

**GARDEN ROUTE DISTRICT
MUNICIPALITY**

MUNICIPAL HEALTH SERVICES BY LAW

The Garden Route District Municipality, under section 156(2) of the Constitution of the Republic of South Africa, 1996, read with section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), intends to make the by-law set out in the Schedule.

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1. Definitions

In this by-law unless the context indicates otherwise:

“accommodation establishment” means a place in which accommodation is provided for gain, with or without meals;

“Act” means the National Health Act, 2003 (Act 61 of 2003);

“animal” means any equine, bovine, sheep, goat, pig, poultry, camel, dog, cat, or other domestic animal or bird, or any wild animal or reptile or any marine fauna or aquatic organism which is in captivity or under the control of a person.

“animal disease” means an impairment or disturbance of the normal function of any organ or the body of any animal that is caused by an organism or substance;

“animal waste” means the faeces, manure, droppings, shed hair or feathers, bones, horns, blood, skins and entrails of any waste of an animal, reptile, bird or poultry and any marine or aquatic organism;

“aquatic fauna” means any aquatic living organism from aquatic resources, including any aquatic plant, whether piscine or not, and any mollusk, crustacean, holothurians or other echinoderms, reptile, aquatic mammals and bird and include their eggs, larvae and all juvenile stages;

“approved” means approved by the municipality, with regard to the reasonable environmental health requirements of the particular case;

“approved building plan” refers to a building plan approved by the local municipality in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

“**baby**” means a child under the age of two years;

“**barber, hairdresser, beautician, body piercer or tattooist**” means a person who carries on the business of barber, hairdresser, beautician, body piercer or tattooist in a salon or another place approved by the municipality, which business comprises any one or more of the following or similar services or activities, or a combination thereof, which is applied to the male or female human body:

(a) cutting, shaving, singeing, shaping, shampooing, cleansing, conditioning, treating, chemical reformation (such as but not limited to permanent waving) relaxing, straightening and coloring (such as but not limited to tinting, dyeing, coloring, whether by permanent or temporary or semi-permanent means, and including the use of color rinses, shampoos, gels or mousses, and lightening by means of tints, bleaches, highlights or high lighting tinting or toning of the hair on the human head;

(b) other than by a process contemplated in paragraph (a), removing hair by means of, but not limited to, waxing, chemical compounds (such as but not limited to depilatories), electrical or mechanical means, whether or not heat or an appliance or apparatus is used in any of these activities;

(c) treating hair by means of a trichological process or method;

(d) adding to hair of natural or artificial hair by means of, but not limited to an extension, beard work, or a wig;

(e) shaping, shaving, plucking, treating or tinting an eyebrow or eyelashes or applying an artificial eyebrow or eyelashes;

(f) skin care of the face, including but not limited to the application of cosmetics;

(g) applying nail technology, such as but not limited to manicuring, pedicuring, or applying false nails or extensions;

(h) piercing of the skin (“body piercing”) or tattooing;

(i) massaging;

(j) bronzing such as by means of, but not limited to, ultraviolet radiation; and

(k) contouring, such as but not limited to, slimming.

“biodegradable industrial wastewater” means wastewater that contains predominantly organic waste arising from industrial activities and premises including, but not limited to-

- (a) milk processing;
- (b) processing of fruit and vegetable products;
- (c) sugar mills;
- (d) manufacture and bottling of soft drinks;
- (e) water bottling;
- (f) production of alcohol and alcoholic beverages in breweries, wineries or malt houses;
- (g) manufacture of animal feed from plant or animal products;
- (h) manufacture of gelatine and glue from hides, skin and bones;
- (i) abattoirs;
- (j) fish processing;
- (k) feedlots;
- (l) tannery;
- (m) cheese making and processing;
- (n) composting plant; and
- (o) bio-diesel processing plant;

“bird” means a pigeon, peafowl, pheasant, partridge, canary, budgerigar, parrot, ostrich and any other domesticated bird or wild bird kept in captivity;

“building, structure or enclosure” means a building, structure or enclosure such as, but not limited to, a stable, shed, dove-cote, kennel, pen, sty, camp, kraal, cow-shed, lean-to, room, tent, vehicle, stream, dam, pool, pan, drain, or ditch (open, 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;

“carcass” means the remains of any animal or poultry;

“category B municipality” means a municipality as contemplated in section 155(1)(b) of the Constitution and **“local municipality”** shall have a corresponding meaning;

“cattery” means an accommodation establishment which, for gain, caters for the boarding and breeding of cats –

“cemetery” means a land or part of a land within the municipal area set aside as a cemetery;

“Certificate of Competence” means a document contemplated in regulation (3)(1)(a) of Regulation 363/2013

“Certificate of acceptability” means a mandatory food business compliance certificate issued by the Municipality in terms of Regulation 638 /2018;

“child” means any person under the age of 18 years and **“children”** has a corresponding meaning;

“child care facility or institution” 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;

“circumcision” means the surgical removal of the foreskin by the traditional practitioner, medical practitioner or any person registered with the Health Professions Council of South Africa;

“communicable disease” means an illness due to a specific infectious agent or its toxic products which arises through transmission of the agent or its products from an infected person, animal or inanimate reservoir to a susceptible host, either directly or indirectly through an intermediate plant or animal host, vector or inanimate environment;

“Constitution” means the Constitution of the Republic of South Africa, 1996;

“Council” means the Garden Route District Municipal Council;

“crematorium” means a place used for cremating a corpse and includes every part of such premises;

“dog kennel” means any establishment that has as its business the breeding, training or boarding of dogs and includes pounds, whether operated by the State or otherwise;;

“domestic wastewater” means wastewater arising from domestic premises, and may contain sewage;

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

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

“effluent” means waste water generated because of an activity;

“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 practitioner” means a person appointed in terms of section 80 of the National Health Act, 2003 (Act 61 of 2003) and **“health officer”** or **“health inspector”** shall have a corresponding meaning;

“foodstuff” means foodstuff as defined in section 1 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972);

“free space” means the space in a room which is not occupied by furniture or other appliances;

“goods” means a product marketed for human use or consumption;

“hazard” means an intrinsic potential or ability of an agent, equipment, material, activity or process to cause harm;

“hazardous substances” means any substance which may cause injury, ill-health to or death of human beings due to their toxic, corrosive, irritant, strongly sensitizing or flammable nature or the generation of pressure thereby in certain circumstances during importation, manufacture, sale, use, operation, application, modification, disposal or dumping. Includes hazardous chemical substances and substances such as solid, liquid, gas, aerosol or combination thereof, but excludes hazardous electronic products and radioactive substances;

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

“health certificate” means a health certificate issued to certify that the business premises complies with the relevant Municipal Health By laws;

“health care risk waste” refers to healthcare risk waste as defined in SANS 10248, Management of Health Care Waste;

“health care facility” means a health establishment as defined in the Act;

“health nuisance” means a situation, or state of affairs, that endangers or adversely affects the life or health of a person or community;

“home for the aged” means an institution or other place of residence maintained mainly for the accommodation and care of aged or debilitated persons;

“initiate” means a person who has been admitted in the initiation school;

“initiator” means a person who opens and conducts the initiation school;

“initiation forum” means a body established by the Western Cape Department of Cultural Affairs and Sport as the initial points of contact and a requirement for communities who observe and practice initiation in the Province of the Western Cape;

“initiation school” means a registered cultural institution or a place where cultural initiation into manhood/womanhood (that may also involve circumcision), including teachings of cultural practices and behaviours are carried out;

“irrigation” means the application of water to any land or grounds for any purpose and includes wastewater or water containing waste generated through any activity;

“landfill site” means a waste disposal facility as defined in the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) and includes transfer stations and drop-off points;

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

“municipality” means the Garden Route District Municipality established in terms of Section 12 of the Municipal Structures Act, 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 this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“municipal manager” means a person appointed in terms of section 54A of the Municipal Systems Act, as the head of administration of the municipality;

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

“noise pollution” means any change in the environment caused by noise, emitted from any activity, including 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 will have such an effect in the future;

“occupier” means any person who occupies any premises or part thereof without regard to the title under which he or she occupies, and includes —

