

**EDEN DISTRICT MUNICIPALITY HEALTH BY- LAW
OFFENSES AND FINES**

Section Contravened	Description of Offense	Approved Fine
HEALTH NUISANCES		
4(1)(a)	Creating a health nuisance	R300
4(1)(b)	Performing any act which might cause a health nuisance	R300
4(1)(c.)	Organising or permitting an activity, event or function creating a health nuisance	R 300
4(1)(d)(i)	Permitting unauthorised handling or use of any material in a public place, which might cause a health nuisance	R 300
4(1)(d)(ii)	Introducing or handling any liquid or solid substance in a public place, which might cause a health nuisance	R300
4(1)(e)	Carrying, conveying or causing or permitting to be carried or conveyed any objectionable material, liquid or solids that are not covered with a suitable material to prevent the creation of a health nuisance	R 300
4(1)(f)	Directly, indirectly or negligently allowing a health nuisance to be created or continued	R 300
5(1)(a)	Failure by an owner, occupier or user of land to: (i) ensure that a municipal health nuisance does not exist or occur on his/her land (ii) eliminate the health nuisance within 24 hours of becoming aware of the existence or if he or she is unable to eliminate the nuisance, failure to: (aa) take steps to reduce the risk to municipal health (bb) report the existence of health nuisance to the municipality	R 300
5(1)(b)	Failure by an owner, occupier or user of land to, for the purposes of eliminating or reducing the quantity of: (i) flies, use fly-traps or any other approved method to ensure optimum performance (ii) mosquitoes - (aa) drain accumulated water at least once every 7 days (bb) cover accumulated water with oil (cc) provide a mosquito-proof cover and pump for a well (dd) fit tanks, barrels and similar containers with mosquito-proof covers or mosquito wire gauze (ee) regularly clean blocked or sagging gutters and downpipes (iii) vermin, use mouse traps or vermin poison	R 300
5(2)	Failing to ensure that every well, hole, etc. is not filled in a way that may cause other sources to be polluted or contaminated to create a health nuisance	R 300
5(3)	Failing to place all waste in refuse receptacles and to be disposed of in a manner contemplated in section 23	R 500
KEEPING OF ANIMALS		
7(1)	Keeping of animals, birds, etc. on any premises in a manner that constitutes a health nuisance	R 300
8(1)	Failure by an owner, user or occupier of land to dispose of the carcass of an animal, bird, etc. which died on such land with 24 hours of its death	R 500
8(2)	Failure of an owner, user or occupier of land to dispose of the carcass of marine fauna that washed up on land within 24 hours of the discovery thereof	R 500
8(4)(a)	Failing to dispose of a carcass by: (a) having it removed by a registered animal organization or person authorised to do so; (b) burying it at a facility approved by the Municipality (c) having the carcass of an animal that died of a disease, removed by a registered animal organization	R 500
8(5)	Conveying the carcass of an animal, bird, etc., through a street or in a manner that creates a municipal health nuisance	R 500
9	Keeping animals, birds, etc. in close proximity to any building or facility in a condition that may be injurious or dangerous to the health of the occupants of neighbouring buildings or facilities	R 500
ANIMAL ESTABLISHMENTS		
10(1)	Failure by an owner or operator of a dog kennel or cattery to: (a) discharge waste and storm water into a sewerage or other approved system (b) store food in a rodent free receptacle with close fitting lids (c) provide isolation facilities, made of durable material, for sick dogs and cats (d) store animal waste in solid containers with tight fitting lids and failing to remove and dispose it on a daily basis (e) clean enclosures on a daily basis and keep it in a hygienic condition	R 500
10(2)	Operating a dog kennel or cattery in any building, structure or enclosure which has direct access to, or has a door, window or other opening to any existing habitable room or any existing room where food is stored, processed or sold	R 500
11(1)(a)(i)	Failure to use cages made of non corrosive material fitted with duplicate impervious movable trays tubular fittings that are closed at the end	R 500
11(1)(a)(ii)	Using cages where the bottoms thereof are less than 450mm above the floor or yard level	R 500
11(1)(b)	Failing to store animal bedding in a space which is not rodent-proof	R 500
