts and bedding which have been exposed to infectious agents during medical research, pharmaceutical testing or production of biologicals.
- e) isolation wastes associated with animals or human beings known to be infected with highly communicable diseases; and
- f) contaminated and uncontaminated sharps, including clinical items which can cause a cut or puncture or injection, such as needles, syringes, blades and microscope slides.
- g) used medical equipment and other medical material which is capable or is reasonably likely to be capable of causing or spreading disease or causing or spreading infection, such as

used surgical dressings, swabs, blood bags, laboratory waste, blood collection tubes, colostomy- and other catheter-bags, gloves, drip bags, administration dines and tongue depressors.

- h) pharmaceutical products which has become outdated or contaminated or have been stored improperly or are no longer required such as human and animal vaccines, medicine and drugs.
- i) genotoxic chemical waste and radio isotopes from experimental or diagnostic work or any other source.

"health nuisance" means a situation, or state of affairs, that endangers life or health or adversely affects the well-being of a person or community in terms of the National Health Act 2003 (Act No. 61 of 2003)

"irrigation" means the application of wastewater to recreational grounds and for the purpose of crop production and the cultivation of pasture;

"keeper" in relations to any animal, means the owner of the animal or any other person responsible for feeding and caring for the animal;
in relation to a battery system cattery, kennels, pet parlour or pet shop, means the person who owns the business of which it forms part of and the person in charge of the premises in which the animals are kept.

"kennels" means premises in or upon which boarding facilities for dogs are provided; dogs are bred for commercial purposes; dogs are kept for the purposes of being trained or hired out with or without handlers; or dogs are kept for commercial security purposes.

"livestock" means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry

"marine fauna" means any marine living resources from the sea and the seashore, including any aquatic plant, whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile, marine mammal and seabird and include their eggs, larvae and all juvenile stages;

"municipality"	means the Sekhukhune District Municipality established in terms of Section 12 of the Municipal Structures Act 1998 (Act No.117 of 1998), Provincial Notice 492 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of the power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
"municipal area"	means the area under the jurisdiction of the Council;
"municipal manager"	means a person appointed as such by the Council in terms of section 82 or the Local Government: Municipal Structures Act, 1998 (Act No. 103 of 1998)
"National Building Regulations and Building Standards Act"	means the National Building Regulations and Building Standards Act 1977 (Act No 117 of 1998)
"occupier"	means any person who occupies any premises or part thereof without regard to the title under which he or she occupies, and includes – <ul style="list-style-type: none"> a) any person in actual occupation of those premises; b) any person legally entitled to occupy those premises; c) in the case of those premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants whether on the person's own account or as agent for any person entitled thereto or interested therein; d) any person having the charge or management of those premises, and includes the agent of any such person when the person is absent from the Republic of South Africa or his or her whereabouts are unknown; and e) the owner of those premises;

"owner",

in relation to:-

- a) animals or things, conveyances and other movable property, means the person in whom ownership is vested and includes a person who is responsible for the control or management thereof or a person who has such animal or thing, conveyance or movable property in his or her possession, but in the case of game or animals that are not branded in terms of the Animal Identification Act, 2002 (Act No. 6 of 2002), or of which the ownership cannot readily be established, the user of the land on which such game or animals are present is deemed to be the owner; and
- b) land or premises
 - i) means the person in whose name the title to the premises is registered and includes the holder of a stand license or;
 - ii) means the person in whose name that land is registered;
 - iii) that has been purchased by a person but has not yet been registered in his or her name, means such purchaser.
 - iv) that is subject to a usufruct, means the usufructuary.
 - v) of which the owner or purchaser is a minor, mentally disabled person, insolvent, dead or is otherwise incompetent in law to administer his or her estate, or is deceased, or is a body corporate under judicial management or liquidation, means the agent or legal representative of such owner or purchaser or another person authorised by law to administer his or her affairs or, in the case of a body corporate, the judicial manager or liquidator concerned; and
 - v) a category B municipality which is in control of land by virtue of the powers and functions allocated to it in terms of Schedules 4B and 5B of the Constitution.

"person"

means a natural and legal person, including but not limited to an association of persons, a partnership, and a company.

"pest"

means any animal or insect which may create a public health nuisance if it is present in significant numbers and

without limitation, and includes rats, mice, flies, mosquitoes, bed bugs, fleas, lice, termites and cockroaches.

"pet parlour"

means an establishment where pets are groomed;

"pet shop"

means an establishment where pets are kept for trading purposes;

"poultry"

means a fowl such as a chicken, turkey, goose, duck, Muscovy-duck, bantam-fowl and guinea fowl, whether domesticated or not, including the young of such poultry.

"poultry house"

means any roofed-over building or structure in which poultry is kept, other than one in which a battery system is operated

"poultry-run"

means any unroofed wire mesh or other enclosure in which poultry is kept, whether or not it is attached to a poultry house;

"pollution"

means any change in the environment caused by

- (i) substances
- (ii) radioactive or other waves or
- (iii) noise, odours, dust or heat

emitted from any activity, including the storage or treatment of waste or substances, construction and the provision of services, whether engaged in by any person or an organ of state, where that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of natural or managed ecosystems, or on materials useful to people, or will have such an effect in the future.

"potable water"

means water that complies with the requirements set out in SABS-SANS 241: Water for Domestic Supplies

"premises"

means:-

- a) land or a portion of land, whether or not a building or structure has been constructed or erected on the land or portion of land; or
- b) a building or structure and the land on which it is situated;

"proprietor"	means the person who owner or operates an accommodation establishment.
"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- <ul style="list-style-type: none"> (i) circumstances referred to in Section?? (ii) unsanitary conditions (iii) circumstances that: enable and support the spread of communicable diseases; make food or drink including water for domestic consumption unhygienic or unsafe to eat or drink; may allow pest infestation that may affect public health
"public health nuisance"	means the use of 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
"publish"	in respect of the provisions of Section 86 means:- <ul style="list-style-type: none"> a) to publish a notice in the Provincial Gazette and a local newspaper; and b) to display the notice so published on the notice boards of the municipality
"responsible authority"	means the authority or municipality responsible for the execution of waste disposal functions within the area of jurisdiction of Sekhukhune District Municipality;
"salon"	means a place where any one or more of the services or activities contemplated in the definition of "barber, hairdresser, beautician, body piercer or tattooist" are normally carried on.

“spa bath”	with a controlled circulating water supply and used for bathing, excluding a spa bath situated at a private home which is not used for commercial purposes.
“spa bath keeper”	means any person who owns or controls the operation of a spa bath
“stable”	means any building or structure used to accommodate livestock other than poultry
"swimming pool"	means a swimming pool that is accessible to the public and includes swimming pools at schools or other tertiary institutions and other water related recreational facilities accessible to the public;
"user"	<p>in relation to land, means:-</p> <p>a) any person who has a personal or real right in respect of land in his or her capacity as fiduciary, fideicommissary, servitude holder, possessor, lessee or occupier, irrespective of whether or not he or she resides thereon; and</p> <p>b) any other person who is generally recognised as having a right of tenure on the land concerned;</p>
"waste"	means any matter or waste material arising from the use of any land or premises, excluding hazardous waste and health care waste.
"wastewater"	means water containing waste, or water that has been in contact with waste material and may include biodegradable industrial wastewater and domestic wastewater.
"water resource"	means a source as defined in Section 1 of the National Water Act, 1998 (Act No. 36 of 1998)
“wild animal”	means an animal of a species that is not generally domesticated and without limitation includes all animals indigenous to South Africa other than domesticated guinea-fowls.

2. Purpose

The Municipality being aware of the constitutional rights of every person to an environment that is not harmful to his or her health or well – being, and the principles that underlines the National Health Act, 2003 (Act No. 61 of 2003) as amended, and the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended, adopts these by-laws with the purpose that these by-laws will enable the Municipality to set minimum environmental health standards to prevent diseases, prolong life, protect and promote the long term health and well- being of people in the Municipal area by:

providing, in conjunction with other applicable laws, an effective legal and administrative framework within which the municipality can develop and manage its Municipal Health Services obligations by:

- (a) (i) managing and regulating activities that have the potential to impact adversely on public health;
and
- (ii) requiring 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 1
PUBLIC HEALTH

3. Public Health Principles

- 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 Council 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 must be eliminated wherever reasonably possible, and if it is not reasonably possible to do so, it must be reduced to a level acceptable to the Council.
- 3) Any person who owns or occupies premises in the municipal area must 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, must –
 - 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 Council; and
 - b) bear the costs of taking those measures and of any reasonable costs incurred by the Council in ensuring that the risk is eliminated or reduced to an acceptable level.

4. Application of Principles

The public health principles set out in section 3 must be considered and applied by any person –

- a) exercising a power or function or performing a duty under these by-laws
- b) formulating or implementing any policy that is likely to have a significant effect on, or which concerns the carrying on of activities likely to impact on, public health in the municipality 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
Health Nuisance

5. Health Nuisance

- 1) A health nuisance exists or occurs if any of the following occurs on any land or premises:
 - a) a water pool, ditch, gutter, dung pit or heap is so foul or in such a state or so situated or constructed to be injurious or dangerous to health;
 - b) an accumulation of waste or other matter which is injurious or dangerous to health occurs;

- c) where waste water used for the purposes of irrigation does not comply with the following standards:
 - i. Suspended solids must be removed from any wastewater, and the resulting sludge disposed of according to the requirements of any relevant law or regulation, including:-
 - ii. Permissible utilisation and disposal of sewage sludge" Edition 1, 1997. Water Research Commission Report No TT 85/97 as amended from time to time ; and
 - iii. Guide: Permissible utilisation and disposal of treated sewage effluent", 1978. Department of National Health and Population Development Report No. 11/2/5/3, as amended from time to time (obtainable from the Department upon written request).
- d) wastewater which is discharged onto land and into a water source, including the sea, through a pipe, canal, sewer or other conduit or any other means that does not comply with relevant legislation, standards and guidelines
- e) a building, structure or enclosure is –
 - i. so constructed, situated, used or kept as to be injurious or dangerous to health;
 - ii. kept or permitted to remain in a state as to be injurious or dangerous to health; or
 - iii. infested with pests or vermin or in a state that is conducive to the breeding of pests or vermin;
- f) conditions exist that are conducive and contributively to the spread of a contagious and communicable disease;
- g) organic matter or animal waste are being used or kept in a manner that attracts vermin or pests such as, but not limited to rats, mice, flies and mosquitoes;
- h) unhygienic conditions that may be injurious or dangerous to health are present on any part of the land or premises;
- i) a building, structure or enclosure is erected without first removing or decontaminating in an approved manner, any faecal, animal or vegetable waste disposed of on the land or premises; or
- j) a building or structure is demolished without first eradicating all vermin;
- k) a dwelling or any other premises is occupied for which no proper and sufficient supply of pure water is available as prescribed in terms of the Water Services Act 1997 (Act No. 108 of 1997), as amended;
- l) a dwelling or building is occupied in which no proper toilet facilities as required in terms of the National Building Regulations and Building Standards Act 1977 (Act No. 103 of 1977) are available; or
- m) a dwelling or building is occupied which is not properly ventilated in accordance with the National Building Regulations and Building Standards Act 1977 (Act No. 103 of 1977).
- n) a carcass or the remains of an animal, poultry, bird or marine- or aquatic fauna, or any animal waste remains unburied or is not suitably disposed of after a period of more than 24 hours after death.

- o) that is not ventilated so as to destroy or render harmless as far as practicable any gases, vapours, dust or other impurities generated which may be dangerous to human health;
- p) that is so overcrowded, badly lighted or ventilated as to be injurious or dangerous to the health of those employed therein or thereon; or cause or give rise to effluvia which are injurious or dangerous to health.

2) A health nuisance exists if:-

- a. an obnoxious smell, pests, vermin, vector, from whatever source emanate from land or premises;
- b. any other activity, condition or thing declared to be a health nuisance under any law exists or occurs on or emanates from land or premises.

6. Prohibition of creation, existence or occurrence of a health nuisance

1) No person may, in any area under the jurisdiction of the municipality-

- a. create a health nuisance;
- b. perform any act which may cause a health nuisance;
- c. organise, allow or permit an activity, event or function in or on land or premises, or use, cause, allow or permit to be used land or premises for a purpose which by its nature or otherwise or by reason of its consequences creates or is likely to create a municipal health nuisance;
- d. unless he or she is authorised or permitted by-law to do so or does so with the written permission of the municipality and in accordance with any conditions imposed by the municipality-
 - i. in a public place activate, handle or use any material, object or thing which is likely to cause a Health nuisance;
 - ii. introduce into or handle in a public place any material, object or thing or any liquid or solid substance which by its nature or by reason of the manner of its introduction or handling creates a health nuisance;
- e. carry, convey, or cause or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become dangerous or injurious to health, unless such objectionable material or thing is covered with a suitable material to prevent the creation of any health nuisance;
- f. by an action directly or indirectly or by negligence allow that a health nuisance be created or continued;

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

7. Duty to eliminate or reduce a Health nuisance

- 1) To eliminate or reduce a health nuisance
 - a. The owner, occupier or user of land or premises must-
 - i. ensure that a Health nuisance does not exist or occur on his or her land or premises; and
 - ii. within 24 hours of becoming aware of the existence of a health nuisance on the land premises, eliminate the health nuisance, or if he or she is unable to eliminate the health nuisance —
 - aa) take steps to the satisfaction of the municipality to reduce the risk to municipal health; and
 - bb) report the existence of the health nuisance to the municipality.
 - b. For the purposes of subsection (1)(a), the owner, occupier or user of land or premises must, for the purpose of eliminating or reducing the quantity of –
 - i. flies, use flytraps or any other approved method;
 - ii. mosquitoes –
 - aa) drain accumulated water at least once every seven days; or
 - bb) cover accumulated water with oil;
 - cc) in the case of wells, provide a mosquito-proof cover and a pump;
 - dd) fittanks,barrelsand similar containers in which mosquitoes may breed with mosquito-proof covers or mosquito wire gauze screens in a manner that prevents mosquitoes gaining access to water contained in them; and
 - ee). regularly clean blocked or sagging gutters and down pipes so that stagnant water cannot accumulate in them; and
 - (iii) vermin, use mouse traps or vermin poison.
- 2) The owner, occupier or user of land or premises must ensure that every well, hole, pit, reservoir, pond or excavation thereon is not filled in a way, or with any material, that may cause an adjacent well, borehole or underground water source to be polluted or contaminated to an extent that may create a health nuisance.
- 3) The owner, occupier or user of land or premises must cause all waste to be placed in refuse receptacles provided by the owner or by the responsible authority to be disposed of in a manner contemplated in section 49.
- 4) The owner, occupier or user of land or premises who contravenes a provision of subsection (1) or (2) or the occupier who contravenes a provision of subsection (3) commits an offence.

Part 3
Specific Public Health Hazards and Nuisances

8. Public Health Hazards and Nuisances

1) Overgrown property

No owner or occupier of any erf may allow it to be overgrown with bush, weeds or grass or other vegetation, except cultivated trees, shrubs and grass, to such an extent that, in the opinion of the Council, it may be used as a shelter by vagrants, wild animals or vermin or may threaten the health or the safety of any member of the community.