- (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 —

- (i) means the person in whose name that land is registered;
- (ii) that has been purchased by a person but has not yet been registered in his or her name, means such purchaser;
- (iii) that is subject to a usufruct, means the usufructuary;
- (iv) of which the owner or purchaser is a minor, mentally disabled person, insolvent 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, which includes insects and rodents that may transmit disease;

“pest control program” means a written program that outlines activities to be conducted for the control of pests in a premises;

“pesticide” refers to any substance or mixture of substances of chemical or biological ingredients, intended for repelling, destroying or controlling any pest;

“pet parlour” means an establishment where pets are groomed;

“pet shop” means an establishment where pets are kept for trading purposes;

“places of care” means a premise where a person or institution who carries on the business of an Early Childhood Development Centre, Old Age Home, Nursing Home, Maternity Home, or which business comprises any one or more, or a combination thereof, as approved by the local municipality;

“pollution” means any change in the environment caused by 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 wellbeing 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 SANS 241;

“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;

“premises” means any building, structure, or tent together with the land on which it is situated and the adjoining land used in connection with it and includes any land without any building, structure or tent and any vehicle, conveyance or ship;

“prohibition notice” means any notice issued by an environmental health practitioner under this By-law which instructs the person to whom it is issued to comply with the terms of the notice;

“proprietor” means the person who owns or operates an accommodation establishment;

“public gathering places” refers to public places, such as shopping malls, airports, cinemas, sport fields, stadia, public events, halls, including government owned or occupied premises;

“public place” means any public –

- (a) Land, square, swimming bath, resort, recreation site, zoological, botanical or other garden, park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, as well as any open space, road, road reserve, reserve street, lake, dame or river;
- (b) Any public building, structure, hall, room or office including any part thereof and any facility or apparatus therein, which is the property of, or possessed, controlled or leased by the Municipality and/or local municipality to which the public place has access, whether on payment of admission fees or not;

“public road” means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and includes – the verge of any such road, street or thoroughfare; any bridge, ferry or drift traversed by any such road, street or thoroughfare; and any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

“publish” in respect of the provisions of section 38 means-

- (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;

“recreational water” refers to public and private swimming pools, spa baths, oceans, estuaries, rivers and dams;

“responsible authority” means the authority or municipality responsible for the execution of waste disposal functions within the area of jurisdiction of the Garden Route 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;

“sluice room” means a closed area that allows for the safe and efficient disposal of human waste.

“spaza shop” means the use of a portion of a dwelling, outbuilding, or structure for the sale of convenience goods to the public in a structure or portion building on the premises, either formal, or informal, that allow for the serving of goods to customers directly from the street, and the term Spaza Shop may be interchangeably used with the term House Shop;

“Structures Act” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“swimming pool” means a swimming pool, spa bath, including a jacuzzi, that is accessible to the public and includes swimming pools at schools or other tertiary institutions;

“Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

“traditional surgeon” means a traditional healer who performs the circumcision and include any person who has been trained to do so and complies with the requirements;

“user”, in relation to land, means —

(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

(b) any other person who is generally recognised as having a right of tenure on the land concerned;

“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, including sewage, 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, Act No. 36 of 1998.

2. Principles and objectives

The municipality, aware of the constitutional right of every person to an environment that is not harmful to his or her health or well-being, and the principles that underlie the National Health Act, 2003 (Act 61 of 2003) and the National Environmental Management Act, 1998 (Act 107 of 1998), adopts this by-law with the aim of protecting and promoting the health and well-being of all people in the Garden Route area by providing, in conjunction with applicable laws, a legal and administrative framework within which the municipality can develop and manage its municipal health obligations.

CHAPTER 1

HEALTH NUISANCES

3. Health nuisance

(1) A health nuisance exists or occurs if any of the following occurs on 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) when engaging in a controlled activity as contemplated in the National Water Act, 1998 (No 36 of 1998) section 37(1)(a), irrigation of any land with wastewater or water containing waste generated through any industrial activity or by a water work and such activity;

(i) does not comply with regulation 2 of the General Authorizations No 1191 published in Government Gazette No. 20526 dated 8 October 1999, promulgated in terms of section 63 of the National Water Act, 1998 (Act No. 36 of 1998) and amended by Government notice 399 dated 26 March 2004 Gazette no. 26187; or,

(ii) where the general authorization does not apply, does not comply to any condition of the license authorizing such water use in terms of section 22 of the National Water Act, 1998 (No. 36 of 1998); or,

(iii) does not comply to any limitation, restriction or prohibition in terms of the National Water Act, 1998 (No. 36 of 1998) or any other applicable law; or

(iv) does not comply with the “Guide: Permissible utilization 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 of Health).

(d) Where wastewater or water containing waste is discharged into a water resource through a pipe, canal, sewer, sea outfall or other conduit and such activity does not;

(i) comply with regulation 3 of the General Authorizations No 1191 published in Government Gazette No. 20526 dated 8 October 1999, promulgated in terms of section 63 of the National Water Act, 1998 (Act No. 36 of 1998) and amended by Government notice 399 dated 26 March 2004 Gazette no. 26187; or,

(ii) where the general authorization does not apply, comply to any condition of the license authorizing such water use in terms of section 22 of the National Water Act, 1998(No. 36 of 1998); or,

(iii) comply to any limitation, restriction or prohibition in terms of the National Water Act, 1998 (No. 36 of 1998) or any other applicable law.

(e) where sewage sludge is disposed of or utilized in a manner that does not comply with the guidelines for the utilization and disposal of wastewater sludge as published by the Department of Water and Sanitation as revised by the department from time to time.

(f) 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;

(g) 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;

(h) a building or structure is demolished without first eradicating all vermin;

(i) a dwelling or any other premises is occupied for which no proper and sufficient supply of potable water is available as prescribed in terms of regulation 3 of GNR.509 of 8 June 2001: Regulations relating to compulsory national standards and measures to conserve water. Promulgated in terms of the Water Services Act No. 108 of 1997;

(j) a dwelling or building is occupied for which no proper toilet facilities, as required in terms of the National Building Regulations and Building Standards Act, Act 103 of 1977, is available;

(k) a dwelling or building is occupied which is not properly ventilated in accordance with the National Building Regulations and Building Standards Act, Act 103 of 1977;

(l) a dwelling that is not ventilated so as to destroy or render harmless any gases, vapors, dust or other impurities generated which are dangerous to health;

(m) a dwelling that is so overcrowded, lighted or ventilated as to be injurious or dangerous to the health of those employed therein or thereon; or cause or give rise to smells or effluvia which are dangerous to health;

(n) conditions exist that are conducive and contributing to the spread of a communicable disease;

(o) organic matter or animal waste are used or kept in a manner that attracts disease vector, vermin, or pests such as, but not limited to rats, mice, flies and mosquitoes;

(p) unhygienic conditions that may be injurious or dangerous to health are present on any part of the land or premises; or

(q) a carcass or the remains of an animal, bird or aquatic fauna or any animal waste remains unburied or not suitably disposed of for more than 24 hours after death.

(2) A health nuisance exists if —

(a) pests, vermin, disease vector, from whatever source exists on any 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.

4. Prohibition on 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 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 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.

5. Duty to eliminate or reduce a health nuisance

(1) (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 or premises report the existence of the health nuisance to the municipality and 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) The owner of land or premises must ensure that a health nuisance as defined in section 3 does not occur on his or her land or premises and within 24 hours of becoming aware of the existence of a health nuisance on the land or premises report the existence of the health nuisance to the municipality and eliminate the health nuisance.

(c) 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 best practice methods;

(ii) mosquitoes —

(aa) drain accumulated water at least once every seven days;

(bb) by making use of best practice methods to control mosquitoes and their larvae

(cc) in the case of wells, provide a mosquito-proof cover and a pump;

(dd) fit tanks, barrels and 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 clear clogged or sagging gutters and down pipes so that stagnant water cannot accumulate in them; and

(iii) vermin, use mouse traps or vermin poison or any other best practice methods.

(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.

(3) The occupier 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 25.

(4) The owner, occupier or user of land or premises must dispose of any hazardous material or substance in such a way that it will not cause a health nuisance or pollute a water body, water source, borehole or underground water source.

(5) The owner, occupier or user of land or premises who contravenes a provision of subsection (1), (2), and (4), or the occupier who contravenes a provision of subsection (3) commits an offence.

