



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

Provincial Gazette Igazethi Yephondo Provinsiale Koerant

Vol: 30

BISHO/KING WILLIAM'S TOWN

10 July 2023
10 Julie 2023

No: 4949

PART 1 OF 4

We all have the power to prevent AIDS



**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

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Contents

| <i>No.</i> | | <i>Gazette No.</i> | <i>Page No.</i> |
|--|--|------------------------|---------------------|
| GENERAL NOTICES • ALGEMENE KENNISGEWINGS | | | |
| 100 | National Environmental Management Act (107/1998): Scoping and EIA Process for the proposed rehabilitation of the Old Tug Jetty Sheet Pile Wall in the Port of Port Elizabeth within the Nelson Mandela Bay Municipality, Eastern Cape Province: Invitation to register and comment on the Draft EIA Report | 4949 | 4 |
| 101 | Spatial Planning and Land Use Management Act (16/2013): Erf 216, Cotswold | 4949 | 6 |
| PROCLAMATIONS • PROKLAMASIES | | | |
| 11 | Section 155 (1) (a) of the Constitution of the Republic of South Africa, 1996; read together with Section 12 of the Local Government: Municipal Structures Act (117/1998): Buffalo City Metropolitan Municipality: Municipal Health Services By-Law, 2017 | 4949 | 12 |
| PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS | | | |
| 635 | Spatial Planning and Land Use Management Act (16/2013): Removal of restrictions application in terms of the Act: Erf 10388, Uitenhage | 4949 | 268 |
| 636 | Spatial Planning and Land Use Management By-Law: Erf 948, Uitenhage | 4949 | 269 |
| 637 | Local Government: Municipal Property Rates Act (6/2004): Inspection of Supplementary Valuation Roll and lodging of objections | 4949 | 270 |
| 638 | Local Government: Municipal Property Rates Act 2004 as amended (29/2014): Resolution on levying property rates in terms of section 14 of the Act: Inxuba Yethemba Local Municipality..... | 4949 | 271 |
| 639 | Local Government: Municipal Property Rates Act (6/2004): Inxuba Yethemba Local Municipality: Property Rates By-Law, 2023/2024 | 4949 | 272 |
| 640 | Local Government: Municipal Property Rates Act (6/2004): Matatiele Municipality: Notice calling for the inspection of Supplementary Valuation Roll | 4949 | 276 |
| 641 | Municipal Finance Management Act (56/2003): Senqu Municipality: Approved 2023 – Annual Budget and Integrated Development Plan and rates and tariffs | 4949 | 277 |
| 642 | Spatial Planning and Land Use Management Act (16/2013): Erf 10112, East London | 4949 | 278 |
| 643 | Spatial Planning and Land Use Management Act (16/2013): Erf 28, Mill Park | 4949 | 278 |
| 644 | Spatial Planning and Land Use Management Act (16/2013): Erven 119 and 120, Charlo, Port Elizabeth | 4949 | 279 |
| 645 | Spatial Planning and Land Use Management Act (16/2013) (SPLUMA): Erf 149, Mount Road | 4949 | 279 |
| 646 | Spatial Planning and Land Use Management Act (16/2013): Erf 691, Mill Park, Port Elizabeth | 4949 | 280 |
| LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS | | | |
| 796 | Local Government: Municipal Property Rates Act (6/2004): Notice calling for the inspection of Supplementary Valuation Roll (5) (2023/2024): Financial Year in terms of the Act..... | 4949 | 281 |
| 797 | Local Government: Municipal Systems Act (32/2000): Great Kei Municipality: By-Law Relating to Advertising Signs..... | 4949 | 283 |
| 798 | Local Government: Municipal Systems Act (32/2000): Great Kei Municipality: By-Law Relating to Neglected Buildings and Premises | 4949 | 306 |
| 799 | Local Government: Municipal Systems Act (32/2000): Great Kei Municipality: By-Law relating to the Prevention of Nuisances..... | 4949 | 314 |
| 800 | Local Government: Municipal Systems Act (32/2000): Municipality of Great Kei Credit Control and Debt Collection By-Law | 4949 | 324 |
| 801 | Local Government: Municipal Systems Act (32/2000): Great Kei Municipality: By-Laws Relating to Public Open Space..... | 4949 | 333 |
| 802 | Local Government: Municipal Systems Act (32/2000): Great Kei Municipality: By-Laws relating to the Prevention of Tampering with Electrical Installations and/or the Improper and/or Unauthorised Use of such Installations..... | 4949 | 350 |
| 803 | Local Government: Municipal Systems Act (32/2000): Great Kei Municipality: By-Laws relating to the Solid Waste Disposal..... | 4949 | 358 |
| 804 | Local Government: Municipal Systems Act (32/2000): Great Kei Municipality: By-Laws relating to the Use and Hire of Municipal Buildings | 4949 | 367 |
| 805 | Local Government: Municipal Systems Act (32/2000): Great Kei Municipality: Street Trading By-Law | 4949 | 381 |
| 806 | Local Government: Municipal Systems Act (32/2000): Great Kei Municipality: By-Laws Relating to Public Open Space..... | 4949 | 394 |

| | | | |
|-----|--|------|-----|
| 807 | Local Government: Municipal Systems Act (32/2000): Matatiele Local Municipality: Library and Information Service By-Laws..... | 4949 | 411 |
| 808 | Local Government: Municipal Structures Act (117/1998), as amended: Swimming Pools and Spa-Baths By-Laws | 4949 | 424 |
| 809 | Local Government: Municipal Structures Act (117/1998), as amended: Matatiele Local Municipality: Lease of Halls and Conference Facilities By-Law | 4949 | 432 |
| 810 | Local Government: Municipal Structures Act (117/1998), as amended: Matatiele Local Municipality: Cemetary and Crematoria By-Laws | 4949 | 439 |
| 811 | Spatial Planning and Land Use Management By-Law: Nelson Mandela Bay Municipality: Erf 379, Westering, Port Elizabeth, Eastern Cape | 4949 | 460 |
| 812 | Spatial Planning and Land Use Management Act (16/2013): Portion 47 of Farm 800, East London..... | 4949 | 460 |
| 813 | Spatial Planning and Land Use Management Act (16/2013): Erf 429, Gonubie | 4949 | 460 |
| 814 | Spatial Planning and Land Use Management Act (16/2013): Kouga Municipality, 2016: Erf 880 (20 Mat Melville Crescent), Humansdorp | 4949 | 461 |
| 815 | Local Government: Municipal Systems Act (32/2000): King Sabata Dalindyebo Local Municipality: Fences and Fencing By-Law | 4949 | 462 |
| 816 | Spatial Planning and Land Use Management Act (16/2013 – SPLUMA): Great Kei Local Municipality Wall-to-Wall Land Use Scheme, 2023 | 4949 | 490 |
| 817 | Local Government: Municipal Property Rates Act, 2004: Resolution levying Property Rates for the Financial Year 1 July 2023 to 30 June 2024 | 4949 | 491 |

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

GENERAL NOTICE 100 OF 2023



SCOPING AND EIA PROCESS FOR THE PROPOSED REHABILITATION OF THE OLD TUG JETTY SHEET PILE WALL IN THE PORT OF PORT ELIZABETH WITHIN THE NELSON MANDELA BAY MUNICIPALITY, EASTERN CAPE PROVINCE: INVITATION TO REGISTER AND COMMENT ON THE DRAFT EIA REPORT

Notice is given in terms of Regulation 41 of the 2014 (as amended) Environmental Impact Assessment Regulations, promulgated under Section 24(5) of the National Environmental Management Act (Act No. 107 of 1998 – NEMA), of an application for an Environmental Authorisation and a Scoping and EIA Process

Applicant: Transnet SOC LTD

Environmental Assessment Practitioner (EAP): Abantu Environmental Consultants (Pty) Ltd

Application: Full Scoping and Environmental Impact Assessment (EIA)

Competent Authority: Department of Forestry, Fisheries and Environment (DFFE)

Nature and Locality of the Activity:

Transnet SOC LTD is proposing the rehabilitation of the Old Tug Jetty Sheet Pile Wall which is located within the Port of Port Elizabeth. Phase 1 entails the construction of a counterfort wall with a berth depth of - 5.2m CD. The Phase 2 expansion entails construction of an adjoining deck on pile structure partially supported by the counterfort wall with a design berth depth of -6.5m CD. Both structures extend into the seawaters by 6 m each, total extension of 12 m (width) from the existing structures and the site extents are 246 m (length), hence, the development footprint of the port or harbour will be increased or expanded by approximately 2500 m² in total.

Listed Activities

The following listed activities will be triggered.

| | | |
|---|--|---|
| Listing Notice 1 (GNR 327) Activity 15 | Listing Notice 1 (GNR No. 327) Activity 52 | Listing Notice 3 (GNR No. 324) Activity 23 (ii) (a)(c) a.i.(bb)(ee)(gg)(hh) |
| Listing Notice 1 (GNR 327) GNR 327 Activity 17 (i)(iii)(v) (a)(c)(d)(e) | Listing Notice 1 (GNR No. 327) Activity 54 (i)(iii)(v) (a)(b)(c)(d)(e) | Listing Notice 3 (GNR No. 324) Activity 26 i |
| Listing Notice 1 (GNR No. 327) Activity 19 | Listing Notice 1 (GNR No. 327) Activity 55 (i)(iii)(v) (a)(d)(e)(f) | Listing Notice 2 (GNR No. 325) Activity No. 14 (ii) (iii) |
| Listing Notice 1 (GNR No. 327) Activity No. 19A (i)(ii)(iii) | Listing Notice 1 (GNR No. 327) Activity 65 (i) (ii) | Listing Notice 2 (GNR No. 325) Activity 26 (i)(iii)(v) a)(d)(e)(f) |
| Listing Notice 1 (GNR 327) Activity 31 (i)(ii)(iv)(v) (a)(b) | Listing Notice 3 (GNR No. 324) Activity 14 (ii) (a)(c) a.i.(bb)(ff)(hh)(ii) ii. (cc) | |

A dumping at sea permit application will also be lodged in terms of section 71(1) of the Integrated Coastal Management Act (Act No. 24 of 2008) and section 2 of the Dumping at Sea Regulations (GN.R 711) of 2017.

Interested and Affected Parties (I&APs) are invited to register and comment on the Draft Environmental Impact Assessment (EIA) Report that is available for public comment for a period of 30 days from **10 July 2023 to 11 August 2023**. Two public meetings will be held where the contents of the Draft EIA Report will be discussed.

- Two virtual meetings via **Microsoft Teams will be hosted on Friday 14 July 2023 and Friday 28 July 2023 at 11:00 am**. A link will be distributed to all potential and registered I&APs.

The draft EIA Report is available on the following platforms:

- Abantu Environmental Consultants' website: <https://abantuenvironmental.co.za/> and at the following public places:

| Public Place | Locality | Contact Person | Tel No |
|-------------------|---------------------------------------|----------------|-------------|
| North End Library | 12 Mount Rd, Mt Croix, Gqeberha, 6001 | Sive Mlamla | 078 2078278 |



All comments, queries, objections, and registrations must be directed to:

Abantu Environmental Consultants (Pty) Ltd

Mrs Andisiwe Stuurman-Xuma

33 Prince Alfred, North End, Gqeberha, 6001

Cell: 081 410 2569

Fax: 086 685 9536

E-Mail: PE-EIA@abantuenvironmental.co.za

GENERAL NOTICE 101 OF 2023**REMOVAL OF RESTRICTIONS APPLICATION IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) : ERF 216, COTSWOLD**

I acknowledge receipt of your application dated 7 November 2017 on behalf of Miss JS Wilson.

Kindly note that the matter has been circulated to the property owners in the immediate vicinity of the subject property and the required advertisements placed in the local press on 19 January 2018 for objections, if any. Should anyone wish to lodge an objection they are to do so on or before 19 February 2018.

Should any objection be received they will be forwarded to you in order to grant your client the opportunity to respond thereto. Only then will the matter be investigated and tabled before the relevant committee for consideration.

Kindly advise your client that until such time as Council's Consent is granted he/she may not commence with the use of the subject property.

Kindly note that the onus is on you as the applicant to satisfy yourself that the application, if approved by the Council, complies with the relevant provisions of the Port Elizabeth Zoning Scheme.

I will communicate with you again, regarding this matter, in due course.

Yours faithfully



ACTING SENIOR DIRECTOR: LAND PLANNING AND MANAGEMENT

216FI-SN/CH

REMOVAL OF RESTRICTIONS APPLICATION IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) : ERF 216, COTSWOLD

I refer to previous correspondence in this regard and wish to advise that, by resolution of full Council at its meeting held on 16 July 2015 and in terms of Section 42 read with Section 47 of the Spatial Planning and Land Use Management Act 16 of 2013, the Municipal Planning Tribunal on 5 July 2018 resolved as follows:

That the Title Deed Conditions B.(4), (b), (c) and (d) as contained in Deed of Transfer No. T37102/2017 applicable to Erf 216, Cotswold be removed, subject to:

- (i) compliance with the requirements of the Registrar of Deeds;
- (ii) the provisions of applicable Zoning Scheme Regulations applying;
- (iii) compliance with the provisions of National Building Regulations.

Your attention is also drawn to the provisions of Section 43 of the Spatial Planning and Land Use Management Act in respect of the lapsing of applications.

Furthermore your attention is also drawn to the provisions of Section 51 of the Spatial Planning and Land Use Management Act in terms of which a right of appeal exists. Should you wish to exercise your right in terms hereof, such an appeal must be directed to the Office of the City Manager, Nelson Mandela Bay Municipality, PO Box 9, Port Elizabeth, 6000 within 21 days of the date of notification of the decision.

In terms of the above Act, you are required to arrange for the publication of the notice of approval in the Provincial Gazette: Eastern Cape. Kindly therefore email your draft notice to info.egazette@gpw.gov.za in order to obtain a quote, application form and the bank details from the Government Printer. Please also note that the notice together with the proof of payment and the completed form should be emailed to submit.egazette@gpw.gov.za for the Publication Department to place the notice in the Provincial Gazette.

Kindly arrange for the endorsement of your Title Deed with the Registrar of Deeds, King William's Town to ensure that the conditions/clause are/is removed once the notice has been published in the Provincial Gazette: Eastern Cape.

133

VANDERSPUY

14

VANDERSPUY

CAPE TOWN

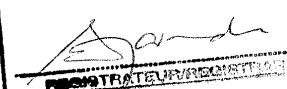
Fredericks Incorporated
43 Parliament Street
Central
Port Elizabeth
6001

| Fee endorsement | | Office fee |
|----------------------|-----------------|---------------|
| Amount | | |
| Purchase price/Value | R. 1,150,000.00 | R. 1050.00 |
| Registration capital | | |
| Reason for exemption | | Exempt A.T. 6 |
| | | Act |

Prepared by me



CONVEYANCER
TASNEEM FREDERICKS

| | |
|---------------------------|--|
| VERBIND | MORTGAGED |
| R 850 000.00 | |
| B 000016739 / 2017 | |
| DATUM DATE 30 JUN 2017 |  REGISTRAR OF DEEDS |

T 000037102 / 2017

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

JOHN VAN BREDALOUW

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at Port Elizabeth on 23 May 2017 granted to him by

1. MOEGAMAT SHADLEY AJAM
Identity Number 720831 5032 08 8
Married according to Muslim rites
2. RUWAYDAH AJAM
Identity Number 7208270227087
Married according to Muslim rites

DATA / VERIFY
06 JUL 2017
MASIU TAMARA

DATA / CAPTURE
2017 -07- 05
PUMELELA MNAMATA

For endorsement see page 5.

GhostConvey 15.9.11.3

And the appearer declared that his said principal had, on 19 April 2017, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

JACQUELYN SUZANNE WILSON
Identity Number 740821 0117 08 9
Unmarried

her Heirs, Executors, Administrators or Assigns, in full and free property

ERF 216 COTSWOLD
IN THE NELSON MANDELA BAY METROPOLITAN MUNICIPALITY
DIVISION OF PORT ELIZABETH
PROVINCE OF THE EASTERN CAPE

IN EXTENT 952 (NINE HUNDRED AND FIFTY TWO) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T 14703/1955 with Diagram No. 6196/1994 relating thereto and held by Deed of Transfer Number T123881/2004.

- A. SUBJECT to the conditions referred to in Certificate of Registered Title No T19860/1953.
- B. SUBJECT to the following conditions contained in the said Deed of Transfer No T14703/1955 and therein imposed by the Administrator of the Province of the Cape of Good Hope under the provisions of Ordinance No 33 of 1934 when approving of Cotswold Township Extension No 1, namely:
- (1) Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Administration Notice No 451 dated 17 October 1935 and in the Memorandum which accompanied the said regulations.
 - (2) The owner of this erf shall without compensation be obliged to allow electricity and water mains and the sewage and drainage including stormwater of any other erf or erven within or without this subdivision to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf, at any time in order to construct, maintain, alter, remove or inspect any sewer, manhole, channel, conduit or other works pertaining thereto.
 - (3) The owner of this erf shall be obliged, without compensation, to receive the material or permit excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

GhostConvey 15.9.11.3

(4) This erf shall be subject to the following further conditions provided especially that where, in the opinion of the Administrator after consultation with the Townships Board and the local authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose:

(a) It shall not be subdivided;

(b) It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;

(c) not more than half the area thereon shall be built upon.

(d) No buildings or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 6,30 metres to the street line which forms a boundary to this erf nor within 3,15 metres of the rear or 1,57 metres of the lateral boundary common any adjoining erf, provided that with the consent of the local authority an outbuilding not exceeding 3,05 metres in height measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the above prescribed rear space. On consolidation of any two or more erven, this condition shall apply to the consolidated area as one erf.

C. SUBJECT to the following conditions contained in said Deed of Transfer No. T14703/1955 and therein imposed by P E Townships (Proprietary) Limited (hereinafter referred to as the Company) as Township Owner of Cotswold Extension No 1 in favour of itself and its successors-in-title to the remained of Cotswold Township Extension No 1 held by it under Certificate of Registered Title No T19860/1953 there being no obligation upon the said Company or its successors-in-title as township owner to compel compliance with such conditions or its successors-in-title as aforesaid in the event of any contravention by any erfholder.

(ii) No building shall be erected upon the erf unless plans and specification have been previously submitted to and approved by the Company or a duly architect appointed by the Company for that purpose, and the Company or or its duly authorised agent shall be entitled to inspect such building at any time to satisfy itself that such plans and specifications are being carried out.

(iii) No building shall be erected on this erf other than a brick and/or stone and/or concrete building. No such building shall cost less than R3000.00.

(iv) No corrugated iron fences shall be erected on this erf.



GhostConvey 15.9.11.3

WHEREFORE the said Appearer, renouncing all rights and title which the said

1. **MOEGAMAT SHADLEY AJAM, Married according to Muslim rites**
2. **RUWAYDAH AJAM, Married according to Muslim rites**

heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

JACQUELYN SUZANNE WILSON, Unmarried

her Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R1 150 000,00 (ONE MILLION ONE HUNDRED AND FIFTY THOUSAND RAND) .

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on

30 JUN 2017

g.g.

In my presence

REGISTRAR OF DEEDS

GhostConvey 15.9.11.3

PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NOTICE 11 OF 2023



MUNICIPAL HEALTH SERVICES BY-LAW, 2017

Promulgated on:

TABLE OF CONTENTS

- This is a chronological list of all sub-headings and page numbers.

1. Preamble

Whereas Buffalo City Metropolitan Municipality is a category A Municipality established in terms of Section 155 (1) (a) of the Constitution of the Republic of South Africa, 1996; read together with Section 12 of the Local Government: Municipal Structures Act, 117 of 1998.

And,

Whereas Buffalo City Metropolitan Municipality may make and administer by-laws for the effective administration of the area for which it was established in terms of section 156 (2) of the Constitution, read together with Section 11 (3) of the Local Government: Municipal Systems Act, 32 of 2000

2. Objective

The objective of this by-law is to regulate the provision of Municipal Health services within the Buffalo City Metropolitan Municipality area of jurisdiction and to give effect to the implementation of any policy that may implemented for the same as may be developed in terms of Section 74 of the Local Government: Municipal Systems Act, 32 of 2000.

3. Enforcement of the By-law

The by-law shall be enforced through the policy and any further enforcement mechanism.

4. Offences

It will be an offence punishable in terms of this by-law not to pay in accordance with the fines as adopted by Council where such tariff fees are applicable.

5. Sanction

Anyone who has been found to have violated the provisions of this by-law shall be liable to a fine not exceeding:

1. R2 000.00 for the first offence
2. R5000.00 for the second offence
3. R20 000.00 for the third offence

6. Review

This by-law will be reviewed after a period of five years from the date of its promulgation in the Provincial Government Gazette

7. Repeal

The provisions of any other by-law are hereby repealed insofar as are in conflict with this by-law in the specific area of operation of this by-law.

8. Short Title

This by-law shall be referred to as the Municipal Health Services By-law, and shall come into effect on the date of its promulgation in the Provincial Government Gazette

| | |
|---|------------------|
| CHAPTER 1 | 19-24 |
| INTERPRETATION AND FUNDAMENTAL PRINCIPLES | |
| 1. Definitions and interpretation | |
| 2. Purpose | |
| CHAPTER 2 | 25-27 |
| PUBLIC HEALTH | |
| Part 1: Municipal Health Principles | |
| 3. Principles | |
| 4. Application of principles | |
| Part 2: Public Health Hazard and Public Health Nuisances | |
| 5. Prohibition on causing public health hazards. | |
| 6. Duty to report public health hazards | |
| 7. Prohibition on causing a public health nuisance | |
| CHAPTER 3 | 27-31 |
| POTENTIALLY HAZARDOUS USES OF PREMISES AND ENFORCEMENT | |
| Part 1: Potentially hazardous uses | |
| 8. Definitions | |
| 9. Duty to list potentially hazardous uses | |
| 10. Scheduled uses | |
| 11. Exemption certificates | |
| 12. Public health permits | |
| 13. Approval of measures, objects, and materials | |
| 14. Application procedure | |
| 15. General terms applicable to certificates and permits | |
| 16. Suspension, cancellation, and amendment of exemption certificates and permits | |
| CHAPTER 4 | 32-61 |
| ENVIRONMENTAL POLLUTION | |
| 17. Definitions | |
| 18. Pollution of sources of water supply | |
| 19. Dangerous wells, boreholes, and excavations | |

20. Structural facilities
21. Sanitary Fixtures
22. Water supply
23. Drainage systems
24. Waste Management
25. Health care risk waste management
26. Where health care risk waste is generated:
27. Food preparation facilities
28. Tobacco control
29. Pest and rodent control
30. Air quality
31. Noise control
32. Noise pollution
33. Land pollution control
34. Water pollution control

Part 1: Interpretation and Fundamental Principles

35. Definitions

Part 2: Duty of care

36. People causing air pollution.
37. Designation or appointment of the Air Quality Officer and Environmental Management Inspectors.
38. Establishment of Atmospheric Emissions Licensing system
39. Licensing Authority

Part 3: Smoke emission from premises other than dwellings

40. Application
41. Prohibition
42. Installation of fuel burning equipment
43. Transitional arrangement in respect of authorized fuel burning equipment.
44. Operation of fuel burning equipment
45. Presumption
46. Installation and operation of obscuration measuring equipment
47. Monitoring and sampling
48. Exemption

Part 4: Smoke emissions from dwellings

49. Restriction to emission of dark smoke

Part 5: Emissions from compressed ignition powered vehicles

50. Prohibition
51. Stopping of vehicles for inspection and testing
52. Testing procedures
53. Repair notice

Part 6: Emissions caused by open burning

54. Open burning of material on any land
55. Emission caused by tyre burning and burning of rubber and other material for the recovery of metal.

Part 7: Pesticides and crop spraying

56. Spraying of a pesticide, herbicide, or other related material

Part 8: Spray painting emissions

57. Control of spray-painting emissions

Part 9: Offensive odours

58. Control of offensive odours

Part 10: Fume nuisance

59. Control of fumes

Part 11: Sand blasting emissions

60. Control of sand blasting emissions

Part 12: Dust nuisance

61. Control of dust nuisance
62. Use of boilers and incinerators

CHAPTER 5**62-70****HEALTH CARE RISK WASTE**

63. Definitions
64. Separation at source and marking
65. Duties of transporter
66. Duties of Waste Managers
67. Disposal of health care risk waste
68. Duty of register

- 69. Powers of Environmental Health Practitioner
- 70. Offences

CHAPTER 6**71-72****HAZARDOUS WASTE**

- 71. Applicable legislation
- 72. Storage of hazardous waste

CHAPTER 7**73-77****OFFENSIVE TRADES**

- 73. Definitions
- 74. Permit requirement
- 75. Requirement for premises
- 76. Duties of offensive traders
- 77. Liquid refuse from bone and tripe boiling
- 78. Liquids, tanks, and tubs in leather making
- 79. Storage of rags, bones, and waste

CHAPTER 8**77-81****HAIRDRESSING, BEAUTY, AND COSMETOLOGY SERVICES**

- 80. Definitions
- 81. Permit requirement
- 82. Requirement for premises
- 83. Duties of salon operators
- 84. Required minimum health standards for the operation of a salon
- 85. Prohibition against the use of salon premises for other purposes

CHAPTER 9**82-85****DRY-CLEANING AND LAUNDRY ESTABLISHMENTS**

- 86. Definitions
- 87. Premises for dry-cleaning or laundry businesses
- 88. Premises for dry-cleaning or laundry receiving depots

- 89. Premises for coin operated laundries
- 90. General requirements for dry-cleaning and laundry businesses

CHAPTER 10**86-88****SWIMMING POOLS AND SPAR-BATHS**

- 91. Definitions
- 92. Requirements for premises
- 93. Duties of spa-bath keepers
- 94. Duties of swimming pool keepers
- 95. Water supply
- 96. Safety of water

CHAPTER 11**88-91****CARAVAN PARKS AND CAMPING GROUNDS**

- 97. Definitions
- 98. Camping permit
- 99. Requirements for premises
- 100. Sanitary facilities

CHAPTER 12**91-93****STANDARDS FOR PUBLIC GATHERING PLACES**

- 101. Definitions
- 102. Structural facilities
- 103. Waste Management
- 104. Drinking water supply
- 105. Sanitation facilities

CHAPTER 13**93-96****PRISONS AND HOLDING CELLS**

- 106. Health certificate requirements
- 107. Structural facilities
- 108. Toilet and ablution facilities
- 109. Waste Management
- 110. Laundering facilities

CHAPTER 14**96-99****CONSTRUCTION SITES AND INDUSTRIAL PREMISES**

- 111. Water supply and sanitation facilities
- 112. General requirements
- 113. Waste management and wastewater

CHAPTER 15**95-120****KEEPING OF ANIMALS**

- 114. Definitions

Part 1: General provisions relating to the keeping of animals.

- 115. Application of Chapter

Part 2: Keeping of cattle, horses, mules, and donkeys.

- 116. Requirements for premises
- 117. Duties of keeper of cattle, horse, mules, and donkeys

Part 3: Keeping of goats and sheep.

- 118. Application
- 119. Requirements for premises
- 120. Duties of keeper of goats and sheep

Part 4: Keeping of poultry.

- 121. Application
- 122. Permit requirement
- 123. Requirement for premises
- 124. Duties of keepers of poultry

Part 5: Keeping of rabbits.

- 125. Application
- 126. Permit requirement
- 127. Requirement for the premises

128. Duties of keepers of rabbits

Part 6: Keeping of birds other than poultry.

129. Requirement for the premises
130. Duties of keepers of aviaries

Part 7: Kennels and catteries

131. Requirements for premises
132. Food preparation areas
133. Duties of keepers of kennels or catteries

Part 8: Pet shops and pet parlours

134. Requirements for premises
135. Duties of pet shop or pet parlour keepers

Part 9: Keeping of wild animals.

136. Requirements for the premises
137. Duties of keepers of wild animals

Part 10: Keeping of Pigs

138. Requirements for premises
139. Duties of keepers of pigs

Part 11: Keeping of pets.

140. Duties of keepers of pets

Part 12: General provisions

141. Drainage
142. Requirements for keeping of bees
143. Illness attributable to animals, poultry, or birds

CHAPTER 16 **120-122****RITUAL SLAUGHTER**

144. Requirements

CHAPTER 17 **122-125****SURGERIES, DAY CLINICS AND OTHER MEDICAL COMPLEXES**

145. Physical and structural facilities
146. Water supply and ablution facilities
147. Health care risk waste management
148. Infection prevention and control
149. Storage facilities
150. Rodent proofing and pest control
151. General requirements

CHAPTER 18 **126-141****DISPOSAL OF THE DEAD**

152. Definitions

Part 1: Funeral undertakers' premises and mortuaries

153. Application
154. Exemption

Part 2: Certificate of competence

155. Issue of a certificate of competence
156. Application for the issue or transfer of a certificate of competence
157. Issue or transfer of certificate of competence
158. Validity and transfer of certificate of competence
159. Issue of provisional certificate of competence
160. Duties of holder
161. Suspension or revocation of a certificate of competence or provisional certificate of competence
162. Requirements relating to funeral undertakers and mortuary premises.
163. Hygiene requirements for funeral undertaker's mortuary premises

Part 3: Handling and disposal of mortal remains

164. Coffins

BURIAL IN EXCAVATED LAND GRAVES

165. Burial sites & burials
166. Disposal of mortal remains by cremation
167. Issue of a cremation permit
168. Minimum requirements for a cremation facility
169. Register for cremation

Part 4: Exhumation and reburials of human remains.

170. Application to exhume a body, body ashes and reburial of human remains
171. Authorization for exhumation of human remains
172. Exhumation requirements
173. Reburial of human remains

Part 5: Conveyance (transportation, importation, and exportation) of mortal remains.

174. Conveyance of mortal remains
175. Conveyance of remains on public transportation and outside Buffalo City Metro Municipality

Part 6: General provisions

176. Appeals
177. Offences

CHAPTER 19**141-143****DISEASE SURVEILLANCE**

178. Definitions
179. Infectious diseases and quarantine
180. Unburied bodies
181. Offences and penalties

CHAPTER 20**143-234****SURVEILLANCE OF PREMISES****FOOD CONTROL**

- 182. Definitions
- 183. Requirements for food caterer's premises
- 184. Requirements for food premises
- 185. Prohibition on the handling and transportation of food
- 186. Standards and requirements for food premises
- 187. Standards and requirements for facilities on food premises
- 188. Standards and requirements for food containers
- 189. Standards and requirements for displays, storage and temperature of food
- 190. Standards and requirements for protective clothing
- 191. Duties of a person in charge of food premises
- 192. Duties of a food handler: personal hygiene
- 193. Standards and requirements for the handling of meat (butchery)
- 194. Requirements for meat handling
- 195. Street trading requirements
- 196. Standards and requirements for the transportation of food
- 197. General requirements for vending carts
- 198. Sale of food through a food vending machine
- 199. Procedure for application of sale of food from vending machines
- 200. Prohibition on the production of milk except in an approved milking shed
- 201. Standards and requirements
- 202. Milk containers and milking machine
- 203. Handling of milk
- 204. Health status of dairy stock
- 205. Personal hygiene – milkers and handlers of milk
- 206. Standards and requirements for transport of milk
- 207. Offences and penalties

Accommodation Establishments

- 208. Definitions
- 209. An accommodation establishment must be provided with
- 210. Toilet and ablution facilities
- 211. Duties of operators of accommodation establishments

Early Childhood Development

- 212. Definitions
- 213. Application of Guidelines
- 214. Health Certificate
- 215. Requirements of premises for Accommodation of Children between three and seven years
- 216. Requirements of premises for children under two years
- 217. After-school care facilities
- 218. General duties and liabilities for compliance with regulations
- 219. Resting and Play Equipment
- 220. Medical care for Children
- 221. Safety Measures
- 222. Application for Admission
- 223. Registers
- 224. Sickbay facilities
- 225. Right of entry and inspection of premises and records
- 226. Journal
- 227. Suspension or termination of operations
- 228. Offences
- 229. Withdrawal of health certificate

Nursing Homes

- 230. Definitions
- 231. General requirements
- 232. Health Certificate
- 233. Structural facilities
- 234. Ward requirements
- 235. Uses of premises

- 236. Storage facilities
- 237. Drainage and sewage disposal
- 238. Laundry facilities
- 239. General Waste Management
- 240. Health Care Risk Waste Management

Old Age Homes

- 241. Definitions
- 242. Application
- 243. Issue of a Health certificate
- 244. Structural facilities
- 245. Washroom facilities boarders/residential pupils and staff
- 246. Water supply
- 247. Accommodation for pupils and staff members at boarding schools
- 248. Sick Bay facilities
- 249. Medical care for students
- 250. Vector control
- 251. General requirements

Office Accommodation

- 252. Toilet and ablution facilities

Health Establishments

- 253. Physical and structural facilities; -
- 254. Drinking water quality
- 255. Toilet and ablution facilities
- 256. Waste management
- 257. Storage facilities
- 258. Reception of dead bodies on the premises
- 259. Food preparation facilities
- 260. Laundry facilities
- 261. Competency of staff
- 262. Operational requirements for laundering in health facilities
- 263. Keeping of records for health facility laundering

- 264. Use of boilers and incinerators
- 265. Infection prevention and control
- 266. General hygiene requirements

CHAPTER 21**234-241****MISCELLANEOUS**

- 267. Duties of Municipality
- 268. General powers of an Environmental Health practitioner
- 269. Compliance notice
- 270. Prohibition notice
- 271. Withdrawal of prohibition notice
- 272. Service of notices or other documents
- 273. Demolition orders municipal remedial work
- 274. Municipal remedial work
- 275. Cost orders
- 276. Appeals
- 277. Offences

SCHEDULE 1**PUBLIC HEALTH NUISANCES**

1. General nuisances
2. Pest control
3. Air pollution
4. Fouling and littering on public places and open spaces

SCHEDULE 2

Part A: Activities for which a permit is required.

Part B: Scheduled uses

1. Preamble

- 1) Whereas Buffalo City Metropolitan Municipality is a category A Municipality established in terms of Section 155 (1) (a) of the Constitution of the Republic of South Africa, 1996; read together with Section 12 of the Local Government: Municipal Structures Act, 117 of 1998

And,

- 2) Whereas Buffalo City Metropolitan Municipality may make and administer by-laws for the effective administration of the area for which it was established in terms of section 156 (2) of the Constitution, read together with Section 11 (3) of the Local Government: Municipal Systems Act, 32 of 2000

CHAPTER 1

1. Definitions

In these By-laws, unless the context otherwise indicates -

“Adequate” when used to describe a standard or manner in which anything required by these By- laws must be done, means the standard or manner that, in the opinion of an Environmental Health Practitioner, is sufficient to safeguard public health, and to achieve the purpose and apply the principles of these By- laws and “adequately” has a corresponding meaning:

“Approved” when used to describe a particular object, measure, or material, means an object, measures or material which has been approved in terms of section 13 as being adequate in specified circumstances to prevent, or reduce to a level acceptable to the Municipality, the risk of any public health hazard or public health nuisance occurring, continuing, or recurring:

“Authorized official” means any official of the Municipality who has been authorized by the Municipality to administer, implement, and enforce the provisions of these By-laws.

“Commercial rural area” means farms where agriculture is the mainland use.

“Communal rural area” means communal land areas of BCMM that are not urban.

“Communicable diseases” means any disease which can be transmitted directly or indirectly from any animal or through any agent to any person or from any person suffering there from or who is a carrier thereof, to any other person;

“Municipality” means –

- (a) The Buffalo City Metro Municipality established in terms Chapter 2 of the Local Government Municipal Structures Act No.117 of 1998 exercising its legislative and executive authority through its Municipality: or
- (b) its successor in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or sub- delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal System Act, 2000 (Act No. 32 of 2000) ; or
- (d) a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of section 81 (2) of the Local Government: Municipal System Act, or any other law, as the case may be;

“Dwelling” means any house, room, shed, hut, tent, cave, container, shelter, vehicle boat or any other structure or place whatsoever, any part of which is used or appears intended for use by any human being for sleeping or in which any human being dwells or sleeps and “room” has a corresponding meaning;

“Environmental health” means those aspects of human health, including quality of life, that are determined by physical, chemical, biological, social, and psychosocial factors in the environment. It also refers to the theory and practice of assessing, correcting, controlling, and preventing those factors in the environment that can potentially adversely affect the health of present and future generations. **“Environmental Health Practitioner”** means an official appointed by the Municipality in terms of The National Health Amendment Act, 2013 (Act 12 of 2013) and who is duly registered as an Environmental Health Practitioner with the Health Professions Council of South Africa in terms of section 34 of the Health Professions Act, 1974 (Act No. 56 of 1974) as amended.

“Exemption certificate” means a certificate issued in terms of section 11 of this by-law.

“Hot water” means water which has a minimum temperature of 55°C at the point of discharge;

“Municipal area” means the area under the jurisdiction of the Municipality;

“Municipal manager” means a person appointed as such by the Municipality in terms of section 82 of the Local Government: Municipal Structure Act, 1998 (Act No. 117 of 1998) ;

“National Building Regulations and Building Standards Act” means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) as amended;

“Occupier”, in relation to any premises, means any person –

- (a) occupying the premises;
- (b) leasing the premises;
- (c) who is not occupying the premises but is entitled to do so; or
- (d) who manages the premises or a business on the premises on behalf of a person referred to in paragraph (a), (b) or (c) ;

“Organ of state” means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996) as amended.

“Owner”, in relation to any premises, means –

- (a) the person in whose name the title to the premises is registered, and includes the holder of a stand or
- (b) if the person referred to in paragraph (a) is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian, or other person who is legally responsible for administering that person’s estate;

“Permit” means a public health permit issued by the Municipality in terms of the section 12 of this by-law;

“Person” means a natural person or a juristic person, and includes an organ of state;

“Pest” means any animal, reptile, insect or mammal, which may create a public health hazard or public health nuisance if it is present in significant numbers and including but not limited to rats, mice, flies, mosquitoes, bed bugs, fleas, lice, termites and cockroaches;

“Potable water” means water that complies with the requirements set out in SANS 241- 1: Water for Domestic Suppliers;

“Premises” means –

- (a) any land without any buildings or other structure on it;
- (b) any building or other structure and the land on which is situated;
- © any land which adjoins land referred to in paragraph (a) or (b) and any building or other structure on the adjoining land, if that land, building, or structure is occupied or used in connection with any activity carried out on the premises referred to in paragraph (a) or (b) ; or
- (c) any land on which a caravan park or camping ground situated; or
- (d) any vessel, vehicles or movable structure which is used for a scheduled use;

“Prescribed fee” means a fee determined by the Municipality by resolution in terms of section 75A of the Local Government: Municipal System Act, 2000 (Act 32 of 2000) as amended;

“Public health” means the art and science which aims at preventing disease, prolonging life, and promoting health through the organized efforts of society and includes the mental and physical health and well-being of people in the municipal area:

“Public health hazard” means any actual threat to public health, and without limitation, includes –

- (a) the circumstances referred to in section 5(3)
- (b) unsanitary conditions
- (c) circumstance which make it easier for a communicable disease to break out or spread;
- (d) circumstances which make food or drinks, including water for domestic consumption, unhygienic or unsafe to eat or drink; and
- (e) circumstances which allow pests to infest any place that may affect public health;

“Public health nuisance” means the use of any premises or place in a manner which creates conditions that significantly increase the risk of a public health hazard occurring or which compromises any aspect of public health to an extent that is more than trivial or insignificant, and without limitation, includes those circumstances in which a public health nuisance is considered to exist in terms of Schedule 1;

“Public place” means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden park, path, bus or taxi rank, servitude or enclosed space vested in the Municipality and includes any road, place or thoroughfare which is in the undisturbed use of the public or which the public have the right to use, and includes a public place as defined in the Tobacco Control Amendment Act 12 of 1999.

“Scheduled use” means a use listed in Schedule 2.

Unless the context otherwise indicates, any word or expression which is defined in any Chapter, has the same meaning wherever it is used in these By- laws.

If any provision in these By-laws vests or imposes any power, function or duty of the Municipality in or on an employee of the Municipality and such power, function or duty has in terms of section 81 (2) of the Local Government: Municipal System Act, 2000, or any other law, been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it.

“Urban area” means towns, townships, and mixed settlement where agriculture is not a mainland use.

1. Interpretation

- 1). Clause sub-headings shall not be used in the interpretation of this by-law.
- 2). Unless specifically otherwise provided, all listed amounts of fine in this by-law are inclusive of Value Added Tax (VAT).
- 3). Any reference to any legislation is to such legislation (as amended or re-enacted from time to time) as at the promulgation of this by-law.

2. Objectives

The objective of the bylaws is to enable the Municipality to promote and protect the health and well-being of all people within the municipal area by providing an effective legal and administrative framework, in conjunction with any other applicable laws, within which the municipality can develop and manage its municipal health service obligations.

3. Scope and Application

This by-law shall apply to the entire area under the jurisdiction of the Buffalo City Metropolitan Municipality

4. Contents of the by-law

The Municipality being aware of the constitutional rights of every person to an environment that is not harmful to his or her health or well – being, and the principles that underlines the National Health Act, 2003 (Act 61 of 2003) as amended and the National Environmental Management Act, 1998 (Act 107 of 1998) as amended, adopts this By-laws with the purpose that these By-laws will enable the Municipality to set minimum environmental health standards to prevent diseases, prolong life, protect and promote the long term health and well- being of people in the Municipal area by:

- a) providing, in conjunction with other applicable laws, an effective legal and administrative framework within which the municipality can develop and manage its Municipal Health Services obligations by:
managing and regulating activities that have the potential to impact adversely

- on public health; and
- requiring premises to be properly maintained and managed; and
- b) defining the rights and obligations of the Municipality and the public in relation to this purpose.

5. Enforcement of the By-law

The by-law shall be enforced through the policy and any further enforcement mechanism.

6. Offences

It will be an offence punishable in terms of this by-law not to pay in accordance with the tariff fees as adopted by Council where such tariff fees are applicable.

7. Sanction

Anyone who has been found to have violated the provisions of this by-law shall be liable to a fine not exceeding:

- 1) R2 000.00 for the first offence
- 2) R5000.00 for the second offence
- 3) R20 000.00 for the third offence

8. Review

This by-law will be reviewed after a period of three years from the date of its promulgation in the Provincial Government Gazette

11. Repeal

The provisions of any other by-law are hereby repealed insofar as are in conflict with this by-law in the specific area of operation of this by-law.

12. Short Title

This by-law shall be referred to as the Municipal Health Service by-law of the Buffalo City Metropolitan Municipality, and shall come into effect on the date of its promulgation in the Provincial Government Gazette

CHAPTER 2

MUNICIPAL HEALTH

Part 1: Municipal Health Principles

3. Principles

- 1) Every person has a constitutional right to an environment that is not harmful to his or her health or well-being and to have access to sufficient water and the municipality has a constitutional duty to strive, within its financial and administrative capacity, to promote a safe and healthy environment as per Section 24 and 27 of the Republic of South Africa Constitution 1996 (Act 108 of 1996) as amended.
- 2) The risk of a public health hazard occurring, continuing, or recurring must be eliminated wherever reasonably possible, and if it is not reasonably possible to do so, it must be reduced to a level acceptable to the Municipality.
- 3) Any person who owns or occupies premises in the municipal area must ensure that it is used for and maintained in a manner that ensures that no public health hazard or public health nuisance occurs on the premises.
- 4) Any person who wishes to undertake an activity which creates a risk to public health that is more than trivial or insignificant must.-
 - (i) take all reasonable measures to eliminate that risk, and if that is not reasonably possible, to reduce the risk to a level acceptable to the Municipality; and
 - (ii) bear the costs of taking those measures and of any reasonable costs incurred by the Municipality in ensuring that the risk is eliminated or reduced to an acceptable level.
- 5) The Municipality must regulate all activities and administer all matters for which it is legally responsible in a manner that.
 - (i) avoids creating a public health hazard or a public health nuisance.
 - (ii) does not make it easier for any human or animal disease to spread;
 - (iii) does not give rise to unsanitary or unhygienic conditions;
 - (iv) prevents unsafe food or drink from being consumed.
 - (vi) avoids creating conditions favorable for infestation by pests; or
 - (vii) wherever reasonably possible, improves public health in the municipal

area.

- (a) In dealing with matters affecting public health the Municipality must -
 - (i) adopt a cautious and risk averse approach;
 - (ii) prioritize the collective interest of the people of the municipal area, and of South Africa, over the interests of any interest group or sector of society;
 - (iii) take account of historic inequalities in the management and regulation of activities that may have an adverse impact on public health and redress these inequalities in an equitable and non-discriminatory manner;
 - (iv) adopt a long-term perspective that takes account of the interests of future generations; and
 - (v) take account of, and wherever possible without compromising public health, minimize any adverse effects on other living organisms and ecosystems.

4. Application of principles

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

- (a) exercising a power or function or performing a duty under these By-laws;
- (b) formulating or implementing any policy that is likely to have a significant effect on, or which concerns the carrying on of activities likely to impact on, public health in the municipality area; or
- (c) exercising a public power or function or performing a public duty in the municipal area which is likely to have a significant effect on public health in that area.

Part 2: Public health hazard and public health nuisances

5. Prohibition on causing public health hazards

- (1) No person may create a public health hazard anywhere in the municipal area.
- (2) Every owner or occupier of premises must ensure that a public health hazard does not occur on those premises.
- (3) An owner or occupier of premises creates a public health hazard if:
 - (a) the premises are infested with pests.
 - (b) there are conditions on the premises which are conducive to the spread of

a communicable disease, or which may cause a non-communicable disease;

- (c) there is any unsanitary condition in any part of the premises; or
- (d) any water supply for domestic consumption on the premises is unsafe for human consumption.

6. Duty to report public health hazards

The owner or occupier of premises who knows of a public health hazard on those premises, must within 24 hours of becoming aware of its existence.

- (a) eliminate the public health hazard; or
- (b) if the owner or occupier is unable to comply with paragraph (a), take reasonable steps to reduce the risk to public health and forthwith report the existence of the public health hazard to the Municipal Health
- (c) Department of the municipality in writing.

7. Prohibition on causing a public health nuisance

- (1) No person may cause a public health nuisance anywhere in the municipal area.
- (2) Every owner or occupier of premises must ensure that a public health nuisance does not arise on those premises.

CHAPTER 3

POTENTIALLY HAZARDOUS USES OF PREMISES AND ENFORCEMENT

8. Definitions

vicinity” the area as seen in the context of the problem which could range from adjacent premises up to an entire neighbourhood.

Part 1: Potentially hazardous uses

9. Duty to list potentially hazardous uses

If the Municipality reasonably believes that any premises have been, or are likely to be, used for a purpose or in a manner that has caused, or is likely to cause, a public health hazard or to create a public health nuisance unless reasonable measures are taken to avoid the risk or to reduce it to an acceptable level, the Municipality must list

the activity concerned in Schedule 2 and must prescribe measures that must be taken to avoid the risk or reduce it to a level acceptable to the Municipality.

10. Scheduled uses

- (1) Any person who uses premises in a manner or for a purpose listed in Schedule 2 must comply with every provision specified in the Chapter of these By-laws relating to that use unless that person has been granted an exemption in terms of section 11 from complying with any such provision.
- (2) Any person who uses premises in a manner or for a purpose that is listed in Part A of Schedule 2, must obtain a permit in terms of section 12 before commencing that use and must comply with the terms and conditions of that permit.

11. Exemption Certificates

- (1) Any person who wants to undertake a scheduled use on any premises but wishes to be exempted from complying with any requirement of these By-laws relating to the use concerned, may apply to the Municipality in accordance with section 14 for an exemption certificate.
- (2) The Municipality may grant an exemption certificate, subject to such condition as it may impose, if an Environmental Health Practitioner is satisfied that.
 - (a) the measures taken to avoid or reduce the risk to public health arising from the scheduled use are equivalent to or better than the measures required by the relevant requirement of these By-laws; and
 - (b) the scheduled use in respect of which the exemption is required, is not likely to cause a public health hazard or a public health nuisance.

12. Public health permits

- (1) Any person who wants to undertake a scheduled use that is listed in Part A of Schedule 2, must apply to the Municipality's Department responsible for Municipal Health in accordance with section 14 for a public health permit.
- (2) The Municipality may issue a public health permit to the owner or occupier of any premises, if an Environmental Health Practitioner is satisfied that the use for which the permit is required is not likely to cause a public health hazard or a public health nuisance.

- (3) A public health permit-
 - (a) must be issued subject to conditions aimed at reducing the risk to public health created by the scheduled use, to a level acceptable to the Municipality.
 - (b) may exempt the permit holder from complying with any relevant provision of these By-laws, if the Municipality reasonably believes that the permit requires the permit holder to take measures to avoid or reduce the risk to public health arising from the activity that are equivalent to, or better than, the measures required by the relevant provision of these By-laws; and
 - (c) may approve any measure or material in connection with the activity authorized by the permit that must be approved in terms of these By-laws.

13. Approval of measures, object, and materials

- (1) The Municipality may approve, provided that the said approval is not in conflict with any other legal requirement, any object or material used, or any measure taken, in specified circumstances as being adequate to eliminate the risk of any public health hazard or public health nuisance occurring, continuing, or recurring, or to reduce that risk to a level acceptable to the Municipality.
- (2) An object, material or measure referred to in subsection (1) may be approved by the Municipality in -
 - (a) a public health permit; or
 - (b) guidelines prescribed by the Municipality in terms of subsection (3)
- (3) The municipality may publish guidelines in the Provincial Gazette which describe:
 - (a) appropriate measures that can be taken and objects and materials that can be used, to eliminate the risk of any public health hazard or public health nuisance occurring, continuing, or recurring, or to reduce that risk to a level acceptable to the Municipality; and
 - (b) the circumstances in which taking this measure or using these objects or materials are acceptable to the Municipality.

14. Application procedure

- (1) Any person who wants to obtain an exemption certificate or a permit must apply

- to the Municipality's Department responsible for Municipal Health in writing in a form attached as **Annexure 1**, prior to undertaking the schedule use concerned.
- (2) When the Municipality receives an application contemplated in subsection (1), it must ensure that the relevant premises concerned are inspected by an Environmental Health Practitioner within 14 days.
 - (3) Before deciding whether or not to approve an application contemplated in subsection (1), the Municipality-
 - (a) must ensure that any persons in the vicinity of the premises whose health or well-being may be affected if the premises are used for the scheduled use concerned, have been consulted and have had an opportunity to make representation; and
 - (b) may require the applicant to provide any further information which the Municipality considers relevant to enable it to make an informed decision.
 - (4) In deciding whether or not to issue an exemption certificate or a permit, and what terms and conditions, if any, to include in it, the Municipality must apply the public health principles set out in section 3.

15. General terms applicable to certificates and permits

- (1) An exemption certificate or a permit-
 - (a) is not transferable from one person to another; and
 - (b) applies only to the premises specified in that certificate or permit.
- (2) Every exemption certificate or permit must -
 - (a) specify the address and other relevant details regarding the location of the premises concerned;
 - (b) describe the premises concerned;
 - (c) describe the activity concerned;
 - (d) specify terms and conditions imposed, if any, and
 - (e) indicate the expiry date.
- (3) An applicant must pay a prescribed fee, if determined by the Municipality, in respect of an application for a permit or exemption certificate and such fee must accompany the application.
- (4) The Municipality may refuse to consider an application until it has been provided with the information that it reasonably requires to make an informed decision and until the prescribed fees have been paid.

16. Suspension, cancellation and amendment of exemption certificates and permits

- (1) An Environmental Health Practitioner may by written notice to the holder of an exemption certificate or permit, suspend, amend, or cancel that certificate or permit, after having informed such holder of the reasons for such an exemption certificate or permit being cancelled or suspended.
- (2) An Environmental Health Practitioner may suspend or cancel an exemption certificate or permit with immediate effect-
 - (a) If the Environmental Health Practitioner reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health posed by a public health hazard or a public health nuisance, or
 - (b) If the holder of such certificate or permit fails to comply with a compliance or prohibition notice as contemplated in these bylaws which is stated that such certificate or permit may be suspended or cancelled without further notice if the holder fails to comply with that notice, and
 - (c) in terms of The Municipal Systems Act (Act 32 of 2000), Chapter 3, 8(2) of this Act
- (3) An Environmental Health Practitioner may suspend or cancel an exemption certificate or permit after having given the holder thereof a reasonable opportunity of making representations as to why the permit or exemption certificate should not be suspended or cancelled if-
 - (a) The Environmental Health Practitioner reasonably believes that it is desirable to do so to eliminate or reduce the risk to public health posed by a public health hazard or a public health nuisance; or
 - (b) The holder of such certificate or permit contravenes or fails to comply with any relevant provision of these By-laws.
 - (4) An Environmental Health Practitioner may amend an exemption certificate or permit by endorsing such certificate or permit or by written notice to the holder thereof, if the Environmental Health Practitioner reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the exemption certificate or permit concerned was issued.

CHAPTER 4

ENVIRONMENTAL POLLUTION

17. Definitions

In this Chapter, unless the context otherwise indicates-

“Domestic consumption” in relation to water, means the use of water for –

- (a) human consumption
- (b) preparing or manufacturing food or drink for human consumption;
- (c) cleaning vessels or utensils used in the preparation or manufacture of food or drink for human consumption; or
- (d) any other domestic purpose.

“Effluent” means any wastewater which may be generated as a result of undertaking any scheduled use or any activity which is likely to cause a public health nuisance.

18. Pollution of sources of water supply

No person may pollute or contaminate any catchment area, river, canal, well, reservoir, filter bed, water purification or pumping works, tank, cistern or other source of water supply or storage in a way that creates a public health nuisance or a public health hazard.

19. Dangerous wells, boreholes, and excavations

Every owner or occupier of premises must ensure that any well, borehole or other excavation located on his or her premises-

- (a) is fenced, filled in or covered over in a way that adequately safeguards it from creating a public health nuisance or public health hazard; and
- (b) is not filled in a way, or with material, that may cause any adjacent well, borehole, or underground water source to be polluted or contaminated to an extent that may create a public health nuisance or a public health hazard.

STANDARDS APPLICABLE TO ALL PREMISES

Premises must comply with the following requirements.

20. Structural facilities

The building structure of the premises must comply with the requirements of the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977) with regards to lighting and ventilation.

21. Sanitary Fixtures

- (a) All Commercial Services Enterprises Occupancy must provide sanitary fixtures for personnel and customers in line with National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977).
- (b) Cleaning schedule for sanitary fixtures must always be in place and implemented.
- (c) Sanitary fixtures must always be kept in a good state of repairs.

22. Water supply

- (a) Adequate supply of potable water must be available on the premises for all uses (drinking, cooking, personal hygiene, and cleaning).
- (b) The quality of water supply supplied on the premises complies with the specifications of the SANS 241 for drinking water, with regards to microbiological, chemical, and physical quality.
- (c) Potable running water must continually be available on the premises.
- (d) Stored drinking water must be protected from contamination at all times and cold water is stored at temperatures below 20oC.
- (e) Outlets for distribution of non-potable water must be marked clearly with signs, indicating that the water is unsafe and must not be used for drinking, washing, and cooking.
- (f) No cross-connection between a system providing potable water and a system providing non potable water is allowed.
- (g) Water service points must be provided on the premises, for various uses on the premises.
- (h) For premises without running water available, drinking water must be adequately stored and protected against contamination by flies, animals, and humans. Water storage containers are covered at all times.
- (i) Water storage containers must be kept clean at all times.
- (j) Disinfection of water with chlorine is the most appropriate way of ensuring microbiological safety.

- (k) If temporary water storage tanks must be provided for drinking water, the water is from an approved source.

23. Drainage systems

- (a) Suitable and effective means of drainage and sewage disposal shall be provided on all premises, in compliance to the relevant By-Laws of a specific local authority.
- (b) Drainage systems must be kept clean and maintained so as to prevent any blockages.

24. Waste Management

- (a) Approved methods of solid waste collection, storage, and disposal shall be adopted, and in compliance with the relevant By-laws of the Local Authority concerned.
- (b) Refuse bins and/or a designated refuse storage area must be available on the premises for the storage of all refuse pending removal should either be burned or buried into the ground.

25. Health care risk waste management

Where health care risk waste is generated:

- (a) Approved methods of waste collection, storage, transportation, and disposal must be adopted on the premises and the management of health care risk waste is line with the specification of the SANS code 10248: Management of Health Care Risk Waste at health facility.
- (b) A designated waste storage area must be provided for the storage of health care risk waste pending removal by approved service provider.
- (c) Waste storage area must be located such that it is not in close proximity to any food preparation area or any area where patients are cared for.
- (d) An adequate number of purpose-manufactured, leak-proof, sealable containers must be available for the storage of health care risk waste. Such containers are designed so as to not allow the exposure of needles, cuts and other substances that may cause harm to service users or staff members.
- (e) Containers used for the storage of health care risk waste must be clearly labelled in large, legible lettering.

- (f) Employees must be adequately trained in the identification, separation, handling and storing of health care risk waste.
- (g) Accurate and up to date records must be kept of all health care risk waste generated by the facility.
- (h) A Laundry area and facilities for laundering of linen must be provided on the premises.
- (i) Laundry must be done on approved facilities or with a registered service provider.

26. Food preparation facilities

If meals are served on the premises:

- (a) A kitchen area must be provided for the hygienic preparation of foodstuffs.
- (b) All facilities used in connection with the handling, preparation, storage and serving of foodstuffs must comply with the relevant Regulations, published in terms of the **Foodstuffs, Cosmetic and Disinfectants Act 1972, (Act 54 of 1972)**, as amended.

27. Tobacco control

The premises must comply with the requirements of the Regulations Relating to Smoking in Public Places and Certain Outdoor Public Places R 264 of 30 March 2012, published in terms of Tobacco Products Control Act, 1993 (Act No. 83 of 1993) as amended.

28. Pest and rodent control

- (a) A pest control programme must be in place to minimize the risk of rodents and pests on the premises.
- (b) Rodent proofing must be maintained in good order or repair so as to be impervious to rodents.
- (c) To prevent the wide spreading of rodents or pests, rodents must be eliminated before demolition of any building or structure likely to be infested with rodents, attached to the facility.
- (d) The premises yard must be kept clean, free from and accumulation of refuse, debris, including glass, paper, rags, tins, trash, ash and coal, dead animals, health care risk waste, overgrown weeds, trees, long grass, any accumulation which is unsightly and may pose a health nuisance.
- (e) The premises must be kept free from any other condition that may result in the breeding of flies or mosquitoes, and other vermin.

29. Air quality

- (a) Dust control measures must be put in place to control dust from the construction activities and all emissions must be in compliance with the National Environmental Management, Air Quality Act, 2004 (Act No. 39 of 2004).
- (b) The dust must be adequately controlled to prevent a nuisance or hazard from continuing.
- (c) For industry that generates emissions to the atmosphere at any stage of the project life-cycle, emissions must be in compliance with the standards as specified by the National Environmental Management, Air Quality Act, 2004 (Act No. 39 of 2004), to protect EH.

30. Noise control

- (a) The level of noise produced must conform to the requirements as specified in the Noise Control Regulations promulgated by a specific provincial government.
- (b) Excessive, disruptive, and displeasing noise emanating from any activity on any premises must be controlled to ensure acceptable levels.
- (c) Noise prevention and mitigation measures should be applied where noise impacts from a project facility or operations exceed the applicable noise level guideline at the most sensitive point of reception.
- (d) Measures should be applied for controlling of noise from stationary sources at source

31. Noise pollution control**(1) Prohibition of Disturbing Noise**

No person may make, produce or cause a disturbing noise, or allow it to be made, produced or caused by any person, animal, machine, device or apparatus or any combination thereof.

- (a) Any person intending to host an event in an urban area shall consult with neighbors who are likely to be affected by an event to seek their consent in writing before any event is staged, such written consent shall detail the time,

date and type of event; the application can be in the format attached in **Annexure 1**

- (b) Application for traditional and religious ceremonies, promotions and marketing events shall in an urban area be submitted to the Municipality 14 days before the event takes place, such an application must be accompanied by the written consent as outlined above in subsection 1(a); this is in exception of funerals.
- (c) Any person intending to host an event in communal rural areas shall consult with the Traditional Leader to seek their consent in writing before any event is staged, such written consent shall detail the time, date, and type of event; the application can be in the format attached in **Annexure.**
- (d) Application for traditional and religious ceremonies, promotions and marketing events in communal rural areas shall be submitted to the Municipality 14 days before the event takes place, such an application must be accompanied by the written consent as outlined above in subsection 1(c); this is in exception of funerals, churches on Sundays and other traditional mild noise practices.
- (e) Any person producing noise that is 7 decibels as measured against an approved standard above the norm shall be guilty of an offence and shall be on conviction liable to a fine as determined by the magistrate;

(2) General powers of the municipality

The municipality may –

- (a) for the purpose of applying these regulations, at any reasonable time enter a premises –
 - (i) to conduct any examination, inquiry, or inspection thereon as it may deem expedient; and
 - (ii) to take any steps it may deem necessary;
- (b) if a noise emanating from a building premises, vehicle, recreational vehicle, animal or street is a disturbing noise or noise nuisance, instruct in writing the person causing such noise or who is responsible therefore, or the owner or occupant of such building, premises, vehicle, recreational vehicle or street, or all such persons, to discontinue or cause to be discontinued such noise or to take steps to lower the level of such noise to a level conforming to the requirements

of these regulations within the period stipulated in the instruction: Provided that the provisions of the paragraph shall not apply in respect of a disturbing noise or noise nuisance caused by rail vehicles, air traffic or by vehicles that are not used as recreational vehicles on a public road;

- (c) if the owner or person in charge of an animal fails to comply with an instruction referred to in subsection (b), subject to the applicable provisions of any other law, impound or cause to be impounded such animal.
- (d) impose such conditions as it deems fit when granting any permission or exemption in terms of these regulations, including the specification of times and days when activities that may cause noise are permitted or prohibited.
- (e) subject to the applicable provisions of any other law, place, or cause to be placed measuring instruments or similar devices, road traffic signs or notices at any place within its area of jurisdiction for the enforcement of the provisions of these regulations: Provided that road traffic signs and notices shall be placed on private property only with the permission of the owner.

(3) Exemptions

The provision of these bylaws shall not apply, if –

- (a) The emission of sound is necessary for the purpose of warning people of a dangerous situation; or
- (b) The emission of sound takes place during an emergency.

(4) Motor Vehicles

- (1) No person may drive a vehicle, or allow it to be driven, on a public road, if the sound level at the measuring point measured in accordance with the procedure prescribed in SANS 10181 exceeds:

- (a) in the case of a non-exempted vehicle, the sound level specified in Table 1 of SANS 10281 for that type of vehicle; or
- (b) in the case of an exempted vehicle, the applicable sound level indicated in the tables of Annexure A to SANS 10281, for that type of vehicle by more than 5 dBA.

(2) The municipality may –

- (a) in order to determine whether a vehicle being used on any road in the area of jurisdiction of that municipality, including a private, provincial, or national road

crossing its area of jurisdiction, complies with the provisions of these regulations, instruct the owner or person in control of the vehicle –

- (i) to have an inspection or test conducted on the vehicle as the municipality may deem necessary, on a date and at a time and place determined by the municipality in writing; and
 - (ii) to stop the vehicle or cause it to be stopped.
- (b) subject to the provisions of subsections (3) and (4) and the applicable provisions of any other law, attach a vehicle if the sound level of such vehicle exceeds the sound level referred to in subsection (1) by more than 5 dBA.
- (3)A vehicle attached under subsection (2) (b) must be kept in safe custody by a municipality.
- (4)The municipality may lift the attachment contemplated in subsection (2) (b) if the owner or person in control of the vehicle concerned has been instructed in writing by such authority –
- (a) to repair or to modify the vehicle concerned or to cause it to be repaired or to be modified; and
 - (b) to have any inspection or test, as the municipality may deem necessary, conducted on the vehicle on a date and a time and place mentioned in the instruction.
- (5)General prohibition

No person may –

- (a) fail to comply with a written condition, instruction, notice, requirement, or demand issued by a municipality in terms of these regulations.
- (b) tamper with, remove, put out of action, damage, or impair the functioning of a noise monitoring system, noise limiter, noise measuring instrument, acoustic device, road traffic sign or notice placed in a position by or on behalf of a municipality.
- (c) for the purposes of these regulations, in respect of a duly authorized employee of a municipality –
 - (i) fail or refuse to grant admission to such an employee to enter and to inspect a premises.
 - (ii) fail or refuse to give information which may lawfully be required of him or her to such employee.

- (iii) hinder or obstruct such employee in the execution of his or her duties; or
- (iv) give false or misleading information to such employees knowing that it is false or misleading.

32. Land and soil pollution control

- a) No person is allowed to dispose of any chemical toilets' contents, pesticide contents and containers or any other waste in any area unless permitted by the municipality.
- b) No person may dispose of oil or any hazardous waste on any soil.
- c) No person is allowed to dump any building rubble in any area unless permitted by the municipality.
- d) No person may litter or dump any waste.

33. Water pollution control

- a) No person may pollute any water source.
- b) No person is allowed to dispose of any chemical toilet's contents or pesticides contents and containers or any waste into water sources.

34. Toilets facilities

- (a) The surface of the floor area surrounding the toilet facilities, showers, spa bath or swimming pool must be constructed of an approved impervious, non-slip material.
- (b) Toilet facilities (flush water closets and urinals) and showers should be provided, separate toilet and showers should be provided for males and for females. Toilet facilities must be accessible to disabled persons.
- (c) At least 1 (one) water closet should be provided for every 50 (fifty) people and one (1) urinal for every 50 (fifty) males swimmers expected at the time full capacity.
- (d) At least 1 (one) shower should be provided for every 20 (twenty) swimmers on the premises.
- (e) Floors, walls and ceiling in the toilet and shower facilities must be constructed of an approved material, not adversely affected by steam or water.
- (f) Toilet and shower facilities must be properly ventilated in accordance with the Building Regulations, to prevent the existence of odour nuisances.
- (g) Toilet and shower facilities must be kept clean and sanitary at all times.
- (h) Floors of toilets and shower rooms should be constructed of a non-slippery finish,

impervious to moisture that is easily cleanable.

- (i) Readily accessible change rooms should be provided for the convenience of users and are separated for each sex.

Part 1: Interpretation and fundamental principles

35. Definitions

In this chapter, unless the context indicates otherwise-

“Adverse effect” means any actual or potential impact on the environment that impairs or would impair the environment or any aspect of it to an extent that is more than trivial or insignificant, or that is harmful to human health or well-being.

“Air pollutant” means any substance (including but not limited to dust, smoke, fumes and gas) that causes or may cause air pollution;

“Air pollution” means any change in the composition of the air caused by smoke, soot, dust (including fly ash), cinders, solid particles of any kind, gases, fumes, aerosols, and odour substances.

“Air Quality Act” means the National Environmental Management: Air Quality Act, 2004 (Act no. 39 of 2004)

“Air quality management plan” means the air quality management plan referred to in section 15 of the Air Quality Act

“Air Quality Officer” means the Air Quality Officer designated as such in terms of the Air Quality Act

“Ambient Air” means air that is not enclosed by a building, machine, chimney or other such structure;

“Atmospheric emissions or emissions” mean any emissions or entrainment processes emanating from a point, non-point or mobile source that result in the air pollution.

“Authorized person” means any person authorized by the Municipality to implement any provision of this bylaws including but not limited to-

- (a) Peace officers as contemplated in section 334 of the Criminal Procedures Act, 1977 (Act no. 51 of 1977)
- (b) Municipal or Metro police officers as contemplated in the South African Police Services Act 1995 (Act no. 68 of 1995); and
- (c) Such employees, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorized by the Municipality in this regard: Provide that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer.

“Best practicable” means the most effective measures that can reasonably be taken to prevent, reduce or minimize air pollution, having regard to all relevant factors including, among others, local conditions and circumstances, the likelihood of adverse effects, the current state of technical knowledge and financial implications relative to the degree of environmental protection expected to be achieved by application or adoption of the measures;

“chimney” means any structure or opening of any kind from or through which air pollutants may be emitted;

“Combustible liquid” means a liquid which has a close-cap flash point of 38°C or above.

“Compressed ignition powered vehicle” means a vehicle powered by an internal combustion, compression ignition, diesel, or similar fuel engine;

“Constitution” means the Constitution of the Republic of South Africa, 1996 (108 of 1996)

Control measures means a technique, practice or procedure used to prevent or minimise the generation, emission, suspension, or air borne transport of fugitive, dust, pesticides, or sand blasting activities.

“Dark smoke” means:

- (a) in respect of Part 4 and 5 of this chapter, smoke which when measured using, a light absorption meter or obscuration measuring equipment has an

obscuration of 20% or greater,

(b) in respect of Part 5 of this chapter Part V of this chapter

- (i) smoke which has a density of 60 Hart ridge smoke units or more, provided that in relation to emissions from turbocharge compressed ignition powered engines, it means a density of 66 Hart ridge smoke units or more, or
- (ii) smoke which has a light absorption coefficient of more than 2.125m^{-1} , provided that in relation to emissions from turbocharge compressed ignition powered engines, it means a light absorption coefficient of more than 2.5m^{-1} .

“Dust” means any solid matter in a fine or disintegrated stage from which is capable of being dispersed or suspended in the atmosphere;

“Dwelling” means any building or other structure, or part of a building or structure, used as a dwelling, and any outbuildings ancillary to it, but excludes shacks and informal settlements:

“Environment” means the surroundings within which humans exist and that are made up of –

- (a) the land, water, and atmosphere of the earth,
- (b) microorganisms, plant, and animal life,
- (c) any part of 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 Management Inspector” means an Environmental Management Inspector appointed in terms of 31 C of the National Environmental Management Act 1998 (Act 107 of 1998) as amended.

“Free acceleration test” means the method described in section 87 (2) employed to determine whether vehicles are being driven or used in contravention of section 85 (a);

“Fuel- burning equipment” means any furnace, boiler, incinerator, or other fuel burning equipment, including a chimney:

- (a) designated to burn or capable of burning liquid, gas or solid fuel;
- (b) used to dispose of any material waste by burning; or
- (c) used to subject liquid, gas, or solid fuel to an process involving the application of heat;

“Fumes” means any pungent or toxic vapour, gas, or smoke including but not limited to diesel fumes, spray painting fumes and exhaust fumes.

“Licensing authority” means an authority referred to in section 36(1), responsible for implementing the licensing system set out in Chapter 5 of the Air Quality Act.

“Light absorption meter” means a measuring device that uses a light-sensitive cell or detector to determine the amount of light absorbed by an air pollutant;

“Living organism” means any biological entity capable of transferring or replicating genetic material, including sterile organisms and viruses’.

“NEMA” means National Environmental Management Act 1998 (107 of 1998) as amended.

“Non-point source” means as source of atmospheric emissions which cannot be identified as having emanated from a single identifiable source of fixed location, and includes veld, forests and open fires, mining activities, agricultural activities and stockpiles.

“Nuisance” means an unreasonable interference or likely interference caused by air pollution with:

- (a) the health or well-being of any person or living organism; or
- (b) health or wellbeing or the environment
- (c) the use and enjoyment by an owner or occupier of his or her property or environment:

“Obscuration” means the ratio of visible light attenuated by air pollutants suspended in the effluent streams to incident visible light, expressed as a percentage;

“Offensive odour” means any smell which is considered to be malodorous or a nuisance to a reasonable person.

“Open burning” means the combustion of material by burning without a chimney to vent the emitted products of combustion to the atmosphere, and “burning in the open” has a corresponding meaning;

“Operator” means a person who owns or manages an undertaking, or who controls an operation or process, which emits air pollutants;

“Person” means a natural person or a juristic person;

“Proclaimed township” means any land unit zoned and utilized for residential purposes;

“Premises” means any building or other structure together with the land on which it is situated, and any adjoining land occupied or used in connection with any activities carried on in that building or structure and includes any land without any buildings or other structure and any locomotive, which operates or is present within the area under the jurisdiction of the Municipality.

“Public road” means a road which the public has the right to use;

“Smoke” means the gases, particulate matter and product of combustion emitted into the atmosphere when material is burned or subjected to heat and includes the soot, grit and gritty particles emitted in smoke;

“vehicle” means any motor car, motor carriage, motorcycle, bus, motor lorry or other conveyance propelled wholly or partly by any volatile spirit, steam, gas or oil, or by any means other than human or animal power.

Part 2: Duty of care

36. People causing Air Pollution.

- (1) any person who is wholly or partially responsible for causing air pollution or creating a risk of air pollution occurring must take all reasonable measures:
 - (a) to prevent any potential air pollution from occurring; and

- (b) to mitigate and, as far as reasonably possible, to remedy any air pollution that has occurred.
- (2) The Municipality may direct any person who fails to take measures required under subsection (1):
- (a) to investigate, evaluate and assess the impact of specific activities and report thereon;
 - (b) to commence taking specific reasonable measures before a given date.
 - (c) to diligently continue with those measures;
 - (d) to complete them before a specified reasonable date; and
 - (e) Prior to making such decision, the Municipality must give affected persons' adequate opportunity to inform them of their relevant interests and to consult with any other organ of state.
- (3) Should a person fail to comply, or inadequately comply, with a directive under subsection (2), the Municipality may take reasonable measures to remedy the situation referred to in the directive.
- (4) Provided that if such person fails to take the measures required of him or her under subsection (1), the Municipality may recover all reasonable costs incurred as a result of it acting under subsection (3) from any or all of the following person.
- (a) any person who is or was responsible for, or who directly or indirectly contributed to, the air pollution or the potential air pollution;
 - (b) the owner of the land at the time when the air pollution or the potential for air pollution occurred, or that owner's successor in title.
 - (c) the person in control of the land or any person who has or had a right to use the land at the time when the activity or the process in question is or was performed or undertaken; or

(d) any person who negligently failed to prevent the activity or the process being performed or undertaken, or;

(5) If more than one person is liable under subsection (4), the liability may be apportioned among the persons concerned according to the degree to which each was responsible for the harm to the environment resulting from their respective failures to take the measures required under subsection (1) and (2).

37. Designation or appointment of the Air Quality Officer and Environmental Management Inspectors

1) The Municipal Manager must, in consultation with the Head of Environmental Health must designate or appoint a qualified employee of the Municipality as the Air Quality Officer to be responsible for coordinating matters pertaining to air quality management in the Municipality.

2). The mayor in consultation with the Municipal Manager may request the MEC responsible for the Environment in the Province to appoint qualified Environmental Management Inspectors in terms of Part 2, section 31C of the NEMA. (Act 107 of 1998 as amended),

38. Establishment of Atmospheric Emissions Licensing system

The Municipality hereby establishes an Atmospheric Emission Licensing System as contemplated in Chapter 5 of the Air Quality Act (Act no. 39 of 2004).

39. Licensing Authority

1). The municipality is responsible for performing the functions of the licensing authority by implementing and maintaining an atmospheric emission licensing system, referred to in section 22 as set out in Chapter 5 of the Air Quality Act (Act no. 39 of 2004) together with all other provisions of the Air Quality Act (Act no. 39 of 2004).

2). No person may without a provisional atmospheric emission license or an atmospheric emission license, authorized by the municipality, conduct any activity

listed in the Government Notice No. 893 dated 22 November 2013 in terms of The Air Quality Act 2004 (Act No. 39 of 2004) within the jurisdiction area of the municipality.

3). Any person who contravenes subsection (2) commits an offence.

Part 3: Smoke emission from premises other than dwellings

40. Application

For the purpose of this Part, "premises" does not include dwellings.

41. Prohibition

- (1) Subject to subsection (2), dark smoke shall not be emitted from any premises for an aggregated period exceeding three minutes during any continuous period of thirty minutes.
- (2) This section does not apply to dark smoke which is emitted from fuel-burning equipment which occurs while the equipment is being started or while the equipment is being overhauled or repaired, or awaiting overhaul or repair, unless such emission could have been prevented using the best practicable means available.
- (3) If dark smoke is emitted in contravention of subsection (1) the owner, operator and/or the occupier of the premises shall be guilty of an offence.

42. Installation of fuel-burning equipment

- (1) No person shall install, alter, extend, or replace any fuel-burning equipment which is above 10 MW heat input on any premises without the prior written authorization of the Municipality, which may only be given after consideration of the relevant plans and specifications.
- (2) Application for an authorization to operate fuel-burning equipment shall be made on a form prescribed by the municipality.
- (3) An application for installation of fuel burning equipment must be accompanied by:
 - (a) the prescribed processing fee; and
 - (b) such documentation and information as may be required by the municipality.
- (4) After considering the application submitted in terms of subsection (1), the municipality must either:
 - (a) grant an application and issue an authorization, subject to any conditions that

- may be imposed; or
- (b) refuse an application with reasons.
 - (5) An authorization granted will be valid for a period of five (5) years from the date of issue following which a renewal application together with a prescribed processing fee and supporting documentation must be lodged with the municipality.
 - (6) The authorization issued in terms of subsection (1) must specify:
 - (a) the product name and model of the small boiler.
 - (b) the premises in respect of which it is issued.
 - (c) the person to whom it is issued.
 - (d) the period for which the authorization is issued.
 - (e) the name of the municipality.
 - (f) the periods at which the authorization may be reviewed.
 - (g) the fuel type and quality.
 - (h) the maximum allowed amount, volume, emission rate or concentration of pollutants that may be discharged in the atmosphere.
 - (i) any other operating requirements relating to atmospheric discharges and reporting requirements; and
 - (j) any other matters which are necessary for the protection or enforcement of air quality.
 - (7) The municipality must review the authorization issued in terms of this section at intervals specified in the authorization, or when circumstances demand that a review is necessary.
 - (8) Where fuel-burning equipment has been installed, altered, extended or replaced on premises in contravention of subsection (1):
 - (9) Any fuel-burning equipment installed, altered, extended or replaced on premises in accordance with plans and specifications submitted to and approved, for the purpose of this section, by the Municipality shall be presumed until the contrary is proved to comply with the provisions of subsection (1)
 - (10) Where fuel-burning equipment has been installed, altered, extended or replace on premises in contravention of subsection (1):
 - (a) the owner and occupier of the premises and the installer of the fuel-burning equipment shall be guilty of an offence;
 - (b) the Municipality may, on written notice to the owner and occupier of the premises, order the removal of the fuel-burning equipment from the premises

at the expense of the owner and operator and within the period stated in the notice.

43. Transitional arrangements in respect of authorized fuel-burning equipment.

- (a) Any fuel-burning equipment that was authorized to operate in terms of any by-law of the municipality continues to be authorized to operate subject to section 89(c).
- (b) During the period for which the authorized fuel-burning equipment continues to operate, the provisions of this by-law, read with the necessary changes as the context may require, apply in respect of:
 - (i) the holder of an existing authorization as if that person is the holder of the
 - (ii) authorization issued in terms of subsection (i); and
 - (iii) the existing authorization as if the authorization was issued in terms of
 - (iv) subsection (i).
- (c) The holder of an existing authorization must apply for an authorization in terms of subsection (i), when required to do so by the municipality, in writing, and within the period stipulated by the municipality.

44. Operation of fuel-burning equipment

- (1) No person shall use or operate any fuel-burning equipment on any premises contrary to the authorization referred to in section 88(1).
- (2) Where fuel-burning equipment has been used or operated on the premises in contravention of subsection (1)
 - (a) the owner and occupier of the premises and operator of the fuel-burning equipment shall each be guilty of an offence:
 - (b) The Municipality may on written notice to the owner and occupier of the premises:
 - i. Revoke its authorization under section 88(1) ; and
 - ii. order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.

45. Presumption

- (1) In any prosecution for an offence under section 87 dark smoke shall be presumed to have been emitted from premises if it is shown that any fuel or material was burned on the premises and the circumstances were such that the burning would

be reasonably likely to give rise to the emission of dark smoke, unless the owner, occupier or operator, as the case may be, shows that no dark smoke was emitted.

46. Installation and operation of obscuration measuring equipment.

- (1) An authorize person may give notice to any operator of fuel-burning equipment or the owner or occupier of premises on which fuel-burning equipment is used or operated, or intended to be used or operated, to install, maintain and operate obscuration measuring at his or her own cost, if:
 - (a) unauthorized and unlawful emissions of dark smoke from the relevant premises have occurred consistently and regularly over a period of at least two days;
 - (b) unauthorized and unlawful emissions of dark smoke from the relevant premises have occurred intermittently over a period of at least fourteen days;
 - (c) fuel-burning equipment has been or is intended to be installed on the relevant premise which is reasonably likely in the opinion of an authorized person to emit dark smoke;
 - (d) the person on whom the notice is served has been convicted more than once under this Part and has not taken adequate measures to prevent further contravention of the provisions of this Part; or
 - (e) the authorized person considers that the nature of the air pollutants emitted from the relevant premises is reasonably likely to create a hazard to human health or the environment.
- (2) A notice referred to in subsection (1) must inform the person to who it is addressed of:
 - (a) that person's right to make written representations and to appear in person to present and dispute information and arguments regarding the notice, and must stipulate a reasonable period within which such must be done;
 - (b) that person's right of appeal under section 111.
 - (c) that person's right to request written reasons for issuing of the notice; and
 - (d) the measures that must be taken and the potential consequences if the notice is not complied with.

47. Monitoring and sampling

1). An occupier or owner of premises, and the operator of any fuel-burning, equipment, who is required to install obscuration measuring equipment in terms of Section 81 must:

- (a) record all monitoring and sampling results and maintain a copy of this record for at least five years after obtaining the results;
- (b) if requested to do so by an authorized person, produce the record of the monitoring and sampling results for inspection, and
- (c) if requested to do so by an unauthorized person, provide a written report (in a form and by a date specified by the authorized person) of part or all of the information in the record of the monitoring and sampling results.
- (d) ensure that the air pollution measuring equipment is calibrated at least once per year or at intervals as specified by the manufacturer of the equipment and provide records of such calibration on request by the authorised person.

48. Exemption

- (1) Subject to section 114 and on application in writing by the owner or occupier of premises or the operator of fuel-burning equipment, the Municipality may grant a temporary exemption in writing from one or all the provisions of this Part.
- (2) Any exemption granted under subsection (1) must state at least the following:
 - (a) a description of the fuel-burning equipment and the premises on which it is used or operated;
 - (b) the reason for granting the exemption;
 - (c) the conditions attached to the exemption, if any;
 - (d) the period for which the exemption has been granted; and
 - (e) any other relevant information.

Part 4: Smoke emissions from dwellings**49. Restriction to emission of dark smoke**

- (a) Subject to section 87(1), no person shall emit or permit the emission of dark smoke from any dwelling for an aggregate period exceeding three minutes during any continuous period of thirty minutes.
- (b) Any person who emits or permits the emission of dark smoke in contravention of subsection (1) commits an offence.

- (c) Upon application in writing by the owner or occupier of any dwelling, the Municipality may grant a temporary exemption in writing from one or all of the provisions of this Part.

Part 5: Emission from compressed ignition powered vehicles

50. Prohibition

- (a) No person may on a public road drive or use, or cause to be driven or used, a compressed ignition powered vehicle that emits dark smoke.
- (b) If dark smoke is emitted in contravention of subsection (1) the owner and the driver of the vehicle shall each be guilty of an offence.
- (c) For purposes of this section the registered owner of the vehicle shall be presumed to be the driver unless the contrary is proven.

51. Stopping vehicles for inspection and testing.

- (a) In order to enable an authorized person to enforce the provisions of this Part, the driver of vehicle must comply with any reasonable direction given by an authorized person:
 - i. To stop the vehicle; and
 - ii. To facilitate the inspection or testing of vehicle.
- (b) Failure to comply with a direction given under subsection (a) is an offence.
- (c) When a vehicle has stopped in compliance with a direction given under subsection (a), the authorized person may:
 - (aa) inspect and test the vehicle at the roadside, in which case inspection and testing must be carried out:
 - i. At or as near as practicable to the place where the direction to stop the vehicle is given; and
 - ii. As soon as practicable, and in any case within one hour, after the vehicle is stopped in accordance with the direction; or
 - (bb) conduct a visual inspection of the vehicle and, if the authorized person reasonably believes that an offence has been committed under section 86(a), instruct the driver of the vehicle, who is presumed to be the owner of the vehicles unless he or she produces evidence to the contrary, in writing to take the vehicle to a testing station, within a specified period of time, for inspection and testing in accordance with section 98.

52. Testing procedure

- (1) An authorized person must use the free acceleration test method in order to determine whether a compressed ignition powered vehicle is being driven or used in contravention of section 96(a).
- (2) The following procedure must be adhered to in order to conduct a free acceleration test:
 - (a) When instructed to do so by the authorized person, the driver must start the vehicle, place it in neutral gear and engage the clutch;
 - (b) While the vehicle is idling, the authorized person must conduct a visual inspection of the emission system of the vehicle;
 - (c) when instructed to do so by the authorized person, the driver of the vehicle must in less than one second smoothly and completely depress the accelerator throttle pedal of the vehicle, provided that the authorized person may do so himself or herself if the driver fails or refuses to comply with the authorized person's reasonable instructions;
 - (d) While the throttle pedal is depressed, the authorized person must measure the smoke emitted from the vehicle's emission system in order to determine whether or not it is dark smoke;
 - (e) The driver of the vehicle may only release the throttle pedal of the vehicle when the engine reaches cut-off speed, or when directed to do so by the authorized person.
- (3) if, having conducted the free acceleration test, the authorized person is satisfied that the vehicle:
 - (a) is not emitting dark smoke, then the authorized person must furnish the driver of the vehicle with a certificate indicating that the vehicle is not being driven or used in contravention of section 96(1) or
 - (b) Is emitting dark smoke, the authorized person must issue the driver of the vehicle with a repair notice in accordance with section 99.

53. Repair notice

- (1) A repair notice must direct the owner of the vehicle to repair the vehicle within a specified period of time, and to take the vehicle to a place identified in the notice for retesting before the expiry of that period.
- (2) The repair notice must contain inter alia the following information:

- (a) The make, model, and registration number of the vehicle;
 - (b) the name, address, and identity number of the driver of the vehicle; and
 - (c) if the driver is not the owner, the name and address of the vehicle owner.
- (3) A person commits an offence under this Section if that person fails:
- (a) to comply with the notice referred to in subsection (1)
 - (b) the retest referred to in subsection (1).
- (4) It shall not be a defect in proceedings under subsection (3) to aver that the driver of the vehicle failed to bring the repair notice to the attention of the owner of that vehicle.

Part 6: Emissions caused by open burning.