2) Overcrowding and health nuisances on premises

No person shall occupy or cause or permit to be occupied any premises for habitable purposes to be a health nuisance, whether by overcrowding or otherwise.

3) Maintenance of common areas of premises

The owner of any premises, which is let or sublet to more than one tenant, shall maintain at all times in a clean and sanitary condition every part of such premises as may be used in common by more than one tenant.

4) Pollution of sources of water supply

No person may pollute or contaminate any catchment area, river, canal, well, reservoir, filter bed, water purification or pumping works, tank, cistern or other source of water supply or storage.

5) Maintenance and cleanliness of sanitary systems

No owner or occupier of any premises shall -

- a) fail to maintain the sewers, drains, water fittings, waste water fittings, water closet fittings and all other sanitary accessories forming part of or attached to any building or structure in good and sound repair;
- b) keep, cause or suffer to be kept upon any premises any toilet, urinal, bath, sink, basin, shower or cistern of such nature or in such condition that it is a health nuisance.

6) Disposal of sewage and wastewater without causing a health nuisance

No person may dispose of sewage or wastewater 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 health nuisance.

7) Blocked or defective outlet pipes

- a) Every owner or occupier of premises must keep any drainage system free from obstruction and in a good condition.

8) Toilets for workers

- a) Every contractor must provide his or her workers with toilet facilities as prescribed by the National Building Regulations and Building Standards Act 1977 (Act No. 103 of 1977).

9) Dangerous wells, boreholes and excavations

- a) Every owner or occupier of premises must ensure that any well, borehole or other excavation located on his or her premises –
 - i) is fenced, filled in or covered over in a way that adequately safeguards it from creating a health nuisance or danger to inhabitants; and
 - ii) is not filled in a way, or with material, that may cause any adjacent well, borehole or underground water source to be polluted or contaminated to an extent that may create a health nuisance.

Part 4

Prohibition and elimination or reduction of health nuisances

9. Prohibition of the creation, existence or occurrence of a municipal health nuisance

- 1) No person may, in any area under the jurisdiction of the municipality –
 - a) create a municipal health nuisance;
 - b) perform any act which may cause a municipal health nuisance;
 - c) organise, allow or permit an activity, event or function in or on land or premises, or use, cause, allow or permit to be used land or premises for a purpose which by its nature or otherwise or by reason of its consequences creates or is likely to create a municipal health nuisance;
 - d) unless he or she is authorised or permitted by-law to do so or does so with the written permission of the municipality and in accordance with any conditions imposed by the municipality –
 - i) in a public place activate, handle or use any material, object or thing which is likely to cause a municipal health nuisance;
 - ii) introduce into or handle in a public place any material, object or thing or any liquid or solid substance which by its nature or by reason of the manner of its introduction or handling creates a municipal health nuisance;

- e) carry, convey, or cause or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become dangerous or harmful to health, unless such objectionable material or thing is covered with a suitable material to prevent the creation of any municipal health nuisance; or
 - f) by an action directly or indirectly or by negligence allow that a municipal health nuisance be created or continued.
- 2) A person who contravenes a provision of subsection (1) commits an offence.

CHAPTER 2

HEALTH NUISANCES ARISING FROM THE KEEPING OF ANIMALS

10. Application of Chapter

- 1) This Chapter applies to any owner or person in charge of an animal, bird, poultry, fish or crustaceans or who keeps an animal, bird, poultry, fish or crustaceans for whatever purpose, on land or premises of which he or she is the owner, occupier or user within the jurisdiction of the municipality.
- 2) A person who keeps an animal, bird, poultry, fish or crustaceans in terms of an approved land use, or on premises or land zoned for agricultural purposes, is not exempted from the provisions of these by-laws or other legislation with regard to the inception or bringing about of a health nuisance.

11. Keeping and slaughtering of animals

- 1) The owner of an animal, bird, poultry, fish or crustaceans or the owner, occupier or user of land or premises may not keep or slaughter such animal, bird, poultry, fish or crustaceans in or on a building, structure or enclosure or any premises in a manner that constitutes a health nuisance.
- 2) A person who contravenes sub-section 1) commits an offence.

12. Carcasses of animals

- 1) The owner of an animal, bird, poultry fish or crustaceans or the owner, occupier or user of land or premises must within 24 hours, in accordance with subsection 4), dispose of the carcass of an animal, bird, poultry, fish or crustaceans that has died on such premises or land.
- 2) The owner, occupier or user of land or premises must within 24 hours, in accordance with subsection (4), dispose of the carcass or remains of aquatic or marine fauna that has died or washed up on such premises or land.
- 3) Should an owner of an animal or owner, occupier or user of land or premises fail to dispose of a carcass, the Environmental Health Practitioner may arrange for the disposal of the carcass and may recover the cost involved from the owner of the

animal, bird, poultry, fish or crustaceans or the owner or user of the land or premises.

- 4) A person contemplated in subsection (1 & 2) must dispose of a carcass in one of the following manners:
 - a) He or she must take steps to have the carcass removed by a registered animal organisation or by a person authorised to do so in terms of the responsible authority's waste regulations;
 - (b) if the premises are suitable, he or she must bury the carcass at a depth which completely covers the whole carcass so that it cannot be dug up by an animal or cause a health nuisance;
 - (c) if the animal died of a disease, he or she must deal with the carcass in accordance with sub paragraph (a).
- 5) No person may carry or convey through or along a street the carcass of an animal, bird, poultry, fish, crustaceans or animal waste or offal in such a manner that it creates or may create a health nuisance.
- 6) This section does not apply in the instance where an animal, bird, poultry, fish or crustacean is slaughtered for the purposes of human or animal consumption.
- 7) A person who contravenes a provision of subsections (1) to (5) commits an offence.

13. Distances between buildings and animals

- 1) No animal, bird or poultry or fish may be kept on any land or premises under such conditions and in such close proximity to any building or facility that in the opinion of the municipality the conditions may be injurious or dangerous to the health of the occupants of neighbouring buildings or facilities.
- 2) In the case of feedlots and intensive animal feeding systems, proximity to buildings and facilities contemplated in subsection (1) must be determined with due regard to geographical and environmental factors;
- 3) A person who contravenes a provision of sub section (1) commits an offence.

14. Keeping of bees

- 1) No person may keep bees on any premises unless –
 - a) that person is the holder of a permit authorising that activity;
 - b) every beehive is situated a minimum of thirty metres from any boundary of the premises, public place or building used for human habitation or from any place used for the keeping of animals, poultry and birds;
 - c) the bees are kept in an approved beehive;
 - d) the beehive is –
 - i) kept in an area inaccessible to children and animals;
 - ii) kept in the shade at all times;
 - iii) supplied with a source of drinking water within five metres of the hive.

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

**CHAPTER 3
ANIMAL ESTABLISHMENTS
Part 1
Dog kennels and Catteries**

15. Requirements relating to premises

- 1) The person who owns or operates a dog kennel or cattery must ensure that the premises comply with the following requirements:
 - a) all waste and storm water must be discharged into a sewerage- or other approved system;
 - b) all loose foods must be stored in rodent free receptacles with close fitting lids in a store room;
 - c) isolation facilities must be provided for sick dogs and cats and the facilities must be of durable material and constructed so as to be easily cleaned and disinfected;
 - d) all animal waste must be stored in solid containers with tight fitting lids and must be removed on a daily basis from the premises and disposed of in an approved manner; and
 - e) all animal cages or holding enclosures must be cleaned on a daily basis and be kept in a hygienic and odour free condition.
 - f) all catteries and kennels must be operated in such a manner as not to constitute a health risk.
- 2) No person may conduct the business of a dog kennel or cattery in building, structure or enclosure which has direct access to, or has a door, window or other opening within 4 meters of any door, window or other opening to any existing habitable room or any existing room in which food for human consumption is stored processed or sold.
- 3) A person who contravenes a provision of subsections (1) and (2) commits an offence.

**Part 2
Pet shops and parlours**

16. Requirements relating to premises

- 1). A person who owns or operates a pet shop or pet parlour must ensure that the premises comply with the following requirements :
 - a) All cages must be –
 - i) made entirely of a noncorrosive material fitted with duplicate impervious movable trays and all tubular fittings *must be* closed at the ends; and

- ii) so arranged that the bottoms thereof are not less than 450 mm above the level of the floor or yard, as the case may be;
 - b) storage space which is rodent-proofed, must be provided for animal bedding on the premises;
 - c) meat, fish or perishable foodstuffs used in the feeding of an animal and stored in a pet shop, must be stored in a refrigerator which can maintain a temperature not exceeding 5°C;
 - d) toilet facilities and a wash basin which is supplied with running water must be provided for those employed on the premises;
 - e) no more than 70% of the floor area of the premises may be covered by cages or goods incidental to the business; and
 - f) all animal- and bird waste must be stored in solid containers with tight fitting lids and must be removed daily from the premises and disposed of in an approved manner
 - g) all animal and bird cages or holding enclosures must be cleaned daily and be kept in a hygienic and odour free condition.
- 2). No person may conduct the business of a pet shop or pet parlour in any building, structure or enclosure which has direct access to, or has a door, window or other opening within 4 meters of any door, window or other opening to any existing habitable room or any existing room in which food for human consumption is stored, processed or sold.
- 3) A person who contravenes a provision of subsections (1) and (2) commits an offence.

CHAPTER 4

ACCOMMODATION ESTABLISHMENTS, FOOD AND NON-FOOD SELLING PREMISES

17) Application of chapter

- 1). This Chapter applies to a person who owns or carries on the business of providing accommodation for gain in an accommodation establishment on premises within the municipal area but does not apply to a private home.
- 2) The Chapter also outlines the health requirements of premises that offer overnight accommodation for gain, with or without food services.
- 3) No accommodation establishment may be operated at Sekhukhune District Municipality without a Certificate of Acceptability and Health Certificate issued by an Environmental Health Practitioner subject to the conditions laid down in Sections 18, 19 and 20 below.
- 4) The person in charge of any food premises, including a food vending vehicle, wishing to obtain a Certificate of Acceptability in respect of such food premises shall:
 - a) apply in writing to the municipality on an application form containing all the particulars, as contained in a form prescribed by the Sekhukhune District Municipality.
 - b) undergo one-day training on health, hygiene and safety offered by Environmental Health Practitioner at Sekhukhune District Municipality at a cost of R300 ;
 - c) sign an undertaking to:
 - aa) abide by the rules of the Sekhukhune Environmental Health Policy of Sekhukhune District Municipality;
 - bb) acknowledge that Environmental Health Practitioners will visit the establishment periodically to carry out health inspections and investigations.
 - cc) address the queries and findings by Environmental Health Practitioners through remedial action
 - dd) attend annual training in the anniversary month of the CERTIFICATE OF ACCEPTABILITY being awarded, at a cost of R300
- 5) Failure to comply with all sub-paragraphs in sub-section 4 will lead to suspension, cancellation or revocation of the CERTIFICATE OF ACCEPTABILITY.

18. Preparation and serving of food and Certificate of Acceptability

- 1) A proprietor who prepares or serves food on the premises for consumption by a guest, irrespective of whether the guest pays separately for the food or if a charge for the food is included in the accommodation costs, must comply with the provisions of the Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food, published under Government Notice No. R638 of 14 June 2018.
- 2) A proprietor who allows for the preparation of food on the premises by guests for consumption by a guest must comply with the provisions of the Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food, published under Government Notice No. R638 of 14 June 2018.

19. Conditions for premises housing accommodation establishments

- 1) Permit requirements
- a) No person may operate an accommodation establishment except in terms of a permit authorising that activity.
- 2) A proprietor must ensure that his premises, household facilities, eating utensils, linen and bedding are kept in a clean and hygienic condition.
- 3) An accommodation establishment which operates as a home for the aged must comply with requirements outlined in Section 31.

20. Duties of operators of accommodation establishments

Every person who conducts an accommodations establishment must:-

- 1) keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hanging 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;
- 2) clean and wash any bed linen, towel, bath mat or face cloth after each use by a different person;
- 3) take adequate measures to eradicate pests on the premises;
- 4) provide a container made of a durable and impervious material, equipped with a closefitting lid, in every toilet used by females;
- 5) provide towel rails or hooks in every bathroom and in every room in which there is a wash hand basin or shower;
- 6) store all dirty linen, blankets, clothing, curtains and other articles used in connection with an accommodation establishment in the manner provided in subsection (2) of Section 19;
- 7) store all clean linen, towels, blankets, pillows and other articles used in connection with the accommodation establishment in the manner provided in subsection (2) of Section 19;
- 8) keep all sanitary, ablution and water supply fittings in good working order;
- 9) 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
- 10) handle refuse in compliance with the requirements for food handling premises made under the Foodstuffs, Cosmetics and Disinfectants Act 1972 (Act No. 54 of 1972), and published by Government Notice R638 of 14 June 2018, which may be amended from time to time, and the National Building Regulations and Building Standards Act 1977 (Act No. 103 of 1977) if food is provided to the occupants.

21. Operations of food selling premises

- 1) No person shall handle food or permit food to be handled:-
 - a) on food premises in respect of which a valid Certificate of Acceptability has not been issued or is not in force;
 - b) in contravention of any restriction or condition or stipulation contained in such certificate of acceptability.
- 2) The person in charge of any food premises, including a food vending vehicle, wishing to obtain a Certificate of Acceptability in respect of such food premises shall apply in writing to the municipality on a form prescribed by the municipality;
- 3) Upon receipt of an application referred to in subsection (2) of Section 21, the municipality shall without delay refer the application to an Environmental Health Practitioner for consideration.
- 4) An Environmental Health Practitioner may, in considering such an application, request such further information as he or she may deem necessary or expedient from the applicant or from any other person.
- 5) If an Environmental Health Practitioner, after having carried out an inspection, is satisfied that the food premises concerned, having due regard to existing conditions of the adjacent land and facilities:-
 - a) in all respects comply with the provisions of Section 17, the Municipality shall issue a Certificate of Acceptability in the name of the person in charge on the application form;
 - b) do not in all respects comply with the provisions of Section 17, the municipality may grant an extension for a maximum period of six months to enable the person in charge so to change or equip the food premises that they comply with the provisions in question.
- 6) A Certificate of Acceptability shall be displayed in a conspicuous place for the information of the public on the food premises in respect of which it was issued, or a copy thereof shall immediately be made available on request where the display thereof is impractical.
- 7) If the person in charge of food premises is replaced by another person, such person shall inform the municipality in writing of such replacement within 30 days after the date hereof and the local authority shall subject to the provisions of Section 17 subsection 4, issue a new Certificate of Acceptability in the name of the new person in charge.
- 8) A Certificate of Acceptability –
 - a) shall not be transferable from one person to another person and from one food premises to another food premises;
 - b) shall be valid only in respect of the nature of handling set out in the application for a Certificate of Acceptability;
 - c) may at any time be endorsed by a municipality through-
 - i) the addition of any further restriction that may be necessary to prevent a health hazard; and
 - ii) the removal of any restriction about the category or type of food or the method of handling;

- d) shall expire temporarily, for the period during which a prohibition has been placed, until it the person in charge has complied or shall expire permanently if a prohibition placed has not been complied with and removed within a stipulated period which shall not exceed six months from the date on which a notice was issued.
- 9) No person may make any unauthorised changes or additions to or forge a Certificate of Acceptability .

