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# LOCAL AUTHORITY NOTICE

## LOCAL AUTHORITY NOTICE 1051

### West Rand District MUNICIPALITY

#### MUNICIPAL HEALTH SERVICES BY-LAWS

The Municipal Manager of West Rand District Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Municipal Health Services By-laws of the West Rand District Municipality, as approved by its Council, as set out hereunder. West Rand District Municipality

AND WHEREAS the Constitution in terms of section 24(a) states that everyone has the right to an environment that is not harmful to their health or well-being.

AND WHEREAS the National Health Act, 2003 (Act 61 of 2003), define Municipal Health Services for the purpose of the Act as:

- Water quality monitoring
- Food control
- Waste management
- Health surveillance of premises
- Surveillance and prevention of communicable diseases, excluding immunizations
- Vector control
- Environmental pollution control
- Disposal of the dead
- Chemical safety

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**CHAPTER 1****INTERPRETATION AND FUNDAMENTAL PRINCIPLES****Definitions and interpretations**

1. For the purposes of these By-laws, unless the context otherwise indicates-

"Adequate" and "effective" and "suitable" mean adequate or effective or suitable, as the case may be, in the opinion of the Inspector, regard being had to the reasonable public health requirements of the particular case;

"Authorized official" means an official of the District Municipality including local municipalities and who has been authorized by the Municipality to administer, implement and enforce the provisions of these By-laws;

"Council" means the council of the West Rand District Municipality which is a municipal Municipality as defined in the Local Government: Municipal Systems Act 32 of 2000;

"Exemption certificate" means a certificate issued in terms of Chapter 14;

"Guidelines" means the Guidelines listed in Schedule 3;

"Health certificate" means a health certificate granted by the Municipality in terms of the provisions of the Chapter in which the word appears and issued in terms of Chapter 4, Section 4;

"Health Officer" a person appointed or designated as such in terms of section 80 of the National Health Act, 61 of 2003;

"Environmental Health Practitioner" means a health officer appointed by the Municipality, and who is duly registered as an environmental health practitioner with the Health Professions Council of South Africa in terms of Section 33(1) of the Health Professions Act, 1974 (Act no. 56 of 1974);

"Municipality" means the West Rand District Municipality and its constituent municipalities.

"National Building Act" means the Code of Practice for the application of the National Building Regulations – SANS 0400-1990;

"Nuisance" shall include –

- (i) any premises or part thereof of such a construction or in such a state as to be offensive, injurious or dangerous to health;
- (ii) any street, stream, pool, lagoon, ditch, gutter, watercourse, sink, cistern, water-closet, earth closet, pail closet, urinal, cesspool, cesspit, drain, sewer, dung pit, slop tank, ash heap or dung heap so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health;
- (iii) 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 is injurious or dangerous to health;
- (iv) any accumulation of refuse, offal, manure or other matter which is offensive or is injurious or dangerous to health;
- (v) any public building which is so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;
- (vi) any occupied dwelling for which no proper and sufficient supply of pure water is available within a reasonable distance in line with relevant standards and legislation.
- (vii) any factory or industrial or business premises not kept in a clean state and free from offensive smells arising from any drain, water closet, pit latrine, urinal or any

other source, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gases, vapors, dust or other impurities or effluent, or so overcrowded or so badly lighted or ventilated as to be injurious or dangerous to the health of the employees and other users and the surrounding environment.

- (viii) any area of land kept or permitted to remain in such a state as to be offensive; injurious or dangerous to health;
- (ix) any building, room or structure wholly or partly used by a greater number of persons that will allow less than 11,3 cubic metres of free air space and 3,7 square meters of floor space for each person aged 10 years or over and 5,7 cubic metres of free air space and 1,9 square meters of floor space for each person less than 10 years of age;
- (x) any activity, condition or thing causing a breach of these By-laws;
- (xi) any other activity, condition or thing declared to be a nuisance by any relevant legislation.

"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);

"Owner" also includes any person receiving the rent or profits of land or a premises from a tenant or occupier thereof, or who would receive such rents or profits if such land or premises were let, whether for his own account or as an agent for any person entitled thereto or interested therein;

"Permit" means a permit granted by the Municipality in terms of the provisions of the Chapter in which the word appears and issued in terms of Chapter 4, Section 4;

"Permit holder" means the person or his agent to whom a permit has been issued by the Municipality;

"Potable water" and "water" means water that complies with the requirements set out in SANS 241: Water for Domestic Supplies;

"Premises" means any house, room, shed, hut, vehicle, vessel or tent or other structure or place, any portion whereof is used by any person for sleeping in or in which any person dwells, or which in the opinion of the Environmental Health Practitioner is intended to be used by any person for sleeping or dwelling in, together with the land on which the structure is situated and the adjoining land used in connection therewith and includes any stream, lake, dam, pool, swimming-pool, spa bath, lagoon, drain (open, covered or closed), whether public or private;

"Proclaimed township" means an approved township as contemplated in Section 69 of Ordinance 25 of 1965, or a township approved in terms of any other legislation relating to townships;

"Public place" means any road, street, pavement, sidewalk, park or other place to which the public has access;

"Second-hand goods" means bones, tallow, clothing, furniture, scrapper motor vehicles, footwear, timber, building bricks or blocks, building material or fittings, machinery, drums, tins, bottles, packing material or other containers, metal, rags, paper or other material which has previously been used;

"The Act" means the Health Act No. 63 of 1977 and the National Act No. 61 of 2003 and Regulations promulgated thereunder or any amendment thereof or legislations passed in substitution thereof.

"Trader" means the owner/s of the formal or informal industry and is regarded as the responsible person/s for all health requirements in his/her industry.

**Purpose**

2. The purpose of these Municipal Health Services By-laws is to enable the Municipality to protect and promote the long term health and well-being of people in the municipal area by –
  - 2.1 Providing, in conjunction with any other applicable law, an effective legal and administrative framework within which the Municipality can:
    - 2.1.1 manage and regulate activities that have the potential to impact adversely on public health; and
    - 2.1.2 require premises to be properly maintained and managed; and
    - 2.1.3 define the rights and obligations of the Municipality and the public in relation to this purpose.

## CHAPTER 2

### PUBLIC HEALTH

#### INDEX

Section:

1. Principles
2. Application of principles
3. Prohibition on causing public health hazards
4. Duty to report health hazards
5. Prohibition on causing public health nuisances

#### Part 1; Public Health Principles

##### Principles

1.
  - 1.1 Every person has a constitutional right to an environment that is not harmful to his or her health or well-being and the Municipality has a constitutional duty to strive, within its financial and administrative capacity, to promote a safe and healthy environment.
  - 1.2 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.
  - 1.3 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.
  - 1.4 Any person who wishes to undertake an activity which has potential to create a risk to public health risk shall -
    - 1.4.1 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
    - 1.4.2 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.
  - 1.5 The Municipality must regulate all activities and administer all matters for which it is legally responsible in a manner that improves public health in the municipal area and does not:
    - 1.5.1 create a public health hazard or a public health nuisance;
    - 1.5.2 make it easier for any human or animal disease to spread;
    - 1.5.3 give rise to unsanitary or unhygienic conditions;
    - 1.5.4 cause consumption of unsafe food or drink;
    - 1.5.5 create conditions favorable for infestation by pests;
  - 1.6 In dealing with matters affecting public health the Municipality must –
    - 1.6.1 adopt a cautious and risk-averse approach;
    - 1.6.2 prioritize the collective interests of the people of the municipal area, over the interests of any specific interest group or sector of society;
    - 1.6.3 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;
  - 1.7. adopt a long-term perspective that takes account of the interests of future generations; and

- 1.8 take account of, and wherever possible without compromising public health, minimize any adverse effects on other living organisms and ecosystems.

#### **Application of principles**

2. The public health principles set out in Section 3 must be considered and applied by any person –
- 2.1 Exercising a power or function or performing a duty under these By-laws;
- 2.2 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 municipal area; or
- 2.3 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 Hazards and Public Health Nuisances**

#### **Prohibition on causing public health hazards**

- 3.
- 3.1 No person may create a public health hazard anywhere in the municipal area.
- 3.2 Every owner or occupier of premises must ensure that a public health hazard does not occur on those premises.
- 3.3 An owner or occupier of premises creates a public health hazard if –
- 3.3.1 the premises are infested with pests or pests are breeding in large numbers on the premises;
- 3.3.2 there are conditions on the premises which are conducive to the spread of a communicable disease or which may cause a non-communicable disease;
- 3.3.3 there is any unsanitary condition in any part of the premises; or
- 3.3.4 any water supply for domestic consumption on the premises is unsafe for human consumption.

#### **Duty to report health hazards**

4. 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 –
- 4.1 Eliminate the public health hazard; or
- 4.2 If the owner or occupier is unable to comply with paragraph 4.1, take reasonable steps to reduce the risk to public health and forthwith report the existence of the public health hazard to the Municipality in writing.

#### **Prohibition on causing public health nuisances**

- 5.
- 5.1 No person may cause a public health nuisance anywhere in the municipal area.
- 5.2 Every owner or occupier of premises must ensure that a public health nuisance does not arise on those premises.



## CHAPTER 3

### GENERAL

#### INDEX

#### Section:

1. Authentication of documents
2. Serving of notice, etc,
3. Offences and penalties
4. Nuisance prohibited
5. Entry and inspection for nuisance
6. Procedure for removal of nuisance
7. Recovery of expenses
8. Obstruction
9. Restriction upon legal proceedings

#### Authentication of documents

1. Any order, notice or other document under any of these By-Laws requiring authentication by the Municipality shall be sufficiently authenticated if signed by the Municipal Manager or his duly authorized head of the directorate of the Municipality under whose directorate the administration of such By-Laws falls, or his duly authorized officials.

#### Serving of Notice, etc.

- 2.1 Any order, notice or other document required or authorized to be given to or served on any person under these By-Laws, may be given or served by delivery of a copy thereof in one or other of the following manners:
  - 2.1.1 by dispatching such order, notice or other document by prepaid registered post in an envelope on which is written his last-known residential or business address which may be his last-known abode, place of business or employment or post office box number; or
  - 2.1.2 to such person personally, or to his duly authorized agent; or
  - 2.1.3 at his residence or place of business or employment to some person apparently not younger than sixteen years of age and apparently residing at or employed there.
- 2.2 Where any service is effected in accordance with the provisions of subsection 2.1.1 hereof, such service shall, until the contrary be proved, be deemed to have been effected at the time when the letter containing such order, notice or other document would have been delivered in the ordinary course of post, and in proving service of such notice it shall be sufficient to prove that the order, notice or other document was properly addressed.
- 2.3 Any order, notice or other document by these By-Laws required to be given to the owner or occupier of any particular premises may be addressed to the "owner" or occupier" of such premises in respect of which the order, notice or other document is given, without further name or description.