11(1)(c.)	Failing to store perishable food for animal in a refrigerator which can maintain a temperature not exceeding 7°C	R 500
11(1)(d)	Failing to provide toilet facilities and a wash basin with running water for employees	R 500
11(1)(e)	Covering more than 70% of the floor area with cages or goods incidental to the business	R 500
11(1)(f)	Failing to store animal and bird waste in solid containers with tight fitting lids and failing to remove and dispose it on a daily basis	R 500
11(1)(g)	Failing to clean cages and enclosures on a daily basis and keep it in a hygienic condition	R 500
11(2)	Operating 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 metres of any door, window or other opening to any existing habitable room or any existing room where food is stored, processed or sold	R 500

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ACCOMODATION ESTABLISHMENTS		
14	Failing to ensure that premises, household facilities, eating utensils, linen and bedding is kept in a clean and hygienic condition	R 500
SWIMMING POOLS AND WATER RELATED RECREATIONAL FACILITIES		
17(1)(a)	Failing to keep premises in a safe and clean condition	R 500
17(1)(b)	Failing to ensure that water is at all times purified, treated and maintained to set standards	R 500
18(1)	Failing to use water from an approved source to fill, clean or maintain the water level of a swimming pool	R 500
19(1)(a)	Failing to keep water free from flowing, suspended or settled debris. Etc.	R 500
19(1)(b)	Failing to keep walls, floors, access ladders, steps, etc. free from slime or algae	R 500
19(1)(c)	Allowing Total Plate Count bacteria to exceed 100 organisms per ml of water	R 500
19(1)(d)	Allowing faecal coliform bacteria to be present in any test of 100 ml of water	R500
19(1)(e)	Allowing free chlorine residual to be less than 1mg/liter	R500
BARBERS, HAIRDRESSERS, BEAUTICIANS, BODY PEIRCERS AND TATTOOISTS		
21(1)	Using the premises of a salon for a purpose other than for the carrying on of the business of barber, hairdresser, etc.	R 500
21(2)(a)	Failing to keep a first aid kit on the premises	R 300
21(2)(b)	Failing to have an appliance to sterilize or disinfect an instrument that have come in contact with human skin, hair, blood, etc.	R 500
21(2)(c.)	Failing to use only professional tattoo and body piercing machines designed to prevent contamination of needle sets and failing to store needles in single, service, sealed autoclaved bags which must be opened in the presence of the client	R 500
21(2)(d)	Failing to ensure that all clip cords and spray bottles have triggers and grasp areas, which grasp areas must be protected and disposed after use on each client	R 300
21(2)(e)	Failing to disinfect any blade, razor, etc. by applying a suitable disinfectant after each use	R 300
21(2)(f)	Failing to wear disposable latex or nitrile examination gloves for the duration of the procedure	R 300
21(2)(g)	Failing to disinfect his or her hands before and after rendering any service	R 300
21(2)(h)	Failing to directly after treatment, clean and disinfect a surface that has been contaminated by body fluids	R 300
21(2)(i)	Failing to dispose of any gloves or other disposable material after each use	R 300
21(2)(j)	Failing to wash, with disinfectant all clothing and surfaces	R 300
21(2)(k)	Not disposing all waste water, sharp instruments, bloodied and or contaminated disposable towels and paper in an approved manner	R 300
21(2)(l)	Failing to store sharp instruments in a separate container	R 300
21(2)(m)	Failing to after each use, wash and clean all plastic and cloth towels	R 300
21(2)(n)	Failing to keep premises, tools, etc.in a hygienic condition at all times	R 300
21(2)(o)	Failing to dispose of waste such as hair, clippings, etc. in accordance with section 27.	R 300
21(2)(p)	Allowing animals, excluding a guide dog accompanying a blind person to enter the premises	R 300
21(2)(q)	Failing to provide employees with protective clothing, not training any workers and not ensuring that employees comply with the provisions of the by-law	R 300

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WASTE MANAGEMENT		
23(1)(a)	Storing, recovering and disposing waste in a manner that might endanger human health	R 1,000
23(1)(b)	Storing, recovering and disposing waste without using processes or methods which may prevent harm to human health	R 1,000
23(1)(c)	Storing, recovering and disposing waste in a manner that might create a health nuisance	R 1,000