22. Standards and requirements for facilities on food premises

- 1) The surface of any table, counter or working surface on which unwrapped food is handled and any equipment, utensil or basin or any other surface which comes into direct contact with food shall be made of smooth, rust-proof, non-toxic and non-absorbent material that is free of open joints or seams: Provided that cutting boards and utensils shall not be prohibited, providing such items are kept in such a condition that dirt does not accumulate thereon or therein.
- 2) No surface referred to in sub-section (1), and no crockery, cutlery, utensils, basins or any other such facilities shall be used for the handling of food if they are not clean or if they are chipped, split or cracked.
- 3) Any utensil or item which is suitable for single use only -
 - a) shall be stored in a dust-free container until used; and
 - b) shall not be used more than once.
- 4) A surface referred to in sub-section (1) shall be -
 - a) cleaned and washed before food comes into direct contact with it for the first time during each work shift; and
 - b) cleaned and washed, as and when necessary, during and/or immediately after the handling of food, so that contamination of the food that comes into contact with any such surface or facility is prevented, and any such surface or facility shall, before food comes into direct contact therewith contain-
 - i). no more than 100 viable micro-organisms per cm² upon analysis, conducted in accordance with acknowledged scientific microbiological methods of investigation, of a sample taken in accordance with the swab technique prescribed by SABS Standard Test Method 763: Efficacy of Cleaning Plant, Equipment and Utensils: Swab Technique;
 - ii) no remains of cleaning materials or disinfectants which may pollute the food

- 5) Every chilling and freezer facility used for the storage , display or transport of perishable food-
 - a) shall be provided with a thermometer which at all times shall reflect the degree of chilling of the refrigeration area of such facility and which shall be in such a condition and positioned so that an accurate reading may be taken by the Environmental Health Practitioner unhampered.
 - b) Every heating apparatus or facility used for the storage, display or transport or heated perishable food shall be provided with a thermometer which at all times shall reflect the degree of heating of the heating area concerned, and which shall be in such a condition and positioned so that an accurate reading may be taken by the Environmental Health Practitioner unhampered.

23. Standards and requirements for food containers

- 1) No person shall sell canned or hermetically sealed food in a container which:
 - a) bulges at the flat or round sides or ends or one side of which bulges when the other side is pressed;
 - b) is in any way blown or from which gas escapes when it is opened or punctured, unless
 - (i) the container contains an aerated drink; or
 - (ii) gas has been used as a preservative;
 - c) is so rusted or damaged that it is liable to contaminate food or that it leaks or has become unsealed;
 - d) had a leak which was resealed
- 2) A container shall be clean and free from any toxic substance, ingredient or any other substance liable to contaminate or spoil the food in the container.
- 3) Repacked food, depending on the type of food, shall be packed in a dustproof and liquid proof container that protects the product therein against contamination under normal handling conditions and shall be so packed or sealed that the food cannot be removed from its container without the stopper or lid, or similar seal being removed or without the wrapping, container or seal being damaged.
- 4) Perishable food, excluding the products referred to in sub section 3, and products that are not pre-packed, except food for consumption as meals on food premises, shall, when served to the consumer, be packed in a container that protects the food therein against contamination.

24. Requirements for display, storage and temperature of food

- 1) Food that is displayed or stored shall not be in direct contact with a floor or any ground surface.

- 2) Any shelf or display case used for displaying or storing food or any container shall be kept clean and free from dust or any other impurity.
- 3) Non-pre-packed, ready-to-consume food, including food served as meals and displayed in an open container, shall be protected in accordance with the best available method against droplet contamination or contamination by insects or dust.

25. Requirements for protective clothing

- 1) No person shall be allowed to handle food without wearing suitable protective clothing as specified in subsection 2) of Section 25.
- 2) The protective clothing, including head covering and footwear, of any person handling food that is not packed so that the food cannot be contaminated shall-
 - a) be clean and neat when such person begins to handle the food;
 - b) at all times during the handling of the food be in such a clean condition and of such design and material that it cannot contaminate the food;
 - c) be so designed that the food cannot come into direct contact with any part of the body, excluding the hands.
 - d) be provided with overalls of a light colour and head gear that completely covers the head.

26. Duties of a person in charge of food premises

- 1) A person in charge of food premises shall ensure that –
 - a) effective measures are taken to eliminate flies, other insects, rodents or vermin on the food premises;
 - b) any person working on the food premises is adequately trained in food hygiene by an inspector or any other suitable person;
 - c) refuse is removed from the food premises or from any room or area in which food is handled as often as is necessary and whenever an inspector requires it to be done;
 - d) waste is stored in a proper waste bin area, constructed as per the specifications of the Environmental Health Practitioner, and disposed of in such a manner that it does not create a nuisance;
 - e) waste bins are -
 - i) cleaned regularly; and
 - ii) disinfected whenever necessary and whenever an inspector requires it to be done;
 - f) wastewater on the food premises is disposed of to the satisfaction of the municipality;
 - g) the food premises and any land used in connection with the handling of food and all facilities, freight compartments of vehicles and containers are kept clean and free from any unnecessary materials, goods or items that do not form an integral part of the operation and that have a negative effect on the general hygiene of the food premises;
 - h) no person handling non-pre-packed food wears any jewellery or adornment that may come into contact with the food, unless it is suitably covered;

- i) no animal, subject to the provisions of any law, is kept or permitted in any room or area where food is handled, except that –
- j) a guide dog accompanying a blind person may be permitted in the sales or serving area of the food premises;
- k) no condition, act or omission that may contaminate any food arises or is performed or permitted on the food premises;
- l) the provisions of these by-laws are complied with;
- m) all persons under his or her control who handle food at all times meet the standards and requirements and execute the duties prescribed in Section 27 below;
- n) a room or area in which food is handled shall not be used for -
 - i) sleeping purposes;
 - ii) washing, cleaning or ironing of clothing or similar laundry;
 - iii) any other purpose or in any manner that may contaminate the food therein or thereon;
- o) no food handler touches ready-to-consume non-pre-packed food with his or her bare hands, unless it is unavoidable for preparation purposes, in which case such food shall be handled in accordance with good manufacturing practice.

27. Duties of a Food Handler

- 1) Food, a facility or a container shall not be handled by any person –
 - a) whose fingernails, hands or clothes are not clean;
 - b) who has not washed his or her hands thoroughly with soap and water or cleaned them in another effective manner -
 - i) immediately prior to the commencement of each work shift;
 - ii) at the beginning of the day's work or after a rest period;
 - iii) after every visit to a latrine or urinal;
 - iv) every time he or she has blown his or her nose or after his or her hands have been in contact with perspiration or with his or her hair, nose or mouth;
 - v) after handling a handkerchief, money or a refuse container or refuse;
 - vi) after handling raw vegetables, fruit, eggs, meat or fish and before handling ready-to-use food;
 - vii) after he or she has smoked or on return to the food premises; or
 - viii) after his or her hands have, or may have, become contaminated for any other reason.
- 2) Food, a facility or a container shall not be handled by any person –
 - a) who has on his or her body a suppurating abscess or a sore or a cut or abrasion, unless such abscess, sore, cut or abrasion is covered with a moisture-proof dressing which is firmly secured to prevent contamination of the food;

- b) who is suspected of suffering from or being a carrier of a disease or condition in its contagious stage that can be transmitted by food, unless any such person immediately reports the disease or condition to the person in charge and a certificate by a medical practitioner stating that such person is fit to handle food, is submitted;
 - c) whose hands or clothing are not clean.
- 2) No person shall –
- a) spit in an area where food is handled or on any facility;
 - b) smoke or use tobacco in any other manner while he or she is handling non-pre-packed food or while he or she is in an area where such food is handled;
 - c) handle non-pre-packed food in a manner that brings it into contact with any exposed part of his or her body, excluding his or her hands;
 - d) lick his or her fingers when he or she is handling non-pre-packed food or material for the wrapping of food;
 - e) cough or sneeze over non-pre-packed food or food containers or facilities;
 - f) spit on whetstones or bring meat skewers, labels, equipment, or any other object used in the handling of food or any part of his or her hands into contact with his or her mouth, or inflate sausage casings, bags or other wrappings by mouth or in any other manner that may contaminate the food;
 - g) walk, stand, sit or lie on food or on non-hermetically sealed containers containing food or on containers or on food-processing surfaces or other facilities;
 - h) use a hand washbasin for the cleaning of his or her hands and simultaneously for the cleaning of facilities; or
 - i) while he or she is handling food, perform any act other than those referred to above which could contaminate or spoil food.

28. Requirements for handling meat (in a butchery)

- 1) No person shall, on food premises-
- a) handle meat derived from an animal slaughtered in contravention of the Meat Safety Act, 2000 (Act No.40 of 2000).
 - b) handle the meat of an animal exempted from the provisions of the Meat Safety Act 2000 (Act No.40 of 2000), unless a notice that is clearly visible and legible and that contains the following information or information to that effect, in letters at least 18 mm high, is displayed at the food premises: "*The meat sold on these premises has been exempted from inspection in terms of Meat Safety Act 2000 (Act No.40 of 2000).*"
- 2) Meat on a carcass shall not be handled on food premises, unless –
- a) the carcass has been properly bled;

- b) un-skinned carcasses shall not be so handled that the skin thereof comes into contact with other food on the food premises or that the meat of such carcasses is contaminated or spoiled.
- 3) Subject to the Meat Safety Act, 2000 (Act No.40 of 2000) no animal shall be killed, bled, eviscerated, skinned or dressed on food premises other than in a room used specifically and exclusively for that purpose in accordance with good manufacturing practice, provided that no further handling or processing of any such carcass shall take place in that room.
- (4) No person shall be permitted to operate a butchery or conduct the business of a butcher, unless:
 - (a) The butchery area is physically separated from the food preparation area, by means of a solid wall; dry partitioning is not permitted.

29. Requirements for food transportation

- 1) No person shall transport food on or in any part of a vehicle –
 - a) unless that part is clean and has been cleaned to such an extent that chemical, physical or microbiological contamination of the food is prevented;
 - b) together with -
 - i) contaminated food or waste food;
 - ii) poison or any harmful substance;
 - iii) a live animal; or
 - iv) any object that may contaminate or spoil the food.
- 2) Subject to subsection 1) of Section 29, the freight compartment of a vehicle that is used for the transportation of food that is not packed or wrapped in liquid-proof and dustproof sealed containers –
 - a) shall have an interior surface made of an easy-to-clean and smooth, Rust free, non-toxic and non-absorbent material without open joints or seams and,
 - b) shall be dustproof;
 - c) shall not be used simultaneously for the transport of any person or any other item that may contaminate the food.
- (3) Notwithstanding any provisions to the contrary contained in these by-laws, no non-pre-packed food shall be –
 - a) transported in such a manner that it comes into contact with the floor of a vehicle or the floor covering thereof or a surface thereof that can be walked on or with anything else that could pollute the food; or
 - b) transported or carried in such a manner that the food could be spoiled or contaminated in any way.

30. Inspection of food premises by an Environmental Health Practitioner

- 1) Food handling premises shall refer to any premises where food is being processed, either raw or unprocessed state, handled, prepared, packed, displayed, or served. If meals are provided on the premises, a kitchen area and facilities must be provided.
- 2) An Environmental Health Practitioner has the power to enter any food premises at any reasonable time to examine any foodstuff that is found in or on such food premises, and any appliance, product, material, object or substance that is so found and that is or is suspected to be used, or destined or intended for use, for, in or in connection with the handling of any food or any other operation or activity in connection with any foodstuff, and open any package or container of such foodstuff, product, material, object or substance.
- 3) An Environmental Health Practitioner may, pending the examination or analysis of a sample, by written order signed by him or her-
 - a) detain the whole lot or consignment of food in whatever kind of package or container it may be, on or in the premises concerned from which that sample was taken;
 - b) lock up, seal, mark, fasten or otherwise secure such detained food in or upon such premises or any other premises
- 4) The order referred to in subsection 3) is binding for the period stated in the order, which shall not exceed a period of 30 days during which it may be withdrawn during that period or extended to a maximum period of 30 days if the initial period was less than 30 days.
- 5) Any person who, without the written permission of the Environmental Health Practitioner removes any food detained in terms of sub-section 3) from the place where it is being detained, or deal with it in any other manner, commits an offence.
- 6) An Environmental Health Practitioner may, if, after an examination of any food, he or she is satisfied that such food is unsound, or unwholesome or contaminated, or where it appears from the testing or analysis of a sample, the sample or any part of it is unsound, unwholesome or contaminated, by written order signed by him or her-
 - a) seize the food concerned, or
 - b) seize the lot or consignment of food from which the sample was taken if he or she is satisfied that the food in that lot or consignment is in the same condition or possesses the same properties as the sample;
- 7) The order referred to in sub-section 6) is binding from the time of such service until-
 - a) the food that has been seized has been destroyed or;
 - b) has been used for purposes other than human consumption; or
 - c) has been destroyed; or
 - d) it is withdrawn by the Environmental Health Practitioner who issued such order.

- 8) Wherever food has been seized under sub-section 6), the person in charge may choose at his or her expense and with the permission of an Environmental Health Practitioner, to have such food treated, disposed of or used for purposes other than human consumption or destroyed in a manner approved by the Environmental Health Practitioner, to the cost of the person in charge.
- 9) The choice referred to in sub-section 8) shall be made known in writing to the Environmental Health Practitioner within 24 hours after seizure of the goods.
- 10) If the person in charge of food which has been seized by an Environmental Health Practitioner in terms of sub-section 6) refuses or fails to exercise a choice referred to in sub-section 8) within 24 hours after such seizure, or exercises such choice but thereafter refuses or fails to act in accordance with that choice within a further period of 24 hours, the Environmental Health Practitioner may, at any time thereafter, and for the account and risk of such person in charge, destroy such food or cause such food to be destroyed or otherwise disposed of.
- 11) An inspector acting in terms of this regulation shall, at the request of the person in charge affected by such action, issue to such person a written certificate under his or her signature and designation stating the kind and quantity of food removed for safe disposal and the reason for removing it.
- 12) Any person who, without the written permission of the Environmental Health Practitioner, removes any food seized in terms of sub-section 6), or deals with it in any other manner, commits an offence.
- 13) An Environmental Health Practitioner shall, within 14 days after completing an inspection or an investigation of food premises, compile an inspection report for attention of the person in charge of the premises concerned.

PART 2

OLD AGE AND NURSING HOMES

31. Application of the section

- 1) For the purpose of these by-laws, old age home refers to a care home providing accommodation and nursing, or personal care for older people or for the aged. The nursing home refers to premises that may either be used for maternity purposes or general practice.