#### Offences and penalties

3.
  - 3.1 Any person:
    - 3.1.1 who contravenes or fails to comply with any provision of these By-Laws; or
    - 3.1.2 who fails or refuses to give access to premises to an Environmental Health Practitioner authorized thereto by the Municipality when requested to give such access;
    - 3.1.3 who obstructs or hinders the Environmental Health Practitioner in the execution of his duties under these By-Laws;
    - 3.1.4 fails or refuses to give information to the Environmental Health Practitioner which is lawfully required or knowingly furnishes false or misleading information;

**3.2. fails or refuses to comply with any notice given in terms of these By-Laws**

will be guilty of an offence and will be liable on conviction to a fine not exceeding R20 000,00 (twenty thousand rand), and, in default of payment, to imprisonment for a period not exceeding six (6) months, or in the case of a continuous offence to a fine not exceeding R250,00 (two hundred and fifty rand) per day, or in default of payment, to imprisonment for a period not exceeding twenty days or to both such fine and imprisonment for a period not exceeding twenty (20) days, or to both such fine and such imprisonment, for each day on which such contravention continues.

#### **Nuisance and health hazard prohibited**

4. No person shall through his conduct, default or sufferance, cause or permit a nuisance and/or health hazard to exist on any premises, and every owner and every occupier of a premises shall at all times maintain such premises in good repair and in a neat way and free of a nuisance and/or conditions that may cause health hazard.

#### **Entry and inspection for nuisance**

5.
  - 5.1 An Environmental Health Practitioner may enter and inspect at a reasonable time any premises, or make inquiries thereon, in order to ascertain the existence of any nuisance thereon or in connection therewith.
  - 5.2 The Municipality may do such work as may be necessary to ascertain the existence or cause of such a nuisance and to remedy same, and may recover from the owner or occupier of the premises or the author of the nuisance the amount of the expenses incurred by the Municipality in respect thereof, which owner or occupier or author shall, on demand, refund such amount to the Municipality.

#### **Procedure for removal of nuisance**

6.
  - 6.1 Whenever a nuisance exists or existed on a premises and is liable to recur, the Municipality may serve a notice either on the author of the nuisance or on the owner or occupier of the premises on which the nuisance exists or existed and is liable to recur, requiring him to remove or abate the nuisance and to do such work (with or without specifying the nature thereof), within a reasonable time to be specified in the notice, as is necessary to remove or abate the nuisance or to prevent a recurrence thereof, as the case may be; provided that where the nuisance arises from a deficiency or defect of a structural nature or where the premises are unoccupied, the notice shall be served on the owner;
  - 6.2 When a person upon whom a notice has been served in terms of Section 2.1 fails to comply with the conditions thereof, the Municipality, acting through its duly authorized officers, may enter upon the premises in respect of which such nuisance exists or is liable to recur and to execute such work as may be necessary to remove or abate the nuisance and prevent a recurrence thereof, as the case may be, or the Municipality may appoint a private contractor to do the necessary work.

#### **Recovery of expenses**

7. The Municipality may recover any expenses incurred by it in consequence of a breach of any By-Law or in the execution of any work directed by any By-Law to be executed by any person and not executed by him, and such expense shall, on demand, be paid by the person committing such breach or failing to execute such work.

### **Obstruction**

8. Any person who fails to give or refuses access to any officer of the Municipality duly authorized by these By-Laws or the Municipality acting through its duly authorized officers, to enter upon and inspect any land, dwelling or premises, if he requests entrance to any land or premises, or obstructs or hinders such official in the execution of his duties under these By-Laws, or who fails or refuses to give information that he may lawfully be required to give to such official, or who gives to such official false or misleading information knowing it to be false or misleading, or who prevents the owner or any of his servants or workmen or any other person from entering upon any land, dwelling or premises for the purpose of complying with any notice served under these By-Laws, or who prevents such person from complying with any notice served under these By-Laws, will be guilty of an offence under these By-Laws.

### **Restriction upon legal proceedings**

9. The Environmental Health Practitioners in the service of the Municipality who is generally authorized by the Municipality to perform any function in terms of these By-laws shall not be liable for anything done in good faith under these By-laws.

**CHAPTER 4****POTENTIALLY HAZARDOUS USES OF PREMISES****INDEX**

## Section:

1. Duty to list potentially hazardous uses
2. Scheduled uses
3. Exemption certificates
4. Health permits or certificates
5. Approval of measures, objects and materials
6. Application procedure
7. General terms applicable to certificates or permits
8. Suspension, cancellation and amendment of exemption certificates and permits

**Duty to list potentially hazardous uses**

1. 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 1 and must prescribe measures that must be taken to avoid the risk or reduce it to a level acceptable to the Municipality.

**2. Scheduled uses**

- 2.1 Any person who uses premises in a manner or for a purpose listed in Schedule 1 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 3 from complying with any such provision.
- 2.2 Any person who uses premises in a manner or for a purpose that is listed in Part A of Schedule 1, must obtain a permit or health certificate in terms of Section 4 before commencing that use and must comply with the terms and conditions of that permit or certificate.

**3. Exemption certificates**

- 3.1 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 6 for an exemption certificate.
- 3.2 The Municipality may grant an exemption certificate, subject to such conditions as it may impose, if an Environmental Health Practitioner is satisfied that –
  - 3.2.1 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
  - 3.2.2 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.

#### **4. Health permits or certificates**

- 4.1 Any person who wants to undertake a scheduled use that is listed in Part A of Schedule 1, must apply to the Municipality in accordance with Section 6 for a health permit or certificate.
- 4.2 The Municipality may issue a health permit or certificate to the owner or occupier of any premises, if an Environmental Health Practitioner is satisfied that the use for which the permit or certificate is required is not likely to cause a public health hazard or a public health nuisance.
- 4.3 A health permit or certificate:
  - 4.3.1 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;
  - 4.3.2 may exempt the permit or certificate holder from complying with any relevant provision of these By-laws, if the Municipality reasonably believes that the permit or certificate requires the permit or certificate 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
  - 4.3.3 may approve any measure or material in connection with the activity authorized by the permit or certificate that must be approved in terms of these By-laws.

#### **Approval of measures, objects and materials**

5.
  - 5.1 The Municipality may approve 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.
  - 5.2 An object, material or measure referred to in subsection 5.1 may be approved by the Municipality in –
    - 5.2.1 a health permit or certificate; or
    - 5.2.2 prescribed guidelines or codes of conduct by the Municipality in terms of subsection 5.3.
  - 5.3 The Municipality may publish guidelines and Codes of conduct in the Provincial Gazette which describe –
    - 5.3.1 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
    - 5.3.2 objects or materials that are acceptable to the Municipality.

#### **Application procedure**

6.
  - 6.1 Any person who wants to obtain a permit or an exemption certificate must apply to the Municipality in writing in a form prescribed by the Municipality, prior to undertaking the scheduled use concerned.
  - 6.2 When the Municipality receives an application contemplated in subsection 6.1, it must ensure that the relevant premises concerned are inspected by an Environmental Health Practitioner as soon as reasonably possible.
  - 6.3 Before deciding whether or not to approve an application contemplated in subsection 6.1, the Municipality –
    - 6.3.1 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 had an opportunity to make representations; and

- 6.3.2 may require the applicant to provide any further information which the Municipality considers relevant to enable it to make an informed decision.
- 6.4 In deciding whether or not to issue an exemption certificate or permit, and what terms and conditions, if any, to include in it, the Municipality must apply the public health principles set out in Section 6.3.

#### **General terms applicable to certificates and permits**

- 7.
- 7.1 An exemption certificate or permit –
- 7.1.1 is not transferable from one person to another; and
- 7.1.2 applies only to the premises specified in that certificate or permit.
- 7.2 Every exemption certificate or permits must –
- 7.2.1 specify the address and other relevant details regarding the location of the premises concerned;
- 7.2.2 describe the premises concerned;
- 7.2.3 describe the activity concerned;
- 7.2.4 specify terms and conditions imposed, if any; and
- 7.2.5 indicate when it expires.
- 7.3 An applicant must pay a prescribed fee, according to the Tariff By-law, in respect of an application for a permit or exemption certificate and such fee must accompany the application.
- 7.4 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 fee has been paid.

#### **Suspension, cancellation and amendment of exemption certificates and permits**

- 8.
- 8.1 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.
- 8.2 An Environmental Health Practitioner may suspend or cancel an exemption certificate or permit with immediate effect if –
- 8.2.1 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
- 8.2.2 the holder of such certificate or permit fails to comply with a compliance notice contemplated in Section 32 of the Rationalization of Local Government Affairs Act, in which is stated such certificate or permit may be suspended or cancelled without further notice if the holder fails to comply with that notice.
- 8.3 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 –
- 8.3.1 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
- 8.3.2 the holder of such certificate or permit contravenes or fails to comply with any relevant provision of these By-laws.
- 8.4 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 5

### GENERAL HYGIENE

#### INDEX

Section:

1. Keeping premises clean and free of any accumulations
2. Prevention of the breeding of flies, mosquitoes and other undesirable insects and the creation of harborage for rodents
3. Fouling and littering of public places and open spaces
4. Bathing and washing in public places and open spaces
5. Emission of ash, grit and soot from chimneys
6. Prevention of dust nuisance
7. Burning of waste
- 8-10. Buildings
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  - Removal of building rubble and other waste
  - Hygienic conditions of sanitary facilities
  - Adequate water on construction of buildings
  - Dust control at construction sites
  - Code of Practice for the Water Quality Management Programmed

#### **1. Keeping premises clean and free of any accumulations (Dumping and Abandoned things)**

No person shall fail to keep any premises owned or occupied by him clean and free of refuse, debris, waste, glass, paper, rags, tins, trash, ash and coal, weeds and long grass, or allow any thicket, shrub or any other matter, wreck, body, chassis, engine or other part of a motor vehicle which is unsightly or which may be a nuisance or health hazard or which may offend the inhabitants of the neighborhood.

#### **2. Prevention of the breeding of flies, mosquitoes and other undesirable insects and of harborage for rodents (Vector Control)**

2. General requirements
- 2.1 No person may –
  - 2.1.2 Place, throw or cause to be thrown out any waste or any other substance whatsoever, or permit such waste or other substance to remain there, in such a way and for such a time that the breeding of flies or mosquitoes is promoted or that rodents or other vermin are attracted to such premises.
  - 2.1.2 Use any organic waste or any other substance whatsoever for gardening purposes that is not so matured or well rotted as to be incapable of breeding flies.
  - 2.1.3 Store or keep manure, except in such a way as to preclude the open attraction and breeding of flies.