54. Open burning of material on any land

- (1) Subject to subsection 4, any person who carries out open burning of any material on any land or premises is guilty of an offence, unless the prior written authorization of the Municipality, which may include the imposition of further conditions with the person requesting authorization must comply, has been obtained.
- (2) The Municipality may not authorize open burning under subsection (1) unless it is satisfied that the following requirements have been adequately address or fulfilled:
- (a) the material will be open burned on the land from which it originated.
 - (b) That person has investigated and assessed every reasonable alternative for reducing, reusing, or recycling the material in order to minimize the amount of material to be open burned, to satisfaction of the Municipality;
 - (c) that person has investigated and assessed every reasonable alternative for removing the material for the land or premises, to the satisfaction of the Municipality.
 - (d) that person has investigated and assessed the impact that the open burning will have on the environment, to the satisfaction of the Municipality;
 - (e) a warning under section 10 of the National Veld and Forest Fire Act, 1998 (Act 101 of 1998) has not been published for the region,
 - (f) the land on which that person intends to open burn the material is State land, a farm or smallholding, or land within a proclaimed township that is not utilized for residential purposes;

- (g) the open burning is conducted at least 100 metres from any buildings or structure.
 - (h) the open burning will not pose a potential hazard to human health or safety, private property, or the environment.
 - (i) That person has notified in writing the owners and occupiers of all adjacent properties of:
 - i. all known details of the proposed open burning; and
 - ii. the right of owner and occupiers of adjacent properties to lodge written objections to the proposed open burning with the Municipality within 7 days of being notified; and
 - (j) the prescribed fee has been paid to the Municipality.
- (3) Any person who undertakes or permits to be undertaken open burning in contravention of subsection (1) commits an offence.
- (4) The provisions of this section shall not apply to:
- (a) recreational outdoor barbecue or braai activities on private premises;
 - (b) small, controlled fires in informal settlements for the purposes of cooking, heating water and other domestic purposes; or
 - (c) any other defined area or defined activity to which the Municipality has declared this section not to apply.

55. Emissions Caused by Tyre Burning and Burning of Rubber and Other Material for the Recovery of Metal

- (1) No person may without authorization in writing from the Municipality —
- (a) carry out or permit the burning of any tyres, or rubber or other synthetically coated, covered, or insulated products and electronic or other equipment on any land or premises.
 - (b) carry out or permit the burning of any tyres, rubber products, cables or any other products, on any land or premises for the purpose or recovering the scrap metal or fiber reinforcements, or of disposing of tyres, or the rubber products or cables as waste; or
 - (c) possess, store, transport or trade in any burnt metal or fiber reinforcements referred to in paragraph (a) and (b).
- (2) The Municipality may—
- (a) take whatever steps it considers necessary in order to remedy the harm caused

- by the burning referred to in paragraphs (a) and (b) and the possession referred to in paragraph (c), and prevent any occurrence of it, and
- (b) recover the reasonable costs incurred from the person responsible for causing such harm.
- (3) The Municipality may, for the purposes of gathering evidence, confiscate any burnt metal or metal reasonably suspected of being recovered, possessed, stored, transported, or traded from burning referred to in subsection (1) where authorization has not been obtained or cannot be provided.

Part 7: Pesticide and crop spraying

56. Spraying of a pesticide, herbicide, or other related material

- (1) No person may carry out or permit the spraying of a pesticide, herbicide, or other related material unless such pesticide, herbicide or material and the pest control operator is registered in terms of section 3 of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).
- (2) Any person who contravenes subsection (1) of this By-law is guilty of an offence as set out in section 18(1)(c) of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).
- (3) A person who carries out or permits the spraying of pesticides, herbicides or other materials referred to in subsection (1), within the area of jurisdiction of the Municipality, must comply with the following controlled measures:
- (a) obtain prior written authorization of the Municipality which may be granted with conditions, including —
- i. the area of land on which the pesticide, herbicide or other material may be applied; and
 - ii. the period of time in which pesticide, herbicide or other material may be applied.
- (4) notify in writing the owners and occupiers of all adjacent properties within 150 metres of the proposed area of land, of —
- i. the details of such land.
 - ii. the reason for use of pesticide, herbicide, or other material.
 - iii. the active ingredient of pesticide, herbicide, or other material.
 - iv. the date and approximate time of the use of pesticide, herbicide, or other material.

- v. in the event of inclement weather conditions, an alternative date, or dates on which the use of pesticide, herbicide or other material may occur.
 - vi. the time, if any, indicated on the product label specifying when the area can safely be re-entered after application of the pesticide, herbicide, or other material.
 - vii. the right of owners and occupiers of adjacent properties to lodge written objections to the proposed spraying of pesticides with the Municipality within seven days of being notified; and
 - viii. the prescribed fee has been paid to the Municipality.
- (5) Any person who contravenes subsection (3) is guilty of an offence.
- (6) A person may apply to the Municipality for an exemption if —
- (a) the spraying of the pesticide is for the management of pests that transmit human diseases or adversely impact agriculture or forestry.
 - (b) the spraying of the pesticide is for the management of pests that threaten the integrity of sensitive ecosystems; or
 - (c) the need for the use of the pesticide is urgent.
- (7) The provisions of this section are not applicable to —
- (a) residential areas of farms.
 - (b) buildings or inside of buildings; or
 - (c) any other defined area or defined activity to which the Municipality has declared this section not to apply.

Part 8: Spray painting emissions

57. Control of spray-painting emissions

- (1) No person shall, within the municipality's jurisdiction, spray, coat, plate, or epoxy-coat any vehicle, article, object or allow them to be sprayed, coated, plated, or epoxy-coated with any substance outside an approved spray-painting room or booth without the necessary authorization.
- (2) No person may spray, coat, plate, or epoxy-coat any vehicle, article, object, or building or part thereof or allow them to be sprayed, coated, plated or epoxy-coated with any substance unless:
- (a) that person is in possession of a spraying authorization contemplated in
 - (b) subsection (1).

- (c) The spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the designated fire officer, in consultation with the air quality officer, on premises registered for that purpose.
- (3) A person that contravenes subsections (1) and (2) commits an offence.
- (4) Any person who wishes to obtain a spraying authorization must complete and submit to the designated fire officer an application form for such permit in the form and manner as prescribed.
- (5) The designated fire officer, in consultation with the air quality officer, may grant or refuse a spraying authorization contemplated in subsection (1) based on the information submitted.
- (6) A spray room or booth or area designated for the application of a substance must be constructed and equipped according to the requirements prescribed by the designated fire officer.
- (7) The designated fire officer may cancel the spraying authorization if there is reason to believe that the holder of the spraying authorization contravenes or fails to comply with any provision of this by-law.
- (8) Subject to subsection (9), before the designated fire officer cancels the spraying authorization as contemplated in subsection (7), that officer must:
 - (a) give the holder of the spraying authorization written notice of the intention to cancel the spraying authorization and the reasons for such cancellation.
 - (b) give the holder a period of at least 30 days to make written representations regarding the matter to the municipality.
- (9) If the designated fire officer has reason to believe that the failure to cancel the spraying authorization may endanger any person, that officer may cancel the spraying authorization without prior notice to the holder as contemplated in subsection (7).

Part 9: Offensive odours

58. Control of offensive odours

- (1) The occupier or owner of any premises must take all reasonable steps to prevent the emission of any offensive odour caused by any activity on such premises.
- (2) Any person who emits or permits the emission of any offensive odour in contravention of subsection (1) commits an offence.

Part 10: Fume nuisance**59. Control of fumes**

- (1) The occupier or owner of any premises must take all reasonable steps to prevent the nuisance by fumes caused by any activity on such premises.
- (2) Any person who emits or permits the emission of fumes in contravention of subsection (1) commits an offence.

Part 11: Sand blasting operations**60. Control of sand blasting operations**

- (1) Any person conducting sand blasting activities which customarily produce emissions of dust that may be harmful to public health, well-being and/or cause a nuisance shall take control measures to prevent emissions into the atmosphere.
- (2) Any person who undertakes any sand blasting activity that causes dust emissions must implement the following control measure:
 - (a) dust extraction control measure; or
 - (b) any alternative dust control measure approved in writing by the Air Quality Officer.
- (3) A person that contravenes subsections (1) and (2) commits an offence.

Part 12: Dust nuisance**61. Control of dust**

- (1) The occupier or owner of any premises must take control measures to prevent the nuisance by dust caused by any activity on such premises.
- (2) Any person who undertakes any activity that causes dust emissions must implement one or more of the following control measures:
 - (i) pave.
 - (ii) use dust palliatives or suppressants.
 - (iii) uniformly apply and maintain any surface gravel.
 - (iv) erect physical barriers and signs to prohibit access to the disturbed areas.
 - (v) use ground covers.
 - (vi) re-vegetation which is similar to adjacent undisturbed native conditions; or
 - (vii) any alternative control measure approved in writing by the air quality officer.

- (3) The control measures must be consistent with the provisions of any applicable legislation.

62. Use of boilers and incinerators

- (a) The premises must comply with the requirements of the National Environmental Air Quality Act, 2004 (Act No. 39 of 2004) with regards to the use of boilers and incinerators.
- (b) The operation of boilers, incinerators and private sewage works on any premises must comply with the following requirements:
- (i) Coal and fuel burning equipment such as boilers and incinerators must be operated effectively to minimize smoke, gas, odours, fly-ash or any other form of air pollution.
 - (ii) Only incinerators and boilers which conform to prescribed requirements must be used; and
 - (iii) Incinerators and boilers must be maintained in good working order to ensure pollution free performance.
- (c) Incinerators and boilers should be monitored regularly to ensure effective operation in terms of permit conditions and the applicable local authority's by-laws.
- (d) All necessary technical investigations should be conducted by the operators of incinerators and boilers to ensure that the coal and fuel burning equipment and other relevant disposal facilities are operated in accordance with the relevant permit requirements.

CHAPTER 5**HEALTH CARE RISK WASTE****63. Definitions**

In this Chapter, unless the context otherwise indicates –

“Anatomical or pathological waste” means-

- (a) human and animal tissues, organs, body parts, blood and blood products and body fluids.
- (b) non-viable foetus.
- (c) deceased animals or animal parts infected with potential infectious agents and includes animals maintained for biological or scientific research and testing, but excludes human teeth, hair and nails and animal carcasses.

“Cytotoxic waste” means waste that contains agents that are toxic to cells and that can lead to cell death.

“Domestic generator” means-

- (a) a household generator; or
- (b) other generators who generate less than 150 grams (excluding the container) per day of health care risk waste (excluding nappy waste), or less than 10 (ten) kilograms (excluding the container) per day of nappy waste, calculated monthly as a daily average; but excludes households or facilities which generate any sharps waste and who shall be considered a minor generator.

“Generator” means a person, whose actions, or activities result in health care risk waste and includes -

- (a) households.
- (b) home based care givers and organisations.
- (c) health care practitioners and health care facilities.
- (d) veterinary practitioners, animal clinics, and animal hospitals.
- (e) mortuaries, funeral parlours, undertakers, and embalmers.
- (f) emergency medical services.
- (g) traditional healers; and
- (h) tattoo artists and body piercers.

“Generator” means any person or institution which generates health care waste;

“Genotoxic waste” means highly toxic waste that may have mutagenic, teratogenic, or carcinogenic properties and includes certain cytostatic drugs as well as vomit,

urine or faeces from patients treated with cytostatic drugs, chemicals, and radioactive material;

“Hazardous waste” means waste that has the potential, even in low concentrations, to have a significant adverse effect on public health and the environment because of its inherent toxicological, chemical, and physical characteristics.

‘Health care facility’ means the place or site where health care services are dispensed to human or animal patients or where research relevant to medical care is carried out, including-

- (a) hospitals.
- (b) clinics.
- (c) laboratories.
- (d) rehabilitation centres.
- (e) old age homes.
- (f) hospice.
- (g) funeral homes.
- (h) day clinics; and
- (i) mobile units.

“Health Care Waste” means waste generated at a health establishment and includes both health care general waste and health care risk waste.

“Health Care General Waste” means that portion of health care waste which is not hazardous

“Health Care Risk Waste” ; means that portion of health care waste which is hazardous and includes infections waste, pathological waste, genotoxic waste, chemical waste, waste containing heavy metals, radioactive waste, and any other waste which is considered hazardous in terms of the Waste Management Series: Document 1: Minimum Requirements for the handling, classification and disposal of Hazardous Waste, 2nd Edition as published by the Department of Water and Sanitation.

“Health Care Risk Transfer Station” means any person who receives but does not treat health care risk waste. Health care risk waste transporters who store health care risk waste are also health care risk waste transfer stations.

‘Infectious waste’ means waste which contains or may be reasonably presumed to contain infectious agents in sufficient concentrations or quantities to cause disease in susceptible hosts and includes isolation waste.

“Laboratory waste” means-

- (a) laboratory generated cultures of human or animal specimens.
- (b) cultures and stocks of infectious agents maintained in laboratories.
- (c) wastes from the production of cultures of bacteria, fungi, and viruses or in the production of spore sand vaccines or instruments used to transfer, inoculate, and mix cultures; and
- (d) specimens sent to a laboratory for analysis.

“Pharmaceutical waste” means expired, unused, spilt, or contaminated drugs, medicines and vaccines which are no longer usable and includes their packaging materials.

“Sanitary waste” means tampons, sanitary towels, and incontinence pads.

“SANS 10248-1” means the South African National Standard for the Management of Health Care Waste,
Part 1: Management of Health Care Risk Waste from a Health Care Facility.

“SANS 452” means the South African National Standard for Non-reusable and Reusable Sharps Containers.

“Sharps waste” means waste having acute rigid comers, edges, or protuberances capable of cutting or piercing, including:

- (a) hypodermic needles, syringes with attached needles, blades, needles, and lancets with or without attached tubing.
- (b) broken clinical glass items, such as Pasteur pipettes and blood vials used in the diagnosis and treatment of patients and animals; and
- (c) culture slides and exposed ends of dental wires.

“Waste containing heavy metals” means waste which includes, but is not limited to, mercury waste from thermometers, blood pressure gauges, residues from density, cadmium from batteries, reinforced wood panels used in radiation proofing and drugs containing arsenic:

“Waste manager” means any person that supervises the treatment and/or disposal of health care risk waste, including the waste generator itself or those persons acting on behalf of the waste generator.

“Waste manifest system” means a system of control documentation containing the information specified in the Waste Classification and Management Regulations, 2011.

64. Separation at source and marking:

- (1) Health care waste generators, transporters, treaters and disposers have a general duty of care in terms of these Bylaws and any other relevant provincial and national legislation, to separate all health care risk waste at source and to handle, package, store and dispose of health care risk waste in a safe manner that poses no threat to human health or to the environment.
- (2) Without limiting the generality of the duty in subsection (1) General requirements of health care waste generators, generators must:
 - (a) ensure that the generation of health care risk waste is minimized as far as possible at source.
 - (b) separate health care waste into health care risk waste and health care general waste at point at which it is generated:
 - (c) store health care risk waste in purpose manufactured, leak-proof, sealable containers and must ensure that such containers used to store sharps, razors, blades, needles, and any other instrument which can cause cuts, punctures, or injections, are rigid and puncture resistant;
 - (d) ensure that the radioactive waste for which he/she is responsible, treated in accordance with the Hazardous Substances Act, 1973, (Act No. 15 of 1973) as amended.
 - (e) ensure that health care waste is properly labelled to identify point of origin.
 - (f) ensure that all the employees in their employ are adequately trained in the identification, collection, separation, handling, storing of health care risk waste;
 - (g) take appropriate steps to ensure the health and safety of all the employees in their employ in terms of the Occupational Health & Safety Act, (Act 85 of 1993) as amended;
 - (h) label all health care risk waste containers clearly in large, legible lettering with indelible ink with the following information:
 - (i) the name, address and contact telephone number of the generator
 - (ii) the words: DANGER – HEALTH CARE RISK WASTE; GEVAAR – GESONDHEIDSAFVAL, and INGOZI: INKUNKUMA YEZAMAYEZA, and the international bio-hazard logo, and
 - (iii) the date on which the health care risk waste is removed from the premises of the generator.
 - (i) Prevent public access to health care risk waste containers which are in use;

- (j) Store full health care risk waste containers in controlled, secure areas which are reserved for the storage of health care risk waste;
- (k) Make arrangements for the removal of health care risk waste from their premises and for the transportation of health care risk waste by a person who is registered in terms of Section 120(2) of these By-laws as a transporter of health care risk waste;
- (l) Make arrangements for the disposal of the health care risk waste by a person/institution permitted to dispose of health care risk waste in terms of these By-laws of the Municipality or any other applicable legislation.
- (m) Have a standard operating procedure for the disposal of waste. This procedure should be detailed in a Waste Management Plan that ensures legal compliance.
 - (n) Ensure that the waste is handled only by the service providers permitted to transport and dispose of it. Disposal must take place through a waste disposal facility that is licensed in terms of National Environmental Management: Waste Act to accept, treat and/or dispose of such waste.
- (3) Generators may apply to the Municipality for permission to handle, store and otherwise deal with health care risk waste in a manner which does not comply with the requirements as set out in subsection (2) above.
- (4) The Municipality may in writing grant the permission referred to in subsection (3) subject to certain conditions.
- (5) Generators may transport disposal of health care risk waste generated on their premises, provided they do so in terms of this By-law;
- (6) Generators must:
 - (a) Maintain an up-to-date written record of all health care risk waste generated and removed from their premises in a format from time to time prescribed by Municipality;
 - (b) Obtain written notification from the disposer of the health care risk waste that the health care risk has been disposed of and upon receiving such notification; indicate in their written record that the health care risk waste has been disposed of by mentioning the name of the disposer and the date of disposal;
 - (c) Provide copies of the record referred to in (a) and the information in (b) to Municipality on a six-monthly basis or at any other frequency as may from time to time be prescribed by Municipality.

65. Duty of transporters

- (1) Transporters must remove health care risk waste from the premises of the generator, transport, store and deliver such health care risk waste to a site at which it will be disposed of in a manner which poses no threat to human health or the environment.
- (2) Without limiting the generality of the duty referred to in subsection (1), General transportation requirements, transporters must:
 - (a) not remove the health care risk waste from the containers in which the generator placed it;
 - (b) transport and store the health care risk waste in such way that no member of the public can gain access to the health care risk waste or the containers in which it is stored;
 - (c) transport the health care risk waste in vehicles which:
 - (i) comply with all applicable legislation as from time to time promulgated by National and Provincial Government or in the absence of such legislation.
 - (ii) are capable of containing the health care risk waste;
 - (iii) are designed to prevent spillage;
 - (iv) are constructed of materials which are easy to clean and to disinfect;
 - (v) are capable of being secured in order to prevent unauthorized access.
 - (d) deliver health care risk waste only to a person and site permitted to dispose of health care risk waste in terms of Section 119
- (3) Transporters may apply to the Municipality for permission to remove, transport, store and deliver health care risk waste in a manner which does not comply with the requirements as set out in subsection (2) above.
- (4) The Municipality may in writing grant the permission referred to in subsection (3) subject to certain conditions.
- (5) Transporters may dispose of health care risk waste provided they do so in terms of these Bylaws.
- (6) Transporters must maintain a written record in respect of each collection and delivery of health care risk waste, which they must update simultaneously with each collection and delivery. The record must be in the format as prescribed from time to time by the Municipality and must be kept for a period of three years' from date on which the health care risk waste is delivered to the disposal site.

Transporters must keep a copy of the said record in the vehicle used for the transportation of the health care risk waste.

- (7) Transporters and waste managers have an equal obligation as the generator of waste to ensure that all waste is handled correctly until its final disposal by checking and filling out relevant portions of the waste manifest document before accepting any waste in terms of the Waste Classification and Management Regulation of 2013

66. Duties of Waste Managers

A waste manager must-

{a) not accept health care risk waste that is not packaged, weighed, and labelled in accordance with the requirements set out in Regulation 5, 6 and 7 of these Regulations.

(b) comply with the waste manifest system requirements set out in the Waste Classification and Management Regulations, 2011.

(c) operate a non-combustion treatment in accordance with the Standard for Validation of the

Treatment Efficacy and Operation of a Non-Combustion Health Care Risk Waste Treatment

Facility published in terms of section 7 of the Act; and

(d) operate an incinerator in accordance with the requirements of section 21 of the National

Environmental Management: Air Quality Act, 2004 (Act No 39 of 2004).

(e) not manually load the devise with health care risk waste for treatment.

(n treat human anatomical waste and suction canisters by incineration; ·

(g) treat low-level radioactive waste by incineration that, in addition to the relevant environmental authorisations, has the relevant approval from the Department of Health.

(h) release effluent from the premises into sewer unless authorised to do so by the competent authority.

(2) Any residue from a health care risk waste treatment process must be-

- (a) smaller than 80mm with no particle exceeding 80mm in any dimension; and
- (b) disposed of through a waste disposal facility licensed in terms of the Act.

67. Disposal of Health Care Risk Waste

- (1) Health care risk waste may only be disposed of by a person.
 - (a) Who holds a permit to operate a hazardous waste site in terms of National Environmental Management: Waste Act, 59 of 2008
 - (b) Who compiles all the terms and conditions attached to such a permit.
- (2) A person permitted in terms of subsection (1) to dispose of health care risk waste must do so at the site at which the permit permits him or her to dispose of health care risk waste and may not dispose of health care risk waste at any other place.
- (3) Persons who dispose of health care risk waste must:
 - (a) maintain an up-to-date written record as required in terms of the National Waste Information System and any additional information as may from time to time be required by the Municipality of all health care risk waste received and disposed of at the site;
 - (b) keep such records for a period of three years or for such a period as may be prescribed in terms of the guidelines provided for compliance to the National Waste Information System, whichever the shortest.

68. Duty to register

- (1) Every generator must register with the Municipality within 6 months of the coming into effect of these By-laws by completing and submitting a written notification to Municipality in the format prescribed from time to time.
- (2) Every transporter must register with the Municipality within 6 months of the coming into effect of these By-laws by completing and submitting a written notification to the Municipality in the format prescribed from time to time.
- (3) Generators and transporters must notify the Municipality of any changes to the information provided in terms of subsection (1) and (2) as soon as such changes take place.

69. Power of Environmental Health Practitioners

- (1) Any Environmental Health Practitioner in the employ of the Municipality may:
 - (a) Enter sites and premises on which health care waste is being generated,

- handled, treated, stored, or disposed of, or on which he or she suspects healthcare waste is being generated, handled, stored or disposed of,
- (b) Gain access to vehicles on which health care waste is being contained or transported, or on which her or she suspects health care waste is being contained or transported.
- (2) Where an Environmental Health Practitioner enters premises or a site or gain access to a vehicle in terms of subsection (1), he or she may, for the purpose of administering these By-laws, undertake any inspection or enquiry, including but not limited to:
- (a) inspecting premises, site, or vehicle for the presence of health care risk waste;
 - (b) inspecting the manner in which health care risk waste is being, handled, stored, transported, treated, or disposed of;
 - (c) requesting information regarding the health care risk waste from the person who is in charge of the health care risk waste or from the person in charge of the health care risk waste or from the person in charge of the premises, site or vehicle;
 - (d) examine extract or make copies of any health care risk waste records and request an explanation from the person in charge of the record, or from the person in charge of the site, premise, or vehicle.

70. Offences

Any person who contravenes any provision of the chapter or fails to comply with any notice given in relation hereto in terms of these By-laws, commits an offence.

FOR SHARING INFORMATION, THE MINISTER OF ENVIRONMENTAL AFFAIRS PUBLISHED DRAFT NATIONAL HEALTH CARE WASTE REGULATIONS IN (GN 463 IN GG 41601 OF 30 APRIL 2018 IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT 59 OF 2008. MEMBERS OF THE PUBLIC WERE INVITED TO SUBMIT ANY WRITTEN COMMENTS AND REPRESENTATIONS ON THE DRAFT REGULATIONS BY WEDNESDAY, 30 MAY 2018)

CHAPTER 6

HAZARDOUS WASTE

71. Applicable legislation

The municipality, taking cognizance of the provisions of the National Environmental Management: Waste Act, 59 of 2008 as amended the Hazardous Substances Act, 1973 (Act 15 of 1973) as amended, the National Health Act, 61 of 2003 and National Health Amendment Act 12 of 2013, and the regulations made under these Acts, adopts the provisions of these Acts in this Chapter. The Hazardous Substances Act applies to all persons who make use of, manufacture, distribute and or sell hazardous chemical substances and emphasises the safe handling of such substances. It is important to be aware of the nature and careful use and or distribution of such substances so as to avoid harm befalling any individual as a result of mishandling of these substances. Any person engaged in the selling of Group I, Category 8 hazardous substances shall comply with the provisions of Regulations relating to Group I hazardous substances.

72. Storage of hazardous waste

- (1) An empty container in which hazardous waste such as, but not limited to, pesticides was stored is to be treated as hazardous waste, and –
 - (a) must be stored in such a manner that –
 - (b) no pollution of the environment occurs at any time.
 - (c) no health nuisance is created at any time.
 - (d) must be kept away from food and drinks and must be stored in a locked room or cupboard except when stock is being sold or replenished.
 - (e) All containers where hazardous substances must be leaked proof and tightly sealed.
 - (f) while being stored on site, must be clearly marked, or labelled with the words “Hazardous Waste”.
 - (g) the owner or occupier of the land must fence off the storage area to prevent unauthorised access; and
 - (h) Any person who disposes of a hazardous substance or its container must ensure that such substance is not poured down the drain or placed into the ground but is instead given to the registered waste disposal contractor, who

must ensure and confirm by way of a waste disposal certificate that it is disposed of at a registered hazardous waste disposal site.

- (i) 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 and Sanitation as amended from time to time.

License

- (a) An application for a license shall be made and submitted to the Regional Director of Health Services of the area concerned.
- (b) A license shall not be issued unless in the opinion of the said Regional Director its issue is desirable in the public interest.
- (c) A license shall have effect only until the 31st day of December in the year in which it is issued.

Conditions Of Sale or Supply of Group I Hazardous Substances

- (a) A licensee shall authorise the supply or keeping for supply of Group I hazardous substances or a particular category of such substances or certain specified Group I hazardous substances and any sale shall take place only at the address mentioned in the licence and under the control of the person mentioned therein.
 - (b) No licensee shall supply any such substance to any other licensee unless he is furnished with the number of the licence issued to such other licensee and endorses such number on the relative invoice.
 - (c) A licensee shall keep all Group I hazardous substances in his possession or charge under proper care and control, entirely separate from articles of food or drink and either in a room, a cupboard or an enclosure reserved solely for the purpose and securely locked at all times except when stocks are added or removed.
 - (d) No Group I hazardous substance shall be sold over any counter or table used in connection with the handling, preparation, or sale of any article of food or drink.
 - (e) Subject to sub regulation (5A), no person shall sell any Group I hazardous substance except in a container which is securely closed, free from leaks and of sufficient strength to withstand rough usage and preclude any loss of the contents.
- (4) Any person who contravenes a provision of this by-law and allows such a contravention to take place, shall be guilty of an offence in terms of Section 318

CHAPTER 7

OFFENSIVE TRADES

73. Definitions

In this Chapter, unless the context otherwise indicates. -

“Effluent” means any wastewater which may be generated as a result of undertaking any scheduled use or an activity which is likely to cause a public health nuisance;

“Offensive trade” means of any business listed below or business which involves an activity listed below:

- (a) Panel beating or spray painting ;
- (b) operating a hazardous waste recycling plant including oil and petroleum product recycling;
- (c) scrap yard or scrap metal dealing;
- (d) blood boiling, bone boiling, tallow melting, fat melting or fat extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, hide boiling, skin curing, blood drying, gut scraping, leather dressing, tanning or glue,
- (e) charcoal burning, brick burning, lime burning;
- (f) manure making or storing or compost making;
- (g) parchment making;
- (h) manufacturing malt or yeast;
- (i) cement works, coke ovens or salt glazing works;
- (j) sintering of sulphurous materials;
- (k) viscose works;
- (l) ore or mineral smelting, calcining, puddling or rolling of iron or other metal, conversion of pig iron into cast iron, reheating, tempering, hardening, forging, conversion, or compounding of carbon with iron or other metal.
- (m) Work of a knacker
- (n) Slaughtering of animals
- (o) Fish mongering and fish frying
- (p) Manufacture of flock and rags.
- (q) Animal bristle and hair storing and sterilizing.
- (r) Manufacture of chemicals.
- (s) Fell mongering.
- (t) Storage of rags.

- (t) Wood saw-dust.
- (u) Iodoform.
- (v) works for the production of carbon bisulfide, cellulose, lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, pyridine, liquid or gaseous Sulphur chlorides;
- (w) works for the production of amply acetate, aromatic ethers, butyric acid, caramel, enameled wire, compounds, sulphurous paints, ultramarine, zinc chloride or zinc oxide; or
- (x) the refining or processing of petrol, oil, or their products;
- (y) Any other work or trade of an offensive nature which, with the sanction of the Municipality may add to the list.

“Offensive trader” means any person who owns, conducts, or carries on an offensive trade.

74. Permit requirement

No person may conduct an offensive trade in or any premises, except in terms of a permit authorizing such trade.

75. Requirements for premises

No person may conduct an offensive trade in or on any premises unless -

- (a) the floors of the premises are constructed of cement concrete or a similar impervious material, brought to a smooth finish;
- (b) the floors of the premises are adequately graded and drained for the disposal of effluent to an approved disposal system;
- (c) the inside walls, except where glazed or glass brick or glazed tiles are used, are plastered, brought to a smooth finish, and painted with a light-colored, washable paint;
- (d) the surface of any backyard or open space is paved with concrete or similar impervious material, brought to a smooth finish;
- (e) the premises are provided with adequate light and ventilation as prescribed in the National Building Regulations and Building Standards Act;
- (f) an adequate supply of running potable water is provided.
- (g) an adequate number of portable containers constructed of iron or another non-absorbent material, equipped with closely fitting lids, are provided for the

- removal of all waste and wastewater from the premises;
- (h) adequate means are provided for the disposal of all effluent arising from the manufacturing or other process performed on the premises;
 - (i) adequate accommodation is provided for the storage of all finished products, articles or materials which are used in the manufacturing or other process, and which may –
 - (i) discharge offensive or injurious effluent or liquid, or
 - (ii) decompose in the course of the work or trade;
 - (j) adequate means are provided to control the discharge in the open air of any noxious, injurious, or offensive gas, fume, vapour or dust produced during any handling, preparation, drying, melting, rendering, boiling, roasting, grilling, sandblasting or grinding process or storage of material,
 - (k) adequate sanitary fixtures are provided as prescribed in the National Building Regulation and Building Standards Act;
 - (l) A perimeter wall made of brick or some other impervious material, with a minimum height of 2 meters, is constructed around the premises.
 - (m) All gates to the premises are of solid construction with a minimum height of 2 meters.
 - (n) all perimeter walls and gates adequately screen activities on the premises from public view;
 - (o) all materials are stacked or stored on the premises below the height of the perimeter screening;
 - (p) adequate separate change-rooms for male and female employees must be provided containing.
 - (i) an adequate metal locker for every employee;
 - (ii) a wash hand basin provided with a supply of running hot and cold potable water; and
 - (iii) an adequate supply of soap and disposable towels at every wash- hand basin;
 - (q) if no change-room has been provided in terms of paragraph (p) –
 - (i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position, and
 - (ii) An adequate metal locker must be provided for every employee in the work area.

- (r) An approved wash bay must be provided for the washing of vehicles and containers if required by the Environmental Health Practitioner

76. Duties of offensive traders

Every offensive trader must -

- (a) maintain the premises in a clean, hygienic, and good condition at all times;
- (b) maintain all walls and floors of the premises in a manner and condition that prevents the absorption of any waste or wastewater;
- (c) maintain all machinery, plant, apparatus, furniture, fitting, tools, implements, vessels, containers, receptacles, and vehicles in a clean, hygienic, and good condition at all times;
- (d) prevent any waste accumulating on the premises and provide proof when required of safe disposal of recycled or hazardous related waste materials,
- (e) prevent the emission of noxious, injurious, or offensive gases, fumes, vapours, or dust generated during any handling, preparation, drying,
- (f) melting, rendering, boiling, or grinding process or storage of any material on the premises; and
- (g) provide and maintain effective measures to preclude the open attraction of pests and to prevent the breeding thereof.

77. Liquid refuse from bone and tripe boiling

- (1) Every bone boiler and every tripe boiler must adequately cool all wastewater before it is discharge into any sewer or other receptacle.
- (2) The cooling process referred to in subsection (1), must take place in a manner that prevents the generations of any noxious and injurious effluent.

78. Liquids, tanks and tubs in leather making

Every fell-monger, leather dresser or tanner must -

- (a) renew and dispose of the liquid from every tank or other receptacle used on the premises to wash or soak any skin or hide, other than a lime pit, at adequate intervals and in an adequate manner,
- (b) clean the entire tank or other receptacle every time it is emptied;

- (c) clean every tub or other receptacle used to contain a solution of the material known as “puer”

79. Storage of rags, bones, and waste

No trader in rags, bones or waste may place or store, or cause or permit to be stored, rags, bones or waste in any part of the premises concerned which is-

- (c) inhabited by people; or
- (d) not adequately ventilated.

Any person who contravenes a provision of this by-law and allows such a contravention to take place, shall be guilty of an offence in terms of Section 318

CHAPTER 8

HAIRDRESSING, BEAUTY, AND COSMETOLOGY SERVICE

80. Definitions

In this Chapter, unless the context otherwise indicates-

“**Body piercing**” means the piercing of the skin for the purpose of inserting any foreign object;

“**Cosmetology or beauty service**” includes, but is not limited to anyone or more of the following services:

- (e) Manicure, pedicure, nail technology, or the application of false or artificial nails or nail extensions, whatever the substance used;
- (f) eyebrow shaping and plucking including the application of false or artificial eyebrows or eyelashes and tinting of eyelashes.
- (g) cosmetic and camouflage make-up of the face and its features, whether by permanent, semi-permanent or temporary means;
- (h) facial skin care;
- (i) removal of unwanted or superfluous hair from any part of the body by any means, other than shaving, including by means of waxing, chemical depilatories., electrical or mechanical means, whether or not any apparatus, appliance, heat, preparation, or substance is used in any of these operations;
- (j) body piercing and tattooing for cosmetic purposes;

- (k) massaging;
 - (l) body bronzing by means of ultraviolet radiation or any similar method, or
 - (m) body contouring including all forms of slimming;
- “Hairdressing”** includes, but is not limited to, any one or more of the following services:
- (a) Shampooing and cleansing, conditioning, and treating hair;
 - (b) chemical reformation of the hair including permanent waving, relaxing, and straightening of the hair;
 - (c) hair colouring, including tinting, dyeing and colouring by means of permanent, semi-permanent or temporary means, including the use of colour rinses, shampoos, gels, or mousses and lightening by means of tints, bleaches, highlights or high lifting tints or tones;
 - (d) hair cutting and shaping.
 - (e) barbering services including shaving and singeing of hair; or
 - (f) the adding to hair of natural and artificial hair and hair extensions, board work, pastiche, wig making or the performing of any operation specified in paragraphs (a) to (e) on a wig or hairpiece to be worn by any person; or
 - (g) trichology and trophological treatment of the hair including the treatment of abnormalities and disorders of the hair;

“Salon” means any place where any or more of the following services are performed for gain:

- (a) hairdressing service;
- (b) cosmetology or beauty services;
- (c) body piercing and tattooing; or
- (d) massaging services;

“Salon service” means any one or more or a combination of the practices or services generally and usually performed by a person rendering service in the hairdressing, cosmetology or beauty service industry including any massage, body piercing and tattooing service.

81. Permit requirement

No person may operate a salon except in terms of a permit authorizing that activity.

82. Requirement for premises

No person may operate a salon on any premises which do not comply with the following requirements:

- (a) adequate lighting and ventilation, as prescribed in the National Building Regulations and Buildings Standards Act, must be provided;
- (b) all shelves, fixtures and tabletops on which instruments are placed must be constructed of an approved material that is durable, non-absorbent, and easy to clean;
- (c) water and toilet facilities must be provided as prescribed in the National Building Regulations and Building Standards Act;
- (d) adequate, separate facilities, with a supply of running potable water, must be available for the washing of hair and hands;
- (e) An approved system for the disposal of wastewater must be provided.
- (f) adequate storage facilities must be provided;
- (g) the walls and floors must be constructed of a material that is easy to clean and which prevents cut hair from being dispersed, and
- (h) The premises may not be used for the storage and preparation of food or for sleeping unless any area for that purpose is clearly separated by an impervious wall.
- (i) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing –
 - (i) an adequate metal locker for every employee;
 - (ii) a wash hand basin provided with a supply of running hot and cold potable water; and
 - (iii) an adequate supply of soap and disposable towels at every wash hand basin;
- (j) if no change-rooms has been provided in terms of paragraph (i) –
 - (i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
 - (ii) An adequate locker must be provided for every employee in the work area.
(metal deleted)

83. Duties of salon operators

Any person operating a salon must.

- (a) maintain the premises, tools, equipment, and clothing in a hygienic and good

- condition at all times;
- (b) must keep all chemicals used in good condition.
 - (c) equip the premises with an adequate means to disinfect and sterilize instruments and equipment that may come into direct contact with any customer's hair or skin;
 - (d) provide employees on the premises with approved protective clothing and equipment;
 - (e) collect all hair clippings and other waste in an approved container after every service;
 - (f) store or dispose of waste in an approved manner;
 - (g) adequately train any person working on the premises on health and hygiene matters.
 - (h) not permit any animal on the premises unless it is a guide dog accompanying a blind person, and
 - (i) ensure that any employee working with the public with an open wound on their hands or with a communicable skin condition takes the necessary precautions.
 - (j) ensure that every person working in the salon complies with the requirements of this section and section 139 and 140 of this By-Law.

84. Required minimum health standards for the operation of a salon

Any person operating or employed in, a salon must take the following measures:

- (a) adequately disinfect all the instruments after each use.
- (b) adequately sterilize the following instruments after each use.
 - (i) any instrument used for body piercing or tattooing.
 - (ii) any instrument which has come in contact with blood or any other body fluid;
- (c) wash and clean all plastic and cloth towels after each use;
- (d) dispose of all disposable gloves or other disposable material after each use;
- (e) wash all aprons and caps daily;
- (f) wash his or her hands with soap and water or disinfectant before and after rendering each service to a client;
- (g) wear disposable gloves when providing one of the following salon services:
 - (i) any chemical services;
 - (ii) any hair implant;
 - (iii) body piercing; and
 - (iv) tattooing;

- (h) wash all walls, floors, chairs, and other surfaces in the premises at least once a day with a disinfectant or household detergent;
- (i) dispose of all wastewaters, sharp instruments, bloodied and otherwise contaminated towels and toweling paper in an approved manner;
- (j) store razors, blades, needles, and other sharp instruments separately in a 'sharp instrument' container; and make use of an approved health care risk waste company for disposal.
- (k) adequately treat any injury or wound which may occur on the premises.
- (l) clean and disinfect all surface that have been contaminated by blood after each service;
- (m) Always keep an approved first aid kit on the premises as prescribed by the Occupational Health and Safety Act 1993 (Act No. 85 of 1993) ;
- (n) All tubes and needles must be stored in single service, sterile, sealed autoclave bags that must be opened in the presence of the client.
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.

85. Prohibition against the use of salon premises for other purposes

- (1) Any person operating a salon must ensure that the premises are used exclusively for that purpose.
- (2) Any person who wants to prepare any beverage for customers on the premises of a salon, must provide a separate area, equipped with a facility for cleaning crockery and utensils, for that purpose.

Any person who contravenes a provision of this by-law and allows such a contravention to take place, shall be guilty of an offence in terms of section 318 of this By-Law.

CHAPTER 9**DRY-CLEANING AND LAUNDRY ESTABLISHMENTS****86. Definitions**

In this Chapter, unless the context otherwise indicates-

“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 premises used for the receipt, storage and dispatch of clothes or other fabrics in connection with a dry cleaning or laundry business.

87. Premises for dry-cleaning or laundry business

No person may conduct a dry-cleaning or laundry business on premises which do not comply with the following requirements:

- (a) work-room or area used for housing dry-cleaning machines, washing- machines, ironing boards, presses and other fixed or movable equipment, with a minimum unobstructed floor area of 2,5 m² per person employed on the premises, must be provided;
- (b) adequate separate areas for marking clean and dirty articles must be provided with:
 - (i) tables with an impervious surface;
 - (ii) adequate washable containers for dirty articles; and
 - (iii) hanging rails and shelves constructed of an impervious material in the area for marking clean articles;
- (c) a separate room or area with separate designated counters, with impervious surface, must be provided for the receipt and dispatch of articles; and
 - (i) a store-room or facility for the storage of packing material and other articles must be provided and equipped with adequate packing shelves of which the lowest shelf must be at least 250 mm above floor level; adequate separate change rooms for males and females, where five or more persons of the same sex are employed, must be provided containing –an adequate metal locker for every employee;
 - (ii) a wash hand basin provided with a supply of running hot and cold potable water, and

- (iii) An adequate supply of soap and disposable towels at every wash hand basin,
- (d) If no change rooms have been provided in terms of paragraph (e) -
 - (i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
 - (ii) An adequate metal locker must be provided for every employee in the work area.
- (e) a tea kitchen with a single basin stainless steel sink, with a supply of running hot and cold potable water, must be provided;
- (f) separate toilets for males and females must be provided which comply with the provisions of the National Building Regulations and Building Standards Act;
- (g) every toilet and change-room must be clearly gender designated;
- (h) all internal walls must be constructed of an impervious material, brought to a smooth finish, and painted with a light-colored washable paint;
- (i) all ceilings must be dust-proof, smoothly finished, and painted with a light-colored washable paint;
- (j) all floor surfaces must be constructed of cement or some other adequate impervious material, brought to a smooth finish and property drained;
- (k) The minimum height from floor to ceiling of any room or area must be 2,4 meters.
- (l) adequate lighting and ventilation, as prescribed by the National Building Regulations and Building Standards Act must be provided;
- (m) All machinery and equipment must be equipped with adequate suction fans to remove any noxious gas, steam, and hot air from any room and to release it in the open air in an adequate manner.
- (n) all machinery and equipment must be placed so that there is free access to all areas around and underneath each machine or item of equipment, to enable those areas to be adequately cleansed; and
- (o) a separate pre-rinsing area must be provided on any premises where nappies are laundered.

88. Premises for dry-cleaning or laundry receiving depots

No person may operate a dry-cleaning or laundry receiving depot on premises which do not comply with the following requirements:

- (a) A separate room or area with a minimum width of two meters must be provided

for the receipt and dispatch of articles.

- (b) Fifty percent of the floor space of the room referred to in paragraph (a) must be unobstructed;
- (c) Wash hand basin with a supply of running potable water must be provided.
- (d) An adequate supply of soap and disposable towels must be provided at every wash hand basin.
- (e) All internal wall and ceiling surface must be constructed of an impervious material, brought to a smooth finish, and painted with a light-colored washable paint;
- (f) All floor surfaces must be constructed of cement or other impervious material, brought to a smooth finish;
- (g) Lighting and cross ventilation, as prescribed by the National Building Regulations and Building Standards Act, must be provided;
- (h) Adequate washable containers for storing dirty articles must be provided;
- (i) Adequate quantities of hanging rails or impervious shelves for the storage of clean articles must be provided;
- (j) Adequate designated counters, with impervious surfaces, must be provided separately for the receipt and dispatch of dirty and clean articles; and
- (k) An adequate metal locker must be provided for every person employed in the receiving depot.

89. Premises for coin operated laundries

No person may operate a coin operated laundry on premises which do not comply with the following requirements:

- (a) separate toilet and hand washing facilities for the different sexes, as prescribed in the National Building Regulations and Building Standards Act, must be provided;
- (b) an adequate area must be provided where ironing is done on the premises; and
- (c) any machine on the premises must be installed in accordance with any applicable law.

90. General requirements for dry-cleaning and laundry business

Any person conducting a dry-cleaning or laundry business or in charge of premises on which dry-cleaning, laundry or receiving depot exists, must.

- (a) keep the premises, all fittings, equipment, appliances, machinery, containers, and business vehicles in a clean, hygienic, and good condition at all times;
- (b) separate dirty articles from clean articles at all times, including when in transit;
- (c) use a change room solely for changing;
- (d) ensure that every person who handles clean or dirty articles wears adequate protective clothing at all times.
- (e) keep protective clothing in a clean and sound condition at all times;
- (f) store protective clothing in a locker when it is not being worn.
- (g) affix the name and business address, in clear lettering, to the outside of any business vehicles;
- (h) ensure that the premises are not directly connected to any food premises, new clothing shop, hairdresser or any other area from which contamination might occur;
- (i) comply with the requirements of the following legislation at all times:
 - (i) the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) as amended;
 - (ii) the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) as amended.
- (j) place all piping in the building, not chased into the walls, at least 100 mm away from all walls or floors and comply with the provisions of the National Building Regulation and Building Standards Act;
- (k) insulate all steam piping with an adequate material, and
- (l) dispose of all wastewaters in an approved manner.

Any person who contravenes a provision of this by-law and allows such a contravention to take place, shall be guilty of an offence in terms of Section 318

CHAPTER 10**SWIMMING POOLS AND SPA-BATHS****91. Definitions**

In this Chapter, unless the context otherwise indicates-

“Spa bath” means a structure constructed of an approved material, provided with a controlled circulating water supply, and used for bathing, excluding a spa bath situated at a private home which is not used for commercial purpose;

“Spa bath keeper” means any person who owns or controls the operation of a spa-bath;

“Swimming pool” means a structure with a controlled water supply used for swimming or bathing, including a children’s swimming and paddling pool, but excluding a swimming pool at a private home which is not used for commercial purposes;

“Swimming pool keeper” means any person who owns or controls the operation of a swimming pool.

92. Requirements for premises

No person may operate a swimming pool or spa bath in or on any premises which do not comply with the following requirements:

- (a) readily accessible change-rooms, showers and toilet facilities must be provided separate for each sex in compliance with the National Building Regulations and Building Standards Act;
- (b) every swimming pool must be surrounded by a wall or fence as prescribed by the National Building Regulations and Building Standards Act or be covered with a SABS approved pool net;
- (c) the surface of the floor area surrounding any spa bath or swimming –pool must be constructed of an impervious, non-slip material;
- (d) An approved chemical gas mask must be provided at the chlorinator installation.
- (e) if so, instructed in writing by an Environmental Health Practitioner, an oxygen or air breathing apparatus must be provided, and
- (f) An adequate number of refuse receptacles must be provided on the premises.

93. Duties of spa bath keepers

Every spa bath keeper must -

- (a) keep the premises in a safe, clean and sanitary condition and in good repair at all times;
- (b) provide a properly maintained approved first aid kit in a prominent, easily accessible, and protected position;
- (c) purify, treat, and always maintain the spa bath water to an adequate quality level;
- (d) provide and maintain, in good working order, equipment for testing the quality of the spa bath water.
- (e) be capable of undertaking routine tests on the water quality in the spa bath and interpreting the test results; and
- (f) maintain a daily record of the spa bath water quality.

94. Duties of swimming pool keepers

Every swimming pool keeper must -

- (a) keep the premises in a safe, clean, and sanitary condition at all times;
- (b) provide a properly maintained approved first aid kit in a prominent, easily accessible, and protected position;
- (c) be qualified and proficient in life saving, rendering first aid, use of a resuscitation appliance, the operation of the swimming pool and testing and maintaining the safety of swimming pool water;
- (d) ensure that the swimming pool water is purified, treated, and maintained to an adequate quality at all times:
- (e) provide and maintain, in proper working order, equipment for testing the quality of the swimming pool water;
- (f) be capable of undertaking routine tests on the water quality in the swimming pool and interpreting the tests results, and
- (g) maintain a daily record of the swimming pool water quality.

95. Water supply

- (1) Unless the prior written approval of an Environmental Health Practitioner has been obtained, no person operating a spa bath or swimming pool may use water from a source other than a municipal supply to clean, fill or maintain the water

level in a swimming pool or spa bath.

- (2) An Environmental Health Practitioner must -
- (a) take samples of a swimming pool or spa bath water, at intervals which he or she considers appropriate for the purpose of a chemical analysis or bacteriological examination of that water;

96. Safety of water

Every spa bath keeper and swimming pool keeper must ensure that the water in the spa bath or swimming pool complies with the following requirements:

- (a) it 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 and algae;
- (b) the pH value of the water must be not less than 7 and not greater than 8;
- (c) where chlorine-based disinfectants are used, a minimum free available chlorine residual of 0,5 mg/l, with a maximum free available chlorine residual of 3 mg/l, must be maintained,
- (d) if a disinfectant other than chlorine is used, the residual level must be equivalent in effect to the requirements of paragraph (c);
- (e) the total viable bacteriological count of any sample submitted for analysis, must not exceed 100 organisms per ml of water; and
- (f) *Escherichia coli* type 1 bacteria must not be present in any 100 ml of water.

CHAPTER 11

CARAVAN PARKS AND CAMPING GROUNDS

97. Definitions

For the purposes of this chapter, unless the context otherwise indicates.

“Approved” means approved by the Municipality, regard being had to the reasonable public health requirements of the particular case:

“Camp” or **“camping”** means the erection or use of a temporary or movable structure for the purpose of human occupation, including tents but excluding non-folding caravans;

“Camping ground” means an area of land on which accommodation is provided for camping purposes, whether or not a charge is made for such accommodation;

“Camp site” means an area or plot of ground within a camping ground for the accommodation of camper’s party:

“Camper’s party” means a party of not more than six persons;

“Caravan” means a vehicle, with or without means of self-propulsion, designed, and permanently constructed for sleeping or dwelling purpose, or both, intended for travel, recreation and vocational purposes and having no foundation other than wheels which may be supplemented by stabilizing jacks.

“Caravan Park” means an area of land on which accommodation is provided for three or more caravans, whether or not a charge is made for such accommodation:

“Caravan site” means an area or plot of ground within a caravan park for the accommodation of a caravan and its towing vehicle, if any;

“Park Home” means a movable structure designed and manufactured for habitation purposes.

98. Camping Permit

No person shall, without the written permission of the municipality, occupy or permit to be occupied for human habitation, a caravan, camp, park home or other shelter of any description on un-serviced land except on an authorized camping or caravan site.

99. Requirements for Premises

- (a) Approved direction signs, indicating the water closets, urinals, ablution and other facilities required in the caravan park or camping ground in terms of these by-laws, shall be placed at approved points.
- (b) The entrance to the caravan park or camping ground, roadways, paths, water closets, urinals, ablution and other facilities, and firefighting and first aid points, shall be adequately illuminated during the hours of darkness.
- (c) An adequate and constant supply of potable water shall be available and one permanent standpipe shall be provided in a convenient position for every four caravan or camp sites, and under every stand pipe tap there shall be a gully trap set in a dished and properly rendered surround and connected to an approved drainage system.
- (d) All bath, showers and wash hand basins shall be provided with an adequate and constant supply of hot and cold running water and shall be fitted with waste

pipes suitably trapped and discharging over and into an external gully connected to an approved drainage system.

- (e) Every bathroom or shower cubicle shall have a door which is lockable from the inside and shall be provided with a built-in soap dish. In addition, every bathroom shall be provided with a seat and a wall hook or towel rail of at least 600 mm and every shower cubicle with a disrobing area suitably screened from the shower, a seat and a wall hook or towel rail of at least 600 mm.

100. Sanitary Facilities

The following separate water closet and urinal accommodation shall be provided.

- (1) Males: A minimum of one water closet and 750 mm of urinal space for every eight caravan or camp sites or part thereof. The bucket and channel of the urinal shall be of stainless steel or other approved material.
- (2) Females: A minimum of two water closets and thereafter an additional water closet for every six caravan or camp sites or part thereof in excess of twelve sites. A bin with a self-closing lid shall be provided in each water closet.
- (3) the internal wall surface of all bathrooms, shower cubicles and water closets shall be painted with a light-colored oil paint or shall be provided with a wall covering of an approved material.
- (4) All water closets, urinals, ablution, and other facilities shall be suitably designated and the entrances in the water closets, urinals and ablution facilities shall be screened from public view.
- (5) An approved slop sink unit with an adequate and constant supply of cold running water shall be provided for caravanners and campers where chemical toilets receptacles shall be emptied and cleaned. The unit shall be installed within a separate compartment adjacent to an ablution block with access thereto for both sexes. The floor of such compartment shall be graded and drained to an approved drainage system.
- (6) For every twenty caravan sites or part thereof and for every ten camp sites or part thereof, there shall be provided under a roofed area, on an approved impervious floor, which shall be graded and drained to an approved drainage system, a double compartment wash-up sink unit for the washing of caravanners or camper's culinary utensils.

Any person who contravenes a provision of this by-law and allows such a contravention to take place, shall be guilty of an offence in terms of Section 318

CHAPTER 12

STANDARDS FOR PUBLIC GATHERING PLACES

101. Definitions

For the purposes of this chapter, unless the context otherwise indicates:

“Convener” means-

- (a) any person who, of his own accord, convenes a gathering; and
- (b) in relation to any organization or branch of any organization, any person appointed by such organization or branch.

“Gathering” means any assembly, concourse, or procession of more than 15 persons in or on any public road as defined in the Road Traffic Act, 1989 (Act 29 of 1989), or any other public place or premises wholly or partly open to the air-

- (a) at which the principles, policy, actions, or failure to act of any government, political party or political organization, whether or not that party or organization is registered in terms of any applicable law, are discussed, attacked, criticized, promoted or propagated; or
- (b) held to form pressure groups, to hand over petitions to any person, or to mobilize or demonstrate support for or opposition to the views, principles, policy, actions or omissions of any person or body of persons or institution, including any government, administration, or governmental institution.

“Organization” means any association, group, or body of persons, whether or not such association, group or body has been incorporated, established, or registered in accordance with any law.

Public gathering places must comply with the following requirements:

102. Structural facilities

The building structures, floors, walls, ceilings, and other aspects of the building must be in compliance with the requirements of the National Building Regulations and the Building Standards Act 103 of 1977, as well as the SANS 10400.

103. Waste management

- (a) The management of waste on the premises should comply with the relevant Buffalo City Metropolitan Municipal by-laws.
- (b) Refuse bins should be provided at strategic points throughout the premises for collection of litter.
- (c) On-site management of waste should be available on the premises during events, for management of spillages and littering, to prevent a nuisance from occurring.
- (d) Arrangements should be in place between the Event Manager and the Buffalo City Metropolitan Municipality's Waste Management Department, with regards to waste management during and after an event.

104. Drinking water supply

- (a) In the case of events, water points should be available at strategic points throughout the premises.
- (b) If water tankers are used during events, the storage tanks must adhere to the following requirements:
 - (i) care should be taken to ascertain that the tanks constructed of a rust-free material, are durable and suitable for delivering potable safe water.
 - (ii) The tanks should be disinfected before used for potable water distribution.
 - (iii) The tanks are adequately designed so as to prevent contamination of the water by insects, flies, animals, and human contact.
 - (iv) Tanks design should allow sampling to be conducted and tests to be taken to verify water quality. They must also be made of material that allows disinfection and contact with flames for sterilizing, in the case where a tap must be flamed before a sample is taken.
 - (v) Cold water should be stored at temperatures below 20°C; and
 - (vi) Tankers should only be supplied by water from an approved and treated source.

105. Sanitation facilities

As per the stipulations in the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977)

- (a) Adequate toilet and hand washing facilities must be available on the premises for employees and for the general public. At least 1 (one) toilet facility and 1 (one) hand wash basin must be provided for every 100 members of the public, equipped with potable running water.
- (b) At least 1(one) toilet and 1 (one) hand wash basin must be provided for every 20 (twenty) employees on the premises.
- (c) Suitable, effective drainage and sewage disposal system should be in place on the premises to the satisfaction of and in compliance to the relevant Buffalo City Metropolitan Municipality by-laws concerned.
- (d) The use of non-waterborne sanitary services on the premises must comply with the specification of the SANS 10400.
- (e) At least 5% of the total number of toilets to be provided should be accessible by disabled persons.
- (f) For short term events:
 - (i) If chemical closet toilets are used, an on-site maintenance team should 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
 - (ii) A site plan detailing the location and type of sanitary facilities to be used during events should be submitted to the Buffalo City Metropolitan Municipality's Municipal Health Services Department.

Any person who contravenes a provision of this by-law and allows such a contravention to take place, shall be guilty of an offence in terms of Section 318

CHAPTER 13**PRISON AND HOLDING CELLS**

Prisons, including police station holding cells must comply with the following standards:

106. Health Certificate Requirement

- (a) The premises operated under a valid Health Certificate issued by a Buffalo City Metropolitan municipality's EHP, to the effect that the premises and general facilities comply with environmental health requirements.
- (b) The premises, building structure and facilities in compliance with the requirements of the National Building Act and the National Building Regulations, act 103 of 1977 and conforms to the specifications of the SANS 10400.

107. Structural facilities

- (a) Walls must be constructed of an approved material, brought to a smooth finish and painted with a light-colored paint.
- (b) Floors must be constructed of concrete, brought to a smooth finish and are easily cleanable.
- (c) Adequate floor space should be provided for each prisoner/inmate on the premises, with regards to cell accommodation to enable prisoners to move freely, and for sleeping purposes.
- (d) Holding cells should be kept clean at all times, free from debris, litter and other miscellaneous rubbish and be maintained in good repair.
- (e) Adequate storage facilities should be provided for the storage of the personal belongings of each inmate.

108. Toilet and ablution facilities

- (a) Adequate toilet, hand washing, and shower facilities should be provided on the premises for use by service users/inmates.
- (b) Toilet and wash-up facilities should be adequately illuminated and ventilated.
- (c) At least 1 (one) toilet facility and 1 (one) hand wash basin must be provided for every 20 (twenty) inmates on the premises; and at least 1(one) urinal must be provided for every 50 inmates on the premises.

- (d) At least 1 (one) shower should be provided for every 20 (twenty) inmates on the premises.
- (e) Toilet facilities should provide privacy and security.
- (f) Potable running hot and cold water should be available on wash-up facilities.
- (g) Floors and walls of the toilet and wash-up facilities must be constructed of an easily cleanable surface brought to a smooth finish.
- (h) Toilet facilities must be kept clean at all times, and provided with an adequate supply of toilet paper, soap, and drying towels.
- (i) Toilet facilities should be maintained in good working order and in good repair at all times.

109. Waste management

- (a) The collection, handling, storage, and disposal of waste on the premises must be in compliance with the National Environmental Management: Waste Act 59 of 2008, the National Building Regulations and also conform to be in line with the requirements as set out in Section 2-5 of the Norms and Standards for Waste Management.

110. Laundering facilities

- (a) Prisons must have access to a well-managed laundry facility for the effective laundering of bedding and clothing for prisoners.
- (b) Surface finishes of walls, floors, ceilings, fittings, tables, and trolleys in the laundry should be smooth and easily cleanable.
- (c) The laundry facility must be properly ventilated by cross ventilation and adequately illuminated.
- (d) Drainage systems should be designed without open drains; with lockable inspection or rodding eyes; with a flow from clean to dirty areas; and not connected to storm water drainage.
- (e) Areas receiving soiled linen must be separated from areas handling clean linen.
- (f) Adequate ablution and toilet facilities should be provided, including an emergency shower or eyewash facility in the washroom where chemicals are handled.
- (g) Suitable and hazard-free storage for chemicals used for laundering must be provided.
- (h) The capacity and the condition of the equipment used for washing should meet the prisons laundering requirement

Any person who contravenes a provision of this by-law and allows such a contravention to take place, shall be guilty of an offence in terms of Section 318

CHAPTER 14

CONSTRUCTION SITES AND INDUSTRIAL PREMISES

Construction sites must comply with the following norms and standards:

111. Water supply and sanitation facilities

- (a) For industry that have either direct or indirect discharge of process wastewater, wastewater from utility operations or storm water to the environment, and industrial discharges to sanitary sewers, and the treatment thereof must conform to the requirements as specified by the Water Services Act, 1997 (Act No. 36 of 1988).
- (b) Discharges of industrial wastewater, sanitary wastewater, wastewater from utility operations or storm water into public or private wastewater treatment systems should meet the pre-treatment and monitoring requirements of the sewer treatment system into which it discharges and not interfere, directly or indirectly, with the operation and maintenance of the collection and treatment systems or pose a risk to worker health and safety.
- (c) Adequate toilet facilities should be provided for use by construction workers. At least 1 (one) toilet and one hand wash basin are provided for every 20 employees on the premises ratio 1:20. In addition at least one urinal should be provided for every 40 males on site ratio 1:40. If more than 200 employees are employed on the site, at least 1 (one) toilet and 1 (one) urinal must be provided for at least every 50 workers ratio 1:50.
- (d) The toilet facilities should be equipped with a flushing system, hand wash basin and a supply of running water.
- (e) Separate toilet facilities should be provided for male and female workers and must be equipped with a sign indicating the gender.
- (f) If non-waterborne toilets are utilized, Ventilated Improved Pits (VIP) or chemical closets must be provided. Toilet facilities must be adequately ventilated and illuminated .and be provided with safe water source & soap for washing of hands.
- (g) Toilet facilities intended for female workers should be provided with a disposal receptacle for sanitary napkins. The receptacle should be designed so as to prevent the exposure of the contents.

- (h) Supply of toilet paper should be maintained at all times in the toilet facilities.
- (i) All toilet facilities should be designed to provide the user with privacy and security.
- (j) Wash-up facilities equipped with a supply of hot and cold running water should be provided for employees, especially employees engaged in the application of paints, coating, pesticides etc.
- (k) Toilet and washing facilities should be maintained in a sanitary condition at all times.
- (l) Hand soap and disposable paper towels/hand blowers/individual sections of continuous cloth toweling, must be in close proximity to toilet and washing facilities.
- (m) The toilet and shower facilities must be adequately ventilated and illuminated.
- (n) Walls and floors of toilet facilities and showers must be constructed of a smooth and easily cleanable material and the walls must be painted with a light-colored paint.
- (o) Suitable, effective, and approved drainage and sewage disposal system must be in place on the premises in compliance with relevant municipal by-laws of a specific of BCMM to ensure prevention of pollution.

112. General requirements

- (a) The site must be properly fenced off and no unauthorized entry permitted.
- (b) Construction areas, ramps, runways, corridors, offices, shops, and storage areas should be adequately lighted while any work is in progress.
- (c) Construction areas should be adequately ventilated and equipped with adequate extraction systems for the removal of fumes, gases, vapours, dust and mist from the work areas into the atmosphere.
- (d) Whenever food is prepared and served on the premises, the facilities used in connection with the preparation, handling, storage and serving of foodstuffs must comply with the requirements of the Regulations Governing General Hygiene Requirements and the Transport of Food, R638 22 June 2018
- (e) a sufficient number of suitable emergency routes and exits should be indicated to enable any person to reach a place of safety quickly in the event of danger.
- (f) Whenever employees are required to wear protective clothing when engaged in work, esp. because of the possibility of contamination with toxic materials, change

rooms and showers should be provided on site. Change rooms should be available for both males and females on the premises.

- (g) Information notice board must be mounted at the main gate, with site description, contact numbers of contactor, does and don'ts on the site.
- (h) Change rooms should be equipped with separate lockers for storage of each employee's personal belongings.
- (i) Change rooms must be adequately ventilated by natural or artificial ventilation.
- (j) Serviced Fire control equipment must be available on the premises, in compliance to the BCMM's fire control requirements.

113. Waste management and wastewater

- (a) Private sewage disposal works, or refuse (landfill) disposal sites managed must be operated effectively in accordance with prescribed legislation and permit conditions for operation of landfills and sewage works.
- (b) Evaluations/monitoring must be included in the waste/pollution management plans and must be implemented per plans.
- (c) Final effluent or sludge emanating from the sewage disposal works should be utilized in accordance with prescribed national guidelines to prevent soil and water pollution.
- (d) The sewage drainage system must be maintained effectively to prevent blockages and spills that could give rise to environmental pollution.
- (e) Final effluent must comply with the specifications of Regulation 991 promulgated in terms of the Water Act, 1998 (Act No. 36 of 1998) and any subsequent amendments; and monitor the disposal of effluent to ensure compliance with the permit specifications of the DWS.
- (f) Staff responsible for the operation of boilers and waste disposal works or facilities should be well trained to operate the facilities effectively and pollution free.
- (g) All necessary information concerning boiler and incinerator operations, as required by permit conditions and legislation should be recorded, including results of final sewage effluent of a sewage disposal site.
- (h) Waste material and debris should be removed to a disposal area and reusable material should be sorted and moved to a storage area at least once daily to prevent a hazardous condition arising.

- (i) Waste generated should be disposed off at an approved landfill site and in accordance with the relevant by-laws of a BCMM
- (j) Rubbish, debris and other waste material from the demolition or construction of projects should be temporarily disposed off in a designated area on site and access to the area should be strictly controlled.

CHAPTER 15

KEEPING OF ANIMALS

114. Definitions

In this Chapter, unless the context otherwise indicates-

"Agricultural holding" means the same as defined in the applicable Town Planning Scheme;

"Animal" means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, reptile, insects and wild animal;

"aviary" means an enclosure used for the keeping of birds, other than poultry but does not include a portable cage;

"Battery system" means the method of keeping poultry or rabbits in cages in either single rows or tier formation within a building or structure;

"Cattery" means premises in or upon which –

- (a) boarding facilities for cats are provided ; or
- (b) cats are bred for commercial purposes.

"Enclosure" in relation to an animal, means any kraal, pen, paddock, cage or other fenced or enclosed area erected to confine an animal from escaping or roaming freely on the remainder of the premises;

"Keeper" means –

- (a) in relation to any animal, the owner of the animal or any other person responsible for feeding and caring for the animal;
- (b) in relation to a battery system cattery, kennels, pet parlour or pet shop means the person who owns the business of which it forms part of and the person in charge of the premise in which the animals are kept;

"Kennels" means premises in or upon which –

- (a) boarding facilities for dogs are provided;
- (b) Dogs are bred for commercial purposes.

(c) Dogs are kept for the purposes of being trained or hired out with or without handlers; or

(d) Dogs are kept for commercial security purpose.

“Livestock” means horse, cattle, sheep, goats, pigs, mules, donkeys, and poultry.

“Pet” means a domestic animal, reptile, insect, bird, or poultry kept in a household for companionship or amusement:

“Pet parlour” means any premises where beauty treatment is given to pets by washing, drying, brushing, clipping, trimming or by attending to their nails or teeth;

“Pet shop” means the premises on which the business of keeping and selling of pets is carried out;

“Portable cage” means a cage that can be carried around by hand or a cage mounted on wheels used for the keeping of one or more birds.

“poultry” means fowls, ducks, Muscovy ducks, geese, turkeys, pigeons, peacocks and domestic Guinea fowls;

“Poultry house” means a roofed over building or structure in which poultry is kept, other than one in which a battery system is operated;

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

“Proclaimed township” means an approved township as contemplated in the Town Planning scheme of the Municipality or a Township approved relating to any prior law relating to townships.

“Rabbit hutch” means any roofed over building or structure in which rabbits are kept, other than one in which a battery system is operated;

“Rabbit run” means any unroofed wire mesh or other enclosure in which rabbits are kept, whether or not it is attached to a rabbit hutch;

“stable” means any building or structure used to accommodate livestock other than poultry;

“Wild animal” means an animal of a species that is not generally domesticated and without limitation includes all animals indigenous to South Africa other than domesticated guinea- fowls.

Part 1: General provisions relating to the keeping of animals.

115. Application of chapter

(1) Subject to the provisions of subsection (2), the provisions of this Part do not

apply to -

- (a) any agricultural show where animal is kept on a temporary basis; and
 - (b) any laboratory where animals are kept for research purposes.
- (2) The provisions of section 202 apply to the keeping of animals at any agricultural show and at research laboratory.
- (3) No person may, subject to the provision of section 227, keep or allow to be kept, any animal other than an approved pet on an erf in a proclaimed township, provided the keeping of such pet does not create or constitute a nuisance.
- (4) If at any time it appears to an authorized official that the keeping of poultry or rabbits on an erf or agricultural holding, in respect of which a permit has been granted, is likely to constitute a nuisance or danger to the public health, that official may-
- (a) cancel the permit; or
 - (b) prohibit the keeping of such poultry or rabbits.
- (5) An authorized official must serve a notice on the permit holder, or the owner of the erf or agricultural holding concerned, informing him or her of a decision in terms of subsection (1) and instruct the owner to comply with the requirements within the period stated in such notice, which must be at least 48 hours.
- (6) An authorized official must, as soon as a permit has been cancelled, notify the permit holder of that fact in writing.
- (7) An authorized official may, subject to the foregoing provisions of this section, issue a new permit if he is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

Part 2: Keeping of cattle, horses, mules and donkeys.

116. Requirements for premises

- (1) No person may keep any cattle, horse, mule or donkey in a stable or enclosure that does not comply with the following requirements:
- (a) Every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material;
 - (b) the internal wall surfaces of the stable must be constructed of smooth brick or other durable surface brought to a smooth finish;

- (c) the height of the walls to the wall plates of the stable must –
 - (i) if the roof is a pitched roof be 2,4 meters;
 - (ii) if the roof is a flat roof be 2,7 meters;
 - (iii) if the roof is a lean-to roof be a mean height of 3 meters with a minimum of 2,4 meters on the lowest side;
 - (iv) in the case of a stable which has an opening along the entire length of one of its long sides be not less than 2 meters;
- (d) the stable must have a floor area of at least 9m² for each head of cattle, horse, mule or donkey accommodated in it;
- (e) lighting and ventilation must be provided by openings or glazed opening windows or louvers totaling at least 0,3 m² for each animal to be accommodated in it except in the case of a stable open along the entire length of one of its long sides;
- (f) the lowest point of every opening, window or louvers must be at least 1,8 meters, above floor level;
- (g) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish graded to a channel and drained in terms of section 228;
- (h) an enclosure must have an area of at least 10m² for each head of cattle, horse, mule or donkey accommodated in it and the fencing must be strong enough to prevent the animals from breaking out;
- (i) no enclosure or stable may be situated within –
 - (i) 15 meters of the boundary of any land, property, dwelling or other structure used for human habitation; or
 - (ii) 50 meters of any water resource or water supply intended or used for human consumption; and
 - (iii) there must be a water supply adequate for drinking and cleaning purposes next to every stable or enclosure.

117. Duties of keeper of cattle, horses, mules and or donkeys must –

Any person who keeps any cattle, horse, mule or donkey must -

- (a) maintain the premises, and any equipment, apparatus, container or receptacle used in connection with keeping the animal, in a clean and sanitary condition and in good repair,

- (b) provide portable manure storage receptacles of an impervious material and with close fitting lids;
- (c) keep every manure storage receptacle on a platform constructed of concrete or other durable and impervious material near the stable or enclosure;
- (d) if there is so much manure and bedding that storage receptacles are impractical, provide a manure container or area complying with the following requirements:
 - (i) The manure container or area must be roofed and enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish, and
 - (ii) the floor must be of smoothly finished concrete that is inclined so that it drains to a water channel along the full length of the open side, which is at least 150 mm in a diameter and is kept filled with water
- (e) remove all the manure from the stable and enclosure at least once every 24 hours and place it in the manure storage receptacles or manure container or area until it is removed from the premises;
- (f) remove the contents of the manure storage receptacles or manure container or area from the premises at least once every second day and dispose of the manure in a way which will not create a public health nuisance;
- (g) remove all bedding from the stable at least once a week and store it in the manure receptacles or manure container or area until it is removed from the premises;
- (h) store all saddles, bridles, harnesses and other equipment or articles used in connection with the keeping of the animals, in a storeroom or other adequate storage facility;
- (i) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids; and
- (j) Take adequate measures to keep the premises free of pests and to prevent offensive odours arising from the keeping of cattle, horses, mules and donkeys.

Part 3: Keeping of goats and sheep.

118. Application

The provision of Section 205 and 206 also applies to the temporary keeping of a goat on any premises for the provision of milk for medical reasons.

119. Requirements for premises

- (1) No person may keep goats or sheep in –
- (a) an enclosure which does not comply with the following requirements:
 - (i) the minimum overall floor area must be 30m²; and
 - (ii) at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it, or
 - (b) a stable which does not comply with the following requirements:
 - (i) every wall must be constructed of brick, stone, concrete or other durable material;
 - (ii) every wall must be at least 2 meters in height and have a smooth internal finish;
 - (iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel drained in terms of section 228;
 - (iv) at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it with an overall minimum floor area of 6 m²; and
 - (v) lighting and ventilation opening totaling at least 0.15 m² per goat or sheep must be provided.
- (2) No person may keep goats or sheep in an enclosure or stable within –
- (a) 15 meters of any boundary of any land, dwelling, building, or other structure used for human habitation; or
 - (b) 50 meters of any water resources or water supply intended or used for human consumption.
- (3) Every person must provide a water supply adequate for drinking and cleaning purposes situated next to or in every enclosure or stable used to accommodate goats or sheep.

120. Duties of keeper of goats and sheep

Any person who keeps goats or sheep must –

- (a) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair;
- (b) provide portable manure storage receptacles of an impervious material and with close fitting lids;

- (c) keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned;
- (d) remove all manure from the enclosure or stable at least once every seven days and place it in the manure storage receptacles;
- (e) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way that will not create a public health nuisance; and
- (f) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.
- (g) Take adequate measures to keep the premises free of pests and to prevent offensive odours arising from the keeping of goats and sheep.

Part 4: Keeping of poultry.

121. Application

The provisions of sections 210(d), (f), (g) and (e), do not apply to any person keeping ten or less poultry.

122. Permit requirement

No person may keep more than 10 poultry on an erf in a proclaimed township or 100 poultry on premises zoned for agricultural purposes except in terms of a permit authorizing that activity.

123. Requirement for premises

No person may keep poultry in premises which do not comply with the following requirements:

- (a) In relation to a poultry house -
 - (i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
 - (ii) The floor must be constructed of concrete or other impervious material brought to a smooth finish.
 - (iii) The upper floor of a two or more-story structure must be constructed of an impervious and easily cleanable material.
 - (iv) the minimum floor area must be-
 - (aa) 0,20 m² for each grown fowl, duck, muscovite duck or guinea

- fowl;
- (bb) 0,5 m² for each grown goose, turkey or peacock; and
- (cc) 0,14 m² for each grown pigeon; and
- (v) the minimum aggregate floor area must be 4m²;
- (b) a poultry run, if provided, must be enclosed with wire mesh or other durable material;
- (c) in relation to a building or structure housing a battery system –
 - (i) every wall, if provided, must be at least 2,4m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface;
 - (ii) If walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building or structure;
 - (iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and if required by an Environmental Health Practitioner, the floor surface must be graded and drained by means of a channel drained in terms of section 228;
 - (iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its edges;
 - (v) the cages of the battery system must be made of an impervious material; and
 - (vi) if required by an Environmental Health Practitioner, a tray of an impervious material must be fitted under every cage for the collection of manure;
- (d) a water supply adequate for drinking and cleaning must be provided in or next to every poultry house and poultry run and in or next to a building or structure housing a battery system;
- (e) no poultry house, poultry run, or building or structure housing a battery system, may be constructed within 3 metres of –
 - (i) any dwelling or other building or structure used for human habitation; and
 - (ii) any place where foodstuffs are stored or prepared for human consumption; or
 - (iii) the nearest boundary of any land;
- (f) feed must be stored in an adequate rodent-proof storeroom,
- (g) adequate washing facilities must be provided for the cleaning of the cages;
- (h) If required by an Environmental Health Practitioner, due to the amount of manure

stored on the premises awaiting removal, a storage area complying with the following requirements must be provided:

- (i) A roofed platform constructed of concrete or other impervious material;
- (ii) the platform's outside edges must have a minimum curb of 100 mm high;
- (iii) the platform must be graded and drained in terms of section 228 and
- (iv) the roof of the platform must extend a minimum of 1 meter beyond the edges of the base of the platform.

124. Duties of keeper of poultry

Any person who keeps poultry must-

- (a) ensure that all poultry is kept within a poultry run or building or structure housing a battery system;
- (b) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the poultry, in a clean, sanitary condition and in good repair;
- (c) maintain the premises and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from pests;
- (d) ensure that the poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;
- (e) provide portable manure storage receptacles of an impervious material and with close fitting lids and keep the manure storage receptacles on a platform;
- (f) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every four days from a building or structure housing a battery system;
- (g) place the manure and other waste matter in manure storage receptacles;
- (h) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way which will not create a public health nuisance; and
- (i) take adequate measure to keep the premises free of flies, cockroaches and rodents and to prevent offensive odours arising from the keeping of poultry on the premises.

Part 5: Keeping of rabbits**125. Application**

The provisions of section 214(b), (c), (d), (f) and (g), do not apply to any person keeping ten or less rabbits.

126. Permit requirement

No person may keep more than 5 adult rabbits on an erf in a proclaimed township or more than 20 adult rabbits on premises zoned for agricultural purposes, except in terms of a permit authorizing that activity.

127. Requirements for the premises

No person may keep rabbits in premises which do not comply with the following requirements:

- (a) In relation to a rabbit hutch -
 - (i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
 - (ii) the floor surface must be –
 - (aa) constructed of concrete or other impervious material brought to a smooth finish;
 - (bb) situated at least 150 mm above ground level, and
 - (cc) graded to a channel drained in terms of section 197, if required by an Environmental Health Practitioner,
 - (iii) adequate ventilation must be provided; and
 - (iv) the rabbit hutch must be adequate in size to allow free unobstructed movement of animals kept therein.
- (b) any rabbit run must be enclosed with wire mesh or other durable material and constructed in a way that prevents the escape of rabbits from the run;
- (c) in relation to a building or structure housing a battery system –
 - (i) every wall must –
 - (aa) be at least 2,4 meters high;
 - (bb) be constructed of concrete, stone, brick or other durable material; and
 - (cc) must have a smooth internal surface;
 - (ii) if walls are provided, the building or structure must be ventilated and lighted by means of natural openings or windows of an area not less than 15% of the

- floor area of the building or structure;
- (iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish, and if required by an Environmental Health Practitioner, the floor surface must be graded to a channel drained in terms of section 228;
- (iv) if no walls are provided, or walls are made of metal, the floor must be provided with curb at least 150 mm high around its outside edges; and
- (v) every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure;
- (d) a water supply adequate for drinking and cleaning purposes must be provided in or next to every rabbit hutch or building or structure housing battery system;
- (e) no person may erect a rabbit hutch, rabbit run or building or structure housing a battery system within five meters of -
 - (i) any dwelling, building or other structure used for human habitation;
 - (ii) any place where foodstuffs are stored or prepared for human consumption;or
 - (iii) the nearest boundary of any land;
- (f) an adequate rodent-proof storeroom must be provided for the storage of feed, and
- (g) adequate washing facilities must be provided for the cleaning of cages.

128. Duties of keepers of rabbits

Any person who keeps rabbits' must -

- (a) keep all rabbits within the rabbit hutch, rabbit run or building or structure housing a battery system;
- (b) maintain the premises and any equipment, apparatus, containers or receptacles used in connection with keeping rabbits, in a clean, sanitary condition and in good repair;
- (c) maintain the premises free from offensive odours and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from pests,
- (d) provide portable manure storage receptacles of an impervious material with close-fitting lids which receptacles must be kept on a platform;
- (e) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system, at least once every 48 hours;
- (f) keep the manure and waste in manure storage receptacles until it is removed

- from the premise; and
- (g) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a way which will not create public health nuisance.
 - (h) take adequate measures to keep the premises free of pests.

Part 6: Keeping of birds other than poultry

129. Requirements for the premises

No person may keep any bird, other than poultry, in an aviary which does not comply with the following requirement:

- (a) the aviary must be constructed of durable rodent proof material;
- (b) adequate access must be provided for cleaning purpose;
- (c) if the aviary is constructed above ground level, its base must be constructed of an impervious and durable material and must be situated a minimum of 300 mm above ground level;
- (d) the aviary may not be situated within three metres of any building or structure, boundary fence or boundary wall; and
- (e) a water supply adequate for drinking and cleaning purposes must be situated in or next to every aviary.

130. Duties of keepers of aviaries

Any person who keeps birds in an aviary must -

- (a) ensure that the aviary and the premises are kept in a clean condition and free from pests;
- (b) provide and use rodent proof facilities for the storage of bird food; and
- (c) ensure that the birds do not disturb the comfort, convenience, peace or quiet of the public.

Part 7: Kennels and catteries

131. Requirements for premises

No person may use premises as kennels or cattery except in terms of a permit authorizing that activity and unless the premises comply with the following requirements:

- (a) every dog or cat must be kept in an enclosure which complies with the following

requirements:

- (i) the enclosure must be constructed of impervious materials and must provide adequate access for cleaning purposes;
 - (ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending the full width of the floor, which channel must be graded and drained into a gully connected to the Municipality's sewer by means of a pipe 100 mm in diameter; and
 - (iii) a curb 150 mm high must be provided along the edge of the channel, referred to in subparagraph (ii), to prevent any storm water runoff entering the channel; and
 - (iv) the enclosure must be adequate in size to allow free unobstructed movement of animals kept therein.
- (b) subject to the provisions of paragraph (c) every enclosure referred to in paragraph (a), must be provided with an adequate roofed shelter that complies with the following requirements:
- (i) every wall must be made of brick, stone, concrete or other impervious material;
 - (ii) every wall must have a smooth internal surface;
 - (iii) the floor must be made of concrete or other impervious material brought to a smooth finish; and
 - (iv) every shelter must have adequate access for cleaning and eliminating pests;
- (c) a dog kennel which complies with the following requirements may be provided instead of the shelter contemplated in paragraph (b):
- (i) the kennel must be constructed of an approved weatherproof and insulating material or other similar material;
 - (ii) the kennel must be movable;
 - (iii) the kennel must be placed on a base constructed of concrete or other impervious material with an easily cleanable finish; and
 - (iv) a sleeping board, which will enable the dog to keep dry, must be provided in any kennel that does not have a waterproof base;
- (d) a concrete apron extending at least one-meter-wide around the edges of the enclosure must be provided;
- (e) the apron must be graded and drained in a way that drains storm water away for

the enclosure;

- (f) a water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the enclosure;
- (g) any cage in which cats are kept must be constructed of durable impervious material and in a manner that it may be easily cleaned; and
- (h) no shelter, enclosure or kennel may be situated within five meters of any –
 - (i) dwelling or other building or structure used for human habitation;
 - (ii) place where food is stored and prepared for human consumption; or
 - (iii) the boundary of the premises.

132. Food preparation areas

Any keeper of kennels or cattery who is so instructed by an Environmental Health Practitioner must provide a separate room or roofed area for the preparation of food which complies with the following requirements:

- (a) The floor of the room or roofed area must be constructed of concrete or other impervious material brought to a smooth finish;
- (b) the internal wall surfaces of the room or roofed area must be smooth and easily cleanable;
- (c) adequate washing facilities for food bowls and utensils must be provided; and
- (d) rodent-proof storeroom must be provided for the storage of food.

133. Duties of a keepers of kennels or catteries

Any person operating kennels or a cattery must -

- (a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
- (b) provide portable storage receptacles, of an impervious material with close fitting lids, for the storage of dog and cat faeces;
- (c) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in paragraph (b);
- (d) remove the contents of the storage receptacles from the premises at least twice every seven days and dispose of it in a manner that will not create a public health nuisance;
- (e) store all loose food in receptacles, with close fitting lids, in the food store;

- (f) provide adequate refrigeration facilities to store perishable foods on the premises;
- (g) provide adequate separate refuse receptacles, with close fitting lids, on the premises for refuse other than faeces;
- (h) keep any sick dog or cat isolated from any other animals; and
- (i) maintain the premises free from offensive odours and every enclosure, shelter, kennel, cage or food store clean and free from pests.
- (j) ensure that no dog or cat disturbs the comfort, convenience, peace and quiet of the public.

Part 8: Pet shops and pet parlours

134. Requirements for premises

No person may operate a pet shop or pet parlour in or on any premises which do not comply with the following requirements:

- (a) Any wall and partition must -
 - (i) be constructed of brick, concrete or other impervious material;
 - (ii) have a smooth and easily cleanable internal surface; and
 - (iii) be painted with a washable paint or other adequate finish:
- (b) all floors' surfaces must be constructed of concrete or other impervious material brought to a smooth finish.
- (c) all ceilings must be dust proof and easily cleanable.
- (d) at least one wash hand basin, with a supply of running hot and cold potable water must be provided for employees and the ratio of wash hand basins to persons employed on the premises must not be less than 1:15
- (e) the wash hand basins, referred to in subparagraph (d), must be drained in terms of Section 228;
- (f) adequate storage facilities must be provided;
- (g) facilities for the washing of cages, trays and other equipment must be provided in the form of either –
 - (i) a curbed and roofed over platform with a minimum surface area 1,5m², raised at least 100 mm above the floor and constructed of concrete or other impervious material brought to a smooth finish, which platform must be provided with a supply of running potable water; or
 - (ii) a stainless-steel sink or trough of adequate size with a drainage board and provided with a supply of running potable water;

- (h) the platform, sink or trough referred to in paragraph (g) must be drained in terms of Section 228
- (i) any wall surface within 0,5 meters of the platform, sink or trough referred to in paragraph (g), must be permanently covered with waterproof material to minimum height of 1,4 meters above the floor;
- (j) a clearly designated change room must be provided if more than six persons are employed on the premises and every change room must –
 - (i) have a floor area providing at least 0,5m² for each employee;
 - (ii) have a minimum overall floor area of 6m² and width of two meters; and
 - (iii) be equipped with an adequate metal locker for each employee;
- (k) if no change room is required in terms of paragraph (j) each employee must be provided with an adequate metal locker;
- (l) for the purposes of washing, clipping, or grooming of pets –
 - (i) a bathroom fitted with a bath, or similar fitting, and a wash hand basin supplied with running potable water must be provided.
 - (ii) a clipping and grooming room fitted with impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids, for the storage of cut hair pending removal, must be provided;
 - (iii) at least 50 % of the floor area of the rooms referred to in subparagraphs (i) and (ii), must be unobstructed; and
 - (iv) the floors of the rooms referred to in subparagraphs (i) and (ii), must be graded to a channel drained in terms of section 228;
- (m) all buildings, including storage areas, must be rodent-proof; and
- (n) the premises may not have direct internal access with any room or place –
 - (i) used for human habitation;
 - (ii) where clothing is stored or sold; or
 - (iii) where food is prepared, stored or sold for human consumption.