2) Requirements for registration

- a) All buildings used as old age homes should comply with National Building Regulations and Building Standards Act 1977 (Act No.103 of 1977) ,Occupational Health and Safety Act 1993 (Act No.85 of 1993) as amended
- b) All Old Age Homes should comply with National Norms and Standards Relating To Environmental Health in terms of the National Health Act 2003 (Act No. 61 Of 2003)
- c) No person may be allowed to operate a nursing home or an old age home without a valid Health Certificate issued by an Environmental Health Practitioner indicating that the premises comply with Environmental Health requirements.
- d) The Health Certificate referred to in sub regulation (2) (c) must indicate the following:
 - i. The Health Certificate holder;
 - ii. Physical address of the premises;
 - iii. Identity number of the certificate holder; and
 - iv. number of beds/patients permitted on the premises.
- e) Certificate of Acceptability of the food preparation areas to certify compliance to regulation R638 promulgated under the Foodstuffs, Cosmetics and Disinfectants Act 1972 (Act No. 54 of 1972). should be issued by an Environmental Health Practitioner under the employ of Sekhukhune District Municipality.

3) Requirements for operation

- a) The premises should have the following minimum requirements to operate-
 - i) Separate facilities for patients and staff must be provided
 - ii) Adequate storage facilities must be provided;
 - iii) Provision for the handling of the dead must be made;
 - iv) The operator must enter into a contract with an approved service provider for the removal of all health care risk waste;
 - v) Provision must be made for electricity supply in case of an emergency;
 - vi) Adequate equipment for sterilisation or preparation of instruments dressings and other equipment must be made;
 - vii) Adequate sluice room must be provided;
 - viii) 8.5 square metre must be provided for each bed;
 - ix) adequate laundry facilities must be provided
 - x) The operator must provide staff accommodation
 - xi) Building and facilities must be accessible and promote health, safety and welfare of residents; and
 - xii) Physical layout of the grounds and buildings promotes mobility social interaction and areas of service delivery.

Chapter 5

HEALTH SURVEILLANCE OF PREMISES

32. Application of chapter

- 1) This chapter outlines the identification, monitoring and evaluation of health risks, nuisances and hazards and remedial and preventative measures carried out by Environmental Health Practitioners in the health surveillance of premises (which includes vector control, food safety, environmental pollution control, noise control, points of entries and disposal of the dead).
- 2) The National Health Act 2003 (Act No. 61 of 2003) specifies that environmental health inspections and investigations be undertaken to ensure that corrective and preventative measures are implemented where a condition arises that poses or is likely to pose a hazard or risk to human health. This requires regular monitoring of all premises (private and public) to ensure compliance with applicable health requirements, and minimisation of any detrimental environmental health risk;
- 3) Health education will form an integral part of all environmental health compliance inspections.

33. Rezoning of all businesses in town

- 1) All business premises must be categorised according to type of business in line with Section 36 of these by-laws.

34. Compliance of building structures

- 1). The following norms and standards are applicable to all premises:
 - a) All buildings to be constructed must submit building plans;
 - b) All private and public business building structures must be in compliance with the requirements of the National Building Regulations and National Building Act 1977 (Act No.103 of 1977), and well as the South African National Standards, SANS 10400: Application of the National Building Regulations;
 - c) All government buildings should comply with National Building Regulations and Building Standards Act 1977 (Act No. 103 of 1977);
 - d) All Government Institutions should comply with National Norms and Standards relating to Environmental Health in terms of National Health Act 2003 (Act No. 61 of 2003);
 - e) No building plan will be approved without scrutinisation and recommendations from an Environmental Health Practitioner;
 - f) The erection, structural changes, alterations or conversion of a building to an alternative use shall not commence until the Municipality has approved of the building plans as required in

terms of the National Building Regulations and Building Standards Act 1977 (Act No. 103 of 1977, or any amendment or review thereof, in respect of the erection, structural changes, alterations or conversion of such building.

35. Environmental Impact Assessment and Environmental Health Impact Assessment

- 1) Environmental Impact Assessments will be conducted for every new development (activity) listed in environmental legislation as being potentially harmful to the environment;
- 2) All Environmental Impact Assessments conducted in Sekhukhune District Municipality should provide for comment and recommendations from the Environmental Health Practitioner on issues related to Environmental Health Impact Assessment;
- 3) Sufficient time (5- 10 days) should be allowed for the Environmental Health Practitioner to make comments on the Environmental Impact Assessment document and processes;
- 4) Environmental Health Impact Assessment will be compulsory for all building development that will be used for human settlement, business premises and buildings which will be used on a large scale by members of the public (e.g., health establishments, shopping centres and malls, churches).
- 5) No development having a potential impact on the health of the community will be allowed to proceed until all concerns raised by the Environmental Health Practitioner in terms of subsection (2) have been addressed and the Environmental Health Impact Assessment section of the document signed and approved by the Environmental Health Practitioner.

36. Spatial Planning and Land Use Management and zoning of businesses premises

- 2) In addition to requirements stipulated in any other municipal and national law, the following requirements relate to applications submitted for land-use development for business in Sekhukhune District Municipality:-
 - a) All land development applications must be submitted to the municipality as the authority of first instance
 - b) All applications must comply with requirements of subsection 35 of these by-laws;
 - c) Applications will, where these exist, be subjected to compliance to Spatial Planning and Land Use Management (SPLUMA) by-laws of local municipalities under Sekhukhune District Municipality, in line with the Spatial Planning and Land Use Management Act 2013 (Act No. 13 of 2013);
2. Any application for development or modification for business purposes, that is not conforming to the zoning laws as applicable, will not be approved until all requirements and recommendations made by the Environmental Health Practitioner have been addressed.

CHAPTER 6 CHILD CARE FACILITIES

37. Application of the chapter

60 These guidelines shall apply to all preschool institutions. The Head of Municipal Health Services or an Environmental Health Practitioner, when implementing these guidelines, shall apply the principle of best available method.

61 Childcare centre shall refer to a facility that provides care for “children under the age of six (6) years” who are not yet attending a formal school or equivalent. These shall include:

62 *Part time day care:*

A part-time day-care centre provides day care services for a maximum of only 5 hours per day and accommodates children of between the ages of 0-6 years.

63 *Full time day care:*

A full day care provides day care for more than 5 hours per day and accommodates children between the ages of 0-6 years.

64 *Child minders/ Day mothers:*

Child minders/day mothers provide child care services in their own homes for a full day. Not more than 6 children may be accommodated on the premises at a time (including the child minders own children).

65 *Play groups:*

Play groups provide child care services for half day only (not more than 5 hours per day). Only a maximum of only 20 children between the ages of 3-5 years may be accommodated.

66 *Drop off centres service:*

Drop off centres provides care for children for a period of not more than 2 hours while a parent or guardian is temporarily unavailable (mainly located at shopping centres and usually operate during weekends).

67 *After care centres:*

After care services are services provided for school going children and are mainly operational in the afternoon. Children at Primary School Level (grade R to grade 7) are mainly accommodated.

38. Certificate of Acceptability for Child Care Facilities

- 1) No childcare facility may not be operated without a Certificate of Acceptability issued by an Environmental Health Practitioner from Sekhukhune District Municipality. The issuing of such certificate will be subject to the description laid down in Section 37
- 2) Applications for a Certificate of Acceptability must be made on the prescribed form and will only be processed after payment of the application fee approved by the Municipality.
- 3) No person or body of persons shall conduct a pre-school institution unless such person or body of persons is in possession of a Health Certificate to the effect that the premises, general health facilities and services to which such Health Certificate relates, comply with these by-laws. Such certificate shall state:-

- a) the number of children permitted to be cared for on the premises and the number of children of different age groups per age group permitted to be cared for on the premises.;
 - b) both minimum and maximum age of the children permitted to be kept on such premises
 - c) the hours during which such pre-school institution may operate;
- 4) The Head of Municipal Health Services shall issue the Health Certificate contemplated in subsection (3) if he/she is satisfied that these by-laws are complied with.
 - 5) A Health Certificate issued is not transferable. If a Health Certificate holder dies or ceases to operate the childcare service to which his or her Health Certificate relates, the Health Certificate becomes invalid and is not transferable to any other person or to any heir of or successor in title to the Health Certificate holder.
 - 6) A Health Certificate issued to a childcare centre must be renewed annually by an Environmental Health Practitioner.

39. Structural requirements

- 1) All such buildings used for childcare should comply with National Building Regulations and Building Standards Act 1977 (Act No. 103 of 1977);
- 2) All Pre-schools and Child Development Centres should comply the National Norms and Standards relating to Environmental Health in terms of the National Health Act 2003 (Act No 61 of 2003) and acceptable monitoring standards for Environmental Health Practitioners.

40. General requirements of premises for accommodation of children

- 1) A room adequate in size to be used for the purpose of isolating a sick child must be provided
- 2) Such room must:-
 - a) have a minimum area of 6m² and where more than 50 children are cared for this room must be a minimum of 12m² to be used as an office as well;
 - b) be provided with a wash hand basin and at least one 25 litre closed container with potable water;
 - c) be provided with an approved first aid kit;
 - d) be provided with a bed or stretcher or other approved sleeping equipment
 - e) have adequate storage facilities for food, stretches, sleeping mats, bedding, linen, indoor and outdoor play equipment.
- 3) Sanitary and ablution facilities for children shall have:-
 - a) ready access between the outdoor play area and the toilet facilities;
 - b) one toilet pan or bucket for every twenty children which must be provided with a lid to be kept closed at all times except for the time it is being used;
 - c) The toilet pan referred to in subsection (3) (b):-
 - i) must be emptied and sanitized after each use thereof;

- ii) must be emptied into an approved toilet which is either a pit latrine or other approved closet;
 - d) There must be hand washing facilities with water next to the toilets pans or bucket;
 - e) There must be one wash hand basin for every 20 (twenty) children;
 - f) The wash hand basin and buckets for the toilets must be of a suitable size and height for the children;
 - g) The toilet pan/bucket must be placed in such a way as to be enclosed and screened from the public;
 - h) An adequate number of bins with self-closing lids for disposal of paper, towels, tissues and other waste articles must be provided;
 - i) A minimum of one towel for each child's individual use must be provided unless the Environmental Health Practitioner permits the use of disposable paper towels;
 - j) A reasonable supply of toilet paper, tissue and soap available to the children must be provided;
 - k) There must be a supply of about 25 litres of potable water in the toilet and at wash hand basins.
- 4) Sanitary and ablution facilities for staff:-
- a) Shall have one toilet and one wash hand basin for every 15 persons or part thereof;
 - b) Shall have 25 litres of water supply soap, toilet paper and clean towel.

Indoor play area

- 5) Childcare premises on which children under school going age are cared for, must be provided with an indoor play area as follows:-
- a) The building or structure may be of wood and iron and be constructed to be securely placed and be able to provide protection from the weather such as strong winds, rain and other conditions;
 - b) The interior walls must be brought to a smooth finish and insulated with approved material;
 - c) No plastic or cardboard may be used in the construction of the structure;
 - d) The floor surface must be constructed of an impervious material such as concrete and brought to a smooth finish;
 - e) The structure must be rodent proof.

Outdoor play area

- 6) An outdoor play area which is free of any excavations, projection, levels or any surface which is dangerous or may constitute a safety hazard shall be provided
- 7) The premises shall have an approved fence and lockable gates to prevent a child leaving the premises on its own and to prevent the entrance of animals or unauthorised person.

Food preparation

- 8) A kitchen or a food handling / preparation facility must comply with the provisions of the Regulation Governing General Hygiene Requirements for Food Premises and the Transport of Food, published under Government Notice Nr R638 of 24 June 2018

Safety Measures

- 9) All medicines, cleaning agents, liquid fuels, gas containers or any other poisonous or potentially harmful material must be stored safely and out of reach of children;
- 10) No noxious or poisonous or dangerous plant or shrub shall be permitted on the premises and no animals or birds be kept on the premises without the approval of the Environmental Health Practitioner;
- 11) No person known or suspected to be suffering from infections or contagious disease and shall be allowed on the premises while in the opinion of the Environmental Health Practitioner or medically trained person, such person is capable of communicating such infections or contagious disease;
- 12) Children shall be adequately protected against fires, hot water installations electrical fitting and appliances, heating appliances and any other article or substances which may be dangerous or cause harm to any child;

41. Withdrawal of Health Certificate

- 13) The Municipality may at its discretion, withdraw a Health Certificate issued in terms of these by-laws, should such Health Certificate holder be convicted of a breach of the provisions of the by-laws.

CHAPTER 7 SWIMMING POOL AND WATER- RELATED RECREATIONAL FACILITIES

42. Requirements for operation

- 1) No person may operate a swimming pool or spa bath in or on any premises which do not comply with the following requirements:-
 - a) readily accessible changerooms, showers and toilet facilities must be provided separate for each sex in compliance with the National Building Regulations and Building Standards Act 1977 (Act No. 103 of 1977);
 - b) every swimming pool must be surrounded by a wall or fence as prescribed by the National Building Regulations and Building Standards Act 1977 (Act No. 103 of 1977); or be covered with a SABS approved pool net;
 - c) the surface of the floor area surrounding any spa bath or swimming pool must be constructed of an impervious, nonslip material;
 - d) an approved chemical gas mask must be provided at the chlorinator installation;

- e) if so instructed in writing by an Environmental Health Practitioner, an oxygen or air breathing apparatus must be provided, and
- f) an adequate number of refuse receptacles must be provided on the premises

43. Management of the swimming pool and other water-related recreational facilities: Duties of a swimming pool- and other water related recreational Facility Manager

- 1) A swimming pool and other water-related recreational Facility Manager must-
 - a) at all times keep the premises in a safe, clean and sanitary condition; and
 - b) ensure that the water is at all times purified, treated and maintained to the water regulation standards
- 2) A person who operates a swimming pool or other water related recreational facilities and who contravenes a provision of subsection 1) commits an offence.

44. Water supply

- 1) A swimming pool or other water related recreational facility Manager may, for the purpose of cleaning, filling or maintaining the water level in a swimming pool or other water related recreational facility, only use water from an approved source.
- 2) The environmental health practitioner may take samples of the water for the purpose of chemical or bacteriological analysis at times that he or she considers appropriate.
- 3). A person who operates a swimming pool or other water related recreational facilities and who contravenes subsection 1) commits an offence.

45. Safety of water

- 1) A swimming pool or other water related recreational facility manager must ensure that the water in the swimming pool or any other water related recreational facility complies with the following requirements:
 - a) If hot tubs/swimming pool facilities are provided on the premises for use by the guests the bath tub/swimming pool must be frequently monitored for turbidity, residual disinfectant and pH values as well as microbiological parameters to ensure safety of guests;
 - b) The pH of swimming pool water should be controlled to ensure efficient disinfection and coagulation, to avoid damage to the pool fabric and ensure user comfort. The pH should be maintained between 7.2 and 7.8 for chlorine disinfectants and between 7.2 and 8.0 for bromine-based and other non-chlorine processes;
 - c) Management must ensure sampling of bath tub/pool regularly for heterotrophic plate count, E Coli, Pseudomonas aeruginosa and Legionella spp.
 - d) The water must be free from floating, suspended or settled debris or swimming organisms;

- e) The walls, floor, access ladders or steps and gutters must be free from slime or algae;
 - f) Escherichia coli bacteria may not be present in any 100 ml of water.
- 2) A person who operates a swimming pool or other water related recreational facilities and who contravenes any provision of subsection (1) commits an offence.