- 2.1.4 Fail to keep any premises of which he is the owner or occupier free from stagnant water and from articles such as bottles or crockery, whether whole or broken, tins, tanks and any other articles whatsoever capable of holding water under such conditions as would permit or favor the breeding of mosquitoes.
- 2.1.5 Fail to provide all tanks, barrels and similar containers on any premises of which he is the owner or occupier, with covers of wood or metal, and fail to screen with mosquito gauze all openings other than the delivery exit.
- 2.1.6 Fail to maintain all gutters and down pipes on any premises of which he is the owner or occupier free from sagging and from obstructions such as mud, leaves and other substances so as to prevent the accumulation of water therein.
- 2.1.7 Fail to take adequate measures to protect from mosquitoes breeding in ponds, excavations, wells, swimming pools or any other stagnant water source on the premises of which he is the owner or occupier by filling in, draining out or covering with oil at least once in every seven day such ponds, excavations, swimming pools or stagnant water source, or in case of wells, by providing a mosquito-proof cover and a pump.

#### **Prevention of rodent infestation**

- 2.2. All shops or stores shall at all times comply with Regulations regarding the Prevention of Rodent (Regulation No. R. 1411 dated 23 September 1966, by the Minister of Health.

#### **Integrated pest control**

- 2.3. The provisions of the Municipality's Standard By-laws relating to Integrated Pest Control shall apply to the provisions of this Section.

#### **Fouling and littering of public places and open spaces (Littering)**

- 3.
- 3.1 No person shall throw, dump, store, keep or drop 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, thoroughfare, open space, vacant stand, public place or erf, spruit or watercourse, or cause or permit same to be thrown, dumped or dropped there, or cause or permit any such liquid to flow into such a place.
- 3.2 The person referred to in Section 3.1 is liable to remedy, to the satisfaction of the Environmental Health Practitioner, any damage to the environment which resulted from the offence and by failing to do so is guilty of an offence.

#### **Bathing and washing in public places and open spaces**

- 4.
- 4.1 No person shall bath or wash himself or another person on a road, bridge, thoroughfare, open space, vacant stand or erf or in a stream or watercourse.
- 4.2 No person shall wash clothing, a vehicle, an animal or article or implement on a street, road, bridge, thoroughfare, public place or in a stream or watercourse.

#### **Emission of ash, grit and soot from chimneys**

- 5. No person shall cause or permit ash, grit or soot to rise from any chimney in such a way as to be offensive, injurious or hazardous to health.

**Prevention of dust nuisance**

6.

- 6.1 No person shall cause or permit dust from a building or structure in the course of erection or demolition, or from any premises, to be discharged into the surrounding atmosphere at any time in such a quantity or such a way as to be offensive, injurious or hazardous to health.
- 6.2 No person shall cause or permit any dust that 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.

**Burning of waste**

7. No person shall permit any waste material including and not limited to tyres, rubbish, garden refuse or waste, or any other material to be burned in or on any premises, public place or part thereof, unless in an approved appliance.

**BUILDINGS****Erection of buildings on contaminated ground**

8. No person shall erect or cause or permit to be erected any building on a site he knows or suspects to have been contaminated by any faecal, animal or vegetable matter, or on which any such matter has been disposed of, unless such matter has been removed, or has been made or has become innocuous.

**Habitable rooms**

9. No person shall let or occupy, or cause or permit to be occupied, a room for sleeping or residential purposes unless such room complies with the requirements of the National Building Act as regards habitable rooms.

**Paving and grading of backyards and/or open spaces**

10. Should any backyard or open space associated with a premises not be formed, graded or paved such that surface water may easily run off from there to a storm water drain or course or other proper receptacle, the Municipality may, by notice, instruct the owner of such premises accordingly to form, grade or pave such backyard or open space as aforementioned within the time specified in such notice.

**SANITARY SERVICES****Compulsory connection to municipal sewage system**

11. An owner of any premises to which municipal sewage services are available shall be responsible to connect all waste water pipes from sanitary facilities, baths, wash hand basins and similar appliances to the municipal sewer in the manner prescribed by the Municipality.

**Prohibition against obstruction of sanitary services**

12. No person shall prevent, obstruct or interfere with the provision of any sanitary service undertaken by the Municipality.

**Requirements in respect of toilet facilities**

13. The minimum number of toilets supplied in a building or premises shall comply with the requirements as defined in the National Building Act.

**Toilets for workers**

14. No contractor or any other person having workers in his employ for the construction of any building or any other work shall fail to provide such workers with adequate and convenient toilets in terms of the requirements of the National Building Act.

**Prohibition against use of pail closet under the same roof as a dwelling**

15. No person shall provide, erect, make, retain or use any pail closet inside or under the same roof as a dwelling.

**Closets, toilets, urinals, backyards and approaches to them to be kept clean**

16.
  - 16.1 Every backyard, refuse area or open space and every approach to it and every water closet, toilet and urinal shall at all times be kept in a clean and neat condition and in good repair and the owner or the occupier and every person having control of such a backyard, refuse area or open space or approach to it or of any closet, toilet or urinal shall be jointly and severally liable for due compliance with this subsection.
  - 16.2 Where the owner or occupier or person in control of any water closet, toilet, urinal, backyard or open space or approach thereto has failed to comply with a notice from the Municipality instructing him to cause such a place to be cleaned and/or repaired the Municipality may itself have such place cleaned and/or repaired and recover from any such owner, occupier or person in control thereof the amount of such expenses incurred by it in respect thereof, which person shall then, on demand, refund the Municipality such amount.

**Separate urine tanks or urine pails**

17.
  - 17.1 Where the size, extent of occupation or use of any premises necessitates special provision to be made thereon for the separate storage of urine, the Municipality may, by notice in writing, instruct the owner or occupier thereof to provide an adequate urine tank or an adequate number of urine pails on it, having regard to the size, extent of occupation or use of such premises.
  - 17.2 Any urine tank or pail so supplied shall be used exclusively for the reception of urine, and any person who allows or permits such a tank or pail to be used other than exclusively for such purpose shall be guilty of an offence.

**Provision of tank for waste liquids in areas without sewers**

18. The owner of a premises not connected to a public sewer or not provided with other satisfactory means for the disposal of waste water shall provide such premises with a sufficiently large tank or tanks to contain slops, bath water or other waste liquids produced in a period of 48 hours on such premises. Such provision shall, if necessary, include the following:
  - 18.1 An overhead tank or tanks placed such that it is possible to discharge the contents by gravity into the Municipality's removal vehicles.
  - 18.2 An effective filter, pump and indicator, with such outlet pipes so constructed and placed that provision is made for the proper emptying and cleansing of such tank or tanks.

Provided that, where suitable land associated with any premises is available and where proper arrangements have been made for the flushing of waste water (other than urine) produced on such premises to be innocuously dispersed over it, the provision of this Section shall not apply.

**Pumping of contents of underground tank to surface tank**

19. Occupier of a building or premises where both under-ground and overhead tanks are provided for the storage of waste water shall fail to pump, or cause to be pumped, the contents of such underground tank or tanks to the overhead tank or tanks immediately prior to the overhead tanks being emptied by the Municipality.

**Blocker or defective outlet pipes**

20. Should the drainage system or any part thereof on any premises become blocked or in any other way defective, the owner, occupier, manager or caretaker of such premises shall, as soon as this is brought to his notice, take the necessary steps to have such obstruction or defect of such drainage system or part thereof removed or repaired.

**Prohibition against urine in slops tank**

21. No person shall cause or permit any urine to be discharged into a slops tank associated with any premises.

**PRIVATE SEWAGE WORKS**

**Permit for provision of service for the removal of human excrement or urine**

22. No person may provide any service for the removal or disposal of human excrement and urine on any premises except with the written authority of the Municipality by means of a permit authorizing that service where such removal or disposal of human excrement or urine is effected under such conditions and in such a way as to prevent any nuisance or health hazard or annoyance to the neighborhood where the human excrement is removed or disposed of. The Municipality may withdraw its authority for such removal or disposal if any of the aforementioned conditions are not satisfactorily complied with.

**Permit for installation of sewage works**

23. No person may, on any private premises, install, alter, re-site, operate or maintain any septic tank, filter installation or other works for the disposal of sewage, except in terms of a permit authorizing that activity.

**Control of pumping out of the contents of sewage works**

24. The Municipality may, by written notice, specify the hours during which or between which the contents may be pumped out of any sewage works, and no person shall himself or by means of a labourer or a member of his family pump the contents out of such works at any other time.

**Notice to discontinue the use of sewage works**

25. No person shall continue to use a septic tank, filter installation or any other sewage works after being served a notice requiring him to discontinue its use because of a nuisance arising there from or because of the availability of the Municipal sewer for his premises.

**Sewage works to be cleaned when required by the Municipality**

26. No person shall fail or neglect to open up or clean, or repair, or alter or rebuild a septic tank, filter installation or any other sewage works on private property if so required by the Municipality in writing, calling on him to undertake such work to remove any nuisance or public health hazard which may arise from such defective septic tank, filter installation or other private sewage works.

**Disposal of sewage, sewage effluent and waste water without causing a public health nuisance and/or hazard**

27. No person shall dispose of solid or liquid sewage, sewage effluent or waste water from baths, wash-hand basins or kitchen sinks in such a way or in such a location as to cause or be liable to cause dampness in any premises or part thereof, or endanger the quality of any water supply, or cause any nuisance or hazard.

**Unauthorized construction and use of a cesspit**

28. No owner or occupier of any premises shall make use of any method for the disposal of sewage unless the Municipality's sewage removal service for such premises is not available.

**29. WASTE REMOVAL**

**29.1 Removal of Waste**

- 29.1.1 The Municipality shall provide a service for the collection and removal of waste from premises at the prescribed charges and in such manner as the Municipality may determine.
- 29.1.2 The occupier of any premises on which waste is generated shall make use of the Municipality's service for the collection and removal of such waste, unless the Municipality has granted written exemption and keeps such waste in the manner prescribed by the Municipality.
- 29.1.3 On premises where the Municipality's refuse removal service is not available, the keeping of waste and the disposal thereof shall take place in an approved manner.
- 29.1.4 On premises where health care risk waste is generated the keeping and removal of such waste shall be in accordance with the requirements of the Municipality and with Chapter 24 of these By-laws.
- 29.1.5 The provisions of the Council's Integrated Waste Management By-laws and Industrial Effluent By-laws shall as the case may be apply to the provisions of this Section.

**Outdoor Waste Storage Areas**

- 29.2 Any building (complexes, etc.), excluding a dwelling house, in which refuse is or will be generated shall be provided with an adequate storage area for refuse containers according to SANS 0400-1990: the application of the National Building Regulations and Building Standard Act.