135. Duties of pet shop or pet parlour keepers

Any keeper of a pet shop or pet parlour must -

- (a) provide cages for housing the pets which comply with the following requirements:
 - (i) the cages must be constructed of metal or other impervious material and fitted with a removable metal floor tray to facilitate cleaning;

- (ii) The exterior cavity of any tubular or hollow material used to construct a cage must be sealed.
- (iii) The cages must be able to be moved easily.
- (iv) where rabbits are kept in a cage, the metal floor –tray referred to in subparagraph (i), must be drained to a removable receptacle;
- (v) The cages must be fitted with a drinking vessel filled with water.
- (vi) The distance from any cage to the nearest wall must be a minimum of 150 mm.
- (vii) The cages must be kept a minimum of 450 mm above floor level, and
- (viii) The space below every cage must be unobstructed.
- (b) provide rodent-proof receptacles, of an impervious material and with close fitting lids, for the storage of all loose pet food in the storage facilities required in terms of section 220 (d)
- (c) provide adequate refrigeration facilities to store all perishable pet food on the premises;
- (d) ensure that in any room in which the pets are kept –
 - (i) 50% of the floor space is unobstructed; and
 - (ii) The cages are placed a minimum of 800 mm from one another.
- (e) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment or appliances used in connection with the pet shop or pet parlour, in a clean and sanitary condition, free from pests and in good repair;
- (f) provide overalls or other protective clothing for employees and ensure that the employees wear them when on duty;
- (g) provide isolation facilities in which every pet which is, or appears to be, sick must be kept while on the premises;
- (h) provide an adequate supply of potable water for drinking and cleaning purposes;
- (i) provide adequate ventilation to ensure the comfort and survival of the pets; and
- (j) ensure that the number of pets contained in each cage does not impede their free movement.

Part 9: Keeping wild animals.

136. Requirements for the premises

No person may, without the approval of the relevant nature conservation authorities, keep wild animals on premises which do not comply with the following requirements:

- (a) Every wild animal must be kept in an enclosure and/or housing constructed and equipped as follows:
 - (i) the enclosure and/or housing must satisfy the needs of the specific animal as specified by the relevant nature conservation authorities;
 - (ii) the enclosure and/or housing may not be situated within 50 meters of –
 - (aa) any boundary of the premises;
 - (bb) any dwelling, building or structure used for human habitation;
 - (cc) any dwelling, building or structure where food is stored, handled, or prepared for human consumption; or
 - (dd) any water resource intended for domestic consumption;
 - (iii) an adequate supply of potable water for drinking and cleaning purposes must be provided; and
 - (iv) the enclosure and/or housing must be graded and drained in a way that does not pollute any water resource or create a public health nuisance,
- (b) a separate room, equipped with a preparation table and wash-up sink, supplied with running potable water, and drained in accordance with section 228, must be provided for the preparation of food;
- (c) adequate facilities must be provided for washing any cages, trays, crate, refuse receptacles and food containers in the form of either –
 - (i) a curbed platform constructed of concrete or other impervious material brought to a smooth finish; or
 - (ii) a stainless-steel sink or trough adequate in size to accommodate the equipment to be washed;
- (d) both facilities referred to in paragraph (c) must be provided with a supply of running water adequate for drinking and cleaning and be drained in accordance with section ~~197~~ 228;
- (e) any area and room in which fodder and food are stored must be rodent proof; and
- (f) The enclosure and/or housing must be adequate in size to allow free unobstructed movement of animals kept therein.

137. Duties of keepers of wild animals

Any person who keeps wild animal's must -

- (a) maintain the premises in a clean and sanitary condition at all times;

CONTINUES ON PAGE 130 OF BOOK 2

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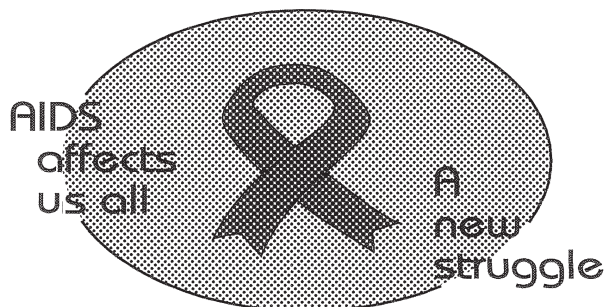
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- (b) clean all manure and food scraps from any enclosure and/or housing at adequate intervals;
- (c) prevent the soil beneath or around any enclosure and/or housing from becoming saturated with urine or polluted by any other matter or liquid; and
- (d) remove all bedding from any housing at least once every seven days and store it in a manure receptacle or manure container or area, until it is removed from the premises.

Part 10: Keeping of pigs.

138. Requirements for premises

No person may keep pigs on premises which do not comply with the following requirements.

- (a) Every wall must –
 - (i) be constructed of brick, stone, concrete or other durable material;
 - (ii) have a minimum height of 1,5 meters; and
 - (iii) have a smooth, impervious internal surface;
- (b) the floor area must provide at least 3m² for each pig accommodated in the pigsty, with an overall minimum floor area of 6m²;
- (c) The roof over any portion of a pigsty must have a minimum height of 1,5 meters.
- (d) except in the case of a roofed structure having one of its long sides completely open, the lighting and ventilation openings must –
 - (i) be situated opposite one another in the external walls, and
 - (ii) provide a minimum of 0,15 m² for each pig;
- (e) the floor must be –
 - (i) at least 150 mm above the surrounding ground level;
 - (ii) constructed of concrete or other durable and impervious material brought to a smooth finish; and
 - (iii) graded for the run-off liquids into an open channel outside the pigsty;
- (f) the open channel referred to in paragraph (e)(iii) must-
 - (i) be constructed of concrete or other durable and impervious material;
 - (ii) be a minimum of 100 mm in diameter; and
 - (iii) be drained in terms of section 228;
- (g) the pigsty must be strong enough to prevent the pigs breaking out,
- (h) the pigsty may not be situated within 100 meters of –

- (i) the boundary of the premises;
 - (ii) any dwelling, building or structure used for human habitation;
 - (iii) any place where foodstuffs are stored or prepare for human consumption; or
 - (iv) any water resource intended for domestic consumption;
- (i) a roofed over concrete platform must be provided for -
- (i) the storage of all swill in containers; and
 - (ii) the preparation of pig feed;
- (j) the platform referred to in paragraph (i) must comply with the provisions of paragraph (e) and in addition, must have a curbing of a minimum height of 100 mm on each edge; and
- (k) A water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the pigsty.

139. Duties of keepers of pigs

Every person keeping pigs must:

- (a) ensure that every pig is kept within a pigsty;
- (b) maintain the premises and any equipment, apparatus, containers, and receptacles concerned in a clean and sanitary condition and in good repair;
- (c) provide portable storage receptacles, of impervious material and with close fitting lids, to store manure;
- (d) keep all manure storage receptacles on a platform that compiles with the provisions of section 225 (j);
- (e) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles;
- (f) remove the contents of the manure storage receptacles from the premises at least once every second day and dispose of the manure in a manner that will not create a public health nuisance;
- (g) provide a rodent-proof store-room of adequate size in which all feed, other than swill, must be stored; and
- (h) provide rodent-proof receptacles, with close fitting lids, in which to store all loose feed.

Part 11: Keeping of pets.**140. Duties of keepers of pets**

Any person who keeps pet's must -

- (a) maintain the premises in a clean and sanitary condition at all times;
- (b) clean all manure and food scraps from any premises at adequate intervals;
- (c) prevent the soil beneath or around any premises from becoming saturated with urine or polluted by any other matter or liquid.

Part 12: General provisions**141. Drainage**

Any person keeping animals must ensure that all sinks, wash hand basins, baths, shower baths, troughs, floor surfaces, channels and washing platforms required to be drained in terms of this Chapter, are drained in accordance with the provisions of the National Building Regulations and Building Standards

142. Requirements for keeping of bees

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

143. Illness attributable to animal, poultry, or birds

- (1) It is the duty of the keeper of any animal to ensure inoculation of their animals.
- (2) The illness of any person, which may be attributed to any animal, poultry or bird

kept or handled by that person, must be reported to an Environmental Health Practitioner within 24 hours of diagnosis, by the person making the diagnosis.

- (3) An Environmental Health Practitioner may order the removal of an animal, poultry, or bird from premises if he or she reasonably believes that the animal poses a public health nuisance or public health hazard.

CHAPTER 16

RITUAL SLAUGHTERING

Keeping of and slaughtering animals for religious and ceremonial purposes

144. Requirements

- (1) A person intending to slaughter an animal in any place other than in recognized abattoir must:
- (a) notify the Municipality in writing, fourteen days prior to the event; and funerals are excluded from the minimum of 14 days' notification period, a reasonable prior notification must be submitted to the municipality and.
 - (b) submit prior written permission from the owner, tenant, or person in control of the land where such a slaughtering will occur if the person who performs the slaughtering is not the owner, tenant, or person in control of the relevant land; if the applicant is the owner, proof of ownership must be submitted with the application.
 - (c) The applicant's notification must include details of the specific ceremony as well as the applicant's name, address of the place where the slaughtering will occur and the time and date of the event.
 - (d) Advise the Municipal Health Department of the origins of the animal intended for slaughter. The animal may not be obtained from a Tuberculosis or Brucellosis quarantine area.
 - (e) obtain prior written permission from Municipality to conduct such a slaughtering.
 - (f) slaughter the animal in a position where the slaughtering cannot be observed by any person on neighboring premises or any member of the public;
 - (g) use the meat derived from the slaughtered animal solely for the purpose of the religious or ceremonial feast; and not for sale to any person.

- (h) handle the meat in a hygienic manner at all times; take care not to soil the carcass with the bowl contents. Ensure that if the carcass/offal or part thereof is found to be diseased or soiled it must be disposed of in a manner agreed to by the Environmental Practitioner concerned.
 - (i) dispose of any portions, faecal deposits and blood of the animal which are not used or consumed, in a manner which will not become a public health hazard or public health nuisance; and
 - (j) not keep such animal on the premises prior to slaughtering for a period in excess of 12 hours; prior to slaughtering.
 - (k) ensure that the animal does not cause a noise nuisance or disturbing noise whilst being kept for slaughter or being slaughtered.
 - (l) Ensure an animal to be slaughtered must be securely held or tied up properly so that the slaughtering can be done quickly and without subjecting the animal to excessive pain and suffering.
 - (m) Ensure that the knife used for the slaughter should be sharp and clean and hot water provided for washing it.
 - (n) Ensure that the best practicable method is used to for Bleeding the animal to drain of all the blood. Be informed that keeping of privately slaughtered meat in a butchery or any food establishment without the permission of the Environmental Health Practitioner concerned is not allowed.
- (2) A person intending to slaughter an animal for religious and/or ceremonial purposes may require the service of an Environmental Health Practitioner for post-mortem examination of the slaughtered animal at a cost determined by Municipality from time to time.
- (3) The permission of the local Police Authority may be required if it is the intention to use a firearm or similar devise for slaughtering the animal.
- (4) An application to conduct ritual slaughtering must be made in terms of Regulation R677 of the Abattoir Hygiene Act 1992 (Act no.121 of 1992) as amended—relating to exemptions of persons who slaughter animals under the exemption of Section 3(1) of the Act. A permit must be issued by the Municipality prior to the slaughtering on the premises. **(Annexure 5 and 5B).**

Any person who contravenes a provision of this by-law and allows such a contravention to take place, shall be guilty of an offence in terms of Section 318

Permission to carry out traditional slaughter from the Municipal Health Department does not provide indemnity from compliance with any other law or legal action in relation to, but not limited to, disturbance of peace, liability for damage to property and injury to persons, the conveyance and transport of livestock and requirements of SPCA.

CHAPTER 17

SURGERIES, DAY CLINICS AND OTHER MEDICAL COMPLEXES

Surgeries, day clinics and other medical complexes must comply with the following requirements:

145. Physical and structural facilities

- (a) Surfaces of walls, floors, ceilings, doors, and equipment must be of a smooth finish that facilitates cleaning and disinfecting as is required in a facility providing medical care.
- (b) Adequate floor space must be provided to allow unobstructed movement of patients, mobile equipment, and staff and to ensure that the premises adheres to an acceptable level of occupation density in consulting rooms and related facilities.
- (c) The locality of all facilities, including lifts, fire escapes and general exits must be clearly indicated for convenience of patients, staff, and visitors.
- (d) Facilities for patients and other visitors must be adapted to accommodate physically disabled persons.
- (e) Consultation rooms should be provided separate from waiting rooms to facilitate privacy for consultation purposes.

146. Water supply and ablution facilities

- (a) Potable running water in compliance with the SANS 241, with regards to its bacteriological, chemical, and physical quality must be available on the premises.
- (b) Taps and pipes must be maintained in good working order and in good repair, rust free.
- (c) Water must be continuously available for 24 hours a day on the premises and to accommodate other uses e.g. firefighting.
- (d) An adequate supply of running hot and cold water must be provided on all hand wash basins and sinks on the premises.

- (e) Adequate ablution and toilet facilities must be provided for use by patients and staff. 1 (one) toilet facility and 1 (one) hand wash basin must be available for every 12 (twelve) staff members, and 1 (one) toilet facility and 1 (one) hand wash basin must be available for every 20 (twenty) patients/visitors and located in close proximity to the waiting rooms.
- (f) Doors of ablution and toilet facilities for patients must be un-lockable from the outside.
- (g) The toilets must be kept clean and sanitary, with an adequate amount of toilet paper, soap, and drying towels available at all times.
- (h) Floors of toilet facilities must be constructed of a smooth and easily cleanable material.
- (i) Walls must be of a smooth finish and painted with a light coloured, washable paint or tiled.

147. Health Care Risk Waste Management

Approved methods of waste collection, storage, transportation, and disposal must be adopted and must be in line with SANS 10248.

- (a) The collection, storage and disposal of waste, including health care risk waste must be managed in accordance with the requirements as specified in the SANS Code 10248 and Section 9-10 of the Norms and Standards for Waste Management.
- (b) A waste management plan concurrent to the standards as set out in the Core Standards for Health Establishments in South Africa must be in place and updated every two years.
- (c) A designated staff member responsible to ensure that the collection, handling, storage, and disposal of waste on the premises is in compliance to relevant legislation and standards must be available.
- (d) The facility must have a documented waste management policy and procedures that is followed for the collection, handling, segregation, storage, and disposal of waste (incl health care risk waste, such as infectious anatomical and pathological, sharps, pharmaceutical, chemical and radiation hazard waste).
- (e) If the facility makes use of the services of a private contractor for managing of waste, the contractor must be an approved and legally compliant waste removal service provider and a service level agreement in place.

- (f) An adequate number of containers for the disposal of health care risk waste and general waste must be available and accessible to handle the volume of waste generated on the premises.
- (g) Appropriate bags and containers must be available and used for the type of waste collected.
- (h) An adequate number of purpose-manufactured, leak-proof, sealable containers must be available for the storage of health care risk waste. Such containers to be designed as to not allow the exposure of needles, cuts and other substances that may cause harm to service users or staff members.
- (i) Containers used for the storage of health care risk waste must be clearly labelled in large, legible lettering.
- (j) Employees must be adequately trained in the identification, separation, handling and storing of health care risk waste.
- (k) Containers used for the storage of health care risk waste must be clearly labelled in large, legible lettering.
- (l) Employees must be adequately trained in the identification, separation, handling and storing of health care risk waste.
- (m) Health care risk waste may only be removed/ collected, transported, treated, and dispose by a registered service provider from the premises.

148. Infection prevention and control

Infection control and prevention standards concurrent with the standards as set out in the Core Standards for Health Establishments in South Africa, published by the National Department of Health, Office of the Health Standards Compliance.

149. Storage facilities

- (a) If five or more persons are employed, separate change-rooms must be provided for male and female staff members, equipped with storage facilities or lockers for personal belongings of each worker.
- (b) Food and non-food items must be stored separately; refrigerators used for storage of medicines must not at any time be used for storage of any foodstuffs.
- (c) Separate storage facilities for dirty and clean linen and equipment, including sluice facilities for cleaning of soiled linen and equipment must be provided.

- (d) Separate storage facilities must be provided for storage of cleaning equipment and medicines.

150. Rodent proofing and pest control

- (a) The construction of rodent proofing must be done on the internal and external areas of the facility to minimize the risk of rodents and pests.
- (b) Rodent proofing must be maintained in good order or repair so as to be impervious to rodents.
- (c) To prevent the wide spreading of rodents or pests, rodents must be eliminated before demolition of any building or structure likely to be infested with rodents.
- (d) A pest management program must be in place & in line with the requirements as set out in Section 49 of this by laws.

151. General requirements

- (a) The storage and dispensing of medicines must comply with the Pharmacy Act, Medicines and Related Substances Act and the relevant regulations.
- (b) The building structure must be maintained in good repair to provide the safety of clients/patients.
- (c) The premises must comply to the Local Fire Authority's, fire safety regulations and requirements.
- (d) All areas of the facility must be kept clean, free from offensive odours, debris, litter and other miscellaneous waste at all times
- (e) Appropriate cleaning material and equipment must be available and properly used and stored.
- (f) Infection control procedures relating to cleaning must be followed in all areas of the facility.

Any person who contravenes a provision of this by-law and allows such a contravention to take place, shall be guilty of an offence in terms of Section 318

CHAPTER 18

DISPOSAL OF THE DEAD

152. Definitions

In these By Laws –

“The Act” shall mean the National Health Act 2003, (Act 61 of 2003) as amended, and any expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context otherwise indicates-

“Adequately ventilated and illuminated” means adequately ventilated and illuminated as laid down in the **“approved”** means approved by the local authority concerned.

“Approval disposal system” refers to a drainage system connected to a municipal main system from any premises, approved by the appointed municipal engineer.

“Approved container” means a coffin or other approved containers.

“cadaver” refers to a corpse or a dead body (used in a scientific or medical manner).

“Certificate of competence” means a document contemplated in section 214 (a) of this By Law.

“Certificate holder” means the person in whose name a certificate of competence has been issued.

“crematorium” means a place used for the purpose of burning or cremating a corpse and includes every part of those premises.

“corpse” means a dead human body or its remains whether decomposed or otherwise.

“embalming” means the treatment of human remains in order to prevent decay.

“Environmental authorization” means an authorization as defined in the National Environmental Management Act 1998, (Act 107 of 1998)

“Environmental Health Practitioner” shall mean a person registered as such in terms of the Health Professions Act, 1974 (Act 56 of 1974) and who performs functions as listed in the Scope of Professions of Environmental Health (Govt. Notice No. R698, 26 June 2009).

“Funeral undertaker’s premises” shall mean premises that are used or intended to be used for the preparation and storage of corpses and may undertake funeral and burial services.

“embalmer” means a person who embalms corpses; something which preserves and prevents decay.

“Import permit” means the permit issued by the Director-General or delegated Provincial Head of the Department authorizing the importation of mortal remains into South Africa.

“In effect” refers to the date a certificate of competence is issued till it’s expiry or suspension or being revoked.

“mortal/human remains” means the remains of a dead person in any form (corpse has a corresponding meaning).

“municipality” means –

- (e) The Buffalo City Metro Municipality established in terms Chapter 2 of the Local Government Municipal Structures Act No.117 of 1998 exercising its legislative and executive authority through its Municipality; or
- (f) its successor in title; or
- (g) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal System Act, 2000 (Act No. 32 of 2000) ; or
- (h) a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of section 81 (2) of the Local Government: Municipal System Act, or any other law, as the case may be;

“Potable water” means water which complies with the SANS 241 of 2011 with regards to its chemical, microbiological and physical quality, or any subsequent amendments,

“preparation” means any action aimed at the preparation of a corpse for a funeral or for cremation, export or other disposal and shall include the embalming of such corpse for the said purposes, and **“prepare”** and any word derived there from shall have a corresponding meaning.

“Registered undertaker” refers to any undertaker premises that has been issued with certificate of competence and meets the requirements stipulated in this by-law.

“Rodent proof” means rodent-proof as laid down in the regulations 2(a) and (b) promulgated by Government Notice R.1411 of 23 September 1966 and any subsequent amendments.

Part 1: Funeral undertaker's premises and mortuaries**153. Application**

These By Laws shall apply to-

- (a) Any private or public mortuaries, funeral undertakers' premises and crematoriums including those in the police services and hospitals under the control of the State or any department in any sphere of Government.
- (b) Any state owned or private owned burial sites.
- (c) Any natural person who is not in the service of a funeral undertaker and who does not, either directly or indirectly, undertake or arrange funerals but only prepares corpses. The preparation of such corpses shall only take place on fixed premises and must be used specifically for such purpose.

154. Exemption

Exemptions to these By Laws are-

- (a) A municipality may, in writing exempt any person from compliance with all or any of these By Laws where, in the opinion of the municipality, non-compliance does not or will not create a nuisance; and that.
- (b) Such exemptions shall be subject to such conditions and valid for such a period as the municipality may, stipulate in the certificate of exemption.
- (c) The municipality must issue a certificate of exemption to a person, for exemption of any provisions in this by-law.

Part 2: Certificate of competence**155. Issue of a certificate of competence**

- (a) No person shall prepare any corpse except on funeral undertaker's premises or mortuary in respect of which a certificate of competence has been issued by the Environmental Health Practitioner and is in effect, this condition shall also apply to sub -section (b) below.
- (b) A municipality may, if it is satisfied that nuisance exist on funeral undertaker's premises or mortuary situated in its area of jurisdiction, issue a written notice to the enterprise in question to stop all activities connected with the preparation of corpses until the nuisance referred to in the notice has been eliminated.

156. Application for the issue or transfer of a certificate of competence

- (1) Any person wishing to apply for a certificate of competence in respect of new

funeral undertaker's premises shall, not less than 21 days before submitting his application to the municipality concerned, cause a notice to be published in one of the official languages in a newspaper that appears mainly in that language, and in the other official language in a newspaper that appears mainly in the latter, where each of the said newspapers circulates in the area in which such premises are situated, or shall, where separate newspapers in each of the official languages do not so circulate, cause such notice to be published in both official languages in a newspaper that so circulates.

- (2) Such notice shall contain information to the effect that an application for the issue of a certificate of competence in terms of these By Laws is to be submitted to the municipality mentioned in the notice and that any person who will be affected by the use of such funeral undertaker's premises or mortuary and wishes to object to such use shall lodge his/her objection, together with substantiated representations, with the municipality concerned in writing within 21 days of the date of publication of such notice.
- (3) An application for the issue or transfer of a certificate of competence shall be made in writing by the applicant or his authorized representative to the municipality in whose area of jurisdiction funeral undertaker's premises fall on such form as the municipality may require or prescribe.
- (4) An application for the issue of a certificate of competence shall be accompanied by-
 - (i) a description of the premises and the location thereof.
 - (ii) a complete ground plan of the proposed construction or of existing buildings on a scale of 1:100.
 - (iii) a block plan of the premises on which north is shown indicating which adjacent premises are already occupied by the applicant or other persons and for what purpose such premises are being utilized or are to be utilized; and
 - (iv) Particulars of any person other than the holder or any of his employees who prepares or will prepare corpses on the premises.
- (5) A municipality, when considering issuing or transferring a certificate of competence, may request from the applicant or any other person any such further information as to enable it to properly consider the application concerned.
- (6) No municipality shall consider any application for the issue or transfer of a certificate of competence unless a complete inspection of the premises concerned

has been carried out by an Environmental Health Practitioner employed by the relevant municipality and his/her report including recommendation on such inspection, is available to the municipality.

157. Issue or transfer of certificate of competence

Where a municipality, after consideration of an application for the issue or transfer of a certificate of competence, the report concerned by an Environmental Health Practitioner, including his/her recommendation, and any objections to the use of funeral undertaker's premises or mortuary, is satisfied that the premises or mortuary concerned-

- (a) comply with all requirements laid down in these By Laws.
- (b) are in all respect suitable for the preparation of corpses; and
- (c) will not be offensive to any occupant of premises in the immediate vicinity of such premises,

it shall, issue a certificate of competence in the name of the holder in such form as it may determine or shall by endorsement transfer an existing certificate of competence to a new holder subject to conditions as may be necessary, as the case may be.

158. Validity and transfer of certificate of competence

A certificate of competence, excluding a provisional certificate of competence shall on endorsement by the issuing authority, be transferable from one holder to a new holder and such certificate shall be valid from the date on which it was issued until it is revoked or suspended and shall be renewed (every second year).

159. Issue of provisional certificate of competence

- (1) If the municipality is not satisfied as contemplated in Section 269, read with sub-Section 2 and 3 below, with regard to funeral undertaker's premises or mortuary in respect of which a certificate of competence has been applied for, a municipality.
 - (a) shall, in the case of existing funeral undertaker's premises; and
 - (b) may, in all other cases, subject to such conditions as such municipality may determine, in general or in each specific case, issue a provisional certificate of competence in respect of such premises for a maximum period of only 6 months to enable the applicant to alter such premises to comply with the provisions of

these By Laws, provided that the use of such funeral undertaker's premises or mortuary does not and will not create a nuisance.

- (2) Provisional certificate may not be extended unless the concerned municipality is satisfied that the owner or representative thereof is in the process of making the necessary changes as prescribed in sub-section (1) above.
- (3) Any such extension in sub-section 2 above will be granted for a period of not more than 12 months.

160. Duties of holder

- (1) The certificate holder shall immediately inform the issuing authority in writing if there are any changes in the particulars supplied to the issuing authority in the application for the certificate of competence concerned.
- (2) Failure by the holder or a person in charge/authorized person to comply with this By Law shall constitute an offence.

161. Suspension or revocation of a certificate of competence or provisional certificate of competence

- (1) If a municipality in whose area of jurisdiction funeral undertaker's premises or a mortuary are used by virtue of a certificate of competence, or a provisional certificate of competence is of the opinion of an Environmental Health Practitioner that there are reasonable grounds to suspect that-
 - (a) such premises are being used in a way that is hazardous to health, or that conditions entailing a hazard to health have been or are being created on such premises; or
 - (b) such premises are being used in contravention of the provisions of these bylaws and National and Provincial legislation or the conditions to which such certificate of competence or provisional certificate of competence is subject.

© such municipality may, serve a written notice on the holder or the person in charge of such premises in which the holder is instructed to remove such health hazard from the premises, to ease the use of the premises in contradiction with the certificate of competence or provisional certificate of competence and or to also furnish reasons, at a place and a time specified in such notice, why such certificate should not be withdrawn or suspended.

- (2) A municipality may suspend a certificate of competence or provisional certificate

of competence immediately on the strength of a report by an Environmental Health Practitioner in the service of the municipality concerned, stating that the hazard referred to in sub-section (1)(a) is a nuisance and a health risk and recommending such suspension.

- (3) A notice referred to in sub-section (1) shall set out such particulars are reasonably adequate to inform the holder concerned why the withdrawal of the certificate is contemplated and shall be served by the municipality concerned not less than 21 days prior to the date specified in such notice.
- (4) Any funeral undertaker who fails to comply with the notice served on him/her in terms of these bylaws is guilty of an offence.
- (5) Any funeral undertaker who feels his rights are affected by a decision delegated by the municipality may appeal against the 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 decision.

162. Requirements relating to funeral undertaker's and mortuary premises

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

- (a) shall be so designed as to-
 - (i) be separated from all other rooms on the premises and as not to communicate directly with any office or salesroom: Provided that, where a preparation room on existing funeral undertaker's premises so communicates, the entrance thereto shall be so concealed that the interior thereof is completely out of the sight of any person in such office or salesroom.
 - (ii) enable obnoxious odours and vapours to be adequately eliminated; and
 - (iii) be sufficiently ventilated and lighted.
- (b) shall have a floor-
 - (i) covering an area of not less than 16m² for the first table of the kind referred to in paragraph (e) and 8m² for each additional such table.
 - (ii) constructed of concrete or similar waterproof material with a smooth non slippery surface that is easy to clean, and sloped at an angle to ensure that any run-off will drain into an approved disposal system; and
 - (iii) which, if it is replaced or laid after the date of commencement of these By Laws, shall be provided with half-round filling where it meets the walls.
- (c) shall have walls the inner surfaces of which have a smooth finish and are covered with a light-coloured washable paint or other approved, suitable, and waterproof paints.
- (d) shall be provided with a ceiling not less than 2,4 m above the floor level, which ceiling shall be dust-proof and painted with a light-coloured washable paint.
- (e) shall contain not less than one table of stainless steel or glazed earthenware or other approved material, equipped with a raised rim on the outside, a tap with cold running water to which a flexible pipe can be connected and a drainage opening connected to an approved disposal system.
- (f) shall contain not less than one washbasin for each such table, made of stainless steel or other approved material, with a working surface of the same material, taps with hot and cold running water and a drainage opening permanently connected to an approved disposal system, and provided with disposable towels, and soap.
- (g) shall have not less than one tap with running water to which a flexible pipe, long enough to reach all corners of such room, can be connected for cleaning the interior surfaces.

- (h) shall have door openings that are not less than 0,82m in width and 2,00m in height so that corpses can be taken into and out of such room without any difficulty.
- (4) Each such change-room shall contain at least the following:
 - (a) One hand-basin with hot and cold running potable water for every six employees or part thereof.
 - (b) disposable towels, soap, and disinfectants; and
 - (c) not less than one latrine for every 15 male employees or part thereof and not less than one latrine for every 15 female employees or part of this number employed at the funeral undertaker's premises concerned: Provided that, where a separate urinal for men forms part of such facilities, one latrine plus one separate urinal shall be permissible for every 30 men or part thereof.
- (5) Refrigeration facilities such as refrigerators or cold chambers shall be installed in or within easy reach of such preparation room for the keeping of corpses, and-
 - (a) where refrigerators are provided, they shall be made of a material that does not absorb moisture and shall be provided with removable trays and shall be so designed as to drain properly and be easy to clean.
 - (b) the surface temperature of any corpse shall be no higher than 5°C within three hours of its being received on the premises and no higher than 15°C during preparation; and
 - (c) Where cold chambers are provided, they shall comply with sub-section (3)(a)(ii), (b)(ii), (c), (d) and (h) and shall be provided with shelves manufactured from a material that does not absorb moisture and that is easy to clean.
- (6) Such cleansing and loading and unloading facilities shall consist of a paved area, screened from public view, with a drainage system into a gulley connected to an approved disposal system.
- (7) The loading and unloading of corpses and the cleansing of vehicles shall not take place anywhere except in the area contemplated in sub-section (6).
- (8) The funeral undertaker's premises shall be rodent proof.
- (9) Effective facilities for back-up sources of electricity shall be provided in case of power failure.

163. Hygiene requirements for funeral undertaker's and mortuary premises

- (1) All solid refuse on the premises of a funeral undertaker or mortuary shall be kept in corrosion-resistant containers with tight-fitting lids and shall be dealt with in accordance with the solid waste management requirements of the municipality concerned.
- (2) Every holder of a certificate of competence or provisional certificate of competence for funeral undertaker's premises or mortuary shall ensure that -
 - (a) Employees and all other persons involved in handling of corpses are provided with clean protective clothing consisting of surgical gloves, gumboots, plastic aprons so designed that the front hangs over the top of the gumboots, face masks and linen overcoats, and each such employee or other person shall, at all times when so involved, wear such clothing.
 - (b) Premises are kept free of insects, offensive odours, gases, and fumes.
 - (c) All working areas or surfaces at such premises where corpses are prepared are cleaned and disinfected immediately after the preparation of any corpse.
 - (d) cause all equipment used for the preparation of corpses to be washed and disinfected immediately after use.
 - (e) cause all used protective over-clothes to be washed, cleansed, and disinfected daily on the premises; if a corpse has been transported without a moisture-proof covering, cause the loading space of the vehicle concerned to be washed and disinfected after such corpse has been removed; and
 - (f) the number of corpses kept within the premises shall not exceed the number of removable trays available to accommodate such corpses in the refrigerators or cold chambers.
- (3) Every certificate holder shall ensure that the following hygiene measures are maintained when handling mortal remains on the premises; -
 - (a) workers shall wear adequate and appropriate protective clothing when handling mortal remains.
 - (b) all waste generated in the preparation room shall be deemed to be health risk waste and should be collected, handled, and disposed of as such.
 - (c) non disposable gloves shall be cleaned and disinfected after each use.
 - (d) disposable gloves shall be discarded after each use.
 - (e) all workers responsible for handling mortal remains in the preparation room shall be vaccinated against Hepatitis B.

Part 3: Handling and disposal of mortal remains.**164. Coffins**

- (1) No person shall handle any corpses except at a registered funeral undertaker.
- (2) A coffin shall be used for any burial of a corpse except where religious beliefs prohibit its use, or special permission has been granted

BURIAL IN EXCAVATED LAND GRAVES**165. Burial sites and burials**

- (1) No land or site (public and private) shall be identified and used for the purpose of a burial site, unless a land survey has been conducted by a municipality and approval granted, such approval must be in writing and should contain such conditions for use as the availability of waste management and ablution facilities which shall include access to potable water and sanitation facilities.
- (2) All graves shall be at a minimum depth of 1400mm (6 feet) except when a grave will be re used for another coffin.
- (3) All burial sites except for cemeteries that are situated in “**commercial rural area**” and “**communal rural area**” must comply with the following environmental Requirements-Burial sites.
 - (a) shall conform to the requirements of the National Environmental Management Regulations, 2010 as amended with regards to Environmental Authorization.
 - (b) shall be located outside 100-year floodplain.
 - (c) shall be located at least 350 m from ground water sources used for drinking purposes and at least 500 m from the nearest habitable building.
 - (d) for a preferred burial site with a soil of sand-clay mix of low porosity and a small and fine-grain texture, the water table should be at least 2.5m deep in order to allow for traditional grave depth of six feet (1.8 metres).
 - (e) for areas with higher water tables, the local authority may determine a reasonable depth with additional walling recommendations to protect underground water.
 - (f) the covering soil shall not be less than 1 m, should two bodies be buried in the same grave, 300mm of soil shall be maintained between the coffins.
- (4) All burials must be registered with the municipality in accordance with such municipality By-Laws; the relevant authority shall there upon enter such burial in

the register of burials of such municipality; except burials that are situated in “commercial rural area” and “communal rural area” established before the promulgation of R363 of 2013

CREMATORIUMS AND CREMATIONS

166. Disposal of mortal remains by cremation

- (a) Mortal remains shall only be cremated in an authorized crematorium.
- (b) A crematorium shall be authorized in terms of the National Environmental Management Regulations, 2010 as amended with regards to environmental authorization.

167. Issue of a cremation permit

- (1) All cremations shall be permitted by the relevant municipality in terms of such municipality's By-Laws; or other relevant legislation concerning Cemeteries and Crematoria
- (2) A municipality may not issue a cremation permit; unless the application is accompanied by a declaration by the medical officer who declared the deceased dead, (and if applicable, who also performed postmortem examination of the deceased) whom cremation is intended, indicating causes of death whether is natural or from any dreadful communicable disease, and that the remains of the deceased may be disposed.

168. Minimum requirements for a cremation facility

- (1) All cremation facilities must comply to the following-
 - (a) site must be located at least 500m downwind of any habitable dwelling.
 - (b) the chimney must have a height of not less than 3 metres above the roof.
 - (c) no cremation shall take place until the minimum combustion temperatures of the urn has been reached,
 - (d) the premises shall be kept in a clean, sanitary and in good repair.
 - (e) the facility shall be adequately ventilated and illuminated.
 - (f) the facility shall be operated and managed in such a manner as to prevent the dispersion of ash into the atmosphere.
 - (g) emissions from a crematorium shall conform to the National Ambient Air Quality and Emission Standards in terms of the National Environmental Management: Air Quality Act 2004 (Act no 39 of 2004).

169. Register for cremations

- (1) Every crematorium shall keep a register for each cremation and such register shall contain the following-
- (a) The date of each cremation.
 - (b) The name, identity number, address, occupation, age, sex, and marital status of each deceased person cremated therein.
 - (c) The date of death of each deceased person.
 - (d) The name, identity number and address of the person in whose name the crematorium is registered in.
 - (e) The name, designation and address of the person issuing the certificate of the cause of death of each person to be cremated.
 - (f) The cause of death and the registration number of the death certificate of each person to be cremated; and
 - (g) The manner in which the ashes of the person were disposed.

Part 4: Exhumation and reburials of human remains.**170. Application to exhume a body, body ashes and reburial of human remains**

Any person who intends to exhume a body or body ashes and rebury of human remains shall comply with the Municipality Bylaws for Cemetery and Crematoria or any other relevant legislation.

171. Authorization for exhumation of human remains

- (1) All exhumations reburials of human remains or body ashes to be conducted shall be authorized by the municipality or the authorized official subject to compliance of these bylaws or:
- (a) A court order shall be permitted by the Municipality.
- (2) Exhumation approval shall not be issued without the reburial permit issued by the relevant municipality, or without a cremation permit.
- (3) No person shall exhume any mortal remains, unless for the following: -
- (a) Removal from the original grave to a new grave acquired in the same cemetery.
 - (b) Removal for burial in another cemetery.
 - (c) Removal for cremation.
 - (d) Removal for forensic examination of the deceased.
 - (e) Transfer from a public grave to a private grave.

- (f) For legal reasons, such as crime related investigations.
- (g) For archaeological reasons.
- (4) The municipality shall grant a permit for an exhumation on condition that the exhumation of the mortal remains shall only be done by a registered undertaker, such undertaker shall be based in the jurisdiction of the municipality issuing the exhumation permit referred to in sub-section (1).

172. Exhumation requirements

- (1) The following are the exhumation requirements:
 - (a) the exhumation of mortal remains shall be carried out under the supervision of an Environmental Health Practitioner of the relevant municipality.
 - (b) only persons with direct involvement may be present at the disinterment or removal of mortal remains and no dogs or other animals may be allowed at the grave site; and
 - (c) the Environmental Health Practitioner shall ensure or cause the following measures are in place, and cause to be provided, at the exhumation site:
 - (i) on his/her authority that the grave and the mortal remains are treated with a disinfectant after exhumation and any other protective measures as he/she may deem necessary.
 - (ii) an adequate supply of water, soap and disinfectants for cleansing shall be available at the grave for cleansing of persons handling the mortal remains.
 - (iii) the correct grave is re-opened.
 - (iv) mortal remains are placed in a non-transparent and closely sealed container immediately after it has been disinterred and be handled in a way that no nuisance or health hazard is caused.
 - (v) A new approved container is supplied, or the existing container is secured in a suitable leak proof container that has been approved by an Environmental Health Practitioner.
 - (vi) a new coffin is properly sealed and identified.
 - (vii) the health and safety of the workers is maintained by use of approved protective equipment.
 - (viii) during the exhumation of mortal remains the grave shall not be left unguarded and immediately after the remains have been removed such grave shall be sealed.

- (ix) All used disposable protecting clothing to be placed into refuse bags and the disposal of such must be done in an approved manner.

173. Reburial of human remains

- (1) All reburials shall be registered with the relevant municipality in accordance with the municipality By-Laws; such municipality shall thereupon enter such reburial in the register of reburials of such municipality.
- (2) For mortal remains of a person whose cause of death was smallpox, anthrax or viral hemorrhagic fever, the body shall not be embalmed, but strict guidelines on management of communicable diseases as published by the National Department of Health and or the World Health Organization shall be followed.

Part 5: Conveyance (transportation, importation, and exportation) of mortal remains.

174. Conveyance of mortal remains

- (a) Such a declaration must accompany the mortal remains at all times during the conveyance and up to the burial.
- (1) The declaration referred to in sub-section (1) shall be shown to an officer on demand by the person responsible for the conveyance of the mortal remains.
- (2) No person shall damage or open a container referred to in sub-section (1), or remove the mortal remains from the container or come into direct contact with the mortal remains without prior approval from an officer referred to in sub-section (1) after it has been sealed.

175. Conveyance of remains on public transportation and outside Buffalo City Metro Area of Jurisdiction

- (1) No person shall convey any mortal remains in any manner other than the manner prescribed in section 286.
 - (a) On public transport unless, the mortal remains have been sealed in an airtight container and placed in a non-transparent, sturdy, sealed coffin; or
 - (b) In any other way in public unless the mortal remains have been placed at least in an approved container.
- (2) No coffin or container in which the mortal remains have been placed may be conveyed unless –

- (a) the outer surface of such coffin or container is free from any leakages or any other secretion matter emanating from such mortal remains; and
 - (b) Offensive odours are absent.
- (3) Should any leakages, secretions or odours emanating from the container of the mortal remain conveyed, such coffin or container is to be taken forthwith to the nearest mortuary or undertaker's premises, by the person responsible for the conveyance of mortal remains where the necessary measures shall be taken to eliminate the conditions.

Part 5: General provisions

176. Appeals

Any person who wishes to appeal may do so in line with the section.

177. Offences

Any person who contravenes a provision of this by-law and allows such a contravention to take place, shall be guilty of an offence in terms of Section 318

CHAPTER 19

DISEASE SURVEILLANCE

178. Definitions

In this chapter, unless the context otherwise indicated.

"Communicable disease" means a disease resulting from an infection due to pathogenic agents or toxins generated by the infection, following the direct or indirect transmission of the agents from the source to the host.

(Infectious disease)

"Environmental Health Practitioner (EHP)" means a person registered as such in terms of section 34 of the Health Professions Act 56/1974 and who performs functions as listed in the Schedule of the Scope of Professions of Environmental Health, Government Notice R.698 dated 26 June 2009.

179. Infectious diseases and quarantine.

(1) If any person: -

- (a) While suffering from any infectious disease wilfully exposes himself without proper precautions against spreading the said disease in any street, public place, shop, store, hotel, boarding or lodging house, place of refreshment, entertainment, or assembly, or any place used in common by any person other than members of the family or household to which such infected person belongs; or
- (b) Being in charge of a person suffering from any infectious disease, wilfully exposes such sufferer without proper precautions against spreading the said disease in any street, public place, shop, store, hotel, boarding or lodging house, place of refreshment, entertainment, or assembly, or any place used in common by any person other than members of the family or household to which such infected person belongs; or
- (c) Knowingly gives, lends, sells, pawns, transmits, removes, or exposes any bedding, clothing, or other articles which have been exposed to infection from any infectious disease without previous disinfection to the satisfaction of the Environmental Health Practitioner
- (d) Permits any person to assemble or congregate in any house, room, or place over which he has control in which there shall be the body of any person who has died of any infectious disease.
- (e) After receiving a written or printed notice to this effect, deposits, or causes or permits to be deposited any filth, rubbish, or matter has been exposed to infection, without previous disinfection, in any sewer or drain, or any receptacle or elsewhere than in a receptacle specially provided by the Environmental Health Practitioner or other person employed under him, to receive and contain such filth, rubbish, or matter.

shall be liable to a penalty for a breach of this By-law. However, any person transmitting with proper precautions any bedding, clothing, or other articles for the purpose of having the same disinfected shall not be liable to any penalty hereunder.

- (2) Every parent or person having care or in- charge of a child who is or has been suffering from any infectious disease, or resides in a house where such disease exists, or has existed within a period of three months, who shall knowingly or

negligently permit such child to attend school without procuring and producing to the teacher or other person in charge of such school a certificate from the Environmental Health Practitioner (medical certificate/report)

180. Unburied bodies.

No person shall, without the sanction of the Environmental Health Practitioner, in writing, retain an unburied (body) elsewhere than in a public mortuary, for more than twenty-four hours of any person who has died from any infectious disease.

181. Offences and penalties

Any person who contravenes a provision of this by-law and allows such a contravention to take place, shall be guilty of an offence in terms of Section 318

CHAPTER 20

SURVEILLANCE OF PREMISES

FOOD CONTROL

182. Definitions:

In this chapter, unless the context otherwise indicated:

“Adequately ventilated and lighted” means ventilated and illuminated by means of windows with an uninterrupted transparent area equal to at least 10 percent of the floor area and with an area which can be opened equal to at least 5 percent of the floor area, and so placed that cross ventilation is facilitated.

“animal” means a creature or living thing other than a human, any member of the animal kingdom.

“Approved milking shed” means a milking shed in respect of which a certificate of acceptability has been issued and is enforced.

“baker” shall mean any person who carries on the business of manufacturing any bakery products.

“bakery” shall mean the premises or any part thereof on or in which the business of a baker is carried on.

“Bakery product” shall include bread, rolls, pies, biscuits, cakes, tarts, confectionery, sweet meats, and similar products.

“Best before” means, with respect to food, the date indicating the end of the period under any stated storage conditions specified on the label by the manufacturer during

which the product will remain fully marketable, edible, and safe and will retain any specific qualities for which tacit or express claims are or have been made.

“butcher” shall mean a person carrying on the business of selling meat in wholesale quantities, offering, or exposing meat for sale by retail in a shop or fixed place, or by offering meat for sale or delivery from some other place.

“butchery” shall mean any premises used for the purpose of such business.

“Certificate of acceptability” means a certificate of acceptability referred to in Regulation R638, framed under the Foodstuffs Cosmetics and Disinfectants Act, Act 54 of 1972 as amended.

“clean” means free of any dirt, impurity, objectionable matter or contamination to the extent that acceptable states of hygiene is attained, and keep clean has a similar meaning.

“colourant” means any substance referred to in the By-laws on food colourants, published under the Foodstuffs Cosmetics and Disinfectants Act, Act 54 of 1972.

“dairy” means any premises occupied and used by a dairyman, for the production and sale or supply of dairy product.

“Dairy product” means milk, or a product obtained or manufactured exclusively or mainly from milk and to which no unpermitted substances or another foodstuff of which the solids are not meant to substitute any part of the milk solids, are added and it also includes a product of which a maximum of 50 percent of the fat content, protein content and carbohydrate content respectively, are obtained from a source other than milk.

“dairyman” means any person who produces, supplies, or keeps for sale, or sells milk obtained from his own herd, and who is registered as such.

“Dairy stock” means cows, she-goats, ewes, and mares used in the production of milk for human consumption.

“disinfection” means the reduction, without adversely affecting the food by means of hygienically satisfactory chemical agents or physical methods, of the number of micro-organisms to a level that will not lead to harmful contamination of food.

“facility” means any apparatus, appliance, equipment, implement, storage space, working surface or object used in connection with the handling of food.

“food” means a foodstuff intended for human consumption, as defined in section 1 of the Foodstuffs, Cosmetics and Disinfectants Act (Act 54 of 1972), excluding food referred to in regulation 14.

“Food handler” means a person who in the course of his or her normal routine work on food premises comes into contact with food not intended for his or her personal use.

“Food premises” means a building, structure, stall, or other similar structure, and includes a caravan, vehicle, stand, or place used for or in connection with the handling of food.

“Food vending machine” means any mechanical device, whether attended or not, by means of which foodstuffs are sold.

“foodstuff” means any article or substance, including natural mineral water or bottled water, but excluding medicine, ordinarily eaten, or drunk by humans or purporting to be suitable, or manufactured or sold, for human consumption and includes any part or ingredient of any article or substance or any substances used, intended or destined to be used as a part of any article or substance.

“Food additive” means any substance not normally consumed as a foodstuff by itself, and not normally used as a typical ingredient of the foodstuff, whether or not such substance has nutritive value.

“Good manufacturing practice” means a method of manufacture or handling or a procedure employed, taking into account the principles of hygiene, so that food cannot be contaminated or spoiled during the manufacturing process.

“handle” includes process, produce, manufacture, packaging, storing, preparation, display, transport, sale or serving of foodstuffs.

“hands” includes the forearm or part of the arm extending from the wrist to the elbow.

“Health hazard” includes any condition, act or omission that may contaminate or spoil food so that consumption of such food is likely to be dangerous or detrimental to health.

“inspector” means a person authorized as such, under section 10 of the Foodstuffs Cosmetics and Disinfectants Act, 54 of 1972 or an “Environmental Health Practitioner (EHP)” shall mean a person registered as such in terms of section 34 of The Health Professions Act, 1974 (Act 56 of 1974) and who performs functions as listed in the Schedule of the Scope of Professions of Environmental Health, Government Gazette No. R698 dated 26 June 2009.

“manufacture” includes production, or preparation, processing, preservation, or other manufacturing process.

“meat” means the clean, sound, and wholesome skeletal musculature and fatty tissue of any animal species, including game or bird species, used as a foodstuff, together with any connective tissue, bone, fat and cartilage that occurs naturally in the skeletal musculature of the dressed carcass and head, excluding the musculature of the lips, snout, scalp and ears.

“milk” means the mammary secretion of dairy stock, obtained from one or more milking for consumption as liquid milk or for further processing.

“Milk dealer” means any person, other than a dairyman, who receives, collects, treats, prepares for sale, or sells milk at or from a milk depot, and who is registered as such.

“Milking parlour” means that area of the milking shed in which dairy stock are milked.

“Milk tanker” means a vehicle for the transportation of milk in bulk.

“Milk vessel” means and includes every receptacle, can, vessel, utensil, bottle, appliance, or any other thing, which is used by a dairyman, milk dealer or milk purveyor, for the production, collection, keeping, storage, preparation, treatment, measurement, conveyance, delivery or distribution of milk.

“Perishable food” means any foodstuff which on account of its composition, ingredients, moisture content and/or pH value and of its lack of preservatives and suitable packaging is susceptible to an uninhibited increase in microbes therein or thereon, if the foodstuff is kept within the temperature spectrum of 5°C to 63°C, and includes the perishable foodstuffs listed in Government Notice No. R1183 of 1 June 1990 as amended.

“Person in charge” means a natural person who is responsible for the food premises and/or the owner of such food premises, as the case may be.

“poultry” means any chicken, duck, goose, guineafowl, ostrich, partridge, pheasant, pigeon, quail, turkey, and chicks thereof.

“pre-packed food” means food which, before it is presented for sale or for serving, has been packed.

“Protective clothing” means overall of a light colour and head gear that completely covers the head.

“Pure water” means clean and clear water that does not contain Escherichia Coli.

“Ready- to - consume food” means perishable food which may be consumed without having to undergo a further process to make it consumable and ready-to-eat has a similar meaning.

“Rodent-proof” means ensuring that an area is free of all rodents, vermin, insects, disease carriers or other pests.

“sell” includes to offer, advertise, keep, display, transmit, convey, or deliver for sale, or to exchange, or to dispose of to any person in any manner whether for a consideration or otherwise; and sold, selling and sale have corresponding meanings.

“Sell by” means, with respect to food, the last date of offer for sale, as specified on the label by the manufacturer, to the consumer after which there remains a reasonable storage period in the home and after which the product is still safe and edible.

“The Act” means the Foodstuffs, Cosmetic and Disinfectants Act (Act No. 54 of 1972)

Use by” (Best Consumed Before, Recommended Last Consumption Date, Expiry Date) means the date which signifies the end of the estimated period under the stated storage conditions, after which the product probably will not have the quality attributes normally expected by the consumers and after which date the food should not be regarded as marketable.

“Unsound food” means unwholesome sick, polluted, infected, contaminated, decaying or spoiled, or unfit for human consumption for any reason whatsoever.

“vehicle” means a train, trolley, wagon, cart, bicycle, truck, boat, and includes any other craft, vehicle or conveyance used in the handling or transport of food; and

“water” means, for domestic consumption, pure water which complies with SANS 241-2001 and any standards set in terms of national and provincial legislation.

183. Requirements for food caterer premises:

Caterer to have a certificate of acceptability (and Business License) issued by the Municipality.

- a) The person in charge of any Catering Facility, wishing to obtain a certificate of acceptability in respect of such food premises shall apply in writing to the municipality in whose area of jurisdiction the food premises are situated on an application form containing the particulars that are the same as those contained in the form in **Annexure 6** of these by-laws.
- b) The person in charge of such a premises must also apply in writing to the municipality in whose area of jurisdiction the food premises are situated on an application form containing the particulars of said person for a Business License from the relevant Local Municipal Department.
- c) All food areas must have adequate ventilation and lighting (visual).
- d) All working surfaces and equipment such as tongs must be in a good state of

repair and capable of being easily cleaned.

- e) Provision must be made for a wash hand basin or any other similar utensil for washing hands.
- f) Provision must be made for soap, nail brush, and disposable paper toweling at the afore-mentioned wash hand basin or utensil.
- g) Provision must be made for a sink or any other similar utensil, for washing of food and equipment.
- h) Suitable provision must be made for a constant supply of hot and cold water.
- i) All wastewater emanating from the property of food caterer must be suitably disposed of, as per requirements of the Environmental Health Practitioner.
- j) Adequate measures must be taken to prevent contamination of food by flies, chemicals, rodents and other vermin, and pathogens.
- k) Suitable refrigeration facilities must be provided, with proper holding temperatures, namely foodstuffs to be stored at or below 5°Celsius or at or above 63° (60°) Celsius.
- l) Raw and cooked foods must be kept separately during all stages of catering process.
- m) Refuse Control: the premises must have an adequate number of bins with tight-fitting lids and bins must be regularly cleaned.
- n) All staff must be provided with personal protective clothing, namely footwear, overalls of a light colour and head covering (hairnets) that completely covers the hair of the head.
- o) All staff must maintain a good sense of hygiene and be free of any open cuts and wounds.
- p) An effective pest control system must be implemented to eradicate all undesirable pests and rodents from the premises.
- q) Suitable privately owned transportation must be provided to conveyance prepared foodstuffs to venues as per requirements of the Environmental Health Practitioner. The use of Public Transport will not be permitted.
- r) Proper quality control must be implemented, namely “first in – first out” policy.

184. Requirements for food premises

- (1) Certificate of acceptability

No person shall handle food or permit food to be handled -

- (a) on food premises in respect of which a valid certificate of acceptability has not been issued or is not in force
- (b) in contravention of any restriction or condition or stipulation contained in such certificate of acceptability.
- (2) The provisions of sub-section (1) shall come into effect in the case of food premises existing at the time of publication of these by-laws.
- (3) The person in charge of any food premises, including a food vending vehicle, wishing to obtain a certificate of acceptability in respect of such food premises shall apply in writing to the municipality in whose area of jurisdiction the food premises are situated on an application form containing the particulars that are the same as those contained in the form in **Annexure 6** of these by-laws.
- (4) The person in charge of such a premises must also apply in writing to the municipality in whose area of jurisdiction the food premises are situated on an application form containing the particulars of said person for a Business License from the relevant Local Municipal Department.
- (5) Upon receipt of an application referred to in section 54(3), the municipality shall without delay refer the application to an inspector for consideration.
- (6) The responsible Environmental Health Practitioner must also ascertain if the Food Premises in question is in compliance with the Local Zoning Scheme.
- (7) An inspector may, in considering such an application, request further information as he or she may deem necessary or expedient from the applicant or from any other person.
- (8) If an inspector, after having carried out an inspection, is satisfied that the food premises concerned, having due regard to existing conditions of the adjacent land and facilities, subject to the provisions of section 55(2) and section 68 of these by-laws.
 - (a) do in all respects comply with the provisions of section 56 and section 57, the Municipality shall issue a certificate of acceptability in the name of the person in charge on the form in **Annexure 6** of these By-laws,
 - (b) do not in all respects comply with the provisions of section 56 and section 57 the municipality may, subject to the provisions of section 55(2)??, grant an extension for a maximum period of six months to enable the person in charge so to change or equip the food premises that they comply with the

provisions in question: Provided that during the said period of extension, the provisions of sub-section (1) shall not apply to the person concerned.

- (9) A certificate of acceptability shall be displayed in a conspicuous place for the information of the public on the food premises in respect of which it was issued, or a copy thereof shall immediately be made available on request where the display thereof is impractical.
- (10) If the person in charge of food premises is replaced by another person, such person shall inform the municipality in writing of such replacement within 30 days after the date hereof and the local authority shall subject to the provisions of section 55(2), issue a new certificate of acceptability in the name of the new person in charge.
- (11) A certificate of acceptability –
 - (a) shall not be transferable from one person to another person and from one food premises to another food premises.
 - (b) shall be valid only in respect of the nature of handling set out in the application for a certificate of acceptability.
 - (c) may at any time be endorsed by a municipality by -
 - (i) the addition of any further restriction that may be necessary to prevent a health hazard; and
 - (ii) the removal of any restriction with regard to the category or type of food or the method of handling.
 - (d) shall expire temporarily for the period during which a prohibition under section 55(2) is in effect.
 - (e) shall expire permanently if a prohibition referred to in section 55(2) is not removed within a stipulated period which shall not exceed six months from the date on which a notice was issued in terms of section 55(2).
 - (f) shall expire permanently if the provisions of section 59 are not complied with.
- (12) No person may make any unauthorized changes or additions to or forge a certificate of acceptability.

185. Prohibition on the handling and transportation of food

- (1) No person shall handle food in a manner contrary to the provisions of these by-laws.
- (2) If an inspector following an inspection of food premises or a facility is of the

opinion -

- (a) that such food premises or facility -
 - (i) are or is in such a condition or used in such a manner; or
 - (ii) do or does not comply with these by-laws to the extent.
 - (b) that a particular activity with regard to the handling of food takes place in such a manner; or
 - (c) that such circumstances exist with regard to the food premises or facility or any other activity, that they or it constitute a health hazard and that the continued use of the food premises or facility or the activity should be prohibited, the municipality may summarily prohibit the use of the food premises or facility for the handling of food or any of the activities that relate to the handling of food, by serving a written order on the person in charge or, if he or she is not available, his or her representative informing such person of the prohibition.
- (3) A notice referred to in sub-section (2) shall contain at least the following particulars:
- (a) The reason(s) for the prohibition.
 - (b) a statement that the prohibition will in writing be removed by a municipality as soon as the reason(s) for the prohibition has (have) been removed and provided the inspector is satisfied that the reason(s) for the prohibition is (are) not likely to recur.
- (4) (a) A prohibition shall come into operation from the time at and the date on which a notice is served under sub-section (2).
- (b) No person shall perform any act that is contrary to such prohibition.
- (5) An inspector shall, within 72 working hours of receiving a request for the removal of a prohibition, carry out an investigation of the food premises, facility, activity or circumstance which gave rise to the prohibition and the municipality shall upon completion of such investigation in writing inform the person on whom the prohibition notices was served or, if he or she is not available, any other person representing such person that the prohibition has been removed or remains, as the case may be.
- (6) The municipality may levy an inspection fee equivalent to the expenses incurred by the local authority for carrying out the inspection on the person in charge for each investigation carried out by an inspector in terms of sub-section (5).

186. Standards and requirements for food premises

- (1) Subject to section 68 no person shall handle food elsewhere than on food premises that meet the requirements of these By-laws and section 57
- (2) Food premises shall be of such location, design, construction, and finish and shall be so equipped, in such condition and so appointed that they can be used at all times for the purpose for which they were designed, equipped and appointed -
 - (a) without creating a health hazard; and
 - (b) in such manner that food -
 - (i) can be handled hygienically on the food premises or with the equipment thereon.
 - (ii) Can be effectively protected by the best available method against contamination or spoilage by poisonous or offensive gases, vapours, odours, smoke, soot deposits, dust, moisture, insects or other vectors, or by any other physical, chemical or biological contamination or pollution or by any other agent whatsoever.
- (3) For the purposes of sub-section (2), food premises shall meet the following requirements.
 - (a) All interior surfaces of walls, sides or ceilings, or of roofs without ceilings, and the surfaces of floors, or any other similar horizontal or vertical surfaces that form part of or enclose the food-handling area shall-
 - (i) have no open joints or open seams and shall be made of smooth, rust-free, non- toxic, cleanable and non-absorbent material that is dust-proof and water-resistant: Provided that in a food-serving or storage area must
 - (aa) be face brick.
 - (bb) have similar walls the joints of which are formed properly or are so formed and finished that they are easy to clean; or
 - (cc) the decorative wall or ceiling finishes must be easy to clean.
 - (ii) be of such a nature that they cannot contaminate or contribute to the contamination of food.
 - (b) Each room of food premises shall be -
 - (i) ventilated effectively by means of -
 - (aa) natural ventilation through openings or openable sections which are directly connected to the outside air and so positioned in the external

- walls and/or roof that effective cross-ventilation is possible: Provided that such openings shall have a surface area equal to at least 5% of the floor area of the room concerned; or
- (bb) artificial ventilation that complies with the requirements of the National Building By-laws and Building Standards Act, 1977 (Act No. 103 of 1977), whichever of the two methods will facilitate the addition of adequate fresh air to and the effective removal of polluted or stale air from the food-handling area to the extent that air contaminants that could contaminate food, and that gas, vapours, steam and warm air that may arise during the handling of food are effectively removed, and that the emergence of any unhygienic or unhealthy condition in the food-handling area is prevented;
- (ii) illuminated by means of -
 - (aa) unobstructed transparent surfaces in the external walls and/or roof which admit daylight, with an area equal to at least 10% of the floor area in the room concerned; or
 - (bb) artificial illumination which complies with the requirements of the National Building By-laws and the Building Standards Act, 1977, and which permits an illumination strength equal to at least 200 lux to fall on all food-handling surfaces in the room concerned.
- (c) Food premises shall -
 - (i) have a wash-up facility consisting of a (Double Bowl Sink) with hot and cold water for the cleaning of facilities.
 - (ii) be rodent and pest proof in accordance with the best available method, namely the external doors are to be constructed of acceptable rodent-proof material.
 - (iii) be provided with effective means of preventing the access of flies or other insects to an area where food is handled.
 - (iv) have a waste-water disposal system approved by the municipality.
 - (v) be provided, immediately over the cooking area, an extractor hood, canopy and, suitable and approved grease eliminating filters, of adequate size, having a flue of at least 300mm in diameter.
 - (vi) The floor area of the kitchen, scullery and preparation area, shall not be less than 14sq meters.

- (d) The following shall be available in respect of food premises:
- (i) The number of latrines, urinal stalls and hand washbasins as specified to a minimum **ratio of 1:15** in the National Building Regulations 103/1977 and R638 for the use of workers on the food premises and for use by persons to whom food is served for consumption on the food premises: Provided that separate sanitary facilities for workers and clients shall not be required: Provided further that where persons of only one sex or no more than ten persons work on food premises, separate sanitary facilities shall not be required for workers of different sexes;
 - (ii) hand-washing facilities which shall be provided with cold and/or hot water for the washing of hands by workers on the food premises and by persons to whom food is served for consumption on the food premises, together with a supply of soap (or other cleaning agents) and clean disposable hand-drying material or other hand-cleaning facilities or hand-drying equipment for the cleansing and drying of hands by such workers and persons;
 - (iii) liquid proof, easy-to-clean refuse containers with close-fitting lids suitable for the hygienic storage of refuse pending its removal from the food-handling area.
 - (iv) storage space for the hygienic storage of food, facilities and equipment and a suitable separate area for the hygienic storage of refuse containers on the food premises.
 - (v) a separate changing area with storage facilities for clothes.
 - (vi) an adequate supply of water.
- (e) No room in which food is handled shall have a direct connection with any area -
- (i) in which gas, fumes, dust, soot deposits, offensive odours or any other impurity is present or may arise in such a manner that food in the food-handling room could be contaminated or spoiled.
 - (ii) in which an act is performed in any manner or where any condition exists that could contaminate or spoil food in the food handling area.
- (4) A room in which food is handled may be connected to a room in which a latrine or urinal is situated –
- (i) only via a properly ventilated lobby: Provided that all relevant interconnecting doors shall cover the whole area of their apertures: Provided further that they shall be equipped with.

- (ii) durable self-closing devices; or
 - (iii) without such a lobby between them: Provided that the connecting aperture shall have a self-closing door as contemplated in item (ii): Provided further that the latrine or urinal room shall be equipped with effective mechanical extraction ventilation to the outside air to render the atmosphere inside such room under a negative pressure in relation to the atmosphere in the food-handling room.
- (5) No person must be allowed to sleep in any room where food is handled.

187. Standards and requirements for facilities on food premises

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

swab technique prescribed by SABS Standard Test Method 763:

Efficacy of Cleaning Plant, Equipment and Utensils: Swab Technique.

- (ii) no remains of cleaning materials or disinfectants which may pollute the food.

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

188. Standards and requirements for food containers

- (1) No person shall sell canned or hermetically sealed food in a container which -
 - (a) bulges at the flat or round sides or ends or one side of which bulges when the other side is pressed.
 - (b) is in any way blown or from which gas escapes when it is opened or punctured, unless
 - (i) the container contains an aerated drink; or
 - (ii) gas has been used as a preservative.
 - (c) is so rusted or damaged that it is liable to contaminate food or that it leaks or has become unsealed.
 - (d) had a leak which was resealed.
- (2) A container shall be clean and free from any toxic substance, ingredient or any other substance liable to contaminate or spoil the food in the container.
- (3) Repacked food, depending on the type of food, shall be packed in a dustproof and liquid proof container that protects the product therein against contamination under normal handling conditions and shall be so packed or sealed that the food cannot be removed from its container without the stopper or lid, or similar seal being removed or without the wrapping, container or seal being damaged.
- (4) Perishable food, excluding the products referred to in section 57 and products

that are not pre-packed, except food for consumption as meals on food premises, shall, when served to the consumer, be packed in a container that protects the food therein against contamination.

189. Standards and requirements for the display, storage, and temperature of food

- (1) Food that is displayed or stored shall not be in direct contact with the floor or any ground surface.
- (2) Any shelf or display case used for displaying or storing food or any container shall be kept clean and free from dust or any other impurity.
- (3) Non-pre-packed, ready-to-consume food, including food served as meals and displayed in an open container, shall be protected in accordance with the best available method against droplet contamination or contamination by insects or dust.

190. Standards and requirements for protective clothing

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

191. Duties of a person in charge of food premises

- (1) A person in charge of food premises shall ensure that –
 - (a) effective measures are taken to eliminate flies, other insects, rodents or vermin on the food premises.
 - (b) any person working on the food premises is adequately trained in food hygiene by an inspector or any other suitable person:
 - (c) Refused is removed from the food premises or from any room or area in which food is handled as often as is necessary and whenever an inspector requires it to be done.

- (d) waste is stored in a proper waste bin area, constructed as per the specifications of the Environmental Health Practitioner, and disposed of in such a manner that it does not create a nuisance.
- (e) waste bins are -
 - (i) cleaned regularly; and
 - (ii) disinfected whenever necessary and whenever an inspector requires it to be done.
 - (iii) provided with close sealing lids:
- (f) wastewater on the food premises is disposed of to the satisfaction of the municipality.
- (g) the food premises and any land used in connection with the handling of food and all facilities, freight compartments of vehicles and containers are kept clean and free from any unnecessary materials, goods or items that do not form an integral part of the operation and that have a negative effect on the general hygiene of the food premises.
- (h) No person handling non-pre-packed food wears any jewelry or adornment that may come into direct contact with the food, unless it is suitably covered.
- (i) no animal, subject to the provisions of any law, is kept or permitted in any room or area where food is handled, except that –
- (j) A guide dog accompanying a blind person may be permitted in the sales or serving area of the food premises.
- (k) no condition, act or omission that may contaminate any food arises or is performed or permitted on the food premises.
- (l) the provisions of these By-laws are complied with.
- (m) all persons under his or her control who handle food at all times meet the standards and requirements and execute the duties prescribed by sections 60 and 62 respectively.
- (n) a room or area (premises?) in which food is handled shall not be used for -
 - (i) sleeping purposes.
 - (ii) washing, cleaning or ironing of clothing or similar laundry.
 - (iii) any other purpose or in any manner that may contaminate the food therein or thereon.
- (o) no food handler touches ready-to-consume non-pre-packed food with his or her bare hands, unless it is unavoidable for preparation purposes, in

which case such food shall be handled in accordance with good manufacturing practice.

192. Duties of a food handler: Personal Hygiene

- (1) Food, a facility, or a container shall not be handled by any person -
 - (a) whose fingernails, hands or clothes are not clean.
 - (b) who has not washed his or her hands thoroughly with soap and water or cleaned them in another effective manner -
 - (i) immediately prior to the commencement of each work shift.
 - (ii) at the beginning of the day's work or after a rest period.
 - (iii) after every visit to a latrine or urinal.
 - (iv) every time he or she has blown his or her nose or after his or her hands have been in contact with perspiration or with his or her hair, nose or mouth.
 - (v) after handling a handkerchief, money or a refuse container or refuse.
 - (vi) after handling raw vegetables, fruit, eggs, meat or fish and before handling ready-to-use food.
 - (vii) after he or she has smoked or on return to the food premises; or
 - (viii) after his or her hands have or may have become contaminated for any other reason.
- (2) Food, a facility, or a container shall not be handled by any person -
 - (a) who has on his or her body a suppurating abscess or a sore or a cut or abrasion, unless such abscess, sore, cut or abrasion is covered with a moisture proof dressing which is firmly secured to prevent contamination of the food.
 - (b) who is or who is suspected of suffering from or being a carrier of a disease or condition in its contagious stage that can be transmitted by food, unless any such person immediately reports the disease or condition to the person in charge and a certificate by a medical practitioner stating that such person is fit to handle food is submitted.
 - (c) whose hands or clothing are not clean.
- (3) No person shall -
 - (a) spit in an area where food is handled or on any facility.
 - (b) smoke or use tobacco in any other manner while he or she is handling on-pre-packed food or while he or she is in an area where such food is handled.

- (c) handle non-pre-packed food in a manner that brings it into contact with any exposed part of his or her body, excluding his or her hands.
- (d) lick his or her fingers when he or she is handling non-pre-packed food or material for the wrapping of food.
- (e) cough or sneeze over non-pre-packed food or food containers or facilities.
- (f) spit on whetstones or bring meat skewers, labels, equipment, or any other object used in the handling of food or any part of his or her hands into contact with his or her mouth, or inflate sausage casings, bags or other wrappings by mouth or in any other manner that may contaminate the food.
- (g) walk, stand, sit or lie on food or on non-hermetically sealed containers containing food or on containers or on food-processing surfaces or other facilities.
- (h) use a hand washbasin for the cleaning of his or her hands and simultaneously for the cleaning of facilities; or
- (i) while he or she is handling food, perform any act other than those referred to above which could contaminate or spoil food.

193. Standards and requirements for the handling of meat (Butchery)

- (1) (a) No person shall on food premises handle meat derived from an animal slaughtered in contravention of the Meat Safety Act, 2000 (Act No.40 of 2000).
(b) No person shall on food premises handle the meat of an animal exempted from the provisions of the Meat Safety Act, 2000 (Act No.40 of 2000), unless a notice that is clearly visible and legible and that contains the following information or information to that effect, in letters at least 18 mm high, is displayed at the food premises: "The meat sold on these premises has been exempted from inspection in terms of Meat Safety Act, 2000 (Act No.40 of 2000)."
- (2) Meat on a carcass shall not be handled on food premises, unless -
 - (a) the carcass has been properly bled.
 - (b) Un-skinned carcasses shall not be so handled that the skin thereof comes into contact with other food on food premises or that the meat of such carcasses is contaminated or spoiled.
- (3) Subject to Meat Safety Act, 2000 (Act No.40 of 2000) no animal shall be killed, bled, eviscerated, skinned or dressed on food premises other than in a room

used specifically and exclusively for that purpose in accordance with good manufacturing practice, provided that no further handling or processing of any such carcass shall take place in that room.

- (4) No person shall be permitted to operate butchery or conduct the business of a butcher, unless:
- (i) The butchery area is physically separated from the food preparation area, by means of a solid wall, dry partitioning is not permitted.

194. Requirements for meat handling

- (a) All meat that is sold for human consumption must be from an abattoir approved by the relevant authority
- (b) Correct temperature control must be maintained at all times.
- (c) Offal requirements
 - (i) No person may handle dirty offal unless there is a separate room with washing facilities provided for cleaning the offal and all equipment used for such.
 - (ii) Offal must be prepared and stored separately from all other meat.
 - (iii) Offal may not be sold in a manner that creates or is likely to create a nuisance or pose risk to any person.
- (d) Game meat requirements
 - (i) The operator of the premises must be in possession of a valid permit from the veterinary office.
 - (ii) No person may handle game meat in any butchery or other premises without prior approval from the Environmental Health Practitioner.
 - (iii) Separate preparation room and storage facilities of game meat must be provided.
 - (iv) Game meat must be clearly marked when sold in the butchery or other premises.

195. Street trading requirements

- (i) No person shall trade with any food on the street unless in possession of a written approval from the Municipality.
- (ii) No person may prepare or sell food on the street unless in possession of a valid health certificate issued by the Environmental Health Practitioner.
- (iii) Street Food Venders must comply with all the applicable health requirements as set out in this By-Law.

196. Standards and requirements for the transportation of food

- (1) No person shall transport food on or in any part of a vehicle -
 - (a) unless that part is clean and has been cleaned to such an extent that chemical, physical or microbiological contamination of the food is prevented.
 - (b) together with -
 - (i) contaminated food or waste food.
 - (ii) poison or any harmful substance.
 - (iii) a live animal; or
 - (iv) any object that may contaminate or spoil the food.
- (2) Subject to subsections (1) and (4), the freight compartment of a vehicle that is used for the transportation of food that is not packed or wrapped in liquid-proof and dustproof sealed containers -
 - (a) shall have an interior surface made of an easy-to-clean and smooth, Rust free, non-toxic, and non-absorbent material without open joints or seams and,
 - (b) shall be dustproof.
 - (c) shall not be used simultaneously for the transport of any person or any other item that may contaminate the food.
- (3) Notwithstanding any provisions to the contrary contained in this by-law, no non-pre-packed food shall be -
 - (a) transported in such a manner that it comes into contact with the floor of a vehicle or the floor covering thereof or a surface thereof that can be walked on or with anything else that could pollute the food; or
 - (b) transported or carried in such a manner that the food could be spoiled or contaminated in any way.

197. General requirements for vending carts and caravans.

- (1) Anyone operating a food vending cart or caravan, shall ensure that the cart or caravan:
 - (a) Has an interior surface made of an easy-to-clean, rust free, non-toxic and non-absorbent material, without open joints or seams.
 - (b) Has an adequate supply of potable water, minimum of 20-liter water container?

- (c) Has suitable facilities for the disposal of wastewater generated from the cart or caravan. (Minimum of 20-liter capacity)
 - (d) Is consistent in size, compatible with the activities being undertaken.
 - (e) Is provided with at least one (1) waste receptacle, with a tight-fitting lid.
 - (f) Has the name and address of the owner inscribed conspicuously on the sides of the cart.
 - (g) Is not used for any other purpose then the purpose for which it is designed.
 - (h) Provides effective protection from contamination by dust, flies, or other causes.
 - (i) Has two washes up dishes/bowls, one for cleaning hands and one for cleaning of equipment.
 - (j) Has a minimum of two cooler boxes. One dedicated for perishables and one to cold drinks. Ice packs and /or bags of ice are required at all times.
 - (k) Has two dish clothes for drying equipment.
 - (l) Provide disposable towels for drying of hands.
 - (m) Has a refuse bin, provided with a lid and refuse bag.
 - (n) Has approved display containers.
 - (o) Is provided with hot trays, Bain Maries or additional heating pots to keep prepared foodstuffs above 60⁰ Celsius.
 - (p) Has was wash up liquid and nail brush.
 - (q) Provided only with gas operated cooking equipment.
 - (r) Provide a canopy, chimney stack over cooking appliances to remove smoke and steam from preparation area.
- (2) All people engaged in the handling of food, must be provided with protective clothing, namely overalls of a light colour and head gear that completely covers the head.
- (3) The person in charge of any Vending Facility, wishing to obtain a certificate of acceptability in respect of such food premises shall apply in writing to the municipality in whose area of jurisdiction the food premises are situated on an application form containing the particulars that are the same as those contained in the form in **Annexure 6** of these by-laws.

(4) The person in charge of such a premises must also apply in writing to the municipality in whose area of jurisdiction the food premises are situated on an application form containing the particulars of said person for a Business License from the relevant Local Municipal Department.

198. Sale of food through a food vending machine

A person may not sell food through a food vending machine unless –

- (a) the food vending machine is of a type approved by the relevant municipality and –
 - (i) is constructed of non-absorbent material.
 - (ii) is designed to be easily cleaned at all times.
 - (iii) has a refrigeration or heating unit capable of maintaining the core temperature required by the relevant municipality; and
 - (iv) is inscribed with an identifying serial number.
- (b) written authority for the installation and use of the food vending machine has been obtained in terms of section 69(6); and
- (c) the person responsible for the food vending machine complies with any condition or restriction imposed by the relevant municipality.

199. Procedure for application of sale of food from vending machines

- (1) A person who contemplates distributing or selling food through a food vending machine must apply in writing to the relevant municipality in the area of jurisdiction in which the food vending machine is contemplated.
- (2) The application for a food vending machine must be in the form prescribed by the relevant municipality.
- (3) On receipt of an application contemplated in subsection (2), the application must be referred within 14 days to an Environmental Health Practitioner, acting for and on behalf of the relevant municipality, for investigation.
- (4) An Environmental Health Practitioner, acting for and on behalf of a municipality, may, in investigating an application contemplated in subsection (2), request further information from the applicant.
- (5) An Environmental Health Practitioner, acting for and on behalf of the relevant municipality, may –
 - (a) grant an application contemplated in subsection (2) for a specified period for a food vending machine, unconditionally or with conditions, if, based on the Environmental Health Practitioner's investigation, he or she is satisfied

- that the food vending machine concerned complies in all respects with the provisions of these by-laws; or
- (b) refuse an application contemplated in subsection (2) where the food vending machine concerned does not comply with these by-laws.
- (6) An Environmental Health Practitioner, acting for and on behalf of the relevant municipality, granting an application in terms of subsection (5) (a) must give the applicant a written permit stating the –
- (a) name and address of the applicant.
- (b) address of the premises at which the food vending machine is to be installed.
- (c) address of the premises at which perishable food is to be stored and sold through the food vending machine is to be prepared.
- (d) That the permit holder shall not sell/supply any other category of food other than that which is specified on the permit.
- (e) conditions, if any, imposed on the installation, operation, and use of the food vending machine; and
- (f) Date of expiry of the permit.
- (7) The owner of the food vending machine must display the information contained in the permit issued in terms of subsection (6) in a conspicuous place on the food vending machine.
- (8) A permit issued in terms of subsection (6) is not transferable from one person to another and from one food vending machine to another.
- (9) A permit issued in terms of subsection (6) may at any time be endorsed by an Environmental Health Practitioner, acting for and on behalf of the relevant municipality, by the –
- (b) Addition of any further restriction that may be necessary to prevent a health hazard; or
- (c) Removal of any restriction with regard to the category or type of food or the method of handling the food.

200. Prohibition on the production of milk except in an approved milking shed

- (1) No person shall use a milking shed for the purpose of milking dairy stock in order to produce milk for human consumption, unless the milking shed in which the dairy stock is milked is an approved milking shed and such milking shed is

used in accordance with the provisions of these By-laws and the conditions of the certificate of acceptability issued in respect of that milking shed.

- (2) The provisions of sub section (1) shall not be applicable to a milking shed in which milk is produced solely for own use.
- (3) If a local authority is of the opinion that a milking shed is being used in a way which, constitutes a health hazard or that a situation has developed in the milking shed constituting such hazard, the local authority may, order in writing the owner or possessor of an existing milking shed not to remove any milk for human consumption from the milking shed until the hazard or situation has been rectified to the satisfaction of the local authority.

201. Standards and requirements

Milking sheds

- (1) An approved milking shed shall consist of at least -
 - (a) (i) A milking parlour referred to in paragraph (2).
 - (ii) a milking room referred to in paragraph (3) where milk shall be received from the milking parlour, and such milk shall be stored and where it may be treated, processed and packed provided that where due to the design and construction of a milking shed all the requirements included under paragraph (3) cannot be situated within the milking room, it should be otherwise provided on the premises.
 - (iii) a change rooms.
 - (iv) a scullery for the washing, cleaning, disinfection and sterilization of milk containers and other unfixed apparatus and equipment used in the handling of milk.
- (b) (i) The facilities referred to in paragraph (a) shall, subject to the provisions of sub-paragraph (ii), be erected as separate rooms in one building complex or as separate detached buildings
- (ii) A scullery referred to in paragraph (a) (iv), may be erected as an integral part of a milk room or as a separate room.
- (2) In the case of a milking parlour-
 - (a) there shall be no direct connection with a latrine or with a room where gases, smoke, vapours, dust, or soot deposit are present or may originate owing to the nature of the activities in such room.
 - (b) which provides standing-room of more than one row of dairy stock parallel

- with one another, there shall be a dividing corridor of at least one meter wide between the rows.
- (c) The partitions, if any, that separate dairy stock from each other when they are being milked, shall be of smoothly finished, non-absorbing and corrosion resistant material, free of any open seams and cracks.
 - (d) Mangers shall be arranged so that fodder which accumulates behind the mangers can be removed and be disposed of appropriately.
 - (e) where walls are provided, the exterior walls -
 - (i) shall be at least 2 or 4 meters high on the inside.
 - (ii) shall, at places where dairy stock is milked, extend to at least 2, 1 meter above the level on which the dairy stands.
 - (f) The interior surfaces of the walls, if provided, shall be made of impervious materials with no toxic effect in intended use.
 - (g) the ceilings, if provided or overhead structures and fixtures shall be constructed and finished to minimize the build-up of dirt and condensation, and the shedding of particles.
 - (h) The floors shall be constructed to allow adequate drainage and cleaning.
 - (i) such parlour shall be adequately ventilated and illuminated.
 - (j) such parlour shall be provided with at least one water tap with running water to which a flexible pipe may be connected for washing purposes; and
 - (k) the entrances and exists for dairy stock shall have a floor covering with an impenetrable surface connected to a disposal system, and such floor covering shall be installed in such a way that any milk animal entering or leaving the milking parlour shall walk on it for a distance of at least 4 meters.
- (3) In the case of a milking room -
- (a) such milking room shall comply mutatis mutandis with the provisions of sub section (2 (e) (i), (f), (g), (h) and (i).
 - (b) where the scullery forms an integral part of the milking room as referred to in sub-section (1) (b) (ii) there shall be sufficient space to allow for the cleaning and disinfections of all milk containers, and the storage of milk.
 - (c) such a milking room shall be provided with at least one sink, with hot and cold water (or temperature-controlled water) and running water with the run-off connected to a disposal system.
 - (d) such milking room shall be erected so that a milk tanker can be connected

- to a bulk farm tank through a suitable opening and the distance between the two connection points shall not exceed 6 meters.
- (e) such milking room shall be rodent proof.
 - (f) The doors should have smooth, non-absorbent surfaces, and be easy to clean and, where necessary disinfect.
 - (g) windows should be easy to clean, be constructed to minimize the build-up of dirt and where necessary, be fitted with removable and cleanable insect-proof screens. Where necessary windows should be fixed.
 - (h) such milking room may be equipped with a farm tank referred to in section 73 for the storage of milk.
- (4) A change room shall -
- (a) comply mutatis mutandis with sub-regulation (2) (e) (i), (f), (g), (h) and (i);
 - (b) have at least one hand-basin and shower provided with hot and cold running water, soap, disinfectant and disposable towels, and the used water from such hand washbasin and shower shall adequately drain into a disposal system.
 - (c) be within easy reach of the milking parlour and milking room.
- (5) Any effluent originating from a milking shed shall -
- (a) not be stored, treated, or dumped in any place except in or on a suitable disposal system.
 - (b) not be conveyed to or dumped in or on a suitable disposal system in any other way than by means of a pipeline, or cement ditches or in a container.
 - (c) not be dumped so that a water source is or may be polluted by it.
 - (d) not constitute a nuisance or cause a condition that is a health hazard.
- (6) A holder shall ensure that -
- (a) in or at a milking shed -
 - (i) a nuisance or a condition that is a health hazard is not caused or does not arise.
 - (ii) no poisonous or hazardous substances or gases are stored.
 - (iii) No activity is carried on which can pollute or harm or contaminate or spoil the milk.
 - (iv) appropriate storage conditions to avoid feed contamination.
 - (b) rodents and flies, cockroaches, and other insects on the premises of the milking shed are controlled.

- (c) raw milk destined for human consumption or raw milk intended for further processing shall comply with the regulations relating to Milk and Dairy Products, R. 1555 of 21 November 1997, published under the Act.
- (7) A milking shed shall not be used for any other purpose except the production and handling of milk.
- (8) Unfixed milk containers and other apparatus and equipment used in the handling of milk shall not be washed, cleaned, disinfected, or sterilized in a place other than the scullery referred to in sub-section (1) (a)(iv).
- (9) No person shall smoke, use, or handle tobacco in any form or eat in a milking shed except in the designated area of a milking shed.
- (10) As soon as the milk animal has left a milking shed, all manure shall be removed from the milking shed and from the floor, and all entrances and exits of the milking shed shall be cleaned.

202. Milk containers and milking machine

- (1) A milk container shall-
 - (a) be designed and constructed in such a way that it has a smooth finish, free from open seams, cracks and rust stains to ensure that, where necessary, they can be adequately cleaned, disinfected and maintained to avoid the contamination of milk.
 - (b) not be made wholly or partly of copper, or any copper alloy or any toxic material.
 - (c) be constructed in such a way that any surface that comes into contact with milk is accessible for the purpose of washing and disinfection; and
 - (d) not be used for any other purpose except the handling of milk.
- (2) A milking machine shall-
 - (a) be designed, constructed, or manufactured in such a way that-
 - (i) the vacuum pipe of the machine can be drained to remove all the moisture.
 - (ii) be adequately cleaned, disinfected, and maintained to avoid the contamination of milk.
 - (iii) is equipped with a device rendering visible the milk flow from each milk animal and.
 - (iv) comply with sub-section (1) (a), (b), (c) and (d).
 - (b) be durable and movable or capable of being disassembled to allow for

maintenance, cleaning, disinfection, monitoring and, to facilitate inspection.

- (3) A bulk farm tank shall -
- (a) be designed, constructed, or manufactured in such a way that it-
 - (i) has a drainage incline leading directly to the outlet point.
 - (ii) is fitted with an outlet pipe made or manufactured and fitted in a way that all liquid can drain out of such tank, and the end of such outlet pipe shall be screw-threaded and fitted with a screw-on cap permitting such end to be shut off.
 - (iii) is fitted with an automatic operated stirring mechanism capable, within five minutes of being put into operation, of mixing the milk in such a tank.
 - (iv) is fitted with a thermometer capable of measuring the temperature of the milk in such tank accurately to the nearest 2⁰ Celsius.
 - (v) (v)is equipped to cool the milk in such tank to 5⁰ Celsius or lower temperature within three hours, and, capable of keeping such cooled milk at a required temperature of between one and five degrees Celsius effectively.
 - (vi) is installed at a minimum distance of 0, 5 meters from any roof, ceiling or wall to effectively keep the milk cool.
 - (vii) is insulated in such a way that when no cooling takes place, the temperature of the milk in such tank shall not increase by more than 3⁰ C in 12 hours if the surrounding temperature is 32⁰ Celsius.
 - (b) comply mutatis mutandis with the provisions of subsections (1) (a), (b), (c) and (d);
 - (c) be able to allow for maintenance, cleaning, disinfection, monitoring, and, to facilitate inspection.
- (4) The tank of a milk tanker shall -
- (a) be designed, constructed, and installed in such a way that:
 - (i) it has an incline leading to the outlet pipe so that the total contents of such tank can drain out of the tank through the outlet pipe while the vehicle itself is in a horizontal position.
 - (ii) is insulated in such a way that the temperature of the milk in such tank shall not increase by more than 2⁰ Celsius every 48 hours.
 - (iii) it has at least one opening fitted with dust-proof lid through which the inside of such tank can be inspected and shall be equipped so that all surfaces that

come into contact with milk can be adequately cleaned, disinfected as prescribed in sub-regulation (5).