CHAPTER 8 BARBERS, HAIRDRESSERS, BEAUTICIANS, BODY PIERCERS or TATTOOISTS

46. Application of the chapter: Health Certificate

- 1) No person may operate as a barber, hairdresser, beautician, body piercer or tattooist, and no barber, hairdresser, beautician, body piercing, or tattooing salon may be operated without a permit authorising that activity;
- 2) Written approval in terms of Section 47 will not exempt any person or premises from the requirements of any other legislation relating to a barber, hairdresser, beautician, body piercer or tattooist.

47. Health requirements

- 1) No person may use the premises of a salon for a purpose other than for the carrying on of the business of barber, hairdresser, beautician, body piercer or tattooist. This means that:-
 - a) No one is allowed to sleep on the premises of a salon, unless in a separate room designated and approved as such by the Environmental Health Practitioner and the town planning department.
 - b) No food will be sold or prepared on the premises. Any person who wants to prepare any beverage for customers on the premises of a salon, must provide a separate area, equipped with a facility for cleaning crockery and utensils, for that purpose . The use of this area must be approved by the Environmental Health Practitioner.
- 2) A person who carries on the business of barber, hairdresser, beautician, body piercer or tattooist in a salon or any other place, must —
 - a) at all times keep a First Aid kit on the premises, and treat an injury or wound which may occur on the premises;
 - b) install or have available in the salon an appliance or other means whereby an instrument that have come into contact with human skin, hair or bodily fluid, such as, but not limited to, blood, may be sterilized or disinfected;
 - c) ensure that only professional tattooing and body piercing machines designed and assembled in a manner which prevents contamination of sterilised needle sets may be used for applying permanent tattoos or body piercing, and all tubes and needles

must be stored in single service, sterile, sealed autoclaved bags which must be opened in the presence of the client;

- d) ensure that all clip cords and spray bottles have triggers and grasp areas, which grasp areas must be protected by plastic covering which must be disposed of after use on each client;
 - e) after each use of a blade, razor, pair of scissors, comb, brush, roller, nail file, clippers, or other instrument which was applied to the human hair, nail or skin, disinfect the instrument by applying a suitable disinfectant.
 - f) wear new disposable latex or nitrile examination gloves for the duration of a procedure where he or she implants hair, pierces or tattoos skin, or uses a chemical or chemical compound in an activity;
 - g) disinfect his or her hands before and after rendering any service to a client;
 - h) directly after treatment of the client, clean and disinfect the surface where the procedure was performed;
 - i) dispose of any disposable glove or other disposable material after each use;
 - 0) at least once a day wash, with a disinfectant, all clothing such as aprons and caps, all surfaces such as, but not limited to, walls, floors, counters and chairs;
 - k) dispose of all wastewater, sharp instruments, bloodied and otherwise contaminated disposable towels and paper in an approved manner;
 - l) store sharp instruments such as, but not limited to, a razor, blade or needle in a "sharps" container;
 - m) after each use, wash and clean all plastic and cloth towels;
 - n) generally, keep the premises, tools, equipment and clothing in a hygienic condition at all times;
 - o) after every service, collect waste such as, but not limited to, hair clippings and towelling paper, and store or dispose of such waste in accordance with Section 23;
 - p) ensure that no animal, excluding a guide dog accompanying a blind person, enters the premises; and
 - q) provide his or her employees with protective clothing, train any person working on the premises, and ensure that the employee complies with the provisions of these by-laws.
- 3) A person who contravenes a provision of subsection 1) or 2) commits an offence.

48. Requirements for premises

- 1) A person who carries on the business of barber, hairdresser, beautician, body piercer or tattooist in a salon or any other place, must ensure that the premises comply with the following:
 - a) basins, with a supply of running hot and cold potable water, must be available for the washing of hair and hands;

- b) lighting, ventilation, water and toilet facilities as prescribed in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) must be provided;
 - c). shelves, counters, table-tops or other fixtures on which instruments are placed must be constructed of easy to clean, impervious materials;
 - d) adequate facilities for the storage of instruments and appliances must be provided;
 - e) facilities for disposal of wastewater must be provided;
 - f) the walls and floors must be constructed of materials that are easy to clean.
- 2) A person who contravenes a provision of subsection (1) commits an offence.

CHAPTER 9 WASTE MANAGEMENT

49. General provisions regarding storage, recovery and disposal of waste

- 1) Storage, recovery and disposal of waste:-
 - a) Waste must be stored, recovered, transported and disposed of-
 - i) without endangering human health;
 - ii) without the use of processes or methods which may be harmful to human health; and
 - iii) in a manner that does not create a health nuisance;
- 2) A person who contravenes subsection (1) commits an offence.

Part 2 Hazardous Waste

50. Applicable legislation

- 1) The municipality, taking cognisance of the provisions of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the Hazardous Substances Act, 1973 (Act No. 15 of 1973), the National Environmental Management Act 1998 (Act No. 107 of 1998) and the regulations made under these Acts, adopts the provisions in this Part.

51. Storage of hazardous waste

- a) An empty container in which hazardous waste such as, but not limited to, pesticides were stored is to be treated as hazardous waste, and must be stored in such a manner that –
 - i) no pollution of the environment which may be harmful to human health occurs at any time;
 - ii) no health nuisance is created at any time;
 - iii) the date on which the container is stored must be clearly marked and visible for inspection on the container;

- iv) while being stored on site, must be clearly marked or labelled with the words "Hazardous Waste";
 - v) the owner or occupier of the land must fence off the storage area to prevent unauthorised access; and
 - vi) shall be dealt with as Class 6 waste as described in the Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste (Second Edition, 1998) as published by the Department of Water Affairs and Forestry and as amended from time to time.
- 2) A person who contravenes a provision of subsection 1) commits an offence.

Part 3 Health Care Risk Waste

52. Scope of application

- 1) Compliance with the provisions of this Part is mandatory for all generators of health care risk waste and, where applicable, for all transporters and disposers of health care waste, and is mandatory at especially-
 - a. all health care facilities such as places or sites where professional health services are dispensed to human patients, including hospitals, mobile and stationary clinics, sick bays such as, but not limited to old-age homes, day units, hospices, rehabilitation centres, consulting rooms of medical doctors, oral health practitioners, traditional healers, traditional surgeons, professional nurses, facilities for rendering midwifery services, free-standing operating theatres, pharmacies and all similar sites;
 - b) all pathological and microbiological laboratories or places where biological research is carried out, and the premises of blood transfusion services;
 - c) the facilities of all manufacturers and distributors of pharmaceutical products or vaccines;
 - d) all mortuaries and undertaker premises;
 - e) all veterinary consulting rooms, animal hospitals, treatment-stations, dog kennels and catteries; and
 - f) any private dwelling or household or any other premises where the environmental health risk constituted by the quantity and nature of health care waste generated is such that such health care waste should be handled in accordance with these regulations.

53. Application for generators

- 1) A person who intends to engage, on any plot or premises, in an activity which may cause health care waste to be generated must, prior to the generation of the health care waste inform the municipality by written notice of his or her intention, and the notice must contain:
 - a). The composition, chemical or otherwise and nature of the health care waste;
 - b) a description of the industrial processor trade giving rise to the health care waste;
 - c) the estimated quantity of health care waste to be generated;
 - d) the method of storage of the health care waste;
 - e) the proposed duration of storage of the health care waste;
 - f) the manner in which the health care waste will be collected;
 - g) the manner in which and the disposal site at which the health care waste will be disposed of;
 - h) the identity of the licensee removing the health care waste; and
 - i) the number of persons employed on the premises.
- 2) If so required by the municipality, the notice must be substantiated by an analysis certified by an appropriately qualified industrial chemist of the composition of the health care waste and must contain any other information required by the municipality.
- 3) Upon receipt and evaluation of the notice the municipality shall, by written notice to the person making the application, require him or her to execute at his or her expense any of the following:
 - a) To dispose of the health care waste in the same manner as other solid waste;
 - b) to store and dispose of the health care waste in refuse receptacles, using special containers or labelling as directed by the municipality;
 - c) to transport the health care waste to a processing facility as prescribed by the municipality, employing special containers and handling, and placing the health care waste in a specific area of the facility as directed by the facility operating plan;
 - d) to cause the health care waste to be processed on the plot or premises of generation, thus rendering it non-hazardous before disposal or transportation;
 - e) to take any other measures relative to transportation and disposal of the health care waste as determined by the municipality to be required to protect human health and the environment; or
 - f) to pay an additional tariff for collection and disposal of the health care waste.

- 4) The person must notify the municipality in writing of any changes occurring with respect to any of the matters stipulated in subsection (4).
- 5) Where the health care waste is being generated as a result of activities which commenced prior to the commencement of these by-laws, the person must notify the municipality within 6 months of the commencement of these by-laws.
- 6) An owner or occupier of a plot or premises where health care waste is generated must provide periodic training, on proper health care waste handling procedures in accordance with the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), to all employees who may come into contact with health care risk waste.
- 7) A waste management plan for the premises or operations must be adopted;
- 8) A generator must acquire from the disposer of the health care waste, a written certificate that the health care waste has been disposed of and, on receiving such notification, indicate in its records that the health care waste has been disposed of thus
- 9) A person who contravenes subsections (1), (2), (4), (5), (6), (7) or (8) commits an offence.

54. Duties of generators, transporters and disposers of health care risk waste

- 1). Every generator, transporter, processor and disposer of health care waste has a duty of care to ensure that:
 - a) they comply with these by-laws and any other relevant national or provincial legislation;
 - b) they comply with the South African National Standard, SANS 10248: 2004: Management of Health Care Waste;
 - c) the generation of health care risk waste is minimised as far as possible at source;
 - d) health care waste is properly labelled to identify point of origin;
 - e) the labelling referred to in subsection (1) (d) should be on all health care risk waste containers in large, legible lettering with indelible ink with the following information:
 - i) The name, address and contact telephone number of the generator;
 - ii) the words: DANGER-HEALTH CARE RISK WASTE; GEVAAR-GESONDHEIDUITVAL-INGOZI: INKUNKUMA YAMAYEZA and the international biohazard logo
 - iii) The date on which the health care risk waste is removed from the premises of the generator.
 - f) Store full health care risk waste containers in controlled, secure areas which are reserved for the storage of health care risk waste
 - g) Maintain an up-to-date written record of all health care risk waste generated and removed from their premises in a format from time to time prescribed by Sekhukhune District Municipality

- h) Obtain written notification from the disposer of the health care risk waste that the health care risk has been disposed of and upon receiving such notification; indicate in their written record that the health care risk waste has been disposed of by mentioning the name of the disposer and the date of disposal
 - i) Provide copies of the record referred to in (a) and the information in (b) to Municipality on a six-monthly basis or at any other frequency as may from time to time be prescribed by Municipality
 - j) any radioactive waste for which he or she is responsible, is managed in accordance with the provisions of the Hazardous Substances Act, 1973 (Act No. 15 of 1973) relating to a "Group IV hazardous substance", as defined in that Act;
- 2) Subject to the provisions of the Environment Conservation Act, 1989 (Act No. 73 of 1989), and any other applicable legislation, every generator of health care waste and, where applicable, every transporter and disposer of health care waste must cause all such health care waste to be sorted, packed, contained, handled, stored, transported and disposed of in accordance with this Part.
 - 3) The activities referred to in subsection (2) must be carried out in such way that the health care risk waste generated does not cause a health nuisance or safety hazard for any handler thereof or any other person or the environment in general.
 - 4) The responsible authority may, subject to the provisions of any provincial or national law, allow any person to dispose of health care waste in any other acceptable manner that ensures that such health care waste and method of disposal does not constitute a health nuisance or a safety hazard for any handler thereof or any other person or the environment in general.

55. Storage specifications for health care risk waste

- 1) Any person engaging in an activity which may generate health care risk waste must ensure that the health care risk waste generated on the premises is kept and stored thereon until it is collected from the premises.
- 2). Perishable health care risk waste must be:
 - a). separated from other waste at the point which it is generated;
 - b). stored in leak-proof, sealable containers, at a temperature not exceeding 4°C, or preferably be frozen;
 - c). transported within 48 hours of generation, unless the waste is perishable and is refrigerated or frozen;
 - d). separated from other waste at the point at which it is generated;
 - e). stored in leak-proof, sealable containers, at a temperature not exceeding 4°C, or preferably sealed;

- f). removed from the premises of the generator and transported to an approved disposal site by a person who transports health care waste in accordance with these by-laws and who is registered as a transporter who is-
 - i) permitted to dispose of health care risk-waste in terms of these by-laws and Section 20 of the Environment Conservation Act 1989 (Act No. 73 of 1989) or
 - ii) so authorised in terms of the National Environment Management: Air Quality Act 2004 (Act No. 39 of 2004)
 - g) A health care waste storage area must-
 - i) be vermin-proof, insect proof, and rodent-proof;
 - ii) have an easily cleanable floor and wall finishing and general construction;
 - iii) be total enclosed, lockable and not accessible to the public and other unauthorised persons;
 - iv) be adequately ventilated and lit.
- 2) Provision must be made for unrefrigerated health care risk waste to be removed on weekends;

56. Disposal of health care risk waste

- 1) Subject to the provisions of Section 55, health care waste must, prior to final disposal at a registered or processing facility, be sterilised by a service provider using one of the following methods:-
 - a) autoclave;
 - b) microwave;
 - c) chemical treatment; or
 - d) Incineration.
- 2) Sterilisation of health care waste may be performed on the premises where the health care waste was generated or at an off-site location;
- 3) Health care waste must, prior to disposal, be placed in a colour coded heavy duty plastic bag or other suitable colour coded container as follows;
 - a) Health care waste which has not been sterilized and rendered non-- infectious must be placed in a red heavy duty plastic bag at the point of generation or disposed of at a municipal disposal or processing facility in an unsterilised condition;
 - b) Health care waste which has been sterilized by autoclave, microwave, chemical or other non-burning method, must be placed in a yellow heavy duty plastic bag;
 - c) Cytotoxic or genotoxic pharmaceutical health care waste and associated contaminated materials such as, but not limited to syringes, tubing, containers, preparation

materials, vials and ampoules, must be discarded into a container which is labelled cytotoxic waste or genotoxic waste;

- d) sharp objects such as, but not limited to needles and broken glass, contaminated with cytotoxins must be placed into a rigid, sealed, plastic container which is labelled cytotoxic sharps, and provision must be made in this regard for the safe discarding of the longest Trocar needle.
- 4) The above requirements for colour coded containers must be strictly adhered to for all movement and transportation of health care waste either on the premises of generation or in transit to an off-site sterilization or disposal facility.