CHAPTER 2

KEEPING AND SLAUGHTERING OF ANIMALS

6. Application of Chapter

(1) This Chapter applies to any owner or person in charge of an animal, bird or poultry, fish or crustaceans who keeps an animal, bird or 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 approved land use, or on premises or land zoned for agricultural purposes, is not exempt from the provisions of this by-law or other legislation with regards to the inception or bringing about of a health nuisance.

7. 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 in a manner that constitutes a health nuisance.

(2) No person may slaughter or permit the slaughter of any animal at any place other than an abattoir. Provided that this provision shall not apply to an animal slaughtered for own consumption or for cultural or religious purposes.

(3) Sell or provide meat for human and consumption unless it has been slaughtered at an abattoir.

(4) In the case of a traditional or religious slaughtering, the local authority must be notified.

(5) A person who contravenes subsection (1), (2) and (3) commits an offence.

8. Carcasses

(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 (3), dispose of the carcass of an animal, bird, poultry, fish or crustaceans that has died on such premises or land.

(2) Should an owner of an animal, bird, poultry, fish or crustaceans 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.

(3) A person contemplated in subsection (1) and (2) must dispose of a carcass in one of the following manners:

(a) He or she must take steps to remove the carcass or have it removed by a person authorized to do so in terms of the responsible authority's waste regulations;

(b) if the premises are suitable, he or she may 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; or

(c) if the animal died of a disease, he or she must deal with the carcass in accordance with paragraph (a).

(4) Sections (1) to (3) do not apply in the instance where an animal, bird or poultry is slaughtered for the purpose of human or animal consumption.

(5) No person may carry or convey through or along a public road the carcass of an animal, bird or poultry, fish, crustaceans, animal waste or offal unless it is contained and covered to prevent potential spillage.

(6) No animal, bird, poultry, fish or crustaceans 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 condition be injurious or dangerous to the health of the occupants of neighbouring buildings or facilities.

(7) A person who contravenes a provision of subsections (1) to (6) commits an offence.

CHAPTER 3

ANIMAL ESTABLISHMENTS

Part 1: Dog kennels and Catteries

9. 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) a concrete apron must be provided and graded for the drainage of all wastewater away from the building or structure, and such water must be discharged into a sewer or other approved system;

(b) all loose foods must be stored in rodent proof 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;

(e) all animal cages or holding enclosures must be cleaned daily and be kept in a hygienic and odour free condition; and

(f) all catteries and kennels must be operated in such a manner as not to constitute a health nuisance.

g) All animal establishments must be in possession of a health certificate.

(2) No person may conduct the business of a dog kennel or cattery in any building, structure or enclosure which has direct access to, or has a door, window or other opening within four meters of any door, window or other opening to any habitable room or any room in which clothing is stored or 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

10. Requirements relating to premises and employees

(1) A person who owns or operates a pet shop or pet parlour must ensure that the premises comply with the following requirements:

(a) Toilet facilities and a wash basin with running water must be provided for those employed on the premises;

(b) no more than 70% of the floor area of the premises may be covered by cages or goods incidental to the business;

(c) All cages must be —

- (i) made entirely of a non-corrosive easy cleanable material fitted with duplicate impervious movable trays and all tubular fittings must be closed at the ends; and
- (ii) be placed in such a manner to facilitate cleansing and so arranged that the bottoms thereof are not less than 450mm above the level of the floor or yard, as the case may be;

(d) storage space which is rodent-proofed, must be provided for animal bedding on the premises;

(e) meat, fish or perishable foodstuff 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 7°C;

(f) accommodation for all animals kept on the premises must be provided;

(g) additional accommodation which is properly separated from the pet shop must be provided for the keeping of a sick or apparently sick animals;

(h) all animal 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; and

(i) all animal 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 four meters of any door, window or other opening to any habitable room or any room in which clothing or 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

11. Application of Chapter

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.

12. Requirements relating to buildings, water, sanitation and refuse removal

(1) No person shall use any building as an accommodation establishment unless—

- (a) it is in good structural condition outside and inside and in a proper state of repair;
- (b) not less than one bathroom is provided for the first eight lodgers, with one additional bathroom for every additional twelve lodgers or part thereof;
- (c) every bathroom is provided with—
 - (i) a hand wash-basin;
 - (ii) a bath or shower; and
 - (iii) an adequate supply of cold and or hot running water.
- (d) sanitary conveniences are provided on the basis of one convenience for the first eight lodgers and thereafter one convenience for every additional twelve lodgers or part thereof: provided that a sanitary convenience shall not be installed in the same room as a bath or shower, en-suite bathrooms excluded.
- (e) the faecal matter arising in respect of the accommodation is properly stored and, except where pit latrines or a method for the adequate treatment of such matter by means of an enzymatic or chemical process is provided, is properly removed and disposed of;
- (f) a receptacle with a close-fitting lid is provided in a latrine.
- (g) the household refuse arising in respect of the accommodation is properly removed and disposed of at least once a week;
- (h) all water supply fittings and fittings that relate to sanitation and ablution are in a working order.
- i) Adequate and constant supply of water, toilet and wash up facilities are available on caravan parks and camping sites
- j) At least one toilet and one urinal are provided for every eight caravans or camping sites
- (2) An accommodation establishment may only be operated under a valid health certificate issued by an environmental health practitioner.

13. Preparation and serving of food

A proprietor who prepares or serves food on the premises for consumption by a guest, irrespective if 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. 638 of 22 June 2018.

14. Premises

A proprietor must ensure that his premises have access to safe and adequate potable water, sanitation and refuse removal, and that household facilities, eating utensils, linen and bedding are kept in a clean and hygienic condition.

CHAPTER 5

CHILD CARE FACILITIES AND INSTITUTIONS

15. Structural and other requirements

(1) A Childcare facility must comply with the following requirements:

- (a) The walls and floors of classrooms must be of a smooth, splinter free, waterproof and easily washable material. Where paint is applied, only non-toxic paint is allowed.
- (b) Classrooms must have enough windows to ensure adequate ventilation, provided that effective cross-ventilation is possible and that windows are allowed to open and that such openings shall have a surface equal to at least 5% of the floor area of the room concerned and lighting; provided that windows shall be transparent with an area equal to at least 10% of the floor area of the room concerned.
- (c) Roofs must always be waterproof.
- (d) Ceilings should be provided and must be clean and always dustproof.
- (e) A separate office area must be provided for administration and staff activities.
- (f) A separate sick bay area which is a quite space away from the other children must be provided.
- (g) Adequate storage facilities must be provided for the storage of mattresses in an upright or hanging position.
- (h) Adequate storage facility must be provided for the storage of medicines, cleaning agents, liquid fuels, gas containers or any other poisonous or potentially harmful material, as well as toys and utensils so that it can be stored safely and out of reach of children.
- (i) All working surfaces should be smooth, waterproof, splinter free and washable.
- (j) There must be at least 2 square meters of indoor space available per baby (0 to 24 months) and 1.5 square meters indoor space available per toddler (2 to 6 years).

If no outdoor space is available, the indoor space must be 3 square meters per toddler.

An outdoor play area of a minimum of at least 2 square meters must be provided for each child.

Separate indoor and outdoor play areas must be provided for different age groups (0-24 months) and (2-6 years).

(k) There must be at least one toilet available for every twenty children and one potty for every five babies. Toilet bowls, potties and seats must be disinfected daily. Separate toilet facilities are required for staff members.

(l) If babies up to twenty-four months are accommodated, a separate facility for the washing of potties and the daily washing of nappies must be provided.

(m) 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 No. 638 of 22 June 2018.

(n) At least one hand wash basin for every twenty children or one bucket for every ten children must be available. Clean water shall be available for the washing of children's hands. Soiled water must be disposed of in an approved manner. Soap and a drying cloth must be available at every hand wash basin.

(o) Sandpits must be regularly treated with salt and must be covered after hours to make it inaccessible to animals. Sand must be treated every six weeks.

(p) The outdoor play area must be fenced with self-closing gates.

16. Exemptions, additional requirements and reservations

(1) An Environmental Health Practitioner may exempt a childcare facility from any of the provisions in sections 15 (1) of this bylaw if he or she is satisfied that the granting of such exemption does not or will not result in conditions that constitute a health nuisance.