- (b) comply mutatis mutandis with the provisions of subsections (1) (a), (b), (c), (d) and (3)(c).

(5) Milk containers, and other fixed and unfixed apparatus and equipment shall be so washed and disinfected after use that they are clean, that fats and milk residues are dissolved and removed and that the bacteriological count on surfaces coming into contact with milk does not exceed 10 bacteria per 100 square millimeters of such surfaces after disinfection. The swabbing of the contact surfaces shall be conducted according to SABS Standard Test Method 763: Efficacy of Cleaning Plant, Equipment and Utensils: Swab Technique.

203. Handling of milk

- (1) The first/fore milk from every teat shall be taken as a sample to be tested for visual examination and shall be disposed of after testing in such a manner as to prevent contamination of the area.
- (2) If such testing reveals any signs of abnormality in the milk, the milk of the animal concerned shall be kept separate and shall not be mixed with other milk or used for human consumption.
- (3) Milk obtained from dairy stock following a minimum of four days after parturition (post-partum) shall not be added to milk destined for human consumption.
- (4) Milk shall not be transferred from one container to another by means of a third container.
- (5) Milk shall be protected from direct sunlight.
- (6) Milk shall be transferred to the milking room immediately after the stock has been milked.
- (7) Except when milk is being pasteurized or undergoing some other heat treatment process, the milk shall be cooled to a temperature of 5° C or lower, but above freezing point and kept at that temperature until it is removed from the milking area.

204. Health status of dairy stock:

- (1). Every milk animal shall be marked with a distinguishing and indelible mark, which, such could identify the animal.

- (2). A register shall be kept of each separate milk animal's diseases, each withdrawal from the dairy herd and, each return to the dairy herd for milking purposes and all veterinary examinations and treatment records with the name of the veterinarian, if involved in such examinations or treatments.
- (3). Each individual milk animal shall be examined by a veterinarian at a minimum of at least once in every two-year cycle, provided that milk animals are further examined as required; and a report shall be obtained from the veterinarian after each examination.
- (4). The milk of any milk animal that is or appears to be ill shall not be made available for human consumption until such time as the holder has made sure that the animal is not suffering from a disease mentioned in sub-section.
- (5). The milk of dairy stock that suffer from mastitis, indurations of the udder, a secretion of bloody or ropy milk or milk otherwise abnormal, tuberculosis, salmonellosis, acute fever (with the inclusion of anthrax, anaplasmosis, red water, ephemeral fever and lumpy skin disease, septic mastitis, septic multiple mange, serious tick infection or brucellosis, or that have any open or septic wounds which may contaminate milk, milk containers, or apparatus or equipment or people who work with the milk animals, shall not be made available or used for human consumption unless steps have been taken to the satisfaction of the local authority to eliminate such health hazard.
- (6). Substances and materials used in the milking process or on dairy stock shall be kept in containers that are free of foreign or toxic matter and dirt, and such containers, when not in use, shall be covered with tight-fitting lids. Where applicable, such substances and materials shall be approved in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947).
- (7) All flanks, udders, bellies, and tails of visibly dirty milk animals shall before the milking process be cleaned, and if necessary dried with disposable or clean towel.

205. Personal hygiene – Milker's and Handlers of Milk

- (1) Hygiene facilities for personnel shall be made available to ensure that an appropriate degree of personal hygiene can be maintained and to avoid contaminating milk, where appropriate facilities shall include-
 - (a) adequate means of hygienically washing and drying hands, including hand wash basins and a supply of hot and/or cold water and soap and disinfectant.
 - (b) toilets of appropriate hygienic design; and
 - (c) adequate changing facilities for personnel.
- (2) Such facilities shall be suitably located and designed.
- (3) The hands and fingernails of every milker or handler of milk shall be washed thoroughly with soap and water, and there shall be no accumulation of grime under the nails when milk is handled.
- (4) Each person handling milk shall daily before commencement of activities or work put on clean and undamaged over-clothes and gumboots and wear them continuously while he is handling milk in the interests of milk safety and suitability for use.
- (5) Milk shall not be handled by any person -
 - (a) who has on his or her body a suppurating abscess or a sore or a cut or abrasion, unless such abscess, sore, cut or abrasion is covered with a moisture proof dressing which is firmly secured to prevent contamination of the milk.
 - (b) who is or who is suspected of suffering from or being a carrier of a disease or condition in its contagious stage that can be transmitted by food or animals, unless any such person immediately reports the disease or condition to the person in charge and a certificate by a medical practitioner stating that such person is fit to handle food is submitted.
 - (c) whose hands or clothing are not clean.
- (6) All employees shall be subjected to personal and food hygiene training relevant to the production and handling of milk and in the case of new employees prior to the commencement of handling milk. Records of such training must be made available to an Environmental Health Practitioner on request.
- (7) The holder of a certificate of acceptability for a milking shed shall undergo training on food safety and hygiene aspects of the production & handling of milk by an accredited service provider.

206. Standards and requirements for transport of milk

Duties of the driver of a vehicle-

- (1) If milk that is not already packed in its final retail packaging is loaded on a vehicle at a milking shed for transportation to a further distribution point, the driver of such vehicle shall-
 - (a) before any milk is loaded on such vehicle:
 - (i) carry out an alizarin test (68 percent alcohol) on a sample of the milk to be loaded, which sample shall be taken by himself or under his/her direct supervision from the container from which such milk will be loaded; and
 - (ii) take the temperature of the milk in the tank, if the alizarin test is positive, or if the temperature from such milk in the tank exceeds 5° Celsius, which indicate inappropriate handling and the temperature under which the milk was stored, not accept such milk for transportation;
 - (b) ensure that a milk tanker or milk container is cleaned and disinfected as soon as all the milk has been unloaded there from.
- (2) Samples taken in terms of subsection (1) (a), shall comply with the relevant provisions of ISO 707/IDF 50:2008, Milk and milk products-guidance on sampling.
- (3) The bacteriological count on the surfaces coming into contact with milk shall not exceed 10 bacteria per 100 square millimetres of such surfaces after appropriate cleaning and disinfection has been done.
- (4) The swabbing of the contact surfaces shall be conducted according to SABS Standard Test Method 763: Efficacy of Cleaning Plant, Equipment and Utensils: Swab Technique.

207. Offences and Penalties

Offences: Foodstuff By-law

Any person who contravenes a provision of this by-law and allows such a contravention to take place, shall be guilty of an offence in terms of Section 318.

ACCOMMODATION ESTABLISHMENTS**208. Definitions**

In this Chapter, unless the context otherwise indicates. -

“**Accommodation establishment**” means any place in which accommodation is provided for gain to four or more people, with or without meals;

“**dormitory**” means a sleeping room in which sleeping accommodation is provided

for four or more people.

“Dwelling house” means a single building designed for use as a residence for a single family.

“Dwelling unit” means an inter-connected suite of rooms which include kitchen or scullery, designed for occupation by a single family other than a dwelling house, irrespective of whether such unit is a single building or forms part of a building containing two or more such units.

“family” means a man or women or both or one of both partners, of a same sex relationship, with or without their parents and with or without the children of one or the other or both of them, living together as one household.

209. Permit requirement

No person may operate an accommodation establishment except in terms of a permit authorizing that activity.

210. Requirements for premises of accommodation establishments

No person may operate accommodation establishments on premises which do not comply with the following requirements:

- (a). No room wholly or partly used by persons for sleeping in may be occupied by a greater number of persons that will allow.
 - (i) less than 11,3m³ of free air space and 3,7 m² of floor space for each person over the age of 10 years; and
 - (ii) less than 5,7m³ of free air space and 1,9 m² of floor space for each person under the age of 10 years;
- (b). No latrine, passage, staircase, landing, bathroom, cupboard, out building, garage, stable, tent, storeroom, lean-to, shed, kitchen, dining room, food preparation area, cellar or loft may be used as sleeping accommodation;
- ©. If a dormitory is provided on the premises –
 - (i) a single bed, manufactured of metal or some other durable material and equipped with a mattress, must be provided for every person housed in the dormitory;
 - (ii) A separate locker must be provided for every person making use of the dormitory for safeguarding the person's clothing and other possessions.
 - (iii) Every bed in a dormitory must be placed so that its sides are at least one meter away from any part of any other bed.

211. An accommodation establishment must be provided with -

- (a). an area of the preparation and cooking of food, adequate for the use of and easily accessible to any occupier residing in the accommodation establishments;
- (b). adequate separate wash-up facilities; and
- ©. where meals are provided to persons housed in the accommodation establishment, a dining room or adequate dining area with tables and chairs or benches and unobstructed floor area, including the area occupied by tables, chairs, and benches, of at least 1,2 m² for every seat provided for dining purposes; (Such establishment to comply with the provisions of R918 of the National Building Regulations and Building Standards Act.).
- (d). an accommodation establishment must be provided with one or more showers, each suitably placed in a separate compartment, easily accessible to every occupier, and fitted with waste pipes which comply with the provisions of the National Building Regulations and Building Standards Act.
- (e). A bath fitted with a waste pipe may be substituted for each shower referred to in subparagraph (i) the facilities referred to in subparagraphs (i) and (ii) must be designated for the different sexes;
- (f). An accommodation establishment must be provided with sanitary fixtures as prescribed in the National Building Regulations and Building Standards Act and such fixtures must be designated for the different sexes;
- (g). An accommodation establishment must be provided with an adequate supply of hot and cold running potable water.
- (h). All rooms and passages must be provided with adequate ventilation and lighting as prescribed in the National Building Regulations and Building Standards Act;
- (i). Openings such as doors, windows or fanlights may not be obstructed in a manner that interferes with the lighting or cross ventilation they provide.
- (j). A separate room with approved containers must be provided for the storage of dirty articles used in connection with an accommodation establishment, pending removal to be laundered; and
- (k). If articles used in connection with an accommodation establishment are laundered on the premises, a separate approved washing, drying, and ironing areas equipped with the necessary facilities for this purpose must be provided.
- (l). A store-room for the storage of furniture and equipment and a separate linen room with cupboards or shelves for the storage of clean bed and other linen, towels,

- blankets, pillows and other articles used in connection with an accommodation establishment, must be provided;
- (m). All walls and ceilings must have a smooth finish and be painted with a light-colored washable paint or have some other approved finish.
- (n). The floor surface of every kitchen, scullery, laundry, bathroom, shower, ablution room, toilet and sluice room must be constructed, or concrete or some other durable, impervious material brought to a smooth finish.
- (o). The floor surface of every habitable room must be constructed of an approved material.
- (p). The following facilities must be provided for people who are employed and also reside on the premises:
- (i) Sleeping quarters equipped with a bed, mattress and locker which comply with the provisions of paragraphs (a), (b) and (c) for each employee; and
 - (ii) if employees are not provided with meals in the accommodation establishment, food preparation and dining facilities that comply with the provisions of paragraph (d).
 - (iii) adequate changing facilities must be provided for nonresident employees;
 - (iv) adequate ablution and sanitary facilities, which comply with the provisions of paragraphs (e) and (f), must be provided for resident and non-resident employees;
 - (v) an adequate refuse holding area must be provided and an approved refuse removal system must be maintained,
- (q). all walls, floors and roofs must be constructed in a manner which prevents wind or rain entering an accommodation establishment or dampness entering the interior surfaces of any wall or floor;
- ®. all accesses to an accommodation establishment must have a door which when closed, prevents the wind or rain entering the premises; and
- (s). all windows must be constructed in a manner that prevents rain entering the accommodation establishment when the windows are closed.

212. Toilet and ablution facilities

- (a) Toilet facilities and hand wash basins – should be provided to meet the needs of guests and should be equipped with a flushing system and an adequate supply

of running potable water.

(b) Bath and or showers should be provided either suitably placed in each room; or must be easily accessible to every occupier and designated for different sexes, in compliance to SANS 10400P2010.

(c) Suitable and effective means of drainage and sewage disposal connected to the municipal sewer, a septic tank or other approved disposal system must be in place and approved by the Local Authority concerned.

(d) A waterborne sewage system connected to the municipal sewer, a septic tank or other approved disposal system must be utilized for sewage disposal, in compliant with the local authority's relevant By-Laws.

(e) Drainages and sewage disposal systems or private sewage disposal systems should be maintained in proper operating condition and free from defects and be in compliance with relevant By-Laws of a specific Local Authority.

(f) Toilet paper, soap and towel must be supplied adequately in the ablution facilities at all times.

(g) All sanitary, ablution and water supply fittings must be kept clean and always maintained in good working order.

(h) A container made of a durable and impervious material, equipped with a close-fitting lid should be provided in every toilet used by females for disposal of sanitary towels.

(i) Staff on the premises should be provided with separate and adequate toilets and wash-up facilities. At least 1 (one) toilet and hand wash basin, bath/shower is provided for every 12 (twelve) employees on the premises ratio 1:12.

213. Duties of operators of accommodation establishments

Every person who conducts an accommodations establishment must -

(a) keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hanging and other soft furnishings, table linen, bed linen, and other bedding, towels and cloths of whatever nature used in connection with the accommodation establishment, in a clean, hygienic, and good condition at all times;

(b) clean and wash any bed linen, towel, bathmat, or face cloth after each use by a different person;

(c) take adequate measures to eradicate pests on the premises;

(d) provide a container made of a durable and impervious material, equipped with a

- close-fitting lid, in every toilet used by females;
- (e) provide towel rails or hooks in every bathroom and in every room in which there is a wash hand basin or shower;
 - (f) store all dirty linen, blankets, clothing, curtains, and other articles used in connection with an accommodation establishment in the manner provided in section 157(j);
 - (g) store all clean linen, towels, blankets, pillows, and other articles used in connection with the accommodation establishment in the manner provided in section 157(l);
 - (h) keep all sanitary, ablution and water supply fittings in good working order;
 - (i) keep every wall, surface, and ceiling, unless constructed of materials not intended to be painted, painted at the intervals to ensure that the area painted, remains clean and in a good state of repair; and
 - (j) handle refuse in the manner provided in section 157(v).
 - (k) must ensure compliance with R918 of the National Building Regulations and Building Standards Act if food is provided to the occupants.

Any person who contravenes a provision of this by-law and allows such a contravention to take place, shall be guilty of an offence in terms of Section 318

EARLY CHILDHOOD DEVELOPMENT

214. Definitions

In this Chapter, unless the context otherwise indicates.

“adequate” and “suitable” means adequate or suitable as the case may be, in the opinion of the Head of Health or an Environmental Health Practitioner.

“approved” means approved by the Head of Municipal Health Services in a municipality or an Environmental Health Practitioner, regard being had to the reasonable public health requirements of the particular case, or to the physical and mental health of the children, as the case may be.

“Best available method” means the method available that will best prevent disease.

“child” means a child admitted to a preschool institution in terms of these Guidelines.

“Domestic staff” or “general worker” means staff employed in a preschool institution for cleaning, cooking, and other related work.

“Head of municipal health services” means the person appointed by the municipality as such.

“Health certificate” means a health certificate issued in terms of these Bylaws.

“Health certificate holder” means a natural person or a partnership, or an association of person, to whom a health certificate has been issued in terms of Section 148 of these By-laws.

“Municipal health service” means services as defined in the National Health Act, 61 of 2003

“Municipality or municipality” means a Metropolitan Municipality, District Municipality, Local Municipality as defined in section 155 of the Constitution of RSA, Act 108 of 1996, or as defined in Municipal Structures Act, No. 117 of 1998.

“preschool institution” means any undertaking or institution 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 under the age of seven years, or the building or the premises maintained or used for the purpose of conducting such undertaking.

“Registered Body” means the National Department or Municipality authorized to issue a registration certificate.

“Registration certificate” means a certificate issued by the authorized National Department.

“aftercare” means services provided for school going children and are mainly operational in the afternoon and children of primary school level (Grade R to Grade 7) are mainly accommodated.

“ECD” Early Childhood Development is the process of emotional, mental, spiritual, moral, physical, and social development of children from birth to nine years.

“ECD Centre” Any building or premises maintained or used, whether for gain, for the admission, protection and temporary or partial care of more than six children away from their parents, depending on registration, and ECD centre can admit babies, toddlers and/or pre-school aged children. The term ECD centre can refer to crèche, day care centre for young children, a playgroup, a pre-school, afterschool care etc. ECD centres are sometimes referred to as ECD site.

“ECD Programmes” These are planned activities designed to promote the emotional, mental, spiritual, moral, physical, and social development of children from birth to nine years.

215. Application of Guidelines

These guidelines shall apply to all preschool and aftercare institutions. The Head of Municipal Health Services or an Environmental Health Practitioner when implementing these guidelines shall apply the principle of the best available method. No ECD Centre may be operated without the written permission of the council. Written approval does not exempt any person from the requirements of any other law related to the care of children and or the use of the premises concerned.

216. Health Certificate

- (a). No person or body of persons shall conduct a preschool institution unless such person or body of persons is in possession of a health certificate to the effect that the premises, general health facilities and services to which such health certificate relates, comply with these Bylaws, such certificate shall state:
- (i) the number and both minimum and maximum age of the children permitted to be kept on such premises.
 - (ii) hours of operation, full day or half day
 - (iii) the physical address of the premises.
 - (iv) the health certificate holder.
 - (v) Each certificate should be issued with a certificate number.
- (b). The head of municipal Health Services shall issue the health certificate contemplated in paragraph (a) if he/she is satisfied that these bylaws are complied with.
- ©. A health certificate issued is not transferable and should:
- (i) be renewed annually.
 - (ii) In case of change of ownership
 - (iii) In the case of renovations/ additions to the existing premises and.
 - (iv) If the services move from one premises to another.

217. Requirements of Premises for Accommodation of Children between three and seven years**(1) General**

- (a). An approved first aid kit must be provided and approved firefighting material.
- (b). A bed or stretcher or other approved sleeping equipment must be provided.
- (c). Adequate storage facilities for food, stretches, sleeping mats, bedding, linen, indoor and outdoor play equipment must be providing.

- (d). Separate storage facilities for the personal belongings of each child and staff member must be provided.

Sanitary and ablution facilities for children shall have:

- (i) Ready access between the outdoor play area and the toilet facilities.
 - (ii) There must be one toilet for every twenty children which must be provided with a lid to be kept closed at all times except for the time it is being used.
 - (iii) Each toilet must be emptied and sanitized after each use thereof.
 - (iv) Where nonwaterborne toilets are available, Ventilated Improved Pit toilets are recommended.
- (1) The toilet facility must be available within 200m of the childcare facility.
 - (2) Pit toilets used are so structured as to be able to be used by children (reduced pots size and height), and doors openable on the outside.
 - (3) The pit toilets must be maintained in good order and cleaned regularly to prevent the occurrence of offensive smells and attraction of flies; and
 - (4) Children are not to use pit toilets if unaccompanied by a care giver.
 - (5) Toilet facilities are structurally safe and kept in a clean and hygienic condition at all times.
 - (6) Toilet facilities must be properly illuminated and ventilated in line with the National Building Regulations and the Building Standards Act.
 - (7) Toilets are maintained in good order and in good repair and are kept clean and free from offensive smells at all times.
- (v) There must be hand washing facilities with water next to the toilets.
 - (vi) There must be one wash hand basin for every 20 (twenty) children.
 - (vii) The wash hand basin and buckets for the toilets must be of a suitable size and height for the children.
 - (viii) The toilet pan/bucket must be placed in such a way as to be enclosed and screened from the public.
 - (ix) At least one potty must be provided for every 5 children under 2 years on premises.
 - (x) Potties must be cleaned, disinfected after every use and placed in a clearly demarcated area.
 - (xi) An adequate number of bins with self-closing lids for disposal of paper,

towels, tissues, and other waste articles must be provided.

- (xii) A minimum of one towel for each child's individual use must be provided unless the Environmental Health Practitioner permits the use of disposable paper towels.
- (xiii) Individual pegs or nodes for each child's towel which shall be placed 225 mm apart and within child's reach and marked in such a manner as to be easily recognized by each child must be provided.
- (xiv) A reasonable supply of toilet paper, tissue, and soap available to the children must be provided.
- (xv) There must be a supply of about 25 liters of potable water in the toilet and at wash hand basins.

Sanitary and ablution facilities for staff:

- (i) Shall have one toilet and one washing hand basin for every 15 people or part thereof.
 - (ii) Shall have 25 liters of water supply, soap, toilet paper and a clean towel.
 - (iii) Shall have a bin with self-closing lid or other approved disposal unit installed in each water closet intended to be used by females.
- (i). Separate approved laundry facilities on the premises unless laundering is done on other approved premises must be provided.

Sanitary ablution facilities for children under two years shall have the following:

1. Ready access to the Nursery school or indoor play area of the nursery.
2. A separate sluice area with a minimum size of 3m² and which shall have a container with a tight-fitting lid for soiled nappies.
 - ii. The sluice area must have a hand washing facility provided with water in a 25l container.
 - iii. Approved chamber pots which can be emptied in an approved toilet must be provided which are accessible and suitable for use by children.
 - iv. There must be one chamber pot for every five (1:5) children.
 - v. Disposable and approved material for cleaning children wearing nappies must be provided.
 - vi. A minimum of one towel and one face cloth for each child's use must be provided.
 - vii. Individual pegs or hooks placed at 225 mm apart individually marked must be

provided for each child.

Indoor Play Area

Childcare premises on which children under school going age are cared for, must be provide with an indoor play area as follows:

- (i) The building or structure must be constructed to be securely placed and be able to provide protection from the weather such as strong winds, rain and other conditions.
- (ii) The interior walls must be brought to a smooth finish and insulated with approved material.
- (iii) No plastic or cardboard may be used in the construction of the structure.
- (iv) The floor surface must be constructed of an impervious material such as concrete and brought to a smooth finish.
- (v) The structure must be rodent proof.
- (vi) The windows and doors must be positioned to be able to provide cross ventilation and natural lighting.
- (vii) The windows of all playrooms and isolation areas shall be so designed and installed as not more than 750 mm from the ground.
- (viii) The indoor play area shall provide at least 1,5m² of free floor space per child.
- (ix) separate indoor play areas shall be provided for different age groups:
2- 6 years and after school children.
- (x) The interior part of the roof must be provided with insulating material.

Outdoor Play Area

- (i) An outdoor play area which is free of any excavations, projection, levels or any surface which is dangerous or may constitute a safety hazard shall be provided.
- (ii) A minimum outdoor play area of 2m² per child shall be provided.
- (iii) If no outdoor area is available an approve additional indoor area of 1,5m² per child shall be provided.
- (iv) The premises shall have an approved fence and lockable gate to prevent a child leaving the premises on its own and to prevent the entrance of animals or unauthorized people.
- (v) Separate outdoor play area should be provided for different age groups:
2-6 years and after school children.

218. Requirements of premises for Children under two years**(a) Indoor area**

- (i) A nursery for playing eating and sleeping purposes where a minimum indoor area of 1,5m² per child is provided.
- (ii) Cots shall be arranged so that there shall be a minimum space of 500 mm between cots.
- (iii) Adequate heating facilities to be provided in the indoor area.
- (iv) If children aged two years and over are accommodated a separate indoor area must be provided for this group that is able to provide 1,5m² per child of available floor space.

(b) Outdoor area

- (i) The outdoor area for children under two years must be a minimum of 2m² per child for the use of perambulators play pens and outdoor activities.
- (ii) In high density areas where the preschool is situated in a building, the outdoor area of 1,5m² per child must be provided.
- (iii) If a nursery school which has been registered is conducted on the same premises as a preschool institution for ages 3 - 6 years, the nursery and the preschool institution must be separated.
- (iv) An after-school care Centre shall not be permitted on the same premises as a preschool institution, unless in completely separate facilities or unless conducted at different times.

© Kitchen

- (i) In addition to the requirement for the kitchen referred to in R638 of 22 June 2018, if bottles and teats are used for feeding of children the kitchen shall be increased in size, if in the opinion of the Environmental Health Practitioner it is necessary to have a separate area for milk kitchen purpose.
- (ii) If meals are provided for the children, a kitchen area and facilities must be provided on the premises.
- (iii) An EHP must have a portable thermometer during an inspection to monitor temperatures of foodstuffs in the kitchen.
- (iv) Food must be washed properly before cooking and serving and served in clean utensils and crockery.
- (v) Appropriate food temperatures must be maintained on all foodstuffs.

- (vi) All food served to the children must be safe for human consumption and protected from contamination.
- (vii) Management must ensure that children are taught to wash their hands before eating at all times.
- (viii) Tabletops should be cleaned and sanitized before meals.
- (ix) All kitchen staff must be trained in food safety.
- (x) A separate milk kitchen must be provided for preparation and washing of feeding bottles and teats for children that are still in bottles.
- (xi) The milk kitchen shall have the following:
 - (a) washing facilities with adequate supply of potable running cold and hot water for washing of bottles and teats.
 - (b) Approved containers for washing bottles and the other for rinsing with adequate, potable water.
 - (c) A separate cooling facility for the storage of milk and milk bottles.
- (xii) There must be adequate storage facilities for food line perambulators and other equipment
- (xiii) Separate storage facilities for the personal belongings of each child and staff members.
- (xiv) Children should not have an access in the kitchen.

Food Preparation

- a. An area adequate in size and separate from the indoor play area where food is to be handled, prepared, stored or provided to children or for any other purpose shall be provided.
- b. Such an area shall comply with the provisions of Regulations R638 promulgated in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972) and be provided.

Storage facilities

Adequate storage facilities must be provided for proper storage on the premises.

- (a) On any premises which a childcare Centre is operated, adequate storage space must be available for:
 - (i) Personal belongings of each child.
 - (ii) Personal belongings for staff on the premises.

- (iii) Equipment such as children's prams, push-up chairs, cots and play and work tools.
- (iv) Storage of unsafe, toxic, dangerous, or hazardous materials or substances separate from other materials and equipment.

There must be an adequate number of bins with self-closing lids for the disposal of paper, paper towels, tissues, and other waste.

219. After school care facilities

An after-school care Centre shall not be permitted on the same premises as a pre school institutions, unless in completely separate facilities or unless conducted at different times.

220. General duties and liabilities for compliance with regulations

The health certificate holder shall ensure that the children are at all times properly cared for and supervised and shall:

- (a) Maintain every part of the childcare service, including any outdoor area and all structure and equipment in good repair and in a clean and hygienic condition at all times.
- (b) Ensure that all people on or on the premises are clean in person and clothing and are in a good state of health.
- (c) Ensure that no person smokes or uses any tobacco product in the presence of children.
- (d) Ensure toys, books and other indoor play materials intended for day-to-day use are available in the indoor play areas and suitably stored so as to be within easy reach of the children.
- (e) Ensure that the children are at all times under the direct supervision of the specified number of adults in the following ratio:
 - (i) One adult supervisor for every 6 babies between 018 months.
 - (ii) One adult supervisor for every 12 children between 18 months and 3 years
 - (iii) One adult supervisor for every 20 children between 3 and 5 years
 - (iv) One adult supervisor for every 30 children between 5 and 6 years
 - (v) One adult supervisor for every 35 children of school going age.
- (f) If transport to or from a childcare service is provided shall ensure that:
 - (i) The children are supervised by at least one adult apart from the driver during transport.
 - (ii) The doors of the vehicle are lockable and cannot be opened from the inside

by the children.

- (iii) No children are transported in the front seat of the vehicle.
- (iv) No babies are placed under the seat of a vehicle.
- (v) The vehicle is not overloaded in terms of any applicable law.
- (vi) The transport of children is not allowed in the boot of any vehicle.
- (vii) The driver of the vehicle is licensed to transport passengers as stipulated in the National Road Traffic Act, No 93 of 1996
- (viii) The vehicle is licensed and is in a road worthy condition.
- (ix) When children are transported in the back of an enclosed light commercial vehicle, care shall be taken to ensure that no exhaust fumes enter the enclosed area, and that the said enclosed area is sufficiently ventilated.
- (x) If meals are provided an approved two weekly menu is displayed at places visible to the parents.
- (xi) Meals provided shall be nutritionally balanced and of adequate volume to satisfy the energy needs of the children in each age group.
- (xii) Ensure that all perishable foodstuffs, other than unfrozen fruit and vegetables are stored in cooling facilities able to maintain 0°C or 7°C for milk.

221. Resting and Play Equipment

Suitable juvenile seating accommodation and tables shall be provided for each child:

- (i) adequate and approved individual resting or sleeping equipment shall be provided for the separate use of each child.
- (ii) An approved blanket for the individual use of each child shall be provided.
- (iii) Adequate, approved, and safe indoor and outdoor play equipment shall be provided for the children's use.

222. Medical care for Children

- (1) The parent or guardian of the child who becomes ill or has suffered an injury requiring medical attention shall be notified as soon as possible.
- (2) Whenever a child becomes ill or has suffered an injury requiring medical attention, medical assistance shall be summoned for which purpose a telephone shall be easily available.
- (3) Any child who falls ill or has suffered any injury shall receive the necessary care

and treatment in the sick bay area, so designated.

- (4) In the event of a communicable disease, the municipality shall be notified immediately.
- (5) The childcare provider shall ensure that all children have completed basic immunization schedules as deemed necessary.
- (6) The provisions of the Regulations R2438 of 20 October 1987 as amended by R.485 of 23/4/1999, promulgated under the Health Act, 63 of 1977 as amended, regarding communicable diseases and notification of notifiable medical conditions shall apply to childcare services.
- (7) All childcare service providers shall be trained in basic first aid.

223. Safety Measures

The following measures shall be taken on premises on which childcare services are conducted.

- (a) Children shall be adequately protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other article or substances which may be dangerous or cause harm to any child.
- (b) Any slats or rails forming part of an enclosure, security gate, play pen, bed, cot or any other object or structure whatsoever, shall not be more than 75 mm apart and shall be suitably installed and maintained in a good state of repair and if painted only nontoxic paint shall be used.
- (c) All medicines, pesticides, detergents, and other harmful substances shall be stored so as not to be accessible to any child and be under lock and key at all times.
- (d) No noxious or poisonous or dangerous plant or shrub shall be permitted on the premises and no animals or birds be kept on the premises without the approval of the Environmental Health Practitioner.
- (e) No person known or suspected to be suffering from infections or contagious disease and no person so suffering, shall be allowed on the premises while in the opinion of the Environmental Health Practitioner or medically trained person, such person is capable of communicating such infections or contagious disease.
- (f) No paddling pool, swimming pool or other structure shall be permitted in any childcare service without an approved fencing and safety net.
- (g) The sandpit shall be covered with an approved covering material when not in

use.

- (h) The provisions of the Regulation regarding the exclusion of children from day care services on account of infectious diseases made in terms of the National Health Act, Act 61 of 2003 as amended shall apply to all childcare services.
- (i) Any other reasonable measures that may in the opinion of the Environmental Health Practitioner be necessary to protect the children from any physical danger shall be taken by the childcare service on instruction of the Environmental Health Practitioner.
- (j) The premises must comply with fire regulations by providing at least two doors on opposite sides and approve fire extinguishers.
- (k) No animals or birds must be kept on any premises where a childcare Centre is operated, except by written permission of the Environmental Health Practitioner after the necessary Environmental Health assessment has been completed.
- (l) Ponds, pits and other hazards in any garden or external play area must be fenced off to ensure the safety of children.
- (m) The play equipment must be maintained in good working order and in good repair.

224. Application for admission

- (1) The health certificate holder shall ensure that an application form containing the following information is completed by the parent or guardian of a child on admission to childcare service.
 - (a) The child's name and date of birth
 - (b) Name, address and telephone number of the parent or guardian
 - (c) Place of employment and telephone number of the parent or guardian
 - (d) Name address and telephone number of a responsible person other than the parent or guardian who may be consulted in emergencies.
 - (e) Name, address, and telephone number of the child referred to, in such form, shall be entered thereon.
- (2) The relevant date of admission and discharge of the child's doctor and permission to consult him.
- (3) All application forms shall be retained for a minimum of 3 years.

225. Registers

- (1) An admission and discharge register of all children admitted to and discharged from the childcare service shall be kept.
- (2) A register of attendance shall be kept in which the presence or absence of children shall be noted daily.
- (3) Such attendance register shall include the children's respective dates of birth.

226. Sick Bay Facilities

- (a) A sickbay area for the treatment and care of a child who falls ill, who is injured during day care or who may be suffering from an illness that is suspected to be infectious must be provided on the premises, in line with the requirements as set out in the Children's Act.
- (b) The sick bay area:
 - (i) Must be properly ventilated and illuminated in line with the Building Regulations.
 - (ii) Must be equipped with an adequate supply of potable water and a wash up facilities (for washing of wounds, hand washing etc).
 - (iii) Must be free from any offensive odours, fumes, vapours, and gases.
 - (iv) May not be utilized for any other purpose, such as storage area for other things.
 - (v) Should not be accessible by other children at all times, especially when the child in the sick bay area is suffering or suspected to be suffering of an infectious disease.
 - (vi) The sick bay area must be in separate area from the indoor play area.
 - (vii) The sick bay area must be equipped with a bed, equipped with a waterproof mattress.
 - (viii) Proper supervision must be provided at all times for children placed in the sick bay.

An approved first aid kit must be provided and be placed out of reach of children.

227. Right of entry and inspection of premises and records

Any duly authorized officer of the municipality may for any purpose connected with the application of these bylaws at all reasonable times and without notice, enter any premises upon which a preschool institutions is conducted or upon which such officer has reasonable grounds for suspecting the existence of such preschool and make such examination, enquiry, and inspection thereon as he may deem necessary.

228. Journal

Any person who provides a childcare service must keep a journal, in which any important or outstanding event, including any accident on the premises or during

transportation of children, and any explanations is recorded.

229. Suspension or termination of operations

The health certificate holder shall notify the municipality of the suspension or termination of the operations of the preschool institution to which such health certificates relates or in the event of any occurrence as specified in section 3(2).

230. Offences

Any person who contravenes a provision of this by-law and allows such a contravention to take place, shall be guilty of an offence in terms of Section 318

(1) Presumptions

If at any prosecution in terms of these bylaws, it is alleged –

- (a) that the owner, lessee, or occupier of the premises conducts a pre school institution at such premises, he/she shall prima facie be deemed to have conducted a preschool institution at the said premises, unless the contrary is proved, or
- (b) that any child was of a certain age, such child shall be deemed, prima facie, to have been that age, unless the contrary is proved.

231. Withdrawal of health certificate

The Municipality may at its discretion withdraw a health certificate issued in terms of these bylaws, should such health certificate holder be convicted of a breach of the provisions of the bylaws.

Nursing Homes

232. Definitions:

“Nursing home” means a place of residence for people who require constant nursing care, as well as people that might have significant deficiencies with activities of daily living. These may include rest homes and care homes and excludes homes for the aged:

233. General Requirements

Nursing homes must comply with the following:

- Nursing homes operated under a permit/registration authorizing that activity by the relevant municipality/authority.
- The premises operated under a valid Health Certificate issued by an Environmental Health Practitioner of a relevant municipality, to the effect that the premises and general facilities comply with environmental health

requirements.

- The premise promotes the health and safety of patients.
- Building structure of premises must comply with the requirements of the *National Building Act and the National Building Regulations, 103 of 1977, as well as the SANS 10400*.
- Approved methods for handling, collection, storage, and handling of waste, including health care risk waste are adopted.
- Environmental health inspections of a nursing home should be conducted at least annually (not less than once in a year). The risk profile of the premises should also inform the frequency of inspections on the premises.

The risk analysis of the premises should be conducted on nursing homes with specific focus to the following areas:

- Food preparation areas, (to include analysis of food risks).
- Infection control procedures.
- Water and sanitation.
- Handling, segregation, storage, and disposal of health care risk waste.
- Care and protection of patients; and
- Environmental toxins on the premises.

Inspection checklists should be designed and utilized for every inspection conducted. Environmental Health requirements for nursing homes (discussed below) should be used as guide for developing inspection checklists.

Inspections should include an assessment of ventilation and indoor air quality, lighting, moisture-proofing, thermal quality, structural safety, and floor space on the premises.

An inspection report, with the risk assessment findings and recommendations should be issued to the owner or person in charge of the day care center after every inspection.

Health education should be part of and provided with every compliance inspection conducted.

A database of all nursing homes, in the local municipality concerned, should be maintained for control purposes.

234. Health requirements

1. Food preparation facilities must:

Suitable, sufficient, nutritious, and varied foods must be prepared hygienically and safely in an approved kitchen:

If meals are provided on the premises, a kitchen area and facilities must be provided on the premises.

- a) All facilities used in connection with the handling, preparation, storage and serving of foodstuffs on the premises must be in compliance with the *Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food, R638 of 22 June 2018*.

Suitable kitchen facilities must be provided for the hygienic preparation of food for patients:

- a) All facilities used in connection with the handling, preparation, storage and serving of foodstuffs on the premises must be in compliance with the requirements of the *Regulations Governing General Hygiene Requirements for Food Remises and the Transport of Food, R638 of 22 June 2018*.
- b) When accommodation is provided for children under the age of 2 (two) years, a separate milk room for the storage and preparation of milk must be provided.
- c) The milk room must be provided with
- Washing facilities with adequate supply of potable running water for washing bottles and teats.
 - Separate cooling facilities for the storage of milk and milk bottles.
 - Adequate sterilizing facilities must be provided for sterilizing feeding bottles and teas.
- d) EH should take food samples of food prepared on the premises.
- Swaps must be taken on kitchen surfaces to determine the effectiveness of cleaning the premises.

235. Structural requirements

The building of a nursing home must be in compliance with the following minimum standards:

- a) The building structures must comply with the requirements of the *National Building Regulations and the Building Standards Act 103 of 1977, as well as the SANS 0400: application of the National Building Regulations*, with regards to:
Structural design, public safety, dimensions, site operations, foundations, floors, walls, roofs, stairways, lighting and ventilation, drainage, non-water borne means of sanitary disposal, storm water disposal, facilities for persons with disabilities and fire protection.
- b) Walls must be constructed of brick, stone, concrete or other impervious material.
- c) Except where glazed or glass bricks, glazed tiles or other similar material with a hard and smooth surface have been used, the internal walls of operating theaters, sterilizing rooms, wards, labour wards, wash up rooms, dressing rooms, duty-rooms, kitchens, sculleries, food storerooms, bathrooms, toilets and mortuaries must be; -
- Plastered and brought to a smooth finish; and
 - Covered with light-colored paint, adequate plastic finish or other approved material.
- d) Floors must be constructed of concrete, hardwood or other durable material and brought to a smooth finish.
- e) The angles formed between each floor and wall, and between two walls, in operating units, wards, labour wards, sluice rooms, milk rooms, bathrooms, toilets and kitchens must be rounded.
- f) Floors of operating theaters, sterilizing rooms, wards, labour wards, wash up rooms, dressing rooms, duty-rooms, kitchens, sculleries, food storerooms, bathrooms, toilets, and mortuaries must be made of cement, concrete or other impervious material and brought to a smooth finish.
- g) Ceilings must be constructed so as not to attract dust and in the case of operating theaters, labour wards, sterilizing rooms and wash up rooms, the ceiling must have a hard, smooth, and washable surface.
- h) Wards/ rooms must be individually and naturally ventilated with windows.
- i) All windows in rooms must be adequately protected or guarded to ensure the safety of service users.
- j) Rooms must be adequately lighted and emergency lighting be provided throughout the premises.

- k) In cold weather conditions, the premises must be adequately heated throughout with suitable means of heating. An approved, suitable, and safe artificial heating system must be provided.
- l) Heating facilities that are liable to emit offensive and harmful gases, fumes and odours are not allowed.

236. Ward requirements

A safe, well maintained, and comfortable indoor facilities must comply with:

- a) Adequate sluicing (wash up) facilities on each floor, taking into account the beds on the floor.
- b) A dressing room fitted with adequate sterilizing equipment, containing impervious shelves for the storage of sterile drums and other equipment's, and used exclusively for-
 - The sterilization or preparation of equipment's, dressings, and other equipment; and
 - The treatment of patients
- c) A ward kitchen equipped with a sink with constant supply of potable hot and cold running water, a refrigerator, a stove, storage facilities for cutlery and crockery, unless all needs of that floor are adequately catered for by the premises, main kitchen.
- d) The ceilings in each ward must have a minimum height of 3m, except in the case of existing nursing homes where the height may be a minimum of 2.6m, provided that the floor area of the ward is sufficient to provide at least 22m³ of air space for every bed.
- e) The size of the floor area must be such as to provide a minimum of not less than 8.5m² of floor space for every bed.
- f) No beds must be placed within 750mm of any wall on the side of a bed or wall fixture, other than a wash-hand basin or central radiator or within 1m of any other bed.
- g) Spaces left between the beds must not be obstructed in any manner.
- h) The number of the ward as well as the number of patients that may be accommodated in the ward must be displayed on the outside door of each ward.

- i) An adequate number of easily accessible wash-hand basins supplied with a constant supply of hot and cold running water must be provided in each ward for scrubbing-up.
 - j) The floors of wards must be constructed of concrete, hardwood or other durable material and brought to a smooth finish.
 - k) Every ward must have a door opening directly onto a passage.
3. Ablution and wash up facilities must be in compliance with the *National Building Regulations* and *SANS 10400*:
- a) One toilet and 1 (one) bath must be provided for at least every 12 (twelve) patients, ratio **1:12** on the premises.
 - b) In calculating the number of toilets and bathrooms, no account must be taken of any toilet contained in a bathroom; and
 - c) Every toilet must be equipped with an adequate flushing system maintained in proper working condition.
 - d) Adequate and sufficient sluice-rooms must be provided in each ward.
 - e) Each floor/ward must have a sluice room which must be a minimum of 7.5m² in area and a minimum width of 2.2m².
 - f) Every sluice room must open into a well-ventilated passage and must be accessible to every ward which it serves.
 - g) Sluice-rooms must be equipped with a sluice-pan of approved design and equipped with an adequate flushing system maintained in proper working order.
 - h) Approved storage shelves must be provided in the sluice-room for the storage of bedpans or other sanitary utensils.
 - i) An impervious receptacle of adequate size with a tight-fitting lid must be provided for the reception of soiled dressings; and
 - (i) The storage and cleansing of bedpans and other sanitary utensils.
 - (ii) The temporary deposit of soiled dressings; and
 - (iii) The testing of urine.

237. Uses of the premises

The premises of a nursing home may also be used for the purpose other services, such and a maternity home. Subject to the following requirements being met:

- a) Separate areas must be provided for the nursing home operations and for use exclusively as a maternity area for maternity cases.
- b) Rooms, passages, stairways, hall, corridor, lift, external entrances, or any other portion of the premises may not be used in common for any purpose whatsoever, except those that are used for the purpose of:
 - Laundries.
 - Central sterilizing unit, including ancillary units and stores.
 - Pathological laboratories.
 - Kitchens, sculleries, wash-up facilities, larders, and any associated storage space.
 - Storage space for unused or adequately sterilized stores.
 - An administrative office other than the office used to admit and discharge patients.
 - Central pharmaceutical units.
 - Mortuaries; and
 - Workshop
- c) Grounds and the yard must be kept tidy and safe at all times.

238. Storage facilities

Adequate storage facilities must comply with the following:

- a) Separate storage facilities must be provided for the storage of clean linen and the storage of soiled linen prior to collection and cleaning.
- b) A room reserved exclusively for sorting and handling linen must be provided.
- c) A room for the storage of any spare equipment, including heavy equipment and gas cylinders must be provided.

239. Water supply

The quality of water supply on the premises must comply with the requirements of the SANS 241 with regards to microbiological, chemical and physical quality:

- a) Water supply must be obtained from an approved local water supply authority or source.
- b) Water must be continually available for use by all patients on the premises and adequate to accommodate all uses in the home, including for emergencies such as distinguishing fires when necessary.

- c) Water must be stored at a temperature of at least 60°C and distributed at 50°C minimum, to prevent the risks of legionella.
- d) The water source, e.g., borehole must be effectively protected to prevent contamination/pollution.
- e) Water storage facilities must be adequately protected against contamination.

240. Drainage and sewage disposal

Suitable and effective means of drainage and sewage disposal must be in place and must be in compliance with Part-P of the National Building Regulations and SANS 10400:

- a) A waterborne sewage system connected to the municipal sewer, a septic tank or other approved disposal system must be utilized for sewage disposal.
- b) Measures must be in place to prevent stagnation of water, due to ineffective drainage systems.
- c) Drainages and sewage disposal systems are to be maintained in good order.

241. Laundry facilities must comply with:

- a) A Laundry area that must be provided for laundering of linen on the premises and facilities used in connection with laundering of linen on the premises must be in compliance with the requirements as set out in *Section 10* of these norms and standards.
- b) If an outside contractor is utilized for laundry purposes, it must be done in an approved laundry by a registered service provider.

242. General waste management

Approved methods of waste collection, storage, transportation, and disposal must comply with:

- a) The collection, storage and disposal of general waste must be managed in accordance with the requirements as specified in *Part U* of the *National Building Regulations* and *Section 2-5 of the Norms and Standards for Waste Management*.
- b) An approved refuse area must be provided on the premises for the storage of all refuse pending removal.
- c) Access to waste storage facility must be limited to employees who have been trained with respect to the operation of a waste facility.

- d) An adequate number of refuse bins must be provided for the storage of general waste on the premises; and
- e) Measures must be taken to prevent access of the public or unauthorized personnel to health care risk containers.

243. Health Care Risk Waste Management

Approved methods of waste collection, storage, transportation, and disposal must be adopted and comply with:

- a) The collection, storage, and disposal of waste, including health care risk waste must be managed in accordance with the requirements as specified in the *SANS Code 10248 and Section 9-10 of the Norms and Standards for Waste Management*.
- b) An adequate number of purpose-manufactured, leak-proof, sealable containers must be available for the storage of health care risk waste. Such containers to be designed to not allow the exposure of needles, cuts and other substances that may cause harm to service users or staff members.
- c) Containers used for the storage of health care risk waste must be clearly labeled in large, legible lettering.
- d) Employees must be adequately trained in the identification, separation, handling and storing of health care risk waste.
- e) Containers used for the storage of health care risk waste must be clearly labeled in large, legible lettering.
- f) Employees must be adequately trained in the identification, separation, handling and storing of health care risk waste.
- g) Health care risk waste may only be removed/ collected, transported, treated, and disposed of by a registered service provider from the premises.

Reception of dead bodies

- a) If mortuary facilities are available and utilized for the reception of dead bodies on the premises must be in compliance with the requirements as specified (R363) in the *Regulations relating to the management of Human Remains published in terms of the National Health Act, 61 of 2003*.

244. General requirements

- a) Separate residential accommodation must be provided for the staff required who reside on the premises.
- b) Separate bathrooms and toilets must be provided for domestic and residential staff. The bathrooms must be fitted with porcelain enamel or cast-iron enamel baths with a supply of hot and cold running water.
- c) One toilet, bath/shower must be provided for at least 12 members of staff, ratio 1:12 and designated by sex.
- d) In calculating the number of toilets for staff members, no account must be taken of any toilet contain in a bathroom.
- e) Every toilet must be equipped with an adequate flushing system maintained in proper working condition.
- f) Adequate accommodation for the administrative purposes of the nursing home must be provided.
- g) A laundry room must be provided on the premises for the hygienic washing and handling of laundry.
- h) A fire escape, the stairs of which are a minimum of 1m wide with landings at each turning point, measuring a minimum of 2.2m by 1.7m must be affixed on the premises.
- i) Fire control equipment, approved by the municipal chief fire officer must be provided and maintained on the premises; and
- j) An emergency stand-by electrical plant must be provided which is adequate to provide an immediate alternative supply to electricity to
- k) A rodent/ pest programme must be place on the premises to prevent any infestation of rodents/pests.

OLD AGE HOMES

For the purpose of this By- Law, homes for the aged refer to a care home providing accommodation and nursing, or personal care for older people or for the aged.

245. Definitions

“care” means physical, psychological, social or material assistance to an older person, and includes services aimed at promoting the quality of life and general well-being of an older person.

“Food handling premises” means any premises where food is being processed, either raw or unprocessed state, handled, prepared, packed, displayed, or served. If meals are provided on the premises, a kitchen area and facilities must be provided.

“Home based care” means care provided or services rendered at the place where a frail older person resides, excluding at a residential facility, by a caregiver in order to maintain such frail older person’s maximum level of comfort, including care towards a dignified death.

“manager” means the person responsible for the day-to-day management of a residential facility.

“rehabilitation” means a process by which an older person is enabled to reach and maintain his or her optimal physical, sensory, intellectual, psychiatric, or social functional levels, and includes.

Measures to restore functions or compensate for the loss or absence of a function but excludes medical care.

“Residential facility” means a building or other structure used primarily for the purpose of providing accommodation and providing a 24-hour service to older persons.

“service” means any activity or programme designed to meet the needs of an older person.

246. Application and conditions for registration and operation of Homes for the Aged.

- a) Old Age Homes must be operated under a permit/registration authorizing, as applied for by the applicable manager of the facility and issued by the relevant municipality/authority.
- b) The premises must be operated under a valid Health Certificate issued by an Environmental Health Practitioner of a relevant municipality, to the effect that

the premises and general facilities comply with environmental health requirements.

- c) The buildings and facilities must be accessible and needs to promote health, safety, and welfare of residents.
- d) Building structure of premises must comply with the requirements of the *National Building Act and the National Building Regulations, 103 of 1977, as well as the SANS 10400*.
- e) Approved methods for handling, collection, storage, and handling of waste, including health care risk waste must be adopted and implemented.
- f) The physical layout of the grounds and buildings must promote mobility, social interaction, and areas of service delivery.
- g) Environmental health inspections of old age homes should be conducted at least annually (not less than once in a year). The risk profile of the premises should also inform the frequency of inspections on the premises.

Food preparation areas, which must comply with *Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food, R638 of 22 June 2018*.

- h) Water supply and sanitation.
- i) Waste management; and
- i) Care and protection of patients.
- j) Inspection checklists/tools should be designed and utilized for every inspection conducted. Environmental Health requirements for old age homes (discussed below) should be used as guide for developing inspection checklists.
- k) Inspections should include an assessment of ventilation and indoor air quality, lighting, moisture-proofing, thermal quality, structural safety, and floor space on the premises.
- l) An inspection report, with the risk assessment findings and recommendations should be issued to the owner or person in charge of the facility after every inspection.
- m) Health education should part of and provided with every compliance inspection conducted.

- n) An updated database of all old age homes should be maintained for monitoring and control purposes.
- o) The premises must be adequately ventilated by cross ventilation and illuminated, and have safe cooling and heating systems in place, in compliance to *National Building Regulations and the Building Standards Act 103 of 1977, as well as the SANS 10400: application of the National Building Regulations*, with regards to: floors, walls, roofs, stairways, lighting and ventilation, drainage, non-water borne means of sanitary disposal, storm water disposal, facilities for persons with disabilities and fire protection.
- p) Windows in an old age home must be securely guarded to ensure the safety of residents.
- q) Emergency exits and routes must be clearly marked and identified and also be visible at night.

3. Accommodation requirements must comply and be provided with-

- i) Suitable accommodation must be provided for each service user on the premises which meets minimum space as mentioned below.
- ii) Single rooms must have a floor space of at least 9m² and double rooms with a floor space of 16m² for people sharing (double room).
- iii) Forward type accommodation, a floor space of at least 7.5m² must be provided for every service user accommodated in the ward.
- iv) Forward-type accommodation, an unobstructed space of at least 1.2m² must be maintained between beds, to enable movement of carers and equipment.
- v) Single rooms accommodating wheelchair users must have at least 12m² usable floor space.
- vi) The rooms and/or wards must be cleaned daily and kept hygienic and free from offensive odours.
- vii) For frail care patients, a maximum of 4 beds should be placed per room, with a floor space of not less than 7.5m² per bed.

4. Dining areas, lounges/sun porches and corridors/passages/ staircases must comply with the following requirements.

- i. The dining area must be a minimum floor space of at least 1.2m² for every service user.
 - ii. The Lounge area or sun porch area must be a minimum floor space of at least 1.5m² for every service user.
 - iii. All floor surfaces must have a non-slip surface, and all carpets, mats and other loose coverings must be suitably and securely secured to the floors and be adequately illuminated.
 - iv. Corridors must be at least 1.8m wide and be provided with a hand railing along the length of at least one wall.
 - v. All corridors, staircases, steps, and ramps must be adequately illuminated and fitted with effective ramps.
5. Toilet and ablution facilities must be provided and comply with-
- i. Adequate and accessible toilet, bathing and washing facilities must be provided to meet the needs of service users and must be in compliance with the National Building Regulations and the SANS 10400.
 - ii. At least one toilet and one bath must be provided for at least every 8 (eight) service users on the premises 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.
 - iii. Each service user must have a toilet within close proximity of his/her private accommodation.
 - iv. Additional toilet facilities must be provided on the premises, accessible and clearly marked next to the lounge and dining areas for use by service users.
 - v. In calculating the number of toilets, no account must be taken of any toilet contained in a bathroom.
 - vi. Every toilet must be equipped with an adequate flushing system and all toilets, bathrooms or showers must be maintained in good working order.

- vii. All toilets must be kept clean at all times, floors scrubbed, and bowls cleaned and disinfected daily.
- viii. Floors of the bathroom and toilet facilities must be constructed of non-slippery surface.
- ix. All bathrooms must be fitted with porcelain, enamel or cast-iron enamel baths with a constant supply of cold and hot running potable water.
- x. Walls of the toilet facilities must be constructed of a smooth surface and be light coloured.
- xi. Toilet facilities must be adequately illuminated and ventilated.
- xii. Separate toilet facilities and hand wash basin must be provided on the premises, for visitors.

6. Staff ablution facilities must be provided and comply with-

Adequate and accessible toilet, wash-up and bath facilities must be provided for staff members employed on the premises who assists with the caring and rehabilitation processes.

- i. Workstation for staff members must be equipped with hand wash basins, with a supply of cold and hot running water to prevent cross infection.
- ii. Separate toilet facilities must be provided for staff members on the premises.
- iii. Separate bathrooms and toilets must be provided for domestic and residential staff. The bathrooms must be fitted with porcelain enamel or cast-iron enamel baths with a supply of hot and cold running water.
- iv. One toilet must be provided for at least every 12 members of staff, ratio **1:12**
- v. One bathroom or shower must be provided for at least every 12 members of staff, ratio **1:12**. In calculating the number of toilets for staff members, no account must be taken of any toilet contain in a bathroom.
- vi. Every toilet must be equipped with an adequate flushing system maintained in proper working condition.
- vii. Bathrooms and toilets must be designated for each sex.

- viii. One toilet and bath or shower must be provided for at least every 12 (twelve) nursing staff, domestic staff and other employees on the premises 1:12.

7. Examination rooms must be provided with-

- i. A hand wash basin with a supply of cold and hot running water must be available in all examination rooms.
- ii. Floors must be constructed of a non-slippery floor to prevent accidental slipping.
- iii. Walls must be painted with a light-colored washable paint.
- iv. The examination room should be adequately equipped for first aid and emergency situations.

8. Sluice rooms must be provided with-

- (a) A minimum floor area of 7.5m² and a minimum width of 2.5m must be available in every sluice room.
- (b) Sluice rooms must be well ventilated.
- (c) Equipped with hand wash basin for washing of hands by staff and hot and cold running water as well as a combination of a hopper sink with a wash facility for bedpans/urinals.
- (d) The wall area behind the slop hopper sinks and hand wash basins must be equipped with a back splash plate or be tiled, to facilitate easy cleaning.
- (e) Floors must be constructed of an easy cleanable surface.
- (f) Separate storage space must be provided for urinalysis testing.

Food preparation facilities must comply with -

- i. A kitchen area, having regard to the size of the old age home, must be provided for preparation of foodstuffs for service users.
- ii. All food handling facilities used in connection with the handling, preparation, storage and serving of foodstuffs on the premises must be in compliance with

the requirements of the *Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food, R638 of 22 June 2018*.

- iii. Nutritional foods of a balanced diet according to dietary requirements should be provided daily to meet nutritional needs of residents.

9. Storage facilities must be provided with-

Adequate storage facilities must be provided.

- i. Storage facilities must be provided for the storage for medicines and drugs and such facilities must be kept locked at all times except when medicines or drugs are being removed or returned to it.
- ii. Additional storage facilities must be provided for the storage of poisons, habit-forming drugs, and potentially dangerous drugs.
- iii. The storage room must contain adequate moveable shelving made of impervious material.
- iv. Every shelf in a storeroom must be a minimum height of 225 mm above the floor.
- v. All storerooms and store facilities must be kept clean at all times and cleaned routinely at least once every week.
- vi. Individual lockable cupboards must be available for storage of each resident's personal items.

10. Laundry facilities must comply with-

- i. Landry area must be provided for laundering of linen on the premises and facilities used in connection with laundering of linen on the premises must be in compliance with the requirements as set out in *Section 10* of this document.
- ii. If an outside contractor is utilized for laundry purposes, it must be done in an approved laundry by a registered service provider.

11. Water supply must be provided and comply with-

- i. The quality of water supply must be in compliance with the requirements of the SANS 241 with regards to microbiological, chemical and physical quality.

- ii. Water supply must be obtained from an approved local water supply authority or source.
- iii. Water must be continually available for all service users and for all uses in the home.
- iv. The water supply must be adequate to accommodate all uses in the home, including for emergencies such as distinguishing fires when necessary.
- v. Water must be stored at a temperature of at least 60⁰c and distributed at 50⁰c minimum, to prevent the risks of legionella.
- vi. In the case of groundwater supplies, the water source, e.g. borehole must be effectively protected to prevent contamination/pollution.

12. Drainage and sewage disposal must comply with -

- i. Suitable and effective means of drainage and sewage disposal must be in place on the premises and in compliance to the Part-P of National Building Regulations and SANS 10400.
- ii. A waterborne sewage system connected to the municipal sewer, a septic tank or other approved disposal system must be utilized for sewage disposal.
- iii. Measures must be in place to prevent stagnation of water, due to ineffective drainage systems.
- iv. Drainage and sewage disposal systems to be kept in good maintenance.

13. General waste management must be provided and comply with-

- i. Approved methods of waste collection, storage, transportation, and disposal must be adopted.
- ii. The collection, storage and disposal of general waste must be managed in accordance with the requirements as specified in *Part U of the National Building Regulations and Section 2-5 of the Norms and Standards for Waste Management*.

- iii. An approved refuse area must be provided on the premises for the storage of all refuse, pending removal in terms of Requirements in Respect of Refuse Rooms,

(P.N. 660/1980 dated 22 August 1980) and implement a regular Waste Removal Programme with the Local Authority's Solid Waste Department and /or with an approved Service Provider.

- iv. Access to waste storage facility must be limited to employees who have been trained with respect to the operation of a waste facility.
- v. An adequate number of refuse bins must be provided for the storage of general waste on the premises.
- vi. Measures must be taken to prevent access of the public or unauthorized personnel to health care risk containers.

Health care risk waste management plan must be implemented and comply with-

- i. Approved methods of waste collection, storage, transportation, and disposal must be adopted and must be in line with SANS 10248.
- ii. The collection, storage, and disposal of waste, including health care risk waste must be managed in accordance with the requirements as specified in the *SANS Code 10248 and Section 9-10 of the Norms and Standards for Waste Management*.
- iii. An adequate number of purpose-manufactured, leak-proof, sealable containers must be available for the storage of health care risk waste. Such containers to be designed to not allow the exposure of needles, cuts and other substances that may cause harm to service users or staff members.
- iv. Containers used for the storage of health care risk waste must be clearly labeled in large, legible lettering.

- v. Employees must be adequately trained in the identification, separation, handling and storing of health care risk waste.
- vi. Containers used for the storage of health care risk waste must be clearly labeled in large, legible lettering.
- vii. Employees must be adequately trained in the identification, separation, handling and storing of health care risk waste.
- viii. Health care risk waste may only be removed/ collected, transported, treated, and disposed of by a registered service provider from the premises.

14. General Requirements for Old Age Homes and Frail Care Facilities.

- i. Measures must be practiced for infection control and to prevent the spread of infection and communicable diseases.
- ii. Good maintenance must be done in all areas of the premises, including the kitchen equipment, laundry machinery; outdoor steps, pathways; gardening equipment to ensure a safe environment for the service users.
- iii. Separate residential accommodation must be provided for staff required to reside on the premises.
- iv. Adequate accommodation for the administrative purposes must be provided.
- v. Adequate storage facilities for articles that are reasonable necessary to store on the premises for the day-to-day running of the nursing home must be provided.
- vi. A separate linen room, containing adequate cupboards or shelves for the storage of linen must be provided.
- vii. A fire escape, the stairs of which are a minimum of 1m wide with landings at each turning point, measuring a minimum of 2.2m by 1.7m must be affixed on the premises.
- viii. Firefighting and control equipment, approved by the local municipality fire department, must be provided, and maintained on the premises.

- ix. Adequate storage facilities must be provided for the storage of any spare equipment, including particularly heavy equipment and gas cylinders. The equipment must be stored in a manner so as not to obstruct any passages, entrances or exits to the premises.
- x. An emergency stand-by electrical plant must be provided which is adequate to provide an immediate alternative supply to electricity to –
- xi. Any part of the nursing home to ensure the continued operation, throughout the period of the failure of all electrically operated appliances and equipment which, in the opinion of an Environmental Health Practitioner of any relevant professional, are or may be lifesaving.
- xii. A regular, effective, and sustainable Pest Control Programme must be implemented and related documentation of such services must be kept by the relevant Facility Managers.

The above requirements will also be applicable to all facilities which take care of old and frail persons, which may include Rehabilitation or Home-Based Care Facilities, or facilities caring persons with debilitating conditions, as and when the mentioned Health Requirements are applicable and deemed necessary by the relevant Local Authority and the responsible Environmental Health Practitioner.

Appropriate first aid emergency equipment must be available on the premises.

School premises must comply with the following Standards:

247. Issue of a Health Certificate

- (a) The premises must comply with the requirements of the Children's Act with regards to care for children.
- (b) The premises must be operated under a valid Health Certificate issued by an EHP, to the effect that the premises and general facilities comply with EH Norms and Standards for school premises.
- © The premises should promote the health and safety of students/children.
- (d) A valid health certificate must be issued by an EHP certifying that the premises comply with EH requirements. The certificate must indicate the following information:
 - (i) The name of the school.

- (ii) The physical address of the premises.
- (iii) Name and identity number of the owner or person in charge.
- (iv) Number of children to be accommodated at the school.
- (v) Date of issue; and
- (vi) The validity period (one calendar year from the date of issue).
- (vii) The health certificate must be displayed in a conspicuous manner on the premises, so as to be clearly visible to everyone entering the school premises.
- (viii) A health certificate is not transferable from one owner to another, or from one school premises to another.
- (ix) Health certificates must be renewed by an EHP:
 - (i) Every 2 (two) years.
 - (ii) In case of change of ownership.
 - (iii) In the case of renovations/additions to the existing premises; and
 - (iv) If the school moves from one premises to another

248. Structural facilities

- (a) Walls should be constructed of brick, stone, concrete or other impervious material and must:
 - (i) Be plastered and brought to a smooth finish; and
 - (ii) Be covered with light-colored paint.
- (b) Floors should be constructed of concrete, hardwood or other durable material and brought to a smooth finish
- (c) Ceilings should be constructed so as not to attract dust and in the case of operating theaters, labour wards, sterilizing rooms and wash up rooms, the ceiling must have a hard, smooth, and washable surface
- (d) 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).
- (e) The school premises should be equipped with outdoor shaded areas to prevent children from being exposed to excessive heat/sun exposure during play time. The planting of trees around the premises is encouraged.
- (f) Adequate floor space of at least 1.5-2 m² per child should be available per classroom.
- (g) The school premises should be enclosed with an approved means of enclosure, such as a fence, bricks, or other approved material.

- (h) Entrance and exit should be controlled so as to prevent unauthorized entry to the school premises.
- (i) An outdoor play area/yard should be available for outdoor activities on the school premises.

249. Toilet and ablution facilities

- (a) Adequate toilet and wash-up facilities that meet the needs of pupils and staff members on should be available on the school the premises.
- (b) 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.
- (c) The school toilet facilities should be equipped with an adequate flushing system and running water.
- (d) At least 1 (one) hand wash basin should be available for every 25 (twenty) children ratio1:25 on the school premises, equipped with a constant supply of running water.
- (e) Hand wash basins should be located in or immediately adjacent to the toilets.
- (f) If non-waterborne toilets are utilized, Ventilated Improved Toilets are recommended. (g) If pit toilets are used, the design of the pit toilets should be constructed in such a manner as not to cause harm or injury to the children.
- (h) 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.
- (i) 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.
- (j) Young children should not use pit toilet unaccompanied.
- (k) Children must be educated in hand washing after visiting the toilet.
- (l) Separate toilets and hand wash facilities must be provided for staff members on the premises. Toilet and washing facilities for staff may also open for use by visitors. At least 1 (one) toilet facility and at least 1 (one) hand wash basin should be provided for every twelve staff members on the premises ratio1:12.
- (m) Staff toilets should be separated by gender.
- (n) 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).

- (o) Toilets should be easily accessible to all, including staff and children with disabilities no more than 30 m from all users. Male and female toilets should be completely separated.
- (p) Toilets must provide privacy and security.
- (q) Toilet facilities should be kept unlocked at all times during school hours.
- (r) Toilets must be cleaned daily and wherever dirty, with a disinfectant being used on all exposed surfaces. A cleaning and maintenance plan should be in place for cleaning and maintenance of all toilets.
- (s) All toilets' facilities should be designated/ separated by gender.
- (t) An adequate supply of soap and toilet paper should be maintained in the toilet facilities at all times.

250. Washroom facilities boarders/residential pupils and staff

- (a) Facilities for bathing and showering should be provided on the premises for residential students and staff on the premises.
- (b) Water closets and/or hand wash basins, baths and/showers should be provided and easily accessible to the sleeping accommodation.
- (c) All wash up facilities should be separately provided for male and female boarders.
 - (d) At least 1 (one) bath/shower should be provided for every twenty pupils or staff members on the premises ratio 1:20 and or at least 1 (one) shower is available for every 20 pupils or staff members.
- (e) Wash-up facilities should be separated for pupils and staff, and separate wash-up facilities should be available for boys and for girls. At least one shower should be accessible for females with disabilities and one for males with disabilities.
- (f) A supply of cold and hot running water should be available in the washrooms.
- (g) If no running water is available on the premises, a minimum of 25 (twenty) liters per person per day for all residential school children and staff should be available and kept and stored hygienically on the premises for all drinking, personal hygiene, food preparation, cleaning, and laundry.
- (h) Drinking water must be adequately stored and protected against contamination by flies, dust or animals.

251. Water supply

- (a) A reliable water point, with soap or a suitable alternative, must be available at all the critical points within the school, particularly in toilets and kitchens.

- (b) A Reliable drinking-water access points should be accessible by staff and school children, including those with disabilities, at all times.
- (c) If no running water is available on the premises, a minimum of 5 liters per person per day for nonresidential 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 liters per person per day for all residential school children and staff must be available on the premises for drinking, washing up, cleaning and food preparation purposes.
- (d) Hand washing is encouraged in children. Simple and low-cost hand washing points can be made in various ways, are utilized for areas with no running water:
 - (i) a pitcher of water and a basin (one person can pour the water for another to wash their hands; the wastewater falls into the basin).
 - (ii) a small tank (e.g. an oil drum) fitted with a tap, set on a stand and filled using a bucket, with a small soak away or a basin under the tap to catch the wastewater; and
 - (iv) a “tippy tap” made from a hollow gourd or plastic bottle that is hung on a rope and that pours a small stream of water when it is tipped.

252. Accommodation for pupils and staff members at boarding schools

- (a) 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.
- (b) Separate sleeping accommodation must be provided for residential male and female pupils.
- (c) Separate sleeping and living accommodation should be provided for staff on the premises.
- (d) 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 m maintained between each bed.
- (e) For cubicles, a cubicle for a single pupil with its own window and a minimum floor area of 5.0 m² must be provided.
- (f) Single bed bedroom for a single pupil must have a minimum floor area of 6.0 m².
- (g) Sleeping accommodation must be kept clean and in good repair.
- (h) 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.

- (i) Adequate storage facilities must be provided for the storage of personal belongings of residential pupils and staff, which may include a lockable locker.
- (j) Storage facilities should be provided for the storage of linen.
- (k) A room adequate in size to be used for the purpose of isolating a sick child must be provided.
- (l) An activity area of 4m² must be provided for every child of school going age catered for on the premises.
- (m) Such room must have a minimum area of 6m² and where more than 50 children are cared for this room must be a minimum of 12m² to be used as an office as well.
- (n) Such room be provided with a wash hand basin and at least one 25 litres closed container with potable water.

253. Sick Bay facilities

- (a) An adequate and equipped sick room must be provided for isolation of sick pupils on the premises in line with the requirements of the Children's Act.
- (b) One more room should be available to be utilized as sick bays for the isolation of any pupil that may fall ill. The office may be utilized for this purpose.
- (c) The area must be provided/ equipped with a hand wash basin with a supply of running water.
- (d) 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.
- (e) The first aid kit must include, amongst other equipment:
 - (i) Adhesive bandages.
 - (ii) Sterile gauzes.
 - (iii) Medical tape.
 - (iv) Scissors.
 - (v) A cardiopulmonary mouthpiece protector.
 - (vi) Liquid soap.
 - (vii) First aid instruction book.
 - (viii) A thermometer; and
 - (ix) Disposable gloves.
- (f) The sickbay must be equipped with a bed or waterproof mattress.

(g) Proper supervision should be provided at all times for a pupil placed in the sick bay.

254. Medical care for pupils and students

Adequate, timely and appropriate medical attention is provided in cases where children might require medical care, in line with the norms and standards as set out in Section 89 of the Children's Act.

(b) For any child who becomes ill or has suffered an injury requiring medical attention, a care giver must:

- (i) Immediately notify the parent or guardian of the child.
- (ii) Immediately call for medical assistance, if necessary.
- (iii) Provide the necessary care and treatment for minor ailments in the sickbay area.
- (iv) Immediately notify an EHP/relevant health authority in an event of the illness being suspected of being a communicable disease; and
- (v) Only administer medicine to a child with the written consent of the parent or guardian, a medical journal must be kept in which details of any medicine administered to a child, including the quantities is recorded. The journal must be signed by any parent bringing along medication to be administered during the day to any child.

(c) Availability and/or easy access of a telephone essential for notification of a parent or guardian where applicable and to summon medical assistance in accordance when required.

(d) It is a prerequisite that every child to attend pre-school to have completed basic immunization schedules for his/her age as determined by the National Expanded Programme on Immunization of the Department of Health.

(e) Children suspected or diagnosed an infectious or communicable disease are closely monitored and possibly the parents advised to exclude from attending childcare until it has been declared by a doctor that it is safe to do so.

(f) Caregivers are trained in basic first aid.

(g) Medical reports of each child must be kept on the premises; each record must contain.

- (i) Information containing the child's general state of health and physical condition, including any allergies.
- (ii) Any illnesses, including any communicable diseases, operations etc that a child may have suffered in a specified period.

- (iii) Immunization records; and
- (iv) Details of allergies and any medical treatment that the child may be undergoing.
- (h) A list of emergency telephone numbers which include, fire brigade, ambulance, outbreak response, clinic, hospital, doctor, and police must be available and easily accessible on the premises.
- (i) Adequate provision is 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.
- (j) All areas and surfaces where a treatment of a child or caregiver for an illness of injury has taken place must be disinfected immediately.
- (k) A management plan should be in place for exposure to HIV and Hepatitis B for any child or caregiver who may have been accidentally exposed to blood or bloody substances.
- (l) Health care risk waste accumulated on the premises as a result of provision of medical care for children is safely packaged, labelled, stored and safely disposed off.
- (m) A child showing signs of illness or condition that is suspected to be communicable may not be admitted to the regular childcare programme, until such time that a medical officer of health has certified that the condition may not pose any health risk to other children on the premises.
- (n) Medicines, cleaning substances and any dangerous substances must be kept in locked spaces and kept out of reach of children.
- (o) An approved, lockable and adequately equipped first aid kit is available.
- (p) The first aid kit must include, amongst other equipment:
 - (i) Adhesive bandages.
 - (ii) Sterile gauzes.
 - (iii) Medical tape.
 - (iv) Scissors.
 - (v) A cardiopulmonary mouthpiece protector.
 - (vi) Liquid soap.
 - (vii) First aid instruction book.
 - (i) Disposable gloves.

255. Vector control

- (a) The density of vectors in the school must be minimized.
- (b) School children and staff must be protected from potentially disease-transmitting vectors.
- (c) Vectors should be prevented from contact with school children and staff or substances infected with related vector-borne diseases.
- (d) Basic environmental control methods- such as proper disposal of excreta, food hygiene, drainage, solid-waste disposal, and routine cutting back of vegetation - should be the basis of any strategy.
- (e) Mosquitoes and flies should effectively be excluded from buildings by covering open windows with flyscreen and fitting self-closing doors to the outside. The use of chemical controls, such as residual insecticide spraying, in and around the school must be conducted in accordance with the standard for hazardous substances and chemicals, pesticides and disinfectants on premises.
- (f) Students and staff with vector-borne diseases such as malaria and typhus should be identified and treated rapidly. They should not attend school during the infectious period so that the related vectors do not transmit the disease from them to other people in the school.
- (g) Regular inspections are carried out to detect and treat body lice and fleas.
- (h) The school premises and, to the extent possible, the immediate surroundings of the school, must be kept free of faecal material to prevent flies and other mechanical vectors from carrying pathogens.

256. General requirements

- (a) Reasonable measures must be taken to safeguard the health, safety and welfare of pupils on the school premises.
- (b) Pupils and staff must be adequately protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other objects that may be dangerous or constitute a hazard or injury on the premises.
- (c) 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.
- (d) The school premises must be kept clean at all times. The outside and inside areas should be free from sharp objects.

- (e) Wastewater must be disposed off quickly and safely. Wastewater disposal systems should be in place on the premises, in compliance to the relevant By-Laws of the Local Authority concerned.

Any person who contravenes a provision of this by-law and allows such a contravention to take place, shall be guilty of an offence in terms of Section 318

OFFICE ACCOMMODATION

Office building and accommodation must comply with the following standards:

257. Toilet and ablution facilities

- (a) Adequate toilet and hand washing facilities must be available on the premises for use by employees, in line with the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977).
- (b) At least 1 (one) toilet facility and 1 (one) hand wash basin should be provided for every 20 employees on the premises. 1(one) urinal should be provided for every 20 employees on the premises.
- (c) Potable running water should be provided at every hand wash basin.
- (d) Toilet facilities should be designated by sex
- (e) Floors of the toilet facilities should be constructed of a smooth and easily cleanable surface.
- (f) Walls must be constructed of a smooth finish and painted with a light-coloured washable paint.
- (g) Toilet facilities must be properly illuminated and ventilated and kept clean at all times.
- (h) An adequate supply of toilet paper, soap and drying towels should be maintained in all toilet facilities.
- (i) Toilet facilities must be cleaned daily and maintained in good working order and in good repair at all times.

Any person who contravenes a provision of this by-law and allows such a contravention to take place, shall be guilty of an offence in terms of Section 318

HEALTH ESTABLISHMENTS

Health establishments shall refer to public and private hospitals and includes, district, regional and tertiary hospitals.

Health establishments must comply with the following environmental health requirements:

258. Physical and structural facilities.

- (a) Internal walls must be constructed of an impervious material brought to a smooth finish and easily cleanable and painted with a light-coloured paint.
- (b) Ceilings must be constructed of a dust proof material, smoothly finished and painted with a light-coloured washable paint.
- (c) Floor surfaces must be constructed of impervious material, brought to a smooth finish and properly drained.
- (d) The locality of all facilities, including lifts, fire escapes, and entrances exits should be clearly marked for convenience of patients, staff and visitors.
- (e) Facilities for patients and other visitors must be adapted to accommodate physically disabled persons.
- (f) Consultation rooms should be provided separately from waiting rooms to facilitate privacy for consultation purposes.
- (g) The use of equipment, material or substances by workers must be in line with the requirements of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- (h) The premises must comply with the requirements of the National Environmental Management: Waste Act, 2004 (Act No. 39 of 2004), as well as relevant By-Laws of the local authority concerned with regards to the management of general waste on the premises.
- (i) The use of boilers on the premises must comply with the requirements of the National Environmental Management: Air Quality Act with regards to emissions into the atmosphere.

259. Drinking water quality

- (a) In case a health facility/hospital has additional building-specific sources of water used to augment the external supply, or have specific purposes that increase potential risk, hospitals should have a risk management plan in place.
- (b) Water must be continuously tested for fitness of consumption. Where on-site water storage facilities are utilized, the storage capacity should be sufficient for 24 hours.
- (c) Water storage facilities e.g. reservoirs and tanks should be adequately protected from contamination.
- (d) Designated health facility staff monitors continuously the water in reservoirs and tanks for compliance and possible pollution activities. The water in the storage facilities must be tested for compliance and fitness for consumption.
- (e) Water source e.g. borehole, should be effectively protected from contamination.
- (f) If non-compliance is identified when testing of the water, the possible source of contamination must be traced. The possible source of contamination must then be monitored as part of a risk management approach to ensure effectiveness of interventions.
- (g) To prevent organisms that grow in temperatures between 250C and 500C e.g. Legionella hot water temperatures especially must be kept above 500C and cold water below 200C.
- (h) The water supply system that includes the sources (if applicable), pumps, purification plant, taps, pipes, storage facilities and the distribution network linked to health facilities should be maintained in good working order.
- (i) Taps and pipes containing water not fit for human consumption are clearly marked as such.
- (j) The necessary chemicals must be available continuously for water purification, where purification is undertaken by the health facility.

- (k) Designated staff must be available for regular monitoring of the water system in the health facility. Water quality monitoring records must be kept and made available to an EHP on request.
- (l) If water is stored in a temporary water storage tank on the premises, the following standards are applicable with regards to water storage tanks:
 - (i) Potable water tanks should be constructed of a rust-free and durable material that is suitable and safe for potable water storage to prevent the contamination of water.
 - (ii) Tanks should be designed so as to prevent contamination of the water by insects, flies, animals, and human contact.
 - (iii) Cold water storage tanks must be located in an appropriate area such that the water is not exposed to the excessive sun to prevent the water from reaching temperatures above 25°C.
 - (iv) Water in tanks should constantly be sampled to ensure proper levels of residual chlorine and other bacteriological and chemical parameters to ensure fitness for consumption.
 - (v) Residual chlorine should be maintained in water kept in storage tanks.
 - (vi) The design of the tanks must be such that it allows sampling to be conducted and tests to be taken to verify water quality. They must also be made of material that allows disinfection and contact with flames for sterilizing, in the case where a tap must be flamed before a sample is taken.
 - (vii) Potable water storage tanks and any part of the potable water distribution system should be cleaned, flushed with potable water, and disinfected to prevent contamination of the water.

260. Toilet and ablution facilities

- (a) Adequate toilet and hand wash up facilities should be provided for patients and staff on the premises. At least 1(one) toilet is provided for every 12-15 (twelve to

fifteen) in-patients, and 1 (one) hand wash basin, and 1 (one) bath or shower is provided for every 12-15 (twelve to fifteen) in-patients.

- (b) Separate toilet and hand washing facilities must be provided for staff on the premises.
- (c) At least 1 (one) toilet facility and 1 (one) hand wash basin should be provided for every 50 out-patients.
- (d) Staff required to sleep on the premises must be provided with adequate wash up facilities. At least 1 (one) bath or shower must be provided for every 15 (fifteen) members of staff on the premises.
- (e) Floors and walls of the toilet facilities must be constructed of a smooth and easily cleanable material.
- (f) All toilet facilities on the premises must be kept clean and in good repair at all times.
- (g) All hand wash facilities should be supplied with a constant supply of potable running water.
- (h) An adequate and constant supply of soap, toilet paper and towel must be maintained in all toilet and hand wash facilities at all times

261. Waste management

Approved methods of waste collection, storage, transportation, and disposal must be adopted. A facility waste management plan and a waste management policy must be developed and implemented. Approved methods of waste collection, storage, transportation, and disposal must be adopted and must be in line with SANS 10248. A waste management officer must be designated for each facility, responsible for only the management of waste (general and health care risk waste)

- (a) The collection, storage, and disposal of general waste must be managed in accordance with the requirements as specified in Part U of the National Building Regulations and Section 2-5 of the Norms and Standards for Waste Management.
- (b) An approved refuse area must be provided on the premises for the storage of all refuse pending removal.

- (c) Access to waste storage facility must be limited to employees who have been trained with respect to the operation of a waste facility.
- (d) An adequate number of refuse bins must be provided for the storage of general waste on the premises; and
- (e) Measures must be taken to prevent access of the public or unauthorized personnel to health care risk containers.
- (f) The collection, storage and disposal of waste, including health care risk waste must be managed in accordance with the requirements as specified in the SANS Code 10248 and Section 9-10 of the Norms and Standards for Waste Management.
- (g) A waste management plan concurrent to the standards as set out in the Core Standards for Health Establishments in South Africa must be in place and updated every two years.
- (h) A designated staff member responsible to ensure that the collection, handling, storage and disposal of waste on the premises is in compliance to relevant legislation and standards must be available.
- (i) The facility must have a documented waste management policy and procedures that is followed for the collection, handling, segregation, storage and disposal of waste (incl health care risk waste, such as infectious anatomical and pathological, sharps, pharmaceutical, chemical and radiation hazard waste).
- (j) If the facility makes use of the services of a private contractor for managing of waste, the contractor must be an approved and legally compliant waste removal service provider and a service level agreement in place.
- (k) An adequate number of containers for the disposal of health care risk waste and general waste must be available and accessible to handle the volume of waste generated on the premises.
- (l) Appropriate bags and containers must be available and used for the type of waste collected.
- (m) An adequate number of purpose-manufactured, leak-proof, sealable containers must be available for the storage of health care risk waste. Such containers to be designed as to not allow the exposure of needles, cuts and other substances that may cause harm to service users or staff members.
- (n) Containers used for the storage of health care risk waste must be clearly labelled in large, legible lettering.

- (o) Employees must be adequately trained in the identification, separation, handling and storing of health care risk waste.
- (p) Containers used for the storage of health care risk waste must be clearly labelled in large, legible lettering.
- (q) Employees must be adequately trained in the identification, separation, handling and storing of health care risk waste.
- (r) Health care risk waste may only be removed/ collected, transported, treated, and dispose by a registered service provider from the premises.

262. Storage facilities

- (a) Storage facilities should be provided for the storage for medicines and drugs and such facilities are kept locked at all times except when medicines or drugs are being removed or returned to it.
- (b) Additional storage facilities should be provided for the storage of cleaning equipment, pesticides and other potentially dangerous hazardous substances.
- (c) Storage rooms must contain adequate moveable shelving made of impervious material.
- (d) Every shelf in any storeroom should be of a minimum height of 225 mm above the floor.
- (e) All storerooms and store facilities must be kept clean at all times and cleaned routinely at least once every week.
- (f) Hazardous substances must be stored and disposed off in a safe manner, separate from other non-hazardous materials.
- (g) Expired medicines should be stored separately and must be disposed off in a safe manner.
- (h) Adequate storage facilities should be provided for the storage of any spare equipment, including particularly heavy equipment and gas cylinders. The equipment must be stored in manner so as not to obstruct any passages, entrances of exits to the premises.

- (i) Adequate storage facilities for articles that are reasonable necessary to store on the premises for the day to day running of the nursing home must be provided.
- (j) A separate linen room, containing adequate cupboards or shelves for the storage of linen must be provided.
- (k) If five or more persons are employed, separate change-rooms must be provided for male and female staff members, equipped with storage facilities or lockers for personal belongings of each worker.
- (l) Food and non-food items should be stored separately from any other items; refrigerators used for storage of medicines are not at any time used for storage of any foodstuffs.
- (m) Separate storage facilities for dirty and clean linen and equipment, including sluice facilities for cleaning of soiled linen and equipment should be provided.
- (n) The storage and dispensing of medicines must comply with the requirements of the relevant legislation.
- (o) Refrigeration facilities used for storage of hazardous waste or infectious material must be marked as such, and should be used to store any other item except for the designed purpose

263. Reception of dead bodies on the premises

- (a) All facilities used in connection with the handling, preparation, storage and transportation of dead bodies on the premises and the requirements with regards to the operation of premises for the management of Human Remains must comply with the requirements of the Regulations relating to the Management of Human Remains, R363 of 22 May 2013 published in terms of the National Health Act, 2003 (Act 61 of 2003), as amended.
- (b) Suitable trained staff should be available and responsible for duties in the mortuary and ensure that the Hygiene Standards are adhered to.

- (c) A cleaning program for the mortuary should be in place. A register and records must be kept and maintained of the information regarding the handling of corpses; including the record of refrigeration facilities and temperatures must be taken daily.
- (d) The infection control staff member should regularly monitor whether the policy regarding the handling of corpses is followed and whether the mortuary is operated in an acceptable manner and in consideration of the Norms and Standards document.
- (e) Adequate protective clothing (comprising of waterproof aprons, light coloured overalls and protective gloves) should be provided and utilized for employees working in the mortuary.
- (f) Approved methods of waste collection, storage, transportation and disposal should be adopted for the handling of infectious waste in the mortuary, in compliance to the SANS 10248.

264. Food preparation facilities

A kitchen area, having regard to the size of the hospital, must be provided for preparation of foodstuffs for service users.

- a) All facilities used in connection with the handling, preparation, storage and serving of foodstuffs on the premises must be in compliance with the requirements of the Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food R692 of 21 November 2012, published in terms of the Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972.

265. Laundry facilities

- (a) The health establishment facility must have access to a well-managed laundry facility for the effective laundering of linen, for controlling of infection; and avoiding contamination on the premises.
- (b) Internal walls should be constructed of an easily cleanable material, brought to a smooth finish and painted with a light-coloured paint.
- (c) Floors should be brought to a smooth finish and are easily cleanable.