25(1)(a)	Storing empty containers in which hazardous waste was stored in a manner that might - (i)pollute the environment or cause harm to human health (ii)create a health nuisance	R 1000 R 1000
25(1)(b)	Failing to mark a container in which hazardous waste was stored with the date on which the container is stored	R 1,000
25(1)(c.)	Failing to mark a container in which hazardous waste was stored, while stored on site, with the words "Hazardous Waste".	R 1,000
25(1)(d)	Failing to fence off a storage area for containers in which hazardous waste was stored to prevent unauthorised access	R 1,000
27(1)	Failing by a generator, transporter or disposer of health care waste to sort, pack contain, handle, store, transport and dispose health care waste in accordance with this part.	R 2,500
27(2)	Allowing the sorting, packing, handling of health care waste to cause a health nuisance or safety hazard to any handler thereof ar any other person or the environment in general	R 2,500
27(4)	Failing to inform the responsible authority by written notice in the prescribed format of the intention to engage in an activity which may cause health care waste to be generated prior to the generation of such health care waste	R 1,500
27(6)	Failing to dispose, store, transport, process or take appropriate measures as required by written notice by the municipality	R 2,000
27(7)	Failing to notify the municipality in writing of any changes occurring in respect of any of the matters stipulated in the notice given to the municipality regarding the intention to generate health care waste as contemplated in section 27(4).	R 2,000
27(8)	Failing to notify the municipality within 6 months of the commencement of this by-law of health care waste that are generated as a result of activities which commenced prior to the commencement of this by-law	R 2,000
27(9)	Failing to provide periodic training on proper health care waste handling to all employees.	R 1,500
28(1)	Failing to keep and store health care waste generated on the premises, until it is collected from the premises.	R 1,500
28(2)(a)	Failing to store perishable health care waste at a temperature not exceeding 4° C.	R 2,500
28(2)(b)	Failing to keep a health care waste storage area - (i) vermin-proof, insect-proof and rodent-proof (ii) in a manner that it does not have an easily cleanable floor and wall finish (iii) totally enclosed (iv) in a manner that it does not have adequate ventilation and lighting (v) locked	R 2500
28(2)(c.)	Failing to store health care waste in a health care waste storage area until it is loaded or removed for final disposal	R 2,500
28(2)(d)	Failing to clean on - site spills immediately	R 2,500
28(2)(e)	Failing to disinfect and clean interior surfaces of atorage areas on a daily basis	R 1,500
28(3)	Failing to make provision for unrefrigerated health care waste to be removed on weekends and public holidays	R 1,500
28(4)(a)-(d)	Failing to have health care waste sterilized by a service provider prior to final disposal at a municipality disposal facility by autoclave, microwave, chemical treatment or incineration	R 2,500
28(6)(a)	Failing to put health care waste which has not been sterilized and which are rendered non - infectious in a red heavy duty plastic bag at the point of generation ar at disposal site designated for health care waste.	R 2,500
28(6)(b)	Failing to put health care waste which has been sterilized by autoclave, microwave, chemical or other non-burning method in a yellow heavy duty plastic bag.	R 1,000
28(6)(c.)	Failing to discard cytotoxic or genotoxic pharmaceutical health care waste and associated contaminated materials in a container which is labeled cytotoxic waste or genotoxic waste.	R 2,500
28(6)(d)	Failing to place sharp objects into a rigid, sealed, plastic container which is labeled cytotoxic sharps and not making provision for the safe discarding of the longest Trocar needle.	R 2,500
28(7)	Failing to adhere to the requirements for colour coded containers when health care waste is moved or transported	R 2,000
29(1)	Transport of health care waste by transporters who are not approved health care waste transporters.	R 2,500
29(2)(a)	Failing to comply with the requirements set for loading compartments of vehicles used for the transport of health care waste.	R 2,500