**Supplementary specifications regarding outdoor waste storage areas**

**29.3**

- 29.3.1 the containers must be stored within an enclosed area;
- 29.3.2 the area shall be constructed of non-absorbent material such as concrete or asphalt and shall be smooth, durable and sloped to drain and washing facilities for regular cleaning/disinfecting;
- 29.3.3 equipment for refuse and recyclables such as an on-site compactor shall be installed so that accumulation of debris and insect and rodent attraction and harbourage is minimized and effective cleaning is facilitated around;

- 29.3.4 the storage area shall be of sufficient capacity to hold refuse, recyclables and returnables that accumulate;
- 29.3.5 the storage area shall be kept in a neat condition in compliance with a maintenance plan;
- 29.3.6 storage areas shall be easily accessible for waste disposal (but secure to prevent unauthorized entry) and collection by the Council or private firm;
- 29.3.7 only domestic waste (residential purposes and purposes of public worship, including halls or other buildings used for religious purposes, but does not include business waste, building waste, garden waste or bulky waste) shall be disposed of in this area;
- 29.3.8 a notice board shall be erected to supply the details of the responsible person and the Council;
- 29.3.9 where any refuse containers receive refuse from any chute, it shall be designed and erected so as to be safe in operation;
- 29.3.10 skips or containers shall be emptied at least once a week, or more frequently, and;
- 29.3.11 waste containers shall be clean for re-use.

#### **Specific Requirements – Waste Storage and Disposal (Food Factories)**

- 29.4
  - 29.4.1 facilities for the storage of waste shall be designed to preclude the entry and harbourage of pests and to avoid the contamination of food, potable water, equipment, buildings and roadways on the premises and the environment in general;
  - 29.4.2 skips or containers that contain food waste, offal and other waste material shall be covered and emptied at least once a day, or more frequently, as is consistent with minimizing the risk of infestation;
  - 29.4.3 skips or containers shall be located as far as possible from food processing areas;
  - 29.4.4 combustible waste, if generated, shall be burned in an incinerator of approved design, and that is located at an adequate distance from the factory so as to avoid a fire hazard and contamination of the factory air supply; and
  - 29.4.5 waste containers shall be provided in appropriate locations in the factory. Only *bona fide* waste containers shall be used for the disposal of waste. The containers shall be such that they cannot be mistaken for food containers and shall be emptied daily. Packaging material, whether damaged or not, shall not be used as a receptacle for waste.

#### **Transportation of waste**

- 29.5
  - 29.5.1 No person may –
    - (i) operate a vehicle for the conveyance of waste upon a public road unless the vehicle has a body of adequate size and construction for the type of waste being transported.
    - (ii) fail to maintain a vehicle used for the conveyance of waste in a clean, sanitary and roadworthy condition at all times.
    - (iii) fail to cover loose waste on an open vehicle with a tarpaulin or suitable net; and
    - (iv) cause or permit any waste being transported in or through the municipal area to become detached, leak or fall from a vehicle transporting it, except at a waste disposal facility.
  - 29.5.2 Subject to the provisions of subsection 31.1, all transportation of waste must comply with the National Road Traffic Act, 1996 (Act No. 93 of 1996), Hazardous Substances Act and Health Care Risk Waste Standards and Provincial Regulations.

### **Removal of dead animals**

- 30.
- 30.1 When an animal dies within the municipal area the owner of such animal shall, within 24 hours of its death, cause the carcass to be removed in such a way as to constitute no nuisance or health hazard or annoyance to the occupiers of any premises in the neighborhood or dispose thereof in an approved manner.
- 30.2 The Municipality may, at the request of the owner of such dead animal, remove the carcass for the amount fixed in terms of the General Tariff By-law and the person liable for having such carcass removed as stipulated above shall, on demand, pay to the Municipality such amount.

### **WATER**

#### **Pollution of sources of water supply**

31. No person may cause or permit the pollution or contamination of catchments areas, rivers, canals, sources, wells, reservoirs, filter beds, water purification or pumping works, tanks, cisterns, or other sources of water supply or storage.

#### **Dangerous wells, boreholes and excavations**

- 32.
- 32.1 No owner or occupier of a premises may permit a well, borehole or other excavation on such premises to be in an unprotected or dangerous condition, and no such person shall fail to fence, fill in or cover over such well, borehole or excavation in such a way as to effectively safeguard it.
- 32.2 Should the Municipality become aware of the existence of an unprotected or dangerous condition referred to in 32.1, the Municipality may give the owner or occupier of the premises reasonable notice to remedy the condition, failing which the Municipality may enter the premises and execute the necessary work and recover the cost of so doing from the person or persons in default.
- 32.3 The owner and/occupier of the premises shall be jointly and severally responsible for the due compliance with the provisions of this Section.
- 32.4 No person may fill in a well, borehole or excavation in such a way or with such materials as to cause, or be likely to cause, adjacent wells, boreholes or underground water to be polluted.

#### **Furnishing by owner of particulars of the source of water**

33. The owner of a premises on which there is a well, borehole or spring, the water of which is used or may be used for human consumption or for the purpose of preparing or manufacturing food or drink for human consumption or for any other domestic purposes or for cleansing vessels or utensils used in the preparation or manufacture of food or drink for human consumption shall, when instructed to do so by the Municipality, furnish it within fourteen days with the certificate as prescribed in Section 35.5 below, that the water has been tested and is suitable for human consumption to the satisfaction of the Municipality, failing which, the Municipality may seal such well, borehole or other excavation until the required certificate has been furnished.

#### **Notice of the sinking or digging of a borehole or well**

34. No owner or occupier of any premises may sink, or dig, or cause or permit to be sunk or dug, a well or borehole unless he has notified the Municipality at least fourteen days in advance of his intention to do so, stating the proposed location and nature of such work and the purpose for which the water is to be used.

**Furnishing of particulars of the source of water**

- 35.
- 35.1 No person who is the owner of any premises shall fail to provide for the use of the occupiers thereof a proper, adequate and wholesome water supply, free from the hazard of pollution, which supply shall at all times be easily accessible.
- 35.2 No person, owner or occupier, shall fail to provide at his or her own cost, a written proof of the chemical and/or bacteriological examination or analysis by a qualified analyst, as defined in Section 13(2) of the Foodstuffs, Cosmetics and Disinfectants Act, 54 of 1972 in respect of the water supply referred to in subsection 35.1 above when required of him or her by the Inspector. Samples for such analysis shall be collected and dispatched in a manner approved by the Inspector.
- 35.3 The Inspector may take water samples on behalf of the owner or occupier and may recover any cost of the water samples for chemical and/or bacteriological examination or analysis from the owner or occupier.
- 35.4 The water results must comply with the provisions of the Code of Practice for the Water Quality Management Programmed.
- 35.5 No person may use, or permit to be used, water from a well, borehole, spring, dam, river or other source, excluding the supply provided by the Municipality, for human consumption or for the purpose of preparing or manufacturing food or drink for human consumption or for any other domestic purposes or for cleansing vessels or utensils used in the preparation or manufacture of food or drink for human consumption, unless the Inspector has certified that such water is fit for such purpose.

**Storm water run off from potentially hazardous premises**

- 36.
- 36.1 Any person in control of land shall take steps by means of adequately designed, constructed and maintained hydraulic and hydrological structures to –
- 36.1.1 divert the maximum storm water run off, which could be expected within a period 24 hours with an average frequency of recurrence of once in 100 years from any land on which any substance which may pollute a water course, is or was handled, produced, stored, dumped or spilled; and
- 36.1.2 collect all polluted run off water arising on the land and retain such water for reuse, treatment or purification;
- 36.1.3 separate all effluent from storm water systems;
- 36.1.4 prevent the erosion or leaching of material from slimes dams, ash dams, any dump or stockpile on the said land and contain any material so eroded or leached in the said area;
- 36.1.5 prevent any substance or polluted water from entering any borehole, well, spring, ravine or water course;
- 36.1.6 locate any dump, stock-pile, dam, drain, canal, conduit, sewer or any other structure on the said land so as to prevent impacts on the quality of surface and/or ground water;
- 36.1.7 at all times keep all water passages open and free of obstruction from matter which may impeded the flow of water or effluent therein;
- 36.1.8 convey and discharge water or purified effluent into a drain, canal, conduit, sewer or water course in such a manner that no erosion of the land or the banks of the water course will take place.
- 36.2 Any person in control of land shall –



- 36.2.1 not use any area or locate any dump or dam together with associated toe, catchments or barrier dams within the one in 100 year flood line of a water course, dam, pan or lake;
- 36.2.2 not use coal, coal discard, carbonaceous material or any other material for the construction of any slurry, evaporation or catchments dam, or any embankment, road or railway in a manner likely to cause water pollution;
- 36.2.3 not discharge or cause or permit to be discharged from such land, either directly or indirectly, industrial or storm water which could be contaminated by any substance whether such substance is a solid, liquid, vapour or gas or any combination thereof which is produced, stored, stockpiled, dumped or spilled on such land;
  - (i) construct boundary walls of an appropriate size around any tank or group of tanks containing any substance that can cause pollution so as to contain the volume of the largest tank in the event of any unlawful or accidental discharge from such tank or group of tanks;
  - (ii) clean any industrial surface area so as to prevent the pollution of storm water which may impact on the quality of surface and/or ground water;
- 36.2.4 any person removing or handling material from any waste or dump shall establish or replace to the satisfaction of the duly authorized official of the Municipality any works required by him for the prevention of water pollution which could occur as a result of the operations of the said person.
- 36.2.5 dams, conduits, channels used for the containment of liquid that may pollute the environment shall have a free board of at least 0.5 meter above the expected maximum level of precipitation to be expected over a period of 24 hours with a frequency of once in 100 years.

#### **Miscellaneous**

##### **Washing-up and ablution for employees**

- 37. In the case of any premises where employees are employed who handle equipment and material, hand-washing facilities, with potable running water which complies with the SANS specification shall be provided on such premises to enable employees to wash their hands after handling such equipment and material. Such facilities shall be drained in accordance with the National Building Act.

##### **Separate area for articles to be dry-cleaned or laundered**

- 38. No person who carries on the trade, business or occupation in connection with the manufacture, preparation, handling, serving, delivery, storage or sale of foodstuffs or beverages or new articles of clothing, or who carries on the business of a hairdresser, shall, on the premises where such articles are manufactured, prepared, handled, served, delivered, stored or sold or where such business is carried on, receive either on the premises or elsewhere any dirty article of clothing, dirty linen, or other articles which are to be dry-cleaned or laundered, unless such article is handled and kept in a separate area so approved by the Inspector.

**Ice protection**

39. Ice frequently comes into contact with foods, beverages and drinking water, and therefore it should be free from contamination –

The principal features are as follows:

- 39.1 The water must comply with the requirements set out in SANS 241: Drinking Water.
- 39.2 Bacteriological tests should be made of the ice to determine defects in freezing and handling.
- 39.3 Ice containing foreign objects should not be sold for human consumption, and the plant should be so constructed and operated as to prevent entrance of foreign objects.
- 39.4 Only authorized attendants should walk on the tank floor, and when on the floor they should wear shoes used for that area only.
- 39.5 Similar precautions as given in 39.4 should apply to attendants who enter the storage room.
- 39.6 Ice-storage rooms should be kept clean, and no ice should come into contact with meat and other foods.
- 39.7 Chutes and loading platforms must be maintained in sanitary condition.
- 39.8 Ice must be kept covered during delivery, and trucks must be so operated and maintained that contamination cannot occur.
- 39.9 Crushing or grinding of ice for human consumption should be done in a sanitary manner and permitted on trucks or other vehicles only on approval by the Inspector as to methods and safeguards.
- 39.10 Hands should be clean before dispensing ice, as with any other food product.
- 39.11 Only durable, approved scoops or shovels with handles may be used.
- 39.12 Ice comes into direct contact with many foods, and must be handled in a safe manner to prevent contamination; and
- 39.13 Ice is a foodstuff and the premises must comply with the provisions in Regulation 918.