- (d) Ceilings should be constructed of a dust proof material.
- (e) The laundry facility must be properly ventilated by cross ventilation and adequately illuminated.
- (f) Drainage systems should be available and designed without open drains; with lockable inspection or rodding eyes; with a flow from clean to dirty areas; and not connected to storm water drainage.
- (g) Areas receiving soiled linen must be separated from areas handling clean linen.
- (h) Adequate ablution and toilet facilities must be provided, including an emergency shower or eye-wash facility in the washroom where chemicals are handled.
- (i) Suitable and hazard-free storage facilities for storage of chemicals should be provided.
- (j) The capacity and the condition of the equipment used for laundering must meet the hospitals laundering requirements.
- (k) Vehicles, containers, trolleys or other manually operated equipment for the transporting of linen must conform to requirements to ensure contamination free conditions.
- (l) All dirty linen and hospital clothes regarded as infectious waste and must be stored only in the designated storage area and removed from wards, passages, or any other place where patients are treated.

266. Competency of staff

- (a) The laundry management/controller and other designated staff must know how to:
 - carry out their functions effectively.
 - handle hazardous goods in the laundry service.
 - follow procedures (including first aid) with regard to prevention and control of infection.
 - use protective clothing and follow procedures for decontamination; and
 - operate laundry machines in order to ensure optimum results including general safety procedures.

- (b) Laundry staff must be required to pass the appropriate medical examination at appointment followed by routine health monitoring as prescribed by occupational health and safety legislation; and
- (c) The relevant Environmental Health Practitioner (in the case of a general Health Facility Laundry) and that of a competent authority in the case of a Laundry Facility in the Health Facility within the Points of Entry should be competent to:
 - monitor the effective functioning of the laundry service; and
 - advise Health Facility management on environmental health and occupational hygiene requirements contained in relevant legislation or national standards.

267. Operational requirements for laundering in health facilities

- (a) A policy for the management of linen in a facility should be in place.
- (b) Adequate resources should be provided to ensure effective laundering of linen, including for proper maintenance of buildings and equipment.
- (c) A quality management system should be established incorporating:
 - work instructions and procedures.
 - process control procedures.
 - quality control procedures; and
 - control of linen (clean/soiled) procedures.
- (d) A procedure specifically for infection/contamination control must be made available to staff handling linen. The procedure should include control measures through differentiation between categories of soiled linen, i.e., of high-risk to normal soiled linen:
 - Category A (red bag) = high risk infection for immediate incineration.
 - Category B (yellow bag) = sealed alginate bags of high-risk (blood/body fluids contaminated or sluiced) for direct loading into washing machines.
 - Category C (yellow bag/hazard label) = sealed hazardous material (chemical, anti-neoplastic drugs, or radioisotopes) for direct loading into washing machines.
 - Category D (white bag) = normal linen of no risk during handling.
- (e) A clear policy on health and environmental protection must be documented and communicated to all laundry staff.
- (f) A person designated as the laundry controller should ensure that requirements regarding pollution, occupational and environmental hygiene are complied with,

- including appropriate action in respect of any risks associated with infection or other hazards; and
- (g) Procedures for the use of protective clothing and personal hygiene where staff are in contact with high-risk areas or linen must be documented to include precautionary measures.
- (h) The laundry management/controller and other designated staff must be trained and be competent on:
- carrying out their functions effectively.
 - handling hazardous goods in the laundry service.
 - following procedures (including first aid) with regard to prevention and control of infection.
 - using protective clothing and follow procedures for decontamination; and
 - operating laundry machines in order to ensure optimum results including general safety procedures.
- (i) Laundry staff must be required to pass the appropriate medical examination at appointment followed by routine health monitoring as prescribed by occupational health and safety legislation; and

268. Keeping of records for health facility laundering

- (a) The laundry management and quality system must ensure that appropriate records are kept of all activities that affect linen and quality.
- (b) The laundry data control system must include a master list of documents to facilitate the location and revision of records or documents.
- (c) The results of inspections/checks and quality control tests should be documented and indicate the need for remedial action where necessary.
- (d) Accurate records of stocks of chemicals, cleaning agents and detergents should be maintained.
- (e) A full set of up-to-date materials safety data sheets for all washing or cleaning chemicals used in the laundry must be available in one location to staff likely to become involved in the control of an emergency situation.
- (f) Operation and maintenance records of plant and equipment, including records of special precautions to ensure minimum risk of cross-infection of laundered items should be kept; &

- (g) Records of medical examinations, health monitoring and training of staff should be kept.

269. Use of boilers and incinerators

- (a) The premises must comply with the requirements of the National Environmental Air Quality Act, 2004 (Act No. 39 of 2004) with regards to the use of boilers and incinerators.
- (b) The operation of boilers, incinerators and private sewage works on any premises must comply with the following requirements:
 - (i) Coal and fuel burning equipment such as boilers and incinerators must be operated effectively to minimize smoke, gas, odours, fly-ash, or any other form of air pollution.
 - (ii) Only incinerators and boilers which conform to prescribed requirements must be used; and
 - (iii) Incinerators and boilers must be maintained in good working order to ensure pollution free performance.
- (c) Incinerators and boilers should be monitored regularly to ensure effective operation in terms of permit conditions and the applicable local authority's by-laws.
- (d) All necessary technical investigations should be conducted by the operators of incinerators and boilers to ensure that the coal and fuel burning equipment and other relevant disposal facilities are operated in accordance with the relevant permit requirements.

270. Infection prevention and control

Infection control and prevention standards concurrent with the standards as set out in the Core Standards for Health Establishments in South Africa, published by the National Department of Health, Office of the Health Standards Compliance.

271. General hygiene requirements

- (a) The premises must be maintained clean, free from offensive odours, unsightly accumulation of debris, litter and miscellaneous waste at all time.
 - (b) Cleaning staff should be trained and competent on cleaning techniques and processes to be utilized for various areas in the health facility.
 - (c) Cleaning material and detergent required to ensure a hygienic environment in the health facility must be available and properly stored at all times.
 - (d) A cleaning schedule should be kept and maintained for cleaning of all areas in the facility.
 - (e) Appropriate cleaning material and equipment should be available on the premises.
- Any person who contravenes a provision of this by-law and allows such a contravention to take place, shall be guilty of an offence in terms of Section 318.

CHAPTER 20**MISCELLANEOUS****272. Duties of Municipality:**

- (1) In addition to any other duty of Municipality in terms of this By-law or any other applicable legislation, the Municipality must within its area of jurisdiction:
 - (a) enforce the relevant portions of this Bylaw!
 - (b) carry out water quality monitoring at all potables, industrial and commercial water sources:
 - (c) perform food control inspections, enquiries, monitoring, and observation;
 - (d) monitor waste management;
 - (e) undertake health surveillance of properties.
 - (f) undertake surveillance and prevention of communicable diseases, excluding immunizations;
 - (g) undertake effective vector control measures:
 - (h) prevent environmental pollution;
 - (i) monitor activities related to the disposal of the dead, and
 - (j) ensure chemical safety,

273. General Powers of an Environmental Health Practitioner

- (1) An Environmental Health Practitioner may, for the purposes of implementing or administering any power or duty under these by-laws -
- (a) exercise any power afforded to such officer in terms of these by-laws or any other applicable legislation.
 - (b) issue a compliance notice in terms of section 311 requiring any person to comply with the provisions of these by-laws;
 - (c) issue a prohibition notice in terms of 321 prohibiting any person from conducting an activity;
 - (d) undertake measures in terms of section 316 to remove, reduce and/or minimise any public health nuisance;
 - (e) cancel, suspend or amend any permit or exemption certificate in terms of chapter 3, section 16 or
 - (f) enter and inspect premises and for this purpose may-
 - (i) question any person on the premises.
 - (ii) take any sample that the Environmental Health Practitioner considers necessary for examination or analysis.
 - (iii) monitor and take readings or make measurements; and
 - (iv) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises.
- (2) An Environmental Health Practitioner who removes anything from any premises being inspected must -
- (a) issue a receipt for it to the owner, occupier, or person apparently in control of the premises; and
 - (b) return it as soon as practicable after achieving the purpose for which it was removed.

274. Compliance Notices

- (1) If an Environmental Health Practitioner, after inspecting premises, reasonably believes that a public health hazard or public health nuisance exists on the premises or that the premises are being used in a manner or for a purpose listed in the Schedule to these by-laws without a permit, the Environmental Health Practitioner may serve a compliance notice on one or more of the following persons:

- (a) the owner of the premises.
 - (b) the occupier of the premises; or
 - (c) any person apparently in charge of the premises.
- (2) A compliance notice must state -
- (a) why the Environmental Health Practitioner believes that these by-laws is being contravened;
 - (b) the measures that must be taken -
 - (i) to ensure compliance with these by-laws or.
 - (ii) to eliminate or minimize any public health nuisance.
 - (c) the time period within which the measures must be taken.
 - (d) the possible consequences of failing to comply with the notice; and
 - (e) how to appeal against the notice.
- (3) If a person fails to comply with a compliance notice that requires a particular action be taken, the Municipality may, --
- (a) take the required action specified in the compliance notice; and
 - (b) recover, as a debt, from the person to whom the notice was given, the costs and expenses reasonably incurred in taking the required action.

275. 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 requiring measures to be taken to ensure that this occurs, on one or more of the following persons:
- (a) the owner of the premises.
 - (b) the occupier of the premises; or
 - (c) any person apparently in charge of the premises.
- If the Environmental Health Practitioner reasonably believes that that person has not complied with the terms of a compliance notice
- (2) The Environmental Health Practitioner 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 Environmental Health Practitioner reasonably believes that the delay in doing so would significantly compromise public 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) The Environmental Health Practitioner must as soon as possible affix a copy of the notice in a conspicuous position on the premises.
- (5) No defect in the notice shall invalidate any action taken by virtue of such notice or order or found any legal proceedings following upon such notice or order, if such notice or order substantially sets out the requirements thereof.

276. Withdrawal of prohibition notice

- (1) An Environmental Health Practitioner 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 premises.
- (2) After completing the investigation, the Environmental Health Practitioner must inform the person on whom the prohibition notice was served or that person's agent in writing, whether or not the prohibition has been removed or the prohibition order withdrawn.
- (3) The Municipality may charge the owner or occupier of any premises where an investigation is carried out in terms of section 316, a prescribed fee for undertaking the investigation.

277. Service of notices or other documents:

- (1) Service of Compliance notices, Prohibition Notices, Withdrawal of Prohibition Notices, or any other documents by the Municipality, Authorized Official or Municipal Manager is served.
 - (a) on any person, it shall be deemed to be duly and sufficiently served if it is sent by registered post to that person at his last known address or left with him personally or with some adult inmate thereof.
 - (b) on an owner or occupier of any land or premises and the address of

such owner or occupier of such land is unknown, it shall be deemed to be duly and sufficiently served if it is posted in some conspicuous place on such land or premises.

- (2) It shall not be necessary in any notice in subsection 1 above for an owner or occupier of land or premises to name him, if the notice describes him as the owner or the occupier of the land or premises in question.
- (3) A notice in terms of section 314 may be served.
 - (c) upon the owner of any premises, by
 - (i) delivering it to the owner, or if the owner cannot be traced or is living abroad to his/her agent.
 - (ii) transmitting it by post to the owners last known address, or the last known address of the agent
 - (iii) delivering it to the address where the premises are situated if the owner's address and his agent's address are both unknown.
 - (d) upon the occupier of the premises by
 - (i) delivering it to the occupier
 - (ii) transmitting it by registered post to the occupier at the address at which the premises are situated.

278. Demolition orders

- (1) If the Municipality believes that a public health hazard would be eliminated or a public health nuisance would be significantly reduced by demolishing a building or other structure, it may, subject to the provisions of any other law, apply to any court having jurisdiction for an order directing any person to demolish the building or structure or authorizing the Municipality to do so and to recover the costs of doing so from the owner or the occupier of the premises concerned, or from both.
- (2) The Municipality may not apply to court in terms of subsection (1) unless it has given the owner and the occupier of the premises not less than 14 days' notice in writing of its intention to make the application and has considered any representations made within that period.

279. Municipal remedial work

- (1) The Municipality may enter any premises and do anything on the premises that it reasonably considers necessary -
 - (a) to ensure compliance with these by-laws or with any compliance notice or prohibition notice.
 - (b) to reduce, remove or minimize any public health nuisance; or
 - (c) to reduce, remove or minimize any significant public health hazard.
 - (d) Any expenses borne in providing such services shall be recovered by the owner of the premises.

280. Cost orders

- (1) The Municipality may recover any costs reasonably incurred by it in taking measures contemplated in section 315 from any person who was under a legal obligation to take those measures, including.
 - a. a person on whom a compliance notice referred to in section 310 that required those steps to be taken, was served;
 - b. the owner or occupier of the premises concerned; or
 - c. any person responsible for creating a public health hazard or a public health nuisance.
- (2) The municipal manager or delegated official may issue a cost order requiring a person who is liable to pay costs incurred by the Municipality in terms of subsection (1), to pay those costs by a date specified in the order and such order constitutes prima facie evidence of the amount due.

281. Appeals

- (1) Any person aggrieved by a determination or instruction by a Health Officer in terms of section 83 subsection 2 or 3 of the National Health Amendment Act No 12 of 2013 may, within a period of 14 days from the date on which he or she became aware of the determination or instruction, lodge an appeal with the Mayor via the Municipal Managers 'office "**CLEARLY MARKED APPEAL**"
- (2) An appeal authority must commence with the appeal within a reasonable period.
- (3) Any person aggrieved by a determination or instruction by a Health Officer

in terms of section 83 subsection 2 or 3 of the National Health Amendment Act No 12 of 2013 may, within a period of 14 days from the date on which he or she became aware of the determination or instruction, lodge an appeal with the Mayor via the Municipal Managers 'office "**CLEARLY MARKED APPEAL**"

- (4) A person affected by a decision taken in terms of these By Laws who wishes to appeal against the decision, must lodge an appeal with the Municipal Manager or delegated official of the Municipality within 30 days after that person has been notified of the decision.
- (5) An appeal authority must commence and decide with the appeal within a reasonable period.

282. Offences and Penalties

- (1) Any person who contravenes a provision of these by-laws and or allows such a contravention to take place shall be guilty of an offence and shall be liable upon demand to these penalties:
 - (a) Failure to produce COA R500.00 (Hawkers).
 - (b) Failure to produce COA for fixed premise R2500.00
 - (c) Failure to display COA R1500.00
 - (d) Health certificate not clearly visible -R500.00
 - (e) Not in possession of a related health certificate – R2500.00
 - (f) Denies/cause/permit another person to deny an official entry to the premises R2500.00
 - (g) Obstruct/hinders/cause/permit another person to obstruct/hinder an official to perform his/her duties R2500.00
 - (h) Knowingly/cause/permit another person to give the official false/misleading Information R1000.00
 - (i) Refuse to cooperate with the request of an authorized person made in terms of these bylaw- R1000.00
 - (j) Only person who does not have a health certificate holder, of a ECD Facility allows –
 - (i) a greater number of children than the number stated on the health certificate to be enrolled or to be present in the pre- school institution to which the health certificate relates R2500.00

(ii) any child whose age is more or less than the maximum or minimum ages of the children who may be kept on the premises concerned, in terms of the health certificate, to be enrolled at or to be present in such pre-school institution; or shall be guilty of an offence and liable, on conviction, to a fine not exceeding R1500.00 or imprisonment for a period not exceeding 12 months, or both.

(2) Failure to comply with a notice, direction or instruction referred to in these bylaws constitutes a continuing offence.

Any person who continues to

- (a) contravenes or fails to comply with any provisions of these by-laws; or
 - (b) fails to comply with any notice issued in terms of or for the purpose of these by-laws; or
 - (c) fails to comply with any lawful instruction given in terms of or for the purpose of these by-laws; or
 - (d) obstructs or hinders any authorized official in the execution of his or her duties under these by-laws -
- shall be guilty of a continuing offence and shall be liable on conviction to a fine not exceeding R15 000 or imprisonment for a period not exceeding twenty-four (24) months or both.

SCHEDULE 1**PUBLIC HEALTH NUISANCE****General nuisance**

1. An owner or occupier of premises creates a public health nuisance if he or she causes or allows.
 - (a) any premises or part thereof to be of such a construction or in such a state as to be offensive, injurious, or dangerous to health;
 - (b) any street, stream, pool, lagoon, ditch, gutter, watercourse, sink, cistern, water closet, earth close, pail closet, urinal, cesspool, cesspit, drain, sewer, dung pit, slop tank, ash heap or dung heap to be so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health;
 - (c) any stable, kraal, shed, run or premises used for the keeping of animals or birds and which is so constructed, situated, used, or kept as to be offensive or to be injurious or dangerous to health;
 - (d) any accumulation of refuse, offal, manure, or other matter which is offensive or is injurious or dangerous to health;
 - (e) any public building to be so situated, constructed, used, or kept as to be unsafe or to be injurious or dangerous to health;
 - (f) any dwelling to be occupied without proper and sufficient supply of potable water within a reasonable distance;
 - (g) any factory or industrial or business premises not to be kept in a clean state and free from offensive smells arising from any drain, water closet, earth close, urinal or any other source, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gas, vapour, dust or other impurity generated, or so overcrowded or so badly lighted or ventilated, as to be injurious or dangerous to the health of those employed therein or thereon;
 - (h) any factory or industrial or business premises to cause or give rise to any smell or effluvium which is offensive or injurious or dangerous to health;
 - (i) any building, room or structure to be used wholly or partly by a greater number of persons than will allow less than 11,3m³ of free air space and 3,7 m² of floor space for each person aged 10 years or more and 5,7 m³ of free air space and 1,9 m² of floor space for each person less than 10 years of age' or
 - (j) the accumulation of filth, debris rubbish, glass, paper, rags, tins, lumber, disused motor vehicles and parts and the growing or presence of weeds, long

CONTINUES ON PAGE 258 OF BOOK 3

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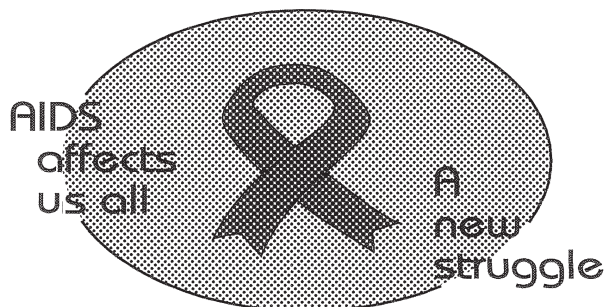
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PART 3 OF 4

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grass or undergrowth which is unsightly or is likely to become a nuisance or injurious to health or cause an annoyance to the inhabitants of the neighborhood,

- (k) any other activity, condition or thing declared to be a nuisance by the Minister in terms of the National Health Act, 2003 (Act 61 of 2003) or any other relevant legislation.
- (l) Any other condition at or on a place or premises whatever, which in the opinion of Municipality is or can be detrimental, dangerous, inconvenient, offensive, injurious or dangerous to health, or which may in any other way cause a risk of disease, death or injuries.

Pest control

- 2. (1) An owner or occupier of premises creates a public health nuisance if –
 - (a) the premises are maintained in a manner that attracts or harbours rodents or other pests, or is conducive to the breeding thereof;
 - (b) flies are being attracted to, or can breed on, the premises, in significant numbers because –
 - (i) insufficiently rotted manure or any other organic material is being kept or used; or
 - (ii) any other substance that attracts flies is used or kept other than for the purposes of trapping or killing flies.
 - (c) mosquitoes can breed in significant number on the premises because. -
 - (i) containers in which mosquitoes can breed, such as tyres, bottles, crockery, and tins, have been left or are kept on the premises;
 - (ii) tanks, barrels and similar containers in which mosquitoes can breed are not fitted with mosquito proof covers or mosquito gauze screens in a manner that prevents mosquitoes gaining access to water contained in them;
 - (iii) gutters and down pipes are sagging or clogged so that stagnant water can accumulate in them; or
- (2) approved measures have not been taken to prevent mosquitoes breeding in ponds, excavations, wells, swimming pools or any other stagnant water source on the premises.
- (3) The following measures are approved measures for the purposes of subsection (1)(c)(iii) -

- (a) draining accumulated water at least once every seven days;
- (b) covering accumulated water with a larvicide at least once every seven days;
and
- (c) in the case of well, providing a mosquito proof cover and a pump.

Air Pollution

3. An owner or occupier of premises creates health nuisance if -
- (a) any waste on the premises is burned outside except in an approved appliance;
 - (b) ash, grit, soot or smoke is emitted from any chimney or appliance or from any other means on the premises in a manner or quantity that is sufficient to have an adverse impact on public health;
 - (c) the erection or destruction of a building or structure causes dust to be discharged into the surrounding atmosphere in a manner or quantity that is sufficient to have an adverse impact on public health; or
 - (d) Any dust is generated on, and emitted from the premises due to any activity or process and discharged into the surrounding atmosphere in a manner or quantity that is sufficient to have an adverse impact on public health.

Fouling and littering of public place and open spaces

4. (1) A person creates a public health nuisance if he or she throws, dumps, stores, keeps or drops refuse, rubbish, glass, tins, paper, car wrecks or parts of motor vehicles, dead animals, waste water or flushing water or other litter or waste, whether liquid or solid, on or in a street, road, bridge, through fare, open space, vacant stand, public place or erf, spruit or watercourse, or cause or permit it to be thrown, dumped or dropped there, or cause or permit any such liquid to flow into such place.
- (1) The person who has contravened sub item (1), must remedy, to the satisfaction of the Environmental Health Practitioner, any damage to the environment which resulted from such contravention.

APPLICATION TO THE STATE

These bylaws bind the State, including the municipality.

SHORT TITLE

These bylaws are called the Buffalo City Metro Municipality, Municipal Health Services Bylaws of 2017.

SCHEDULE 2**SCHEDULED USES**

The activities and uses of premises listed in this Schedule are considered to pose an unacceptable risk to public health unless the measures specified in the relevant Chapter of these By-laws and where required, in a permit, are taken to avoid the risk or to reduce it to a level acceptable to the Municipality.

Part A: Activities for which a permit is required:

| Section | Activity |
|---------|---|
| 115 | Offensive trades |
| 125 | Hairdressing, beauty and cosmetology services |
| 144 | Accommodation Establishments |
| 149 | Childcare services |
| 169 | Caravan Parks and Camping Grounds |
| 197 | Keeping of poultry |
| 201 | Keeping of rabbits |
| 206 | Dog kennels and catteries |
| 217 | Keeping of bees |

Part B: Scheduled Uses

| Chapter | Scheduled Uses |
|---------|---|
| 6 | Water |
| 12 | Offensive Trades |
| 14 | Hairdressing, Beauty and Cosmetology Services |
| 15 | Dry Cleaning and Laundry Establishments |
| 16 | Swimming Pools and Spa- Baths |
| 18 | Child- care Services |
| 20 | Caravan Parks and Camping Grounds |
| 25 | Keeping of Animals |

ANNEXURE 1**APPLICATION FOR A PERMIT**

| | |
|----------------------------|--|
| NAME OF APPLICANT: | |
| PHYSICAL ADDRESS: | |
| | |
| | |
| POSTAL ADDRESS: | |
| | |
| | |
| PERMIT APPLIED FOR: | |
| | |
| | |
| SIGNATURE: | |
| DATE: | |

ANNEXURE 5: RITUAL SLAUGHTER**APPLICATION FOR RITUAL SLAUGHTER PERMIT**

| | |
|---|--|
| Date of Application | |
| Name of Applicant | |
| Postal Address | |
| | |
| | |
| Telephone Number (Residential) | |
| Cellular Phone Number | |

I, _____ would like to seek permission to conduct Ritual Slaughter in terms of Regulation R. 677 of the Abattoir Hygiene Act 1992 (Act No. 121 of 1992) – Relating to Exemption of Certain Categories of Persons from Section 3(1) of the said Act.

The ritual slaughter will take place at the following physical address:

On _____ the _____ (date)

| <u>Date</u> | <u>Type of Animal</u> | <u>Number to be slaughtered</u> |
|-------------|-----------------------|---------------------------------|
| | | |
| | | |
| | | |
| | | |

Signature of Applicant: _____

RITUAL SLAUGHTER PERMIT (ANNEXURE: 5 B)**Name and Address of Applicant****Date:****Dear Sir/Madam,****PERMIT TO CONDUCT RITUAL SLAUGHTER ON PREMISES:**

Your application for a Ritual Slaughter Permit dated _____ refers:

In reply thereto, you are advised that in terms of Regulation R.677 of the Abattoir Hygiene Act 1992 (Act No. 121 of 1992) – Relating to Exemption of Certain Categories of Persons from Section 3(1) of the Act, this department raises no objection to your request to slaughter as per detailed below:

| <u>Date</u> | <u>Type of Animal</u> | <u>Number to be slaughtered</u> |
|-------------|-----------------------|---------------------------------|
| | | |
| | | |

This exemption is valid for _____ (date/s) only.


Furthermore, this approval is granted subject to:

1. The conditions as listed in the attached bylaws being adhered to, paying particular attention to Chapter 22, Section 126(h) which states that animals shall not be brought onto the premises more than 24 hours prior to the event.
2. The animals being kept so as not to give rise to any nuisance to any persons residing on the above premises or the surrounding neighborhood in terms of Section 126 (i) of the bylaws.

Your attention is drawn to Section 3(b) of the abovementioned regulation which states that a person who slaughters animals under this exemption shall obtain prior permission thereto from the owner, tenant or person in control of the land where such slaughtering occurs if the person who performs the slaughtering is not the owner, tenant or person in control of the relevant land.

ENVIRONMENTAL HEALTH PRACTITIONER

ANNEXURE 7**APPLICATION FOR EXHUMATION****AND REBURIAL OF HUMAN REMAINS**

| | | | | |
|--|--|--|---------------|--------------|
| APPLICATION FOR EXHUMATION AND REBURIAL OF HUMAN REMAINS In terms of Regulation 363 of 22 May 2013 relating to the Management of Human Remains (section 26 and 27), promulgated under the National Health Act (61 of 2003) | |  BUFFALO CITY METROPOLITAN MUNICIPALITY | | |
| | | | | |
| FAMILY | Name of Deceased | | | |
| | Date of Death | | Male | Female |
| | ID number (if available) | | | |
| | Place and address where body is currently buried | | | |
| | Place and address where body is to be buried. | | | |
| | Name of Applicant | | | |
| | Address | | | |
| | Telephone number | | Email address | |
| | Reason for exhumation or reburial of human remains | | | |
| | | Full Name | | Relationship |
| | | | | |

| | | | | |
|---------------------------------|---|--|----------------|------------------|
| | Names of all living immediate next of kin (parents, spouse, children over the age of 18) | | | |
| | | | | |
| | | | | |
| | I understand that the application is made with full knowledge of the requirements of the law and with full support of the next of kin. I understand that no exhumation can take place without the permission of a registered Environmental Health Practitioner. | | | |
| | Signature of Applicant | | | |
| Date | | | | |
| FUNERAL PARLOUR | Name of Funeral Parlour | | | |
| | Address of funeral parlour | | | |
| | Contact person | | Contact number | |
| | I as a registered funeral parlour with a valid certificate of competency understand that I will comply with all health care requirements and instructions during the exhumation and or reburial. | | | |
| | Signature of Funeral Parlour | | | |
| | Date | | | |
| | | | | CHECKLIST |
| DOCUMENTS TO BE ATTACHED | Certified copy of the death certified of deceased/ Affidavit where death certificate is not available | | | |
| | Certificate copy of the identify document of deceased or court ruling by the magistrate court | | | |

| | | |
|--|--|--|
| | Certified copy of a letter signed by all immediate family members over the age of 18 requesting exhumation | |
| | Certified copy of a letter of permission from the facility owner where the body is currently buried | |
| | Certified copy of letter of permission from the facility of where the body is to be buried | |
| | Certified of a cremation permit (if body is to be cremated) | |
| | Certified copy of a valid certificate of competence of the funeral parlour | |
| | Letter from funeral parlour indicating type of container in which human remains will be placed and detail of the transportation to be used | |

No. 5488

M. YAWA**City Manager****Buffalo City Metropolitan Municipality**

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 635 OF 2023



Human Settlements

Your ref:
Our ref: CF45/10388
Date: 7 June 2023
Who deals with this: Mr M Msimanga

Tel: +27 (0) 41 506 1095
Fax: +27 (0) 41 506 3430
PO Box 9, Port Elizabeth, 6000
Republic of South Africa
e-Mail: mmsimanga@mandelametro.gov.za

PER EMAIL

monique@debruynsconsultants.co.za

De Bruyns Consultants Pty Ltd
13 Sydard Street
Gelvandale
PORT ELIZABETH
6059

Dear Sir/Madam

REMOVAL OF RESTRICTIONS APPLICATION IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) : ERF 10388, UITENHAGE

I refer to previous correspondence in this regard and wish to advise that, by resolution of full Council at its meeting held on 16 July 2015 and in terms of Section 42 read with Section 47 of the Spatial Planning and Land Use Management Act 16 of 2013, the Municipal Planning Tribunal on 25 April 2023 resolved as follows:

That, in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), Title Deed Restrictive conditions III.B.(a)-(d) and V.B.(a)-(d) contained in Deed of Transfer No. T46727/2003 and any subsequent Deed applicable to Erf 10388 Uitenhage, **BE REMOVED**, subject to the following conditions:

- (i) compliance with the requirements of the Registrar of Deeds;
- (ii) the provisions of applicable zoning scheme regulations applying;
- (iii) compliance with the provisions of the National Building Regulations.

The MPT's decision was based on the following reasons:

- No objections were received for the application at hand.
- In line with the Uitenhage Zoning Scheme regulations.
- In line with the Uitenhage Despatch Local Spatial Development Framework, 2013.
- In line with SPLUMA principles.

Please note, should you have any query relating to the above decision, please contact Ms N Ketelo, 506 3324 (Town Planning Admin), alternatively Town Planning Reception, 506 2241.

Your attention is drawn to the provisions of Section 43 of the Spatial Planning and Land Use Management Act in respect of the lapsing of applications.

Furthermore, your attention is also drawn to the provisions of Section 51 of the Spatial Planning and Land Use Management Act in terms of which a right of appeal exists. Should you wish to exercise your right in terms hereof, such an appeal, accompanied by proof of payment in the amount of R4063,00 (VAT included) in favour of the Nelson Mandela Bay Municipality, must be directed to the Office of the City Manager (mailto:sthebe@mandelametro.gov.za, Attention: Mrs Dawn McCarthy), Nelson Mandela Bay Municipality, P O Box 9, Port Elizabeth, 6000 within 21 days of the date of notification of the decision. (please refer to the attached Appeal Application Form)

In terms of the above Act, you are required to arrange for the publication of the notice of approval in the Provincial Gazette: Eastern Cape. Kindly therefore email your draft notice to info.egazette@gpw.gov.za in

order to obtain a quote, application form and the bank details from the Government Printer. Please also note that the notice together with the proof of payment and the completed form should be emailed to submit.egazette@gpw.gov.za for the Publication Department to place the notice in the Provincial Gazette.

Kindly arrange for the endorsement of your Title Deed with the Registrar of Deeds, King William's Town to ensure that the conditions/clause are/is removed once the notice has been published in the Provincial Gazette: Eastern Cape.

Below is an example of the Provincial Gazette Notice:

Nelson Mandela Bay Municipality (EASTERN CAPE)

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

ERF, (erf no. and area), PORT ELIZABETH, EASTERN CAPE

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that condition/s..... in Deed of Transfer No. T..... applicable to Erf is/are hereby removed.

Yours faithfully



SENIOR DIRECTOR: LAND PLANNING AND MANAGEMENT

ENCLOSURE : As stated

7-10388-DEBRUYNS-MPT/MMsimanga

PROVINCIAL NOTICE 636 OF 2023

Nelson Mandela Bay Municipality (EASTERN CAPE)

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013)

ERF 948 UITENHAGE, PORT ELIZABETH, EASTERN CAPE

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that condition/s B4 (a),(b),(c) and (d) as contained in the Deed of Transfer No.T15064/97 applicable to Erf 948 Uitenhage is/are hereby removed.

PROVINCIAL NOTICE 637 OF 2023**INSPECTION OF SUPPLEMENTARY
VALUATION ROLL AND LODGING OF OBJECTIONS**

Notice is hereby given, in terms of Section 49(1)(a)(i) read together with Section 78(2) of the Local Government Municipal Property Rates Act, of 2004 (Act No.6 of 2004) (hereinafter referred to as the "Act"), that the Supplementary Valuation Roll for the financial years 1 July 2022 to 30 June 2026 is open for public inspection at the office of the Chief Financial Officer, Ground floor, Mfanasekhaya Gqobose Building, Govan Mbeki Avenue, Port Elizabeth for the period 10 July 2023 to 31 August 2023, Mondays to Fridays, during office hours, i.e. 08:00 to 16:00. In addition, the supplementary valuation roll is also available on the Nelson Mandela Bay Municipality's website, www.nelsonmandelabay.gov.za

Property owners or other persons are hereby invited, in terms of Section 49(1)(a)(ii) read together with Section 78(2) of the Act, to lodge an objection with the City Manager in respect of any matter reflected in, or omitted from, the Valuation Roll within the abovementioned period.

Attention is specifically drawn to the fact that in terms of Section 50(2) of the Act, an objection must be in relation to a specific individual property and not against the supplementary valuation roll as such.

The objection form is obtainable at all Customer Care Centres, or on the Nelson Mandela Bay Municipality's website, www.nelsonmandelabay.gov.za

The completed objection forms must be returned by email: customercare@mandelametro.gov.za or posted to:

CITY MANAGER
Nelson Mandela Bay Metropolitan Municipality
Valuation Roll
P.O. Box 834
Port Elizabeth
6000

Alternatively, they may be handed in at any Municipal Customer Care Centre or online on the Nelson Mandela Bay Municipality website: www.nelsonmandelabay.gov.za

- Mfanasekhaya Gqobose (old City Treasure). Govan Mbeki Avenue, Central, Port Elizabeth
- Korsten office, Abette Street, Korsten (at Traffic Department & Library opposite Livingstone hospital)
- Uitenhage office, Uitenhage City Hall
- Thusong Centre Motherwell, corner Maku Road and Tyinirha Road, NU4B
- New Brighton, Ntshekisa Road
- Kwanobuhle, Ponana Tini Road, next to Fire Station
- Despatch Centre at Despatch Townhall
- Cleary Park office in the Cleary Park Shopping Centre
- Walmer Heugh Road

For enquiries, please contact the Municipality's Call Centre on **041-506 5555**.

**CLOSING DATE FOR SUBMISSION OF OBJECTIONS:
THURSDAY, 31 August 2023, BEFORE 16H00**

PROVINCIAL NOTICE 638 OF 2023

INXUBA YETHEMBA

UMASIPALA WASEKHAYA / PLAASLIKE MUNISIPALITEIT / LOCAL MUNICIPALITY

P O Box 24
CRADOCK
5880
TEL : +27(0)48 801 5000
FAX : +27(0)48 881 1421
Email : marlus@iym.gov.za



P O Box 55
MIDDELBURG
5900
TEL : +27(0)49 802 1300
FAX : +27(0)49 842 1310
Email : marlus@iym.gov.za

"A coherent developmental municipality putting people first and providing a better life for all its citizens"

**RESOLUTION ON LEVYING PROPERTY RATES IN TERMS OF SECTION 14 OF THE LOCAL GOVERNMENT:
MUNICIPAL PROPERTY RATES ACT, 2004 AS AMENDED (ACT NO.29 of 2014).**

Notice is hereby given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2014 as amended; that at its meeting of **31/05/2023**, the Council resolved by way of council resolution number **C410/23** to levy the rates on property reflected in the schedule below with effect from 01 July 2023 to 30 June 2024. **IYM NOTICE NUMBER 94/2023.**

| PROPERTY RATES TARIFFS | | 2023 / 2024 |
|--|---|-------------|
| TOWN AREAS | | |
| (a) Residential Properties | R15 000 Rebate on valuation of all Residential Properties | 0.015449552 |
| (b) Industrial Properties | | 0.011581473 |
| (c) Business and Commercial Properties | | 0.011581473 |
| (e) Mining Properties | | 0.011581473 |
| (f) Public Service Purpose Properties | | 0.022500473 |
| (g) Public Service Infrastructure Properties | 30% of valuation not rateable | 0.002898633 |
| (h) Public Benefit Organisation | EXEMPTED | 0.000000000 |
| (i) Vacant Land | | 0.015449552 |
| (i) None Profit Organisations | EXEMPTED | 0.000000000 |
| (i) Protected Areas | EXEMPTED | 0.000000000 |
| (i) Public Worship | EXEMPTED | 0.000000000 |
| (i) Municipal Properties | Non-Rateable | 0.000000000 |
| FARMING AREAS | | |
| (a) Residential Properties | R15 000 Rebate on valuation of all Residential Properties | 0.015449552 |
| (c) Business and Commercial Properties | | 0.011581473 |
| (d) Agricultural Properties | | 0.000723101 |
| (g) Public Service Infrastructure Properties | 30% of valuation not rateable | 0.002898633 |
| (f) Public Service Purpose Properties | | 0.022500473 |
| (h) Public Benefit Organisation | EXEMPTED | 0.000000000 |
| (i) None Profit Organisations | EXEMPTED | 0.000000000 |
| (i) Protected Areas | EXEMPTED | 0.000000000 |
| (i) Public Worship | EXEMPTED | 0.000000000 |
| (i) Municipal Properties | Non-Rateable | 0.000000000 |

Full details of the Council resolution and rebates, reductions and exclusions specific to each category of owners of properties or owners of a specific category of properties as determined through criteria in the municipality's rates policy is available for inspection on the municipality's offices, website (www.iym.gov.za) and all public libraries.

MR. MKHULULI WHITEY MATHEW MBEBE
MUNICIPAL MANAGER
1 J.A. CALATA STREET
CRADOCK
5880

PROVINCIAL NOTICE 639 OF 2023

INXUBA YETHEMBA

UMASIPALA WASEKHAYA / PLAASLIKE MUNISIPALITEIT / LOCAL MUNICIPALITY



PROPERTY RATES BY-LAW

2023 / 2024

GENERAL INDEX

| | |
|---|----------|
| <u>COVER PAGE</u> | 1 |
| <u>GENERAL INDEX</u> | 2 |
| 1. PREAMBLE | 3 |
| 2. DEFINITIONS | 3 |
| 3. OBJECTS | 3 |
| 4. THE RATES POLICY | 4 |
| 5. CATEGORIES OF RATEABLE PROPERTIES | 4 |
| 6. CATEGORIES OF PROPERTIES AND CATEGORIES OF OWNERS OF PROPERTIES | 4 |
| 7. ENFORCMENT OF RATES POLICY | 4 |
| 8. SHORT TITLE AND COMMENCEMENT | 4 |

LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT NO.6 OF 2004
MUNICIPAL PROPERTY RATES BY-LAW

Notice No. 100/23

Date: **30 June 2023**

Inxuba Yethemba Local Municipality, hereby, in terms of section 6 of the Local Government: Municipal Property Rates Act, 2004, has by way of council resolution number **C435/23** adopted the Municipality's Property Rates By-law set out hereunder.

INXUBA YETHEMBA LOCAL MUNICIPALITY

MUNICIPAL PROPERTY RATES BY-LAW

1. PREAMBLE

WHEREAS section 229(1) of the Constitution requires a municipality to impose rates on property and surcharges on fees for the services provided by or on behalf of the municipality;

AND WHEREAS section 13 of the Municipal Systems Act read with section 162 of the Constitution requires a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province;

AND WHEREAS section 6 of the Local Government: Municipal Property Rates Act, 2004 requires a municipality to adopt by-laws to give effect to the implementation of its property rates policy; the by-laws may differentiate between the different categories of properties and different categories of owners of properties liable for the payment of rates;

NOW THEREFORE IT IS ENACTED by the Council of the Inxuba Yethemba Local Municipality, as follows:

2. DEFINITIONS

In this By-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), shall bear the same meaning unless the context indicates otherwise-

'Municipality' means Inxuba Yethemba Local Municipality;

'Municipal Property Rates Act' means the Local Government: Municipal Property Rates Act, 2004 (Act No 6 of 2004);

'Rates Policy' means the Inxuba Yethemba Local Municipality's property rates policy adopted by the Council in terms of section 3(1) of the Local Government: Municipal Property Rates Act, 2004.

3. OBJECTS

The object of this By-law is to give effect to the implementation of the municipality's Rates Policy as contemplated in section 6 of the Municipal Property Rates Act.

4. THE RATES POLICY

The municipality prepared and adopted a Rates Policy as contemplated in terms of the provisions of section 3(1) of the Municipal Property Rates Act. The Rates Policy outlines the municipality's rating practices; therefore, it is not necessary for this By-law to restate and repeat same.

The Rates Policy is hereby incorporated by reference in this By-law. All amendments to the Rates Policy as the Council may approve from time to time, shall be deemed to be likewise incorporated.

The Municipality does not levy rates other than in terms of its Rates Policy and the annually promulgated resolution levying rates which reflects the cent amount in the Rand rate for each category of rateable property.

The Rates Policy is available at head offices, satellite offices and libraries in Cradock and Middelburg.

5. CATEGORIES OF RATEABLE PROPERTIES

The Rates Policy provides for categories of rateable properties determined in terms of section 8 of the Act.

6. CATEGORIES OF PROPERTIES AND CATEGORIES OF OWNERS OF PROPERTIES

The Rates Policy provides for categories of properties and categories of owners of properties for the purposes of granting relief measures (exemptions, reductions and rebates) in terms of section 15 of the Act.

7. ENFORCEMENT OF THE RATES POLICY

The Municipality's Rates Policy is enforced through the municipality's Credit Control and Debt Collection Policy and any further enforcement mechanisms stipulated in the Act and the Municipality's Rates Policy.

8. SHORT TITLE AND COMMENCEMENT

This By-law is called the Inxuba Yethemba Local Municipal Property Rates By-law, and takes effect on the date on which it is published in the *Provincial Gazette*.

MR. MKHULULI WHITEY MATHEW MBEBE
MUNICIPAL MANAGER
INXUBA YETHEMBA MUNICIPALITY
1 J.A. CALATA STREET
CRADOCK
5880
048 801 5043

PROVINCIAL NOTICE 640 OF 2023



102 Main Street,
Matatiele
PO. Box 35,
Matatiele, 4730
Tel: 039 737 3135
Fax: 039 737 3611

**MATATIELE MUNICIPALITY
NOTICE CALLING FOR THE INSPECTION OF SUPPLEMENTARY VALUATION ROLL**

Notice is hereby given in terms of section 49(1) (a) (i) read with section 78(2) of the Local Government: Municipal Property Rates Act, 2004 (Act 6/2004), hereinafter referred to as the "Act", that the supplementary valuation roll for the Financial years 2022 – 2023 is open for public inspection at the Municipal Offices, **from the 26th of June 2023 to the 26th of July 2023.**

Office 102 Main Street,
Matatiele Municipal Offices

In addition, the Supplementary valuation roll is available on website address: **www.matatiele.gov.za**

An invitation is hereby made in terms of Section 49 (1) (a) (ii) of the Act that any owner of property or other person who so desires should lodge an objection with the Municipal Manager in respect of any matter reflected in, or omitted from the supplementary valuation roll as such.

The form for the lodging of an objection is obtainable at all Revenue offices of Matatiele Local Municipality.

The completed forms addressed to the Municipal Manager must be returned to the addressed and for the attention of the people indicated:

Municipal BTO office – Mountain View section

The closing date for objections is the 26th of July 2023 at 16h00.

For further enquiries please contact **Miss Matelile Mokhesi 039 737 8188**

**Mr. L. MATIWANE
MUNICIPAL MANAGER**

PROVINCIAL NOTICE 641 OF 2023



NOTICE 52/2023
SENQU MUNICIPALITY

**APPROVED 2023-24 ANNUAL BUDGET AND INTEGRATED DEVELOPMENT
PLAN AND RATES AND TARIFFS**

Notice is hereby given in terms of Chapter 5 of the Municipal Systems Act, No 32 of 2000; Section 22 of the Municipal Finance Management Act, No 56 of 2003, Section 4 of the Municipal Property Rates Act, No 6 of 2004, and section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004; that at its meeting of 31 May 2023, the Council resolved by way of council resolution number 027/SCM/23, to levy the rates and services on property reflected in the schedule below with effect from 1 July 2023 and approved its Annual Operational and Capital Budget and Integrated Development Plan (IDP) on the 31st of May 2023.

As required in terms of section 17 of the Municipal Finance Management Act, the Budget, Integrated Development Plan and Supporting Documents were tabled and advertised for representations / submissions by the local community, Provincial and National Treasury on the 31 March 2023. All representations / submissions received before the 6th May 2022 were dealt with by council where-after an operational budget of R **445.58 million** and a capital budget of R **82.88 million** was approved. Copies of the approved 2023/2024 Annual Budget, Integrated Development Plan and supporting documents are available at the Lady Grey offices, Barkly East administrative unit, the Sterkspruit administrative unit and the local libraries from 12 June 2023.

Copies of the documents are available at:**Contact Person**

| | |
|--------------------------------------|---|
| Senqu Municipal Offices: Lady Grey | Sebe Skampula & Bronwen Viedge, X Mninzelwa |
| Senqu Municipal Offices: Barkly East | Bongiwe Maronoti |
| Senqu Municipal Library: Sterkspruit | Sindiswa Sifumba |

The Approved Budget, Budget Related Policies, Revised IDP for 2023-2027 and Proposed Tariff Structure for the 2023/2024 Financial Year are also available on the municipal website at www.senqu.gov.za.

All other tariffs have increased by 5.8 % and can be accessed on the Senqu Municipality website.

The Municipal Manager
Senqu Municipality
Private Bag X03
LADY GREY
9755

PROVINCIAL NOTICE 642 OF 2023**REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND BUILDING LINE DEPARTURE FOR ERF 10112, EAST LONDON: 45 IRVINE ROAD, BONNIE DOON**

1. In terms of section 47(1) of the Spatial Planning and Land Use Management Act No 16 of 2013, read with section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management By-law of 2016, approval is hereby granted for the removal of restrictive title conditions B.3 (a - d) and C. (i – iii) contained in Deed of Transfer No T871/2000 pertaining to Erf 10112, East London.

Drake Flemmer & Orsmond (EL) Inc
Quenera Park
12 Quenera Drive
Beacon Bay
East London
Tel: 043 722 4210
Email: jenny@drakefo.co.za

PROVINCIAL NOTICE 643 OF 2023**NELSON MANDELA BAY MUNICIPALITY (EASTERN CAPE)**

Removal of restriction in terms of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

**ERF 28 MILL PARK
IN THE NELSON MANDELA BAY METROPOLITAN MUNICIPALITY
DIVISION OF PORT ELIZABETH
PROVINCE OF THE EASTERN CAPE
IN THE EXTENT 793 (SEVEN HUNDRED AND NINETY-THREE) SQUARE METRE
HELD BY DEED OF TRANSFER T62656/2013**

SITUATED AT 180 CAPE ROAD, MILL PARK, GQEBERHA

Under Section 47 of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that condition **C(A) ... THAT THE ERF BE USED FOR RESIDENTIAL PURPOSES ONLY** in Deed of Transfer no T62656/2013 applicable to Erf 28 Mill Park, in the Nelson Mandela Bay Metropolitan Municipality, Division of Port Elizabeth, Province of the Eastern Cape is hereby removed.

PROVINCIAL NOTICE 644 OF 2023

Nelson Mandela Bay Municipality (EASTERN CAPE)

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013
(Act 16 of 2013)

ERVEN 119 AND 120 CHARLO, PORT ELIZABETH, EASTERN CAPE.

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, notice is hereby given that conditions 1. B.2. (a) (b) (c) (d), 1.B.3. (f) and also 2.B.2. (a) (b) (c) (d), 2.B.3. (f) in Deed of Transfer T14472/2021 and any subsequent Deed applicable to Er119 and 120 Charlo, Port Elizabeth are hereby removed.

PROVINCIAL NOTICE 645 OF 2023**DATE: 10 JULY 2023****APPLICATION IN TERMS OF SECTION 33 OF THE SPATIAL PLANNING AND LAND
USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) (SPLUMA) FOR:****ERF / ERVEN: ERF 149 MOUNT ROAD****PHYSICAL ADDRESS: 163 CAPE ROAD, MOUNT ROAD TOWNSHIP, GQEBERHA****APPLICANT: JOHANETT MARAIS ON BEHALF OF KUBAN CHETTY INCORPORATED**

Notice is hereby given that an application has been made to the Nelson Mandela Bay Metropolitan Municipality for:

1. the removal of conditions B(a) to B(d), C, and D1 to D5 contained in the Title Deed No. T6616/2023 applicable to Erf 149 Mount Road in terms of Section 47 of the SPLUMA.

The detailed proposal may be requested from the applicant or viewed at 2ND Floor, Lillian Diedericks Building, No. 191 Govan Mbeki Avenue, Gqeberha.

Members of the public are invited to submit comments, objections, or intervener status in writing with clear reasons in respect of the proposal to the following:

- (1) The Applicant: Johanett Marais on behalf of Kuban Chetty Incorporated., 163 Cape Road, Mount Road Township, Gqberha, 6001, E-mail: conveyancing@kubanchettyinc.com, Contact number: 041 373 1706 or 064 534 0956 and a copy sent to
- (2) The Executive Director: Human Settlements, PO Box 9, Gqeberha, 6000, E-mail: awilliams@mandelametro.gov.za

On or before **10TH of AUGUST 2023**.

(Comments submitted after the said date will be considered invalid.)

PROVINCIAL NOTICE 646 OF 2023**Nelson Mandela Bay Municipality (EASTERN CAPE)**

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

ERF 691 MILL PARK , PORT ELIZABETH, EASTERN CAPE

Under Section 47 of the Spatial Planning and Land Use Management Act, (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that condition conditions B1, B2 and B3 in Deed of Transfer No. T58245/09 applicable to Erf 691 Mill Park Port Elizabeth are hereby removed.

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 796 OF 2023



GREAT KEI MUNICIPALITY

**NOTICE CALLING FOR THE INSPECTION OF SUPPLEMENTARY VALUATION ROLL (5) 2023/2024
FINANCIAL YEAR IN TERMS OF THE
MUNICIPAL PROPERTY RATES ACT 6 OF 2004**

- Notice is hereby given in terms of Section 49(1) (a) (i) of the Local Government Municipal Property Rates Act 2004 (Act 6 of 2004), herein after referred to as "the Act" that the Supplementary Valuation Roll for the financial years 01 July 2020 to 20 June 2025 is open for public inspection at designated Municipal offices situated in Great Kei, for the period **15 May 2023 to 15 June 2023**. The can be viewed during office hours : 8:00 am until 4:30pm at the below offices:
- **Komga Municipal Office**
- **Cintsa Municipal Satellite office**
- **Kei Mouth Municipal Satellite office**
- **Komga Library**
- **Haga Haga Library**

In addition, the supplementary valuation roll is also available on the municipality's website, www.greatkeilm.gov.za

Property owners or other persons are hereby invited in terms of sec 49(1) (a) (ii) read together with Section 78(2) of the Municipal Property Rates Act of 2004, that the owner of an immovable property or any other person who so desires may lodge an objection with the Municipal Manager in respect of any matter reflected in, or omitted from the Valuation Roll within the above mentioned period.

In terms of Sect 50(2) of the Municipal rates Act 6 of 2004, an objection must be in relation to a specific individual property and not against the Supplementary Roll (5). The objection form is obtainable from the Municipal offices and municipal website, www.greatkeilm.gov.za

Completed forms must be returned to: **The Municipal Manager, Great Kei Municipality, Private Bag X2, Komga 4950 or handed in at 17 Main Street, Komga, 4950.**

For Further enquiries please contact the Acting Revenue Manager (Miss Nomaphelo Sana) or Valuation Officer (Ms Phumla Ndolose) at the Budget and Treasury Office at: **(043) 831 5751 or email address Nsana@greatkeilm.gov.za / pndolose@greatkeilm.gov.za**

CLOSING DATE FOR SUBMISSION OF OBJECTIONS: 15 JUNE 2023

**Municipal Manager
GREAT KEI MUNICIPALITY**



RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 01 JULY 2023 TO 30 JUNE 2024 FINANCIAL YEAR

Notice is hereby given in terms of Section 14 (1) and (2) of the Local Government Municipal Property Rates Act 2004 (Act 6 of 2004), that the Council resolved by way of council resolution number 6.1 to levy rates on the property reflected in schedule below with immediate effect 01 July 2023.

| CATEGORY OF PROPERTY | CENT AMOUNT IN A RAND RATE DETERMINED FOR RELEVANT PROPERTY CATEGORY |
|---|--|
| Residential properties | 0.0089 |
| Vacant Land | 0.0100 |
| Multiple purpose (Residential) | 0.0089 |
| Multiple purpose (Business) | 0.0176 |
| Commercial | 0.0176 |
| Industrial | 0.0176 |
| Public Service Infrastructure/Private owned space | 0.0000 |
| Public Benefit Organisation | 0.0000 |
| Public service purpose property | 0.0176 |
| Farms | 0.0022 |
| Developers Rebate | |
| Residential Estate (New) | 40% |
| Business (New) | 60% |

Full details of council resolution and rebates, reductions and exclusions specific to each category of owners of property or owners of a specific category of properties as determined through a criteria in the Municipality's rates policy are available for inspection at the Municipal offices.

MR. L.N. MAMBILA
MUNICIPAL MANAGER

Main Office | 17 Main Road | Komga | 4950 | Tel: 043 831 5700 | Fax: 043 831 1306
Postal Address | Private Bag X 02 | Komga | 4950

info@greatkeilm.gov.za | www.greatkeilm.gov.za



LOCAL AUTHORITY NOTICE 797 OF 2023**GREAT KEI MUNICIPALITY****BY-LAW RELATING TO ADVERTISING SIGNS**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act no.32 of 2000], read with Section 162 of the Constitution of the Republic of South Africa Act, 1996 [Constitution Act. 108 of 1996], the by-law Relating to Advertising Signs.

PURPOSE OF BY-LAW

The purpose of this by-law is to promote the tidiness of the environment and the safety of residents, and to provide for procedures, methods and practices in terms of which the erection or attachment of advertising sign is regulated.

1. **Definitions** – In this By-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, and , unless the context otherwise indicates-

‘aerial sign’ shall mean any sign attached to a kite, balloon, aircraft or any other device whereby it is suspended in the air over any part of the area under the jurisdiction of the municipality;

‘clear height’ of a sign shall mean the vertical distance between the lowest edge of such sign and the natural or the finished level of the ground, footway or roadway immediately below such sign;

‘day’ means a calendar day, and shall include a Saturday, Sunday and any public holiday;

‘depth’ of a sign shall mean the vertical distance between the uppermost and lowest edges of such sign;

‘display of a sign’ shall include the erection of any structure if such structure is intended solely or primarily for the support of such sign, and the expression “to display a sign” shall have a corresponding meaning;

‘flashing sign’ shall mean any illuminated sign, the light emitted from which does not remain constant in all respects;

‘flat sign’ shall mean any sign which is attached to or painted directly on a main wall and which at no point projects more than 250 mm in front of the surface of such wall, but does not include a poster, provided, however, that a

poster attached to a main wall shall be deemed to be flat sign if such poster is-

- a) Not less than 0.80 m² in area;
- b) Bordered by permanent frame fixed to such main wall; and
- c) Maintained at all times in an un-mutilated and clean condition;

‘main wall’ of a building shall mean any external wall of such building, but shall not include a parapet wall, balustrade or railing of a veranda or a balcony;

‘municipality’ mean the Municipality of Great Kei, established in terms of Section 12 of the Municipal Structure Act 1998 [Act No. 117 of 1998], 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-delegates to such political structure, political office bearer, councillor, agent or employee;

‘new sign’ shall mean any sign first displayed after the promulgation of this by-law;

‘nuisance’ means, without limiting the generality of the term, an act, omission, condition or state of affairs that-

- a) Impedes, offends, endangers or inconveniences the public at large; or
- b) Causes material inconvenience in the ordinary and comfortable use or enjoyment of private property;

‘overall height’ of a sign shall mean the vertical distance between the uppermost edge of such sign and level of the ground, footway or roadway immediately below such sign;

‘person’ in relation of the display or alteration of, or addition to , a sign, shall include-

- (a) The person at whose instance such sign is displayed, altered or added to; or
- (b) The person whose goods, goods, products, services, activities, property or premises is or are referred to in such sign;

‘poster’ shall mean any placard or similar device attached to some fixed object whereby any advertisement or notice is publicly displayed;

‘projecting sign’ shall mean any sign which is attached to main wall and which at some point projects more than 250 mm in front of the surface of such wall;

‘public road’ means a road which the public has the right to use;

‘road’ means a public road, and includes, in addition to the roadway –

- (a) The land of which the road consists, or over which the road reserve in question extends;
- (b) Anything on that land forming part of, connected with, or belonging to, the road, and
- (c) Land acquired for the construction of a connection between a national road and another road;

‘running light’ means a portion of a sign in the form of an illuminated strip, the illumination of which varies periodically in such a way as to convey the impression of a pattern of lights moving steadily along such strip;

‘sign’ shall mean any sign, signboard, screen, light, blind or other device by means whereof any advertisement or notice is publicly displayed;

‘sky sign’ shall mean any sign that is attached above the roof of a building other than a roof of a verandah or a balcony, and shall include any such sign consisting of a single line of free-standing, individual, cut-out, silhouette letter, symbols or emblems;

‘temporary’ means attached by means of paste or adhesive, and which does not exceed a continuous period of 30 (thirty) days;

‘thickness’ of a projecting sign shall mean the horizontal dimension of such sign measured parallel to the plane of the main wall to which such sign is attached.

2. Disfigurement

- (a) No person shall by means of posters or other disfigure the front of any public road, wall, fence, land, rock, tree natural feature, or the front or roof of any building otherwise than is provided in this by-law and any person who contravenes the provisions of this section shall be guilty of an offence.
- (b) The municipality may, subject to such conditions as it may deem fit, grant permission for the display of posters on special occasions.

3. Submission and approval of application to display sign

[1] Save as is provided in section 22[2] every person intending to display a new sign or to alter or to add to an existing sign[hereinafter referred to as the "applicant"] shall make written application to the municipality in terms of a prescribed form, submitting therewith plans drawn in accordance with the following requirements-

- (a) The plans shall be –
 - (i) Drawn in black ink on tracing linen or durable drawing paper, or generated by an appropriate computer programme on suitable white paper.
 - (ii) Submitted in duplicate; and
 - (iii) Dated and signed by the applicant or a duly authorised representative.
- (b) Where the sign is to be attached to a building, the plans shall include-
 - (i) An elevation, a section of the façade and the roof of the building, where necessary, drawn to a scale of 1:100;
 - (ii) A depiction of the sign on the relevant item referred to in subsection (i), any other signs attached to such façade or roof and enough of the main architectural features of such

façade or roof to show the position of the sign in relation to such other signs and features;

- (iii) The location of the sign relative to the ground; and
- (iv) The kerb line, where necessary.
- (c) Where the sign is not to be attached to a building, the location of the sign relative to the ground level and, where necessary, the kerb line shall be shown on an elevation plan and section drawn to a scale of 1:100
- (d) Elevations, including full particulars of the subject matter as defined in section 6, plans and sections of the sign itself, as may be necessary to show whether it complies with this by-law, accurately drawn to a large enough scale [but not less than 1:50], shall also be included.
- (e) The plans shall also depict full details of the structural supports of the sign, drawn to a scale of 1:20.
- (f) The plans shall also include a site plan, drawn to a scale of 1:200, showing clearly and accurately the position of the sign and the building, if any, to which the sign is to be attached, in relation to such of the boundaries of the erf as may be affected by such position, and giving the name of the abutting streets, and the distance to and giving the name of the nearest intersection, and showing the direction of true north
- (g) The plans shall indicate-
 - (i) The materials from which the sign is to be constructed;
 - (ii) The lettering;

- (iii) The colours to be used;
 - (iv) Whether or not the sign is to be illuminated;
 - (v) In the event that the sign is to be illuminated, whether or not the sign is a flashing sign; and In the event that the sign is a flashing sign, full details of the frequency of the flashing, and variation of, or changes in appearance, of the flashing.
 - (vi) In the event that the sign is a flashing sign, full details of the frequency of the flashing, and variation of, or changes in appearance, of the flashing
- [2] Notwithstanding the provisions of subsection [1], it shall be lawful, subject to the provisions of section 6[1], to display any poster and replace such poster with another of the same size without the consent of municipality if the aforesaid poster is-
- (a) displayed at -
 - (i) a cinema;
 - (ii) a theatre; or
 - (iii) any other place of public amusement;
 - (b) attached to a hoarding, the erection and use of which having been authorised by the municipal; or
 - (c) deemed to be a flat sign, as defined.
- [3] The municipality shall, within 30 (thirty) days after receiving the form and plans referred to in subsection [1], specify to the applicant the provisions, if any, of this by-law, with which such form or plans do not comply, and the municipality shall, if it deems it necessary, return the form and plans to the applicant.

- [4] Where the form and plans comply with this by-law, the municipality shall approve them, and shall forward one set of them to the applicant.
- [5] Any approval granted in terms of subsection [4] shall become null and void if the sign has not been completed in accordance with the approved form and plans within 12(twelve) months of the date of such approval.

4. Existing signs to comply with this by-law

- [1] Every sign existing at the date of the promulgation of this by- law shall be made to comply there within all respects within a period of 1 (one) year from the date of such promulgation. Where any sign does not so comply after the said period of 1 (one) year, it shall forthwith be removed.
- [2] Where any sign not complying with the provisions of this by-law has not been made to comply therewith within the aforementioned period of one year, or where any sign has been erected which is not in conformity therewith, the municipality may order the owner thereof to remove such sign. Should the owner not remove the sign, the municipality may remove it, and recover the cost from the person who erected the sign or permitted the erection thereof.
- [3] Whenever, through change of ownership or occupancy, or change in the nature of the business, industry, trade or profession conducted on any premises, or through the erection of new traffic signal lights, or through an alteration in the level or position of any street, footway or kerb, or through any other cause whatsoever, a new sign ceases to comply with this by-law, such sign shall be forthwith removed, obliterated or altered by the person displaying such sign, so as to comply with this by-law.

5. Enforcement

- [1] Any person who displays or attempts to display a new sign, or who alters or adds to an existing sign, without the prior approval of the

municipality, as contemplated in terms of section 3, shall be guilty of an offence

- [2] Any such person shall, after receipt from the municipality of an order in writing, forthwith ceases all work on the display of such new sign, or the alteration or addition to such existing sign and any person who fails to comply with such order shall be guilty of an offence.
- [3] Any person who, having obtained such approval, does anything in relation to any sign which is a departure from any form or plan approved by the municipality shall be guilty of an offence.
- [4] Any such person shall, after receipt from the municipality of an order in writing, forthwith discontinue such departure, and any person who fails to comply with such order shall be guilty of an offence
- [5] Whether or not any order, as contemplated in subsections [2] and [4], has been served on a person, the municipality may serve upon such person an order in writing requiring the removal or obliteration of such sign, discontinuation from departure from any form or plan approved by the municipality, as contemplated in subsection [3], and to complete such removal or obliteration or discontinuation by a date to be specified in such order, which date may be extended by the municipality.
- [6] Where any person displaying a sign contravenes any of the provisions of this by-law other than those relating to the matters referred to in subsections [1] and [3], the municipality may serve a notice in writing upon such person, citing the provisions contravened and specifying the steps to be taken in order that such provision may be complied with.
- [7] Any person who fails to comply with any order referred to in subsection [5] or with the terms of any notice referred to in subsection [6] shall be guilty of an offence and the municipality itself may give effect to such order or notice at the expense of such person.

6. Subject matter of signs

- [1] No sign on any premises shall contain any words, letters, figures, symbols or picture [hereinafter called "subject matter"], unless every

part of such subject matter falls into one or more of the following categories-

- a) The name, address and contact numbers of such premises or part thereof;
- b) The name of the occupier of such premises or part thereof;
- c) A general description of the type of trade, industry, business or profession lawfully conducted on such premises or part thereof by the occupier;
- d) Any information or recommendation concerning-
 - (i) Goods, not being samples, that are regularly and lawfully manufactured, kept or sold on such premises;
 - (ii) Any services that are regularly and lawfully rendered or offered on such premises, or
 - (iii) Any catering, entertainment, amusement, cultural, educational, recreational, social or similar facilities lawfully provided or made available on such premises, or any meeting gathering or function lawfully held on such premises

Provided that this subsection shall not be construed as permitting any subject matter which, in the reasonable opinion of the municipality, is an evasion of or not in accordance with the intent of this subsection.

- [2] Notwithstanding the provisions of subsection [1], in the case of any premises partly or wholly used for residential purposes, no sign other than the name of such premises shall be displayed, unless the premises is zoned for business purposes in terms of the municipality's town planning scheme.
- [3] The provision of this section shall not apply to any sign referred to in subsections (a), (b), (d), (f), (g), (h), (i), (j), (k), (o) or (p) of section 22(2)

- [4] Where a sign is displayed by means of a device whereby a series of consecutive signs is displayed-
- a) The provisions of subsection [1] shall not apply to any such sign so displayed, subject to the following conditions -
 - (i) No sign in such series, other than a sign permitted in terms of subsection [1], shall be displayed on any one occasion for a period longer than 20 (twenty) seconds;
 - (ii) the individual signs consecutively displayed within any particular 5 (five) minute period shall all be completely different from one another in so far as their subject matter is concerned;
 - (iii) where such device is capable of displaying news or of providing entertainment, it shall not be operated in any position or place where, in the reasonable opinion of the municipality, such operation will result in the congestion of vehicular or pedestrian traffic;
 - (iv) no such device shall be operated in any position or place where, in the reasonable opinion of the municipality, such operation will detract from the amenities of the neighbourhood, result in the depreciation of the value of properties or cause a nuisance; and
 - (v) no such sign shall have a clear height of less than 5 m.
 - (b) The municipality may order the removal of any sign where the display thereof is in contravention of subsection (a).
- [5] Where the municipality, by written notice, orders any person to remove a sign, as contemplated in terms of subsection [4][b], such person shall forthwith cease to display the sign and shall remove the device by means whereof such sign is displayed by a date to be specified in the notice, which date may be extended by the municipality.
- [6] Any person who fails to comply with any notice referred to in subsection [5] shall be guilty of an offence, and the municipality itself may give effect

to such notice at the expense of such person.

7. Signs allowed on building

The following signs and no others may be attached to or painted on buildings, provided that the municipality may prohibit the erection of certain or all of the undermentioned signs or the use of certain colour therein.

- (a) flat signs;
- (b) projecting signs;
- (c) sky signs;
- (d) signs attached to or painted on verandahs or balconies;
- (e) signs painted on sun blinds attached to buildings; and
- (f) any sign referred to in subsections (a); (b); (d); (f); (g); (h); (i); (j); (k); (l); (m); (n); (o) and (p) of section 22(2)

8. Flat signs

- (a) Flat signs shall not exceed, in aggregate area, 40 m², or $\frac{1}{4}$ (one-quarter) of the overall area of the main wall to which they are attached or on which they are painted, whichever of figures is the lesser provided that the municipality may fix a lesser aggregate area for any flat sign.
- (b) No flat sign signs shall extend to above the top of such main wall or beyond either end of such main wall.

9. Projecting signs

- [1] No part of sign shall extend above the top of such main wall or beyond either end of such main wall to which such sign is attached to a greater extent than -

- (a) 1.5 m, in the case of a sign which has a clear height of not less than 7.5m; or

(b) 1 m, in the case of any other sign,

provided, however, that where such sign has a clear height of less than 5 m -

- (i) any portion of such sign which is not more than 600 mm in depth may project as aforesaid to an extent of more than 1 m but not more than 1.5 m, provided that there shall be a clear vertical distance of not less than 3.6 m between any two successive portions, if any, so projecting; and
 - (ii) any such sign which is no more than 600 mm in depth may project as aforesaid to an extent of more than 1 m but not more than 1.5 m, provided that there shall be a clear vertical distance of not less than 3.6 m between any two such signs, if any, which are in the same vertical plane.
- (2) No projecting sign shall extend above the top of the main wall to which it is attached.
 - (3) The depth of a projecting sign shall not exceed $1\frac{1}{4}$ (one-and-a-quarter) time the clear height of such sign.
 - (4) A projecting sign shall not exceed 600 mm in thickness.'

10. Sky-signs

- (1) The depth of a sky-sign shall not exceed $\frac{1}{6}$ (one-sixth) of the clear height of such sky-sign.
- (2) No sky-sign shall project in front of a main wall of a building so as to extend, in plan, beyond the roof of such building in any direction.
- (3) The length of a sky-sign shall not exceed -
 - (a) 14 m, if the depth of such sky-sign does not exceed 4.5 m; or
 - (b) 18 m, if the depth of such sky-sign exceeds 4.5 m.

- (4) Subject to the provisions of this subsection, the municipality may allow a sky-sign to extend in excess of 18 m in length whenever the street frontage of a site exceeds 55 m, provided that –
 - (a) such sky-sign shall consist of a single line of free-standing and silhouette letters, symbols or emblems;
 - (b) the length of such sky-sign shall not exceed $\frac{1}{3}$ (one third) of the length of the road frontage of such site;
 - (c) such sky-sign shall be erected parallel to the road frontage of such site; and
 - (d) if, as a result of the road frontage of such site being reduced and such sky-sign consequently ceasing to comply with the provisions of this subsection, the owner of such site shall forthwith remove such sky-sign or alter it, so as to comply with aforementioned provisions.

11. Signs on verandas and balconies

- (1) The following signs and no others may be attached to or painted on the verandas and balconies –
 - (a) signs attached to or painted on a parapet wall, balustrade or railing of a veranda or a balcony;
 - (b) signs attached to or painted on a beam or fascia of a veranda or a balcony; and
 - (c) signs suspended below the roof of a veranda or the floor of a balcony.
- (2) No sign attached to a parapet wall, balustrade or railing of a veranda or balcony shall exceed 1 m in depth, or project above or below or beyond either end of such parapet wall, balustrade or railing, or project more than 250 mm in front of such parapet wall, balustrade or railing.
- (3) No sign attached to a beam or fascia of a veranda or balcony shall exceed 600 mm in depth, or project more than 250 mm in front of such beam or fascia. Where any such sign is attached to a beam which is at

right angles to the building line and which is below the roof of a verandah or the floor of a balcony, such sign shall not exceed 1.8 m in length.

- (4) No sign suspended below the roof of a verandah or the floor of a balcony shall exceed 1.8 in length or 600 mm in depth. Every such sign shall be at right angles to the building line.
- (5) Notwithstanding the foregoing, it shall be permissible to erect a sign on the roof of a verandah or balcony, subject to the following conditions -
 - (a) such sign shall be composed of a single line of free-standing and silhouette letters;
 - (b) such sign shall lie in the vertical plane, passing through the foremost edge of such roof, being an edge parallel to the kerb line;
 - (c) the subject matter of such sign shall be limited to that referred to in section 6(1); and
 - (d) the depth of such sign shall not exceed 600 mm.

13. Prohibited signs

- (1) Notwithstanding anything contained in this by-law, the following types of sign are prohibited-
 - (a) aerial signs and other signs not rigidly fixed, unless expressly permitted by the municipality in writing;
 - (b) posters, except
 - (i) any poster referred to in section 3(2) of this by-law
 - (ii) any poster comprising any such sign as is referred to in subsections (a), (b), (c), (d), (e), (f), (g), (j), (o) or (p) of section 22(2) of this by-law; and

- (c) any sign which is so placed so as to obstruct, obscure, interfere with or otherwise be likely to detract from the effective working of any traffic sign.
- (2) No person shall exhibit in any place to which the public has access or shall expose to public view any advertisement, placard, poster, engraving, picture, drawing, print or photograph of an offensive nature.
- (3) Any person contravening the provisions of subsection (2) shall be guilty of an offence.

14. Signs on walls, fences and hoardings

- (1) Subject to the provisions of section 22, no sign shall be attached to or painted on a wall (other than the wall of a building), fence or hoarding, unless such wall, fence or hoarding -
 - (a) serves to conceal the unsightly condition of an abutting property;
 - (b) constitutes a temporary measure to protect the public from building, demolition or similar operations.
- (2) In granting its approval in terms of section 3 for the attaching or painting of any sign contemplated by this section, the municipality may grant such approval for a limited period only, and the provisions of section 6 shall not apply to such sign.
- (3) A sign attached or painted in terms of this section shall comply with the following requirement –
 - (a) No such sign shall exceed 3 m in depth or 4.2 m in overall height; and
 - (b) Poster signs shall be enclosed by definite panels, which shall be uniform in size and level

15. Signs on poles and other structures

- (1) Subject to the provisions of section 22, no sign shall be attached to or painted on a pole or any other structure which is not a building, wall, fence or hoarding, unless –
 - (a) such sign is indispensable for the effective conduct of the activity in connection with which it is displayed; and
 - (b) either –
 - (i) it is impractical to display a sign effectively at the premises concerned except by attaching a sign to or painting a sign on a pole or other structure; or
 - (ii) in the reasonable opinion of the municipality, a particular sign intended to be attached to or painted on a pole or other structure attached would not detract from the amenities of the neighbourhood or result in the depreciation of the value of properties to a greater extent than a sign capable of being displayed at the premises in conformity with any other section of this by-law.
- (2) Where, in the reasonable opinion of the municipality, serious difficulty is experienced by the public in finding the way to a factory in an industrial zone, the municipality may permit the erection of a signboard on a pole on a vacant erf in such zone for purposes of indicating the direction such factory, subject to the following conditions -
 - (a) not more than one such signboard shall be erected on any one erf, provide that it shall be permissible to indicate the direction to more than one factory on any such signboard; and
 - (b) the subject matter of the signs on such signboard shall be limited to the names of the factories concerned, the names of their occupiers and essential directional information; and
 - (c) the lettering shall not exceed 100 mm in height.

- (3) The municipality may permit the erection of a signboard on a pole on a vacant erf in a township for the purpose of displaying thereon a map showing the street names and erf numbers of such township, together with the name and address of the owner of or agent for such township and the name of the township. Such signboard shall not exceed 3.6 m² in area and the lettering thereon shall not exceed 100 mm in height.
- (4) In granting its approval in terms of section 3 for the display of any sign referred to in subsections (1), (2) or (3), the municipality may grant such approval for a limited period only and upon the expiry of such period the person displaying such sign shall forthwith remove it.

16. Signs on vehicles and signs

- (1) No person shall carry or cause to be carried in any public road any sign if such sign hinders or obstruct traffic or is likely to do so.
- (2) No person shall drive or cause to be driven on any public road any advertising van or other movable advertising device if such van or device hinders or obstructs traffic, or is likely to do so.
- (3) Any person who contravenes the provisions of subsections (1) or (2) shall be guilty of an offence.

17. Illuminated signs

- (1) No flashing sign shall be less than 5 m in clear height, and no illuminated sign shall be displayed in such a position that it is or is likely to be a danger to traffic or could be confused with traffic signals.
- (2) No sign that is illuminated with such intensity as to create nuisance shall be displayed.

18. Structural requirements

- (1) Every sign –
 - (a) attached to a building or structure shall be rigidly attached thereto; and

- (b) attached to the ground shall be rigidly attached thereto.
- (2) A sign, its supports and anchorages, and the building or structure to which it may be attached shall be of adequate strength to resist, with a safety factor of 4, the dead load of the sign and a superimposed horizontal wind pressure of 1.5 kPa.
- (3) All signs and supports thereof which are attached to brickwork or masonry shall be attached thereto by means of expansion bolts or by means of bolts passing through such brickwork or masonry and secured on the opposite side thereof. Such bolts shall be not less than 12 mm in diameter.
- (4) Every sign attached to a building or a wall shall be supported by at least 4 (four) independent supports so designed and disposed that any 2 (two) of such supports will safely support the sign with a safety factor of 2.
- (5) All exposed metalwork in a sign or its supports shall be appointed or otherwise treated to prevent corrosion, and all timber in a sign or its support shall be treated with creosote or other preservative to prevent decay.
- (6) Every person displaying a sign shall cause such sign and its supports to be maintained in a safe condition at all times, and any person who contravenes the provisions of this subsection shall be guilty of an offence.

19. Use of glass

- (a) All glass used in signs shall be plate glass at least 5 mm in thickness.
- (b) The provisions of subsection (a) shall not apply to glass tubing used in illuminated signs.

20. Fire precautions

Except as provided in section 22, all illuminated signs and support thereof shall be of incombustible material, provided that the municipality may allow any sign approved in terms of sections 14 and 15 and any support for any

such sign to be of combustible material.

21. Electrical requirements

- (a) no sign shall be illuminated except by electricity from the municipality's mains, where such supply is available.
- (b) Every sign in respect of which electric current is used shall be provided with an external switch in a position to be determined by the municipality, whereby the electricity supply to such sign may be switched off.

22. Exemptions

- (1) The provisions of this by-law shall not apply to any sign inside a building, except illuminated sign in shop windows.
- (2) There shall be exempted from the provisions of sections 3, 14, 15 and 20 any sign that falls into one or other of the following categories -
 - (a) any sign displayed by the municipality or by any passenger transport business and attached to a street pole with the written permission of the municipality;
 - (b) any sign inside a shop window;
 - (c) any advertisement appearing in a newspaper or magazine and any poster displayed in connection therewith;
 - (d) any sign temporarily displayed on the occasion of -
 - (i) election, public events, festivities and similar occasions;
or
 - (ii) any other public function or occasion to which the municipality may apply the provisions of this subsection;

- (e) any sign displayed on any vehicle operated upon a public road;
- (f) any un-illuminated sign not projecting over a public road and not exceeding 0.60 m² in area, indicating that the premises to which it is attached are to be sold on a specified date or that a sale of furniture or household goods is to take place therein on a specified date, provided that only 1 (one) such sign is displayed on any public road frontage of such premises and that it is removed within 7 (seven) days after the aforesaid specified date;
- (g) any un-illuminated sign not projecting over a public road and not exceeding 0,20 m² in area, indicating that the premises to which it is attached are for sale or to let, provided that only 1 (one) such sign is displayed on any public road frontage of such premises;
- (h) any un-illuminated sign not projecting over a public road and not exceeding 1.2 m in area, comprising the name, address and contact numbers of the owner or occupier of any residential building or premises, provided that only 1 (one) such sign is displayed on any public road frontage of such premises;
- (i) any un-illuminated sign not projection over a public road and not exceeding 0.20 M² in area, indicating the types of trade, business, industry or profession to which it is attached, the name of such occupant, the contact numbers of such premises and the hours of attendance, provided that only 1 (one) such sign is displayed by any occupant on any public road frontage of such premises;
- (j) any un-illuminated sign not projecting over a public road and not exceeding 0.60 m² in area, advertising a function or event to be conducted on a specified date on the premises to which it is attached, provided that –
 - (i) such function or event is not conducted for the private gain of any individual;

- (ii) such date is not more than 1 (one) month after the date when such sign is first displayed;
- (iii) only 1 (one) such sign is displayed on any public road frontage of such premises; and
- (iv) the sign is removed within 7 (seven) days after the aforesaid date;
- (k) any un-illuminated sign not projecting over a public road, which serves only as a warning, or indication of direction in relation to the premises to which such sign is attached, and which is no larger or higher than is reasonably necessary for such purpose;
- (i) any sign painted directly on or forming part of the permanent fabric of the wall of a building;
- (m) any sign painted on or otherwise attached to the glass of any window;
- (n) any sign painted directly on a verandah or balcony, provided that it complies with section 11;
- (o) any sign required to be displayed by law; and
- (p) any sign displayed at premises on which building operations are taking place, provided that such sign shall be removed forthwith when the aforesaid building operations have ceased.

23. Savings

Nothing contained in this by-law shall be construed as affecting in any way the rights or duties of the municipality as the entity in which lawfully vested the ownership or the control over any public road, building or premises within its area of jurisdiction.

24. Waiver of provisions

- (a) The municipality may waive compliance with or relax the provisions of this by-law, provided that any person whose rights are adversely affected by such waiver or relaxation shall not be bound thereby.
- (b) In each case in which such waiver or relaxation has been granted to any person, the municipality shall serve a written notice upon such person, citing the relevant provision waived or relaxed and the extent to which such provision has been waived. In addition, the municipality shall keep a record containing an identical copy of such notice, which record shall be available for public inspection.

25. Offences and penalties

Any person who contravenes, or fails to comply with, any provision of this by-law shall be guilty of an offence, and liable, upon conviction, to –

- (a) A fine not exceeding R60 000, or imprisonment for a period of no more than 12 (twelve) months, 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 of R600, or an additional period of imprisonment, of 1 (one) day, 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 a court to have been incurred by the municipality as a result of such contravention or failure.

26. Regulations

The municipality may make regulations not inconsistent with this by-law, prescribing -

- (a) any matter that may or must be prescribed in terms of this by-law; and
- (b) any matter that may facilitate the application of this by-law

27. Repeal of by-laws

Any by-law relating to advertising signs adopted by the municipality or any erstwhile municipal council now comprising an administrative unit or the municipality shall be repealed from the date of promulgation of this by-law.

28. Short title

This by-law is called the By-Law Relating to advertising signs, 2004, and takes effect on the date determined by the municipality by proclamation in the Provincial Gazette.

LOCAL AUTHORITY NOTICE 798 OF 2023**GREAT KEI MUNICIPALITY****BY- LAW RELATING TO NEGLETED BUILDINGS AND PREMISES**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 [Act No.32 of 2000], read with section 162 of the constitution of the Republic of South Africa Act, 1996 [Act No.108 of 1996], the By-Law Relating to Neglected Buildings and Premises.

PURPOSE OF BY-LAW

The purpose of this by-law is to promote the habitat and environment of the communities residing within the municipal boundaries of the municipality, by regulating the appearances and condition of buildings and premises.

1. **Definition** – In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, and, unless the context otherwise indicates –
 - “absentee owner or occupier” means an owner or occupier who seldom or infrequently visits or makes use of a building or premises in respect of which he or she is the owner or has the right of occupation;
 - “administrative action” means any action taken by the municipality in the exercise of a power or performance of a function;
 - “building “ includes –
 - [a] any other structure, whether of a temporary or permanent nature, and, irrespective of the materials used in the erection thereof, erected or used for or in connection with –
 - The accommodation or convenience of human beings or animals;
 - The manufacturing, processing, storage, display or sale of any goods;
 - The rendering of any service;
 - The destruction or treatment of refuse or other waste materials;
 - The cultivation or growing of any plant or crop;
 - [b] any wall, swimming bath, swimming pool, reservoir or bridge, or any other structure connected therewith;
 - [c] any fuel pump or any tank used in connection therewith;
 - [d] any part of a building, including a building as defined in subsection (a), (b) or (c),

[e] any facilities or system, or part or portion thereof, within, or outside, but incidental to, a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building;

“calendar day” means a 24 hour day period, reckoned from one midnight to the next, and

Includes a Saturday, Sunday and public holiday;

“improvement” means any work carried out on a building or premises, so as to result in a Better appearance or condition;

“municipality” means the Municipality of Great Kei, established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 [Act No. 117 of 1998], 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 to such political structure, political office bearer, agent or Employee;

“municipal area” means the area under the jurisdiction and control of the municipality;

“occupier” means a person who resides in a building or on a premises, but who is not the Owner thereof;

“owner” means-

- [a] the person in whom from time to time is vested the legal title to premises;
- [b] in a case where the person in whom the legal title is vested is insolvent or dead or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator, or other legal representative;
- [c] in a case where the municipality is unable to determine the identity of such person, a person who is entitled to the benefit of any building located on such premise;
- [d] in the case of premises for which a lease of 10 years or more has been entered into, the lessee thereof;
- [e] in relation to –
 - [i] a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 [Act No. 95 of 1986], the developer or the body corporate in respect of the common property; or

[ii] a section as defined in such Act, the person whose name such a section is registered under sectional title deed, and includes the lawfully appointed agent of such a person; and

[f] any legal person, including but not limited to –

[i] a company registered in terms of the companies Act, 1973 [Act No. 61 of 1973], a trust, a closed corporation registered in terms of the closed corporation Act, 1984 [Act No. 69 of 1984], and a voluntary association;

[ii] any department of national, provincial or local government;

[iii] any council or board established in terms of any legislation applicable to the Republic of South Africa; and

[iv] any embassy or foreign entity; and

“premises” means any land, whether vacant, occupied, or with buildings thereon, situated within the municipal area.

2. Responsible ownership and occupation of building and premises

An owner or occupier of a building or premises situated within the municipal area shall exercise responsible ownership and occupation, and maintain such building or premises in such a manner as to ensure that the building or premises will not be –

- [a] a risk to the public health or hygiene;
- [b] unsightly or objectionable;
- [c] a probable or actual nuisance to the occupiers of adjoining or neighbouring properties; or
- [d] the probable or actual cause of the derogation in value of adjoining or neighbouring properties.

3. Establishment, functions and powers of municipal aesthetics committee

- [1] the municipality may establish an aesthetics committee for the purposes of administering – law
- [2] an aesthetics committee established in terms of subsection [1] shall investigate, report and make recommendations to the municipality in respect of any reasonable allegation of or complaint about a contravention of section 2.
- [3] the municipality may delegate to the aesthetics committee such powers as it deems necessary for the purpose contemplated in terms of subsection [1].

4. Municipality may serve written notice

- [1] Where, in the reasonable opinion of the municipality, any building or premises is or is likely to be –
 - [a] a risk to public health or hygiene;

- [b] unsightly or objectionable;
- [c] a nuisance to the occupiers of adjoining or neighbouring properties;
- [d] the cause of the derogation in value of adjoining or neighbouring Properties,

The municipality may serve a notice in writing on the owner or occupier such building or premises, requiring the owner or occupier to improve such building or the condition of such premises to a standard reasonably acceptable to the municipality, which standard shall be stated in the notice, and attained by the owner or occupier, within a specified period, and by not later than 6 (six) months from the service of the notice.

- [2] Service of the written notice in terms of subsection [1] may be affected –
 - [a] by delivering a copy thereof –
 - (i) personal to the owner or occupier or a duly authorised agent;
 - (ii) to any person apparently not less than 16 years of age, and apparently residing or employed at the residence or place of business of the owner or occupier in question; or
 - (iii) at a domicilium citandi , if the owner or occupier in question has chosen such domicilium;
 - [b] where the owner or occupier in question keeps his or her residence or place of business closed, and thus prevents delivery of the written notice, by –
 - (i) attaching a copy thereof to the outer or principal door or security gate of such residence or place of business; or
 - (ii) placing a copy thereof in the letter box of such residence or place of business.
- [3] for the purposes of this section, the owner or occupier shall be presumed to have received a written notice served in terms of subsection [2] [b] within –
 - [a] 1 (one) month of the date upon which service was effected, or
 - [b] 6 (six) months of the date upon which service was effected, in the case of an absentee owner or occupier.