57 Transportation of health-care risk waste

- 5) Only approved transporters may transport health care waste and must do so in accordance with the requirements and provisions of relevant legislation.
 - 6) The loading compartments of transport vehicles for health care waste must be lockable and must comply with the following requirements:
 - a) The compartment must be thermally insulated and capable of maintaining a refrigerated transport temperature not exceeding 4°C;
 - b) the interior panel construction must be so tightly joined as to ensure a removable liquid seal and airtight seal;
 - c) the interior surfaces must be painted white with a durable duco or enamel paint or have a finish approved by the municipality;
 - d) there must be a threshold of at least 100 mm at the doors to prevent leakages spilling outside; and
 - e) the compartment must be equipped with approved Spill-kits that are regularly checked and replenished.
 - b) The transport vehicle must be manned by a team adequately trained in the effective use of the Spill kits and clean-up procedures.
 - f) Every loading compartment must be meticulously disinfected and chemically cleaned on a daily basis.
- 3) A licensee licensed to collect and dispose of health care waste, must inform the municipality at those intervals the municipality may stipulate in the licence or elsewhere, about:-
 - a) the removal of health care waste;
 - b) the date of such removal, the quantity;
 - c) the composition of the health care waste removed; and
 - d) the facility at which the health care waste has been disposed.
 - 4) A person who contravenes a provision of Section 57 commits an offence.

58 Disposal facility and incineration

- 1) An approved transporter must dispose of the health care waste at an approved waste disposal facility for that purpose.
- 2) The incinerator and incineration process must comply with the prescriptions of all relevant legislation, such as the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), the Hazardous Substances Act, 1973 (Act No.15 of 1973), and the Environmental Conservation Act, 1989 (Act No. 71 of 1989); 73 of 1989), in order to deal with health care waste having a wide variation in burning characteristics, ranging from highly volatile and high calorific-value plastics to high water-content material such as placentae.
- 3) Ashes from the incineration of health care waste may be disposed of without special containers or markings.
- 4) A person who contravenes subsection (1) or operates an incinerator or undertakes an incineration process in contravention of subsection (2) commits an offence.

CHAPTER 10 WATER AND SANITATION

Part 1: Drinking Water

59. Applicable legislation and enforcement

- 1) The municipality, taking cognisance of the provisions of the National Water Act, 1998 (Act No. 36 of 1998), adopts the provisions in this Chapter.
- 2) The municipality, taking cognisance of the provisions of the Water Services Act 1998 (Act No. 108 of 1997) and of the Regulations relating to Compulsory National Standards and Measures to Conserve Water published under GN R509 dated 8 June 2001, adopts the provisions in this Chapter.
- 3) Within the powers conferred upon the municipality by the National Health Act 2003 (Act No. 61 of 2003), the municipality may act in terms of Section 36 and 37 where non-compliance with any of the provisions of the Act and Regulations contemplated in sub-sections 1) and 2) constitutes a health nuisance.

60. Duties and prohibitions

- 1) An owner, occupier or user of land or premises must:-
 - a) keep every water passage open and free of obstruction from matter which may impede the flow of water or effluent so as to prevent the creation of a health nuisance.
 - b) construct a bund wall around a tank, or group of tanks, that contain a substance that can create a health nuisance, of a size that contains the volume of the largest tank in the event of any unlawful or accidental discharge from the tank or group of tanks;

c) clean any industrial surface area so as to prevent the pollution of storm water which may result in adverse impacts on the quality of any surface and ground water; and

2) An owner or occupier of land or premises may not:-

a) locate any dump within the one-hundred-year flood line of any water resource or
b) use coal, coal discard, carbonaceous material or any other material for the construction of any slurry, evaporation or catchments dam, or any embankment, road or railway in a way likely to create a health nuisance.

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

61. Quality of piped water

1) Access to safe drinking water is a basic human right and vital to human health and therefore:

a) Water supplied for human consumption in Sekhukhune District Municipality must comply with SANS 241

b) The Environmental Health Practitioner will take periodic water tests to measure the quality of water in compliance with SANS Code 241 as set by the South African National Standards (SANS), for drinking water.

62 Quality of bottled water

1) The three types of bottled water listed in the standards should meet hygiene standards, microbiological legislation, treatment labelling standards and chemical regulations.

2) The different types of bottled water are:

a) "Natural water", which is water that is sourced from an underground aquifer and bottled at source (natural water and spring water); This type of water:-

i) Is expected to be natural' and so no treatment of the water is allowed;

ii) Is expected to have composition, when bottled, that is identical to that of the source;

iii) Must bear a label containing the following information-

aa) The name of the product, which shall be 'natural mineral water' or 'natural spring water' or any appropriate name indicating the natural condition of the water

bb) The physical address and name of the source

cc) The analytical composition of the water in milligrams per litre (mg/l).

dd) The specification of the kind of natural water by the use of the expression "naturally-carbonated natural water", 'natural non-carbonated natural water', 'decarbonated natural

water' etc., which may be accompanied by further descriptive expressions such as 'still' and 'sparkling'

- b) "Water defined by origin", which is water that is sourced from rain, a glacier, mist or spring water. This type of water:-
 - i) Requires antimicrobial treatments that is strong enough to control micro-organisms but not too strong to alter the chemical composition of the water;
 - ii) Must bear a label containing the following information
 - aa) The name of the product, indicating its environmental source
 - bb) Further descriptive expressions such as 'naturally carbonated' or 'naturally sparkling' or 'with added carbon dioxide' or 'non-carbonated' or non-sparkling' or 'still';
 - cc) The physical address and name of the source
 - dd) The method of sanitation.
 - ee) The chemical composition of the water in milligrams per litre (mg/l)
- c) "Prepared water", which includes municipal, surface or ground water that has been purified by treatments that change the chemical composition of the water. This type of water-
 - i) Must bear a label containing the following information:
 - aa) The name of the product, which shall be 'prepared water'
 - bb) Further descriptive expressions such as 'carbonated' or 'sparkling';
 - cc) Disinfection or treatment method used, e.g., re-mineralised, ozonated, pasteurised, reverse osmosis;
 - dd) The chemical composition of the prepared water
 - ee) The phrase '*from a public or private distribution system*' if the prepared water was supplied by a public or private tap-water distribution system.

63 Borehole water

- 1) Section 22 (j) of the National Water Act, 1998 (Act No. 36 of 1998), lists abstraction of water from the groundwater as water use.
- 2) Section 26 (c) of the same Act further requires every water user to register their water use when abstracting it from a water resource such as a borehole. In that regard:-
- 60. No persons may sink or dig, or cause or permit to be sunk or dug, a well or borehole, to obtain water, unless-
 - i) it is done so in accordance with any relevant law; and
 - ii) he or she has given the Community Development Services Director or responsible person as designated by the Sekhukhune District Municipality at least 14 days written notice of his or her intention to do so.

- 3) The notice referred to in subsection 3 (b) must state the proposed location and the purpose for which the water is to be used.

**Part 2:
Sanitation and Wastewater**

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

- a. No person may dispose of sewage or wastewater 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 or public health hazard.
- 2) Final discharge of waste water must comply with Section 39 of the National Water Act, 1998 (Act No. 36 of 1998).
- 3) Contents of chemical toilets must be deodorised human waste and made innocuous before the service provider transport the collected waste to a wastewater treatment works to be disposed of in a place authorised by Sekhukhune District Municipality .

CHAPTER 11

DISPOSAL OF CORPSES, MANAGEMENT OF HUMAN REMAINS AND REQUIREMENTS RELATING TO FUNERAL UNDERTAKERS AND DISTURBANCE OF MORTAL REMAINS

65 Application of the chapter

- 1) These by-laws shall apply to-
 - a) Any private or public mortuaries including those in the police services and hospitals under the control of the State or any Department in any sphere of Government;
 - b) Any natural person who is not in the service of a funeral undertaker and who does not, either directly or indirectly, undertake or arrange funerals but only prepares corpses. The preparation of such corpses shall only take place on fixed premises and must be used specifically for such purpose.
 - c) These by-laws are applicable concurrently with Regulation 363 of 22 May 2013 and Regulation 636 of 20 July 2007.

66 Certificate of Competence

- 1) No person shall prepare any corpse except on funeral undertaker's premises or mortuary in respect of which a Certificate of Competence has been issued in the form annexed hereto.
- 2) A local authority may, if it is satisfied that nuisance exist on funeral undertaker's premises or mortuary situated in its area of jurisdiction, issue a written order to the enterprise in question to stop all activities connected with the preparation of corpses until the nuisance referred to in the order has been eliminated.

67 Application for Certificate of Competence

- 1) Any person wishing to apply for a Certificate of Competence in respect of new funeral undertaker's premises shall, not less than 21 days before submitting his application to the local authority concerned, cause a notice to be published in one of the official languages in a newspaper that appears mainly in that language, and in the other official language in a newspaper that appears mainly in the latter, where each of the said newspapers circulates in the area in which such premises are situated, or shall, where separate newspapers in each of the official languages do not so circulate, cause such notice to be published in both official languages in a newspaper that so circulates.
- 2) Such notice shall contain information to the effect that an application for the issue of a Certificate of Competence in terms of these by-laws is to be submitted to the local authority mentioned in the notice and that any person who will be affected by the use of such funeral undertaker's premises or mortuary and wishes to object to such use shall lodge his objection, together with substantiated representations, with the local authority concerned in writing within 21 days of the date of publication of such notice.
- 3) An application for the issue or transfer of a Certificate of Competence shall be made in writing by the applicant or his authorised representative to Sekhukhune District Municipality in whose jurisdiction funeral undertaker's premises fall on such form as may be required.
- 4) An application for the issue of a Certificate of Competence shall be accompanied by-
 - a) a description of the premises and the location thereof;
 - b) a complete ground plan of the proposed construction or of existing buildings on a scale of 1:100;
 - c) block plan of the premises on which north is shown indicating which adjacent premises are already occupied by the applicant or other persons and for what purpose such premises are being utilised or are to be utilised; and
 - d) Particulars of any person other than the holder or any of his employees who prepares or will prepare corpses on the premises.

- 5) Sekhukhune District Municipality shall not consider any application for the issue or transfer of a Certificate of Competence unless a complete inspection of the premises concerned has been carried out by an Environmental Health Practitioner employed by Sekhukhune District Municipality and his/her report including recommendation on such inspection, is available to Sekhukhune District Municipality .
- 6) Sekhukhune District Municipality shall, in the case of existing funeral undertaker's premises; and may, in all other cases, subject to such conditions as determined in general or in each specific case, issue a provisional Certificate of Competence in respect of such premises for a maximum period of only 6 months to enable the applicant to alter such premises to comply with the provisions of these by-laws provided that-
 - a) the use of such funeral undertaker's premises or mortuary does not and will not create a nuisance
 - b) the provisional certificate may not be extended unless the local authority concerned is satisfied that the owner or representative thereof is in the process of making the necessary changes as prescribed in sub-section (6) above.
- 7) A Certificate of Competence shall, on endorsement by Sekhukhune District Municipality , be transferable from one holder to a new holder and such certificate shall be valid from the date on which it was issued until it is revoked or suspended
- 8) The certificate holder shall immediately inform Sekhukhune District Municipality in writing, if there are any changes in the particulars supplied to the issuing authority in the application for the Certificate of Competence concerned.
- 9) Failure by the holder or a person in charge/authorized person to comply with these by-laws shall constitute an offence.

68 Requirements relating to funeral undertakers and mortuary premises

- 1) Provision for at least the following shall be made on funeral undertaker's and mortuary premises:
 - a) A preparation room for the preparation of corpses.
 - b) Change-rooms, separate for each sex, for the use of the employees employed at such premises.
 - c) Refrigeration facilities for the refrigeration of corpses.
 - d) Facilities for the washing and cleansing of utensils and equipment inside the building.
 - e) Facilities for the cleansing of vehicles on such premises.
 - f) Facilities for the loading and unloading of corpses as contemplated in sub-section 6) of Section 67.
- 2) No room on funeral undertaker's premises or mortuary shall be used for any purpose other than the purpose for which it is intended and no act other than an act related to the said purpose shall occur in such room.

- 3) Such preparation room shall-
 - a) be so designed as to be separated from all other rooms on the premises and as not to communicate directly with any office or salesroom: Provided that, where a preparation room on existing funeral undertaker's premises so communicates, the entrance thereto shall be so concealed that the interior thereof is completely out of the sight of any person in such office or salesroom;
 - b) enable obnoxious odours and vapours to be adequately treated; and be sufficiently ventilated and lit;
 - c) have a floor covering an area of not less than 16m² for the first table of the kind referred to in paragraph (e) and 8m² for each additional such table; constructed of concrete or similar waterproof material with a smooth non slippery surface that is easy to clean, and sloped at an angle to ensure that any run-off will drain into an approved disposal system; and which, if it is replaced or laid after the date of commencement of these By-laws, shall be provided with half round filling where it meets the walls;
 - d) shall have walls the inner surfaces of which have a smooth finish and are covered with coloured washable paint or other approved, suitable and waterproof paints;
 - e) shall be provided with a ceiling not less than 2,4 m above the floor level, which ceiling shall be dust-proof and painted with a light-coloured washable paint;
 - f) Shall contain not less than one table of stainless steel or glazed earthenware or other approved material, equipped with a raised rim on the outside, a tap with cold running water to which a flexible pipe can be connected and a drainage opening connected to an approved disposal system;
 - g) shall contain not less than one washbasin for each such table, made of stainless steel or other approved material, with a working surface of the same material, taps with hot and cold running water and a drainage opening permanently connected to an approved disposal system, and provided with disposable towels, a nailbrush and soap;
 - h) shall have not less than one tap with running water to which a flexible pipe, long enough to reach all corners of such room, can be connected for cleaning the interior surfaces;
 - i) shall have door openings that are not less than 0,82m in width and 2,00m in height so that corpses can be taken into and out of such room without any difficulty
- 4). Refrigeration facilities such as refrigerators or cold chambers shall be installed in or within easy reach of such preparation room for the keeping of corpses, and where refrigerators are provided, they shall be made of a material that does not absorb moisture and shall be provided with removable trays and shall be so designed as to drain properly and be easy to clean;
 - a) the surface temperature of any corpse shall be no higher than 5°C within three hours of it being received on the premises and no higher than 15°C during preparation; and
 - b) Where cold chambers are provided, they shall comply with temperature requirements and shall be provided with shelves manufactured from a material that does not absorb moisture and that is easy to clean.

- 5) Cleansing and loading and unloading facilities shall consist of a paved area, screened from public view, with a drainage system into a gully connected to an approved disposal system.
- 6) The loading and unloading of corpses and the cleansing of vehicles shall not take place anywhere except in the area contemplated in sub-section 5) of Section 68.
- 7) The funeral undertaker's premises shall be rodent-proof.