**Demolition of buildings**

40. No person shall demolish or commence to or cause or allow to be demolished any buildings without first having notified the Municipality in writing of his or her intention to do so and obtained the Municipality's written authority to commence such demolition. No such authority shall be given unless and until –
- 40.1 Such person shall have taken all necessary steps to destroy rodents in such buildings; and
  - 40.2.1 Until such person has complied with all instructions or orders which may be lawfully issued by the Environmental Health Practitioner in connection with such building or its demolition in terms of any law.

Provided that in the case of an owner being required in terms of the Local Government Ordinance of 1939 or any amendment thereof or in terms of any provision of the National Building Regulations and Building Standards Act, he or she shall notify the Municipality of his or her intention to commence such demolition and shall comply with the provisions of paragraphs 40.1 and 40.2 hereof.

**Lighting of staircases and passages in tenements**

41. In any building, portions of which are let as separate tenements, the owner or person so letting such building shall provide and maintain proper and adequate natural and/or artificial lighting for any staircase and passage used in common by the occupiers of such tenements.

**Erection of pit latrines**

- 42.
- 42.1 No person shall erect a pit latrine or construct a French drain less than 50 metre from an ground water source.
- 42.2 No person shall erect a pit latrine less than 5 metre from a dwelling house or from the boundary of the premises.
- 42.3 No person shall erect a pit latrine or construct a French drain such that it is on a higher ground than a source of ground water (wells or streams).

#### **Funeral undertaker's premises**

- 43.
- 43.1 All funeral undertaker's premises shall at all times comply with Regulations Relating to Funeral Undertakers' Premises, No. R. 237 dated 8 February 1985, as promulgated by the Minister of Health.
- 43.2 No certificate of competence shall be issued to a person until an inspection by the Environmental Health Practitioner shows that the funeral undertaker's premises comply with the requirements.
- 43.3 The person in charge of a funeral undertaker's premises wishing to obtain a certificate of competence in respect of such premises shall apply therefor in the prescribed form to the Municipality.

#### **Removal of building rubble and other waste**

- 44.
- 44.1 Building rubble, rubbish, other debris or combustible waste material shall be removed within 14 (fourteen) days from the after completion of work being executed from the site.
- 44.2 The Health Officer may by written notice, order the owner or person of such site to have the building rubble, rubbish, other debris or combustible waste material removed within the period specified in such notice.

#### **Hygienic conditions of sanitary facilities**

45. Sanitary facilities shall be so sited by the contractor or any other person for the construction of any building or any other work as not to be a nuisance or offensive and shall at all times be maintained in a clean and hygienic condition, and shall unless they are of a permanent nature, be removed by such owner or person immediately such building work or any other work has been completed.

#### **Adequate water supply on construction of sites**

46. Adequate water that complies with the requirements set out in SANS 241: Drinking water shall be provided by the contractor or any other person for all personnel.

#### **Dust control at construction sites**

- 47.
- 47.1 The constructor or responsible person shall as reasonably as possible minimize emissions of dust from the construction site by employing dust control measures in a form of a plan. The dust control measures in a plan must be implemented as prescribed in the Guideline for Reducing Air Pollution from Constructions and submitted the Environmental Health Section.
- 47.2 The following may be included in the dust control plan employed by the constructor or responsible person -

- 47.2.1 Pre-wet site;
- 47.2.2 Provision of adequate water supply for wetting purposes.
- 47.2.3 Install gravel on access routes;
- 47.2.4 Clean up and compact access routes daily.
- 47.2.5 Control the speed of traffic;
- 47.2.6 Control the rate and manner of material handling and transportation; and
- 47.2.7 Comply with the National Building Act, Regulation F6, Control of Dust and Noise.

#### **Codes of Practice for the Water Quality Management Programme**

1. For the purpose of this Code, water includes potable water, swimming pools and spa-baths, recreational water and effluent that comply with the specifications outlined in this Code.

## 2. The type of analysis required

## 2.1 Potable water (drinking water)

Microbiological water quality:

Determinants	Units	Ideal	Acceptable	Max. allowable
Heterotrophic total plate count	Count/ml	100	1 000	10 000
Total coli forms	Count/100 ml	0	0-10	10-100
Faecal coli forms	Count/100 ml	0	0-1	1-10
Escherichia coli	Count/100 ml	0	0	0

The objective of disinfections should be to attain 100% compliance to the ideal limits.

 (iii) Physical quality:

Determinants	Units	Ideal	Acceptable	Max. allowable
Color	Hazen (Hz)	15	20	50
Electric conductivity	Ms/m	<70	70-150	150-370
Turbidity	NTU	0,1	1	10
pH value (25° C)	Ph units	6,0-9,0	5,0-9,5	4,0-10

 (iv) Chemical Water quality:

Determinants	Units	Ideal	Acceptable	Max. allowable
Nitrate & Nitrite as N	mg/l	6	10	20
Fluoride as F	mg/l	0,7	1,0	1,5
Sulphates (SO <sub>4</sub> )	mg/l	200	400	600
Chloride (Cl)	mg/l	100	200	600
Arsenic (As)	ug/l	10	50	200
Manganese (Mn)	ug/l	50	100	1 000
Magnesium (Mg)	mg/l	30	70	100
Calcium (Ca)	mg/l	80	150	300
Total hardness (CaCO <sub>3</sub> )	mg/l	0-200	200-300	300-600
Potassium (K)	mg/l	25	50	100
Sodium (Na)	mg/l	100	200	400
Cadmium (Cd)	ug/l	3	5	20

## 2.2 Swimming pools and Spa-baths

 (i) Microbiological water quality:

Determinants	Units	Max. allowable
Free available chlorine (residual)	mg/l	0,5-3
Total coliforms	cfu/ml	100
Escherichia coli	cfu/100 ml	0

 (ii) Physical water quality:

Determinants	Units	Max. allowable
pH	pH Units	7-8
Floating, suspended, settled debris and swimming organisms	-	0
Slime and algae (walls, floor, access ladders or steps and gutters)	-	0

## 2.3 Recreational water use – rivers, streams and dams

(i) Microbiological water quality: (full contact)

Determinants	Units	Full Contact
Faecal coliforms	cfu/100 ml	0-130
Escherichia coli	cfu/100 ml	0-130
Faecal streptococci	ctu/100 ml	0-30

(ii) Physical water quality: (full contact)

Determinants	Units	Full Contact
Odour	TON	0
pH	Ph units	6,5-8,5

(iii) Microbiological water quality: (intermediate contact)

Determinants	Units	Intermediate Contact
Faecal coliforms	cfu/100 ml	0-1 000
Escherichia coli	cfu/100 ml	N/S
Faecal streptococci	ctu/100 ml	0-230

N/S = Not Specified

Physical water quality: (intermediate contact)

Determinants	Units	Full Contact
Odour	TON	0
pH	Ph units	6,5-8,5
Electrical Conductivity	m <sup>s</sup> /m	250
Suspended Solids	mg/l	25

(iv) Chemical water quality: (intermediate contact)

Determinants	Units	Full Contact
Chemical oxygen demand	mg/l	75
Ammonia (as N)	mg/l	10

## 2.4 Effluent (Purification of waste water)

(i) Microbiological effluent quality:

Determinants	Units	Max. allowable
Faecal coliforms	cfu/100 ml	0

(ii) Physical effluent quality:

Determinants	Units	Full Contact
pH	Ph units	5,5-9,5
Suspended Solids	mg/l	25

(iii) Chemical effluent quality:

Determinants	Units	Full Contact
Ammonia (as N)	mg/l	10
Chemical oxygen demand	mg/l	75

**Emergency and disaster**

6. Specific analysis may be required in case of emergencies i.e. spillages, cholera outbreak, typhoid fever outbreak, food poisoning, Legionella bacteria. Fluoride concentration, nitrates concentration, etc.

#### Laboratories to be used for analysis

7.

Laboratory	Bacteriological	Physical	Chemical
National Health Laboratory Services	√		
Departments of Health – Forensic Laboratory – Pretoria & Cape Town.		√	√
Mogale City Local Municipality – Water Care Works Laboratory	√	√	√
CSIR	√	***	***

#### Sampling frequency

8.

Sampling Point	Number of samples per year	Sample frequency
Reservoirs (Rand Water and municipal)	2	6-monthly
Boreholes (food premises, dairy farms & crop farms)	2	6-monthly
Public Swimming pools	1	-
Rivers, streams and dams	2	6-monthly
Effluent (Purification of waste water)	2	6-monthly

#### Sampling programme for a year

9.

Month	Sampling Points
November	Reservoirs (Rand Water and municipal)
January	Boreholes (food premises, dairy and crop farms)
February	Swimming pools
March	Rivers, streams and dams
April	Effluent (Purification of waste water)
August	Reservoirs (Rand Water and municipal)
September	Boreholes (food premises, dairy and crop farms)
October	Effluent (Purification of waste water)
November	Rivers, streams and dams

#### Non-drinking water

10. Food establishments may use non-drinking water for purposes such as air-conditioning or fire protection. Non-drinking water is not monitored for bacteriological or chemical quality or safety as is drinking water. Identifying the piping designated as non-drinking water lines and inspection for cross connection are examples of safety precautions.

#### Sampling

11. Periodic sampling is required by law to monitor the safety of the water and to detect any change in quality.

The Municipality must be able to ascertain that this sampling programme is active and that the safety of the water is in conformance with the appropriate standards.

Laboratory results are only as accurate as the sample submitted. Care must be taken not to contaminate samples. Proper sample collection and timely transportation to the laboratory are necessary to assure the safety of drinking water used in the establishments as well as for private use.

**Sample reports:**

A filing system for water sampling programme should be established. The sampling analysis reports must be properly filed and kept in such a condition that they are accessible and legible.

**Capacity**

12. Availability of sufficient water is a basic requirement for proper sanitation within a food establishment. An insufficient supply of safe water will prevent the proper cleaning of items such as equipment and utensils and of food employee's hands.

**Pressure**

13. Inadequate water pressure could lead to situations that place the public health at risk. For example, inadequate pressure could result in improper hand washing or equipment operation. Sufficient water pressure assures that equipment such as mechanical wave-washers operate according to manufacturer's specifications.

**Hot water**

14. Hot water required for washing items such as equipment and utensils and employee's hands must be available in sufficient quantities to meet demand during peak water usage periods.