(2) An exemption referred to in this section—

(a) shall be withdrawn by the Environmental Health Practitioner on the grounds of an inspection if he or she is of the opinion that such exemption will result in conditions that constitute a health nuisance.

3) Childcare facilities or institutions may only be operated under a valid health certificate issued by an environmental health practitioner.

(4) An Environmental Health Practitioner may, on the grounds of an inspection, set additional requirements to be met on any childcare facility where, despite compliance with any provision contained in these bylaws, a health nuisance exists which is not provided for in these by laws, which additional requirements shall, subject to the principles of the best available method, be limited to the minimum necessary to remove the health nuisance in question.

17. Non compliance

Should an owner or person in charge of a childcare facility fail to comply with the provisions of section 15 or any conditions or requirements imposed in terms of section 16, the municipality may act in terms of the above mentioned non compliance.

CHAPTER 6

PUBLIC SWIMMING POOLS AND SPA-BATHS

18. Duties of a swimming pool manager

(1) A swimming pool 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 standards mentioned in section 21.

(2) A person who operates a swimming pool or spa bath in contravention of the provisions of subsection (1) commits an offence.

19. Water supply

(1) A person who operates a swimming pool or spa bath may, for the purpose of cleaning, filling or maintaining the water level in a swimming pool or spa bath, only use water from an approved source.

(2) The environmental health practitioner may take samples of the water for the purpose of chemical analysis or bacteriological analysis at times that he or she considers appropriate.

(3) A person who contravenes subsection (1) commits an offence.

20. Provision of sanitary fixtures and public amenities

(1) Any person who carries on a public swimming pool, shall comply with the requirements prescribed by this by law.

(2) Water latrine facilities shall be provided as follows:

(a) In the case of a swimming pool having a water surface equal in or less than 300 square meters, at least three latrines for each sex, of which one of the latrines intended for males may be replaced by a urinal or urinal space of at least 600mm in length: or

(b) in the case of a swimming pool having a water surface greater than 300 square meters, one latrine for each sex for every addition water surface area of 250 square meters or part thereof: Provided that in the case of latrines for males, up to maximum of 25% of the

required number of latrines may be replaced by urinals or urinal spaces of at least 600mm in length each.

(3) Where swimming pool facilities are available at an accommodation undertaking or cluster housing premises as part of the general amenities, separate latrine and ablution facilities shall not be required if adequate facilities are available within a reasonable distance of the pool.

21. Water Safety

(1) The water in a public swimming pool shall be effectively filtered continuously during the period in which swimming takes place and when water must be treated effectively by an approved method of disinfecting and, even if chlorinated, must at any time conform to the following standards (sampling to be done in the morning before swimming commence)-

(a) the water must be free from floating, suspended or settled debris or swimming organisms and the walls, floor, access ladders or steps and gutters must be free from slime or algae;

(b) the keeper of the swimming pool must ensure that water in the pool always contains 0,5 to 1,0 parts per megaliter by weight, free or available chlorine and that faecal escherichia coli are absent in a sample of 100 ml of the swimming-bath water; and must further ensure that the pool is at all times kept free from snails.

(c) where an approved disinfectant other than chlorine is used or is found naturally in the water, it shall be equivalent in effect to the residual level of the chlorine prescribed in paragraph (b);

(d) the pH of the water may not be less than 7,0 and not more than 7,6; and

(e) best practice methods should be practiced to ensure safe water quality.

22. Offences

(1) A person who contravenes a provision of Chapter 6 commits an offence.

CHAPTER 7

BARBERS, HAIRDRESSERS, BEAUTICIANS, BODY PIERCERS AND TATTOOISTS

23. 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.

(2) A person who carries on the business of barber, hairdresser, beautician, body piercer or tattooist in a salon or any other premises, must —

- (a) install or have available in the salon an appliance or other means whereby an instrument that has come into contact with human skin, hair or bodily fluid, such as, but not limited to, blood, must be sterilized or disinfected;
- (b) ensure that only professional tattooing and body piercing machines designed and assembled in a manner which prevents contamination of sterilized 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 autoclave bags which must be opened in the presence of the client;
- (c) 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, dispose of disposable instruments or disinfect reusable instruments by applying a suitable disinfectant;
- (d) 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;
- (e) disinfect his or her hands before and after rendering any service to a client;
- (f) directly after treatment of the client, clean and disinfect a surface that has been contaminated by body fluid; and
- (g) dispose of any disposable glove or other disposable material after each use;
- (h) 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;
- (i) dispose of all sharp instruments, bloodied and otherwise contaminated disposable towels and paper in accordance with section 25;
- (j) store sharp instruments such as, but not limited to, a razor, blade or needle in a separate container in accordance with section 25;
- (k) after each use, wash and clean all surfaces and towels;
- (l) generally keep the premises, tools, equipment and clothing in a hygienic condition at all times;
- (m) after every service, collect waste such as, but not limited to, hair clippings and toweling paper, and store or dispose of such waste in accordance with best practice methods;
- (n) ensure that no animal, excluding a service animal, enters the premises; and
- (o) 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 this by-law.

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

24. Requirements for premises

(1) A person who carries on the business of barber, hairdresser, beautician, body piercer or tattooist in a salon or another 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 Buildings Standards Act, 1977 (Act 103 of 1977) must be provided;

(c) shelves, counters, table tops or other fixtures on which instruments are placed must be constructed of impervious material that is easy to clean;

(d) adequate facilities for the storage of clothes, instruments and appliances must be provided;

(e) facilities for the disposal of wastewater must be provided; and

(f) the walls and floors must be constructed of materials that are easy to clean.

(2) A person who carries on the business of barber, hairdresser, beautician, body piercer or tattooist must be in possession of a valid health certificate issued by an environmental health practitioner.

(3) Should the owner, occupier or person in charge of the premises upon which the business is carried on fail to comply with a provision in subsection (1), the municipality may act in terms of non compliance.

CHAPTER 8

WASTE MANAGEMENT

Part 1: General provisions regarding recovery, storage and disposal of waste

25. Recovery, storage and disposal of waste

(1) Waste must be recovered, stored, transported and disposed of —

(a) without endangering human health;

(b) without the use of processes or methods likely to harm or pollute the environment; and

(c) in a manner that does not create a health nuisance.

(2) A person who contravenes subsection (1) commits an offence.

Part 2: Hazardous Waste

26. Applicable legislation

The municipality, taking cognizance of the provisions of the Environment Conservation Act, 1989 (Act No. 73 of 1989) the Hazardous Substances Act, 1973 (Act 15 of 1973), the National Health Act, 61 of 2003, and the regulations made under these Acts, adopts the provisions in this Part.

27. Storage of hazardous waste

(1) An empty container in which hazardous waste such as, but not limited to, pesticides were stored is to be treated as hazardous waste, and —

(a) must be stored in such a manner that —

(i) no pollution of the environment occurs at any time;

(ii) no health nuisance is created at any time;

(b) while being stored on site, must be clearly marked or labelled with the words “Hazardous Waste”;

(c) the owner or occupier of the land must fence off the storage area to prevent unauthorised access; and

(d) 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 Sanitation as amended from time to time.

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

CHAPTER 9

WATER AND SANITATION

28. Applicable legislation and enforcement

(1) The municipality, taking cognizance of the provisions of the National Water Act, 1998 (Act 36 of 1998), adopts the provisions in this Chapter.

(2) The municipality, taking cognisance of the provisions of the Water Services Act, 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 where the non-compliance with any of the provisions of the Act and Regulations contemplated in subsections (1) and (2) constitutes a health nuisance.

29. 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 pollution, 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 to prevent the pollution of storm water which may result in adverse impacts on the quality of any surface and ground water; and

(d) ensure that a dam, conduit or channel that is used for the containment of wastewater has a free board of at least 0.5 meters above the highest level of precipitation which could be expected within a period of 24 hours with an average frequency of recurrence of once in 100 years.

(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 catchment dam, or any embankment, road or railway in a way likely to create an environmental health nuisance.

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

CHAPTER 10

DISPOSAL OF CORPSES AND DISTURBANCE OF MORTAL REMAINS

30. Disposal of corpses

(1) No person may inter a corpse in such a manner that it constitutes a health nuisance.