29(2)(b)	Failing to man a transport vehicle with employees who are adequately trained in the effective use of the Spillkits and clean -up procedure.	R 2,500
29(2)(c.)	Failing to clean every loading compartment on a daily basis with disinfectants and chemicals	R 1,000
29(3)	Failure by a licensee to collect and dispose of health care waste to inform the municipality at those intervals stipulated by the municipality about: (a) the removal of health care waste (b) the date of removal and the quantity (c) the composition of the health care waste (d) the facility at which the health care waste has been disposed.	R 2 500
30(1)	Disposal of health care waste at a site other than an approved site	R 2,500

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WATER & SANITATION		
32(1)(a)	Failing to keep water passages open and free of obstruction so as to prevent the creation of a health nuisance	R 300
32(1)(b)	Failing to construct a bund wall around a tank 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 tanks.	R 300
32(1)(c.)	Failing to 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.	R 500
32(2)(a)	Locating a disposal site within the one hundred year flood line of any water resource	R 500
32(2)(b)	Creating a municipal health nuisance by using coal, coal discard, etc. to construct a slurry, evaporation or catchments dam.	R 500
DISPOSAL OF CORPSES AND DISTURBANCE OF MORTAL REMAINS		
33(1)(a)	Interring a corpse in such a manner that it constitutes a municipal health nuisance in that the lid of the coffin or the top coffin is less than 1500mm in depth.	R 1,000
34(1)(a)	Disturbing a corpse or mortal remains without an environmental health practitioner being present.	R 1,000
34(1)(b)	Re-open a grave without the Environmental Health Practitioner being present.	R 1,000
34(1)(c.)	Removing a corpse from a grave without an Environmental Health Practitioner present.	R 1,000
34(1)(d)	Exhuming a corpse while cemetery is open for the public	R 1,000
34(2)	Re-opening a grave for the purpose of interring a second corpse without the approval of the municipality	R 1,000
ENFORCEMENT		
36(3)	Failing to comply with the notice of compliance in terms of section 36(1)	R 300
36(4)(e)	Failing to comply with a notice of compliance in terms of section 36(4)(e)	R 300
FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 54 OF 1972 OFFENCES AND FINES		
2(1)	(a) Selling, manufacturing or importing any foodstuff, cosmetics or disinfectant -	R200
	(i) which contains or has been treated with a prohibited substance	R200
	(ii) which contains a particular substance in a greater measure than that permitted by regulation or has been treated with a substance containing a particular substance in a greater measure than that permitted by regulation	R200
	(iii) which does not comply with any standard of composition, strength, purity or quality prescribed by regulation for or in respect of it or any standard so prescribed for or in respect of any of its attributes	R200
	(iv) the sale of which is prohibited by regulation	R200
	(b) Selling, manufacturing or importing any foodstuff, cosmetics or disinfectants -	R200
	(i) which is contaminated, impure or decayed, or is, or is in terms of any regulation deemed to be, harmful or injurious to human health, or	R200
	(ii) which contains or has been treated with a contaminated, impure or decayed substance or a substance which is, or is in terms of any regulation deemed to be harmful or injurious to human health	R200
(c) Selling, manufacturing or importing any foodstuff, cosmetic or disinfectant -	R200	
(i) which contains or has been treated with a substance not present in any such foodstuff when it is in a normal, pure and sound condition; or	R200	
(ii) to which any substance has been added so as to increase the mass volume of such foodstuff with the object to deceive; or	R200	
(iii) from which any substance or ingredient has been abstracted, removed or omitted with the result that its nutritive value or other properties, in comparison with those of such a foodstuff in a normal, pure and sound condition, are diminished or otherwise detrimentally affectant; or	R200	
(iv) which has been treated in such manner that its damaged or unsound condition or inferior quality is concealed whether entirely or partly	R200	
MICROBIOLOGICAL STANDARDS FOR FOODSTUFFS AND RELATED MATTERS REGULATIONS (GN R692 IN GG 17993 of 16 May 1997)		