**Water storage and distribution**

15. It depends almost entirely upon how water is protected at source in transit, in storage, and in distribution as to whether or not it will reach the consumer in a pure condition.

Mobile water tanks – material used in the construction of the mobile water tank is affected by the water it contacts. Tank liners may deteriorate. Metals or plastics can be toxic. To prevent degradation of the quality of the water, it is important that the materials used in the construction of the tank are suitable for such use.

Some tanks are designed with an access opening to facilitate the cleaning and servicing of the water tank. The access must be constructed to prevent the opening from becoming a source of contamination of the water.

Mobile units may be particularly vulnerable to environmental contamination if soiled. Loose connections are coupled to the tank inlet.

A mobile tank must comply with Regulation No. R. 1575 of 10 September 1971: Food and Water Vessels.

**Correct procedure: Sampling**

16. The Inspector who must collect samples to assess the safety of domestic water supplies will find all the relevant information in the Quality of Domestic Water Supplies – Volume 2: Sampling Guide. Guidance is also given on how to plan a sampling programme.



## CHAPTER 6

### HAIRDRESSERS, BEAUTY AND COSMETOLOGY SERVICES

#### INDEX

##### Section:

1. Definitions
2. Requirements for the establishment of salon
3. Informal street traders: applying requirements listed in Section 1
4. Duties of a person in charge of the premises
5. Prohibition against the use of the premises for other purposes
6. Health certificate
7. Required minimum health standards for the operation of a salon

Annexure A: Application for a health certificate

Annexure B: Health certificate

#### Definitions

1. In this Chapter, unless the context otherwise indicates –

“body piercing” refers to the piercing of the skin for the purpose of inserting any foreign object;

“cosmetology/beauty” refers to any one or more of the salon services usually performed by a person and includes, but is not limited to:

- (i) manicure, pedicure, nail technology, or the application of artificial nails or nail extension; whatever the substance used including acrylic, fibre glass, silk or gel;
- (ii) eyebrow shaping and plucking including the application of false or artificial eyebrows and eyelashes and tinting of eyelashes;
- (iii) cosmetic and camouflage makeup of the face and its features, whether by permanent, semi permanent or temporary means;
- (iv) facial skin care;
- (v) removal of unwanted or superfluous hair from the head, face and the rest of the body by whatever means are used, other than shaving, but including waxing, chemical depilatories, electrical or mechanical means, whether or not any apparatus, appliance, heat, preparation or substance is used in any of these operations;
- (vi) body piercing of the skin and tattooing for cosmetic purposes;
- (vii) massaging;
- (viii) body bronzing by means of ultraviolet radiation or similar methods;
- (ix) body contouring including all forms of slimming;

“disinfection” refers to the second highest level of decontamination which controls micro organisms on non-living surfaces such as instruments and salon surfaces;

“effluent” means any waste water which may arise during the provisioning of a salon service;

“hairdressing” includes, but is not limited to, any one or more of the following services:

- (i) shampooing and cleansing, conditioning and treating;
- (ii) chemical reformation of the hair including permanent waving, relaxing and straightening of the hair;
- (iii) hair colouring, including tinting, dyeing and colouring by means of permanent, semi permanent or temporary means, and including the use of colour rinses, shampoos, gels or mousses, and lightening by means of tints, bleaches, highlights or high lifting tints or toners;
- (iv) hair cutting and shaping;
- (v) barbering services including shaving and singeing of hair;
- (vi) the adding to hair of natural and artificial hair and hair extension, board work, postiche, wig making or the performing of any operation listed above on a wig or hairpiece to be worn by any person;

- (vii) trichology and trichological treatment including the treatment of abnormalities and disorders of the hair;

"industry" means the hairdressing, cosmetology/beauty services industry;

"massaging" refers to the massaging or stimulative treatment or exercise of the face, scalp or neck or the entire body;

"salon" means any place where any or more of the following services are performed for gain:

- (i) hairdressing service;
- (ii) cosmetology or beauty service;
- (iii) body piercing and tattooing; or
- (iv) massaging service;

"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.

"sterile" refers to that state of an object or article in which it is all together free of microbiological contamination;

"sterilization" refers to the most effective way possible of destroying all living organisms on an object or surface;

"tattooing" refers to the piercing of the skin and the insertion of a chemical colourant/substance for decorative purposes;

## **2. Requirements for the establishment of a salon**

No trader rendering salon services in the hairdressing and cosmetology/ beauty service industry may conduct the industry in or on a premises unless:

- 2.1 Such premises is adequately lit and ventilated as defined in the National Building Act.
- 2.2 All shelves, fixtures and tabletops on which instruments are placed are made of a cleanable, durable and non-absorbent material as approved by the municipality.
- 2.3 Water and toilet facilities are provided as set out in the National Building Act however; with respect to informal hairdressers water and toilet facilities should be provided or available within a distance approved by the municipality.
- 2.4 Adequate facilities are provided for the washing of hair and hands, having potable water laid over them and a system for the disposal of waste water which is approved by the municipality.
- 2.5 Adequate storage facilities are provided which are approved by the Inspector.
- 2.6 The walls and floors are constructed of a material which will permit adequate cleaning.
- 2.7 A solid or temporary wall separates those parts of the premises which are used for the storage and preparation of food or as a sleeping apartment.
- 2.9 Cleaning, disinfection and sterilizing procedures shall be in writing and will be submitted to Environmental Health Practitioner for approval.

- 2.1 Such trader is in possession of a valid health certificate issued in terms of Section 6.

### **Informal hairdressers**

3. Informal hairdressers shall comply with the requirements listed in Sections 2, 5, 6 and 7 of this chapter and the following:
  - 3.1 Provide a Gazebo or similar structure with three (3) side panels and with a ground cover.
  - 3.2 The area where the Gazebo or similar structure is located and immediate surroundings shall be easily cleaned.
  - 3.3 The Gazebo should be cleaned daily.

**Duties of a person in charge of the premises**

4. A trader or delegated "person in control" rendering salon services in the hairdressing and beauty / cosmetology service industry shall ensure that:
  - 4.1 The premises, tools, equipment and clothing are kept neat, clean and in good condition at all times.
  - 4.2 The premises is equipped with approved means for the disinfection of instruments or equipment which, when used for hairdressing and cosmetology/beauty services, comes into direct contact with the customers' hair or skin.
  - 4.3 All instruments or equipment which come(s) into direct contact with skin or hair are disinfected after each use.
  - 4.4 The instrument or equipment used for body piercing and tattooing are sterilized after each use.
  - 4.5 The foot-bath used to soak feet prior to a pedicure is disinfected after each use.
  - 4.6 Disposable tools and equipment are used where possible; this applies specifically to tools and equipment used for tattooing and body piercing or tools which may transgress the human body barrier.
  - 4.7 Adequate protective clothing and equipment are provided for all employees as contemplated in Section 7.
  - 4.8 Clean towels or other appropriate cover are used for each customer; dirty towels should be laundered after each use.
  - 4.9 SABS approved chemicals preparations and equipment are used.
  - 4.10 Clean disposable swabs are used.
  - 4.11 Sterile (including disposables) equipment for body piercing and tattooing operations complies with the hazardous biological agent regulation of the Occupational Health and Safety Act, Act 85 of 1993.
  - 4.12 Hair clippings and other wastes are collected in an approved container after every service rendered and stored or disposed off in such a manner that it does not create a nuisance or health threat.
  - 4.13 All personnel rendering the services meet the requirements and execute the duties prescribed by Section 4 and Section 7 of this chapter.
  - 4.14 All personnel working on the premises are adequately trained and execute their duties in terms of the Labour Relations Act.

- 4.15 Effective measures are taken to eliminate hazardous conditions, nuisances, flies, other insects, rodents or vermin on the premises.
- 4.16 No animal, subject to the provisions of any law, is kept or permitted on the premises except that a guide dog accompanying a blind person may be permitted on the premises.
- 4.17 Refuse is separated, stored or disposed of in such a manner that it does not create a nuisance.
- 4.18 Health care risk waste shall not be disposed of in an ordinary stream of general/household waste.
- 4.19 An acceptable proof of appropriate handling and disposal of Health Care Risk Waste (sharps) shall produced on demand.

**Prohibition against the use of the premises for other purposes**

- 5.
- 5.1 A trader and/or delegated "person in control" of the premises shall ensure that the premises is used exclusively for hairdressing and cosmetology/beauty services; Provided that other trades which, in the opinion of the Environmental Health Practitioner, may be carried on jointly with hairdressing and cosmetology/beauty services, may be plied in the same premises, provided that the prior written permission of the municipality has been obtained, in writing, and that such trade will not create a health hazard.
- 5.2 Should beverages for customers be prepared on the premises a separate approved area shall be provided for this purpose. Such area shall be equipped with a facility which has potable water laid on over it for the cleaning of crockery and utensils unless disposable items are used.

**Health certificate**

- 6.
- 6.1 A trader wishing to obtain a health certificate in respect of such premises shall apply in writing to the Municipality.
- 6.2 Upon receipt of an application referred to in subsection 6.1, the Municipality shall without delay refer the application to the municipal Health Services Department (Environmental Health) for consideration.
- 6.3 An Environmental Health Practitioner shall visit the premises for inspection for compliance. The Environmental Health Practitioner may in considering such an application, request such further information as he may deem necessary or expedient from the applicant or from any other person.
- 6.4 A health certificate for the operation of a salon will be issued and administered by the Municipal Health Services department.
- 6.5 No trader (formal or informal) shall render a service in the industry if :
  - 6.5.1 not in possession of a valid health certificate which has been issued in his name for the specific premises for a specified period of time;
  - 6.5.2 in contravention of any restriction or condition or stipulation contained in such health certificate.
- 6.6 The Municipality may charge a fee for the issue of the health certificate according to the Tariff By-Law.

- 6.7 An Environmental Health Practitioner will have the power to inspect the premises of any trader at any given time to see whether the trader has maintained the health standards under which he was initially issued with the health certificate.
- 6.8 Any person who contravenes any provision of this Chapter or fails to comply therewith shall be guilty of an offence and liable to a penalty.
- 6.9 An Environmental Health Practitioner may suspend the health certificate which has been issued to a trader with immediate effect, if the salon services provided on that premises is deemed in the discretion of such Environmental Health Practitioner, to pose a health hazard.
- 6.10 Any trader whose health certificate has been suspended for a specific premises may appeal to the Municipal Health Services for the review of the suspension. The trader will then be given one month from the date of the appeal to prove his compliance with the requirements of the health certificate.
- 6.11 If the trader disposes of the business to another person, the trader shall inform the Municipal Health Services department in writing of such disposal within 30 days after the date thereof and Environmental Health Practitioner shall, subject to the provision of sub-Section 6.1 to 6.5 issue a new health certificate in the name of the new trader.