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

31. Disturbance of mortal remains

(1) Subject to the provisions of an exhumation order given in terms of section 3(4) of the Inquests Act, 1959 (Act 58 of 1959), and any other provision of any Act relating to the

exhumation of corpses, no person may, without an Environmental Health Practitioner being present:

- (a) disturb a corpse or mortal remains or the ground surrounding it in a cemetery;
 - (b) open a grave;
 - (c) remove a corpse from a grave; or
 - (d) exhume or cause a corpse to be exhumed during such time as the cemetery is open to the public.
- (2) No person may re-open a grave for the purpose of burying a second corpse in the same grave unless —
- (a) the grave was initially made deeper for this purpose; and
 - (b) the consent of the local municipality has been obtained.
- (3) A person who contravenes a provision of subsection (1) or (2) commits an offence.

CHAPTER 11

OFFENSIVE TRADES

32. Standards for offensive trades

(1) For the purpose of this document, Offensive Trades refers to any trade in which the substances dealt with are or are likely to be hazardous or dangerous to health and likely to pose a human health hazard and or risk. These include but are not limited to the following trades:

- (a) Panel beating and spray painting;
- (b) Operating of a hazardous waste recycling plant;
- (c) Oil and petroleum product recycling;
- (d) Scrap yard or scrap metal dealing; blood boiling, bone boiling, tallow, melting or fat extracting, soap boiling, tripe boiling or cleaning, skin storing, hide boiling, sin curing, blood drying, leather dressing, tanning or glue making;
- (e) Brick burning, lime burning; manure making and storing or compost making;
- (f) Cement works, coke-ovens or slat glazing works; Viscose works; Ore or mineral smelting, tempering, hardening;
- (g) Slaughtering of animals;
- (h) Fish mongering and fish frying;
- (i) Animal bristle, hair or storing and sterilising;

- (j) Storage of raga;
- (k) Wood saw-dust;
- (l) Works to produce carbon bisulphite, cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, pyridine, liquid or gaseous sulphur dioxide or sulphur chlorides;
- (m) Works to produce amyl acetate, aromatic ethers, butyric acid, caramel, enamelled wire, glass, hexamine, lampblack, B-naphthol, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride or zinc oxide;
- (n) Food-processing factories; bacon factories and meat-processing factories; chemical works; Dye works; Breweries and distilleries;
- (o) Malt and yeast manufacturing works; Sugar mills and sugar refineries;
- (p) Works or premises used for the storing or mixing of manure, super phosphate or fertilizers;
- (q) Fat-melting or tallow-melting works and any similar works or establishments for dealing with meat, bones, blood or offal, or with other organic matter derived from animals or poultry;
- (r) Works or premises used for the manufacture, storage or mixing of meal derived from fish, crustacean, poultry, meat offal from animals or poultry, or other organic matter derived from animals or poultry;
- (s) works or premises used for storing, drying, preserving, or otherwise processing bones, horns, hoofs or other waste matter or excretions from animals or poultry;
- (t) Premises used for storing, sorting or dealing with hides and skins, or for fellmongery; and
- (u) Tanning and leather-dressing works; and any other activity deemed to be an offensive trade by a specific Local Authority.

33. Requirements

- (1) The premises must be operated under a valid Health Certificate issued by an environmental health practitioner, to the effect that the premises comply with environmental health requirements.
- (2) Premises must comply with the requirements of the National Water Act, 1998 (Act No. 36 of 1998), with regards to prevention of pollution of water resources.
- (3) The release of any effluent into a water course must comply with Section 7 of the Water Services Act, 1997 (Act No. 108 of 1997).
- (4) The premises must be maintained in a clean, hygienic and good condition.
- (5) All machinery, plant, apparatus, furniture, fittings, tools, implements, vessels, containers, receptacles and vehicles should always be maintained in a clean,

hygienic and good condition.

(6) Waste accumulating must be prevented on the premises.

CHAPTER 12

CHILDRENS HOMES

34. Enclosure of the premises

(1) Premises are of location, design, and constructed to ensure that children are cared for hygienically and safely and protected from any physical, chemical or biological hazards in the environment.

35. Indoor and outdoor facilities

(1) Adequate living and sleeping accommodation must be provided for children and staff members, and there is no overcrowding.

(2) Outdoor areas must be free from physical hazards, excavations and other objects that may pose health and safety hazards.

36. Water, sanitation and hygiene facilities

(1) An adequate potable water supply must be available for cooking, drinking, cleaning, and maintaining hygiene standards on the premises.

(2) Where water is temporarily stored for use, it must be stored in clean containers that are always protected from contamination by dust, animals, flies, and people. Narrow-opening containers are recommended.

(3) Toilet facilities must be provided and are appropriate for use by children, ventilated, illuminated, maintained in good working order and always kept clean.

(4) At least 1 (one) toilet must be provided for every 20-30 children, not exceeding 30 children, and a constant supply of toilet paper is maintained.

(5) Where Ventilated Pit toilets are utilised, they must be positioned at least 200 meters from any habitable facility in the premises and constructed to provide safety for children.

(6) Potties must be provided for use only by children between 0-2 years, and at least 1 (one) potty must be provided for every 5 (five) children.

(7) Excreta from potties must only be emptied hygienically in a toilet facility and washed and disinfected properly.

(8) A clearly demarcated nappy changing area equipped with an easily cleanable surface and water-proof mattress must be provided, and this area shall be located away from the food preparation area.

(9) Handwashing facilities must be available to enable good hand hygiene practices:

(a) One (1) handwashing basin is for every 20-30 children, not exceeding 30 children, equipped with running water and a constant supply of soap.

(b) Portable handwashing stations or functional Tippy Tap/s are provided in low-cost settings where running water is not available.

(c) Handwashing facilities are positioned near the toilet facilities and in the food preparation area.

(d) Alcohol-based hand sanitisers are provided and used in case of water failures or interruptions.

(10) Where possible and practical, separate toilet and handwashing facilities may be provided for the staff.

37. Medical care for children

Measures must be taken to ensure that children on the premises have access to medical care when required.

38. General health and safety measures

(1) The following measures must be in place to protect the health and safety of the children on the premises:

(a) Water-proof mattresses or cots are provided for sleeping purposes and adequately spaced to enable free movement by caregivers to monitor the children.

(b) Children are protected from fires, burns, injuries, dangerous fumes, gases, poisonous substances, animals, offensive smells, choking and drowning hazards.

(c) Good housekeeping practices are always implemented, and adequate storage facilities are provided.

(d) The premises are kept clean and free from pests, vectors, long grass, debris, litter, stagnant water, redundant equipment and other miscellaneous waste or dangerous goods or articles.

(e) Waste bins are available for the disposal of waste, and equipment is kept clean.

39. Safe and hygienic preparation of food

(1) The premises must operate under a valid Certificate of Acceptability issued by the local authority to certify that the premises comply with the Regulations Governing General Hygiene Requirements for Food Premises, the Transport of Food, and related matters, R638 of 22 June 2018.

CHAPTER 13

COMMUNITY RESIDENTIAL MENTAL HEALTHCARE FACILITIES

40. Structural requirements

- (1) The internal physical structure in clinical wards, kitchens, and bathrooms must be constructed to enable and facilitate easy cleaning.
- (2) Internal walls must be constructed of an Impervious material brought to a smooth finish, easily cleanable, and painted with light-coloured paint.
- (3) Ceilings must be constructed of dust-proof material, smoothly finished, and painted with light-coloured washable paint.
- (4) Floor surfaces should be constructed of Impervious material, brought to a smooth finish and properly drained.

41. Water, sanitation and hygiene

- (1) An Improved water supply piped into the facility must be available.
- (2) Adequate and potable water must be available on the premises in sufficient quantities for all uses.
- (3) A risk management plan must be in place when a health establishment has additional building-specific sources of water used to augment the external supply or have specific purposes that increase potential risk.
- (4) Water supply must continuously be tested for fitness for consumption, and where on-site water storage facilities are utilised, the storage capacity shall be sufficient for two days.
- (5) Water storage facilities, e.g., reservoirs and tanks, must adequately be protected from contamination.
- (6) If a borehole is the main water source, it must be effectively protected from contamination by humans, animals and other environmental factors.