Reg 6(2)	In the case of cooked sea-water and freshwater foods such as prawns, shrimps, crayfish, lobsters, crab meat, oysters, mussels, clams, eels or fish -	R200
	(a) a histamine content of more than 10 mg per 100 grams of the foodstuff, when tested according to AOAC (Association of Official Analytical Chemists) method 977.13(1990), shall indicate decomposition of the foodstuff, and more than 20 mg per 100 grams shall render the foodstuff unsafe for human consumption;	R200
	(b) no antibiotics shall be present	R200
	(c) no organisms of the genera Salmonella and Shigella and no species of Escherichia coli Type 1, Vibrio cholerae and V.parahaemolyticus shall be present in 20 grams;	R200
	(d) no coagulase - positive Staphylococcus aureus shall be present in 20 grams;	R200
	(e) the number of coliform organisms other than Escherichia coli Type 1 shall not exceed 1 000 per 100 gram; and	R200
(f) the total colony count of organisms shall not exceed 100 000 per gram when such a foodstuff is tested by the pour-plate method on plate-count agar at 30°C for 72 hours.	R200	
Reg 7	No person shall sell cooked poultry -	R200
	(a) which contains the following:	R200
	(i) Antibiotics and other antimicrobial substances in amounts that exceed the maximum levels determined in the regulations governing maximum limits for veterinary medicine and stock remedy residues that may be present in foodstuff, published by Government Notice R1809 of 3 July 1992;	R200
	(ii) organisms of the genera Salmonella, Shigella and Escherichia in 20 grams;	R200
	(iii) Staphylococcus aureus in 20 grams;	R200
(iv) Clostridium perfringens in 20 grams; and	R200	
(b) of which the total colony count of organisms exceeds 10 000 per gram when such foodstuff is tested by the pourplate method on plate-count agar at 30°C for 72 hours.	R200	

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		R200
		R200
Reg 2	No person shall sell any foodstuff to which any colourant has been applied or added, except in so far as provided for as follows: (a) Only the colourants listed in Annex 1 may be used as colourants in foodstuff. (b) Colourants may be use only in the foodstuff listed in Annex III, IV, and V and subject to the conditions specified therein. (c) Colourants shall not be used in foodstuff listed in Annex II, except where expressly permitted in Annex III, IV, or V. (d) Colourants permitted for certain uses only are listed in Annex IV. (e) Colourants permitted in general in foodstuffs and their Conditions of use are specific in Annex V. (f) The maximum levels indicated in the Annexes relate to foodstuffs in the ready-to-eat form, unless otherwise stated.	R200 R200
FUNERAL UNDERTAKERS'S PREMISES (GN R237 in GG 9582 of February 1985)		
Reg 2(1)	Preparing a corpse except on funeral undertaker's premises in respect of which a certificate of competence has been issued and is in effect.	R 500
Reg 11(1)	Use of an undertaker's premises where the following is not provided for: (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 cleansing of vehicles on such premises (e) Facilities for the loading and unloading of corpses	R300 R300 R300 R300 R300
Reg 11(2)	Using a room on funeral undertaker's premises for any purpose other than the purpose for which it is intended	R 300
Reg 11(3) (a)	Using a preparation that - (i) is not separated from all other rooms on the premises and that cannot communicate with any office or salesroom. (ii) does not enable obnoxious odours and vapours to be adequately treated; and (iii) is insufficiently ventilated and lighted	R300 R300 R300
Reg 12(2)	Failure to - (a) Provide 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 to all employees and all other persons involved in post-mortems, and each such employee or other person shall, at all times when so involved, wear such clothing; (b) keep such premises free of insects; (c) cause all working areas or surfaces at such premises where corpses are prepared to be cleaned 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) daily cause all protective cover-clothes that have been use to be washed, cleansed and disinfected on the premises; and (f) 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.	R300 R300 R300 R300 R300
LABELLING AND ADVERTISING REGULATIONS (GN R2034 in GG 15226 of 29 October1993)		
Reg 2 (1)	Importing, selling or manufacturing foodstuff of which the packaging, or the bulk stock from which it is taken, is not labelled in accordance with the provisions of these Regulations	R 200