**Minimum health standards for the operation of a salon**

- 7. In addition to the provisions of Section 4 :
  - 7.1 7.1.1 the following instruments which are used in the industry shall be disinfected, as approved by the Municipal Health Services Department (Environmental Health), after each use. They include but are not limited to: razors, blades, nail files, scissors, clippers, hairbrushes, combs, bristle brushes, metal clips and rollers;
  - 7.1.2 the following items or instruments, which are used in the industry, shall be sterilized, as approved by the Inspector, after each use. They include but are not limited to : those instruments which are used for body piercing and tattooing and other instruments which should be disinfected but have come in contact with blood or any other body fluid;
- 7.2 All plastic aprons and cloth towels shall be washed and cleaned after each use.
- 7.3 Disposable gloves or other disposal materials shall not be reused and shall be disposed of accordingly after each use.
- 7.4 All plastic and cloth aprons and caps shall be washed and cleaned daily.
- 7.5 Any person rendering a service shall wash his or her hands with soap and water and/or disinfectant before and after rendering a service to each client.
- 7.6 A person rendering one of the following salon services to a client shall always wear disposable gloves: any chemical service, any implantations, body piercing and tattooing.
- 7.7 Walls and floors referred to in sub-Section 2.6, chairs and other surfaces found in the premises shall be washed and cleaned at least once a day with a disinfectant or household detergent.
- 7.8 Waste water, sharp instruments, bloodied and otherwise contaminated towels and toweling paper shall be disposed of or treated in a responsible manner which is approved by the municipality.
- 7.9 Razors, blades, needles and other sharp instruments shall be stored separately in a "Sharp Instrument" box and disposed of by special arrangements which need to be approved by the municipality.

- 7.10 Any injury or wounds, which may occur within the establishment, shall be adequately treated. A sharp or needle prick policy/procedure \*\*\*\*\*
- 7.11 A trader or person in charge shall ensure that personnel injured among others by used sharps or needles are referred for immediate medical attention.
- 7.12 A trader or "person in control" shall wash, clean and disinfect all surfaces and sterilize all instruments, which have become contaminated with blood after each treatment or service.
- 7.13 A trader shall provide an adequate First Aid kit approved on the premises at all times.

**ANNEXURE A**

**[MUNICIPAL HEALTH SERVICES BY-LAWS, CHAPTER 6, SECTION 6.1]**

**APPLICATION FOR A HEALTH CERTIFICATE FOR THE HAIRDRESSERS, BEAUTY AND COSMETOLOGY SERVICES**

Mark with a

☒ X

☐ Hairdressing

☐ Waxing

☐ Manicures & Pedicures

☐ Gel Nails

☐ Electrolysis

☐ Massages

☐ Tattooing

☐ Slimming

☐ Facials

☐ Sun Bed

☐ Other \_\_\_\_\_

Application is hereby made to use the premises in respect of which the particulars are as follows, for the above-mentioned purposes:

Name of Business: \_\_\_\_\_

Full name of Applicant: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Postal Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Stand Number: \_\_\_\_\_

Street Address: \_\_\_\_\_

Telephone/Cell Number: \_\_\_\_\_

I/we accept the responsibility for the upkeep of my/our business in accordance with the provisions of Chapter 6 of the Municipal Health Services By-laws and acknowledge that in the event of my/our failure to effect such compliance, this health certificate may be cancelled in terms of Section 6 of the said Chapter.

Date of Application: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

## ANNEXURE B

## [MUNICIPAL HEALTH SERVICES BY-LAWS, CHAPTER 6, SECTION 6.4]

## WEST RAND DISTRICT MUNICIPALITY

## ENVIRONMENTAL HEALTH SECTION

**HEALTH CERTIFICATE FOR THE HAIRDRESSERS, BEAUTY AND COSMETOLOGY SERVICES (Valid for a period of twelve months from the date of issue)**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of business and stand no.: \_\_\_\_\_

The inspection at the above-mentioned premises revealed that the premises complies with the provisions in terms of the Municipal Health Services By-laws for your business as from \_\_\_\_\_ to \_\_\_\_\_.

Health Certificate Number: \_\_\_\_\_

Restrictions, conditions or stipulations (if any): \_\_\_\_\_

Endorsements/Exemptions (if any): \_\_\_\_\_

\_\_\_\_\_  
Signature of Environmental Health Practitioner



## CHAPTER 7

### PRIVATE AMENITIES

#### INDEX

Section:

1. Definitions
2. Application of this Chapter
3. Health Certificate
4. Living quarters
5. Health hazards
6. Conditions with which a caravan park or camping ground shall comply
7. Buildings and structures
8. Electricity
9. Effluent
10. Refuse containers
11. Communicable diseases
12. Permanent dwelling structures (chalets)
13. Swimming pools and spa-baths
14. Fire fighting
15. Overcrowding
16. General health matters
17. Duties of the person in control of a private amenity
18. Exemptions
19. Fees

Annexure A: Application for a health certificate

Annexure B: Health certificate for private amenities

#### Definitions

1. In this Chapter, unless it appears otherwise from the context :

"camping" means the erection of a tent and/or use of any similar temporary structure for purposes of sleeping and/or dwelling on a temporary basis for recreational purposes;

"camping ground" means a portion of land constituting a private amenity which may be used for camping;

"caravan" means a vehicle whether motorized or towable having no other foundations than wheels or jacks and which is used for the accommodation of one or more persons but excluding a so-called park home or other similar structure or vehicle which is not permitted to travel on a public road without a special permit.

"caravan park" means a portion of land constituting a private amenity on which provision is made for the parking of two or more caravans;

"holiday resort" means a portion of land constituting a private amenity, where persons for recreational purposes may reside whether in houses, caravans, tents or other temporary structures and/or may utilize amenities provided for purposes of picnicking and/or casual sports activities;

"effluent" means liquid or solid waste;

"laundry room" means a room in a permanent structure or a separate permanent structure in a private amenity which is utilized solely for the purpose of the washing and ironing of laundry therein;

"notice" means a clear and legible official notice drawn up by a Municipality in one or more official languages and displayed by order of the Municipality at every entrance to or at a conspicuous place

at or on a private amenity and on which the Municipality shall make known provisions and directions adopted by it in terms of a By-Law;

"private amenities" means –

- (i) any land used as a caravan park, a camping site, a holiday resort, a recreation site, a nature reserve, a zoological botanical or other garden, a park or hiking trail, including any portion thereof or combination thereof and any facility or apparatus therein or thereon, but excluding any public road or street;
- (ii) any building, structure, hall, room or office erected on such land or any part thereof and any facility or apparatus therein;

which is the property of, or is possessed, controlled or leased by a private person, natural or juristic, or group of persons, to which the general public is permitted access whether on the payment of admission fees or not, primarily for the purpose of recreation (including sports activities) and every element included in the definition of a private amenity shall be accorded its ordinary meaning provided that, where applicable, if an element is defined in any other By-Law such definition shall be applied in this Chapter;

"scullery" means a room in a permanent structure or a separate permanent structure in a private amenity which is utilized solely for the purpose of the washing and/or cleaning of crockery, cutlery and cooking utensils;

"stand" means a portion of land in a private amenity which has been demarcated, equipped and is intended for use as :

- (i) a parking area for one caravan and its appurtenances and one motor vehicle; or
- (ii) an area where one tent or similar temporary structure may be erected and "site" shall have the same meaning.

and "stands" shall have the same meaning.

"water" means water that complies with SANS:241 and is in accordance with the standards set out in Chapter 5 of this by-laws.

#### **Application of this Chapter**

- 2. The provisions of this Chapter shall only apply to a private amenity and not to land owned by the State or the Municipality except where such land is by agreement with the State or the Municipality controlled by a private person, whether natural or juristic, or by a group of persons.

#### **Health certificate**

- 3.
  - 3.1 Subject to the provisions of subsection (2) no person shall operate a private amenity –
    - 3.1.1 on a premises in respect of which a valid health certificate has not been issued or is not in force;
    - 3.1.2 in contravention of any restriction or condition or stipulation contained in such health certificate.
  - 3.2. The person in charge of any public amenity wishing to obtain a health certificate in respect of such premises shall apply therefor in writing to the Municipality in whose area of jurisdiction the premises are situated on a form containing at least the particulars that are substantially the same as those contained in the form in Annexure A to this Chapter.
  - 3.3 An Environmental Health Practitioner may, in considering such application, request further information as he or she may deem necessary or expedient from the applicant or from any other person.

- 3.4 If any Environmental Health Practitioner, after having carried out an inspection, is satisfied that the premises concerned, do in all respect comply with the relevant applicable provisions of these By-laws, the Municipality shall issue a health certificate in the name of the applicant on a form that is substantially the same as the form in Annexure B of this Chapter.
- 3.5 A health certificate –
  - 3.5.1 shall not be transferable from one person to another person and from one premises to another premises;
  - 3.5.2 may at any time be endorsed by the municipality by –
    - (i) the addition of any further restriction/s that may be necessary to prevent a health hazard in terms of Section 5 or a danger to the public of these By-laws and;
    - (ii) the removal of any restriction(s).
- 3.6 No person shall make any unauthorized changes to or forge a health certificate.
- 3.7 A health certificate shall be valid for a period of twelve months from date of issue.

#### **Living quarters**

4.
  - 4.1 Living quarters for persons employed on the private amenity must be acceptable, habitable and provided with basic amenities, in line with relevant legislation.
  - 4.2 Such living quarters must provide adequate privacy.

#### **Health Hazards**

5.
  - 5.1 Should circumstances in a private amenity or part thereof be of such a nature that in the opinion of an Environmental Health Practitioner it constitute a health hazard the Environmental Health Practitioner may issue an order in writing to the person in control:
    - 5.1.1 to rectify the matter within a prescribed period; and
    - 5.1.2 direct that no person may reside on or visit the private amenity or a defined area thereof pending rectification of the circumstances giving rise to an health hazard to the satisfaction of the Environmental Health Practitioner.
    - 5.1.3 failure to comply with a compliance order pertaining to a defined area shall render the owner or entity to a fine or imprisonment.
  - 5.2
    - 5.2.1 should the circumstances in a private amenity constituting a health hazard not be rectified within the period specified in a compliance order issued in terms of 5.1 the health certificate issued by the Municipality shall be withdrawn and the municipality shall inform the certificate holder in writing to the effect.
    - 5.2.2 should the health certificate issued by the municipality be withdrawn the person in control shall be required to apply afresh for a new health certificate in the manner prescribed by the municipality and to comply with all the reasonable requirements of the Municipality for the grant of such health certificate.
  - 5.3 where a health certificate has been withdrawn, the person in charge may appeal in writing within 14 working days from the date of the withdrawal of the health certificate to the municipality.
  - 5.3.1 the municipality will review the withdrawal using the information at its disposal and may also require additional information from relevant sources and will respond in writing within 14 working days.