5. Lodging of objection to written notice

- [1] Upon the receipt of a written notice contemplated in terms of section 4 [1], the owner or occupier may lodge an objection with the municipality, setting out the reasons why the owner or occupier should not be required to comply with the written notice.
- [2] The objection must be lodged with the municipality no later than 14 (fourteen) calendar days after service of the written notice, as contemplated in terms of section 4 [1] and [2]
- [3] The municipality shall consider the objection, whereupon it shall, within 30 (thirty) calendar days of its receipt of the objection, either confirm or retract the written notice.
- [4] In the of –
 - [a] the municipality's confirmation of the written notice, it may adjust the period within which the owner or occupier shall be required to effect the necessary improvement in accordance with the stated standard, or
 - [b] the municipality's retraction of the written notice, it may issue a further written notice, stating such adjusted period or standard ; or both , as may be reasonable necessary to promote the purposes of this by-law
- [5] The municipality shall inform the owner or occupier of its decision in writing and within the time limit prescribed by subsection [3]
- [6] Where the owner or occupier has failed to lodge an objection in terms of the provisions of subsection [2], the municipality may refuse to consider the objection, provided such that refusal shall not amount to unjust administrative action.

6. Improvement may be effected by municipality

- [1] The municipality may undertake the improvement of buildings or premises in accordance with the standard stated in the written notice contemplated in terms of section 4 [1], provided that –
 - [a] such undertaking by the municipality shall not absolve the owner or occupier from any criminal liability.
 - [b] the period specified in the written notice, contemplated in terms of section 4 [1], has lapsed, without the owner's or occupier's having complied with the requirement set out therein; and
 - [c] no objection has been lodged by the owner or occupier within the period specified in the written notice for the improvements to be effected.

- [2] Where an owner or occupier has lodged an objection in accordance with sections 5 [1] and [2], the municipality may not undertake the improvement of buildings or premises unless the municipality has –
 - [a] complied with the provision of section 5[3] and [5]; and
 - [b] ensured that any adjusted period has lapsed, subsequent to the application of section 5[4]
- [3] In the event that an owner or occupier has failed to lodge an objection within the period specified in the written notice for the improvement to be effected, then the municipality may assume that the owner or occupier has no objection and agrees to permit the municipality to undertake the improvements.
- [4] The municipality may appoint a service provider to undertake improvements, in which event –
 - [a] the municipality shall be responsible for the actions and conduct of the service provider and its employees on the premises of the owner or occupier in question,
 - [b] the service provider shall be responsible and accountable to the municipality for the work undertaken;
 - [c] neither the municipality nor the service provider shall permit a subcontractor to undertake any aspect of the work on the premises; and
 - [d] any improvements undertaken by a service provider shall be –
 - [i] in accordance with the standard stated in the written notice contemplated in terms of section 4[1]; and
 - [ii] of such a nature as not to detract from the appearance of surrounding buildings or premises
- [5] All reasonable costs incurred by the municipality in effecting improvements to the buildings or premises may be recovered from the owner or occupier in question provided that -
 - [a] a certificate endorsed by the municipal manager and stating the total amount of reasonable costs incurred shall constitute prima facie proof thereof ; and
 - [b] the owner or occupier shall be entitled to set off against any amount claimed by the municipality or duly appointed service provider in undertaking any improvements.

7. Offences and penalties

Any person who contravenes, or fails to comply with, any provision of this by-law shall be guilty of an offence, and liable, upon conviction, to -

- [a] a fine not exceeding R60 000, or imprisonment for a period not exceeding 12 (twelve) months, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment; and
- [b] in the case of continuing offence, an additional fine not exceeding R60 000, or an additional period of imprisonment not exceeding 1 (one) day, or such additional imprisonment without the option of a fine, or to both such additional fine and imprisonment, for each calendar day on which such offence is continued.

8. Regulations

- [1] The municipality may take regulation regarding –
 - [a] the establishment, function and powers of an aesthetics committee; contemplated in terms of section 3;
 - [b] the contents of a written notice, contemplated in terms of section 4 [1], including –
 - [i] the determination of standards with which a building or premises must comply, subject to the provisions of national legislation, and
 - [ii] the period within which improvements must be effected;
 - [c] the lodging of an objection to a written notice, including –
 - [i] the place at which such objection may be lodged and the municipal official authorised to deal with such objection; and
 - [ii] the prescription of time limits in terms of section 5 [2] and [3] and any amendments thereto;
 - [d] Improvements effected by the municipality, including –
 - [i] the fixing of a set fee or tariff for the determination of costs that may be recovered from the owner or occupier;
 - [ii] the contents and formats of a certificate, contemplated in terms of section 6 [5] [a]; and
 - [iii] the manner in which a setoff shall be determined and effected, in terms of section 6 [5] [b]
 - [e]
 - [i] the prescription of penalties, in terms of section 7, for failure to comply with a written notice; and
 - [ii] the amendments of such penalties from time to time;
 - [f] any matter which may be prescribed in terms of this by-law, and any matter which may facilitate the application of this by-law.

- [2] [a] The municipality shall, not less than 1 (one) month before promulgating a regulation in terms of subsection [1], cause a draft of the regulation to be communicated to the local community and to be made public in terms of section 21 and 21A of the local Government: Municipal Systems Act; 2000 [Act No. 32 of 2000], together with a notice declaring the intention of the municipality to issue such a regulation and inviting comments or representations.
- [b] If the municipality decides to alter the draft regulation as a result of comments or representations received pursuant to such invitation, then it shall not be necessary to communicate and make the public alteration before the amended draft is promulgated as a regulation.

9. Repeal of by-laws

Any by-laws promulgated by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality, and pertaining to any matter regulated in this by-law, shall be repealed from the date of promulgation of this by-law.

10. Short title

This by-law is called the Relating to Neglected Buildings and Premises, 2004, and takes effect on a date determined by the municipality by proclamation in the Provincial Gazette.

LOCAL AUTHORITY NOTICE 799 OF 2023**GREAT KEI MUNICIPALITY****BY- LAW RELATING TO THE PREVENTING OF NUISANES**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000] , read with Section 162 of the Constitution of the Republic of South Africa Act [Act No. 108 of 1996], By-law Relating to the Prevention of Nuisances.

Purpose of By-law

The purpose of this by-law is to promote a safe, healthy and peaceful environment for the benefit of the public residing within the municipal boundaries, and to provide for practices and procedures to regulate the prevention of nuisances.

CHAPTER 1**DEFINITIONS**

1. **Definitions** – In this by-law , words used in the masculine gender include the feminine , the singular includes the plural and vice versa , and , unless the context otherwise indicates-

‘Area’ means the geographical area falling within the municipal boundaries of the Amahlathi Local Municipality;

‘Authorised official’ means-

- (a) an official of the Municipality who has been authorized by it to administer , implement and enforce the provisions of this by-law;
- (b) a traffic officer appointed in terms of Section 3A of the National Road Traffic Act, 1996 [Act No. 93 of 1996];
- (c) a member of the police service , as defined in terms of Section 1 of the South African Police Service Act , 1995 [Act No. 68 of 1995];or
- (d) a peace officer , contemplated in terms of Section 334 of the Criminal Procedure Act 1977 [Act No. 51 of 1977];

‘municipality’ means the Municipality of Great Kei, established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 [Act No. 117 of 1998], and includes any political structure, political office bearer, councilor, 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 to such political structure, political office bearer, councilor, agent of employee;

‘Public place’ means any public street or place, including a beach and any navigable river, to which the public usually has access, but excludes any outdoor facility or municipal building;

‘public vehicle’ shall include any motor car, cab, taxi, rickshaw, bus or other vehicle hired or let for the conveyance of passengers;

‘refuse’ without limiting the ordinary meaning of the word, means any unused vehicle or machinery or part thereof, or any scrap metal, builder’s rubble, garden refuse, debris, garbage tyres or any other discarded or abandoned article or object;

‘Vehicle’ means any conveyance which is capable of transporting one or more persons, except a wheelchair or similar device used for the conveyance of a physically impaired person.

CHAPTER 2

PUBLIC PLACE

2. Breaches of the peace

A person commits an offence if, in a public place he or she –

- (a) accosts, insults, interferes with, jostles, threatens or harasses another person;
- (b) associates or acts in concert with other persons in a manner which causes or is likely to cause a breach of the peace; or
- (c) Fights or incites or invites another person to fight.

3. Indecent behavior

(1) A person commits an offence if, in a public place, he or she-

- (a) is not decently clothed so that at least such person’s genitalia are covered from view;
; or
- (b) Performs any indecent act, or incites any other person to commit any such offence.

(2) A person commits an offence if, in a public place, he or she-

- (a) Defecates or urinates , except within a public facility provided by or on behalf of the municipality for that purpose;
- (b) Reason of the manner of its introduction or handling , creates a new source of danger to persons or property , or is likely to do so;
- (c) Lights , uses or benefits from, a fire, other than I or on a public facility provided by the municipality for that purpose;
- (d) Attaches any object to , or suspects any object from , a canopy, bridge , verandah or other projection, or a pillar, pole , subject to then provisions of section 9(e); or
- (e) Performs any other act which may cause injury to a person or damage to property, unless he or she is authorized to permitted by law to do so, or does so with the written permission of an authorized official and in accordance with any conditions imposed by him or her.

(3) Regarding the discharge or use of fireworks-

- (a) No person shall discharge fireworks from any private property or public place without the written consent of the municipality;
- (b) Application for the written consent contemplated in terms of subsection (a) shall be
 - (i) Submitted in writing 14 (fourteen) days prior to the event; and
 - (ii) Accompanied by the written consent of the immediate neighbours who occupy abutting properties and properties across the road from the private property or public place from which the fireworks will be discharged ;
- (c) Nothing contained in this section shall be constructed so as to distract from the requirements of the Explosives Act, 2003 [Act No. 15 of 2003], or any regulations promulgated in terms thereof.

7. Littering

- (1) A person commits an offence if, in a public place, he or she –
 - (a) abandons , discards, discharges , or spills or causes or allows to be discharged or spilled , any rubbish or other waste material or thing , whether liquid or solid except in a receptacle provided for the purpose; or

9. Obstructions

A person commits an offence if, in a public place, he or she-

- (a) Leaves anything unattended, having introduced or placed the thing there, so as to cause or be likely to cause an obstruction to persons or vehicles;
- (b) Carries, deposits, handles or introduces anything , so as to be likely obstruct or interfere with the free movement of persons or vehicles or with the use of the public place by persons or vehicles, or to cause injury to any person, or damage to any property;
- (c) Deposits on its surface anything, for the purpose of , or in the course of, loading or unloading a vehicle or of delivering same to premises having access to such public place, for a longer period than is reasonably necessary for that purpose;
- (d) Obscures a road traffic sign, as defined in the National Road Traffic Act , 1996 [Act No. 93 of 1996];
- (e) Hangs or suspends anything from or above a public place , or causes or allows anything to protrude above its surface or to encroach upon it, provided that prior written consent may be obtained from the municipality , which consent may be given subject to conditions and restrictions deemed necessary;
- (f) Gathers with or causes a gathering of other persons in a place or manner so as to, or so as to be likely to, obstruct or restrict or interfere with the movement of persons or vehicles , or the use or enjoyment of a public place by persons or vehicles;
- (g) Performs any other act which has, or is likely to have, a result described in subsection (b).

10. Disposal of property found in a public place

- (1) When anything has been left in a public place, in contravention of section 9, an authorized official may remove it to a store established by the municipality for this purpose , provided that , if such a thing , in the reasonable opinion of the authorized official , has no commercial value , he or she may dispose of same in such a manner as he or she seems fit, and the person who has committed the offence shall be liable to the municipality for the cost of such disposal , as determined by such authorized official.

(2) Items which have been removed to a store in terms of subsection (1) shall be released to any person who, within 7

(a) Obstructs the view of the driver of any vehicle in such public place;

(b) Obstructs or causes a nuisance to persons using such public place ;o r

(c) Obscures a road traffic sign,

An authorized official may serve a notice on the owner or occupier of the private property, requiring him or her to cut down, remove or trim then plant from which the nuisance originates, to an extent, and within the period, stated in the notice, and any person who fails to comply with such notice within the period stated shall be guilty of an offence.

(2) If a person on whom a notice has been served in terms of subsection (1) fails to comply with the terms thereof within the period states therein, then an authorized official may cause the work specified in the notice to be carried out, and such person shall be liable to the municipality for the reasonable cost of the work, as assessed by such authorized official.

12. Gatherings

(1) No person shall convene, or participate in, any gathering at any public place, outdoor facility or municipal building so as to-

(a) Constitute a nuisance, as defined; or

(b) Contravene any provision of the Regulation of Gatherings Act, 1993 [Act No.205 of 1993].

(2) The provisions of subsection (1) shall not be interpreted so as to distract from any persons constitutional right to assemble, demonstrate, picket and present petitions.

13. Amplification devices and equipment

(1) No person shall, without the prior consent of the municipality, use or permit to be used any megaphone, loudspeaker, or other device for the reproduction or amplification of sound, in or upon any public place, for the purpose of making announcements advertising, or doing anything of a similar nature

(2) The municipality may refuse to grant such consent, if it has reasonable grounds for believing that the use of any such megaphone, loudspeaker or other device will cause, or is likely to cause, a nuisance, as defined.

Scheme and to an extent necessarily consistent with the lawful land use thereof;

- (d) Being then owner or occupier of such private property , deposits, stores or causes , or permits to be deposited or stored or to accumulate so as to be visible from a public place, abandoned, derelict or disused furniture , machinery, vehicles or other objects or parts thereof, or scrap metal or other derelict or waste materials;
 - (e) Without the consent of the owner or occupier thereof, attaches or places anything to or on any private property ,or in any way defaces such private property, whether by the use of chalk, ink, paint or by any other means whatsoever, unless he is authorized by any law to do so.
- (2) An authorised official may order a person who has contravened or is contravening subsection (1)(d) or (e) to remove the item to which the contravention relates from the private property concerned within a specified time, and , if he fails to do so, then the provisions of section 10 shall , mutatis mutandis, apply

17. Burglar alarms

- (1) The owner or occupier of a private property in which a burglar alarm device has been installed shall be guilty of an offence if the burglar alarm device continues to sound either continuously or intermittently for more than 10 (ten) minutes after it has been activate by any cause whatsoever.
- (2) Such a device shall be deemed to be sounding intermittently for the purposes of subsection (1) for so long as it continues to sound at any interval without the intervention of a new cause, provided that it shall be a defense to a change of contravening subsection (1) if it can be proved that an automatic cut-off mechanism fitted to such device has failed to operate, for reasons beyond the control of the occupier, and without negligence on his or her part.
- (3) When a burglar alarm device has been installed in any private property , the owner or occupier of the private property shall, unless a mechanism referred to in subsection (2) has been fitted , either erect, and maintain , at the main entrance to the private property , a notice specifying the names and telephone numbers of persons who have access to the private property at all times for the purpose of deactivating the device, or shall arrange for automatic response to an alarm to operate at all times
 - (i) The use of such appliance does not cause interference to television or radio reception in the neighborhood, that every precaution possible is taken to minimize noise therefrom and the duration of use thereof , and that such activity is not for or , related to any business conducted from the private property or elsewhere ;and

(ii) Such building or contract work and the use of electrical appliances for such hobby or activity is confined to the hours of 07h00 to 19h00.

(3) Whenever an authorized official is of the reasonable opinion that a person engaged in a hobby or activity is contravening subsections (1) or (2), he or she may instruct the owner or occupier of the private property, or any person responsible for or steps as the authorized official specifies, to abate the nuisance, or to avoid the creation of a nuisance, or, if this can only be achieved by the cessation of the use, activity, event or function, to bring it to an end forthwith, or within a time prescribed by the authorized official.

(4) If the owner, occupier or person responsible for, or participating in, the use, activity event or function mentioned in subsection (3) fails to abide by any notice or instruction given by an authorized official, then such official may issue a notification in terms of Section 341 of the criminal Procedure Act, 1977 [Act No.51 of 1977] upon the owner, occupier or person responsible.

20. Lighting of fires

(a) No person shall, on any private property, light fire, or burn, or attempt to burn, any rubbish or refuse, or any grass or other vegetation, without taking adequate precautions to prevent the uncontrolled spread of the fire, or the creation of a nuisance, whether as a result of the production of ash, flames, fumes, heat, smoke, or otherwise.

(b) Should any person persist with the burning of any matter without taking effective precautionary measures as described in subsection (a), where such burning is the subject of a reasonable complaint lodged with the municipality, through its authorized official, shall be entitled to enter upon the private property on which the burning is taking place, in order to extinguish the fire, and to charge with an offence the person concerned.

Said notice, and may recover the cost thereof from the said person, in accordance with the municipality's tariff of charges.

23. Control of mosquitoes, flies, rodents and other vermin

(1) It shall be the duty of every owner and occupier to prevent mosquitos, flies, rodents or other vermin from developing or being harbored on any private property owned or occupied by such owner or occupier, and any such owner or occupier who fails to comply with the provisions hereof shall be deemed to have contravened this by-law.

(2) The owner or occupier of private property shall, on being served with a notice signed by an authorized official, carry out such measures as may be specified therein, for the removal of conditions favorable for the development of, or harboring of mosquitoes, flies, rodents or other vermin, within the time specified in the notice..

(3) If the owner or occupier refuses to carry out the measures specified in a notice issued in terms of this by-law, or fails to do so within the time specified, then an authorized official may arrange for such measures to be carried out, and the reasonable costs incurred in so doing shall be recoverable by the municipality from the person upon whom the notice is served, at a charge specified in the municipality's tariff of charges.

24. Keeping or management of a brothel

(1) No person shall keep or manage, or act or assist in the keeping or management of, a brothel upon any private property.

(2) No person, being the owner, lessee or occupier of any private property such private property, shall knowingly permit such private property or any portion thereof or any room therein to be used as a brothel or for the purpose of prostitution, or to be a party to continue thereof for such purposes.

(3) No person, being the owner of any private property, or the agent of such owner, shall let such private property or any portion thereof or any room therein to be used as a brothel or for the purposes of prostitution.

(4) Nothing contained in this section shall be continued so as to distract from the requirements of the Sexual Offences Act, 1957 [Act No.23 of 1957]

(k) makes any excavation in, or disturbs the surfaces of, such property;

(l) Climbs or sits upon, hangs onto, or mounts, any such property;

(m) introduces any object or material, or erects any structure, on such property;

(n) enters such property, or remains there;

(o) Allows causes or permits any other person to commit any of the aforesaid acts, unless he or she does so in the performance of a lawful right or duty, or with the prior consent of an authorised official, or in accordance with the provisions of any law.

(2) Notwithstanding the a foregoing, nothing shall prevent the owner or occupier of private property from planting and maintaining grass and plants on that portion of the verge of a street which abuts on such municipal property or property under the control of the municipality, provided that the lawful passage of vehicular and pedestrian traffic and the

lawful parking of vehicles is not thereby obstructed and the grass and plants are properly maintained and do not cause a nuisance.

(3) Any person who is convicted of an offence in terms of subsection (1) shall pay to the municipality the cost of remedying any loss or damage suffered by the municipality as a result of the commission of that offence, and the cost of the removal and disposal of any material, object or structure involved in the commission of the offence, and, for this purpose, the provisions of section 10 shall apply.

CHAPTER 5

PRESUMPTIONS, OFFENCES AND PENALTIES

26. Presumptions

When an employee, in the course of his or her employment, performs any act, or is guilty of an omission, which constitutes an offence in terms of this by-law, the employer shall also be deemed to have performed the act, or to be guilty of the omission, and he or she shall be liable on conviction for the penalties mentioned in terms of section 27, unless it can be proved that

Or manufacturing, as contemplated in terms of section 8(b);

(c) The granting of written consent and accompanying conditions and restrictions for the hanging or suspension of anything from or above a public place or so as to cause an obstruction, contemplated in terms of section 9(e);

(d) The disposal of property found in a public place ,including –

(i)The municipality's identification and designation of a store for property removed in terms of section 10 (1);

(ii) Guidelines for the determination of the commercial value of property so removed;

(iii) A tariff of charges for the removal and storage of items, as contemplated in terms of section 10(2)

(iv) Procedures to be followed with regard to the sale or disposal of items in terms of sections 10(3) and (6)

(e) The contents and service of a notice on the owner or occupier of private property, the carrying out of work necessary to give effect to the notice, and

guidelines for the determination of the reasonable costs thereof, as contemplated in terms of sections 11(1) and (2);

(f) The granting of consent for the use of amplification devices and equipment, as contemplated in terms of section 13;

(g) The prevention of nuisances on private property, including-

(i) Procedures for the removal of any item from private property, as contemplated in terms of section 16(2);

(ii) The giving of instructions and notification to an occupier of private property, for the abatement or cessation of a nuisance, as contemplated in terms of sections 19(3) and (4);

(iii) Procedures for entering of entering of private property, for the extinction of fires thereon, as contemplated in terms of section 20(b);

29. Repeal of by-laws

Any by-laws relating to the prevention of nuisances adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

30. Short title

This by-law is called the By-law Relating to the Prevention of Nuisances, 2004, and takes effect on a date determined by the municipality by proclamation in the Provincial Gazette.

LOCAL AUTHORITY NOTICE 800 OF 2023**No. 3****CREDIT CONTROL AND DEBT COLLECTION BY-LAW****MUNICIPALITY OF GREAT KEI CREDIT CONTROL AND DEBT COLLECTION BY-LAW**

The Municipal Manager of Great Kei Municipality hereby publishes in terms of Section 13 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) read with Section 162 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) the Great Kei Credit Control and Debt Collecting By-Law, which shall come into operation on the date of publication hereof.

[1] DEFINITIONS

"Arrangement" means a written agreement entered into between the Council and the debtor where specific repayment parameters are agreed to.

"Chief Financial Officer" means a person appointed by the Council to manage, inter alia, the Council's financial administration and debt collection of the Council's debtors and includes any person acting in this position.

"Consumer" in relation to premises means:

[i] any occupier thereof or any other person with whom the Municipality has contracted to supply or is actually supplying electricity thereat; or

[ii] if such premises are not occupied, any person who has a valid existing agreement with the Municipality for the supply of electricity to such premises; or

[iii] if there is no such person or occupier, the owner of the premises;

"Council" means the municipal council, as referred to in section 157 of the Constitution of the Republic of South Africa Act 108 of 1996, of the Great Kei Municipality established by part 7 of provincial notice 80, dated 27 September 2000;

"Credit Control" means all the functions relating to the collection of monies owed by ratepayers and the users of municipal services.

"Customer" means any occupier of any premises to which the Council has agreed to supply or is actually supplying services, or if there is no occupier, then the owner of the premises and includes any debtor of the Municipality.

"Defaulter" means any person owing the Council arrear monies in respect of taxes and/or service charges.

"Gender" any reference to the one gender shall include reference to the other

"Municipality" means the Municipality of Great Kei, a local municipality established in terms of Section 12 of the Local Government: Municipal Structures Act 1998;

"Municipal Manager" means the person appointed as Municipal Manager by the municipal council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 [Act 117 of 1998] as amended and includes a person acting in this position.

"Occupier" means any person who occupies any premises or part thereof, without regard to the title under which he or she so occupies.

"Owner" means

[a] The person in who from time to time is vested the legal title to premises;

[b] In a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative.

[c] In a case where the council is unable to determine the identity of such person, a person who is entitled to the benefit of such premises with a building thereon;

[d] In the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof

[e] In relation to -

[i] A piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act 1986, (Act 95 of 1986), and without restricting the above the developer or the body corporate in respect of the common property, or

[ii] A section as Defined in such Act, *the* person in whose name such a section is registered under a sectional title deed and includes the lawfully appointed agent of such a person

[f] any legal person including but not limited to:

[i] A company registered in terms of the Companies Act, 1973 (Act 61 of 1973), a Trust, a Closed Corporation registered in terms of the Closed Corporations Act, 1984 (Act 69 of 1984) and a Voluntary Association.

[ii] Any Department of State.

[iii] Any Council or Board established in terms of any legislation applicable to the Republic of South Africa.

[iv] Any Embassy or other foreign entity.

"Premises" includes any piece of land, the external surface boundaries of which are delineated on:

[a] A general plan or diagram registered in terms of the Land Survey Act, (9 of 1927) or in terms of the Deed Registry Act, 47 of 1937; or

[b] A sectional plan registered in terms of the Sectional Titles Act, 95 of 1986, which is situated within the area of jurisdiction of the Council.

"Tampering" Means any unauthorized interference with Council's supply, seals and metering equipment to cause damage to Council's property and to evade payment for services.

[2] Other terms

All other terms used in this by-law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Act, 1987 [Act 41 of 1987], as amended.

[3] Headings and titles

The headings and titles in this by-law shall not affect the construction thereof.

[4] GENERAL PROVISIONS

[4.1] Service of notice

[1] Any notice or other document that is served on a person in terms of this by-law is regarded as having been 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 sixteen 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 acknowledgement 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]; or

[e] if that person's address and agent or representative in the Republic is unknown, when it had been posted in a conspicuous place on the property or premises, if any, to which it relates.

[2] When any notice or other document must be authorized or 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.

[3] Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the Municipal Manager of the Municipality or a person in attendance at the Municipal Manager's office.

[4.2] Compliance with notices

Any person on whom a notice duly issued or given under this by-law is served shall, within the time specified in such notice, comply with its terms.

[4.3] Authentication of Documents

[a] Every order, notice or other document requiring authentication by the Council shall be sufficiently authenticated, if signed by the Municipal Manager or by a duly authorized employee of the Council;

[b] Delivery of a copy of the document shall be deemed to be delivery of the original.

[4.4] Full and final settlement of an amount

[a] The Chief Financial Officer shall be at liberty to appropriate monies received in respect of any municipal services provided by the Municipality in a manner he deems fit in accordance with the Credit Control Policy of the Council.

[b] Where the exact amount due and payable to the Council has not been paid in full, any lesser amount tendered to and accepted by any Council employee, shall not be deemed to be in final settlement of such an amount unless permitted by the Credit Control Policy of the Council.

[c] The provisions in sub-section [a] above shall prevail notwithstanding the fact that such a lesser payment was tendered and/or accepted in full settlement.

[4.5] Interest charges

Subject to the provisions of the Local Government: Municipal Finance Management Act 56 of 2003 or any other law relating to interest, the Council may charge and recover interest in respect of any arrears amount due and payable to it.

[4.6] Prima Facie Evidence

A certificate under the hand of the Municipal Manger reflecting the amount due and payable to the Council shall upon mere production thereof be accepted by any court of law as prima facie evidence of the indebtedness reflected therein.

[5.] POWER OF COUNCIL TO RECOVER COSTS

[5.1] Dishonoured payments

Where any payment made to the Council is later dishonoured by the bank, the Council may levy such costs and administration fees as may be reasonable and enforceable in terms of prevailing legislation.

[5.2] Legal Fees

All legal costs, including attorney-and-own-client costs incurred in the recovery of amounts in arrears shall be levied against the arrears account of the debtor.

[5.3] Cost to remind debtor of arrears

Any cost incurred in demanding payment from the debtor or reminding the debtor, by means of telephone, fax, e-mail, letter or otherwise, that his payments are due, may be levied against the account of the debtor.

[5.4] Disconnection fees

Where any service is discontinued as a result of non-compliance with these by-laws by the debtor, the Council shall be entitled to levy and recover the standard disconnection fee as determined by it from time to time from such debtor.

[5.5] Accounts

The Council may-

- [a] Consolidate any separate accounts of persons liable for payments to the municipality;
- [b] Credit a payment by such a person against any account of that person; and
- [c] implement any of the debt collection and credit control measures provided for in these by-laws and policy in relation to any arrears on any of the accounts of such a person.

[6] SERVICE AGREEMENT AND TERMINATION OF SERVICES

[6.1] No supply of services shall be given unless and until application has been made by a customer on the prescribed form and a service agreement has been entered into between such customer and the Municipality and a deposit as security equal to an amount as determined by the Council from time to time has been paid in full by such a customer.

[6.2] Termination of the services agreement must be in writing to the other party of the intention to do so.

[7] DISPUTE REGARDING AMOUNT OWING

[7.1] In the event of any dispute arising as to the amount owing by an owner or occupier in respect of municipal services, such owner or occupier shall, notwithstanding such dispute, proceed to make regular minimum payments based on the calculation of the average municipal account for the preceding three months prior to the arising of the dispute, any adjustment in the time value of money as well as the annual amendments of tariffs of the Council.

[7.2] The amount referred to in sub-section [1] shall be determined by the Chief Financial Officer and be conveyed by notice to the relevant owner or occupier.

[8] ARREARS COLLECTION

CREDIT CONTROL POLICY

[8.1] The Council shall have a written policy on credit control and debt collection which shall be termed the Credit Control Policy and which may provide for -

- [a] Credit control procedures and mechanisms;
- [b] Debt collection procedures and mechanisms;
- [c] Provision for indigent debtors;
- [d] Interest on arrears;
- [e] Extensions of time for payment of accounts, including arrangements for payment;
- [f] Termination of services or the restriction of the provision of services when payments are in arrears;
- [g] The provision of new services;
- [h] An agreement between a debtor's employer and the Council to deduct amounts from the debtor's salary or wage;
- [i] Any other matter, which is incidental to credit control and debt collection;
- [j] Implementation of section 28 and 29 of municipal property rates Act.
- [k] The sale in execution of any property.

[8.2] In determining its policy, the Council may differentiate between categories of persons, customers, debtors and owners as it may deem appropriate provided such differentiation does not amount to unfair discrimination

[9] POWER TO RESTRICT OR DISCONNECT SUPPLY OF SERVICES

[9.1] The Council may restrict or disconnect the supply of water and electricity or discontinue any other service rendered to any premises whenever a user of any such service:

- [a] The municipality may introduce various metering equipment and customers may be required to convert to a system preferred by the municipality;

[b] Fails to make full payment on the due date or fails to make an acceptable arrangement for the repayment of any amount for services, rates or taxes and bar the customer from buying prepayment services who are in arrears with all overdue rates and service accounts;

[c] Fails to comply with a condition of supply imposed by the Council;

[d] Obstructs the efficient supply of water, electricity or any other municipal services to another customer;

[e] Supplies such municipal service to a customer who is not entitled thereto or permits such a service to continue;

[f] Tampers with any municipal supply meter or bypasses any metering equipment in order to obtain an un-metered service;

[g] Causes a situation, which in the opinion of the council is dangerous, or a contravention of relevant legislation;

[h] Is placed under provisional sequestration, liquidation or judicial management, or commits an act of insolvency in terms of the Insolvency Act 24 of 1936 or any other applicable law;

[i] Is subject to an administration order granted in terms of section 74 of the Magistrates Court Act, 1944 (Act 32 of 1944).

[9.2] The right of Council to restrict water to any premises or consumer shall be subject to the provisions of section 4 of the Water Services Act, 108 of 1997.

[9.3] The right to restrict, disconnect or terminate a service shall be in respect of any service rendered by Council, and shall prevail notwithstanding the fact that payment has been made in respect of any specific service and notwithstanding the fact that the person who entered into an agreement for the supply of services with the Council and the owner are different entities or persons, as the case may be.

[10] SALES IN EXECUTION

[10.1] The Council may only sell a property in execution in terms of a policy determined by it from time to time.

[11] POWER OF ENTRY AND INSPECTION

[11.1] A duly authorized representative of the Council may for any purpose related to the implementation or enforcement of these by-laws, at all reasonable times or in an emergency at any time, enter premises, request information and carry out such inspection and examination as he or she may deem necessary, and for purposes of installing or repairing any meter or service connection reticulation, or to disconnect, stop or restrict the provision of any service.

[11.2] If the Council considers it necessary that work be performed to enable an employee to perform a function referred to in sub-section 11.1 properly and effectively, it may -

[a] By written notice require the owner or occupier of the premises at his own expense to do specific work within a specified period; or

[b] If in its opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done at the expense of the owner.

[11.3] If the work referred to in sub-section 11.2 [b] above is carried out for the sole purpose of establishing whether a contravention of these by-laws has been committed and no such contravention has taken place, the Council shall bear the expense connected therewith together with the expense of restoring the premises to its former condition.

[12] ARRANGEMENTS TO PAY OUTSTANDING AND DUE AMOUNTS IN CONSECUTIVE INSTALMENTS

[12.1] A debtor may enter into a written agreement with the Council to repay any outstanding and due amount to the Council under the following conditions as determined by the Credit Control Policy of the Council:

[a] The outstanding balance, costs and any interest thereon in regular and consecutive monthly installments;

[b] The written agreement being signed on behalf of the Council by a duly authorized officer.

[13] RECONNECTION OF SERVICES

The Financial Officer shall authorize the reconnection of services or the reinstatement of service delivery after satisfactory payment and/ or arrangements for payment has or have been made by the debtor in accordance with the Council's Credit Control Policy.

[14] ASSESSMENT RATES

[14.1] Amount due for assessment rates

[b] All properties within the boundaries of the Great Kei Municipality are to be valued in terms of the legislation, applicable to the valuation of properties for the purpose of levying property rates.

[c] All assessment rates due by property owners are payable by the fixed date as determined by Council.

[d] Joint owners of property shall be jointly and severally liable for payment of assessment rates

[e] Assessment rates may be paid as an annual single amount, or in equal payments or payments of varying amounts as determined by the Council.

[f] Payment of assessment rates may not be deferred beyond the fixed date by reason of an objection to the valuation roll.

[14.2] Claim on rental for assessment rates in arrears

The Council may apply to the appropriate Court for the attachment of any rental due in respect of rate able property in order to cover in part or in full any amount outstanding in respect of assessment rates for a period longer than three months after the fixed date.

[14.3] Liability of Company Directors for assessment rates

Where a company, closed corporation, trust or a body corporate, in terms of the Sectional Tiles Act, 1986 or any other legal entity is responsible for the payment of any arrear amount to the Council, the liability of such entity shall be extended personally to the directors, trustees or members thereof jointly and severally as the case may be.

[14.4] Disposed of Council's property and payment of assessment rates

[a] The purchaser of Council property is liable for the payment of assessment rates on the property from the date such property was sold to the purchaser.

[b] In the event of the Council repossessing the aforesaid property, any outstanding and due amount in respect of assessment rates shall be recovered from the Purchaser.

[14.5] Restrain on transfer of property

[a] A registrar of deeds or other registration officer of immovable property may not register the transfer of property except on production to that registration officer of a prescribed certificate:

(i) issued by the municipality in which that property is situated; and

(ii) which certifies that all amounts due in connection with that property for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the two years preceding the date of application for the certificate have been fully paid.

[b] In the case of the transfer of immovable property by a trustee of an insolvent estate, the provisions of this section are subject to section 89 of the Insolvency Act, 1936 (Act No. 24 of 1936).

[c] An amount due for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties is a charge upon the property in connection with which the amount is owing and enjoys preference over any mortgage bond registered against the property.

[14.6] Assessment rates payable on municipal property

[a] The lessee of municipal property shall be responsible for payment of any general assessment rates payable on such property for the duration of the lease.

[b] The Chief Financial Officer may elect to include the assessment rates in respect of a property in the rental payable by the lessee.

[15] RELAXATION, WAIVER AND DIFFERENTIATION

[15.1] The Council may differentiate between different categories of ratepayers, users of services, customers, debtors, taxes, services, service standards and other matters provided such differentiation does not amount to unfair discrimination.

[15.2] The Council may, in a specific instance and for a particular owner or customer and subject to such conditions as the Council may deem fit, relax or waive in writing the requirements of any provision of these bylaws.

[16] REPORTING OF DEFAULTERS

The Council may, in its discretion and through a duly delegated employee report such persons that owe the Council monies to bodies that collate and retain such information. The information that would be included in such a report shall be available personal information on the defaulter, or in the event of a legal person, the available statutory details, including information pertaining to the responsible officers of such legal persons.

[17] OFFENCES

Any person who-

[a] Any person who contravenes any provisions of this by-law shall be guilty of an offence.

- [b]** Fails to give the access required by an employee in terms of these by-laws;
- [c]** Obstructs or hinders an employee in the exercise of his or her powers or performance of functions or duties under these by-laws;
- [d]** Uses or interferes with Council equipment or consumption of services supplied;
- [e]** Tampers or breaks any seal on a meter or on any equipment belonging to the Council, or for any reason as determined by the Chief Financial Officer causes a meter not to properly register the service used;
- [f]** Fails or refuses to give an employee such information as he or she may reasonably require for the purpose of exercising his or her power or functions under these by-laws or gives such an officer false or misleading information knowing it to be false or misleading;
- [g]** Any person who continues to commit an offence after notice has been served on him to cease committing such offence or after he has been convicted of such offence shall be guilty of a continuing offence,
- [h]** Contravenes or fails to comply with a provision of these by-laws, shall be guilty of an offence and be liable to imprisonment for a period not exceeding six months or both such a fine and imprisonment and, in addition, may be charged for usage, as estimated by the Chief Financial Officer based on average usage during the previous 6 months or as may be determined by resolution of the Council from time to time;
- [i]** Every person committing a breach of the provisions of this by-law shall be liable to recompense the Municipality for any loss or damage suffered or sustained by it in consequence of such breach.

[18] CONFLICT OF BY LAWS

If there is any conflict between these by-laws and any other by-law of the Council, these by-laws will prevail.

[19] REPEAL OF COUNCIL CREDIT CONTROL

The provisions of any by-law or by-laws relating to the control of credit and the collection of debt by the Council of any Council now comprising an administrative unit of the Council are hereby repealed

LOCAL AUTHORITY NOTICE 801 OF 2023**GREAT KEI MUNICIPALITY****BY-LAWS RELATING TO PUBLIC OPEN SPACE**

The Municipal Manager hereby publishes, In terms of Section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000], read with Section 162 of the Constitution of the Republic of South Africa Act, 1996 [Constitution Act No.108 of 1996], the By-Law Relating to Public Open Spaces.

PURPOSE OF BY-LAW

The purpose of this by-law is to provide an effective legal and administrative framework to ensure that the way in which the Municipality controls, manages and develops public open spaces is environmentally sustainable, in the long term interests of the local community, and clearly defines the rights and obligations of the community in relation to such public open spaces.

CHAPTER 1**INTERPRETATION AND APPLICATION**

Definitions- In this by-law, words used in the masculine gender and feminine, the singular includes the plural and vice versa, and unless the context otherwise indicates-

“active game “ means any physical report, game or other activity conducted by one or more persons-

- a) Undertaken and within a public open space other than in an area set aside for that purpose;
- b) Which may be nuisance to or cause injury to other users, or damage to vegetation or municipal property within a public open space; and
- c) Includes, but shall not be limited to, football, cricket, rugby, golf, tennis, hockey, netball, badminton, archery, cycling, skateboarding, roller- blading;

“authorized official” means-

- a) An official of the municipality who has been authorized by it to administer, implement, and enforce the provisions of this by-law;
- b) A traffic officer appointed in terms of Section 3A of the National Road Traffic Act, 1996 [Act No.93 of 1996];

- c) A member of the Polices Service, as defined in terms of Section1 of the South African Police Services Act, 1995 [Act No. 68 of 1995]; or
- d) A space officer, contemplated in terms of Section 1 of the Criminal Procedure Act, 1977 [Act No,51 of 1977];

Community work means any activity undertaken by a person on a voluntary basis or for nominal remuneration in order to protect, improve or uplift persons or their immediate environment, voluntary work shall have a corresponding meaning;

Designated area means area designated by the municipality as an area in which an active game, or any other activity which would otherwise be prohibited under chapter 3 of this by-law, may be conducted;

Environment means the surroundings within which humans exist, made up for-

- 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 relationship 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;

Environmentally sustainable measures means the exercise of powers, or performance of functions, in a manner aim at ensuring that-

- a) The risk of harm to the environment and to human health and safety is minimized, to the extent reasonable possible under the circumstances;
- b) The potential benefit to the environment and to human health and safety are maximized , to the extent reasonably possible under the circumstances; and
- c) Legislation intended to protect the environment and human health and safety is compiled with;

Local community means that body of person comprising-

- a) The residents of the area in which the public open space is situated;
- b) The rate payers of the area in which the public open space is situated; and
- c) Any civic and non- governmental organizations or private sector organizations or bodies which are involved in local affairs in the area in which the public open space is situated;

Municipal manager means a person appointed as such by the municipality, in terms of Section 82 of the Local Government: Municipal Structures Act, 1998 [Act No.117 of 1998];

Municipal property means any structure or thing owned or managed by or on behalf of the municipality, and which is incidental to the use and enjoyment of a public open space, and includes buildings, lapas, kiosk, benches, picnic tables, playground equipment, fountains, statues, monuments, fences, poles, notices and signs;

Municipality means the Municipality of Great Kei, established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 [Act No.117 of 1998], and includes any political structure, political office bearer, Councilor, duly authorized agent thereof or any employee thereof acting in connection with this by-laws by virtual of a power vested in the municipality and delegated to such political structure, political office bearer, Councilor, agent or employee;

Notice means a clear and legible notice drawn up by the municipality in the language designated by the municipality, and prominently erected in a public open space;

Nuisance means an unreasonable interference, or likely interference, with-

- a) The health or wellbeing of any person;
- b) The use or enjoyment by an owner occupier, of his or her property; or
- c) The use and enjoyment by a member of the public of a public open space;

Organ of state means-

- a) Any department of state, or administration, in the national, provincial or local sphere of government; or
- b) Any other functionary or institution-
 - i. Exercising a power or performing a function in terms of the Constitution of Republic of South Africa Act, 1996 [Act 108 Of 1996] or a provincial constitution; or
 - ii. Exercising a public power or performing a public function in terms of any legislation, but does not include a court or judicial officer;

Peace officer means the person contemplated in term in terms of Section 1 of the Criminal Procedure Act, 1977 [Act No. 51 of 1977];

Person means a natural person or a juristic person, and includes an organ of state;

Prescribed fee means a fee determined by the municipality by resolution in terms of any applicable legislation;

Printed matter includes any advertisement, billboard, poster, book, pamphlets or handbill;

Prohibited activity means any activity or behavior that is prohibited in terms of chapter 3 from being conducted in a public open space, either completely or without permission in terms of Sections 23 or 24;

Public open space means by land which-

- a) Is either-
 - i. Set aside in terms of any law, zoning scheme or special plan for the purposes of recreation, conversation, the installation of public infrastructure or agricultural purposes; or
 - ii. Predominantly undeveloped and open, and has not yet been set aside for a particular purpose in terms of any law, zoning scheme or special plan; and
 - iii. Shall include-

(aa) conservation open space, which means public open space that is managed by or on behalf of the municipality for conversation purposes, and including nature reserves, green belts, ravines, bird sanctuaries, and site historical, ECOLOGICAL OR ARCHAEOLOGICAL VALUE;

(bb) **recreational open space**, which means public open space that is managed by or on behalf of the municipality for public recreational purposes, and includes beaches, parks botanical gardens, sports grounds and play grounds, but excludes golf courses;

(cc) **roads reserves**, which means those portions of roads, streets or thoroughfares improved, constructed, or intended for vehicular traffic, which are between the edges of the roadways, or those portions of roads, streets or thoroughfares, including the sidewalk, which are not the roadways or shoulders; and

(dd) **utility open space**, which means public open space that is managed by or on behalf of municipality for the purpose of providing a municipal service, including areas upon which is located water services infrastructure, but excluding municipal buildings, municipal housing, clinics and other social services; and

(b) (i) vests in the organ of state in terms of any legislation; or

(ii) is owned by an organ of state, and set aside for such purpose; or

(iii) is controlled and managed by the municipality for such purposes;

Service provider means a person or institution or any combination of persons and institutions which provide a municipal service in terms of the Local Government: Municipal Systems Act, 2000 [Act No.32 of 2000];

Special event means a parade, procession, race, concert, show, exhibition, festival, ceremony, film shoot, photographic shoot or similar event, which requires, for that purpose, exclusive use of a part of a public open space;

User, with reference to public open space, means any person who enjoys, or benefit from, the use of public open space;

Vehicle means a devise designed or adapted mainly to travel on wheels, but excludes wheelchairs and children's pushchairs;

Waste means any substance or article that the owner wishes to dispose of, because it is unwanted, superfluous, Broken, worn out, contaminated, or otherwise spoilt, and that has either been discarded, or has been accumulated or stored so that it can be discarded, reused, reclaimed or reclined;

Water body means any body of water within a public open space, and includes a pond, fountain, artificial watercourse, dam, lake, canal, reservoir, stream, river, wetland, estuary and tidal lagoon; and

Watercraft includes any boat, raft, yacht, canoe, inflatable mattress, model sheep or boat, radio controlled boat, or similar device.

2. Application of By-Law

- b) This by-law applies to all public open space that falls under the jurisdiction and control of the municipality, excluding cemeteries.
- c) This by-law is binding on the state.

CHAPTER 2

MANAGEMENT AND ADMINISTRATION OF PUBLIC OPEN SPACES

3. Underlying principles

- 1) Public open space must be managed and administered in the interest of the local community, and, in determining the interest of the local community-
 - a) The long term collective interest of the local community must be prioritized over the interests of any specific interest group or sector of society;
 - b) A long term perspective, that takes into account the interest of future generations, must be adopted; and
 - c) The interest of living organisms that depend on public open spaces must be taken into account.

2. Public open space must be managed in accordance with environmentally sustainable measures.
3. Subject of subsections (5) and (7), all persons must be given access to public open spaces, on a non- discriminatory and equitable basis.
4. where necessary, special measures must be taken to facilitate access to public open spaces for historical advantaged persons and disabled persons.
5. Access to public open space may be restricted in a manner that does not unjustifiably discriminate any person or class of persons-
 - a) If the restriction is authorized by this by-law, or by any other applicable legislation; or
 - b) In order to achieve the purpose of this by-law.
6. the recreation, educational, social, and other opportunities which public open spaces offer must be protected and enhanced, to enable local communities to improve and enrich their quality of life.
7. Local communities must be encouraged to use and care for public open spaces in their areas.
8. the natural environment and heritage resources which public open spaces must be identified, preserved, protected and promoted, for the benefit of the local community. The public, and future generations.

4. Application of principles

The environmental management principles set out in Section 2 of the National Environmental Management Act, 1998 [Act No. 107 of 1998] must be considered and applied by any person-

- a) Exercising a power or performing a function under this by-law;
- b) Formulating or implementing any policy that is likely to have a significant effect on, or which concerns the use of, public open spaces within the municipality's jurisdiction; or
- c) Exercising a power or performing a function that is likely to have a significant effect on, or which concerns the use of, public open spaces.

5. General Powers

- a) Designate any area within a public open spaces as an area within which one or more activities otherwise prohibited in terms of this by-law may be undertaken, and erect a prominent notice to this effect at entrances to the designated area;

- b) Develop any public open space, in accordance with the principles set out in section 4 and; and
- c) Exercise any power reasonably necessary for the discharge of the municipality's obligations in terms of this by-law, and relating to the management of public open spaces.

6. Fees

The municipality may require members of the public to pay-

- a) A reasonable prescribed fee to use recreational or other facilities that the municipality provides within the public open spaces;
- b) A reasonable prescribed fee for entrance to public open spaces, such fee to take into consideration the costs to maintain such public open spaces;
- c) A reasonable prescribed fee for the right to undertake a special event.
- d) A reasonable prescribed fee for the right to exclusively use municipal property for a specific period;
- e) A deposit prior to undertake a prohibited activity;
- f) A reasonable prescribed fee for processing applications for permits or letters of permission under this by-law.

7. Restricting access

The municipality may restrict access to any public open space or to any part of a public open space for a specific period of time-

- a) To protect any aspect of the environment within a public open space;
- b) To reduce vandalism and the destruction of municipal property;
- c) To improve the administration of a public open space;
- d) To develop a public open space;
- e) To enable a special event that has been properly permitted to proceed; or
- f) To undertake any activity that the municipality reasonable considers necessary or appropriate to achieve the purposes of this by-law.

8. Procedure when exercising powers

If the rights or legitimate expectations of any person will be materially and adversely affected by the municipality's exercising of any power in terms of Sections 5, 6 or 7, then the municipality must, before exercising such power-

- a) Give a notice of the proposed administrative action, which notice must-
 - i. Be publicized-
 - (aa) in a newspaper circulating within the area of the municipality;
 - (bb) by means of radio broadcasts covering the area of the municipality; and

(cc) where the municipal manager deems this to be necessary, in the Provincial Gazette;

- ii. Be in the languages designated by the municipality, having regard to language preferences and usage within its area;
- iii. Be displayed at the municipal offices;
- iv. Contain a clear statement of the proposed administrative action; and
- v. Invite comments and objections with a specified period; and
 - b) Consider comments and objections received in response to the notice.

9. Powers of authorized officials

In relation to any public open space, authorized official may-

- a) Issue on instruction under section 20;
- b) Order any person to leave public open space, if the authorized official reasonably believes that the said person has not complied with any provision of this by-law; and
- c) Exercise any power that may be exercised by a peace officer in terms of the criminal procedure Act, 1977, provided that an official of the municipality may not act in terms of this subsection unless he or she is also a peace officer, as contemplated in terms of Section 1 of the Criminal Procedure Act, 1977.

10. Obligations in respect of public open spaces

- 1. The municipality must, within public open space, erect any notice required under this by-law.
- 2. In respect of recreational open spaces, the municipality must-
 - a) Ensure that they are open to public between sunrise and sunset, or such other times as the municipality may determine; and
 - b) Erect prominently displayed notice at every entrance, indicating-
 - i. The opening and closing times of that recreational open space; and
 - ii. Any rule made relation to that recreational open space.

CHAPTER 3

PROHIBITED CONDUCT

11. Prohibited activities

1. any person who undertake an activity, or behaves in a manner, that is prohibited under the section 12 to 20, is guilty of an offence, unless the activity or conduct in question-

- a) Takes place in designated area within which such activity is allowed;
- b) is authorized in terms of permission granted , or a permit issued, under sections 23 or 24; or
- c) was deemed to have been authorized by the municipality under subsection (2)

2. Subject to subsection (3), a person is deemed to have permission to undertake a prohibited activity, if that person needs to undertake the prohibited activity-

- a) To perform his or her obligations as an employee, agent or service provider of the municipality, under his or her contract with, or mandate from, the municipality, or to achieve the purpose of this by-law
- b) To carry out any lawful duties on behalf of an organ of state within a utility open space;
- c) To fulfil his or her duties as an authorized official to implement this by-law; or
- d) To fulfil his or her duties as a peace officer.

3. No person shall be deemed to have permission to undertake an activity that is prohibited under Section 12(a), (d), (e) or (f), or an activity that the municipality has expressly refused to permit.

12. General

No person shall, within a public open space-

- a) Act in a manner that is dangerous to life or property;
- b) Contravene the provisions of any notice within any public open space;
- c) Unlawfully enter a public open space to which access has been restricted in terms of section 7;
- d) Cause a nuisance to other users ;
- e) Behave in an offensive manner; or
- f) Obstruct any authorized official who is exercising a power or performing a duty under this by-law.

13. Uses

No person shall, within a public open space-

- (a) Wash him- or herself, an animal, or any other object, including clothing, in any water body;
- (b) Sail, row, paddle, propel or control any watercraft on any water body;
- (c) Make ,light, or otherwise start ,a fire;
- (d) Camp, or reside, in any public space;
- (e) Consume, brew, store, or sell, any alcohol beverage;
- (f) Use any sound equipment, including a radio, portable hi-fi or car stereo;
- (g) Play an active game; or
- (h) Shoot a projectile of any nature.

14. Waste

No person shall, within the public open space-

- a) Deposit, dump or discard any waste, unless in a receptacle provided by the municipality for that purpose; or
- b) Pollute or deposit any waste or thing in a manner which may detrimentally impact on a water body.

15. Vehicles

No person shall, within a public open space-

- a) Expect at time, and on roads or pathways, prescribed by the municipality, drive, draw or propel any vehicle;
- b) Drive, draw or propel a vehicle in excess of 60 kilometers per hour; or
- c) Park a vehicle in public open space.

16. Animal and vegetation

No person shall, in the public open space-

- a) Disturb, damage, destroy or remove any vegetation;
- b) Plant any vegetation;
- c) Alter the slope or drainage patterns so as to interfere with the access of water , air or nutrients to any tree;
- d) Capture or attempt any capture, chase, shoot at, injure, throw objects at, tease, molest, or in any other way disturb, any fish, bird or animal;
- e) Disturb, damage or destroy any bird nest or eggs;

- f) Introduce any animal, unless the animal is a guide dog and is accompanied by a person with a sight disability; or
- g) Affix, or replace, on any tree any printed matter.

17. Municipal property and erection of structures

No person shall, within a public open space-

- a) Deface, damage, destroy or remove any municipal property;
- b) Disturb the surface of any land, whether by digging, undertaking any earthworks, or in any other manner;
- c) Erect, build or assemble any structure, including, but not limited to, a hut, tent, screen, bulletin board, pole, stand or stage; or
- d) Affix, or replace, on any municipal property, or distribute, any printed matter.

18. Selling and special events

No person shall, within a public open space-

- a) Use municipal property in a way that unfairly restricts, or prevents, other users of the public open space from utilizing such municipal property; or
- b) Sell, hawk, offer, or display, any goods or articles for sale or hire.
- c) No person may undertake a special event, except in terms of a permit issued for such purpose

19. Community work

No person shall, within the public open space, undertake any community work or voluntary work for any description such that it-

- a) Damage, or poses a risk of damage, to a public open space;
- b) Creates a nuisance to users; or
- c) Contravenes any provision of this by-law

20. Restoration or removal instructions

1. Unless permission or permit has been obtained under sections 23 or 24, an unauthorized official may use a restoration or removal instruction to any person who has, directly or indirectly, and in a public open space-
 - a) Damaged, defaced, disturbed, destroyed, demolished, or removed, vegetation or municipal property;
 - b) Erected, built or assembled a structure; or

- c) Dumped, discarded or deposited any waste, unless in a receptacle provided by the municipality for that purpose.
- 2. The restoration or removal instruction may direct the said person within the time stated in the notice to take reasonable action-
 - a) To restore or rehabilitate the affected area, to the reasonable satisfaction of the municipality; or
 - b) To remove a structure or thing, and restore the affected site, as nearly as practicable, to its former condition.

CHAPTER 4

TREE PRESERVATION ORDERS

21. Municipality may issue a tree preservation order

- 1) If the municipality reasonably believes that any tree or group of tree in a public open space requires protection, then the municipality may issue a tree preservation order in respect of such tree or group of trees.
- 2) A tree preservation order-
 - a) Must indicate the tree or trees to which it relates; and
 - b) May provide that any person who cuts, disturbs, damage, destroys, removes, transports, exports, purchases, sells, donates, or in any other manner acquires, or disposes of, the tree or trees to which the tree preservation order relates, shall be guilty an offence.
- 3) The municipality must erect a prominently displayed copy of any tree preservation order granted, at or in the vicinity of the tree or trees to which the order relates.

22. Procedure for issuing tree preservation order

Unless the issuing of a tree preservation order is required as a matter of urgency, the municipality must, before issuing a tree preservation order under section 21-

- a) Give notice of the proposal to protect the tree or group of trees, and invite comments and objections within a specified period, in accordance with the procedure contemplated in terms of section 8(a)
- b) Notify any affected organs of state; and
- c) Consider the comments and objections received in response to the notice

CHAPTER 5

APPLICATION FOR AUTHORISATION

23. Application for permission

- (1) Any person who wants to undertake a prohibited activity must apply in writing to the municipality for permission to do so.
- (2) The municipality may, after receiving an application, request the application to provide additional information that the municipality reasonably requires in order to consider the application.
- (3) The municipality may refuse to consider an application until it has been provided with the information required under subsection (2), and until the prescribed fee, if any, has been paid.
- (4) Subject to subsection (2) and (3), the municipality must consider the application within a reasonable time, and must either-
 - (a) refuse the application; or
 - (b) grant permission in writing, subject to whatever conditions the municipality considers appropriate to achieve the purposes of this by-law, which may include payment of a deposit or a fee
- (5) The municipality shall not grant permission for any person to perform any activity that is prohibited under section 12 (a), (d), (e) or (f)
- (6) Every person whose application, as contemplated in terms of subsection (1), has been approved shall complete and sign an indemnity in favor of the municipality, in form provided by the municipality.

24. Application for a special event permit

- (1) An application for permission to hold a special event in a public open space must be made at least 30 (thirty) days before the proposed date of the special event.
- (2) The time period referred to in subsection (1) may, on good cause, be reduced, at the municipality's discretion.
- (3) The application must contain the following information-
 - (a) The full contact details of the application, including name, organization, address, telephone number, fax number and email address, if available
 - (b) The nature and purpose of the special event;

- (c) The intended route or area proposed to be used by the special event; and
 - (d) The permission, if any, required under chapter 3 of this by-law.
- (4) Prior to the approval of an application, the municipality may require the payment of a prescribed fee or deposit.
 - (5) Subject to any conditions imposed by the municipality, the holder of a special events permit has the right to use the area of public open space specified in the permit to the exclusion of any other persons during the period specified in the permit.
 - (6) Every person whose application, as contemplated in terms of subsection (1), has been approved shall complete and sign an indemnity in favor of the municipality, in a form provided by the municipality.

CHAPTER 6

COOPERATIVE MANAGEMENT AGREEMENTS

25. Municipality may conclude cooperative management agreements

- (1) The municipality may enter into a written agreement with any organ of state, local community or organization to provide for-
 - (a) The cooperative development of any public open space; or
 - (b) The cooperative management of any public open space; and
 - (c) The regulation of human activities within a public open space.
- (2) The municipality shall not enter into a cooperative management agreement in relation to a public open space, unless such agreement will promote the purposes of this by-law
- (3) The municipality must monitor whether any cooperative management agreement is effective in achieving the purposes for which it was concluded.
- (4) A cooperative management agreement may be cancelled by the municipality in terms of written notice given to the other party where the said agreement-
 - (a) Is not effective in achieving the purposes for which it was concluded; or
 - (b) Inhibits the attainment of the purposes of this by-law.

CHAPTER 7

GENERAL PROVISIONS

26. Procedure for appeals

- (1) Any person whose right are affected by a decision taken by any authorized official under this by-law may, within 14 (fourteen) days of the date of the notification of the decision, appeal against such decision, by giving written notice of the appeal and reasons therefor to the municipal manager.
- (2) The municipal manager shall promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4)
- (3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued to the appellant as a result of the decision.
- (4) An appeal submitted in terms of this section shall be dealt with in the manner prescribed by Section 62 of the Local Government: Municipal Systems Act, 2000

27. Offences and penalties

- (1) Any person who-
 - (a) Contravenes, or fails to comply with, any provision
 - (b) s of this by-law
 - (c) Fails comply with any notice issued in terms of this by-law;
 - (d) Fails to comply with any lawful instruction given in terms of this by-law;or
 - (e) Obstructs or hinders any authorized official in the execution of his or her duties under this by-law;

Shall be guilty of an offence, and liable, on conviction, to fine of no more than R60 000, or, in default of payment thereof, to imprisonment for a period not exceeding 12 (twelve) months.

- (2) In the case of a continuing offence, the said person shall be liable, on conviction, to an additional fine of R600, or an additional period of imprisonment of 1(one) day, or to such additional imprisonment without the option of a fine, or to both such additional fine and imprisonment, for each day on which such offence is continued.

- (3) The said person shall be liable, on conviction, to a further amount equal to any costs and expenses found by a court to have been reasonably incurred by the municipality as a result of such contravention.

28. Regulations

- (1) The municipality may make regulations regarding-
- (a) The designation of any area within which stipulated activities may be undertaken, as contemplated in terms of section 5(a);
 - (b) The prescription of fees or deposits, as contemplated in terms of section 6(a)-(f), 23(3), 4(b) and 24(4);
 - (c) The location, size, number, construction and contents of any notice required in terms of this by-law;
 - (d) The issuing of as restoration or removal instruction, as contemplated in terms of section 20, including-
 - (i) The form and contents thereof; and
 - (ii) a guideline to time periods within which restoration or removal must be effected:
 - (e) Application for authorization, including-
 - (i) The time periods applicable for-
 - (aa) the lodging of an application, as contemplated in terms of sections 23(1) and 24(1); and
 - (bb) the consideration of the said applications, and determination thereof;
 - (ii) a guideline as to what conditions may be stipulated, before a prohibited activity or special event may take place, as contemplated in terms of sections 23(4)(b) and 24(5); and
 - (iii) the form and contents of an indemnity, as contemplated in terms of sections 23(6) and 24(6);
 - (f) The procedure, form and contents of a cooperative management agreement, as contemplated in terms of section 25;
 - (g) The issuing of a tree preservation order, as contemplated in terms of sections 21 and 22, including-
 - (i) The form and contents of such order; and
 - (ii) Requirements for the distribution or publicisation of the order;
 - (h) The procedure and time periods associated with an appeal, subject to the Local Government: Municipal Systems Act 2000, as contemplated in terms of section 26;
 - (i) (i) The prescription of penalties for the offences contemplated in terms of section 27; and
 - (ii) The amendment of such penalties from time to time; and

- (j) Any matter which may be prescribed in terms of this by-law, and any matter which may facilitate the application of this by-law.
- (2)
- (a) the municipality shall, not less than 1 (one) month before promulgating a regulation in terms of subsection (1), cause a draft of the regulation to be communicated to the local community and to be made public in terms of Section 21 and 21A of the Local Government: Municipal Systems Act, 2000, together with a notice declaring the intention of the municipality to issue such a regulation and inviting comments or representations.
 - (b) If the municipality decides to alter the draft regulations as a result of comments or representations received pursuant to communicate and make public the alteration before the amended draft is promulgated as a regulation.

29. Repeal of by-laws

Any by-laws relating to public open spaces adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

30. Short title

This by-law is called the By-Law Relating to Public Open Spaces, 2004, and takes effect on a date determined by the municipality by proclamation in the Provincial Gazette.

LOCAL AUTHORITY NOTICE 802 OF 2023

GREAT KEI MUNICIPALITYBY- LAWS RELATING TO THE PREVENTATION OF TAMPERING WITH
ELECTRICAL INSTALLATION AND/ OR THE IMPROPER AND / OR
UNAUTHORISED USE OF SUCH INSTALLATIONS

The Municipality Manager hereby publishes, in terms of Section 13 of the Local Government Municipal System Act , 2000[Constitution Act 108 of 1996] the By-Law Relating to the Prevention of Tampering with Electrical Installations and/or the Improper and/ or Unauthorised Use of such Installations which by-law shall come into operation on the date of publication thereof.

[1] Definitions

In this by-laws, words used in the masculine gender include the feminine, otherwise indicates-

“Consumer” in relation to premises means:

[i] Any occupier thereof or any other person with whom the Municipality has contracted to supply or is actually supplying electricity thereat; or

[ii] If such premises are not occupied, any person who has valid existing agreement with the Municipality for the supply of electricity to such premises; or

[iii] If there is no such person or occupier, the owner of the premises;

“Credit meter” means a meter where an account is issued subsequent to the consumption of electricity;

“Electrical installation” includes any apparatus, main, meter, services connection, service protective device, metering device, network, cabling, token and/or equipment associated with or connected to an electricity supply to premises.

“The law” means any applicable law, proclamation, ordinance’ act of parliament or enactment having force of law;

“Meter” means a device which records the demand and/or the electrical energy consumed and includes conventional and prepayment meters;

“Municipality” means the Great Kei Municipality, a municipality established in terms of the law or any legal entity duly authorised by said Municipality to provide an electricity services within its area of jurisdiction.

“Occupier” in relation to any premises means-

[a] any person in actual occupation of such premises;

[b] Any person legally entitled to occupy such premises;

[c] in the case of such premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants, whether on his own account or as agent for an person entitled thereto or interested therein; or

[d] any person in control of such premises or responsible for the management thereof, and includes the agent of any such person he is absent from the Republic of South Africa or his whereabouts are unknown;

“owner” in relation to premises means the person in whom is vested the legal title thereto; provided that-

[a] in the case of immovable property-

- i. leased for a period of not less than 30 years, whether the lease is Registered or not, the lessee thereof, or
- ii. Beneficially occupied under servitude or right analogous thereto, The occupier thereof,

[b] if the owner as hereinbefore defined-

- i. is deceased or insolvent, has assigned his estate for the benefit of his creditors, has been placed under curatorship by order of court or is a company being wound up or judicial management, the person in whom the administration of such property is vested as executor, administration, trustee, assignee, curator, liquidator or judicial manager, as the case may be, or
- ii. is absent from the Republic of South Africa, or if his address unknown to the Municipality, any person who as agent or Otherwise receives or is entitled to receive the rent in respect Such property; and
- iii. if the Municipality is unable to determine who such person is, the person who is entitled to the beneficial use of such property;

Shall be deemed to be the owner thereof, to the exclusion of the person in whom is vested the legal title thereto;

“Premises” means any land or any building or structure above or below ground level and includes any vehicle, aircraft or vessel;

“Prepayment meter” means a meter that can be programmed to allow the flow of the pre-purchased amounts of energy in an electrical circuit;

“Services connection” means all cables and equipment required to connect the supply mains to the electrical installation of the consumer at the point of supply;

“Services protective device” means any fuse or circuit breaker installed faults occurring on the installation or on the internal service connection;

“tariff” means the municipality’s tariff of changes for the supply of electricity and includes any fee, charge, levy, and surcharge: and

“token” means the essential element of a prepayment metering system used to transfer information from a point of sale for electricity credit to a prepayment meter and vice versa.

[2] Other terms

All other terms used in this by – law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Act, 1987[Act 41 of 1987],as amended

[3] Heading and titles

The headings and titles in this by-law shall not affect the construction thereof.

[4] Provisions of Services

Only the Municipality shall supply or contact for the supply of electricity within the jurisdiction of the Municipality

[5] Seals of The Municipality

The meter, services protective devices and all apparatus belonging to the Municipality shall be sealed or locked by a duly authorised official of the Municipality, and no person not being an Official of the Municipality duly authorised thereto shall in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks.

[6] Supply by agreement

No person shall use or be entitled to use an electricity supply from the Municipality unless or until such person shall have entered into an agreement in writing with the Municipality for such supply ,and such agreement together with the provisions of this by-law shall in all respect govern such supply. If a person uses an electricity supply without entering into an agreement he shall be liable for the cost of electricity used at a tariff determined by the Municipality.

[7] Improper use

- I. If a consumer uses the electricity for any purpose or deals with the electricity in any manner which the Municipality has reasonable grounds for believing interferes in an improper or unsafe manner or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the Municipality may, or without notice, disconnect the electricity supply but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed. The fee as prescribed by the Municipality for the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored, unless it can be shown that the consumer did not use or deal with the electricity in an improper or unsafe manner.

[8] Tampering with service connection or supply mains

[1] No person shall in any manner or for any reason whatsoever tamper or interfere with any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the Municipality.

[2] Where prima facie evidence exists of a consumer and/or any person having contravened sub-section [1], the Municipality shall have the right to disconnect the supply of electricity immediately and without prior notice to the consumer. The consumer or person concerned shall be liable for all fees and charges levied by the Municipality from time to time for such disconnection.

[3] Where a consumer and/or any person has contravened subsection [1] and such contravention has resulted in the meter recording less than the true consumption, the Municipality shall have the right to recover from the consumer the full cost of his estimated consumption as assessed by the Municipality and in accordance with the applicable tariff of charges determined by the Municipality from time to time.

[4] This section does not derogate from the right of the municipality to institute criminal proceedings in accordance with any law against a consumer and /or any person who has contravened sub-section [1]

[9] Prevention of tampering with services connection or supply mains

If the Municipality decides that it is necessary or desirable to take special precautions in order to prevent tampering with any portion of the supply mains, service connection or service protective device or meter or metering equipment, the consumer shall either supply and install the necessary protection or pay the costs involved where such protection is supplied by the Municipality.

[10] Unauthorised connections

No person other than a person specifically authorised thereto by the Municipality in writing shall directly or indirectly connect, attempt to connect or cause or permit to be reconnected any electrical installation or part thereof to the supply mains or services connection of the Municipality.

[11] Unauthorised reconnections

[1] No person other than a person specifically authorised thereto by the Municipality in writing shall reconnect, attempt to reconnect or cause permit to be reconnected to the supply mains or service connection any electrical installation or installations which has or have been disconnected by the Municipality.

[2] Where the supply of electricity that has previously been disconnected is found to have been reconnected, the consumer using the supply of electricity shall be liable for all charges for electricity consumed between the date of disconnection and the date the electricity supply was found to be reconnected and any other charges raised in this regard. furthermore, the Municipality reserves the right to remove part or all of the supply equipment until such time as payment has been received in full. In addition, the consumer will be responsible for all the cost associated with the reinstatement of such supply equipment.

[3] This section does not derogate from the right of the municipality to institute criminal proceeding in accordance with any law against a consumer and / or any person who has contravened sub-section.

[12] Right of admittance to inspect, test and/or do maintenance work

[1] The Municipality shall, through its employees, contractors and their assistants and advisers, have access to or over any property for the purpose of:

[a] doing anything authorised or required to be done by the Municipality under this by-law or any other law;

[b] Inspecting and examining any service mains and anything connected therewith;

[c] Enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the Municipality and making any necessary survey in connection therewith;

[d] Ascertaining whether there is or has been a contravention of the provision of this by-law, and

[e] Enforcing compliance with the provision of this by-law or any other

[2] The Municipal shall pay to any person suffering damage as a result of the exercise of the right of access contemplated by sub-section [1], except where the Municipality is

authorised to execute on the property concerned any work at the cost of such person or some other person or to execute on such property any work and recover the cost thereof from such person or some other person, compensation in such amount as may be agreed upon by the Municipality and such person or, in the absence of agreement, as may be determined by arbitration or court of law.

[3] An employee of the Municipality authorised thereto by such Municipality may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to a person and for a purpose referred to in sub-section [1].

[4] The Municipality may gain access to or over any property without notice and may take whatever action as may, in its opinion, be necessary or desirable in consequence of the existence of a state of war or the occurrence of any calamity, emergency or disaster.

[13] Refusal or failure to give information

No person shall refuse or fail to give such information as may be reasonably required of him by any duly authorised official of the Municipality or render any false information to any such official regarding any electrical installation work completed or contemplated or any unauthorised use of or tampering with any electrical installation.

[14] Refusal of admittance

No person shall wilfully hinder, obstruct, interfere with or refuse admittance to any duly authorised official of the Municipality in the performance of his duty under this by-law or of any duty connected therewith or relating thereto.

[15] Right to disconnect supply

(1) The Municipality shall have the right to disconnect the supply of electricity to any premises if the person liable to pay for such supply fails to pay any charge due to the Municipality in connection with any supply of electricity which he may at any time have received from the Municipality in respect of such premises, provided that such disconnection shall take place in accordance with the provision of the Credit Control Policy of the Municipality and upon the failure of the person concerned to adhere to the provision of such policy and/or any agreement entered into between him and the Municipality in terms of such policy.

[16] Non –liability of the Municipality

The Municipality shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or Supply of electricity, unless caused by negligence on the part of the Municipality.

[17] Services of notice

[1] Any notice or other document that is served on a person in terms of this by-law is regarded as having been 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 sixteen 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 acknowledgement of the posting thereof from the postal services 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]; or

[e] If that person's address and agent or representative in the Republic is unknown, when it had been posted in a conspicuous place on the property or premises, if any, to which it relates.

[2] When any notice or other document must be authorised or 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.

[3] Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the Municipality Manager's office.

[18] Compliance with notices

Any person on whom a notice duly issued or given under this by-law is served shall, within the time specified in such notice, comply with its terms.

[19] Penalties

[1] Any person who contravenes any provision of this by-law shall be guilty of an offence.

[2] Any person who continues to commit an offence after notice has been served on him to cease committing such offence or after he has been convicted of such offence shall be guilty of a continuing offence.

[3] Any person convicted of an offence under this by-law shall be liable to a fine not exceeding ten thousand rands or imprisonment for a period not exceed six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and, in the case continuing offence ,to an additional fine not exceeding four hundred rands

or additional imprisonment for a period not exceeding ten days or such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued.

[4] Every person committing a breach of the provisions of this by-law shall be liable to recompense the Municipality for any loss or damage suffered or sustained by it in consequence of such breach.

LOCAL AUTHORITY NOTICE 803 OF 2023**GREAT KEI MUNICIPALITY****BY-LAWS RELATING TO SOLID WASTE DISPOSAL**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act 2000 (Act 32 of 2000) read with Section 162 of the Constitution of the Republic of South Africa Act 1996 (Act 108 of 1996) the By-Laws Relating to Solid Waste Disposal.

PURPOSE OF BY-LAW

The purpose of this by-law is to promote a safe and healthy environment for the benefit of the public residing within the municipal boundaries, and to provide practices and procedures to regulate solid waste disposal.

CHAPTER 1**DEFINITIONS**

Definitions – in this by-law, words used in the masculine gender includes the feminine, the singular includes the plural and vice versa, and, unless the context otherwise indicates:-

“attendant” means an employee, agent or contractor of the municipality duly authorized to control or manage a disposal site;

“bin liner” means a plastic bag, as prescribed by the municipality, for placement inside a container;

“builder’s waste: means any waste resulting from or generated by construction, renovation or demolition of a building or other structure or works;

“bulky waste” means any waste, other than industrial waste, which emanates from any premises and which, by virtue of its mass, shape, size or quantity, cannot be conveniently accumulated in or removed from a container with a bin liner;

“charge” means the charge prescribed by the municipality by resolution of its municipal council;

“container” means a standard type of refuse container as approved by the municipality;

“day” means a calendar day, including a Saturday, Sunday and any public holiday;

“disposal site” means a site used for the accumulation of waste, with the purpose of disposal or treatment or such waste;

“domestic waste” means any waste usually emanating from, or incidental to, the normal occupation of a dwelling, flat, hotel, boarding house, restaurant, guest house, hospital, court, school, government office, café, shop, old age home or business premises, but shall not include stones, soil, gravel, bricks, waste liquids, sewerage, or industrial, builders or trade waste;

“industrial waste” means any waste generated as a result of manufacturing, maintenance, production and dismantling activities;

“Minister” means the Minister of Environmental Affairs and Tourism;

“Municipality” means the Municipality of Great Kei, established in terms of the Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any political structure, political office bearer, councilor, duly authorized agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated to such political structure, political office bearer, councilor, agent or employee;

“municipal service” means, unless otherwise stated, the provision or supply of waste disposal and waste management services;

“nuisance” means, without limiting the generality of the term, an act, omission, condition or state of affairs that :-

- (a) Impedes, offends, endangers or inconveniences the public at large; or
- (b) Causes material inconvenience in the ordinary and comfortable use or enjoyment or private property;

“occupier” means, for the purposes hereof, the person who controls and resides, or who controls and otherwise uses, immovable property, and includes occupiers;

“offensive matter” means such matter, including fluids, that may be classified as such by the municipality from time to time;

“owner” means, and includes:-

- (a) The person or persons in whom the registered title in immovable property is vested;
- (b) The person administering an estate as curator, executor, proxy, trustee or administrator or a person in whom the legal title in immovable property is vested and who is insolvent, deceased or of unsound mind;
- (c) The agent or persons receiving the rental of immovable property in cases where registered owner is away or absent;

- (d) The beneficiary of a usufruct over immovable property; or
- (e) The fiduciaries of municipal property

“trade waste” means any trade material or trade waste, as determined by the municipality and agreed to by the owner or occupier;

“transfer station” means any site set aside by the municipality, for the interim storage of waste, pending its removal to and disposal at a disposal site;

“waste” means any matter, whether gaseous, liquid or solid or any combination thereof, which is from time to time designated by the Minister by notice in the Gazette as an undesirable or superfluous by-product, emission, residue or remainder of any process or activity, as contemplated in term of Section 1 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).

CHAPTER 2

WASTE REMOVAL AND DISPOSAL

2. Waste removal

- (a) The municipality shall provide municipal services as defined, and subject to the provisions of national legislation to this effect.
- (b) The charges payable to the municipality for the provision of such municipal services, and the amount to be deposited with the municipality by any person making use of the aforesaid municipal services, shall be determined by the municipality from time to time.

3. Use of Municipal services compulsory in respect of domestic waste

- (1) Every owner or occupier shall make use of municipal services in respect of all domestic waste which emanates from immovable or municipal property.
- (2) In the event that no municipal services are provided or supplied to the immovable or municipal property in question, the owner or occupier shall take such steps as may be necessary to ensure that such domestic waste is:-
 - (a) removed regularly, so as not to constitute a nuisance for neighbouring owners or occupier; and
 - (b) disposed of at a disposal site.

4. Municipality to remove domestic waste

- (1) Subject to subsection (2), no person other than the municipality shall remove domestic waste from any immovable or municipal property, or dispose of it in any manner whatsoever.
- (2) A person may remove domestic waste from such immovable or municipal property, or dispose of it, only in the event that:-
 - (a) No municipal services are provided or supplied to the immovable or municipal property in question, as contemplated in terms of the preceding section; or
 - (b) such person has obtained written authorization from the municipality to undertake such removal or disposal.

5. Accumulation and removal of domestic waste

- (1) Subject to the provisions of the subsection (6), the municipality may require every owner or occupier of a property to provide on such property a container with a capacity of not less than 85 litres, constructed of a material approved by the municipality, and with a close-fitting lid and handles, for the accumulation of domestic.
- (2) If the municipality is of the opinion that more than one container for the accumulation of domestic waste is essential on a particular property, then it may, according to the quantity of domestic waste normally accumulated on such property, require the occupier thereof to provide as many containers on such property, as it may determine.
- (3) if a container used by an owner or occupier does not comply with the requirement of the municipality, then the municipality may instruct such owner or occupier to obtain and use some other suitable container complying with its requirements.
- (4) The municipality may, where it considers it necessary or desirable, supply containers to particular classes of owners or occupiers, or to particular classes of properties, or in particular areas, in which event the cost of such containers may be recovered from the owners or occupiers of the properties concerned.
- (5) All containers shall be equipped with bin liners as may be presented by the municipality, unless the municipality determines otherwise.
- (6) The municipality may, generally or in particular, issue instructions to owners and occupiers with regard to the manner in which, or the arrangements according to

which, domestic waste or refuse bags shall be placed in containers, be removed therefrom, be tied, and thereafter be placed or deposited for removal, and any disregard of such instructions shall constitute a contravention of this by-law.

- (7) No material, including any liquid, which by reason of its mass or other property is likely to render such bin liner or containers difficult or dangerous for the municipality's employees to handle or carry shall be placed in such bin liners or containers.
- (8) The containers or bin liners or both shall be removed by the municipality at such intervals as the municipality may deem necessary, but only if such containers or bin liners or both have been placed or deposited at the prescribed places, as determined by the municipality.
- (9) In any case where the occupier of a property is not also the owner, the municipality may hold the owner him or herself, instead of the occupier, liable for compliance with the provisions of this by-law.
- (10) The municipality may, in specific cases, impose different requirements, other than the use of an 85 litre container, for the removal and disposal of domestic waste, and the owner or occupier of immovable property, as the case may be, shall be obliged to comply with the aforesaid directions of the municipality.

6. Containers for accumulation of domestic waste

- (a) Subject to subsection (b), the owner or occupier of immovable or municipal property shall be accumulated only in a container contemplated in terms of the preceding section.
- (b) In the event that no municipal services are provided or supplied to the immovable or municipal property in question, the owner or occupier may accumulate the domestic waste in a container other than the one contemplated in terms of the preceding section, provided that such accumulation does not constitute a nuisance for neighbouring owners or occupiers.

7. Garden Waste

- (1) Garden waste shall be removed from the property where it accumulates, according to any arrangements which the owner or occupier of such property has made with the municipality or private contractors.
- (2) If any accumulation of garden waste is not removed within a reasonable time, and if such accumulation creates a nuisance or danger to public health, or a fire hazard to property, then the municipality shall instruct such owner or occupier in writing to effect the removal of such accumulation within a specified period, no later than 14

days from the date of such instruction.

(3) Where necessary, and subject to the availability of its facilities and resources, the municipality may, in its discretion, and upon application by the owner or occupier of property, at the cost of the owner or occupier, and in accordance with such terms and conditions as the municipality may determine.

(4) No garden waste may be dumped, kept or stored in or on any pavement or vacant ground.

8. Removal of bulky or industrial waste

(1) The owner or occupier of premises on which bulky or industrial waste is generated shall ensure that such waste is disposed of in term of by-law within a reasonable period, but not later than 14 days after the generation thereof.

(2) Bulky or industrial waste shall, once it has been removed from the premises on which it was generated, be deposited at a disposal site designated for such waste.

(3) The removal and disposal of bulky or industrial waste may be undertaken by the municipality, provided that:-

- (a) the owner or occupier of the premises in question applies to the municipality, pays such costs as may be prescribed, and complies with any term and conditions determined by the municipality; and
- (b) no disposal site within reasonable proximity to the premises has been designated for such waste.

(4) No obligation is imposed on the municipality in terms of this by-law to remove bulky or industrial waste.

9. Builders Waste

(a) Builders waste which may have accumulated in the course of the construction, alteration, renovation or demolition of any structure or works shall be removed from the property concerned, according to suitable arrangements to be made by the owner or occupier of such property with the municipality.

(b) If there is any undue delay in the removal of such waste after the completion of the works involved, the municipality may direct, by written notice to such owner or occupier, that the builder's waste be removed to an approved disposal site, within a specified time, no later than 14 days from the date of such notice.

10. Trade Waste

The municipality may enter into an agreement with the owner or occupier of any premises, for the removal of trade waste by the municipality, at a charge fixed by the municipality.

11. Abandoned objects

any object, other than a vehicle deemed to have been left or abandoned anywhere in terms of the national Road Traffic Act, 1996 (Act No.93 of 1996), which may be reasonable regarded by the municipality as having been abandoned, may be removed and disposed of by the municipality, in any manner as it may deem fit.

12. Recycling

(1) The municipality shall determine requirements for recycling of waste.

(2) No waster may be stored upon any premises, for purposes of recycling, where such storage constitutes a nuisance to the owners or occupiers of neighbouring properties.

(3) Notwithstanding the provisions of subsection (2), any person involved in any way in recycling shall comply with all national legislation to this effect.

CHAPTER 3**DISPOSAL SITES AND TRANSFER STATIONS****13. Disposal sites and transfer station for waste**

(1) The municipality shall establish, provide and operate disposal sites and transfer stations, where waste shall be disposed of, deposited or dumped.

(2) Any person disposing of, depositing, or dumping, waste in any place other than one established and provided by the municipality shall be guilty of any offence, with the exception that waste may be disposed of, deposited or dumped at a disposal site established, provided or operated by any person who is the holder of a current permit duly issued in terms of Section 20 of the Environment Conservation Act, 1989 (Act No.3 of 1989)

(3) The municipality may, from time to time, determine tariffs for the disposal of, depositing of, or dumping of, waste at a disposal site or transfer station.

14. Ownership of waste

All waste removed by the municipality, and all waste on disposal sites or transfer stations controlled by the municipality, shall be the property of the municipality, and no person who is not duly authorized by the municipality to do so shall remove, or in any manner interfere with, such waste.

15. Liability

(1) Where any object has been removed and disposed of by the municipality in terms of section 1, the owner or person responsible for such object shall be liable to pay the municipality the charge fixed by it for its removal, disposing or custody.

(2) For the purposes of subsection (1), the person responsible shall be:-

(a) the owner of the object, including any person who is entitled to be in possession of the object by virtue of a hire purchase agreement or lease, at the time when it was abandoned or deposited in the place from which it was so removed, unless he or she can prove that he did not know that it had been deposited in such place; or

(b) any person who deposits the object in the said place; or

(c) any person who knowingly permits or permitted the object to be deposited in the said place..

16. Control and management of disposal sites and transfer stations

(a) The municipality shall control and manage any disposal site in respect of which it is a current permit holder in terms of the Section 20 of the Environment Conservation Act, 1989 (Act No.73 of 1989).

(b) Notwithstanding subsection (a), the municipality may enter into a contract with a person to control and manage a disposal site or transfer station on behalf of the municipality, provided that such contract does not contravene the provision of the permit referred to in the aforesaid subsection (a) or any applicable legislation.

17. Access to disposal sites and transfer stations

(1) No person shall enter a disposal site or transfer station, or shall be or remain on such premises, except on such days and at such times as shall be fixed by municipality from time to time.

(2) A notice, indicating the days and hours during which a disposal site or transfer station will normally be open for the disposal of, depositing of, or dumping of, waste, shall be displayed by the municipality in a clearly visible place at or near the entrance to such premises.

(3) The municipality may limit access to a disposal site or transfer station, by permitting access to only those persons who have paid the prescribed fee, and who are in possession of written permission issued by the municipality, authorizing them to dispose of, deposit, or dump, waste at a disposal site or transfer station, or authorizing them to recycle any materials or objects at or on such site.

(4) Notwithstanding anything to the contrary contained in this by-law, any employee of the municipality, or anybody acting on behalf of the municipality or duly authorized thereto, may enter a waste disposal site or transfer station at any time in the exercise of his or her duties.

(5) Any person making use of or entering a disposal site or transfer station shall do so entirely at his or her own risk, and the municipality will not be responsible for the safety of such person, or for any damages or losses sustained by such person, as a result of his or her presence at or on such premises.

(6) Anybody who enters a disposal site or transfer station, or who is found thereon, in contravention of the provisions of this by-law shall be guilty of an offence.

LOCAL AUTHORITY NOTICE 804 OF 2023**GREAT KEI MUNICIPALITY****BY-LAW RELATING TO THE USE AND HIRE OF MUNICIPAL BUILDINGS**

The Municipal Manager hereby publishes ,in terms of Section 13 of the Local Government :Municipal Systems Act,[Act No .32 of 2000],read with Section 162 of the Constitution of the Republic of South Africa Act ,1996 [Act No .108 of 1996]the By-law Relating to the Use and Hire of the Municipal Buildings.

Purpose of By-law

The purpose of this by-law is to provide for procedures, methods and practices to regulate the use and hire of municipal buildings.