(7) To prevent organisms that grow in temperatures between 25°C and 50°C, e.g., *Legionella* spp, hot water temperatures must especially be kept above 50°C and cold water below 20°C.

(8) Taps and pipes containing water unsuitable for human consumption must clearly be marked.

(9) Water quality records must be kept and made available to an environmental health practitioner on request.

(10) Where temporary water storage tanks are provided for potable water storage, such tanks must be constructed from an approved material, be rust-free, durable, fit for purpose, protected from contamination and kept clean at all times.

(11) Adequate toilet and ablution facilities must be provided on the premises that meet the needs of patients, staff and visitors:

(a) At least one functioning toilet facility and one handwash basin is provided for not more than 20 in-patients.

(b) At least one functioning toilet facility and one handwash basin is provided for not more than every 50 visitors.

(c) Separate toilet and hand washing facilities are provided for staff members.

(d) At least one bath or shower is provided for every 40 patients.

(e) Staff required to sleep on the premises are provided adequate wash-up facilities, including a shower or bath.

(f) Toilet and bathing facilities referred to in sub-regulations (a-e) are designated by gender.

(g) Toilet facilities for female persons are provided with means to manage menstrual hygiene needs.

(h) Toilet facilities meet the needs of people with reduced mobility.

(i) All facilities are adequately ventilated and illuminated.

(j) A drainage system is in place, and approved measures are utilised to remove wastewater.

(k) An adequate supply of toilet paper, liquid soap and/or alcohol-based hand rubs are provided at every wash hand basin in the facility.

42. Food safety standards

(1) The premises must be operated under a valid Certificate of Acceptability issued by the local authority to certify that the premises comply with the Regulations Governing General Hygiene Requirements for Food Premises, the Transport of Food, and related matters, R638 of 22 June 2018.

43. Waste management

- (1) The management of healthcare risk waste must be in line with the SANS:10248.
- (2) Waste must be correctly segregated at all waste generation points.
- (3) Functional waste collection containers for general waste, infectious waste and sharps must be provided in close proximity to all waste generation points.
- (4) Effective means must be in place for the proper disposal of healthcare risk waste.
- (5) A protocol or standard operating procedure must be in place for the safe management of healthcare waste.
- (6) Only licenced waste management contractors must be contracted to render treatment and disposal of healthcare waste in a health establishment.

44. Storage facilities

- (1) Separate storage facilities are provided on the premises for the storage of:
 - (a) Medicines and drugs.
 - (b) Cleaning equipment, pesticides and other potentially dangerous hazardous substances.
 - (c) Expired medications, pending removal for disposal.
 - (d) Clean linen and dirty linen, containing adequate cupboards or shelves.
 - (e) Personal belongings of employees.

45. Laundry services

- (1) A health establishment has access to laundry facilities for the effective laundering of linen. If on-site laundry facilities are provided, the location must be such that It allows for easy access by various departments within the health establishment and prevents possible contamination of clinical areas.
- (2) Internal walls of the laundry must be constructed of a material that enables easy cleaning.

- (3) Floors must be constructed of impervious material, are non-slip in wet areas, and are adequately drained.
- (4) Ceilings must be constructed of dust-proof material.
- (5) The facility must adequately be ventilated by natural or artificial ventilation and adequately illuminated.
- (6) Drainage systems must be available and designed without open drains, with lockable inspection or rodding eyes, and with a flow from clean to dirty areas and not connected to stormwater drainage.
- (7) Areas receiving soiled linen must physically be separated from areas handling clean linen.
- (8) Suitable and hazard-free storage facilities for the storage of chemicals must be provided.
- (9) The capacity and the condition of the equipment used for laundering meet the hospital's laundering needs.
- (10) Vehicles, containers, trolleys or other manually operated equipment for transporting linen must be operated to ensure prevention of contamination.
- (11) All dirty linen and hospital clothes regarded as infectious waste must be removed from wards, passages or any other place where patients are treated and must be stored only in the designated storage area.
- (12) Laundry staff must be provided with appropriate personal protective equipment.
- (13) Where coal and fuel-burning equipment such as boilers are utilised for heating purposes, such boilers must be operated effectively to minimise emissions of pollutants into the atmosphere

46. General hygiene standards

- (1) The premises must be maintained to be clean and free from offensive odours, unsightly accumulation of debris, litter and miscellaneous waste at all times.
- (2) Cleaning staff are trained and competent in cleaning techniques and processes to be utilised for various areas in the health facility.
- (3) Cleaning materials and detergent must be available and properly stored at all times.
- (4) A cleaning schedule must be kept for all maintained areas in the facility.
- (5) Measures are taken to prevent the spread of infection in the facility.

CHAPTER 14

REQUIREMENTS FOR OLD AGE HOMES

47. Standards for old age homes

- (1) The premises must be operated under a valid Certificate of Acceptability and a Health Certificate issued by an environmental health practitioner to the effect that the premises comply with environmental health requirements.
- (2) Floors and walls must be constructed of easy-washable, non-penetrable material.
- (3) Ceilings must be constructed so as not to attract dust and in the case of sterilizing rooms and wash up rooms, the ceiling must have a hard, smooth and washable surface.
- (4) Rooms must be adequately lighted and emergency lighting must be provided throughout the premises.

48. Accommodation Requirements

- (1) The rooms and/wards must be cleaned daily and kept hygienic and free from offensive odours.
- (2) Adequate and accessible toilet, bathing and washing facilities must be provided.
- (3) At least 1 (one) toilet and one bath should be provided for at least every 8 (eight) service users on the premises (ratio 1:8). Where suitably adapted en-suite toilet and bathing/shower are provided in the user's rooms, these rooms can be excluded from the calculation. The toilet facilities should be designed for use by one person at a time.
- (4) Each service user must have access to a toilet facility within proximity of his/her private accommodation or where they are cared for.
- (5) Additional toilet facilities must be provided, accessible and clearly marked next to the lounge and dining areas for use by service users.
- (6) Every toilet must be equipped with an adequate flushing system and all toilets, bathrooms or showers must be maintained in good working order.
- (7) All toilets must be kept clean; floors scrubbed, and bowl cleaned and disinfected daily.
- (8) Adequate and accessible toilet, wash-up and bath facilities should be provided

for staff members employed on the premises.

(9) All bathrooms must be fitted with porcelain, enamel or cast iron enamel baths with a constant supply of cold and hot running potable water.

(10) Walls of the toilet facilities should be constructed of a smooth surface and be light coloured.

(11) Toilet facilities must be adequately illuminated and ventilated.

(12) Every toilet facility must be equipped with an adequate flushing system and must be maintained in proper working condition.

(13) Bathrooms and toilets must be designated for each gender.

(14) Floors must be covered with a non-penetrable, easy washable surface.

49. Examination Rooms

(1) A hand wash basin with a supply of cold and hot running water must be available in all examination rooms.

(2) Floors and walls must be constructed of a non-penetrable, easy washable surface.

(3) Walls must be painted with a washable paint.

50. Sluice Rooms

(1) Adequate apparatus must be provided for the cleaning and sterilizing of bedpans.

(2) Sluice rooms must always be kept clean.

(3) The sluice room must be well ventilated and illuminated.

(4) Must be equipped with impervious shelves.

(5) Must be equipped with hand wash basin for washing of hands by staff and hot and cold running water.

(6) Floors must be constructed of an easy cleanable surface.

51. General Requirements

(1) Adequate storage facilities must be provided.

(2) Measures should be taken for infection control and to prevent spread of infection and communicable diseases.

(3) A vector control program must be in place on the premises.

(4) Laundry area must be available for laundering of linen or other soiled articles

on the premises.

(5) A separate linen room, containing adequate cupboards or shelves for the storage of linen must be provided on the premises.

(6) If an outside contractor is utilized for laundry purposes, it must be done in an approved laundry.