69 Hygiene requirements for funeral undertakers and mortuary premises

- 1) All solid refuse on the premises of a funeral undertaking or mortuary shall be kept in corrosion-resistant containers with tight-fitting lids and shall be dealt with in accordance with the solid waste management requirements of the Sekhukhune District Municipality .
- 2) Every holder of a Certificate of Competence or provisional Certificate of Competence for funeral undertaker's premises or mortuary shall ensure that -
 - a) Employees and all other persons involved in handling of corpses are provided clean protective over-clothes consisting of surgical gloves, gumboots, plastic aprons so designed that the front hangs over the top of the gumboots, face masks and linen overcoats, and each such employee or other person shall, at all times when so involved, wear such clothing;
 - b) Premises are kept free of insects, offensive odours, gases and fumes;
 - c) All working areas or surfaces at such premises where corpses are prepared are cleaned and disinfected immediately after the preparation of any corpse;
 - d) Cause all equipment used for the preparation of corpses to be washed and disinfected immediately after use;
 - e) Cause all used protective over-clothes to be washed, cleansed and disinfected daily on the premises; and if a corpse has been transported without a moisture-proof covering, cause the loading space of the vehicle concerned to be washed and disinfected after such corpse has been removed.
- 3) Every certificate holder shall ensure that the following hygiene measures are maintained when handling mortal remains on the premises;-
 - a) Workers shall wear adequate and appropriate protective clothing when handling mortal remains;
 - b) All waste generated in the preparation room shall be deemed to be health risk waste and should be collected, handled and disposed of as such;
 - c) Non disposable gloves shall be cleaned and disinfected after each use and disposable gloves shall be discarded after each use;
 - d) All workers responsible for handling mortal remains in the preparation room shall be vaccinated against Hepatitis B.

70 Disposal of corpses: Handling and disposal of mortal remains, burial sites and burials

- 1) Burial sites shall conform to the requirements of the National Environmental Management by-laws, 2010 as amended, with regards to Environmental Authorisation.
- 2) All burials must be registered with the Sekhukhune District Municipality in accordance with the municipality's by-laws; Sekhukhune District Municipality shall thereupon enter such burial in the register of burials.
- 3) No person may inter a corpse in such a manner that it constitutes a health nuisance, and for this purpose the following shall apply:
 - a) the lid of the coffin, or where one coffin has been buried on top of another coffin, the lid of the top coffin, may not be less than 1500mm in depth.
- 4) A person who contravenes the provision of subsections 2) and 3) commits an offence.

71 Exhumations

- a. Application to exhume a body, body ashes and reburial of human remains
- b. Any person who intends to exhume a body or body ashes and reburial of human remains shall comply with the Sekhukhune District Municipality by-laws for Cemetery and Crematoria or any other relevant legislation;
- c. All exhumations reburials of human remains or body ashes to be conducted shall be authorised by the municipality or the authorized official subject to compliance of these by-laws or: (a) A court order and shall be permitted by the Sekhukhune District Municipality ;
- d. Exhumation approval shall not be issued without the reburial permit issued by the municipality, or without a cremation permit;
- e. No person shall exhume any mortal remains, except for the following:-
 - a) Removal from the original grave to a new grave acquired in the same cemetery
 - b) Removal for burial in another cemetery
 - c) Removal for cremation;
 - d) Removal for forensic examination of the deceased;
 - e) Transfer from a public grave to a private grave;
 - f) For legal reasons, such as crime related investigations;
 - g) For archaeological reasons.
- f. The municipality shall grant a permit for an exhumation on condition that the exhumation of the mortal remains shall only be done by a registered undertaker who is based in the jurisdiction of the Sekhukhune District Municipality;

72 Exhumation requirements

- 1) The following are the exhumation requirements:-
 - a) whenever an exhumation is to take place the officer-in-charge must inform the Provincial Commissioner of the South African Police Services;
 - b) a member of the South African Police Services must always be present when an exhumation is being conducted.
 - c) an exhumation must not take place when the cemetery is open to the public and must take place under the supervision of the officer-in-charge.
 - d) the exhumation of mortal remains shall be carried out under the supervision of an Environmental Health Practitioner of the Sekhukhune District Municipality;
 - e) only persons with direct involvement may be present at the disinterment or removal of mortal remains;
 - f) the Environmental Health Practitioner shall ensure or cause the following measures are in place, and cause to be provided, at the exhumation site:-
 - i) on his/her authority that the grave and the mortal remains are treated with a disinfectant after exhumation and any other protective measures as he/she may deem necessary;
 - ii) an adequate supply of water, soap and disinfectants for cleansing shall be available at the grave for cleansing of persons handling the mortal remains;
 - iii) the correct grave is re-opened;
 - iv) mortal remains are placed in a non-transparent and closely sealed container immediately after it has been disinterred and be handled in a way that no nuisance or health hazard is caused;
 - v) A new container is supplied, or the existing container is secured in a suitable leak proof container that has been approved by an Environmental Health Practitioner;
 - vi) human remains exhumed and all pieces of the original coffin are placed in the new coffin;
 - vii) a new coffin is properly sealed and identified;
 - viii) the health and safety of the workers is maintained by use of protective equipment
 - ix) during the exhumation of mortal remains the grave shall not be left unguarded and immediately after the remains have been removed such grave shall be sealed;
 - x) all used disposable protecting clothing to be placed into refuse bags and the disposal of such must be done in an approved manner.

73 Reburial of human remains

- 1) All reburials shall be registered with the relevant municipality in accordance with the Sekhukhune District Municipality by-laws; such municipality shall thereupon enter such reburial in the register of reburials of such municipality

- 2) For mortal remains of a person whose cause of death was small pox, anthrax or viral haemorrhagic fever, the body shall not be embalmed, but strict guidelines on management of communicable diseases as published by the National Department of Health and or the World Health Organisation shall be followed

74 Conveyance (transportation, importation and exportation) of mortal remains

- 1) The mortal remains of a person who suffered from anthrax, cholera, a haemorrhagic fever of Africa, hepatitis B, rabies, meningococcaemia, plague, poliomyelitis or typhoid fever or Acquired Immune Deficiency Syndrome at the time of his or her death will not be conveyed in public in any way unless-
 - a) Such remains are sealed in an airtight container, placed in a strong non-transparent sealed coffin, embalmed and the total surface of the body is covered with a 5 cm layer of wood sawdust or other absorbent material which is treated with a disinfectant and an Environmental Health Practitioner in the employ of the Sekhukhune District Municipality declares in writing that in his or her opinion the conveyance of the mortal remains will create a health hazard; and
 - b) Such declaration must accompany the mortal remains at all times during the conveyance and up to the burial
2. The declaration referred to in sub-section (1) shall be shown to an officer on demand by the person responsible for the conveyance of the mortal remains.
3. No person shall damage or open a container referred to in sub-section (1), or remove the mortal remains from the container or come into direct contact with the mortal remains without prior approval from an. officer referred to in sub-section(1) after it has been sealed.

75 Conveyance of remains on public transportation

- 1) No person shall convey any mortal remains in any manner other than the manner prescribed in Section 74 of these by-laws;
 - a) On public transport unless, the mortal remains have been sealed in an airtight container and placed in a non-transparent, sturdy, sealed coffin; or
 - b) In any other way in public unless the mortal remains have been placed at least in an approved container
- 2) No coffin or container in which the mortal remains have been placed may be conveyed unless –
 - a) the outer surface of such coffin or container is free from any leakages or any other secretion matter emanating from such mortal remains; and
 - b) Offensive odours are absent.
- 3) Should any leakages, secretions or odours emanating from the container of the mortal remain conveyed such coffin or container is to be taken forthwith to the nearest mortuary or

undertaker's premises, by the person responsible for the conveyance of mortal remains where the necessary measures shall be taken to eliminate the conditions.

Chapter 12: Dry-cleaning and laundry businesses and depots

76 Premises for dry-cleaning and laundry businesses

- 1) No person may conduct a dry-cleaning or laundry business on premises, unless –
 - a) a workroom 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, is provided;
 - b) adequate separate areas for marking clean and dirty articles are 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 marking clean articles;
 - c) a separate room or area with separate designated counters, with impervious surfaces, is provided for the receipt and dispatch of articles;
 - d) a storeroom or facility for the storage of packing material and other articles is provided and equipped with adequate packing shelves, of which the lowest shelf must be at least 250 mm above floor level;
 - e) adequate, separate change-rooms for males and females are provided where five or more persons of the same gender are employed, containing -
 - i) a wash-hand basin provided with a supply of running hot and cold potable water; and
 - ii) an adequate supply of soap and disposable towels at every wash-handbasin;
 - f) where no change-room has been provided in terms of paragraph (e), a wash hand basin with a supply of running hot and cold potable water, in an accessible position, should be provided.
 - g) all floor surfaces are constructed of cement or some other adequate impervious material, brought to a smooth finish and properly drained;
 - h) adequate lighting and ventilation, as prescribed by the National Building Regulations and Building Standards Act 1977 (Act No. 103 of 1977) are provided;
 - i) all machinery and equipment are 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;
 - j) all machinery and equipment are so placed 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;

77 Premises for dry-cleaning and laundry receiving depots

- 1) No person may operate a dry-cleaning or laundry receiving depot on premises unless -
 - a) a separate unobstructed room or area is provided for the receipt and dispatch of articles;
 - b) a wash-hand basin with a supply of running potable water and an adequate supply of soap are provided at every wash-handbasin;
 - c) all internal walls and ceiling surfaces are constructed of an impervious material, brought to a smooth finish and painted with a light-coloured washable paint;
 - d) all floor surfaces are constructed of cement or other impervious material, brought to a smooth finish;
 - e) lighting and cross-ventilation, as prescribed by the National Building Regulations and Building Standards Act 1977 (Act No. 103 of 1977), is provided;
 - f) adequate washable containers for storing dirty articles are provided;
 - g) adequate designated counters, with impervious surfaces, are provided separately for the receipt and dispatch of dirty and clean articles;
 - h) adequate storage area for detergents and cleaners is provided.

78 Premises for coin-operated laundries

- 1) No person may operate a coin-operated laundry on premises unless –
 - a) separate toilet and hand washing facilities for the different genders, as prescribed in the National Building Regulations and Building Standards Act 1977 (Act No. 103 of 1977), are provided; and
 - b) an adequate area is provided where ironing is done on the premises.

79 General requirements for dry-cleaning and laundry premises

- a. A person conducting a dry-cleaning or laundry business or in charge of premises on which a dry-cleaning, laundry or receiving depot is being conducted, must –
 - a) keep the premises, all fittings, equipment, appliances, machinery, containers and business vehicles in a clean, hygienic and good condition at all times;
 - b) ensure that dirty articles are kept separate from clean articles at all times, including when in transit;
 - c) ensure that change-rooms are used 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) ensure that protective clothing is stored in a locker when it is not being worn;
 - g) 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;
 - h) comply with the requirements of the following legislation at all times –
 - i) the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993); and

- j) the National Environment Management: Air Quality Act, 2004 (Act No. 39 of 2004);
- k) place all piping in the building, not chased into the walls, at least 100 mm away from all walls or floors and comply with the provisions of the National Building Regulations and Building Standards Act 1977 (Act No. 103 of 1977);
- l) insulate all steam piping with an adequate material; and
- m) dispose of all waste water in an approved manner.

CHAPTER 13

Enforcement

80 Environmental Health Practitioner

- a. Sections 80 to 89 of the National Health Act, 2003 (Act No.61 of 2003) apply, with the necessary changes, to the appointment, responsibilities and powers of the Environmental Health Practitioner, and offences relating to powers and responsibilities of such practitioner.

81 Notice of compliance and representations

- 1) Where an Environmental Health Practitioner has reasonable grounds to believe that a person fails to comply with a requirement relating to premises, he or she may serve a notice of compliance on the person, which notice must state –
 - a) the name and residential or postal address of the person;
 - b) the requirement which has not been complied with;
 - c) that the person must within a specified period take measures to comply with the notice and to complete the measures before a specified date; and
 - d) that the person may within 14 days make written representations in the form of a sworn statement or affirmation to the municipality at a specified place.
- 2) The municipality, when considering any measure or period envisaged in subsection (1)(c) or (d), must have regard to the principles and objectives of these by-laws, the nature of the non-compliance, and other relevant factors.
- 3) Where a person does not make representations in terms of subsection (1)(d), and the person fails to take the measures before the date contemplated in subsection (1)(c), he or she commits an offence, and the municipality may, irrespective of any fines which may be imposed under Section 81 subsection (1), in line with the rates outlined in Addendum 1 of these by-laws;
 - a) Representations not lodged within the time contemplated in subsection (1)(d) will not be considered, except where the person has shown good cause and the municipality condones the late lodging of the representations.

- b) The municipality must consider the timely representations and any response thereto by the Environmental Health Practitioner.
 - c) The municipality may, on its own volition, conduct any further investigations to verify the facts if necessary, and the results of the investigation must be made available to the permit holder, who must be given an opportunity of making a further response if he or she so wishes, and the municipality must also consider the further response.
 - d) The municipality must, after consideration of the representations and any response and further response make an order in writing and serve a copy of it on the person, which order must confirm, in whole or in part, alter, or set aside the notice of compliance, and where the notice of compliance is confirmed, in whole or in part, or altered, the municipality must inform the person that he or she must, within the period specified in the order, discharge the obligations set out in the order and that failure to do so constitutes an offence.
 - e) Where a person fails to discharge the obligations contemplated in paragraph (d), he or she commits an offence and the municipality may, irrespective of any fines which may be imposed under Section 80, act in terms of subsection (4).
- 4) The municipality may take such measures as it deems necessary to remedy the situation, and the cost thereof must be paid to the municipality in accordance with Section 84.

82 Prohibition notice

- 1) An Environmental Health Practitioner may, after inspecting premises, serve a prohibition notice prohibiting the premises from being used for specified purposes and require measures to be taken to ensure that this occurs, on one or more of the following persons:
 - a) The owner or occupier of the premises if the municipality reasonably believes that the premises are being used for a purpose or in a manner that is causing a health nuisance;
 - b) any person who is carrying on an activity or using a premises for a purpose or in a manner that the municipality reasonably believes is causing a health nuisance; or
 - c) a person on whom a compliance notice was served if the municipality reasonably believes that that person has not complied with the compliance notice.
- 2) The municipality must give the person on whom he or she intends serving a prohibition notice a reasonable opportunity to make representations before serving the notice unless the municipality reasonably believes that the delay in doing so would significantly compromise municipal health, in which case the person on whom a prohibition notice is served must be given reasonable opportunity to make representations why it should be withdrawn.

- 3) A prohibition notice must state –
 - a) the reasons for serving the notice;
 - b) whether or not the municipality will withdraw the notice if certain measures are taken, and if so, the measures that must be taken;
 - c) the possible consequences of failing to comply with the notice; and
 - d) how to appeal against the notice.

- 4) Unless a prohibition notice provides otherwise, it comes into effect when it is served under subsection (1) and remains in force until it is withdrawn.

- 5) The Environmental Health Practitioner must as soon as possible, affix a copy of the notice in a conspicuous position on the premises.

- 6) It is a defence for anyone charged with failing to comply with a prohibition notice if he or she can prove that:-
 - a) he or she did not know of the existence of the prohibition order and could not reasonably be expected to have known of its existence; and
 - b) he or she had complied with the prohibition notice within 48 hours of the time that the notice was affixed to the premises in terms of subsection (5) of Section 82.