CHAPTER 1**DEFINITIONS**

1 Definitions –In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, and, unless the context otherwise indicates-

‘appurtenance’ means any installation or appliance in or at municipal building ,and includes ,without derogating from the generality of the a foregoing ,keys ,locks ,windows ,toilets ,basins ,water taps and fittings;

‘authorised official’ means-

- (a) An official of the municipality who has been authorised by it to administer ,implement and enforce the provisions of this by-law;
- (b) A traffic officer appointed in terms of Section 3A of the National Road Traffic Act ,1996[Act No.93 of 1996
- (c) A member of the police service ,as defined in terms of Section 1 of the South African Police Service Act ,1995[Act No .68 of 1995]; or
- (d) A peace officer ,contemplated in terms of Section 1 of the Criminal Procedure Act ,1997[Act No.51 of 1997];

‘municipal building’ means a building ,structure, hall , room or office ,including any part thereof and any part thereof and any facility or apparatus therein ,which is the property of ,or which is managed or leased by ,the municipality ,and to which the general public has access ,whether on payment of admission fees or not;

‘municipality means the Municipality of Great Kei ,established in terms of Section 12 of the Municipal Structures Act ,1998[Act No.117 of 1998],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;

‘notice ’ means an official notice displayed at every entrance to ,or at a conspicuous place in or about , a municipal building , and in which the municipality shall make known provisions and directions adopted by it in terms of this by-law;

Nuisance' means, without limiting the generality of the term, an act, omission, condition or state of affairs that-

(a) impedes , offends ,endangers or inconveniences the public at large ;or

(b) causes material inconvenience in the ordinary and comfortable use or enjoyment of property ;

'Person' means a natural or juristic person , and includes a voluntary association of natural or juristic persons;

'Prescribed fee' means the fee determined by resolution of the municipality for hire of a municipal building;

'property' means the land on which a municipal building is situated ;and

'user' means any person who actually utilizes, or who directly benefits from, a municipal building.

CHAPTER 2

USE OF MUNICIPAL BUILDINGS

2. Maximum number of visitors

(a)The municipality may determine the maximum number of visitors who may be present at a specific time in or at a municipal building.

(b)The number contemplated in subsection (a) shall be made known by the municipality by means of a notice.

3. Admission to a municipal building

(1)A municipal building is, subject to the provisions of this by-law, open to the public during the times determined by the municipality, and made known in a notice.

(2)No visitor shall enter or leave a municipal building at a place other than that indicated for such purpose.

(3)The municipality shall ensure that all entrances to and exits from a municipal building are designed so as to accommodate and permit access by disabled visitors.

4. Entrance fees

(a)A visitor to a municipal building shall pay an entrance fee, as may be determined from time to time by the municipality , and such entrance fees shall be made known by means of a notice .

(b)Different entrance fees may be determined in respect of visitors of different ages, and the municipality may exempt certain groups of different ages, and municipality may exempt certain groups of persons from the payment of an entrance fee, provided that such exemption does not amount to unlawful discrimination.

5. Nuisances

(1)No person shall perform or permit any of the following acts in or at a municipal building-

(a) the discharge of fireworks, without the municipality's written consent, and subject to the requirements of the Explosives Act, 2003 [Act No. 15 of 2003] and any regulations promulgated in terms thereof;

(b) the burning of rubble or refuse;

(c) the causing of unpleasant or offensive smells;

(d) the production of smoke nuisances;

(e) the causing of disturbances, by fighting, shouting, or arguing or by the use of loudspeakers, radios, television sets or similar equipment; or

(f) the causing, in any other manner, of a nuisance, obstruction, disturbance, or annoyance, to the public.

(2) An authorised official may, during any activity of the hirer, direct that the hirer remove from a municipal building any person who is in a state of intoxication and who is behaving in an offensive manner, or who is causing a nuisance or annoyance to other people in or at a municipal building or to occupiers of other parts of the municipal building or neighbouring buildings.

(3) An authorised official may, during any activity of the hirer, direct the hirer to prevent access to the municipal building by any person who is in a state of intoxication and who behaves in an offensive manner or who is causing a nuisance or annoyance to other people in or at, or at, or users of, a municipal building or neighbouring buildings.

6. Health matters

No person shall, in or at a municipal building-

(a) dump, drop or place any refuse, rubble, or material, or any object or thing, or permit it to be done, except in a container provided for that purpose in or at the outdoor facility or municipal building;

(b) pollute or contaminate any water supply;

(c) perform any act that may detrimentally affect the health of any visitor to a municipal building.

7. Structures

No person shall, without the prior written consent of the municipality, erect or establish in or at a municipal building any structure or shelter, or anything similar.

8. Liquor and food

(1) No person shall, contrary to the provision of a notice, bring into a municipal building any alcoholic beverage or food, of whatever nature, unless permitted in the conditions of hire.

(2) No person shall, in or at a municipal building, contrary to the provision of a notice, cook or prepare food of any kind whatsoever, except at places set aside for such purposes by notice, provided that-

(a) the preparation and cooking of food in or at a municipal building shall be done in a clean and hygienic manner, so as not to give rise to excessive smoke or other nuisances, or pose any danger to health; and

(b) no animals, poultry or fish may be killed or skinned in or at a municipal building, unless permitted in the conditions of hire.

9. Animals

(a) No person shall bring any animal, bird, fish, or poultry into a municipal building, except in accordance with the directions of the municipality.

(b) The directions contemplated in subsection (a) shall be made known by means of a notice.

10. General use of municipal buildings

(1) In respect of the use of municipal buildings, no person shall-

- (a) arrange or present any public entertainment;
- (b) collect money or any other goods for charity or any other purpose from general public;
- (c) display or distribute any pamphlet, placard, painting, book, handbill, or any other printed, written or painted work;
- (d) arrange, hold, or address, any meeting;
- (e) arrange, or hold, a public gathering or procession, exhibition or performance;
- (f) conduct trade, occupation or business;
- (g) display, sell, rent out, or present for sale or rent, any goods or articles; or
- (h) hold an auction

At such municipal building, unless the prior consent of the municipality has been obtained, or such activity is permitted in terms of the conditions of hire, as contemplated by chapter 3 of this by-law

2 Nothing contained in this section shall be construed so as to detract from-

- a) the requirements of the Regulation of Gatherings Act, 1993 [Act No. 205 of 1993]; or
- b) Any person's constitutional right to assemble, demonstrate, picket and present petitions.

11. Safety and responsible conduct

(1) Subject subsection (2), no person shall-

- (a) Cause damage or disfigurement;
- (b) Use, or try to use, anything for any purpose other than the one for which it is designated or determined by notice;
- (c) Light a fire or prepare food, except at places indicated for that purpose by notice;
- (d) Wash any crockery or laundry, or hang out such laundry, except at places indicated by notice for that purpose,

In or at a municipal building.

- (2) The municipality may, by way notice , and subject to such conditions as the municipality deem s necessary, and mentioned in the said notice, authorise any of the actions contemplated in Subsection(1), of in the relevant conditions of hire

CHAPTER 3
HIRE OF MUNICIPAL BUILDINGS

12. Cooperation between municipal departments

Every department of the municipality having jurisdiction over or responsibility for any municipal building must cooperate with any other such department in ensuring that-

- a) Such municipal building is properly maintained in a state fit for the purpose for which it was designed and is used; and
- b) Subject to the provision s of section 18, no part of such municipal building is made available to, or hired out to , more than one person at the same time.

13. Application for hiring of municipal buildings

- (1) Any person wishing to apply for the hiring of a municipal building must-
- a) Submit an application to the municipality in the form prescribed by the municipality for this purpose;
 - b) Clearly stipulate in such application-
 - (i) The municipal building, seating, accommodation and equipment required; and
 - (ii) the period for which the municipal building is required;
- © ensure that such application form is received by the municipality not less than 30 (thirty) days prior to the date on which the municipal building is first required by the application, provided that this time period may, depending on the demand for the municipal building in question, be relaxed by the municipality.
- (2) The municipality may refuse to hire out any municipal building in terms of subsection(10, or Of subsection (1) , or may cancel any booking thereof if-
- (a) The municipal may building is to be used for any unlawful purpose; or
 - (b) The municipal building is required at the same time by the municipality for municipal purposes, provided that the municipality shall furnish at least 14(fourteen) days 'notice of any cancellation of an existing booking.
- (3) No compensation shall be payable by the municipality to the hirer for any loss which the hirer may suffer by reason of the municipality's having acted in terms of subsection (2) , provided that the municipality shall refund all charges that have already been paid to it in respect of application.
- (4) The hirer is limited to the use if the municipality building specified in the application form, and may not use any other municipal building for which he or she has not applied.

- (5) The municipal building so hired may not, except with the prior written approval of the municipality, be used for any purpose other than the purposes indicated on the application form or stipulated in the conditions of hire.

14. Tariff of fess

The municipality may from time to time determine a tariff of prescribed fees for the hire of municipal building provided by the municipality in term of this by-law.

15. Payment of charges

No person shall be permitted o use any municipal building unless the prescribed fee, where applicable , has been fully paid, provided that the municipality may exempt any person or organisation, on good cause , from the payment of the entire prescribed fee, or portion thereof.

16. Period of hire

Notwithstanding any determination made by the municipality regarding the dates period for which

Municipal building may be hired, the municipality may allow the hirer reasonable access to a municipality building before the commencement date of the period of hire, so as to enable the hirer to make necessary preparations and arrangements, but subject to the prior payment of the prescribed fee by the hirer.

17. Adjustment of period of hire

- (1) Any person who makes an application for the use of a municipal building in terms of the provision of section 13 may, subsequent to the approval of such application, and the reservation of such municipal building, apply for the postponement of such reservation to the a later date , without penalty or forfeiture, provided that such postponement may be refused if such municipal building has, in the meantime, been reserved for use by another person on the date to which the postponement is sought.
- (2) Any person who has already made an application for the reservation of a municipal building may cancel such reservation , provided that if-
- (a) A reservation is cancelled 1 one month or longer prior to the commencement date of such reservation , then the hirer must receive a full refund of the prescribed fee already paid;
- (b) A reservation is cancelled more that 15(fifteen) days but less than 1 one month prior to the commencement date of such reservation, then the hirer must receiver a 50 % fifty percent refund of prescribed ;
- (c) A reservation is cancelled 15 fifteen days or less prior to the commencement date of such reservation , then the b hirer is not entitled to receive any refund of prescribed fee.
- (3) Any mat extend the period of hire of a municipal building upon written application to the municipality in the manner provided for in section 13(1) provided that
- (a) The period of 30 thirty days' notice s contemplated in terms of section 13 (1) (c0 ,shall not apply;

- (b) The municipal building concerned has in the meantime, been reserved for use by any other person.

18. joint hire

- (1) The municipality may let any municipal building or part thereof different hirers for simultaneous use.
- (2) In the case of such simultaneous use, each hirer must use any ancillary amenities which serve or comprise part of the municipal building-
 - (a) Jointly with the other hirer ; and
 - (b) In such manner that all the hires their guests, customers, patrons, employees, agents, directors or other representatives are able to enjoy the use of the municipal building in question without infringing on the rights of use by other users.
- (3) The provisions of this by-law, read with the necessary changes, apply to the joint isers of the hired Municipal building.

19. Sub- letting

A hirer may not-

- (a) Sub-let any hired outdoor facility or municipal building to any other person or organisation,
- (b) Cede; pledge, or renounce, in favour of another person any of his or her rights or obligations under this by –law; and
- (c) Allow any other person to occupy a municipal building without the prior written consent of the municipality.

20. Condition of municipal building

- (1) The hirer must inspect the hired municipal building , including all installations, appliances fittings, accessories and furniture , before he or she commences to use such installations, appliances, fitting accessories and furniture.
- (2) If the hirer finds that any of the installations, appliances, fittings, accessories and furniture in at a municipal building are not in a proper state of repair, then the hirer must report this fact to the municipality.

(3) if the hirer fails either to inspect a municipal; building in term of subsection (1), or to report any defects found therein in term of subsection (2), then it shall be deemed that, upon commencement of occupation by the hirer , everything in or at the municipal building was in a proper state of repair.

21. Duties of the hirer

Every person hiring a municipal building from the municipality must-

- (a) Take all reasonable steps to keep all sewerage pipes, water taps drains within or serving the municipal building free from obstruction or blockage as a result of the hirer's activities;
- (b) At all times keep the municipal building in a clean ,tidy and sanitary condition;
- (c) Not affix or attach to the municipality building any notices or other matter, without the prior consent if the municipality, provided that upon the termination of the hire, the hirer must remove all such attachments;
- (d) Not obscure any plate glass windows by painting or otherwise;
- (e) Not drive into the walls or partitions or doors of the municipal building any screws or nails;
- (f) Not change or interfere with or overload any electrical installation in our at the municipal building;
- (g) Not remove or take out from the municipal building any furniture or other articles whatsoever that belong to the municipality;
- (h) Not obstruct or interfere or tamper with thermostats or air conditioning appliances in or at the municipal building;
- (i) Not introduce or install any unsafe or heavy article , furniture , fitting, appliance or equipment which , in the reasonable opinion of the municipality, could damage the municipality may impose , on the introduction of such item, such conditions as reasonable to ensure the safety of the municipal; building and its users;
- (j) Not install in or at the municipal building any air conditioning or ventilating units or equipment, without the municipality's prior consent;
- (k) Not permit the storage of motor vehicles to or other movable items of any description on the pavements, entrance halls staircases or passages of the municipal building;
- (l) not do anything, or allow anything to be done , in non –compliance with any reasonable instruction or prohibition given or issued by the municipality;
- (m) not park vehicles, or allow the parking of vehicle by the hirer's guests, customers, patrons, employees, agents, directors or other representatives anywhere at the municipal building, except in properly demarcated parking bays, or as may be pointed out by authorised official.

22. Damage to property

- (a) A hirer who fails to keep and maintain a municipal building in the same order and condition as when it was hired out to him or her shall be guilty of an offence.
- (b) In addition to any remedies available to the municipality at common law, such hirer shall be liable in terms of the penalties specified in this by-law.

23. Advertisements and decorations

- (a) No person who has applied for the hire of a municipal building may publicly announce or advertise any function or event in respect of which an application for the hire of such municipal building has been made, before the municipality has notified such person in writing that the application has been approved.
- (b) Every hirer must, before vacating a hired municipal building, on the termination of the period of hire, remove all posters, notices, decorations, flags, emblems, signs, and other forms of advertisement or direction erected or affixed by him or her, and make good any damage caused by such removal.

24. Admissions, ushers and sale of tickets

The hirer shall be responsible for all arrangement in connection with-

- (a) Admission of members of the public to any cultural or other activities at a municipal building;
- (b) The provision of ushers, and other persons necessary to control the admission of persons to a municipal building; and
- (c) The sale of tickets.

25. Overcrowding

- (1) No overcrowding of a municipal building may be allowed at any time during any of the hire's activities.
- (2) The hirer must comply with the municipality's requirements prescribing the maximum number of person allowed at a municipal building during activities.
- (3) Without detracting from the general requirements referred to in subsections(1) and (2), the hirer may not permit admission by more persons to a municipal building than the number of available seats, or, where seating is not provided, the maximum number of persons prescribed by notice at a municipal building, or as stipulated in the conditions of hire.

26. Sale of food and drinks

- (1) No person may sell food or drinks at any hired municipal building during any activities, without the prior written consent of the municipality.
- (2) The municipality may permit the sale of food or drinks by such persons as it may approve, after it has received written application to sell such items, and the municipality may allocate sufficient

accommodation to such approved persons, wherein trading stock, furniture, equipment, installations and books necessarily required for that purpose may be accommodated.

- (3) The provisions of subsections (1) and (2) do not apply where the supply and sale of food and drinks comprise an integral part of the activities of hirer.
- (4) The municipality shall not be responsible for the payment of compensation to the hirer in respect of any loss, theft or damage suffered by the hirer or any other person in respect of the items referred to in subsection (2) as a result of any cause whatsoever, except where such loss, theft or damage is due to the wilful act or omission or gross negligence on the part of the municipality.

27. Services

- (1) The nature of the municipal services to be provided to a municipal building shall be determined at the sole discretion of the municipality.
- (2) The municipality shall not be liable for-
 - (a) The non-receipt or non-delivery of goods, postal matter or correspondence belonging to the hirer;
 - (b) The loss, theft or damage in respect of anything which the hirer, or his or her guests, customers, patrons, employees, agents, directors or representatives may have deposited or left in or at a municipal building or any part thereof, except where such loss, theft or damage is due to the wilful act or omission or gross negligence of the municipality.
- (3) The municipality may take such steps as it may consider necessary for the proper maintenance of operation of any common areas in or at an outdoor facility or municipality.
- (4) An authorised official may attend or be present at the hirer's function, to ensure compliance with any provision of this by-law.
- (5) The hirer is not entitled to the official services of an authorised official or any other representative of the municipality who attends the hirer's function in terms of subsection (4).
- (6) The hirer is not entitled to receive free cleaning or other services from the municipality in connection with the hirer's activities during the preparation of, or during, a function.

28. Exclusion of liability

- (1) The municipality shall not be liable for-
 - (a) Any damage or loss sustained by any person as a result of an insufficient supply of municipal services or interruption in the supply thereof to a municipal building, or due to any act or omission on the part of the municipality, if the municipality considers the interruption necessary to enable it to exercise any of its powers or perform any of its function under this by-law, or under any other law;
 - (b) Any loss, theft or damage caused to the stock-in-trade, furniture, equipment, installations, books, papers, clothing, or other articles of any nature whatsoever, kept at

a hired municipal building by the hirer or anyone else, whether in regard to the hire's business or not;

- (c) Any consequential loss suffered by the hirer by making use of a municipal building, or as a result of rain, hail lightning, wind, fire, storms, riot or civil commotion;
- (d) The loss of life or injury to the hirer or anyone else at or in a municipal building during a function or event; and
- (e) Any loss suffered by the hirer as a result of any failure or defect at or in a municipal building.

2 Upon approval by the municipality of any application for hire, a hirer must complete and sign an indemnity, as may be prescribed, in favour of the municipality.

29. Destruction of municipality building

- (1) The municipality may cancel the hire of a municipal building in the event that-
 - (a) the municipal building is destroyed or is damaged to such extent as to be substantially unusable;
 - (b) there is damage to the municipal building, such that it is rendered substantially unusable because of the absence of access to, or supply of, any a necessary municipal service; or
 - (c) there is destruction or damage to the municipal building, and the municipality decides not to proceed with the hire of the municipal building, in order to engage in reconstruction, renovation rebuilding, or for safety reasons.
- (2) Any decision made in terms of subsection (1) must be communicated by written notice given by the municipality to the hirer within a reasonable period of the event giving rise to the cancellation.
- (3) No hirer shall have any claim against the municipality for any damage or loss arising out of the damage to, or destruction of; a municipal building or any part thereof, or for the resultant loss of beneficial use of a municipal building by such hirer.

30 Termination of non-compliance

The municipality may at any time cancel the hire of a municipal building if the hirer fails to comply with any of the provisions of this by-law, in which event-

- a) The municipality shall not be liable for any damage or loss sustained by any person as a result of such cancellation;
- b) Such cancellation shall be effected without prejudice to any claim which the municipality may have against the hirer under any provision of this by-law, or at common law.

31. Termination of hire

1. upon the termination of the period of hirer

- a) The hire must return a municipal building to the municipality, in good order and condition;
- b) The hire must take good and repair at his or her own cost any damage or breakage, or reimburse the municipality for the costs of replacing, repairing, or making good, any broken, damaged or missing article; and
- c) The municipality may conduct from any deposit paid by the hirer in respect of a municipal building the costs of the said breakage, damage or loss.

As is stated on the application form or conditions of hire, provided that-

- a) Failure for the hire to comply with the provisions of this subsections entitles the municipality to levy a further prescribed fee for such additional period during which the hire remains in occupation of a municipal building after the expiry of the period of hire; and
- b) The provisions of this subsection do not preclude the municipality from taking lawful steps to procure the eviction of any such hirer from a municipal building

3. A hirer must comply with all reasonable and lawful instructions of the municipality in respect of cleaning of a municipal building upon the hirers vacation thereof, provided that the municipality itself may elect to undertake the cleaning of all crockery and cutlery used by the hirer.

4. A hire must comply with reasonable and lawful instructions of the municipality, in respect of the vacation of a municipal building and the return thereof.

32. Fire hazards and insurance

1. a hire may not bring to, or allow to be brought to, or kept at, a municipal building nor undertaker nor permit to be done or undertaken in or at a municipal building, any matter, thing or activity whereby the fire policy, or any other insurance policy, for the municipal building concerned may become or becomes void or voidable, or whereby the premium for any such insurance may be or is increased.

2. If the premium of such insurance increased as a result of any act or omission contemplated in subsection (1), then-

- a) The municipality may, in this discretion, allow such activity, and recover from the hirer the amount due in respect of any additional insurance premium; and
- b) The hirer must pay such amount immediately on notification by the municipality or the insurance company to the effect that such additional premium has been charged.

3. The municipality may at any time require a hirer to take out insurance with an insurance company, approved by the municipality; and, against damage or loss suffered during or as a result of any function or which a municipal building is hired.

33. Storage facilities

The municipality shall not be responsible for providing storage facilities for the equipment of a hirer, or that of his or her guests, customers, patrons, employees, visitors, supporters or agents during any period prior to, during or after a function or event.

34. Equipment

- a) A hirer who requires a municipality to supply any equipment for use during a function or event may use such equipment only with the permission of the municipality, and under the provision of an authorised official.
- b) If the hirer causes the damage to the equipment, or removes or causes the equipment to be removed from a municipal building without permission, or fails to return it then the hirer shall be liable for the repair or replacement costs thereof.

35. Right of entry

1. an authorised official may enter municipal building at all reasonable time-
 - a) To inspect municipal building and carry out any repairs or alterations or modifications or improvements in or at the municipal building; and
 - b) In order to ensure that the conditions of hire for the municipal building, and the provisions of this by-law, are being complied with.
2. a hirer shall not claim for the reimbursement of any charges payable for the hire of municipal building, compensation, damages or otherwise in connection with the exercise by the authorised official of the rights under subsection (1)
3. an authorised official may erect scaffolding, hoardings and building equipment in or at a municipal building, as well as such other devices required by law or which the municipalities architects may certify area necessary to carry out the repairs contemplated in subsection (1)(a).

36. Inspection

Upon the conclusion of the hirers activities at the end of the period of hire, or at the termination of the hire under any provision of this by-law, the municipality and the hire, or his or her nominee, must inspect a municipal building, for the purpose of assessing any damage or loss.

CHAPTER 4**GENERAL PROVISIONS****37. Offences and penalties**

Any person who contravenes or fails to comply, with this by-law, a notice issued in terms of this by-law, or a condition imposed under this by-law, irrespective of 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 not exceeding R60 000, or imprisonment for the period not exceeding 12 months, or either such fine or such imprisonment or both such fines or such imprisonment;
- b) In the case of continuing offence, additional fine of R600, or an additional period of imprisonment of one (1) day, or either such additional fine or such additional 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 a result of such contravention or failure.

38. Regulations

The municipality may make regulations not inconsistent with this by-law, prescribing-

- a) Any matter that may or prescribed in terms of this by-law; and
- b) Any matter that may facilitate the application of this by-law.

39. Repeal of by-law

Any by-law relating to the use or hiring the municipal buildings adopted by the municipality or any erstwhile municipal Council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

40. Short title

The by-law is called By-law relating to the use or hire of municipal buildings, 2004, and takes effect on a date determined by the municipality by proclamation in the Provincial Gazette.

LOCAL AUTHORITY NOTICE 805 OF 2023**GREAT KEI MUNICIPALITY****STREET TRADING BY- LAW**

The Municipal Manager hereby publishes in terms of Section 13 of the Local Government Systems Act, 2000 [Act No. 32 of 2000], read with Section 162 of the Constitution of the Republic of South Africa Act, 1996 [Constitution Act. 108 of 1996], the Street Trading By-law.

PURPOSE OF BY- LAW

The purpose of this by-law is to regulate street trading, for the benefit of the public residing and carrying on business within municipal boundaries of the municipality.

1. Definition- In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, and, unless the context otherwise indicates-

“approval” means approval by the municipality, and “approved” shall have a corresponding meaning;

“authorised official” means –

- a) an official of the municipality who has been authorised by it to administer, implement and enforce the provisions of this by- law;
- b) a traffic officer appointed in terms of Section 3A of the National Road Traffic Act, 1996 [Act No. 93 of 1996];
- c) a member of the police service, as defined in terms of Section 1 of the South Africa Police Service Act, 1995 [Act No. 68 of 1995]; or
- d) A peace officer, contemplated in terms of Section 334 of the Criminal Procedure Act, 1997 [Act No. 51 of 1997];

“foodstuff” means any article or substance, except a drug, as defined in the Drugs and Drug Trafficking Act, 1992 [Act No. 140 of 1992], ordinarily eaten or drunk by persons, or purporting to suitable, or manufactured or sold for, human consumption, and includes any part or ingredient of any such article or substance, or any substance used, or intended or destined to be used, as a part or ingredient of any such article or substance ;

“garden or park” means a garden or park to which the public has a right of access;

“goods” means any movable property , and includes a living thing;

“intersection” means an intersection as defined in the regulations promulgated in terms of the National Road Traffic Act, 1996 [Act No. 93 of 1996]

“kerb line” means a kerb line as identified in Section 1 of the National Road Traffic Act, 1996;

“litter” includes any receptacle , container, or other matter, which has been discarded , abandoned, or left behind, by a street trader, or by his or her customers;

“motor vehicle” means a motor vehicle as defined in Section 1 of the National Road Traffic Act, 1996;

“municipal service ” means any system conducted by or on behalf of a local authority, for the collection , conveyance, treatment or disposal of refuse, sewage or storm water, or for the generation, impounding, storage, purification or supply of water, electricity or other services;

“municipal service works” means all property or works of whatever nature necessary for or incidental to any municipal services;

“municipality” means the Municipality of Great Kei, established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 [Act 117 of 1998], and includes any political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by- law by virtue of power vested in the municipality and delegated to such political structure, political office bearer, councillor, agent or employee;

“prescribed” means determined, from time to time, by resolution of the municipality;

“property”, in relation to a street trader, means any article, container, vehicle or intended to be used, in connection with such business, and includes goods in which he or she trades;

“public building” means a building belonging to, or occupied solely by, any sphere of the government, including the municipality;

“public monument” means any one of the “public monuments and memorials”, as defined in terms of section 2 of the National Heritage Resources Act, 1996 [Act No. 25 of 1999]

“public place” means any square, park, recreation ground or open space which is vested in the municipality or to which the public has the right to use, or which is shown on general plan of a township filed in the deeds registry or a Surveyor- General’s office, and has been provided for the use of the public or the owners of erven in such township;

“public road” means a public as defined in Section 1 of the National Road Traffic Act, 1996;

“roadway” means a roadway as defined in Section 1 of the National Road Act, 1996;

“sell” includes-

- [a] barter, exchange or hire out;
- [b] display, expose, offer or prepare for sale;
- [c] store on a public place with a view to sell; or
- [d] provide a service for reward;

and “sale” or “selling “ has a corresponding meaning;

“sidewalk” means a sidewalk as defined in Section 1 of the National Road Traffic Act, 1996

“street furniture” means any furniture installed by the municipality on the street, for public use;

“street trader” means a person who carries on the business of street trading, and includes any employee of such person,

“street trading” means the selling of goods or the supplying or offering to supply of any service for reward, in a public road, or public place, by a street trader;

“the Act” means the Business Act, 1991 [Act No. 71 of 1991], and includes the regulations promulgated thereunder; and

“verge” means a verge as defined in Section 1 of the National Road Traffic Act, 1996;

2. Meaning of words and expressions in Business Act incorporated in this by-law

Unless the context otherwise indicates, any words or expressions to which a meaning has been assigned in the Business Act, 1991 [Act No. 71 of 1991] shall have a corresponding meaning in this by-law.

3. Single act constitutes street trading

For the purpose of this by-law, a single act of selling or offering or rendering of services in a public road public shall constitute street trading.

4. Reference to legislation includes regulations made thereunder

For the purpose of this by-law, a reference to any legislation shall be a reference to that legislation promulgated thereunder.

CONTINUES ON PAGE 386 OF BOOK 4

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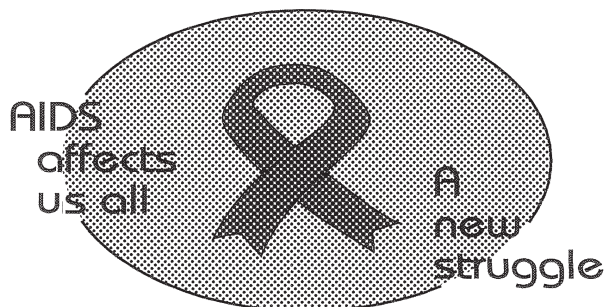
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I. Assigning responsibilities of a municipal employee to an employee of a service provider, where a service provider has been appointed

If any provision in this by law imposes any responsibility in or an employee of the municipality and such responsibility has, in terms of Section 76(b) of the Local Government Systems Act, 2000 [Act No. 32 of 2000] or any other law, been assigned to a service provider, then the reference in such a provision to such employee must be read as a reference to the service provider or a duly authorised employee of the of the service provider.

II. Prohibited conduct

[1] No person shall carry on the business of a street trader-

[a] at a place or in an area declared by the municipality in terms of Section 6 A(2)(a) of the Act as a place or area in which street trading is prohibited;

[b] in a garden or park to which the public has a right of access;

[c] on a verge contiguous to-

- i. a building belonging to, or occupied solely by, the municipality, or any other sphere of government ;
- ii. a church, mosque , synagogue, or other place of worship;
- iii. a building declared to be a public monument;
- iv. an auto teller bank machine;

[d] at a place where it causes an obstruction in respect of-

- i. a fire hydrant; or
- ii. any entrance to, exit from, a building

[e] at a place where it is likely to obstruct vehicular traffic;

[f] at a place where it could substantially obstruct a pedestrian, in his or her use of sidewalk;

[g] on that half of public road contiguous to a building used for residential purposes, if the owner or person in control, or any occupier, of that building objects thereto, and such objection is made known to the street trader by an unauthorised official;

[h] on a stand or in any area demarcated by the municipality in terms of Section 6A(3)(b) of the Act, if he or she is not in possession of proof that he or she has hired

such stand or area from the municipality, or that such stand has otherwise been allocated to him or her by municipality; and

[i] on a sidewalk contiguous to a building in which business is being carried on by any person who sells goods of the same or of a similar nature to the goods being sold on such sidewalk by the street trader, if the goods are sold by a street trader without the prior consent of first-mentioned person, and an authorised official has informed the street that such consent does not exist.

[2] A person who has hired a stand from, or who has been allocated a stand by, the municipality, as contemplated in terms of subsection (1)(h), may not trade in contravention of the terms and conditions of such lease or allocation.

7. Restricted conduct

A person carrying on the business of a street trader-

[a] may not sleep overnight at the place of such business;

[b] may not erect any structure for the purpose of providing shelter, other than a structure provided or approved by the municipality;

[c] may not place his or her property on a public road or place, with the exception of his or her motor vehicle or trailer from which trade is conducted, provided that such vehicle or trailer does not obstruct pedestrian or vehicular traffic movement and complies with the provisions of the National Road Traffic Act, 1996;

[d] must ensure that his or her property or area of activity-

[i] does not cover an area of a public road, or a public place which is greater than 6 (six) square metres (with a maximum length of 3(three) metres in extent, unless otherwise approved by municipality; and,

[ii] in respect of any sidewalk, leaves an unobstructed space for pedestrian traffic, being not less than 1.5 (one and a half metres wide when measured from any contiguous building to the property or area of activity, and not less than 0.5(one half) metre

[e] may not trade on a sidewalk where the width of such sidewalk is less than 3 (three) metres;

[f] may not place or stack his or her property in such manner that it Constitutes a danger to any person or property, or is likely to injure any person, or cause damage to any property.

[g] may not display his or her goods or other property on or in a building, without the consent of the owner, lawful occupier, or person in control of such building or property;

- [h]** must , on request by an authorised official or supplier of telecommunications or electricity, or other municipal services, move his or property so as to permit the carrying out of any work in relation to a public road, public place, or any such services;
- [i]** may not attach any of his or her property by any means to any building, structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;
- [j]** may not carry on such business in such a manner as to –
- [i]** create a nuisance;
 - [ii]** damage or deface the surface of any public road or public place, or any public or private property ; or
 - [iii]** create a traffic or health hazard , or health risk, or both
- [k]** may not make an open fire on a public road or public or public place;
- [l]** may not interfere with ability of a person using a sidewalk to view the goods displayed behind a shop display window, or obscure such goods from view;
- [m]** may not obstruct access to a pedestrian crossing, a parking or loading bay , or other facility for vehicular or pedestrian traffic;
- [n]** may not obstruct access to, or the use of, street furniture and any other facility designed for the use of the general public;
- [o]** may not obscure any road traffic sign displayed in terms of the National Road Traffic Act, 1996, or any marking, notice or sign displayed or made in terms of this by-law
- [p]** may not carry on business, or take up a position, or place his or her property on a portion of a sidewalk or public place, in contravention of a notice or sign erected or displayed by the municipality for the purposes of this by-laws;
- [q]** may not, other than in a refuse receptacle approved or supplied by the municipality, accumulate , dump, store or deposit, or cause or accumulated, dumped, stored or deposited, any litter on any land or premises or any public road or public place , or any public property;
- [r]** may not place, on a public road or public place, such of his or her property that is not capable of being easily removed to a storage place away from such public road or public place, at the end of the day's business

[s] must, on concluding business for the day, remove his or her property, except any structure provided or approved by the municipality, to a place which is not part of a public road or public place;

[t] may not store his or her property in a manhole, storm water drain, public toilet, bus shelter or tree;and

[u] may not carry on such business in a place or area in contravention of any prohibition or restriction approved by the municipality in terms of Section 6A(2)(a) of the Act.

8. Cleanliness

A street trader must-

- a)** keep the area or site occupied by him or her for the purposes of such business in a clean and sanitary condition;
- b)** keep his or her property in a clean, sanitary and well- Maintained condition;
- c)** dispose of litter generated by his or her business in whatever refuse receptacle is provided by the municipality for the public, or at the dumping site of the municipality;
- d)** not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
- e)** ensure that on completion of business for the day, the area or site occupied by him or her for the purpose of trade is free of litter;
- f)** take such precautions in the course of conducting his or her business as may be necessary to prevent the spilling of any fat, oil or grease onto a public road, or public place
- g)** ensure that no smoke, fumes or other substance, odours, or noise, emanating from his or her activities, causes pollution of any kind ;and,
- h)** on request by an authorised official, move his or her property, so as to permit the cleansing of the space, or the area or site where he or she is trading, or the effecting municipal services.

9. Signs indicating restricted and prohibited areas

[1] The municipality may, by resolution, and in terms of Section 6A(2) of the Act, declare any place in its area of jurisdiction to an area in which street trading is restricted or prohibited, and must, to enable compliance therewith, prescribe, or make, signs, markings or other devices indicating-

- a)** specified hours, goods or services in respect of which street trading is restricted;
- b)** the location of boundaries in respect of restricted or Prohibited areas; and
- c)** any other restriction or prohibition against street trading with regard to the area in question.

[2] The municipality must display any such sign, marking or device in such a position and manner as will indicate and restriction or prohibition and the location or boundaries of the area concerned.

[3] Any signs erected in terms of this by-law or the Act shall serve as sufficient notice to a street trader, of the prohibition or restriction in respect of the area concerned.

[4] Any signs may be amended from time to time and displayed by the municipality for the purpose of this by-law, and shall have the same effect as a road sign in terms of the National Road Traffic Act, 1996.

10. Leasing of verge and designation of stands or areas for purposes of street trading

[1] The municipality may, by resolution, and in terms of Section 6A(3) (A) to (c) of the Act-

[a] lease any verge, or any portion thereof, to the owner or occupier of the municipality of the contiguous land, on the condition that such owner or occupier shall admit a specified number of street traders in stands or places on such verge designated by such owner or occupier;

[b] set apart and demarcate stands or areas for the purpose of street trading on any public road, the ownership or management of which is vested in the municipality, or any other property in the occupation and under the control of the municipality.

[c] extend, reduce or disestablish any stand or area referred in the previous subsections; and

[d] let or otherwise allocate any such stand or area.

11. Removal and impoundment

[a] he or she reasonably suspects is being used, or which is intended to be used, or has been used, for or in connection with street trading; and

[2] The removal and impoundment of property in terms of subsection 1 may be effected irrespective of whether or not such property is in the possession or under the control of any third party at the time.

[3] Any authorised official acting in terms of subsection 1 must except where goods have been left or abandoned, issue to the person carrying on the business of a street trader, a receipt of any property so removed and impounded, which receipt must-

- a) itemised the property to be removed or impounded;
- b) provide the address where the impounded will be kept, and the period of such impoundment;

- c) state the terms and conditions for the release of the impounded property;
- d) state the terms and conditions relating to the sale of unclaimed property by the public auction; and
- e) provide the name and contact details of a municipal official to whom any representations regarding the impounded may be made, and the date and time by which this must be done.

[4] When any person fail to comply with an order to remove the property referred to in subsection [3] any authorised official may take such steps as may be necessary to remove such property.

12. Duty and liability of

municipality with regards to removal and impoundment

- a) in the event that an authorised official removes and impound any property in terms of the preceding section, the authorised official shall take responsible steps to ensure that such property is not damaged or lost'
- b) the municipality shall NOT BE LIABLE FOR ANY DAMAGE or lost caused to any such property that is removed and impounded, unless such damage or loss is caused as a result of the negligence of the municipality.

13. Vicarious responsibility of persons carrying on business

- a) when an employee or agent of the street trader contravenes as provision of this by-law, the street trader shall be deemed to have committed such contravention him or herself unless such street trader satisfied the court that her or she took reasonable steps to prevent such contravention
- b) The fact that the street trader issued instructions to the employee or agent, prohibiting such contravention, shall not in itself constitute sufficient proof of such reasonable steps.

14. Offence and penalties

[1] Any person who-

- a) Contravenes or fail to comply with, any provision of this by-law;
- b) Fails to comply with any notice issued in terms of this by-law;
- c) Fails to comply with any lawful instruction given in terms of this by-law; or
- d) Who obstructs or hinders any authorised official in the execution of his or her duties under this by-law-

Is guilty of an offence, and liable, on conviction, to a fine not exceeding R5000 or, in default of payment, or to imprisonment for a period not exceeding three (3) months, and in the case of continuing offence, to a further fine not exceeding R50, or defaulting Payment, to imprison not exceeding one (1) day, for every day during the continuation of such offence, after written notice have been issued by the

municipality and served on the persons concerned, requesting discontinuation of such Odense.

[2] an admission of guilty fine may be paid by any person in respect of whom a summons or written notice has been issued for any contravention of this by-law, as contemplated in terms of section 56 and 57 of the Criminal Procedure Act, 1977 [Act No.51 of 1977].

15. Regulations

[1] the municipality may regulate regarding-

- a) The provision or approval of any structure for purposes of providing shelter, as contemplated in terms of section 7(b) and (s)'
- b) The declaration of any place to be an area in which street trading is restricted or prohibited, and the prescription or making of signs, markings or other devices, as contemplated in terms of section 9;
- c) The lease of any verge or any portion thereof, and the setting part, demarcation, letting or allocation of stands or area for the purposes of street trading, and the extension, reduction or disestablishment thereof, as contemplated in terms of section 10;
- d) [i] the disposal of any property which has been removed and impounded, as contemplated in terms of section 11; and
[ii] the liability of any person for any reasonable expenses incurred in connection with such removal, impoundment and disposal.
- e) [i] the prescription of penalties for the offences contemplated in terms of section 14(1);
[ii] the issuing of any summons or written notice and payment of an admission of guilt fine, as contemplated in terms of section 14(2); and
[iii] the amendment of such penalties or fines from time to time
- f) Any matter which can be prescribed in terms of this by-law, and any matter which may facilitate the application of this by-law.

[2] [a] The municipality shall, not less than (1) month before promulgating a regulation in terms of subsection [1], cause a draft of the regulation to be communicated to the local community and to be made to public in terms of section 21 and 21A of the Local Government Act, 2000 [Act No.32 of 2000], together with the notice declaring the intention of the municipality to issue such regulation and inviting comments or representation.

16 Repeal of by-laws

Any by-law promulgated by the municipality or any erstwhile municipal Council now comprising administrative unit of the municipality, and pertaining to any matter regulated in this by-law, shall be repealed from the date of promulgation of this by-law.

17. Short title

This by-law called the street trading by-law, 2004, and takes effect on the date determined by the municipality by proclamation in the provincial Gazette.

LOCAL AUTHORITY NOTICE 806 OF 2023**GREAT KEI MUNICIPALITY****BY-LAWS RELATING TO PUBLIC OPEN SPACE**

The Municipal Manager hereby publishes, In terms of Section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000], read with Section 162 of the Constitution of the Republic of South Africa Act, 1996 [Constitution Act No.108 of 1996], the By-Law Relating to Public Open Spaces.

PURPOSE OF BY-LAW

The purpose of this by-law is to provide an effective legal and administrative framework to ensure that the way in which the Municipality controls, manages and develops public open spaces is environmentally sustainable, in the long term interests of the local community, and clearly defines the rights and obligations of the community in relation to such public open spaces.

CHAPTER 1**INTERPRETATION AND APPLICATION**

Definitions- In this by-law, words used in the masculine gender and feminine, the singular includes the plural and vice versa, and unless the context otherwise indicates-

“active game “ means any physical report, game or other activity conducted by one or more persons-

- a) Undertaken and within a public open space other than in an area set aside for that purpose;
- b) Which may be nuisance to or cause injury to other users, or damage to vegetation or municipal property within a public open space; and
- c) Includes, but shall not be limited to, football, cricket, rugby, golf, tennis, hockey, netball, badminton, archery, cycling, skateboarding, roller- blading;

“authorized official” means-

- a) An official of the municipality who has been authorized by it to administer, implement, and enforce the provisions of this by-law;
- b) A traffic officer appointed in terms of Section 3A of the National Road Traffic Act, 1996 [Act No.93 of 1996];

- c) A member of the Polices Service, as defined in terms of Section 1 of the South African Police Services Act, 1995 [Act No. 68 of 1995]; or
- d) A space officer, contemplated in terms of Section 1 of the Criminal Procedure Act, 1977 [Act No. 51 of 1977];

Community work means any activity undertaken by a person on a voluntary basis or for nominal remuneration in order to protect, improve or uplift persons or their immediate environment, voluntary work shall have a corresponding meaning;

Designated area means area designated by the municipality as an area in which an active game, or any other activity which would otherwise be prohibited under chapter 3 of this by-law, may be conducted;

Environment means the surroundings within which humans exist, made up for-

- 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 relationship 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;

Environmentally sustainable measures means the exercise of powers, or performance of functions, in a manner aim at ensuring that-

- a) The risk of harm to the environment and to human health and safety is minimized, to the extent reasonable possible under the circumstances;
- b) The potential benefit to the environment and to human health and safety are maximized , to the extent reasonably possible under the circumstances; and
- c) Legislation intended to protect the environment and human health and safety is compiled with;

Local community means that body of person comprising-

- a) The residents of the area in which the public open space is situated;
- b) The rate payers of the area in which the public open space is situated; and
- c) Any civic and non- governmental organizations or private sector organizations or bodies which are involved in local affairs in the area in which the public open space is situated;

Municipal manager means a person appointed as such by the municipality, in terms of Section 82 of the Local Government: Municipal Structures Act, 1998 [Act No. 117 of 1998];

Municipal property means any structure or thing owned or managed by or on behalf of the municipality, and which is incidental to the use and enjoyment of a public open space, and includes buildings, lapas, kiosk, benches, picnic tables, playground equipment, fountains, statues, monuments, fences, poles, notices and signs;

Municipality means the Municipality of Great Kei, established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 [Act No.117 of 1998], and includes any political structure, political office bearer, Councilor, duly authorized agent thereof or any employee thereof acting in connection with this by-laws by virtue of a power vested in the municipality and delegated to such political structure, political office bearer, Councilor, agent or employee;

Notice means a clear and legible notice drawn up by the municipality in the language designated by the municipality, and prominently erected in a public open space;

Nuisance means an unreasonable interference, or likely interference, with-

- a) The health or wellbeing of any person;
- b) The use or enjoyment by an owner occupier, of his or her property; or
- c) The use and enjoyment by a member of the public of a public open space;

Organ of state means-

- a) Any department of state, or administration, in the national, provincial or local sphere of government; or
- b) Any other functionary or institution-
 - i. Exercising a power or performing a function in terms of the Constitution of Republic of South Africa Act, 1996 [Act 108 Of 1996] or a provincial constitution; or
 - ii. Exercising a public power or performing a public function in terms of any legislation, but does not include a court or judicial officer;

Peace officer means the person contemplated in term in terms of Section 1 of the Criminal Procedure Act, 1977 [Act No. 51 of 1977];

Person means a natural person or a juristic person, and includes an organ of state;

Prescribed fee means a fee determined by the municipality by resolution in terms of any applicable legislation;

Printed matter includes any advertisement, billboard, poster, book, pamphlets or handbill;

Prohibited activity means any activity or behavior that is prohibited in terms of chapter 3 from being conducted in a public open space, either completely or without permission in terms of Sections 23 or 24;

Public open space means by land which-

- a) Is either-
 - i. Set aside in terms of any law, zoning scheme or special plan for the purposes of recreation, conversation, the installation of public infrastructure or agricultural purposes; or
 - ii. Predominantly undeveloped and open, and has not yet been set aside for a particular purpose in terms of any law, zoning scheme or special plan; and
 - iii. Shall include-

(aa) conservation open space, which means public open space that is managed by or on behalf of the municipality for conversation purposes, and including nature reserves, green belts, ravines, bird sanctuaries, and site historical, ECOLOGICAL OR ARCHAEOLOGICAL VALUE;

(bb) **recreational open space**, which means public open space that is managed by or on behalf of the municipality for public recreational purposes, and includes beaches, parks botanical gardens, sports grounds and play grounds, but excludes golf courses;

(cc) **roads reserves**, which means those portions of roads, streets or thoroughfares improved, constructed, or intended for vehicular traffic, which are between the edges of the roadways, or those portions of roads, streets or thoroughfares, including the sidewalk, which are not the roadways or shoulders; and

(dd) **utility open space**, which means public open space that is managed by or on behalf of municipality for the purpose of providing a municipal service, including areas upon which is located water services infrastructure, but excluding municipal buildings, municipal housing, clinics and other social services; and

(b) (i) vests in the organ of state in terms of any legislation; or

(ii) is owned by an organ of state, and set aside for such purpose; or

(iii) is controlled and managed by the municipality for such purposes;

Service provider means a person or institution or any combination of persons and institutions which provide a municipal service in terms of the Local Government: Municipal Systems Act, 2000 [Act No.32 of 2000];

Special event means a parade, procession, race, concert, show, exhibition, festival, ceremony, film shoot, photographic shoot or similar event, which requires, for that purpose, exclusive use of a part of a public open space;

User, with reference to public open space, means any person who enjoys, or benefit from, the use of public open space;

Vehicle means a devise designed or adapted mainly to travel on wheels, but excludes wheelchairs and children's pushchairs;

Waste means any substance or article that the owner wishes to dispose of, because it is unwanted, superfluous, Broken, worn out, contaminated, or otherwise spoilt, and that has either been discarded, or has been accumulated or stored so that it can be discarded, reused, reclaimed or reclined;

Water body means any body of water within a public open space, and includes a pond, fountain, artificial watercourse, dam, lake, canal, reservoir, stream, river, wetland, estuary and tidal lagoon; and

Watercraft includes any boat, raft, yacht, canoe, inflatable mattress, model sheep or boat, radio controlled boat, or similar device.

2. Application of By-Law

- b) This by-law applies to all public open space that falls under the jurisdiction and control of the municipality, excluding cemeteries.
- c) This by-law is binding on the state.

CHAPTER 2

MANAGEMENT AND ADMINISTRATION OF PUBLIC OPEN SPACES

3. Underlying principles

- 1) Public open space must be managed and administered in the interest of the local community, and, in determining the interest of the local community-
 - a) The long term collective interest of the local community must be prioritized over the interests of any specific interest group or sector of society;
 - b) A long term perspective, that takes into account the interest of future generations, must be adopted; and
 - c) The interest of living organisms that depend on public open spaces must be taken into account.

2. Public open space must be managed in accordance with environmentally sustainable measures.
3. Subject of subsections (5) and (7), all persons must be given access to public open spaces, on a non- discriminatory and equitable basis.
4. where necessary, special measures must be taken to facilitate access to public open spaces for historical advantaged persons and disabled persons.
5. Access to public open space may be restricted in a manner that does not unjustifiably discriminate any person or class of persons-
 - a) If the restriction is authorized by this by-law, or by any other applicable legislation; or
 - b) In order to achieve the purpose of this by-law.
6. the recreation, educational, social, and other opportunities which public open spaces after must be protected and enhanced, to enable local communities to improve and enrich their quality of life.
7. Local communities must be encouraged to use and care for public open spaces in their areas.
8. the natural environment and heritage resources which public open spaces must be identified, preserved, protected and promoted, for the benefit of the local community. The public, and future generations.

4. Application of principles

The environmental management principles set out in Section 2 of the National Environmental Management Act, 1998 [Act No. 107 of 1998] must be considered and applied by any person-

- a) Exercising a power or performing a function under this by-law;
- b) Formulating or implementing any policy that is likely to have a significant effect on, or which concerns the use of, public open spaces within the municipality's jurisdiction; or
- c) Exercising a power or performing a function that is likely to have a significant effect on, or which concerns the use of, public open spaces.

5. General Powers

- a) Designate any area within a public open spaces as an area within which one or more activities otherwise prohibited in terms of this by-law may be undertaken, and erect a prominent notice to this effect at entrances to the designated area;

- b) Develop any public open space, in accordance with the principles set out in section 4 and; and
- c) Exercise any power reasonably necessary for the discharge of the municipality's obligations in terms of this by-law, and relating to the management of public open spaces.

6. Fees

The municipality may require members of the public to pay-

- a) A reasonable prescribed fee to use recreational or other facilities that the municipality provides within the public open spaces;
- b) A reasonable prescribed fee for entrance to public open spaces, such fee to take into consideration the costs to maintain such public open spaces;
- c) A reasonable prescribed fee for the right to undertake a special event.
- d) A reasonable prescribed fee for the right to exclusively use municipal property for a specific period;
- e) A deposit prior to undertake a prohibited activity;
- f) A reasonable prescribed fee for processing applications for permits or letters of permission under this by-law.

7. Restricting access

The municipality may restrict access to any public open space or to any part of a public open space for a specific period of time-

- a) To protect any aspect of the environment within a public open space;
- b) To reduce vandalism and the destruction of municipal property;
- c) To improve the administration of a public open space;
- d) To develop a public open space;
- e) To enable a special event that has been properly permitted to proceed; or
- f) To undertake any activity that the municipality reasonable considers necessary or appropriate to achieve the purposes of this by-law.

8. Procedure when exercising powers

If the rights or legitimate expectations of any person will be materially and adversely affected by the municipality's exercising of any power in terms of Sections 5, 6 or 7, then the municipality must, before exercising such power-

- a) Give a notice of the proposed administrative action, which notice must-
 - i. Be publicized-
 - (aa) in a newspaper circulating within the area of the municipality;
 - (bb) by means of radio broadcasts covering the area of the municipality; and

(cc) where the municipal manager deems this to be necessary, in the Provincial Gazette;

- ii. Be in the languages designated by the municipality, having regard to language preferences and usage within its area;
- iii. Be displayed at the municipal offices;
- iv. Contain a clear statement of the proposed administrative action; and
- v. Invite comments and objections with a specified period; and
 - b) Consider comments and objections received in response to the notice.

9. Powers of authorized officials

In relation to any public open space, authorized official may-

- a) Issue on instruction under section 20;
- b) Order any person to leave public open space, if the authorized official reasonably believes that the said person has not complied with any provision of this by-law; and
- c) Exercise any power that may be exercised by a peace officer in terms of the criminal procedure Act, 1977, provided that an official of the municipality may not act in terms of this subsection unless he or she is also a peace officer, as contemplated in terms of Section 1 of the Criminal Procedure Act, 1977.

10. Obligations in respect of public open spaces

1. The municipality must, within public open space, erect any notice required under this by-law.

2. In respect of recreational open spaces, the municipality must-

- a) Ensure that they are open to public between sunrise and sunset, or such other times as the municipality may determine; and
- b) Erect prominently displayed notice at every entrance, indicating-
 - i. The opening and closing times of that recreational open space; and
 - ii. Any rule made in relation to that recreational open space.

CHAPTER 3

PROHIBITED CONDUCT

11. Prohibited activities

1. any person who undertake an activity, or behaves in a manner, that is prohibited under the section 12 to 20, is guilty of an offence, unless the activity or conduct in question-

- a) Takes place in designated area within which such activity is allowed;
- b) is authorized in terms of permission granted , or a permit issued, under sections 23 or 24; or
- c) was deemed to have been authorized by the municipality under subsection (2)

2. Subject to subsection (3), a person is deemed to have permission to undertake a prohibited activity, if that person needs to undertake the prohibited activity-

- a) To perform his or her obligations as an employee, agent or service provider of the municipality, under his or her contract with, or mandate from, the municipality, or to achieve the purpose of this by-law
- b) To carry out any lawful duties on behalf of an organ of state within a utility open space;
- c) To fulfil his or her duties as an authorized official to implement this by-law; or
- d) To fulfil his or her duties as a peace officer.

3. No person shall be deemed to have permission to undertake an activity that is prohibited under Section 12(a), (d), (e) or (f), or an activity that the municipality has expressly refused to permit.

12. General

No person shall, within a public open space-

- a) Act in a manner that is dangerous to life or property;
- b) Contravene the provisions of any notice within any public open space;
- c) Unlawfully enter a public open space to which access has been restricted in terms of section 7;
- d) Cause a nuisance to other users ;
- e) Behave in an offensive manner; or
- f) Obstruct any authorized official who is exercising a power or performing a duty under this by-law.

13. Uses

No person shall, within a public open space-

- (a) Wash him- or herself, an animal, or any other object, including clothing, in any water body;
- (b) Sail, row, paddle, propel or control any watercraft on any water body;
- (c) Make ,light, or otherwise start ,a fire;
- (d) Camp, or reside, in any public space;
- (e) Consume, brew, store, or sell, any alcohol beverage;
- (f) Use any sound equipment, including a radio, portable hi-fi or car stereo;
- (g) Play an active game; or
- (h) Shoot a projectile of any nature.

14. Waste

No person shall, within the public open space-

- a) Deposit, dump or discard any waste, unless in a receptacle provided by the municipality for that purpose; or
- b) Pollute or deposit any waste or thing in a manner which may detrimentally impact on a water body.

15. Vehicles

No person shall, within a public open space-

- a) Expect at time, and on roads or pathways, prescribed by the municipality, drive, draw or propel any vehicle;
- b) Drive, draw or propel a vehicle in excess of 60 kilometers per hour; or
- c) Park a vehicle in public open space.

16. Animal and vegetation

No person shall, in the public open space-

- a) Disturb, damage, destroy or remove any vegetation;
- b) Plant any vegetation;
- c) Alter the slope or drainage patterns so as to interfere with the access of water , air or nutrients to any tree;
- d) Capture or attempt any capture, chase, shoot at, injure, throw objects at, tease, molest, or in any other way disturb, any fish, bird or animal;
- e) Disturb, damage or destroy any bird nest or eggs;

- f) Introduce any animal, unless the animal is a guide dog and is accompanied by a person with a sight disability; or
- g) Affix, or replace, on any tree any printed matter.

17. Municipal property and erection of structures

No person shall, within a public open space-

- a) Deface, damage, destroy or remove any municipal property;
- b) Disturb the surface of any land, whether by digging, undertaking any earthworks, or in any other manner;
- c) Erect, build or assemble any structure, including, but not limited to, a hut, tent, screen, bulletin board, pole, stand or stage; or
- d) Affix, or replace, on any municipal property, or distribute, any printed matter.

18. Selling and special events

No person shall, within a public open space-

- a) Use municipal property in a way that unfairly restricts, or prevents, other users of the public open space from utilizing such municipal property; or
- b) Sell, hawk, offer, or display, any goods or articles for sale or hire.
- c) No person may undertake a special event, except in terms of a permit issued for such purpose

19. Community work

No person shall, within the public open space, undertake any community work or voluntary work for any description such that it-

- a) Damage, or poses a risk of damage, to a public open space;
- b) Creates a nuisance to users; or
- c) Contravenes any provision of this by-law

20. Restoration or removal instructions

1. Unless permission or permit has been obtained under sections 23 or 24, an unauthorized official may use a restoration or removal instruction to any person who has, directly or indirectly, and in a public open space-
 - a) Damaged, defaced, disturbed, destroyed, demolished, or removed, vegetation or municipal property;
 - b) Erected, built or assembled a structure; or

- c) Dumped, discarded or deposited any waste, unless in a receptacle provided by the municipality for that purpose.
- 2. The restoration or removal instruction may direct the said person within the time stated in the notice to take reasonable action-
 - a) To restore or rehabilitate the affected area, to the reasonable satisfaction of the municipality; or
 - b) To remove a structure or thing, and restore the affected site, as nearly as practicable, to its former condition.

CHAPTER 4

TREE PRESERVATION ORDERS

21. Municipality may issue a tree preservation order

- 1) If the municipality reasonably believes that any tree or group of tree in a public open space requires protection, then the municipality may issue a tree preservation order in respect of such tree or group of trees.
- 2) A tree preservation order-
 - a) Must indicate the tree or trees to which it relates; and
 - b) May provide that any person who cuts, disturbs, damage, destroys, removes, transports, exports, purchases, sells, donates, or in any other manner acquires, or disposes of, the tree or trees to which the tree preservation order relates, shall be guilty an offence.
- 3) The municipality must erect a prominently displayed copy of any tree preservation order granted, at or in the vicinity of the tree or trees to which the order relates.

22. Procedure for issuing tree preservation order

Unless the issuing of a tree preservation order is required as a matter of urgency, the municipality must, before issuing a tree preservation order under section 21-

- a) Give notice of the proposal to protect the tree or group of trees, and invite comments and objections within a specified period, in accordance with the procedure contemplated in terms of section 8(a)
- b) Notify any affected organs of state; and
- c) Consider the comments and objections received in response to the notice

CHAPTER 5**APPLICATION FOR AUTHORISATION****23. Application for permission**

- (1) Any person who wants to undertake a prohibited activity must apply in writing to the municipality for permission to do so.
- (2) The municipality may, after receiving an application, request the application to provide additional information that the municipality reasonably requires in order to consider the application.
- (3) The municipality may refuse to consider an application until it has been provided with the information required under subsection (2), and until the prescribed fee, if any, has been paid.
- (4) Subject to subsection (2) and (3), the municipality must consider the application within a reasonable time, and must either-
 - (a) refuse the application; or
 - (b) grant permission in writing, subject to whatever conditions the municipality considers appropriate to achieve the purposes of this by-law, which may include payment of a deposit or a fee
- (5) The municipality shall not grant permission for any person to perform any activity that is prohibited under section 12 (a), (d), (e) or (f)
- (6) Every person whose application, as contemplated in terms of subsection (1), has been approved shall complete and sign an indemnity in favor of the municipality, in form provided by the municipality.

24. Application for a special event permit

- (1) An application for permission to hold a special event in a public open space must be made at least 30 (thirty) days before the proposed date of the special event.
- (2) The time period referred to in subsection (1) may, on good cause, be reduced, at the municipality's discretion.
- (3) The application must contain the following information-
 - (a) The full contact details of the application, including name, organization, address, telephone number, fax number and email address, if available
 - (b) The nature and purpose of the special event;

- (c) The intended route or area proposed to be used by the special event; and
 - (d) The permission, if any, required under chapter 3 of this by-law.
- (4) Prior to the approval of an application, the municipality may require the payment of a prescribed fee or deposit.
 - (5) Subject to any conditions imposed by the municipality, the holder of a special events permit has the right to use the area of public open space specified in the permit to the exclusion of any other persons during the period specified in the permit.
 - (6) Every person whose application, as contemplated in terms of subsection (1), has been approved shall complete and sign an indemnity in favor of the municipality, in a form provided by the municipality.

CHAPTER 6

COOPERATIVE MANAGEMENT AGREEMENTS

25. Municipality may conclude cooperative management agreements

- (1) The municipality may enter into a written agreement with any organ of state, local community or organization to provide for-
 - (a) The cooperative development of any public open space; or
 - (b) The cooperative management of any public open space; and
 - (c) The regulation of human activities within a public open space.
- (2) The municipality shall not enter into a cooperative management agreement in relation to a public open space, unless such agreement will promote the purposes of this by-law
- (3) The municipality must monitor whether any cooperative management agreement is effective in achieving the purposes for which it was concluded.
- (4) A cooperative management agreement may be cancelled by the municipality in terms of written notice given to the other party where the said agreement-
 - (a) Is not effective in achieving the purposes for which it was concluded; or
 - (b) Inhibits the attainment of the purposes of this by-law.

CHAPTER 7

GENERAL PROVISIONS

26. Procedure for appeals

- (1) Any person whose right are affected by a decision taken by any authorized official under this by-law may, within 14 (fourteen) days of the date of the notification of the decision, appeal against such decision, by giving written notice of the appeal and reasons therefor to the municipal manager.
- (2) The municipal manager shall promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4)
- (3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued to the appellant as a result of the decision.
- (4) An appeal submitted in terms of this section shall be dealt with in the manner prescribed by Section 62 of the Local Government: Municipal Systems Act, 2000

27. Offences and penalties

- (1) Any person who-
 - (a) Contravenes, or fails to comply with, any provision
 - (b) s of this by-law
 - (c) Fails comply with any notice issued in terms of this by-law;
 - (d) Fails to comply with any lawful instruction given in terms of this by-law;or
 - (e) Obstructs or hinders any authorized official in the execution of his or her duties under this by-law;

Shall be guilty of an offence, and liable, on conviction, to fine of no more than R60 000, or, in default of payment thereof, to imprisonment for a period not exceeding 12 (twelve) months.

- (2) In the case of a continuing offence, the said person shall be liable, on conviction, to an additional fine of R600, or an additional period of imprisonment of 1(one) day, or to such additional imprisonment without the option of a fine, or to both such additional fine and imprisonment, for each day on which such offence is continued.

- (3) The said person shall be liable, on conviction, to a further amount equal to any costs and expenses found by a court to have been reasonably incurred by the municipality as a result of such contravention.

28. Regulations

- (1) The municipality may make regulations regarding-
- (a) The designation of any area within which stipulated activities may be undertaken, as contemplated in terms of section 5(a);
 - (b) The prescription of fees or deposits, as contemplated in terms of section 6(a)-(f), 23(3), 4(b) and 24(4);
 - (c) The location, size, number, construction and contents of any notice required in terms of this by-law;
 - (d) The issuing of as restoration or removal instruction, as contemplated in terms of section 20, including-
 - (i) The form and contents thereof; and
 - (ii) a guideline to time periods within which restoration or removal must be effected:
 - (e) Application for authorization, including-
 - (i) The time periods applicable for-
 - (aa) the lodging of an application, as contemplated in terms of sections 23(1) and 24(1); and
 - (bb) the consideration of the said applications, and determination thereof;
 - (ii) a guideline as to what conditions may be stipulated, before a prohibited activity or special event may take place, as contemplated in terms of sections 23(4)(b) and 24(5); and
 - (iii) the form and contents of an indemnity, as contemplated in terms of sections 23(6) and 24(6);
 - (f) The procedure, form and contents of a cooperative management agreement, as contemplated in terms of section 25;
 - (g) The issuing of a tree preservation order, as contemplated in terms of sections 21 and 22, including-
 - (i) The form and contents of such order; and
 - (ii) Requirements for the distribution or publicisation of the order;
 - (h) The procedure and time periods associated with an appeal, subject to the Local Government: Municipal Systems Act 2000, as contemplated in terms of section 26;
 - (i) (i) The prescription of penalties for the offences contemplated in terms of section 27; and
 - (ii) The amendment of such penalties from time to time; and

- (j) Any matter which may be prescribed in terms of this by-law, and any matter which may facilitate the application of this by-law.

(2)

- (a) the municipality shall, not less than 1 (one) month before promulgating a regulation in terms of subsection (1), cause a draft of the regulation to be communicated to the local community and to be made public in terms of Section 21 and 21A of the Local Government: Municipal Systems Act, 2000, together with a notice declaring the intention of the municipality to issue such a regulation and inviting comments or representations.
- (b) If the municipality decides to alter the draft regulations as a result of comments or representations received pursuant to communicate and make public the alteration before the amended draft is promulgated as a regulation.

29. Repeal of by-laws

Any by-laws relating to public open spaces adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

30. Short title

This by-law is called the By-Law Relating to Public Open Spaces, 2004, and takes effect on a date determined by the municipality by proclamation in the Provincial Gazette.

LOCAL AUTHORITY NOTICE 807 OF 2023

MATATIELE LOCAL MUNICIPALITY

LIBRARY AND INFORMATION SERVICE BY-LAWS



LIBRARY AND INFORMATION SERVICE BY-LAWS**GENERAL INDEX PAGE**

| | |
|--|-------|
| 1. Definition | 3 |
| 2. Use of library | 4 |
| 3. Membership | 4-5 |
| 4. Loan of library material | 6 |
| 5. Return of library material | 7 |
| 6. Overdue library material | 7 |
| 7. Reservation of library material | 8 |
| 8. Lost and damaged library material | 8 |
| 9. Handling of library material | 8 |
| 10. Exposure of library material to contagious disease | 9 |
| 11. Library material for special purposes | 9 |
| 12. Reproduction of library material | 9 |
| 13. Use of the group activity hall | 10 |
| 14. Library hours | 10 |
| 15. Hiring of multimedia library space | 10 |
| 16. Performing arts library | 11 |
| 17. Liability for loss and injury | 11 |
| 18. Posting of by-laws in the library | 11 |
| 19. Offences | 11-12 |
| 20. Penalties | 13 |
| 21. Repeal of laws | 13 |
| 22. Short title and commencement | 13 |

Matatiele Local Municipality enacts as follows:

1. DEFINITIONS

In these By-laws, unless the context otherwise indicates and any word or expression to which a meaning has been assigned in the Municipal systems Act must bear that meaning, and –

“charges” means any fine or miscellaneous charges in respect of the library as determined from time to time by the Municipality.

“Council” means the; the Municipal Council of the Matatiele Local Municipality or its successor-in- title and any committee or person to which or the Municipality has delegated or sub-delegated any power in terms of Section 59 of the Local Government Municipal Systems Act 2000 (Act No. 32 of 2000);

“lending period” means the period which the Municipality determines for the lending out of different types of library material’

“librarian” means the officer (or his representative) appointed by the Municipality to exercise control over and to manage the library;

“library material” means books, periodicals, newspapers, prints, pictures, documents, posters, printed music, and audio-visual material, regardless of whether it is the property of, or on loan to the Municipality, and which is available to be perused t, studied, copied or borrowed in or from a library;

“library week” means a period of one week or more during a year as determined by the Library and Information association of South Africa, during which information services are promoted;

“member” means any person or organization registered as a member of the library;

“multimedia library” means a library dedicated to provision or presentation of information in any two or more written visual, audiovisual and electronic forms, and includes facilities within a library that are capable of presenting information in such formats;

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

” organization” means a non-profit organization or company, or cultural association having a constitution;

“Pensioner” means a person aged 60 years over;

“prescribed fee” means a fee determined by the Municipality by resolution;

“resident” means a person who resides in, is a property owner or rate payer, or who is employed within the area of jurisdiction of the Municipality;

“visitor” means a person residing, working or studying for a period of not more than three continuous months in the area of jurisdiction of the Municipality.

2. USE OF LIBRARY

(1) Any person admitted to the library by the Municipality may use the library facilities during official hours of opening. If a person wishes to borrow library material, such person must first register as a member of the library and pay the prescribed fee.

(2) A librarian may-

- (a) in his or her discretion determine the maximum number of persons that may be allowed in any part of the library at a given time and may exercise the necessary access control for that purpose;
- (b) for any reasonable cause, instruct a member or other person to leave the library.

3. MEMBERSHIP

(1) Application for membership or visitor's rights must be made on a form prescribed by the Municipality, which form must contain the undertaking referred to in subsection (2)(a)(ii).

(2) The Municipality may-

(a) grant membership of the library to any person residing or employed within the area of jurisdiction of the Municipality or who is a ratepayer of the Municipality, membership of the library, subject to the provisions determined by the Municipality and such person must-

- (i) pay the prescribed membership fees; and
- (ii) undertake to abide by the policies of the Municipality for the conduct of the business of a library, adopted by the Municipality;

(b) grant, subject to the conditions it may determine, membership of the library to a pre-school or school-going child, should its parent or guardian consent, in writing, thereto and undertake to stand surety for the observance by such child of the provisions of these By-laws and the rules for conducting the business of the library, adopted by the Municipality;

(c) grant membership of the library to a person who is residing outside its area of jurisdiction and who is neither an owner of property within the Council's area of jurisdiction nor a ratepayer of the Municipality on such conditions as it may determine from time to time;

- (d) issue a certificate of membership to a member authorizing him or her to borrow from the library such quantity of library material as may be determined by the Municipality from time to time;
 - (e) a library membership card must be issued to each member authorizing that member to borrow from the library such quantity of library materials as may be determined by the Municipality from time to time;
 - (f) exempt any applicant for membership who is an indigent case wholly or partly from payment of the prescribed fees;
- (3) A membership card is valid from the date of issue thereof for a period as determined by the Municipality from time to time and the membership of a person to whom such a card has been issued, lapses after the expiry of such period, unless it be renewed prior to the expiry dates.
- (4) A member who wishes to cancel his or her membership of the library must-
- (a) notify the librarian in writing;
 - (b) return the membership card or cards in his or her name; and
 - (c) simultaneously return all borrowed material in his or her possession to the librarian.
- (5) When a member changes his address, he must notify the librarian, in writing, within seven days of such change of address.
- (6) If the library material is not returned such person will be liable in terms of section 8(2) with the necessary changes;
- (7) When a membership card is lost, the member must forthwith notify the librarian, in writing, and –
- (a) the librarian must, on payment of the prescribed charges, issue a duplicate of such certificate;
 - (b) should a lost certificate of membership be found, the duplicate membership card must be returned to the librarian immediately;
 - (c) if a member gives notice in terms of paragraph (a), such member must, despite the provisions of section 8(1), not be liable in terms of the said section in respect of any library material borrowed against the lost certificate of membership after the date of such notice.

- (8) A person residing for a period of less than three months in the area of jurisdiction of the Municipality, may register as a visitor if-
- (a) he or she applies for such registration on the form prescribed by the Municipality and submits the required proof of identification and particulars as determined by the Municipality;
 - (b) he deposits with the librarian the prescribed deposit; and
 - (c) the librarian approves such application.
- (9) The deposit contemplated by subsection (6) (b) must be refunded to a member on application by him or her, if any member does not renew his certificate of membership referred to in (1) (d) within a period of three months after the expiry of the period of validity, such deposit must be forfeited to the Municipality but on any such refund or forfeiture, the registration of the member must be cancelled.
- (10) Any person may, on behalf of any organization or similar body, if duly authorized thereto by such organization or body, apply on the form prescribed by the Council for registration of such organization or body as a member of the library.

4. LOAN OF LIBRARY MATERIAL

- (1) Library material must be deemed to be on loan from the library to the member against whose membership card it was lent.
- (2) No person must be in possession of any library material not lent against membership card.
- (3) Library material bearing the mark of the library or the Limpopo Provincial Government, and on which there is no official indication that it has been withdrawn, written off or sold, is the property of the Municipality or Limpopo Provincial Government.
- (4) (a) A member borrowing library material from the library must ascertain whether such material is damaged and, if damaged, he must draw the librarian's attention to the fact;
- (b) the librarian must not make damaged library material available for borrowing purposes but where such damaged library material is nevertheless made available for borrowing purposes, particulars of such damage must be affixed thereto.

5. RETURN OF LIBRARY MATERIAL

A member must return the library material borrowed by him to the librarian not later than the last day of the borrowing period but-

- (a) the Municipality may extend the borrowing period of any library material not in demand by any other member after consideration of an application to that effect by the member who borrowed the library material, for not more than two further borrowing periods;
- (b) a member must be responsible for the return of library material borrowed by him, and should such member find it impossible to personally return such library material, he may return it in any other way;
- (c) A member who has borrowed library material must not keep it for more than three days after receipt of a written notice from the librarian that such library material is to be returned.

6. OVERDUE LIBRARY MATERIAL

- (1) If a member does not return library material borrowed against his or her certificate of membership within the period stated in section 5 (a) or any period determined by the Municipality in terms of the proviso to that section, as the case may be, such member must be liable for payment to the Municipality of the prescribed fine for every week portion thereof during which such member fails to return such library material.
- (2) The Municipality may exempt any person from the payment of such fine if he is satisfied that failure to return library material is due to circumstances beyond the borrower's control.
- (3) In order to obtain overdue library material, a Municipality may determine a fine free period for a time in which such library material may be returned.
- (4) Every librarian must ensure that rules and fees for overdue material are displayed at a prominent place in such library.
- (5) The Municipality may institute legal action to retrieve outstanding library material, and any prescribed fees or damages payable in connection therewith from a member.

7. RESERVATION OF LIBRARY MATERIAL

A member may, after payment of the prescribed charge, reserve library material –

- (a) If payment of the prescribed fee thereof is made in advance;
- (b) And no library material will be held longer than the period specified by the librarian or his or her authorized representative.

8. LOST AND DAMAGED LIBRARY MATERIAL

- (1) It must be stated on the membership card that if a member damages or loses library material, such member will be liable in terms of subsection (2) for payment to the Council of the prescribed fee.
- (2) Library material not returned within 100 days from the date of borrowing must be regarded as lost and the member who borrowed it last will immediately become liable for the replacement cost or a fee prescribed in lieu thereof, at the discretion of the librarian.
- (3) Should library material be lost or become damaged or deemed to be lost in terms of subsection (2), the member against whose certificate of membership such library material was borrowed must, in addition to any fine or other charges for which he is liable in respect of the said library material, be liable for payment to the Council of the purchase price thereof or an amount to make good the damage as may be determined by the Council, unless he replaces it with a copy of equal value of a copy acceptable to the Council.
- (4) Lost or damaged library material must remain the property of the Council or the Limpopo Provincial Government even if the prescribed fee in respect thereof or the replacement costs have been paid to the Council.
- (5) If damaged material returned by the member is found to be repairable, the member must pay the repair or binding charge incurred by the Council, before being permitted to borrow any further library material.
- (6) No further library material must be lent to a member who, in terms of subsection (1), is responsible therefore.

9. HANDLING OF LIBRARY MATERIAL

A member who has borrowed library material or is using it in the library is obliged to-

- (a) keep such material in a clean condition;
- (b) protect such material for being damaged in any way;

- (c) ensure that such material is not mutilated, defaced, marked, creased or damaged;
- (d) ensure that no part of the library material, or any protective coverings or any identification thereof is removed; or
- (e) lend any such material to any unauthorized person;

10. EXPOSURE OF LIBRARY MATERIAL TO CONTAGIOUS DISEASES

- (1) No person suffering from a contagious disease must borrow or handle any library material from the library and no person must allow another person suffering from a contagious disease, to handle such library material lent to him or her if such handling or contact would expose others to the danger or infection or any form.
- (2) The provisions of subsection (1) apply also to any person supervising or in charge of a child known by such person to be suffering from such notifiable medical condition.
- (3) A notice with examples of notifiable medical conditions must be displayed at a prominent place in the library.
- (4) Any person in possession of such library material from the library, which was exposed to a contagious disease, must immediately advise the librarian that such library material was so exposed.

11. LIBRARY MATERIAL FOR SPECIAL PURPOSES

- (1) Library material of a specialized nature, may only be used in areas of the library as are set aside by the Council for special purposes and must not be removed from part of the library without the permission of the librarian.
- (2) No person in possession of library material drawn from the reference section of a library may keep it for longer than ten minutes after the librarian has requested its surrender.

12. REPRODUCTION OF LIBRARY MATERIAL

- (1) Any person may use the facsimile and photocopier facilities of the library, subject to-
 - (a) payment of the prescribed fee;
 - (b) the furnishing by him or her of a declaration in writing, if requested by the librarian, that the purpose for which the photocopy or photographic reproduction is needed falls within the exceptions to the protection of literary, dramatic, musical and artistic works specified in the Copyright

Act, 1965 as amended, and any subsequent amending or replacement legislation.

(2) A librarian must display the relevant sections of such legislation in a prominent place in the library in question.

(3) The permission of a librarian must be obtained before any library material or object in the library is reproduced by means of a photograph, motion picture, transparency or any other means.

(4) In granting or refusing permission in terms of subsection (2), a librarian may take cognisance of the possibility of damage being caused to such material or object as a result of it being handled for the purposes of making the reproduction, and may impose a condition as it may be reasonably necessary to prevent the damage being caused to the material.

13. USE OF THE GROUP ACTIVITIES HALL

Approval for the use of the group activities vests in the Council subject to such conditions as the Council may determine.

14. LIBRARY HOURS

The hours determined by the Council during which any library will be open to the public must be displayed on a notice at or near the entrance to the library concerned and must state –

- (a) the days and hours during which the library will open and close;
- (b) the hours during which the use of such library or any section thereof will be restricted to adults.

15. HIRING OF MULTIMEDIA LIBRARY SPACE

(1) a multimedia library may be made available to any person applying therefore against

payment in advance of the prescribed fee

(2) Any person who, or body, which wishes to hire a multimedia library, must make advanced reservations with the librarian in charge

(3) The hiring of a multimedia library must subject to such conditions as the library may determine.

16. PERFORMING ARTS LIBRARY

- (1) All printed music must be made available for loan free of charge to registered adult members and organizations
- (2) Material not for loan may be determined but the performing arts librarian at his/her discretion.
- (3) Orchestral and bulk vocal scores may be made available to orchestras, school libraries and choirs upon written application and against payment of prescribed fee.

17. LIABILITY FOR LOSS AND INJURY

- (1) The council is not liable for any damage to, loss or theft of any items brought into the library by the members of the public.
- (2) The Council is not liable for any claim or personal injury sustained by any member of the public whilst in the library premises or whilst using any library material.

18. POSTING OF BY-LAWS IN THE LIBRARY

- (1). The librarian must place a copy of these By-laws in a prominent place in the library and direct the attention of users of the library where necessary.
- (2) There must be a displayed in any library a notice to the effect that neither the Council nor the office bearers or employees of the library are liable for any injury or loss sustained by any person using the library premises or library material.

19. OFFENCES

Any person who-

- (a) conduct or participate in a conversation, read aloud, sing or whistle in the library in a manner which is disturbing to other persons present in the library building;
- (b) impede, obstruct, disturb or in any other way annoy any other person in the legitimate use of the library;
- (c) refuse to deliver any library material to the librarian within a reasonable time after being requested thereto verbally or telephonically;
- (d) allow any child under his supervision to create a disturbance in the library;

- (e) (i) act in an uncouth or disorderly fashion:
 - (ii) use unseemly, abusive or blasphemous language; or
 - (iii) lay a bet or gamble in any part of the library;
- (f) recline, sleep or partake of refreshments in the library;
- (g) cause or permit any animal under his supervision to enter or remain in the Library;
- (h) while using the library, refuse to comply with any lawful request of the librarian;
- (i) bring any vehicle, carrier or container into the library without the permission of the librarian;
- (j) distribute or deposit in the library for distribution, material for advertisement, publicity or any other purpose without the permission of the librarian;
- (k) damage or deface any part of the library or any fitting, furniture, equipment or contents thereof;
- (l) supply a false name and address for the purpose of entering any part of the library or to benefit from any service rendered by the library;
- (m) enter or remain in any part of the library if he is-
 - (i) unclean on body or dress;
 - (ii) suffering from a contagious or infectious disease notifiable in terms of any law;
- (n) enters or remains in any part of the library during the hours that such a library or part thereof is not officially open for service to the public;
- (o) enters or leaves the library by an entrance or exit not officially provided for the use of the public;
- (p) enter or remain in any part of the library which is reserved for the use of the library staff;
- (q) obstruct or block any entrance to or exit from the library.

(r) remove from the library or be in the possession of library material the loan whereof has not been registered by the librarian in terms of these By-laws; or

(s) retain in his possession any library material for more than 24 hours after the delivery to his registered address of a written demand from the librarian for the return of such material.

20. PENALTIES

(1) Any person not bona fide using the library for the purpose for which it is intended or is guilty of misbehaviour in the library, may be removed from the library by the librarian or by a person called upon thereto by the librarian.

(2) Any person contravening any of the provisions of these By-laws is guilty of an offence and must, on conviction, be liable to a fine not exceeding 5000 00 or to imprisonment for a period of six months or to both such fine and such imprisonment.

21. REPEAL OF LAWS

Any by-law(s) relating to the Library and Information service adopted by the Council or any erstwhile Council now comprising an administrative unit of the Municipality, shall be repealed from the date of promulgation of this By-law in the Provincial Government Gazette

22. SHORT TITLE & COMMENCEMENT

This by-law shall be called Library and Information Service By-Laws 2016, and shall take effect from the date of proclamation in the Provincial Gazette.

LOCAL AUTHORITY NOTICE 808 OF 2023

MATATIELE LOCAL MUNICIPALITY

SWIMMING POOLS AND SPA-BATHS BY-LAWS



SWIMMING POOLS AND SPA-BATHS BY-LAWS

Matatiele Local Municipality enacts as follows

| Section | Index |
|---------|--|
| 1. | Definitions |
| 2. | Requirement for premises |
| 3. | Duties of the Spa-bath keeper |
| 4. | Duties of the swimming-pool keeper |
| 5. | Water Supply |
| 6. | Safety of water |
| 7. | Prohibition on the use of a swimming pool or spa-bath |
| 8. | Right of Entry |
| 9. | Order and Behaviour |
| 10. | Penalty clause |
| 11. | Repeal of this By-law |

1. Definitions

In these By-laws, unless the context otherwise indicates –

"Municipality" means Matatiele Municipality;

"Municipal Council" means the Matatiele Municipal Council established in terms of section 12 of the Local Government: Municipal Structures Act, (Act No. 117 of 1998), as amended;

"National Building Regulations and Building Standards Act" means National Building Regulations and Building Standards Act, 1977(Act No. of 1977), as amended;

Premises" means any land, building or structure

2. Requirement for premises

- (1) Separate change-rooms, shower and toilet facilities must be provided for each sex with easy access of the spa-bath and swimming pool and must be in accordance with the National Building Regulations and Building Standards Act
- (2) A swimming pool must be surrounded by an approved wall or fence as contemplated in the National Building Regulations and Building Standards Act.
- (3) The surface of the floor area surrounding the spa-bath or swimming pool must be of an impervious, non-slip material.
- (4) A suitable chemical gasmask must be provided at the chlorinator installation, and if required by the health officer, an oxygen or air breathing apparatus must be provided
- (5) An adequate number of refuse receptacles must be provided on the premises

3. Duties of the Spa-bath keeper

- (A) The premises must be kept in a safe, clean and sanitary condition and in good repair at all times
- (B) an approved, fully equipped first-aid box, clearly designated, properly maintained and kept in a prominent, easily accessible and protected positions must be provided.
- (C) The spa-bath keeper must ensure that the water is purified, treated and maintained to an acceptable quality at all times when the spa-bath is in use
- (D) Equipment for testing the quality of the spa-bath water for pollution and for disinfections must be provided and maintained in proper working order.
- (E) The spa-bath keeper must be fully conversant with all routine tests to be carried out and the interpretation of the results thereof.
- (F) A daily operating record of the water quality must be maintained

4. Duties of the swimming-pool keeper

- (a) the premises must be kept in a safe, clean and sanitary condition at all times
- (b) provide an approved fully equipped first-aid box, life-saving equipment and resuscitation appliance clearly designated, properly maintained and kept in a prominent, easily accessible and protected position.
- (c) The swimming-pool keeper must be qualified and proficient in life saving, rendering first aid, use of the resuscitation appliance, the operation of the swimming pool and testing and maintain the safety of the water.
- (d) The swimming-pool keepers must ensure that the water is purified, treated and maintained to an acceptable quality at all times when the swimming pool is in use
- (e) Provide and maintain in proper working order equipment for testing the quality of the swimming-pool water for pollution and disinfections
- (f) The swimming-pool keeper must be fully conversant with all routine tests to be carried out and the interpretation of the results thereof
- (g) A daily operating record of the water quality must be maintained.
- (h)

5. Water Supply

- (a) No water from a source other than water from the Municipality's supply, must be used to clean, fill or maintain the level in a swimming-pool or spa-bath unless the environmental health officer has issued a certificate to the swimming-pool or spa-bath keeper, stating that such water is suitable for such use

The environmental health officer must take samples of the swimming-pool or spa-bath water at intervals as he deems fit for the purpose of a chemical analysis or bacteriological examination, to an analyst authorised in terms of section 12 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

6. Safety of Water

Every spa-bath keeper and swimming-pool keeper must ensure that the water in the spa-bath or swimming pool complies with the following when it is in use

- (a) The water must be free from floating, suspended or settled debris or swimming organisms and the wall, floor, access ladders or steps and gutters must be free from slime and algae;
- (b) The pH value of the water must be not less than 7 and not greater than 8;
- (c) Where chlorine- based disinfectants are used, minimum free available chlorine residual of 0,5 mg/l with a maximum free available chlorine residual of 3 mg/l must be maintained
- (d) Where a disinfectant other than chlorine is used, the residual level must be equivalent in effect to the requirements of subsection (3).
- (e) The total viable bacteriological count of any sample submitted for analysis in accordance with the acceptable methods must not exceed 100 organisms per ml of water
- (f) *Escherichia coli* type 1 bacteria must not be present in any 100 ml of water; and
- (g) Appropriate water quality testing equipment must be available and maintained

7. Prohibition on the use of a swimming pool or spa-bath

- (a) If the water in the swimming-pool, or spa-bath when available for use, does not comply with the provisions of section 5, and if, in the opinion of the environmental health officer, the use of such swimming-pool or spa-bath is not in the interest of public health, he or she may forthwith prohibit the use of such swimming-pool or spa-bath.
- (b) A prohibition in terms of subsection (1) must remain in force until written revocation thereof by the environmental health officer has been served upon the swimming pool or spa-bath keeper.
- (c) The municipality shall provide on the premises such dressing rooms as it may deem necessary in which persons visiting the swimming pool for the purpose of swimming shall change from their ordinary clothes into pooling costumes and vice versa as well as such sanitary conveniences and other facilities as it may deem necessary
- (d) Separate dressing rooms and sanitary and other conveniences shall be provided for both sexes and notices shall be created, stating the sex which shall be entitled to use the respective dressing room and sanitary or other conveniences
- (e) No person shall enter any such dressing room or other accommodation which has been appropriated for the use of the opposite sex.