CHAPTER 15

REQUIREMENTS FOR SPAZA SHOPS

52. Standards For Spaza Shops

(1) A person operating a spaza shop must:

(a) operate under a valid certificate of acceptability issued by an environmental health practitioner and ensure that the business complies with health requirements;

(b) ensure that the food sold in the business is not contaminated by insecticides, pesticides, or any poisonous substance;

(c) keep the business area or site occupied by him or her for the purposes of such business activity, in a clean and sanitary condition;

(d) keep his or her property in a clean, sanitary and well-maintained condition;

(e) dispose/storage of litter generated by his or her business without constituting a health nuisance;

(f) ensure that no excessive smoke, fumes or other substance, odours, or noise, emanating from his or her business activities, causes pollution of any kind; and

(g) dispose of hazardous and e-waste in the correct manner without constituting a health nuisance.

CHAPTER 16

PUBLIC EVENTS

53. Standards For Public Event Places

(1) Public gathering places must comply with the following Environmental Health Standards:

(a) Waste management:

- (i) The management of waste on the premises should comply with the relevant by-laws of the specific Local Authority and regulated by the local authority;
- (ii) Refuse bins should be provided at strategic points throughout the premises for collection of litter;
- (iii) On-site waste management should be available on the premises during events, for management of spillages and littering, to prevent a nuisance from occurring.

(b) Drinking water supply:

- (i) In the case of events, water points should be available at strategic points throughout the premises.
- (ii) If water tankers are used during events, same must comply with SANS 241

(c) Sanitation facilities:

- (i) Adequate toilet and hand washing facilities must be provided for staff and for the public at the ratios depicted in Table 1 below:

(ii) Table of sanitary facilities to be provided for a population of up to:

Males				Females	
WC Pans		Urinals	Washbasins	W C pans	Washbasins
50	1	1	1	2	1
100	1	2	1	3	2
150	1	3	1	5	3
250	2	4	2	7	4
500	3	7	3	12	6
1000	3	12	4	16	7
1500	4	15	5	20	8

For a population, more than 1500 add 2 WC pans for every 500 persons or portion thereof

For a population, more than 1500 add 1 Urinal for every 500 persons or portion thereof

For a population, more than 1500 add 1 washbasin for every 500 persons or portion thereof

For a population, more than 1500 add 1 WC pans for every 150 persons or portion thereof

For a population, more than 1500 add 1 washbasin for every 500 persons or portion thereof

National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977)

Suitable, effective drainage and sewage disposal system should be in place on the premises

(2) For short-term events:

(a) If chemical closet toilets are used, an on-site maintenance team must be available on the premises for the duration of the event to ensure the prevention of blockages and leakages from creating a nuisance and health hazard from occurring; and

(b) A site plan detailing the location and type of sanitary facilities to be used during events should be submitted to the Environmental Health Practitioner

CHAPTER 17

DRY CLEANING AND LAUNDRY ESTABLISHMENTS

54. Standards For Dry Cleaning and Laundry Establishments

(1) Dry cleaning and laundry establishments must comply with the following Environmental Health standards:

(a) Structural facilities

(i) The layout of the laundry and plant in health facilities must ensure effective infection control and avoid cross-contamination. Commercial washing temperatures must exceed 71°C for a minimum of 25 minutes to achieve proper sanitization of laundry.

(ii) Drainage for laundry from health facilities must be connected to an approved sewerage system.

(b) Water supply and sanitation facilities

(i) Toilet facilities should be equipped with a flushing system and a constant supply of running water and must be provided with toilet paper, soap and disposable paper towel.

(ii) A supply of soap and disposable towels at every hand wash basin.

(iii) Drainage and sewage disposal must be in place on the premises, approved by the local municipality concerned.

CHAPTER 18

SEASONAL TRADITIONAL SCHOOLS

55. Application for the Operation and Management of a Seasonal Traditional school

- (1) Any person who intends to open an initiation school for the purpose of circumcision shall submit a written application to the municipality.
- (2) The municipality shall upon receipt of such application, issue the prescribed application form.
- (3) Such application shall be completed and submitted to the municipality within thirty days prior to the commencement of such school. No initiation school will commence before approval has been granted by the municipality.
- (4) An environmental health practitioner in the employment of the municipality shall issue the applicant with a list of requirements, which must be complied with before official approval.
- (5) The environmental health practitioner shall, after conducting an inspection of the proposed initiation school grant approval conditionally or unconditionally.
- (6) Written official approval shall be given if minimum requirements pertaining to water, shelter and sanitation have been complied with.
- (7) No person shall open, operate or conduct any activity pertaining to the operation and management of the initiation or circumcision school without having official approval from the municipality.
- (8) Environmental health practitioners must visit the designated sites and educate the applicable initiation forum and related communities regarding municipal health matters, including safe practices pertaining to:
 - (a) communicable diseases control;
 - (b) food safety;
 - (c) safe water;
 - (d) building of safe structures;
 - (e) waste management; and
 - (f) general hygiene practices.
- (9) The environmental health practitioner must routinely visit initiation schools, accompanied by the chairperson of the initiation forum of the town concerned, the

traditional surgeon and parents of the initiates with the purpose of monitoring and addressing related environmental health challenges.

(10) Any health violations at identified sites encountered by the environmental health practitioner must be addressed and rectified by the relevant initiation forum and parents of the initiates.

CHAPTER 19

SCHOOLS

56. Structural requirements

- (1) Must comply with the National Building regulations
- (2) Floors and walls must be constructed of a non-penetrable, easy-washable surface
- (3) The ceiling must have a hard, smooth and washable surface.
- (4) Classrooms must be adequately ventilated and illuminated in compliance to the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977).
- (5) The school premises should be enclosed with an approved means of enclosure.
- (6) Adequate floor space of at least 1,5 – 2 m² per child should be available per classroom.
- (7) An outdoor play area/yard should be available for outdoor activities on the school premises.

57. Toilet and ablution facilities

- (1) Adequate toilet and wash-up facilities that meet the needs of pupils and staff members on should be available on the school premises.
- (2) At least 1 (one) toilet facility should be available for every 25 children (ratio 1:25), and in addition at least 1 (one) urinal is available for every 50 boys' ratio 1:50.
- (3) The school toilet facilities should be equipped with an adequate flushing system and running water.
- (4) At least 1 (one) hand wash basin should be available for every 25 (twenty) children

(ratio 1:25) on the school premises, equipped with a constant supply of running water.

(5) Hand wash basins should be in or immediately adjacent to the toilets.

(6) If non-waterborne toilets are utilized, Ventilated Improved Toilets are recommended.

(7) If pit toilets are used, the design of the pit toilets should be constructed in such a manner as not to cause an environmental health nuisance.

(8) Pit toilets should be so structured as to be able to be used by small children (reduced pots size and height), and doors should be open-able on the outside.

(9) The pit toilets should be maintained in good order and cleaned regularly to prevent smells and flies going in and out of the toilet facilities.

(10) Children must be educated on hand washing after visiting the toilet.

(11) Separate toilets and hand wash facilities must be provided for staff members on the premises. Toilet and washing facilities for staff may also be open for use by visitors. At least 1 (one) toilet facility and at least 1 (one) hand wash basin should be provided for every twenty staff members on the premises (ratio 1:20).

(12) Staff toilets should be separated by gender.

(13) Toilet facilities must be properly illuminated and ventilated in compliance with the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977).

(14) Toilets should be easily accessible to all.

(15) Toilets must be cleaned daily.

(16) A cleaning and maintenance plan should be in place for cleaning and maintenance of all toilets.

(17) An adequate supply of soap and toilet paper should always be maintained in the toilet facilities.

58. Water supply

(1) Safe potable water, with soap or a suitable alternative, must be available at all the

critical points within the school, particularly in toilets and kitchens.

(2) Safe potable water access points should always be accessible.

(3) If no piped potable water is available on the premises, a minimum of 5 litres per person per day for non- residential children and staff must be kept and stored hygienically on the premises for all purposes (drinking, personal hygiene/hand washing and cleaning).

For boarding schools, a minimum of 20 litres per person per day for all residents.

school children and staff must be available on the premises for drinking, washing up, cleaning and food preparation purposes.

59. Accommodation for pupils and staff members at boarding schools

(1) Adequate sleeping, living and accommodation facilities must be provided for boarders and should comply with the requirements of the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977), with regards to ventilation and lighting.

(2) Separate sleeping accommodation must be provided for residential male and female pupils.

(3) Separate sleeping and living accommodation should be provided for staff on the premises.