83 Withdrawal of prohibition notice

- 1) The municipality must, within 48 hours of receiving a written request for the withdrawal of a prohibition contained in a prohibition notice, carry out an investigation of the land or premises.
- 2) After completing the investigation, the municipality must inform, in writing, the person on whom the prohibition notice was served or that person's agent whether or not the prohibition has been removed or the prohibition order withdrawn.
- 3) The municipality may charge the owner or occupier of the land or premises where an investigation is carried out in terms of subsection (1) of Section 83, a prescribed fee for undertaking the investigation.

84 Municipal remedial work

- 1) The municipality may enter and conduct inspections at any premises and do anything on the premises that it reasonably considers necessary-
 - a) to ensure compliance with these by-laws or with a compliance notice or prohibition notice;
 - b) to eliminate or reduce a health nuisance.

- 2) Before inspecting any premises or commencing any work in terms of this section, persons undertaking the inspection or commencing the work must identify themselves

and explain their authority to the person apparently in control of the premises or the person who gave them permission to enter.

- 3) Any inspection undertaken, or work commenced in terms of this section must be carried out at a reasonable time, taking into account the circumstances of the specific situation.
- 4) Any inspection conducted, or work undertaken in terms of this section must be conducted with strict regard to decency and order, including –
 - a) a person's right to, respect for and protection of his or her dignity;
 - b) the right of a person to freedom and security; and
 - c) the right of a person to his or her personal privacy.

85 Costs and Penalties

- 1) Should a person fail to take the measures required of him or her by a notice of compliance contemplated in Section 81, subsection 1 and Section 82, the municipality may recover, as a debt, and in accordance with Sekhukhune District Municipality's debt collection regulations, all costs incurred as a result of it acting in terms of Section 84 from that person and any or all of the following persons:
 - a) the owner of the land, building or premises; or
 - b) the person or occupier in control of the land, building or premises or any person who has or had a right to use the land at the time when the situation came about.
- 2) The costs recovered must be reasonable and may include, without being limited to, costs relating to labour, water, equipment, administrative and overhead costs incurred by the municipality.
- 3) If more than one person is liable for costs incurred, the liability must be apportioned as agreed among the persons concerned according to the degree to which each was responsible for the emergency resulting from their respective failures to take the required measures.

86 Norms, standards and guidelines

- 1) The municipality may determine and publish norms, standards and guidelines which describe appropriate measures that can be taken to eliminate the risk of any health nuisance occurring, continuing or recurring, or to reduce that risk to an acceptable level.
- 2) The norms, standards and guidelines contemplated in sub-section (1) may differentiate and differ between communities, geographical areas and different kinds of premises.

- 3) National Norms and Standards relating to Environmental Health in terms of the National Health Act 2003 (Act No 61 of 2003), for premises and acceptable monitoring standards for Environmental Health Practitioners are applicable in their entirety, in this section of the by-laws

CHAPTER14

Miscellaneous provisions

87 Presumptions

- 1) When an employee of a person in the course of his or her employment performs any act or is guilty of an omission which constitutes an offence under these by-laws, the employer is deemed also to have performed the act or to be guilty of the omission and the employer is liable on conviction to the penalties referred to in Section 85, unless the employer proves to the satisfaction of the court that:-
 - a) in performing the act or being guilty of the omission, the employee was acting without the employer's knowledge or permission;
 - b) all reasonable steps were taken by the employer to prevent the act or omission in question; and
 - c) it was not within the scope of the authority or the course of the employment of the employee to perform an act of the kind in question.
- 2) The fact that an employer issued instructions forbidding any act or omission of the kind referred to in subsection (1) is not in itself sufficient proof that he or she took all steps referred to in paragraph (1)(b).
- 3) When an employer is by virtue of the Provisions of subsection (2) liable for an act or omission of his or her employee, that employee shall also be liable to prosecution for the offence.
- 4) In any prosecution for an offence under these by-laws an allegation in the charge concerned that any place was situated in a street or public place or within a particular area or was a place of a specified kind, shall be presumed to be correct unless the contrary is proved.
- 5) In any prosecution for an offence under these by-laws the accused is deemed to know the provisions of these by-laws and to know that the offence with which he or she is charged is a contravention thereof unless he or she proves to the satisfaction of the Court that he or she did not have and could not reasonably be expected to have that knowledge.

88 Authentication and service of notices and other documents

- 1) A notice issued by the municipality in terms of these by-laws is deemed to be duly issued if it is signed by the Environmental Health Practitioner.
- 2) Any notice or other document that is served on a person in terms of these by-laws is regarded as having been duly served –
 - a) when it has been delivered to that person personally;
 - b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
 - c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;
 - d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;
 - f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of the body corporate; or
 - g) when it has been delivered, at the request of that person, to his or her e-mail address.
- 3) Service of a copy is deemed to be service of the original.
- 4) When any notice or other document is served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, or holder of the property or right in question, and it is not necessary to name that person.

89 Appeal

- 1) A person whose rights are affected by a decision of the municipality in terms of these by-laws may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.
- 2) The appeal authority contemplated in subsection 3) of Section 89 must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision
- 3) When the appeal is against a decision taken by

- a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
 - b) the Municipal Manager, the Executive Mayor is the appeal authority; or
 - c) a political structure or political office bearer, or a councillor the Council is the appeal authority.
- 4) The appeal authority must commence with an appeal within six weeks of receipt of the notice of appeal and decide the appeal within a reasonable time.

90 Penalties

- a. A person who has committed an offence in terms of these by-laws is, on conviction, and subject to penalties prescribed in any other law, liable to a fine, or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

91 Co-operation between municipalities and application of these by-laws

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

92 Liaison forums in the community

- 1) The municipality may establish liaison forums in a community for the purposes of:-
 - a) encouraging a local community to participate in the implementation, development and enforcement of these by-laws; and
 - b) promoting the achievement of a safe and healthy environment.
- 2) The forums contemplated in sub-section (1) may consist of-

- a) a member or members of an interest group or an affected person in the spirit of section 2(4)(f) to (h) of the National Environmental Management Act, 1998 (Act 107 of 1998).
 - b) a member or members of a community in whose immediate area a health nuisance occurs or may occur;
 - c) a designated official or officials of the municipality; and
 - d) the councillor responsible for municipal health.
- 3) The municipality may, in the implementation and enforcement of these by-laws, -
 - a) request the input of a forum;
 - b) employ any skills or capacity that may exist in such a forum.
 - 4) A forum, or a person or persons contemplated in sub-section 2, may, on own initiative, having regard to the provisions of section 31 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), submit an input to the municipality for consideration.

93 Exemptions

- 1) Any person may by means of a written application, in which the reasons are given in full, apply to the municipality for exemption from any provision of these by-laws.
- 2) The municipality may –
 - a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted must be stipulated therein;
 - b) alter or cancel any exemption or condition in an exemption; or
 - c) refuse to grant an exemption.
- 3) In order to consider an application in terms of sub-section (1), the municipality may obtain the input or comments of the owners or occupants of surrounding premises.
- 4) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (2), however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.
- 5) If any condition of an exemption is not complied with, the exemption lapses immediately.

94 Repeal of by-laws

- 1) The following by-laws are hereby repealed:
 - a) Any by-law previously promulgated by the municipality or any of the disestablished municipalities now incorporated into the Sekhukhune District Municipality in so far as it relates to any matter provided for in these by-laws; and
 - b) Any by-law previously promulgated by the local municipalities within the jurisdictional area of Sekhukhune District Municipality, or any of the disestablished municipalities now incorporated into the said municipalities, in so far as it has been made applicable to Sekhukhune District Municipality by the authorisation for the execution of powers and functions in terms of section 84 (3) of the Municipal Structures Act 1998 (Act No. 117 of 1998).

95 Short title and commencement

- a. These by-laws may be cited as the Sekhukhune District Municipality: Municipal Health Services by-laws and shall come into operation on the date of publication thereof in the Provincial Gazette.

Addendum 1: Fines and penalties

Section Number	Section Chapter and Title	Fine
CHAPTER 1 PUBLIC HEALTH		
3	Failure to adhere to Public Health Principles	R1 000
5, 6, 7	Failure to prevent existence of a health nuisance	R1 500
8	Failure to comply with standards for preventing and managing public health hazards and nuisances	R1 500
9	Failure to prohibit and eliminate municipal health nuisances	R1500
CHAPTER 2 HEALTH NUISANCES ARISING FROM THE KEEPING OF ANIMALS		
11	Failure to comply with standards for keeping and slaughtering of animals	R1 000
12	Failure to comply with standards for handling carcasses of animals	R1 500
13	Failure to comply with standards for maintaining distances between buildings and animals	R1000
14	Failure to comply with standards for keeping of bees	R500
CHAPTER 3 ANIMAL ESTABLISHMENTS		
15	Failure to comply with standards relating to premises used as dog kennels and catteries	R1000
16	Failure to comply with standards relating to premises used as pet shops and parlours	R1000
CHAPTER 4 ACCOMMODATION ESTABLISHMENTS, FOOD AND NON-FOOD SELLING PREMISES		
17	Non-compliance to the requirements for application of Chapter 4	R1 500
18	Preparing and serving food without valid Certificate of Acceptability	R1 500
19	Non-compliance to conditions set for premises housing accommodation establishments	R1 500
20	Failure to comply with duties of operators of accommodation establishments	R2 000
21	Non-compliance to standards set for operation of food selling premises	R2 000
22	Failure to comply with standards and requirements for facilities on food premises	R2 000
23	Failure to comply with standards and requirements for food containers	R1 500
24	Failure to comply with requirements for display, storage and temperature of food	R1 500
25	Failure to provide appropriate protective clothing to the employees or to ensure that proper protective clothing is worn at all times.	R1 000
26	Failure to comply with and carry out duties of a person in charge of food premises	R2 000
27	Failure to comply with the duties required of a food handler	R500
28	Non-compliance to requirements for handling meat (in a butchery)	R1 000
29	Non-compliance to requirements for food transportation	R2 000
30	Obstructing an Environmental Health Practitioner in carrying out the duties of inspecting food premises.	Court
31	Non-compliance to the requirements for application of Section 31 of Chapter 4	R2 000

Section Number	Section Chapter and Title	Fine
CHAPTER 6 HEALTH SURVEILLANCE OF PREMISES		
33	Failure to comply with the municipal zoning regulations for businesses	R2 000
34	Failure to comply with regulations for building structures	R2 000 / demolition
35	Failure to undertake Environmental Impact Assessment or submit application for Environmental Health Impact Assessment	R2 000 and 6 months suspension in the development, then re- application.
36	Failure to comply to the municipal Spatial Planning and Land Use Management and municipal requirements for zoning of businesses premises	R2 000
CHAPTER 6 CHILD CARE FACILITIES		
37	Non-compliance to the requirements for application of Chapter 6	R2 000
38	Failure to obtain a Certificate of Acceptability for Child Care facilities before operation	R2 000 and 6-month suspension then re- application
39	Non-compliance to structural requirements for Child Care facility	R2000 and 6-month suspension of operations, then re- application
40	Failure to adhere to the general requirements of premises for accommodation of children in terms of Indoor play area; Outdoor play area; Food preparation area and Safety Measures.	R2000 and 6-month suspension of operations, then re- application
41	Repeated non-compliance with requirements of Section 40 of Chapter 6.	Withdrawal of Health Certificate

CHAPTER 7		
SWIMMING POOL AND WATER-RELATED RECREATIONAL FACILITIES		
42	Failure to comply with requirements for operation of swimming pool and water-related recreational facilities	R2 000
43-44	Failure to carry out duties of a supervisor of a swimming pool and other water-related facility	R1 000
45	Failure to ensure safe water for the swimming pool and other water-related recreations	R2 000
CHAPTER 8		
BARBERS, HAIRDRESSERS, BEAUTICIANS, BODY PIERCERS or TATTOOISTS		
46	Failure to comply with requirements for application of Chapter 8 as outlined in Section 46	R500
47	Failure to comply with health requirements of barbers, hairdressers, beauticians, body piercers and tattooists	R500
48	Failure to comply with requirements for premises barbers, hairdressers, beauticians, body piercers and tattooists.	R500
CHAPTER 9		
WASTE MANAGEMENT		
49	Non-compliance to general provisions and legislation related to storage, recovery and disposal of waste	R1 500
50	Failure to comply with general provisions and applicable legislation listed in Section 50 of Chapter 9.	R2 000
51	Non-compliance to appropriate requirements for storage of hazardous waste	R2 000
53	Failure to comply with requirements for health care risk waste generators as outlined in these by-laws.	R2 500 and suspension of application for 3 months
54	Failure to comply with duties of generators, transporters, and disposers of health care risk waste	R2 500 and suspension of permit for 3 months
55	Failure to comply with storage specifications for health care risk waste	R2 500 and suspension of permit for 3 months
56	Failure to ensure legal and proper disposal of health care risk waste	R2 500 and suspension of permit for 6 months
57	Failure to ensure legal and proper transportation of health care risk waste	R2 500 and suspension of permit for 6 months
58	Failure to operate a disposal facility and incineration facility in compliance with prescripts of all relevant legislation.	R2 500 and suspension of permit for 6 months

**CHAPTER 10
WATER AND SANITATION**

60	Failure to comply with duties and prohibitions of owner or occupier in ensuring that drinking water is not contaminated by activities on land or premises owned or used by the occupier	R2 000
61	Non-compliance to standards set for quality of piped water	R1 500
62	Non-compliance to standards set for quality of bottled water	R1 500
63	Failure to comply with borehole water application, registration and operation standards as set out in these by-laws	R1 500
64	Failure to ensure compliance with requirements for disposal of sewage, sewage effluent and wastewater in a way that a public health nuisance or public health hazard is not caused.	R2 000

**CHAPTER 11
DISPOSAL OF CORPSES, MANAGEMENT OF HUMAN REMAINS AND REQUIREMENTS RELATING TO FUNERAL UNDERTAKERS AND DISTURBANCE OF MORTAL REMAINS**

66	Operating without a Certificate of Competence or failing to comply with the conditions of the Certificate of Competence funeral undertakers and mortuary premises	R2 500 and prohibition notice
68	Failure to comply with requirements relating to funeral undertakers and mortuary premises	R2 500
69	Failure to comply with hygiene requirements for funeral undertaker's and mortuary premises	R2 500
70	Failure to comply with regulatory requirements for the handling and disposal of	R2 500
71 and 72	Failure to comply with requirements for exhumations and reburials of bodies and body ashes	Court
73	Failure to comply with regulatory requirements for reburial of human	R2 500
74 and 75	Failure to comply with regulatory requirements for conveyance (transportation, importation and exportation) of mortal remains	R2 500

**CHAPTER 13
ENFORCEMENT**

76	Failure to comply with requirements for operating premises for dry-cleaning and laundry businesses	R500
77-78	Failure to comply with requirements for premises for dry-cleaning and laundry receiving depots	R500
79	Failure to comply with general requirements for dry-cleaning and laundry premises	R500
80	Obstructing an Environmental Health Practitioner in his or her line of duty	Court
82	Failure to comply with or deliberately disregarding a prohibition notice	Court