8. Right of Entry

- (a) The environmental health officer may at all reasonable times, when the swimming pool or spa-bath is available for use, enter any premises for the purpose of inspection and take samples of water as he may deem necessary for chemical or bacteriological examination or analysis.
- (b) No person shall enter the premises nor shall any person swim in the swimming pool except on such times and conditions as shall be laid down by the municipality from time to time
- (c) Notice setting forth the day and hours which the swimming pool shall normally be open to the public in a prominent place or near the entrance to the premises
- (d) No clubs, school or other organisation shall use the swimming pool for any gala, meeting practice or training, unless written application is made beforehand to the municipality
- (e) No person other than a person who is the holder of an admission ticket shall be permitted admission to the premises
- (f) No child under the age of 07(seven) years shall be permitted admission to the premises unless accompanied by a parent or other responsible person
- (g) No person who is in a state of intoxication or under the influence of drugs shall be permitted admission to the premises
- (h) Any person who has been refused admission to the premises or who has gained admission, is ordered by the swimming pool keeper to leave the premises shall have the right to appeal to the Municipality against the decision of the swimming pool keeper

9. Order and Behaviour**No person must-**

- (a) interfere with the spa-bath keeper, swimming-pool keeper or any official of Municipality in the execution of their duties
- (b) allow any dog or other pet belonging to him or her or under his care to enter or to remain within the premises
- (c) use any premises whilst knowingly or suspecting of suffering from any communicable or contagious disease; or
- (d) urinate, defecate, spit or blow his nose in the spa-bath or swimming-pool

- (e) Bring any glass bottle or any glassware into the premises
- (f) Remove, take away, throw down, damage or destroy any furniture, fitting tool machinery or thing pertaining to or used on the premises which is the property of the municipality
- (g) Use therein any soap or other substances after having entered the swimming pool
- (h) Dress or undress in any place, except in the dressing room or other places provided for such purposes
- (i) Swim in the swimming pools unless clothed in a proper and adequate pooling costume, nor appear anywhere on the premises unless he is wearing a pooling costume or is otherwise properly dressed
- (j) Leave or deposit any paper, fruit peels or other litter anywhere except in the refuse bins provided for the purpose
- (k) Gamble on the premises
- (l) Damage by drawing, writing or scribing thereon in any other manner that defile any wall, seat or door
- (m) Bring or use a surfboard, canoe or anything which may cause injury on the premises or in the swimming pool
- (n) Wash any garment or other matter in the swimming pool
- (o) Play any music instrument or make noises thereon whilst utilising the conveniences on the premises except with the prior written consent of the municipality
- (p) Enter the premises with a bicycle, motor vehicle, motorbike or any other self-propelled means of transport
- (q) Organise a function, sale, performance, march or any other gathering on the parking area or in the swimming pool without the written consent.

10. Penalty clause

- (1) Any person who contravenes or fails to comply with any provision of these By-laws or any requirement or condition thereunder shall be guilty of an offence.
- (2) Any person convicted of an offence in terms of subsection (1) shall be liable to a fine not exceeding R10 000.00 or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

11. REPEAL OF BY-LAWS

The provisions of any By-laws relating to swimming pools and spa-baths by the Municipality are repealed insofar as they relate to matters provided for in these By-laws

12.Short title and commencement

These By-laws are called Swimming Pools and Spa Baths By-laws and will come into operation on a date fixed by the Municipal Council by notice in a Gazette.

LOCAL AUTHORITY NOTICE 809 OF 2023

MATATIELE LOCAL MUNICIPALITY

LEASE OF HALLS AND CONFERENCE FACILITIES BY-LAW



BE IT ENACTED by Matatiele Municipality, as follows:

1. Definitions

In these bylaws unless the context otherwise indicates:

"caretaker" means any official of Council appointed as caretaker to exercise control over municipal halls or conference facilities, or acting in that capacity

"Chief Fire Officer" means the person appointed as Chief Fire Officer by the Council or any other person lawfully acting in that capacity

"Town Electrical Engineer" means the person appointed as town Electrical Engineer by the Council or any other person lawfully acting in that capacity

"Municipal manager" means the person appointed as Municipal manager by the Council or any other person lawfully acting in that capacity

"Council" means the Matatiele Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Executive Committee

has delegated any powers and duties with regard to these bylaws;

"lessee" means the person who signs the application form referred to in section 2 hereunder;

"premises" means any hall, conference facility, auditorium or group activities room which is the property of the Council and being leased in terms of these bylaws, and include such amenities as are incidental thereto;

2. Purpose of the By-law

To provide for the regulation and management for the leasing of halls and other facilities and other matters connected therewith.

3. Application / Reservation for use of a Hall

(1) Persons desiring to lease premises shall apply to the Municipal manager on the official application form provided for that purpose and the person making the application shall be deemed to be the lessee.

(2) No reservation of premises shall be made until such time as a properly completed application form has been received, together with the prescribed tariff and deposit.

(3) No tickets or invitations may be distributed nor may any public announcement be made before the application has been approved by Council in writing.

4. Discretion to refuse or cancel reservations

(1) Council has the right to refuse any application for the lease of premises without giving any reasons and shall also have the right to cancel any booking already made, if the premises are required for Council purposes and, in the latter event, Council shall have no liability other than to refund any monies which may have been paid to Council.

5. Payments and Refunds

(1) All charges, including deposits, for the lease of premises or equipment as determined in Council's tariff of charges are payable in advance and the lessee shall not be permitted to use any premises reserved by him/her until the relevant tariff and deposit has been paid in full.

(2) If the lessee cancels or abandons a reservation, Council may in its discretion, where it is satisfied that such abandonment or cancellation was due to unforeseen circumstances beyond the control of the lessee, pay the lessee a refund of up to 75% of the tariff and a refund of the full deposit. Where cancellations are made 30 days prior to the booking date, a 100% refund will apply.

(3) Lessees, except those lessees who use the premises for activities of a professional nature, commercial activities or activities where admission fees are charged, and who meet the following criteria, are exempted from paying a deposit:

- (a) produce a current paid up Matatiele Municipal services/rates account;
 - (b) supply proof of identification; and
 - (c) enter into an agreement whereby the lessee accepts and understands that the costs resulting from damages/losses as mentioned in section 5 will be debited against his/her account and undertakes to settle such amount on the due date.
- (4) Only cash or bank guaranteed cheques are accepted as hall deposits.

6. Losses, Breakage and Damages

(1) The lessee shall be responsible for and make good any breakage or damage of any nature to the premises, furniture, fittings or other property of Council as well as any loss occasioned by missing articles, breakage or defacement that occurred during the lease period. Should the lessee find any piece of furniture, fitting or other property of Council to be defective prior to the function for which the premises have been leased, the same shall be pointed out in writing to the caretaker before use. Where no such defect has been pointed out it shall be deemed to have been in proper order.

(2) In the event of damage or loss of property such damage or loss shall be made good from the deposit paid by the lessee and the balance, if any, shall be refunded to the lessee once repairs and/or replacements have been completed. Any further amount by which the cost of repairs, and/or replacements exceeds the amount of the deposit shall be

recovered from the lessee.

(3) The current service account of lessees exempted as per section 4(3) shall be debited with the total cost of all incidents as mentioned in section 5(1).

7. Use of Equipment

(1) The lessee may only use the equipment for which the prescribed fees have been paid, together with such other gratis equipment as Council may from time to time decide upon, provided that in the case of gratis equipment the lessee shall still book such equipment in advance.

8. Lighting Arrangements

(1) No additional or special lighting may be installed in or on the premises without the prior approval of the Municipal manager and any additional or special lighting so authorised shall be carried out, at the expense of the lessee, by a person approved by the Town Electrical Engineer on terms and conditions to be arranged between the Town Electrical Engineer and such person, or between the Town Electrical Engineer and the lessee.

9. Admission arrangements

(1) The lessee shall be responsible for all arrangements in connection with the admission of the public, the sale of tickets, the provision of ushers, police, security and such other staff as may be necessary to control the admission and conduct of persons on the premises

10. Indemnity

- (1) Council shall under no circumstances be responsible or liable for any loss or damage of whatsoever nature and whether direct or consequential, caused to the lessee or any other person including, without limiting the generality of the foregoing, any property, articles, or things that may be in, on, or at the premises, due to any cause whatsoever, including, but not limited to, the failure or defect of any machinery, equipment, lighting or scenery, or any defect whether latent or patent, in or on any part of the premises.
- (2) Council shall under no circumstances be responsible for any loss of or damage to any article brought onto the premises or left there by the lessee or any other person, irrespective of how the loss or damage was caused.
- (3) By submitting the application referred to in section 2 the lessee indemnifies Council against any claim arising from such lease instituted by any person on any ground whatsoever.

11. Council-owned property

(1) Furniture or article belonging to Council shall be moved or taken from the premises leased or any other part of the buildings by any person other than Council's officials, or except under the direction of such officials.

12. Specific obligations of the lessee

- (1) The lessee may not sublet the premises under any circumstances.
- (2) The lessee shall ensure that the premises and equipment leased are kept in a clean, tidy and proper condition and that no furniture or equipment is removed from the premises or damaged in any way.

13. Additional cleaning services

(1) Council shall not be obliged to provide any additional facilities or services, provided that if

the purpose for which the lessee proposes to use the premises is such as to require special cleaning work to be undertaken, the lessee shall pay to the Council such additional sum as may be required by Council to cover the cost of the additional work.

(2) Upon termination of any function the lessee shall be responsible for the cleaning of the interior of the premises as well as the exterior surrounding, failing which Council shall clean the premises at the expense of the lessee.

14. Animals

(1) No person shall, without the written consent of Council, bring or permit to be brought into the premises any animal.

15. Inspection after each function

(1) On the first working day after the function for which the premises were leased, the premises shall be inspected by the caretaker and the lessee or anyone deputed by him on his behalf and any damages shall be recorded at the time of the inspection.

16. Notices, placards, movable scenery and use of pre-treated timber

(1) No notices, posters, advertisements, decorations, flags, emblems or other attachments shall be placed or erected upon the inside or outside of the premises leased by the lessee without the permission of the Municipal manager first being obtained and no nails, screws, drawing-pins, or sticky material may be knocked into or affixed to any portion of the premises, except against the wooden railings in the premises where such railings have been specifically installed for this purpose.

(2) Movable lighted scenery other than that which is electrically lit shall be used in the premises and no wood shall be brought into the premises unless the same has been pre-treated in terms of the relevant regulations for combating and preventing the spread of insect pests affecting wood. The lessee shall, if called upon by the Council to do so, submit evidence of such treatment before the wood is brought to the premises

17. catering

(1) The lessee shall be responsible for all catering arrangements in the premises and shall ensure that the caterers keep and leave such premises in a clean and tidy condition.

(2) Where the premises are leased for a cinema performance, the lessee shall ensure that all projectors and other apparatus are placed, situated and operated in a manner approved by the Chief Fire Officer and that the requirements and directions of the Chief Fire Officer as to fire precautions are observed.

(3) A fireman's attendance, which shall be at the expense of the lessee, is compulsory at all demonstrations, stage shows, exhibitions or meetings where the use of open flames or heat producing equipment may be used in such a way where, in the opinion of the Chief Fire Officer, a danger of fire exists.

19. Boxing or wrestling

(1) Persons staging a boxing or wrestling tournament shall provide the ring with sponge plated broad supporting discs, approximately 20 cm in diameter, or some other suitable protective device, in order to ensure that the floors are not damaged and the erection of the ring shall be to the satisfaction of the Town Engineer.

20. Requirements of the Liquor Act

(1) When intoxicating liquor is to be supplied on the premises, the lessee shall observe all the requirements of the Liquor Act, 1977 (Act No 87 of 1977), and no liability whatsoever shall be attached to the Council any of its officials in respect of any failure of the licensee or any of his servants or agents to carry out and observe the provisions of the said Act and of the terms and conditions of any licence issued.

21. Intoxicating liquor

(1) No person shall take any intoxicating liquor onto the premises save and except:

- (a) the licensee or his servant or agent acting under and by virtue of a temporary liquor licence;
- (b) the lessee or his servant or agent in cases where the lessee is serving liquor free of charge to his guests; and
- (c) the lessee or his guests or their servants or agents are providing their own supply of intoxicating liquor for personal consumption.

22. Dangerous practices

(1) The firing of live ammunition, the throwing of knives and any other performance which may be potentially dangerous to persons or property are strictly prohibited.

23. Overcrowding

(1) No overcrowding of the premises is permitted. The number of persons admitted shall be limited to the seating accommodation available, and no persons shall be allowed to congregate in passages, aisles or doorways of or adjoining the premises let unless the written permission of the Council of an official deputed by him is first obtained.

(2) When the available seating accommodation and other permitted accommodation have occupied, the lessee shall prevent the admittance of any person in excess of such accommodation.

24. Orderly behaviour

(1) The lessee shall be responsible for ensuring that:

(a) no person who is intoxicated or who is unsuitably or indecently clad shall be permitted to the premises or, having gained admission, be permitted to remain therein;

(b) no person or persons become noisy or create a disturbance or nuisance or be unsuitably or indecently clad. The lessee shall have such person removed from the premises immediately and in the event of the function becoming unruly, or should it appear that a disturbance is imminent, the lessee shall forthwith terminate the function and clear all persons from the premises.

25. Right of entry

(1) Council's officials shall at all times have the right to enter upon any premises or part of the premises for the performance of their duties in connection with the premises.

26. Fireman's Attendance

(1) In the event of there being an activity on the premises which, in the opinion of the Chief Fire Officer, constitutes or can lead to a fire or other hazard, he may place one or more firemen on duty for the duration of the activity and the lessee will be liable for the costs thereof.

27. Lessee to conform to provisions of bylaws and other legislation

(1) The lessee of the premises shall ensure that the provisions of these bylaws and of any other bylaws and rules which may relate to the premises as well as any applicable legislation, including the Copyright Act, 1978 (Act No 98 of 1978) are duly observed and that any lawful instructions of Council of any member of the South African Police Services are fully and immediately complied with.

28. Rules and Regulations

(1) The Council may make rules and regulations applicable to specific venues.

29. Penalties

(1) Any person who contravenes any of these bylaws shall be guilty of an offence and liable, upon conviction, to a fine not exceeding 10 000 or imprisonment for a period not exceeding one year.

30. Short title and commencement

1 This By-law shall be known as the Lease of Halls and other Facilities By-law 2016, and shall take effect from the date of proclamation in the Provincial Gazette.

LOCAL AUTHORITY NOTICE 810 OF 2023

MATATIELE LOCAL MUNICIPALITY

CEMETARY AND CREMATORIA BY-LAWS



MATATIELE
LOCAL MUNICIPALITY

CEMETARY AND CREMATORIA BY-LAWS

Be it enacted by the Council of the Matatiele Local Municipality, in terms of Section 156 of the Constitution of the Republic of South Africa Act No. 108 of 1996, Section 104 (2) Funeral, Burial and Cremation Services Act of 2002 in the Province of Eastern cape, and section 11 of the Local Government: Municipal Systems Act No. 32 2000, as follows:

INDEX

| | |
|--|-----------|
| CHAPTER 1: GENERAL | 3 |
| 1. Definitions | 3 |
| CHAPTER 2: ESTABLISHMENT AND MANAGEMENT OF CEMETERIES | |
| 2.Establishment of cemeteries | 7 |
| 3. Official hours | 8 |
| 4. Register | 8 |
| 5. Numbering of graves | 8 |
| 6. Reservation of graves | 8 |
| 7. Transfer of reserved rights | 9 |
| 8. Number of corpses in a grave | 9 |
| 9. Number of Corpses in a coffin | 9 |
| CHAPTER 3: BURIALS | 10 |
| 10. Application for a burial | 10 |
| 11. Burial of a corpse | 11 |
| 12. Burial of ashes | 12 |

| | |
|--|--------|
| 13. Burial of a cadaver | 14 |
| 14. Persons dying outside the municipal area | 14 |
| 15. Grave measurements | 14 |
| CHAPTER 4: RE - OPENING OF GRAVES AND EXHUMATIONS | 15 |
| 16. Conditions of exhumations | 15 |
| 17. Exhumation and reburial | 16 |
| 18. Screening of exhumation | 16 |
| CHAPTER 5: MISCELLANEOUS | 17 |
| 19. Injuries and damages | 17 |
| 20. Fire-arms and traditional weapons | 17 |
| 21. Offences and penalties | 17 |
| 22. Complaints | 18 |
| 23. Charges | 18 |
| 24. Rights on Graves | 18 |
| 25. Consents, Notices and Orders | 18 |
| 26. Religious Ceremonies | 18 |
| 27. Hearses and vehicles at Cemeteries | 18 |
| 28. Exposure of Bodies | 19 |
| 29. Instruction of Caretaker | 19 |
| 30. Music Inside Cemetery | 19 |
| 31. Interments Attended by large Numbers of People | 19 |

| | |
|---|-----------|
| CHAPTER 6: GENERAL PROVISIONS | 19 |
| 32. Repeal of By-laws | 19 |
| 33. Short title and commencement | 19 |

CHAPTER 1

GENERAL

Section 1. Definitions

In these by-laws, unless the context otherwise indicates: -

“adult” means a deceased person over the age of 12 years and any deceased person the dimensions of whose coffin cannot be accommodated in an excavation of 1,40m in length and 400 mm in width;

“after-hours fee” means a fee over and above the set normal fee for burial or cremation outside normal week days cemetery operating hours, save in the case of cremations or burials, which because of religious belief, are undertaken after such hours, or in the case of burial, where the mourners undertake to close the grave;

“ashes” means the cremated remains of a body;

“Births and Deaths Registration Act” means the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);

“body” means any dead human body, including the body of a stillborn child;

“burial order” means an order issued in terms of the Births and Deaths Registration Act;

“burial” means burial or inhumation into earth or any other form of burial and includes a tomb and any other mode of disposal of a body;

“burial” means burial or inhumation into earth or any other form of burial and includes a tomb and any other mode of disposal of a body;

“cemetery” means any land or part thereof within the municipal area set aside by the Council or approved by the Council as a public cemetery;

“child” means any deceased person of the age of 12 years or younger and who is not an adult

“Commonwealth war grave” means any grave, tombstone, monument or memorial connected with a Commonwealth war burial in terms of the Commonwealth War Graves Act, 1992 (Act No. 8 of 1992);

“Council” means Council of Matatiele Local Municipal

“cremation” means the incineration of any human body or remains to ashes;

“crematorium” means a building where the dead are cremated;

“crematorium section” means a section of a cemetery or crematorium set aside by the Council for the burial of ashes;

“cremated remains” means all recoverable ashes after the cremation process;

“exhumation” means the removal of a body from its grave;

“garden of remembrance” means a section of a cemetery or crematorium set aside for the erection of memorial work, placing or scattering of ashes, but does not include a columbarium;

“grave” means any piece of land excavated for the burial of a body within a cemetery and includes the contents, headstone or other marker of such place and any other structure on or associated with such place;

“grave of conflict” means the grave of a person who died while defending the country;

“hero” means a person who performed a heroic act for the country and is given the status of a hero by the Council;

“indigent person” means a destitute person who has died in indigent circumstances, or if no relative or other person, welfare organisation or non-governmental organization can be found to bear the burial or cremation costs of such deceased person and includes a pauper;

“indigent relief” means assistance received for the burial or cremation of an indigent Person

“indigent person” means a destitute person who has died in indigent circumstances, or if no relative or other person, welfare organisation or non-governmental organization can be found to bear the burial or cremation costs of such deceased person and includes a pauper;

“indigent relief” means assistance received for the burial or cremation of an indigent Person

“medical officer of health” means the Medical Officer of Health for the Council or any other person acting in such capacity or by virtue of any power delegated to him/her

“memorial work” means any headstone, monument, plaque, or other work, or object, erected or intended to be erected in any cemetery or crematorium to commemorate a deceased person, and includes a kerb demarcating a grave, and a slab covering a grave;

“municipal area” means the area under the control and jurisdiction of the Council;

“niche” means a compartment in a columbarium or garden of remembrance for the placing of ashes;

“officer-in-charge” means the person in the employ of the Council who, from time to time, is in control of any cemetery.

“prescribed” means prescribed by the Council;

“prescribed fee” means a fee determined by the Council by resolution of that Council or its successor.

“resident” means a person who, at the time of death, was ordinarily a resident within the area of jurisdiction of the Municipality, excluding inmates in hospitals, institutions, or other persons temporarily resident within the area of jurisdiction of Municipality;

“registrar of deaths” means any person appointed by the Government of the Republic of South Africa to register deaths

“South African Heritage Resources Agency” means the South African Heritage Resources Agency, established in terms of section 11 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)

“stone mason” means a person carrying on business as a stone mason;

“victim of conflict” means a person defined in section 1 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

CHAPTER 2

ESTABLISHMENT AND MANAGEMENT OF CEMETERIES

Section 2. Establishment of cemeteries

The Council may from time to time set aside and reserve suitable municipal land within the municipality for the establishment and management of a cemetery. The Council may consider and approve an application for the establishment and management of a cemetery. The Council may consider and approve an application for the establishment and maintaining of a private cemetery or a private columbarium on private land on the conditions that the Council may deem necessary.

(2) The Council may set aside, reserve and demarcate within a cemetery, in accordance with an approved layout plan, such areas as the Council may deem necessary for exclusive use by the members of a particular religion or denomination, or for the burial of adults, children, security forces or war heroes, or for the creation and management of the following sections:

(a) Berm-section where memorial work of a restricted size may be erected only on a concrete base provided by the Council at the top or bottom end of a grave the top surface of graves are level and the Council will cut planted as well as natural grass as part of its maintenance program;

(b) Monumental-section where memorial work erected shall cover the entire grave area,

- (c) Semi-monumental section where memorial work, without a restriction on the size, may be erected only on a concrete base at the top end of a grave, which base will not be provided by the Council;
- (d) Natural-grass section where the surface of graves are levelled. Graves are identified by numbers affixed on top of the graves in such a way that lawnmowers can be used to cut the natural grass without damaging the numbers;
- (e) Traditional-section where memorial work does not have to cover the entire grave area, and may be erected on graves that are not supplied with a concrete base as required in the Berm-section. The surfaces of graves are level;
- (f) Columbarium-section where ashes may be buried in a niche in a memorial wall or wall of remembrance provided by the Council;

Section 3. Official hours

- (1) The cemetery and the office of the caretaker shall be open during the hours as determined by the Council. The cemetery office of the caretaker shall be open from Monday to Friday.
- (2) Burials shall take place on the days and during the hours as determined by the Council.
- (3) The Council has the right to close a cemetery or any portion thereof to the public for such periods and for such reasons as the Council may deem fit
- (4) No person shall be or remain in a cemetery or part thereof before or after the official hours as determined by the Council or during any period when it is closed for the public, without the permission of the caretaker.
- (5) Office hours/days Monday to Friday from 09H00 to 16H00
- (6) Burial hours/days Monday to Sunday from 09H00 to 15H30

(7) The Officer-in-charge may, on such conditions as he or she may determine, and on payment of the prescribed fee, give permission to bury outside the stipulated hours. If the burial takes place outside the stipulated hours, the applicant will provide tools and assume the responsibility of closing the grave.

Section 4. Register

- (1) A register of graves and burials shall be kept by the caretaker.
- (2) Such register shall be completed as far as possible immediately after a burial has taken place, with reference to the prescribed particulars contained in the burial order concerned.

Section 5. Numbering of graves

- (1) All graves in a cemetery that are occupied or for which a burial has been authorised in terms of the provisions of this by-law shall be numbered by the Council.
- (2) The number shall be affixed to the grave and indicated on a plan to be kept available in the caretaker's office

Section 6. Reservation of graves

- (1) No reservation of a grave in a cemetery shall be allowed.
- (2) Reservation of graves made and recorded in the official records of the Council in terms of any previous by-laws shall still be valid and the Council shall honour such reserved rights.
- (3) Allow grave reservation hence it is something that is being practise.
- (4) An application to reserve a grave must be made to the officer-in-charge.
- (5) A surviving spouse of the deceased may apply for an adjoining grave to be reserved.
- (6) A grave will be reserved only upon payment of the prescribed fee

Section 7. Transfer of reserved rights

- (1) A reserved right as contemplated in section 6(2) may not be transferred without the prior approval of the Council.
- (2) Application to transfer such right shall be made to the caretaker in writing by completing and submitting a prescribed application form.
- (3) If the application is granted, a certificate will be issued in favour of the transferee who will become the holder
- (4) The reserved right may be cancelled on request of the holder and if the request is approved by the Council, the amount paid by the holder (if any) minus 10% administration fees, will be refunded to the holder.

Section 8. Number of corpses in a grave

- (1) Only one corpse may be buried in a grave with measurements as contemplated in this by-law.
- (2) Only two corpses may be buried in a grave with measurements as set out in sub-section 15(4): Provided that application for the burial of two corpses has been made to the caretaker in writing by completing and submitting the required application form before the first corpse is buried.
- (3) After the re-opening of a grave for the purpose of the burial of a second corpse as mentioned in sub-section 9(2) in that grave, a concrete layer of not less than 25 mm thick shall be cast above the coffin previously buried.
- (4) If on re-opening any grave, the soil is found by the Medical Officer of Health to be offensive or dangerous to the general health of people, the situation will be handled in consultation with the Medical Officer of Health.

Section 9. Number of Corpses in a coffin

- (1) A deceased stillborn child and his or her deceased mother may be buried in the same coffin at the fee for a single interment of an adult.
- (2) Still-born twin babies may be buried in the same coffin at the fee for a single interment of a stillborn child.

CHAPTER 3**BURIALS****Section 10. Application for a burial**

- (1) Application for permission for a burial in a cemetery shall be made to the caretaker in writing by completing and submitting a prescribed application form. An application shall be accompanied by:
- (a) the prescribed burial order;
 - (b) the prescribed fees; and
 - (c) a reservation certificate, if applicable;
- (2) No person shall, without the prior written approval of the Council, execute, cause, or allow a burial in any other place in the municipality than in a cemetery established and managed by the Council. This includes the burial of a corpse, of ashes and of a cadaver.
- (3) An application for permission for a burial must be submitted to the caretaker at least 24 working hours prior to the planned burial, failing which the caretaker may refuse the application.
- (4) No person shall execute a burial or cause or allow a burial to be executed in a cemetery, unless written permission for the burial has been obtained, a specific grave has been allocated for the purpose of the burial and a date, and time for the burial has been arranged with the caretaker.

- (5) In allocating a date and time for a burial, the caretaker shall have regard to the customs of the deceased's relatives and their religion or church affiliation.
- (6) In allocating a grave the caretaker shall as far as practicable possible allow the responsible person access to a plan of the cemetery showing the various sections, and allow him or her to select the section of his choice, but not the individual grave of his or her choice. The allocation of a specific grave is the sole responsibility and discretion of the caretaker and a burial shall be executed only in a grave allocated by him or her.
- (7) The Council may allow in its discretion a burial without payment of the prescribed fees in a part of a cemetery set aside for such purposes and in such manner as it may deem fit.
- (8) Notice of cancellation or postponement of a burial must be submitted to the caretaker at least 4 working hours before the time set for the burial.
- (9) The granting of permission for a burial and the allocation of a specific grave in a cemetery, does not give the applicant, the responsible person or any other person any right in respect of such grave other than to bury a corpse in the grave.
- (10) Except with the permission of the Council, no person shall place or cause any coffin constructed of any material other than natural wood or other perishable material to be placed in any grave.

Section 11. Burial of a corpse

- (1) All graves shall be provided by the caretaker with the exception of brick-lined or concrete-lined graves, in which cases the brickwork or concrete work shall be carried out by the undertaker under the supervision of the caretaker and in conformity with the specifications applicable to ordinary graves.
- (2) There shall be at least 200 mm of soil between the top of an adult coffin and the ground surface, and at least 900 mm of soil between the top of a child coffin and the ground surface.
- (3) All corpses shall be placed in a coffin for the burial thereof, except as provided for the Muslim community.

- (4) No person shall without the prior permission of the caretaker conduct any religious ceremony or service according to the rites of one denomination in any portion of a cemetery reserved by the Council in terms of the provisions of this by-law, for the use of some other denomination.
- (5) No person shall permit any hearse in a cemetery to leave the roads provided, and every hearse shall leave the cemetery as soon as possible after the funeral for which it was engaged.
- (6) Every person taking part in any funeral procession or ceremony shall comply with the directions of the caretaker as to the route to be taken within the cemetery.
- (7) No person shall convey or expose a corpse or any part thereof in an unseemly manner in any street, cemetery or public space.
- (8) Every application and every document relating to any burial shall be marked with a number corresponding to the number in the register referred to in section 4 and shall be filed and preserved by the Council for a period of not less than ten years.
- (9) Every coffin or body upon being placed in any grave shall, at once, be covered with 500 mm of earth.
- (10) No person shall disturb any human remains or any soil adjacent thereto in any cemetery, except where such disturbance is expressly permitted by this bylaw or by an order of court.

Section 12. Burial of ashes

- (1) Ashes may be buried in a coffin and only two such coffins containing ashes may be buried in an extra deep grave; provided that a coffin does not exceed the average body weight of 70 kg, and further-more that the grave is re-adjusted to the prescribed depth and measurements.
- (2) No person shall execute a burial or cause a burial of ashes to be executed in a cemetery, unless written permission for the burial has been obtained, a specific grave or niche has been allocated for the purposes of the burial and a date, and time for the burial has been arranged with the caretaker.

- (3) Application for the burial of ashes for definite periods or in perpetuity, or for the provision of memorial tablets of approved material to be fixed on the building, columbarium or other facility shall be made to the caretaker in writing by completing and submitting a prescribed application form.
- (4) Niches will be allocated by the caretaker strictly in the order in which the applications therefore, are received and no reservations for future use will be made.
- (5) An application for permission for a burial must be submitted at least 24 working hours prior to the planned burial, failing which the caretaker may refuse the application.
- (6) An urn or casket containing ashes that has been deposited in a building, columbarium, or other facility shall not be removed without the caretaker's prior written consent.
- (7) Every niche containing ashes shall be sealed by a tablet approved by the Council and shall only be opened for the purpose of withdrawing an urn or casket contained therein for disposal elsewhere, or for the purpose of depositing an additional urn or casket therein where after it will once again be sealed.
- (8) Application for the opening of a niche shall be made to the caretaker in writing by completing and submitting a prescribed application form.
- (9) No person shall introduce any material into the columbarium for the purpose of constructing or erecting any memorial work therein unless and until:
- (a) approval for the burial has been obtained from Council;
 - (b) approval for the erection of the memorial work has been obtained from Council; and,
 - (c) the prescribed fees have been paid which shall be determined by Council from time to time.
- (10) Any person engaged upon any work on the columbarium, shall execute such work to the satisfaction of the caretaker, and such work shall be undertaken during the official office hours of the cemetery.

(11) No permanent wreaths, sprays, flowers, or floral tributes may be placed in or on a columbarium.

(12) The columbarium may be visited daily during the official cemetery hours as determined by Council.

(13) Plaques shall be made of material approved by the Council and shall be affixed simultaneously with the placing of the ashes and within 30 days of the obtaining of the consent.

Section 13. Burial of a cadaver

The remains of a corpse used at an educational institution for the education of students, generally known as a cadaver, may be buried in one coffin and two such coffins containing cadavers may be buried in an extra deep grave as contemplated in sub-section 15(4):

Provided that a coffin does not exceed the average body weight of 70 kg, and furthermore that the grave is re-adjusted to the prescribed depth and measurements.

Section 14. Persons dying outside the municipal area

The provisions of these by-laws shall apply *mutatis mutandis* to any burial in a cemetery of a person who has died outside the municipality

Section 15. Grave measurements

(1) The excavation of a grave for an adult shall be at least 1820 mm deep, 2300 mm long, and 760 mm wide.

(2) The excavation of a grave for a child shall be at least 1370 mm deep, 1520 mm long, and 610 mm wide.

(3) In the event that a grave of a greater depth, length or width than those specified above is required, application in respect thereof, together with extra prescribed fees that are due, shall be made to the caretaker together with the application to obtain permission for a burial.

(4) The excavation of an extra deep grave for the burial of two corpses shall be at least 2400 mm deep 2300 mm long and 760 mm wide.

(5) Deviations from measurements of graves shall be as follows:

| | |
|-------------------|----------------|
| Extra wide | : 2300 mm long |
| | : 840 mm wide |
| Extra-long | : 2530 mm long |
| | : 760 mm wide |
| Rectangular small | : 2300 mm long |
| | : 900 mm wide |
| Brick-nogging | : 2600 mm long |
| | : 1050 mm wide |

(6) The area of a rectangular grave for an adult shall be 1500 mm wide by 2600 mm long.

(7) The area of a grave for an adult shall be 1210 mm wide by 2430 mm long.

(8) The area of a grave for a child shall be 1210 mm wide by 1520 mm long. If a coffin is too large, an adult grave shall be used

CHAPTER 4

RE - OPENING OF GRAVES AND EXHUMATIONS

Section 16. Conditions of exhumations

(1) No person may exhume or cause to be exhumed a body without the written consent of the -

- (a) Premier of the Provincial Government;
- (b) the Council;
- (c) the provincial Department of Health;
- (d) the Administrator of cemeteries;
- (e) the Council's Medical Officer of Health or
- (f) by an order of a court having jurisdiction over such matters.

- (2) Whenever an exhumation is to take place, the officer-in-charge must inform the Provincial Commissioner of the South African Police Services.
- (3) A member of the South African Police Services must always be present when an exhumation is being conducted.
- (4) An exhumation must not take place when the cemetery is open to the public and must take place under the supervision of the officer-in-charge.
- (5) If remains are to be exhumed from any grave, only the undertaker under the supervision of the officer-in-charge, may cause the grave to be excavated for such exhumation;
- (6) (a) If a grave is to be excavated for exhumation, the officer-in-charge must be given 48 hours written notice before the time of exhumation, and
- (b) The authority referred to in paragraph (1)(d) of this Section and the prescribed fee must accompany such notice.
- (7) A person who wishes to exhume the remains of an indigent person must pay the costs incurred by the Council at the time of burial, to the Administrator of Cemeteries.
- (8) The person carrying out the exhumation must ensure that the body and grave are properly disinfected and deodorized.
- (9) The South African Police Services must -
- (a) if there is proof of illegal burial immediately exhume the body; and
- (b) take it to a government mortuary for investigation.
- (10) A grave of victims of conflict and a grave which is older than 60 years may only be exhumed with the permission of the South African Heritage Resources Agency.
- (11) A Commonwealth war grave may only be exhumed in accordance with the provisions of section 3 of the Commonwealth War Graves Act, 1992.

Section 17. Exhumation and reburial

- (1) The Council may, if a body has been buried in contravention of these By-laws, cause the body to be exhumed and re-buried in another grave
- (2) The relatives of the deceased must be
- (a) notified of the intended exhumation and re-burial; and
- (b) allowed to attend.

Section 18. Screening of exhumation

- (1) A grave from which a body is to be exhumed must be screened from the view of the public during the exhumation.
- (2) The person carrying out the exhumation must provide a suitable receptacle for each body or remains.

CHAPTER 5
MISCELLANEOUS

Section 19. Injuries and damages

- (1) A person using a cemetery do so at his own risk, and the Council accepts no liability whatsoever for any personal injuries sustained by such person or for any loss of or damage to such person's property relating to or resulting from the aforementioned usage of the cemetery.
- (2) A person using a cemetery accepts full responsibility for any incident, damages or injuries that may be caused by or that may result from the aforementioned use of the cemetery and he or she accordingly indemnifies the Council, its members, employees or agents, whether in personal or official capacity, against liability for all claims from whichever nature by himself, his or her dependants or third parties in respect of any patrimonial loss, consequential damages, injuries or personal prejudice that may be suffered or sustained in connection with or resulting from such a person's use of a cemetery. The aforementioned indemnity also applies to injuries sustained by employees of the Council while on duty at the cemetery, as well as damages to Council property at the cemetery.

Section 20. Fire-arms and traditional weapons

No fire-arms and traditional weapons shall be allowed in a cemetery.

Section 21. Offences and penalties

(1) Any person contravening or failing to comply with any of the provisions of these by-laws shall be guilty of an offence and shall upon conviction by a court be liable to a fine not exceeding R 30 000, or imprisonment for a period not exceeding three years or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine.

(2) Any expense incurred by the Council as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Council from the person who committed the contravention or who failed to do such thing.

Section 22. Complaints

Any person wishing to lodge a complaint shall lodge such complaint, in writing with the Director.

Section 23. Charges

The charges set forth in "the tariff" in respect of the various items therein contained, shall be paid to the Council in advance.

Section 24. Rights on Graves

No person shall acquire any right to or interest in any ground or grave in any cemetery.

Section 25. Consents, Notices and Orders

Any written consent, notice or other order issued by the Council in terms of these by-laws, with the exception of consent by the Director or any officer authorised by him and shall be prima force evidence of the contents of such a signed consent, notice or other order.

Section 26. Religious Ceremonies

(1) The members of any religious denomination may conduct religious ceremonies in connection with any interment of memorial service subject to the control and by-laws of the Council.

(2) No animal may be slaughtered on the premises of the cemetery regardless of any religious ceremony which may require an animal to be slaughtered.

Section 27. Hearses and vehicles at Cemeteries

(1) No person shall cause any hearse or vehicle, as defined by the Road Traffic Act, while within a cemetery to depart from the carriage drives or certain any hearse within any cemetery after the removal of the body from such hearse or vehicle. Every hearse or vehicle such removal shall leave the cemetery by the route indicated by the caretaker.

(2) The cemetery is a public place and all laws applicable to the driving of a vehicle and the use of a public road will be applicable inside the premises of the cemetery

Section 28. Exposure of Bodies

No person shall convey a dead body, which is not covered, or any such body or any part thereof in any street, cemetery or public place.

Section 29. Instruction of Caretaker

Every person taking part in any funeral procession or ceremony shall comply with the directions of the caretaker while such person is within a cemetery.

Section 30. Music Inside Cemetery

Only sacred singing shall be allowed in any cemetery, except in the case of police and military funerals.

Section 31. Interments Attended by large Numbers of People

In any case where it is probable that an unusually large number of persons will be present at any interment, the person giving notice of such interment shall notify the caretaker the day before the funeral.

CHAPTER 6**REPEAL OF BY-LAWS****32. Repeal of existing By-laws**

The Council's existing Cemetery by-laws are hereby repealed.

33. Short title and commencement

These by-laws shall be called the Cemetery and Crematoria By-Laws, 2016 and shall come into operation from the date of proclamation in the Provincial Gazette.

LOCAL AUTHORITY NOTICE 811 OF 2023**Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013
(Act 16 of 2013)****ERF 379, WESTERING, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions B. 4. (a-d) contained in Deed of Transfer No. T56606/2000 and any subsequent deed applicable to Erf 379, Westering is hereby removed.

LOCAL AUTHORITY NOTICE 812 OF 2023**BUFFALO CITY METROPOLITAN MUNICIPALITY****SPLUMA Act No. 16 of 2013: Portion 47 of Farm 800, East London:
REMOVAL OF RESTRICTIONS**

Under Section 47 (1) of the Spatial Planning and Land Use Management Act, No. 16 of 2013 and upon instruction from the abovementioned Municipality, notice is hereby given that Conditions C. (2) and C. (3) found in the Deed of Transfer No. T18111/2021 pertaining to Portion 47 of Farm 800, East London, are hereby removed.

LOCAL AUTHORITY NOTICE 813 OF 2023**BUFFALO CITY METROPOLITAN MUNICIPALITY****SPLUMA Act No. 16 of 2013: ERF 429, GONUBIE:
REMOVAL OF RESTRICTIONS**

Under Section 47 (1) of the Spatial Planning and Land Use Management Act, No. 16 of 2013 and upon instruction from the abovementioned Municipality, notice is hereby given that Conditions C. 1. (b), (c), (d), (e), (f) and C. 2. (h) found in the Deed of Transfer No. T935/2004 pertaining to Erf 429, Gonubie, are hereby removed.

LOCAL AUTHORITY NOTICE 814 OF 2023

KOGUA MUNICIPALITY

REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS

The following applications were submitted at the Council:

APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: ERF 880 (20 MAT MELVILLE CRESCENT), HUMANSDORP: LAND USE APPLICATION: JL2223-00008

The Removal of Restrictive Title Deed Conditions in terms of Section 69 for development purposes of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016. Applicant: Heinrich Nienaber, CW Malan Jeffreys Bay Inc.

The detailed application is available for inspection during weekdays between 09h00 to 15h00 at the Kouga Municipality, 16 Woltemade Street, Jeffreys Bay, office number 106. Any written petitions, objections, comments or representations may be prepared in terms of Section 97 & 98 of the said Bylaw and addressed to the TOWN PLANNING OFFICE, 16 Woltemade Street, Jeffreys Bay, 6330 or emailed to cmakiwane@kouga.gov.za and unxesi@kouga.gov.za on or before **10 August 2023**. Telephonic enquiries may be made to the Town Planning Department at 0422002200.

LOCAL AUTHORITY NOTICE 815 OF 2023**KING SABATA DALINDYEBO LOCAL MUNICIPALITY:
FENCES AND FENCING BY-LAW**

This by-law is developed under Section 41 of the Municipal Systems Act no 32 of 2000 and provisions of Section 156 of the Constitution of the Republic of South Africa, 1996 the King Sabata Dalindyebo Local Municipality, develops the Fences and Fencing by-law for regulating Boundary walls and Fencing on area of jurisdiction of the King Sabata Dalindyebo Local Municipality:-

TABLE OF CONTENTS

1. Interpretation
2. Principles and objectives
3. Application
4. Fences
5. Penalties
6. Notice of compliance and representations
7. Costs
8. Demolition order
9. Authentication and service of notices and other documents
10. Appeal
11. Implementation and enforcement
12. Availability of the by-laws
13. Saving and transitional provision
14. Repeal of by-laws
15. Short title and commencement

Annexure:

- A. Draft Fences And Fencing Standard Operation Procedures.
- B. Fine schedule

a) INTERPRETATION

In these By-laws, unless the context otherwise indicates- "boundary" means the real or notional line marking the limits of premises.

"Council" means – (a) the KSD Local Municipality council.

(b) its successor in title.

(c) a structure or person exercising a delegated power.

"fence" includes a fence which is not erected on a boundary.

b) PRINCIPLES AND OBJECTIVES

1. The King Sabata Dalindyebo Local Municipality adopts the Fences and Fencing by-law to provide for the identification, control and management of erecting and construction of boundary walls, fences on its area of jurisdiction with the aim of protecting and promoting the interests of all people in the King Sabata Dalindyebo Local by providing, in conjunction with applicable laws, a legal and administrative framework within which the local authority can develop and manage its constitutional and other legislative obligations, including but not limited to its obligations to promote a safe and healthy environment.
2. In the implementation and enforcement of this by-law, the local authority may take into consideration the realities of the King Sabata Dalindyebo Local Municipality area, the different customs, cultures, circumstances, geographical areas, kinds of premises, and kinds of boundary walls.
3. This by-law shall regulate and control boundary excess gate control and ensure prohibition of municipality land being encroached and fenced by local communities.
4. This by-law will be applicable to KSD municipality area of jurisdiction.

c) APPLICATION

- i. This by-law shall apply in the area of jurisdiction of the municipality, including private residential developments with or without controlled entrance in as far as this by-law is not in conflict with the conditions imposed in terms of the municipality's Zoning Scheme Regulations on any development.
- ii. Subject to the applicable Zoning Scheme Regulations of the Municipality, the provisions of this by-law relating to an electrical fence, barbed wire and razor wire do not apply to land zoned for agricultural purposes, except where such electrical fence, barbed wire or razor wire is erected on the boundary between the agricultural land and public land or a public road or residential premises

forming part of any township indicated on a diagram or general plan approved by the Surveyor General.

d) FENCES

- (1) No person may, without the consent of the council –
 - (a) erect or cause, allow or permit to be erected a fence which is more than 1.8 metres height on a boundary of a premises.
 - (b) Alter or cause, allow or permit to be altered or do an addition to an existing fence which is more than 2 metres in height on a boundary of a premises.
 - (c) Erect a boundary wall exceeding 2.4 m high, requires submission of a rational design approved by Agreement' South Africa to accompany submission for council approval.
 - (d) erect or cause or permit to be erected on a boundary, or may have on a boundary, an electrified fence, electrified railing or other electrified barrier, unless –
 - i. the electrified fence, electrified railing or other electrified barrier is erected on top of a wall which may not be less than 2 metres high and built of brick, cement, concrete or similar material;
 - ii. the electrified fence, electrified railing, or other electrified barrier is designed and installed in accordance with a standard issued in terms of King Sabata Dalindyebo Local Municipality Building Management Act 2019 (Part G, H & K) the person has obtained the prior written consent of the Council in terms of the SPLUMA Act, 2013 (Act 6 of 2013), SANS 10400 and KSD Building Management by-laws 2019.
 - iii. erect or course or permit to be erected on a boundary a barbed-wire fence, railing, paling, wall or other barrier with spikes or other sharp or pointed protrusions.
 - iv. Consent from other neighbour sharing same boundary line should be submitted on application for construction of boundary wall or fencing.
- (2) A person who wishes to obtain the consent of the Council must submit an application form similar to the form as attached Annexure A, to the Council and the Council may refuse or grant consent.
- (3) Should the Council refuse permission, it must, on request, supply the person in writing with the reasons for the refusal.
- (4) Should the Council grant consent, it may do so subject to provisions of South African Bureau of Standards (SABS) Code No. 1372 and SANS Standard code of practise.
- (5) A person who has obtained consent to erect boundary wall may apply for commencement when ready to start construction. An inspector shall be designated to ensure all minimal standards are adhered to during construction of such boundary wall.
- (6) No person may-

(a) without the consent of the Council first having been obtained, demolish, interfere with or damage a fence for which consent has been granted in terms of subsection (4);

(b) having opened a gate in a fence, leave such gate open or unfastened;

(c) climb over or crawl through a fence without the permission of the owner or occupier of the land upon which such fence is situated, first having been obtained;

(d) may erect or cause to be erected a fence covered with-

(i) canvas, reeds, grass, or any combustible material, except poles

or split poles, or approved wood, which may not be erected within 4,5 m of any street and which may not exceed 1,8 m in height above natural ground level: or

(ii) sheet iron, corrugated galvanized iron or any other sheeting along or within 4,5 m of any street.

(7) The council may, whenever it appears that, in the interests of safety, vehicular, pedestrian or otherwise-

(a) a fence needs to be erected or repaired, instruct the owner or occupier on whose premises such fence needs to be erected or repaired, to undertake such steps as stipulated in the instruction; or

(b) the height of a wall, hedge or fence at a street corner needs to be reduced, by order in writing instruct the owner or occupier property to such wall, hedge or fence to a height specified in such order and being not less than one metre for a distance not exceeding six metres along each side of such corner" in reference to the Mthatha Town Planning Scheme.

(8) A person commits an offence if he or she contravenes a provision of subsection (6) or fails to produce a form at the request of an authorized official as contemplated in subsection (2).

(9) Should a person fail to comply with a provision of subsection a provision of subsection (1), with a condition, requirement or specification contemplated in subsection (4), or subsection (5) or an instruction issued in terms of subsection (7), the Council may serve a notice of compliance and failure to comply shall lead to legal proceedings.

e) **PENALTIES FINES**

a) Any person found guilty of a contravention on of these by-laws shall be guilty of an offence and liable on conviction to a fine of **R 4 500.00**.

b)

c) Failure to comply with the requirement of this by-law institute legal proceeding against property, trust, body corporate etc. for application of the demolition order of such boundary wall or fence.

f) NOTICE OF COMPLIANCE AND REPRESENTATIONS

- (1) The notice of compliance state –
 - (a) the name and residential address of the affected person;
 - (b) the requirements which has not been complied with;
 - (c) having in detail the measures required to remedy the situation;
 - (d) that the person must within a specified period take measures to comply with the notice and complete the measures before a specified date.
- (2) The Council, when considering any measure or period envisaged in subsection (1)(c) or (d), must have regard to the principles and objectives of these By-laws, the nature of the non-compliance, and other relevant factors.
- (3) Where a person does not make representations in terms of subsection (1), and the person fails to take the measures before the date contemplated in subsection (1)(d), he or she commits an offence, and the Council may, irrespective of any penalty which may be imposed under section 4, act in terms of subsection (5).
- (4) Where person fails to discharge the obligations contemplated in subsection (5), he or she commits an offence and the Council may, irrespective of any penalty which may be imposed under section 4, act in terms of subsection (5).
- (5) The Council may take such measures as it deems necessary to remedy the situation, including the demolition of the fence, and the cost thereof must be paid to the Council in accordance with section 6.

g) COSTS

- i. Should a person fail to take the measures required of him or her by a notice of compliance contemplated in section 5, the Council may, subject to subsection (3) recover, as a debt, all costs incurred as a results of it acting in terms of section 5 (5) from that person and may any or all of the following persons and any or all of the following persons:
 - (a) the owner of the land, building or premises.
- i. The costs recovered must be reasonable and may include, without being limited to, cost relating to labour, water, equipment, administrative and overhead costs, legal costs, contracted cost and any costs incurred by the Council under section 5.
- ii. If more than one person is liable for costs incurred, the liability must be appointed as agreed among the persons concerned according to the degree to which each was responsible for the emergency resulting from their respective failures to take the required measures.

h) DEMOLITION ORDER

- a) Shall be carried through declaration by court in failure to honour requirements of this by-law with legal cost being carried out as section 5 by the person responsible of non-compliance.

i) AUTHENTICATION AND SERVICE OF NOTICES AND OTHER DOCUMENTS

- a. A notice issued by the Council in terms of these By-laws is deemed to be duly issued if it is signed by an Officer as delegated by the Council.
 - b. Any notice or other document that is served on person in terms of these By-laws is registered as having been duly served-
 - i. when it has been delivered to that person personally.
 - ii. (b) when it has been left at person's place or residence or business in the South Africa 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, postal or business address in the Republic, and an acknowledgement 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 paragraph (a), (b) or (c);
 - e. if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;
 - f. in the event of a body corporate, when it has been delivered at the registered office of the business premises of such 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 the copy is deemed to be service of the original.
- (4) When any notice or other document is served on the owner or holder of any property, it is sufficient if that person is described in the notice or other document as the owner, or holder of the property or right in question, and it is not necessary to name that person.

j) APPEAL

- a) A person whose rights are affected by a decision of an official of the Council acting in terms of these By-laws may appeal against that decision by giving written notice of the appeal and reasons to the accounting officer within 21 days of the date of the notification of the decision.
- b) The appeal authority contemplated in subsection (3) must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a

decision may detract from any rights that may have accrued as a result of the decision.

- c) When the appeal is against a decision taken by-
 - i. a staff member other than the accounting officer, the accounting officer is the appeal authority;
 - ii. the accounting officer, the Executive Mayor is the appeal authority.
- d) The appeal authority must commence with an appeal within six weeks of receipt of the notice of appeal and decide the appeal within a reasonable time.

10. IMPLEMENTATION AND ENFORCEMENT

- a) The Council must appoint and mandate officials to administer the implementation and enforcement of these By-laws.
- b) Upon appointment the Council must issue the officials with an identity card.
- c) An official, acting within the powers vested in him or her by these By-laws, must on demand produce the identity card and proof of identity.
- d) An official, within his or her mandate in terms of subsection (1) –
 - i. must monitor and enforce compliance with these By-laws;
 - ii. may investigate an act or omission which on reasonable suspicion may constitute an offence in terms of these By-laws;
 - iii. may, for the purpose of paragraph (a) and (b), enter upon premises on which a business is carried on with aim of ascertaining if an offence in terms of these By-laws has been or is being committed, and
 - iv. may request the owner or occupier to provide such information as he or she deems necessary.
- e) A person commits an offence if he or she-
 - i. hinders or interferes with an official in the execution of his or her official duties
 - ii. falsely professes to be an official.
 - iii. furnishes false or misleading information when complying with a request of an official; or
 - iv. Fails to comply with a request of an official.
- f) A person who contravenes a provision of subsection (5) commits an offence.

11. AVAILABILITY OF THE BY-LAWS

- a. A copy of these by-laws shall be available for inspection at the municipal offices at all reasonable times.
- b. A copy of these by-laws may be obtained in accordance with the provisions of the Council's Manual on the Promotion of Access to Information Act, 2 of 2000.
- c. The copy of these by-laws will also be available on Municipality websites page.

12. SAVING AND TRANSITIONAL PROVISION

An owner or occupier whose premises, at the date of commencement of these By-laws, do not comply with the provisions of these By-laws must, within a period of 12 (twelve) months, ensure that his or her premises comply with the provisions of these By-laws.

13. Short title and commencement

These By-law is called the King Sabata Dalindyebo Local Municipality: Fences and Fencing Bylaws, 2022, and shall commence on a date of publication thereof in the Provincial Gazette.

ANNEXURE A**DRAFT FENCES AND FENCING STANDARD OPERATION PROCEDURES****STAGE 01: NON- COMPLIANCE MONITORING REQUIREMENTS**

- No fencing shall be constructed on KSLDM without consent granted by local authority,
- Consult your municipality before construction, installation of fences within jurisdiction of local authority

STAGE 02: APPLICATION FOR FENCING APPROVAL

A client to submit boundary fencing drawings and compulsory documents for the approval.

(Complete application forms, 4 x set of boundary drawings with 1 x set in colour, copy of title deed, Zoning certificate, Approved rational design for boundary wall exceeding 1,8m height, approval for access gates by Roads and Stormwater. Application to be submitted to the Human Settlements (Building Control Division Office no 234, Munitata Building, 2nd Floor, 54 Corner Sutherland, Mthatha). All boundary fencing designs to be drawn by Professional Registered Architect, Draughtsman.

Once boundary fencing application submitted and received by the local authority.

STAGE 02: ESTABLISHMENT OF THE BUILDING APPROVAL FEES AND REGISTRATION OF THE BOUNDARY FENCING APPLICATION

On submission Building Control official check all information if available completed application forms.

Establishment of the approval fees and invoicing in with Municipality Approved Tariffs.

Proof of Payment for application confirmation.

Once boundary wall designs confirmation of the payment.

Completed application gets registered on the Fencing Register

Once registration of boundary wall application gets complete.

STAGE 03: BOUNDARY FENCING APPLICATION SCRUTINISED

The fencing application gets presented and scrutinised through the building plans committee for evaluation of the following specialist department for compliance and regulation in law relation to SANS application and applicable legislation by the following Divisions:

- KSDLM Spatial Planning.
- KSDLM Roads and Stormwater.
- KSDLM Electricity
- KSDLM Fire Services
- KSDLM Solid Waste.
- ORTAMBO District Municipality Water & Sanitation
- KSDLM Building Control

Circulation process from registration take 14 working days with no defects being highlighted from processing.

Each department must sign off the Scrutiny Slip list the fencing application gets recommended for its approval. In case were defects are highlighted by relevant departments applicable section will detail comment on the scrutiny slip and the defects section will be signed by relevant official only once the defects are rectified by the property owner/Architect.

Query list gets rectified to the applicant for corrections and resubmission of the corrections. Once defects gets rectified, confirmed by relevant department, and signed off therefore building plans are recommended for approval.

Process gets extension to 90 days for rectification and resubmission, circulation for further scrutiny and signed off for approval recommendation.

STAGE 04: APPROVAL/ NOT APPROVAL RECOMMENDATION

Once circulation process gets completed and all stakeholders approve their respective responsibilities, council recommendation for Approval or declination of boundary fencing application.

Notification of approval or declination gets issued for attention of the applicant.

3 X SET OF APPROVED GETS ISSUED TO THE APPLICANT WERE BUILDING PLANS ARE APPROVED.

1 x set colour copy, application forms, comments from respective stakeholders gets filed and archives for records.

Communication of the status of boundary wall application to be communicated **within 5 x working days of completion of scrutiny process.**

ANNEXURE B: FINE SCHEDULE:**OFFENCES OR PENALTIES FOR CONTRAVENTION OF THE KING SABATA
DALINDYEBO MUNICIPALITY DRAFT FENCE AND FENCING BY-LAW.**

| NO | OFFENCE/PENALTIES | FINES |
|-----------|---|--------------|
| 1. | Any person found guilty of a contravention of these by-laws shall be guilty of an offence and liable on conviction. | R4 500,00 |
| | | |



KING SABATA DALINDYEBO MUNICIPALITY:

ABANDONED, DILAPIDATED AND UNSIGHTLY BUILDING BY-LAW

This by-law is developed under Section 41 of the Municipal Systems Act no 32 of 2000 and Section 156 of the Constitution of the Republic of South Africa, 1996 the King Sabata Dalindyebo Local Municipality, developed the Abandoned, Dilapidated And Unsightly Building by-law for regulation of abandoned, dilapidated and unsightly Buildings which may cause danger to neighbouring environment, that may be used as potential crime spots and that may cause nuisance to the area of jurisdiction of the King Sabata Dalindyebo Local Municipality: –

TABLE OF CONTENTS

1. Definitions
2. Principles, objectives, and application
3. Appointment, identification, and entry by authorised officials of buildings and land
4. Prohibited conduct
5. Declaration of a building as an abandoned, dilapidated and Unsightly building and the right to appeal
6. Compliance notice
7. Service of a notice
8. Restriction of liability
9. Civil action
10. Exemptions
11. Offences and penalties
12. Short title and commencement

Annexures:

- A. Draft abandoned, dilapidated, unsightly building by-law standard operation:
- B. Fine Schedule

1. DEFINITIONS

In this By-law, unless the context otherwise indicates –

“Authorised official” means an employee of the local authority authorised by the local authority or authorised by any delegated official of the local authority, to implement and enforce the provisions of this By-law.

“Court” means the Magistrates Court or High Court or Municipal court having jurisdiction over an area falling within the jurisdiction of the local authority.

“Building” includes –

(a) any structure, including but not restricted to containers, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with the –

(i) Accommodation or convenience of human beings or animals.

(ii) Manufacture, processing, storage, display or sale of any goods.

(iii) Rendering of any service.

(iv) Destruction or treatment of refuse or other waste materials.

(v) Cultivation or growing of any plant or crop.

(b) Any wall or part of a building.

(c) A unit as defined in the Sectional Title Act, 1986 (Act No. 95 of 1986) or any amendments thereto or substitutions thereto;

(d) Any vacant or unoccupied erf;

(e) any advertising sign, advertising board or other structure as defined in the local authority's Advertising and Signage By-laws, as promulgated from time to time; and

(f) All structures which fall within the definition of "building" in:

(i) The Spatial Planning and Land Use Management Act and SPLUMA by-law.

(ii) The Mthatha town planning scheme in operation in respect of the property.

(iii) All regulations and standards issued by the South African Bureau of Standards or related authority.

“Disability” refers to persons who have long-term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

“Local authority” means:

(a) the King Sabata Dalindyebo Municipality established before the local government elections in the year 2000 and any amendments thereto or substitutions thereof, 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 local authority and delegated or sub-delegated to such political structure, political office bearer, councillor, agent, or employee.

(b) any structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or sub-delegated, or an instruction given, as contemplated in Section 59 of the Municipal Systems Act, 2000 (Act no. 32 of 2000) and any amendments thereto or substitutions thereof.

“Spatial Planning and Land Use Management Act no” means the National framework relating to establishment of policies and systems relating to planning and Land Use Management.

“National Heritage Resource Act ” means provinces to establish heritage Authorities which must adopt powers to protect and manage certain categories of Heritage resources, to provide protection and management of conservation where the place is and areas by local Authorities.

Abandoned building” means building/s that are either vacant or occupied and where the owner or majority of the co-owners cannot be found or traced by the local authority and there is no proper management or maintenance of the building to the extent that the condition of the building poses a health and safety risk to the occupants of the building or occupants of neighbouring buildings or any other member of the general public.

Dilapidated building” means a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public.

Unightly building” means any building, structure or mobile home with missing shingles or peeling paint; or with broken or unsafe stairway, porches, fences or retaining walls.

“nuisance” means any act or omission or condition on any premises or place, including any building or structure, or any growth on such premises place which is offensive or dangerous, or which materially interferes with the ordinary comfort, convenience, peace or quiet of other people or which adversely effects the safety of people.

“overcrowding” means (a) a residential occupancy in excess of 12 occupants per sanitary convenience; or (b) occupancy of habitable rooms (being all rooms in a dwelling excluding kitchens, bathrooms and sanitary conveniences) utilised for sleeping purposes where such occupation exceeds 1 adult person per 4 m² and 1 child under 10 years of age per 2 m², or in situations where double bunks are used for sleeping purposes, occupation exceeds 3m² per adult person (occupying a double bunk bed) or 2m² per child under 10 years occupying a double bunk, provided that children under the age of one year are excluded from this calculation; and

“Owner” in relation to a building or land means:

(a) the person in whose name the land on which such building was or is erected, as the case may be, is registered in the deeds office in question and includes a person in charge of such building, provided that if –

(i) such person, in the case of a natural person, is deceased or was declared by any court to be incapable of managing his or her own affairs or a prodigal or is a patient as defined in section 1 of the Mental Health Act, 1973 (Act No. 18 of 1973), or if his or her estate has been sequestrated, the executor or curator concerned, as the case may be, further provided that where an executor or curator has not been appointed for a deceased estate, a court appointed administrator;

(ii) Such person, in the case of a juristic person, has been liquidated or placed under judicial management, the liquidator or judicial manager concerned, as the case may be.

(iii) Such person is absent from the Republic or if his or her whereabouts are unknown, any person who, as agent or otherwise, undertakes the management, maintenance or collection of rentals or other moneys in respect of such building or who is responsible, therefore.

(iv) a mortgage bond is registered in favour of a financial institution, that financial institution; (v) in the case of a sectional title scheme, a sectional title unit is registered in the name of a person, that person.

(vi) in the case of a sectional title scheme, a body corporate responsible for the control, administration and management of the common property; or

(b) the person, any or all of the trustees of a trust or body corporate, any or all of the members of an association, any and all members of a partnership, any or all of the directors of a company, any or all of the members of a close corporation, registered as the owner or holder of any property in the relevant deeds registry office; or

(c) the person, any or all of the trustees of a trust or body corporate, any or all of the members of an association, any and all members of a partnership, any or all of the directors of a company, any or all of the members of a close corporation, seemingly in charge of the property, whether due to any reason, including but not limited to:

(i) The property being abandoned by the registered owner or holder thereof; or

(ii) The registered owner or holder thereof being absent from the Republic of South Africa or his or her whereabouts are unknown to the local authority; or

(iii) The property having been taken over by such person with or without consent of the registered owner or holder thereof; or

(iv) Such person collecting or accepting any monetary

(vi) such persons as being appointed by the registered owner or holder thereof to be in charge of the property; and whether or not such person undertakes or at any time undertook the management, maintenance or collection of rentals or other moneys in respect of such property or who is or was responsible thereof;

(d) A trustee in an insolvent estate which is the registered owner, registered holder or person in charge of property;

(e) the representative appointed by a court of law of any registered owner or of a person in charge of the property who is a minor or of unsound mind or is otherwise under disability; and

(f) Where the local authority is unable to determine the identity of such person as mentioned in sub sections (a) to (e) above, any person who accepts or is entitled to or who have accepted or were entitled to the benefit of the use of such property or who enjoys or enjoyed such benefit.

2. PRINCIPLES, OBJECTIVES AND APPLICATION

(2.1) The King Sabata Dalindyebo Local Municipality adopts the abandoned, dilapidated and Unsightly Buildings by-law to provide for the identification, control and management of abandoned, dilapidated and Unsightly buildings and land in its area of jurisdiction with the aim of protecting and promoting the interests of all people in the King Sabata Dalindyebo Local Municipality by providing, in conjunction with applicable laws, a legal and administrative framework within which the local authority can develop and manage its constitutional and other legislative obligations, including but not limited to its obligations to promote a safe and healthy environment.

(2.2) In the development and management of its obligations and the implementation of this by-law, the local authority also recognises the infrastructural, social and economical disparities and inequalities resulting from previous local government dispensations and shall strive to overcome such disparities and inequalities by supporting the goals for local government as laid down in section 152 of the Constitution.

(2.3) In the implementation and enforcement of this by-law, the local authority may take into consideration the realities of the King Sabata Dalindyebo Local Municipality area, the different customs, cultures, circumstances, geographical areas, kinds of premises, levels of development and conventions and the local authority may from time to time determine the areas in which the by-law will be applicable.

(2.4) This By-law applies to all abandoned, dilapidated, and unsightly buildings situated within the area of jurisdiction of the local authority.

3. APPOINTMENT, IDENTIFICATION AND ENTRY BY AUTHORISED OFFICIALS OF BUILDING MANAGEMENT AND SPATIAL PLANNING.

(3.1) The Municipal Manager or any other person with the relevant authority delegated to him or her by the local authority, may appoint authorised officials to implement and enforce the provisions of this By-law.

(3.2) Any authorised official may enter any building or land at any reasonable time with a view to –

(a) inspect or determine whether the building or land complies with any provision of this By-law or any other legislation, subject to **5 working days'** notice of such intended inspection having been given to the owner;

(b) inspect and determine whether the property or building is abandoned, Dilapidated and Unsightly ; or

(c) serve the owner of the building or land with a compliance notice as contemplated in section 5.

(3.3) No person may hinder or obstruct the authorised official in the exercise of his or her powers in terms of the By-law.

(3.4) An authorised official must, when entering the building or land, produce a valid identification document or appointment certificate issued to him or her by the local authority to the owner of such building or land.

(3.5) A person who contravenes the provisions of subsection (3) commits an offence.

4. PROHIBITED CONDUCT

(4.1) No person may –

(a) Abandon a building;

(b) Fail to comply with or maintain a building in accordance with the health, fire-safety and town planning scheme or by-laws;

(c) Fail to maintain lifts that were installed in a building;

(d) Allow any of the conditions listed in section 5(e) to develop or exist;

- (e) Conduct or permit the conduct of any criminal activities contemplated in section 5(f);
 - (f) Occupy a building illegally;
 - (g) Fail to comply with a Notice issued in terms of the Spatial Planning and Land Use Management Act no 16 of 2013.
 - (h) Allow a building to be a threat or danger to the safety of the occupiers, registered owners, responsible person or the public in general; and
 - (i) allow a building to be in a state of partial completed completion, to become abandoned or structurally unsound and to show the signs of any of the risks contemplated in section 5(1)(a) to (j).
- (2) A person who fails to comply with the provisions of subsection (1) commits an offence.

5. DECLARATION OF A BUILDING AS ABANDONED, DILAPIDATED AND UNSIGHTLY, AND THE RIGHT TO APPEAL

(5.1) An authorised official may, subject to the provisions of this section, declare a property or a building or any part thereof Abandoned, Dilapidated and Unsightly, provided that one or more of the following circumstances exist at the property: The building -

- (a) Appears to have been abandoned by the owner, irrespective of whether the municipal rates or other municipal service charges have been paid or not;
- (b) Does not comply with existing legislation or is not maintained in accordance with the health, fire-safety, Building Management By-laws and town planning scheme or by-laws;
- (c) Has no or limited use of lifts that were installed in the building;
- (d) Is overcrowded;
- (e) is unhealthy, unsanitary, unsightly or objectionable in terms of any applicable legislation or, as determined by the local authority –
- (i) Has overloaded or illegally connected electricity supply;

- (ii) Has illegally connected water supply;
 - (iii) Has no electricity supply;
 - (iv) Has no water supply;
 - (v) Has illegal connections to sewer mains;
 - (vi) Has overflown or blocked sewer drains;
 - (vii) Constitutes a nuisance; or
 - (viii) is a place where refuse, waste material, rubble, scrap or any similar material is accumulated, dumped, stored or deposited, unless so stored in terms of a valid approval by the local authority;
 - (f) is the subject of complaints of criminal activities, including but not limited to drug dealings, prostitution and money laundering as is evidenced by complaints lodged at the South African Police Services or the local authority;
 - (g) is occupied illegally;
 - (h) is partially completed and the responsible person has not complied with a Notice issued in terms of Section 33 (1) of the Spatial Planning and Land Use Management Act.
 - (i) is structurally unsound;
 - (j) is a threat or danger to the safety of the occupiers, registered owners, responsible person, or the public in general; and
 - (k) is partially completed, abandoned or structurally unsound and shows signs of any of the risks contemplated in paragraphs (a) to (j).
- (5.2) Before declaring a building abandoned, dilapidated and Unsightly, the authorised official must give notice in writing to the owner and occupiers and such notice must:
- (a) state the fact that the authorised officer is considering declaring the building or property as an abandoned, dilapidated and Unsightly Building;
 - (b) provide reasons for such intention;

(c) establish a platform to engage meaningfully with the owner and occupiers; and

(d) if the engagement in terms of subsection (2)(c) fails to resolve the matter, grant the owner and occupiers a period of not less than 10 (ten) working days, excluding Saturdays, Sundays and Public Holidays, within which to submit written presentations as to why the building or property should not to be declared as an abandoned, dilapidated and Unsightly Building.

(5.3) A building committee established by the municipality, consisting of at least two officials, provided that the authorised officer who made the declaration in terms of subsection (1) or who served the notice in terms of subsection (2) may not be a member of such committee, must: (a) Consider the written presentations submitted by the owner; and

(b) Declare that the building is an abandoned, dilapidated and Unsightly Building or that it is not abandoned, dilapidated and Unsightly Building; and

(c) Provide the responsible person with a written decision by way of service in terms of section 6 below.

(5.4) The declaration of a building as an abandoned, Dilapidated and Unsightly Building in terms of this section and the procedures prescribed by this will not preclude the authorised official from having the authority to issue spot fines in terms of this by-laws or any other relevant legislation or by-laws or to take any further action as provided for in this by-laws or any other relevant legislation or by-laws.

(5) The owner shall, in respect of a declaration made in terms of subsection (1), have a right of appeal in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and any amendments thereto or substitutions thereof.

6. COMPLIANCE NOTICE

(6.1) When a building is declared as an Abandoned, Dilapidated and Unsightly Building, the authorised official must serve a written notice on the owner and take all reasonable steps to explain the impact of the fact that the property has been declared as such and the notice must require the owner to comply with the provisions of this by-law and any other relevant legislation or by-laws within a specified period.

(6.2) Despite the provisions of sub section (1), and subject to any applicable legislation, if the authorised official has reason to believe that the condition of any building or property is such that steps should immediately be taken to protect the safety and health of persons or property, he or she may take such steps as may be necessary in the circumstances to alleviate that condition, without serving or delivering such notice on or to the owner and the local authority may recover the cost of taking such steps from the owner.

(6.3) The authorised official may serve a written notice on the owner of any building or land which has been declared as an Abandoned, Dilapidated and Unsightly Building as referred to in section 4, requiring such owner within a specified period to –

- (a) Clean, repair, renovate, repaint, alter, close, demolish or secure such abandoned, Dilapidated and Unsightly Building; (b) complete the abandoned, Dilapidated and Unsightly Building or any structure of such building;
- (c) Enclose, fence or barricade such as an Abandoned, Dilapidated and Unsightly Building or land;
- (d) instruct, at the cost of such owner, an architect or other registered person, to investigate such as and to report to the authorised official on the nature and extent of the steps to be taken to render such abandoned, Dilapidated and Unsightly Building safe or to rectify the deficiency which caused the building to be declared as an abandoned, Dilapidated and Unsightly Buildings;
- (e) dispose of, destroy or remove any material or article accumulated, dumped, stored or deposited in any building, which is refuse or waste and which is unsightly or is likely to constitute an obstruction; or
- (f) Comply with any provision of this By-law.

(6.4) Failure by an owner to comply with a notice served on him or her in terms of subsection (1), (3) and (4) constitutes an offence and the local authority may, if an owner fails to comply with such a notice, clean, repair, renovate, repaint, alter, close demolish or secure any abandoned, Dilapidated and Unsightly Building at the cost of the owner.

(6.5) The local authority may, if the owner fails to pay the cost contemplated in subsection (2) or (4), recover the cost in terms of the Customer Care and Revenue Management By-law.

(6.6) If the authorised official deems it necessary for the safety of any person, he or she may, by notice in writing, and subject to any applicable legislation:

(a) Order the owner of any abandoned, Dilapidated and Unsightly Building to remove, within the period specified in such notice, any person occupying or working, or who for any other purpose is in or on the abandoned, Dilapidated and Unsightly Building, and to take care that no person who is not authorised by the local authority enters the abandoned, Dilapidated and Unsightly Building; and

(b) Order any person occupying, operating or working from, or who for any other purpose is in or on any abandoned, Dilapidated and Unsightly Building, to vacate such building: Provided that such notice will only be served after the municipality and the owner or occupiers engaged with each other meaningfully.

(6.7) The municipality must keep a complete and accurate account of the process of engagement

(6.8) Failure to comply with a notice served in terms of subsection (6) constitutes an offence. (9) No person shall occupy, use or permit the occupation or use of any abandoned, Dilapidated and Unsightly Building or continue to occupy, use or permit the occupation or use of any abandoned, Dilapidated and Unsightly Building in respect of which a notice was issued in terms of sub section (3) or where steps were taken by the local authority in terms of this section, unless he or she has been granted permission by the local authority in writing that the abandoned, Dilapidated and Unsightly Building may be occupied or used, as the case may be and failure to comply with this subsection constitutes an offence.

7. SERVICE OF A NOTICE

(7.1) Any notice or other document that is served on a person in terms of this bylaw 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 18 years;
 - (c) When it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates; (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of the body corporate; or
 - (g) When it has been delivered, at the request of that person, to his or her e-mail address.
- (2) When a compliance notice is authorised or required to be served on a person by reason of his or her being or having been the owner or holding some other right in respect of immovable property, it shall not be necessary to name him or her, but it shall be sufficient if he or she is therein described as the owner or holder of such immovable property or other right, as the case may be.
- 8. Restriction of Liability**
- The local authority or any authorized employee of the local authority shall not be liable for any damage caused by anything done or omitted in the exercise of a power or the performance of a duty conferred or imposed in terms of this by-law.

9. CIVIL ACTION

- (9.1) In addition to or instead of the action contemplated in section 5, the local authority may proceed with civil action against any owner or person who contravenes or permits a contravention of the provisions of this by-law.
- (9.2) All costs of the civil action on an attorney and client scale will be recoverable by the local authority from the owner or person who contravenes this by-law in respect of all legal action taken against such owner or person by the local authority and such costs shall be payable upon demand by the local authority.

10. EXEMPTIONS

(10.1) Any person may by means of a written application, in which the reasons are given in full, apply to the local authority for exemption from any provision of this bylaw.

(10.2) The local authority may:

- (a) Grant an exemption in writing and impose conditions and the period for which such exemption is granted;
- (b) alter or cancel any condition in an exemption; provided that the local authority must give reasonable notice of such intention and give the applicant reasonable time to make representations; or
- (c) refuse to grant an exemption in which case the applicant must be informed of the reasons for such refusal.

(10.3) In order to consider an application submitted in terms of sub-section (1), the local authority may obtain the input or comments of the owners or occupants of surrounding premises.

(10.4) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the local authority in terms of subsection (2) and if any activity is commenced with before such undertaking has been submitted to the local authority, the exemption lapses.

(10.5) If any condition of an exemption is not complied with, the local authority may withdraw or cancel such exemption: Provided that the local authority must give reasonable notice of such intention and give the applicant reasonable time to make representations.

11. Offences and penalties

Any person in contravention of this by-law shall; -

1. Be served with contravention notice to improve his/her property within 90 Days or apply for demolition of the structure.

2. In failure to comply with contravention notice for improvement or demolish of the identified Abandoned, Dilapidated And Unsightly shall be liable to a fine as below categories:
 - a) Building used for residential purpose an amount of **R10 000.00** shall imposed to the property owner, trust etc.
 - b) Building used for commercial, place of worship, entertainment, purpose etc. an amount of **R30 000.00** shall imposed to the property owner, trust etc.
 - c) Building used for government, agricultural, Industrial purpose etc. an amount of **R50 000.00** shall imposed to the property owner, trust etc.
3. Further legal proceeding be imposed against property owner failing to comply with requirement of this by-law.

12. Short title and commencement

This By-law may be cited as the King Sabata Dalindyebo Local Municipality: Abandoned, Dilapidated and Unsightly Building By-law and will commence upon publication in the Provincial Gazette.

ANNEXURE: A**DRAFT ABANDONED, DILAPIDATED, UNSIGHTLY BUILDING BY-LAW
STANDARD OPERATION:****STAGE NO: 01: NON-COMPLIANCE MONITORING REQUIREMENT:**

- The King Sabata Dalindyebo Local Municipality where the municipality is obligated to monitor and control all Abandoned, Dilapidated, Unsightly Buildings as prohibited with area of jurisdiction.
- The Municipality shall consult all property, Trusts etc relating Abandoned, Dilapidated, Unsightly Buildings appear to cause nuisance with Municipal jurisdiction.
- No building shall be left Abandoned, Dilapidated, Unsightly and overcrowded that may pose as crime spot within Municipality jurisdiction.

**STAGE NO 02: IDENTIFICATION OF ABANDONED, DILAPIDATED,
UNSIGHTLY BUILDINGS.**

- The Sabata Dalindyebo Local Municipality Authorised officials (Building Inspectors etc.) shall inspect condition of the structure/property.
- Once inspection had been carried out and the property declared as Abandoned, Dilapidated, Unsightly Buildings. Authorized official shall serve compliance notice for the property to be improved or demolished within building management requirements.
- The property information shall be captured on the unsightly buildings register.

- The property owner shall be granted 7 x working days to respond and commit on prompts of the compliance notice.
- The municipality shall grant 90 days to the property owner to improve condition of the property.

STAGE NO 03: APPLICATION OF FINES AND LEGAL PROCEEDINGS.

- Any property owner served with non-compliance notice and failed to comply with the objective of the notice shall be fined to pay R 10 000.00 non-compliance.
- The municipality shall further institute legal proceeding seeking court order for improvement or demolition of the property with legal cost being carried out by the transgressor.

ANNEXURE A: FINE SCHEDULE:**OFFENCES OR PENALTIES FOR CONTRAVENTION OF THE KING SABATA
DALINDYEBO MUNICIPALITY DRAFT ABANDONED, DILAPIDATED AND
UNSIGHTLY BUILDING BY-LAW.**

| NO | OFFENCE/PENALTIES | FINES |
|-----------|---|--------------|
| 1. | Failure to comply with contravention notice for improvement or demolish of the identified Abandoned, Dilapidated And Unsightly Building for Residential Properties. | R10 000 |
| 2. | Failure to comply with contravention notice for improvement or demolish of the identified Abandoned, Dilapidated And Unsightly Building for Commercial Properties, Hotel, Place of Worship etc. | R30 000 |
| 3. | Failure to comply with contravention notice for improvement or demolish of the identified Abandoned, Dilapidated and Unsightly Building for Government, University Properties etc. | R50 000 |
| | | |

LOCAL AUTHORITY NOTICE 816 OF 2023**GREAT KEI LOCAL MUNICIPALITY****GREAT KEI LOCAL MUNICIPALITY WALL-TO-WALL LAND USE SCHEME, 2023****NOTICE: GREAT KEI LOCAL MUNICIPALITY WALL-TO-WALL LAND USE SCHEME TO GIVE EFFECT TO SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 2013 (ACT 16 OF 2013)**

Notice is hereby given in terms of Section 24(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013 - SPLUMA) AND Section 13 of Local Government: Municipal Systems Act (Act No. 32 of 2000) that the Council of Great Kei Local Municipality officially adopted the new Great Kei Local Municipality Wall-to-Wall Land Use Scheme. (2023)

The approval took place during the Council meeting of the 30th March 2023 (**Reference: Land Acq**) and the implementation of the Land Use Scheme will commence on the date of publication of this notice.

The Great Kei Local Municipality Wall-to-Wall Land Use Scheme, 2023, can be viewed during normal office hours at the office of Mr M Ramukosi at 17 Main Street Komga, 4950.

Great Kei Local Municipality
17 Main Street
Komga
4950

MR L.N MAMBILA
MUNICIPAL MANAGER

LOCAL AUTHORITY NOTICE 817 OF 2023



KOUGA LOCAL MUNICIPALITY

RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 1 JULY 2023 TO 30 JUNE 2024

Notice is hereby given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004; that at its meeting of 31/05/2023, the Council resolved by way of council resolution number 23/05/F1 to levy the rates on property reflected in the schedule below with effect from 1 July 2023.

The detailed Tariff List is available for public inspection on the municipal website, at the Municipal Head Office, 33 Da Gama Road, Jeffreys Bay and all satellite offices and libraries in the municipal jurisdiction during normal office hours.

| ASSESSMENT RATES | | | 2023/2024 |
|------------------|--|---|------------------|
| | | | R |
| 1.1 | Properties (Residential to business ratio 1:2 maximum) | Ratio | Cent in the Rand |
| 1.1.1 | Residential | 1:1 | 0.00738 |
| (i) | Vacant Land | 1:1.5 | 0.01107 |
| (ii) | Private Open Place/Space | 1:1 | 0.00738 |
| 1.1.2 | Business and Commercial Properties | 1:1.25 | 0.009225 |
| (i) | Business: Vacant Land | 1:1.5 | 0.01107 |
| 1.1.3 | Industrial Properties | 1:1.25 | 0.009225 |
| (i) | Business: Vacant Land | 1:1.5 | 0.01107 |
| 1.1.4 | Properties Owned by Organ of State and used for Public Services Purposes | 1:1.67 | 0.012325 |
| 1.1.5 | Agricultural: | 1:0.25 | 0.001845 |
| 1.1.6 | Other: | | |
| (i) | Public Benefit Organisations | 1:0.25 | 0.001845 |
| (ii) | Public Service Infrastructure | 1:0.25 | 0.001845 |
| (iii) | Mining Properties | 1:1.67 | 0.012325 |
| 1.2 | Exemptions/Reductions/Rebates | Rebates for 2023/24 | |
| 1.2.1 | Exemptions, Reductions, and rebates in respect of categories of owners of properties | | |
| (i) | R100 000, including the impermissible rate of R15 000, for Owners who qualify for Equitable Share. | R738 (maximum incl. impermissible rate) | |
| (ii) | Residential properties with a market value up of R400 000 including the impermissible rate of R15 000. | R2 952 (maximum incl. impermissible rate) | |
| (iii) | R 200 000 on one residential property, including the impermissible rate of R15 000, for Rate Payer 60 years and older with a gross household income not more than R15 000.00 | R1 476 (maximum incl. impermissible rate) | |
| 1.2.2 | Exemptions, Reductions, and rebates in respect of owners of categories of properties | | |
| (i) | Public Benefit Organisations: Applications for Public Benefit organizations must reach the municipality before end October of the municipal financial year in which relief is sought. A tax exemption certificate issued by the South African Revenue Services (SARS) as contemplated in Part 1 of the Ninth Schedule of the Income Tax Act ,1962 No 58 of 1962. | | |
| (ii) | Public Open Spaces/Private Open Place will be exempted from paying property rates. | | |

CHARL DU PLESSIS, MUNICIPAL MANAGER

DATE: 15 June 2023

Closing times for **ORDINARY WEEKLY** **2023** **EASTERN CAPE PROVINCIAL GAZETTE**

*The closing time is **15:00** sharp on the following days:*

- **23 December**, Friday for the issue of Monday **02 January 2023**
- **30 December**, Friday for the issue of Monday **09 January 2023**
- **09 January**, Monday for the issue of Monday **16 January 2023**
- **16 January**, Monday for the issue of Monday **23 January 2023**
- **23 January**, Monday for the issue of Monday **30 January 2023**
- **30 January**, Monday for the issue of Monday **06 February 2023**
- **06 February**, Monday for the issue of Monday **13 February 2023**
- **13 February**, Monday for the issue of Monday **20 February 2023**
- **20 February**, Monday for the issue of Monday **27 February 2023**
- **27 February**, Monday for the issue of Monday **06 March 2023**
- **06 March**, Monday for the issue of Monday **13 March 2023**
- **13 March**, Monday for the issue of Monday **20 March 2023**
- **17 March**, Friday for the issue of Monday **27 March 2023**
- **27 March**, Monday for the issue of Monday **03 April 2023**
- **31 March**, Friday for the issue of Monday **10 April 2023**
- **06 April**, Thursday for the issue of Monday **17 April 2023**
- **17 April**, Monday for the issue of Monday **24 April 2023**
- **21 April**, Friday for the issue of Monday **01 May 2023**
- **28 April**, Friday for the issue of Monday **08 May 2023**
- **08 May**, Monday for the issue of Monday **15 May 2023**
- **15 May**, Monday for the issue of Monday **22 May 2023**
- **22 May**, Monday for the issue of Monday **29 May 2023**
- **29 May**, Monday for the issue of Monday **05 June 2023**
- **05 June**, Monday for the issue of Monday **12 June 2023**
- **09 June**, Friday for the issue of Monday **19 June 2023**
- **19 June**, Monday for the issue of Monday **26 June 2023**
- **26 June**, Monday for the issue of Monday **03 July 2023**
- **03 July**, Monday for the issue of Monday **10 July 2023**
- **10 July**, Monday for the issue of Monday **17 July 2023**
- **17 July**, Monday, for the issue of Monday **24 July 2023**
- **24 July**, Monday for the issue of Monday **31 July 2023**
- **31 July**, Monday for the issue of Monday **07 August 2023**
- **04 August**, Friday for the issue of Monday **14 August 2023**
- **14 August**, Monday for the issue of Monday **21 August 2023**
- **21 August**, Monday for the issue of Monday **28 August 2023**
- **28 August**, Monday for the issue of Monday **04 September 2023**
- **04 September**, Monday for the issue of Monday **11 September 2023**
- **11 September**, Monday for the issue of Monday **18 September 2023**
- **18 September**, Monday for the issue of Monday **25 September 2023**
- **22 September**, Friday for the issue of Monday **02 October 2023**
- **02 October**, Monday for the issue of Monday **09 October 2023**
- **09 October**, Monday for the issue of Monday **16 October 2023**
- **16 October**, Monday for the issue of Monday **23 October 2023**
- **23 October**, Monday for the issue of Monday **30 October 2023**
- **30 October**, Monday for the issue of Monday **06 November 2023**
- **06 November**, Monday for the issue of Monday **13 November 2023**
- **13 November**, Monday for the issue of Monday **20 November 2023**
- **20 November**, Monday for the issue of Monday **27 November 2023**
- **27 November**, Monday for the issue of Monday **04 December 2022**
- **04 December**, Monday for the issue of Monday **11 December 2023**
- **11 December**, Monday for the issue of Monday **18 December 2023**
- **18 December**, Monday for the issue of Monday **25 December 2023**

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 Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
 Also available at the Legal Advisory Services, **Province of the Eastern Cape**, Private Bag X0047, Bisho, 5605.
 Tel. (040) 635-0052.