(4) For dormitories, a floor space of not less than 4.2 m² must be provided for each pupil with a distance of at least 0.9 m² maintained between each bed.

(5) For cubicles, a cubicle for a single pupil with its own window and a minimum floor area of 5.0 m²; must be provided.

(6) Single bed bedroom for a single pupil must have a minimum floor area of 6.0 m².

(7) Sleeping accommodation must be kept clean. A floor space of not less than 2.3 m² should be available in all living accommodation for each pupil and staff on the premises.

60. Sick Bay facilities

- (1) A sick room must be provided for isolation of sick pupils on the premises
- (2) The area must be provided/ equipped with a hand wash basin with a supply of running water.
- (3) An approved, lockable and adequately equipped first aid kit should be made available in the sick bay area for treatment of minor injuries or illnesses.

61. Medical care for pupils and students

- (1) Immediately notify relevant health practitioner in an event of the illness being suspected of being a communicable disease.
- (2) Pupils suspected of suffering from a communicable disease must be excluded from attending preschool if in the opinion of relevant health professional; the person poses a health risk to other pupils and can transmit the disease.
- (3) Adequate provision should be made for disposable gloves and disinfectants to protect staff and children and to disinfect contaminated areas and surfaces when dealing with blood-related illnesses and injuries; all health care risk waste must be handled and disposed of safely.
- (4) All areas and surfaces where treatment of a child or caregiver for an illness or injury has taken place must be disinfected immediately.

62. General requirements

- (1) Medicines, detergents, pesticides and other harmful substances should be stored in lockable places and access, be given to employees responsible for utilizing such materials only.
- (2) The school premises must always be kept clean.
- (3) Wastewater disposal systems should be in place on the premises, in compliance to the relevant By-Laws of the Local Authority concerned.

CHAPTER 20

ENFORCEMENT

63. Environmental Health Practitioner

Sections 80 to 89 of the National Health Act, 2003 (Act 61 of 2003) and the scope of practice for environmental health practitioners as prescribed apply, with the necessary changes, to the appointment, responsibilities and powers of the environmental health practitioner, and offences relating to such officer.

64. Health certificate /Certificate of Acceptability/Certificate of Competence

(1) A Health Certificate, Certificate of Acceptability and Certificate of Competence are issued by an environmental health practitioner.

(2) The certificates must indicate the following:

- (a) The details of the certificate holder, owner/person in charge of the premises;
- (b) The physical address of the premises;
- (c) Identity number of the certificate holder;
- (d) Date of issue; and the validity period
- (e) A certificate number;
- (f) Services offered on the premises



(3) The health certificate must be displayed in a conspicuous manner on the premises, to be clearly visible to everyone entering the premises.

(4) All certificates are not transferable from one owner to another, or from one premises to another.

(5) Health certificates must be renewed by an environmental health practitioner:

- (a) Annually or every second year in the case of Barbershops, Hairdressers, beauticians and Funeral Undertakers;
- (b) In case of change of ownership;
- (c) In the case of renovations/additions to the existing premises; and
- (d) If the services move from one premises to another.

65. Notice of compliance and submissions

(1) Where an environmental health practitioner has reasonable grounds to believe that a person fails to comply with any requirement of this by-law, or that such a person is in contravention of any provision of this by-law, 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 or the provision which has been contravened;

(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 appeal in the form of a sworn statement to the municipality at a specified place as contained in the notice.

(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 this by-law, the nature of the non-compliance, and other relevant factors.

(3) Where a person does not appeal 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 60, act in terms of subsection (5).

(4) (a) Submissions 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 submission and any response thereto by an 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 person making a submission who must be given an opportunity of making a further response if he or she wishes, and the municipality must also consider the further response.

(d) The municipality must, after consideration of the submission 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 60, act in terms of subsection (5).

(5) 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 55.

66. 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 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 compromise environmental 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 defense 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).

67. 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 has been 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), a prescribed fee for undertaking the investigation.

68. Municipal remedial work

(1) The municipality may enter and conduct inspections at any premises, in accordance with the National Health Act, and do anything on the premises that it reasonably considers necessary —

(a) to ensure compliance with this by-law or with a compliance notice or prohibition notice;

(b) to eliminate or reduce a health nuisance;

(2) The municipality may conduct inspections of premises —

(a) on a routine basis where an environmental health practitioner reasonably believes that the premises are being used for a purpose contemplated in this by-law, and the purpose of the inspection is to determine whether or not the use complies with the provisions of this by-law;

(b) where a compliance notice relating to the premises has been issued in terms of section 54, and the purpose of the inspection is to determine whether or not the notice has been complied with;

(c) where the owner or occupier of the premises has failed to comply with a compliance notice that was issued in terms of section 54, or a prohibition notice that was issued in terms of section 55 directing those relevant measures be taken; or

(d) where the environmental health officer has reasonable grounds to believe that a health nuisance, which is likely to endanger health, exists on the premises.

(3) Before inspecting any premises or commencing any work in terms of this section, any person 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.

(4) 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.

(5) Any inspection conducted, or work undertaken in terms of this section must be conducted with strict regard to decency and order,

including —

(a) the protection of a person's dignity;

(b) the right of a person to freedom and security; and

(c) the right of a person to his or her personal privacy.

69. Costs

(1) Should a person fail to take the measures required of him or her by a notice of compliance contemplated in section 51, the municipality may, subject to subsection (3) recover, as a debt, and in accordance with municipality's debt collection regulations, all costs incurred as a result of it acting in terms of section 54(1) 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.

70. 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 subsection (1) may differentiate between communities, geographical areas and different kinds of premises.

(3) Any person who fails to comply with any of the norms, standards and guidelines contemplated in subsection (1) or any conditions imposed in terms thereof, commits an offence.

CHAPTER 21

GENERAL PROVISIONS

71. Vicarious Liability

(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 this by-law, 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 60, 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 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 (1) liable for any 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 this by-law 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.

72. Authentication and service of notices and other documents

(1) A notice issued by the municipality in terms of this by-law is deemed to be duly issued if it is signed by the environmental health officer.

(2) Any notice or other document that is served on a person in terms of this by-law 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 to 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.

73. Appeal

A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

74. Penalties

(1) Any person who contravenes or fails to comply with a provision of this by-law, a notice issued in terms of this by-law, or a condition imposed under this by-law, irrespective of whether such contravention or failure has been declared as an offence elsewhere in this by-law, shall be guilty of an offence and liable upon conviction to:

- (a) a fine or imprisonment, or either such fine or such imprisonment or both such fine and such imprisonment;

- (b) in the case of a continuing offence, an additional fine or an additional period of imprisonment or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention.

75. Co-operation between municipalities and application

(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 this by-law;
- (b) recovery of costs and expenses;
- (c) subject to the provisions of section 86 of the Municipal Structures Act, 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 considered necessary by the district and local municipalities to achieve optimal service delivery.

76. Liaison forums in community

(1) The municipality may establish liaison forums in a community for the purposes of—

- (a) encouraging a local community to participate in the development, implementation, and enforcement of this by-law; and
- (b) promoting the achievement of a safe and healthy environment.

(2) The forums contemplated in subsection (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 this by-law, —

- (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 subsection (2), may, on their own initiative, having regard to the provisions of section 31 of the National Environmental Management Act, 1998 (Act 107 of 1998), submit an input to the municipality for consideration.

77. 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 this by-law.

(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 subsection (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.

78. Repeal of by-laws

The following by-laws are hereby repealed:

(1) The Garden Route District Municipality: Municipal Health Services By-law, 2018 is hereby repealed.

(2) Any by-law previously promulgated by the municipality or any of the disestablished municipalities now incorporated into the municipality, in so far as it relates to any matter provided for in this by-law; and

(3) Any by-law previously promulgated by the local municipalities within the jurisdictional area of Garden Route District Municipality, or any of the disestablished municipalities now incorporated into the said municipalities, in so far as it has been made applicable to the

Garden Route Municipality by the authorisation for the execution of powers and functions in terms of section 84 of the Municipal Structures Act.

79. Short title and commencement

This by-law is called the Garden Route District Municipality: Municipal Health By-law, 2026 and shall come into operation on the date of publication thereof in the *Provincial Gazette*.