#### **Conditions with which a caravan park or camping ground shall comply**

6.
  - 6.1 A stand:
    - 6.1.1 shall have an area of not less than 120 square metres;

- 6.1.2 shall have a width of not less than 10 metres;
- 6.1.3 shall be clearly demarcated;
- 6.1.4 shall be located not less than 10 metres from an ablution building and/or any recreational facilities;
- 6.2 Driveways shall :
  - 6.2.1 be at least 4 metres wide;
  - 6.2.2 provide adequate access to each stand.
- 6.3 Open areas:

Open areas for general recreational purposes must be provided in the ratio of at least 50 square metres per stand and must be available within easy reach of a stand and be located on ground which is not marshy, excessively stony or steep.
- 6.4 Pedestrian pathways

Passable pedestrian pathways with a suitable surface shall be provided to give safe access to all facilities in the private amenity and must not cross stands.
- 6.5 Water
  - 6.5.1 at least 400 litres of water per stand shall be provided from pillar taps providing at least 15 litres of water per minute;
  - 6.5.2 pillar taps shall:
    - (i) be located not more than 20 metres from a stand to which water must be supplied;
    - (ii) be provided with a concrete apron with an area of at least 1 square metre having a kerbing of at least 75 mm in height or with some other method approved by the municipality for safely draining spilt water; and
    - (iii) not serve more than 4 stands.
- 6.6 Latrine facilities
  - 6.6.1 where stands have no latrine facilities or water closets separate latrine facilities shall be provided for males and females in the ratio of at least one flush latrine per 25 residents or part thereof with a minimum of two flush latrines per sex provided that a urinal may be substituted for every fourth flush latrine for males;
  - 6.6.2 every flush latrine for females shall be provided with a sanitary container(bin) with a foot operated self-closing tight fitting lid which container shall be emptied and cleaned daily.
- 6.7 Disposal points for chemical latrines

A private amenity which uses chemical latrines for stands shall have at least one disposal point or shall take such measures for the proper disposal of the contents to the satisfaction of the municipality.
- 6.8 Ablution facilities
  - 6.8.1 separate ablution facilities shall be provided for males and females in the ratio of at least:
    - (i) one washbasin per 25 residents or part thereof with a minimum of 2 washbasins per sex in the immediate vicinity of the flush latrines;
    - (ii) one bath per 20 females or part thereof and one bath per 30 males or part thereof with a minimum of 2 baths per sex; and
    - (iii) one shower per 30 females or part thereof and one shower per 30 males or part thereof with a minimum of two showers per sex.
  - 6.8.2 each bathroom and shower cubicle shall be provided with:

- (i) hot and cold water; and
  - (ii) two wall hooks, a towel rail or ring, a bench and built in soap dish.
- 6.8.3 where a stand has latrine and ablution facilities for the exclusive use of the residents of that stand such facilities shall consist of at least one flush latrine, one washbasin and one bath or shower.

## 6.9 Scullery

A scullery shall :

- 6.9.1 be under a roof with a concrete floor;
- 6.9.2 be fitted with a sink unit and a double draining board for every fifty residents or part thereof with a minimum of two such units;
- 6.9.3 be provided with hot and cold water to each sink unit.

## 6.10 Laundry room

A laundry room shall have :

- 6.10.1 one laundry tub for every 100 residents or part thereof with a minimum of 2 such tubs, each tub to be provided with hot and cold running water, provided that an electric washing machine may be substituted for every second laundry tub;
- 6.10.2 one ironing board or table for every 100 residents or part thereof;
- 6.10.3 a power point at every ironing board or table if electricity is available;
- 6.10.4 clothes lines with a length of 5 metres for each stand or site, provided that a 3 kg tumble drier for every 100 residents or part thereof may be substituted for half of the clothes lines.

- 6.11 All waste water shall be disposed of such that it does not cause a nuisance.

## 7. Buildings and structures

- 7.1 Buildings and structures on a private amenity must conform to the requirements of the National Building Act.
- 7.2 The interior surfaces of walls for flush latrines, bathrooms, showers, washbasins, sculleries and laundry rooms shall have smooth finishes which are waterproof and washable.
- 7.3 All internal floor surfaces must consist of durable and waterproof materials having a smooth non slip surface.

## 8. Electricity

If electricity is provided, junctions :

- 8.1 Shall be waterproof.
- 8.2 Be situated not further than 20 metres from each stand.
- 8.3 Produce at least 15 amps.
- 8.4 Be supplied with a separate trip switch.
- 8.5 Be supplied with an earth leakage unit; and
- 8.6 Comply with the conditions of SANS code of Practice 0142 and SANS specification 1239 or any amendment thereof or substitution therefor.

**Effluent**

9. If the sewerage disposal system on a private amenity is not connected or capable of connection to the municipal sewerage disposal system then an efficient and adequate sewerage disposal system shall be installed to the satisfaction of the Municipality.

**Refuse containers**

10.  
10.1 A close fitting, movable refuse container shall be provided by the owner:  
10.1.1 at least one container per stand; and  
10.1.2 in each scullery.  
10.2 Such refuse containers shall be emptied and cleaned at least once a day.

**Risk notification**

11. If a private amenity is situated in an area in which there is an inherent risk such as bilharzia, notices shall be displayed in conspicuous places in order to draw the attention of residents and visitors to the risks.

**12 Permanent dwelling structures (chalets)**

Permanent self catering dwelling structures (chalets) which are located on a private amenity, must comply with the following requirements:

- 12.1 Each chalet must be equipped with cooling, cooking and dishwashing facilities as prescribed by the Municipality.  
12.2 Water must be supplied to each chalet at the rate of 200 litres per person per day based upon the maximum number of persons to be accommodated in the chalet at any given time as well as a reserve of at least double the abovementioned volume per day.  
12.3 Each chalet must be provided with adequate sanitation and bathing facilities as prescribed by the Municipality.  
12.4 Where cutlery and crockery is provided in a chalet it must be stored in hygienic facilities.  
12.5 A braai facility must be provided for each chalet.  
12.6 Parking must be provided for at least one vehicle at each chalet.  
12.7 The requirements of Chapter 15 relating to accommodation establishments shall apply as the case may be to the chalets on a private amenity.

**13. Swimming-pools and spa-baths**

Where a swimming-pool and/or spa-bath is provided on a private amenity the person in control shall ensure that such swimming-pool and/or spa-bath complies with the requirements of Chapter 9 of these By-Laws.

**Fire fighting**

14. Adequate fire fighting equipment must be provided on the private amenity in compliance with the requirements of the Municipality or any other authority having jurisdiction in respect of the provision of such equipment.

**Overcrowding**

15. There may at no stage be more residents (including one day visitors) on a private amenity than the number determined according to the under-mentioned formula:

Number of residents =  $(A \times B) + C$

where A = the number of stands and/or chalets

B = the average number of residents per stand or chalet

C = 10% of  $(A + B)$  (number of one day visitors visiting the private amenity for 24 hours or less).

**16. General health matters**

The provisions of the other Chapters of these Health By-Laws shall apply as the case may be to the private amenity.

**17. Duties of the person in control of a private amenity**

The person in control of a private amenity shall ensure that :

- 17.1 The private amenity as well as all facilities therein and thereon are maintained in a clean, neat and hygienic state.
- 17.2 All stands, sites, open areas and facilities are cleaned at least once daily before 10h00.
- 17.3 All public ablution facilities must be cleaned at least twice daily before 08h00 and again at 17h00.
- 17.4 The employees at the private amenity are trained in the use of first aid and fire fighting equipment.

**18. Exemptions**

- 18.1 The Municipality acting through an Inspector may, in writing, grant exemption from compliance with one or more of the Sections contained in this Chapter if, in the opinion of the Environmental Health Practitioner, such non-compliance does not or will not create a health hazard or nuisance.
- 18.2 Such an exemption shall be subject to the conditions stated in the health certificate and be valid for the period determined therein by the Inspector.

**Fees**

19. A fee determined in terms of the General Tariffs By-Law shall be levied by the Municipality for a health certificate issued in terms of Section 3.2.

**Annexure A**  
**[Municipal Health Services By-laws, Chapter 7, Private Amenities, Section 3.2]**

**WEST RAND DISTRICT MUNICIPALITY**

**APPLICATION FOR A HEALTH CERTIFICATE IN RESPECT OF  
A PRIVATE AMENITY**

Mark with a ☒ X

☐ Camping Site

☐ Nature Reserve

☐ Caravan Park

☐ Zoological/Botanical Gardens

☐ Holiday Resort

☐ Park

☐ Recreation Site

☐ Hiking Trail

☐ Other

Application is hereby made to use the premises in respect of which the particulars are as follows,  
for the above-mentioned purposes:

Name of Private Amenity: \_\_\_\_\_

Full name of Applicant/Company: \_\_\_\_\_

Identity Number/CC/Co. No.: \_\_\_\_\_

Postal Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Stand/Portion Number: \_\_\_\_\_

Street Address: \_\_\_\_\_

Telephone/Cell Number: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_



**Annexure B**  
**[Municipal Health Services By-laws, Chapter 7, Private Amenities, Sections 6-16]**

**WEST RAND DISTRICT MUNICIPALITY**

**HEALTH CERTIFICATE FOR PRIVATE AMENITIES**

(this certificate shall be valid for a period of twelve months from date of issue)

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
 Name of business (private amenity) and stand no.: \_\_\_\_\_

The inspection at the above-mentioned premises revealed that the premises complies with the provisions in terms of the Municipal Health Services By-laws for private amenities from \_\_\_\_\_ 200\_\_.

Health Certificate No.: \_\_\_\_\_

Restriction, conditions or stipulations (if any): \_\_\_\_\_

\_\_\_\_\_  
 Signature of Environmental Health Practitioner

Endorsements/Exemptions (if any): \_\_\_\_\_

## CHAPTER 8

### OFFENSIVE TRADES

#### INDEX

Section:

1. Definitions
2. Permit required to carry on a offensive trade (scheduled trade)
3. Furnishing of information on application for registration
4. Registration
5. Exemptions
6. Requirements for premises
7. Duties of offensive traders
8. Liquid refuse from bone and tripe boiling
9. Liquids, tanks and tubs in leather making
10. Storage of rags, bones and waste
11. Change of activity
12. Other requirements
13. Fees

Code of Practice for Odour Prevention

Annexure A: List of offensive trades

Annexure B: Application for registration in respect of an offensive trade

Annexure C: Permit for an offensive trade

#### 1. Definitions

In this Chapter, unless the context otherwise indicates –

"code" means the Code of Practice for Odour Prevention;

"effluent" means any liquid waste 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 any business trade, occupation or activity referred to in Annexure A of this Chapter;

"offensive trader" means any person who owns, conducts or carries on an offensive trade;

#### 2. Permit required to carry on an offensive trade (scheduled trade)

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

#### 3. Furnishing of information on application for registration

- 3.1 A person seeking registration of offensive trade premises shall apply to the Municipality for registration of such premises to obtain a permit and shall furnish particulars of –
  - 3.1.1 the nature of the activity which will be conducted;
  - 3.1.2 the plant, works and buildings to be erected or used in connection with such activity, including the number, content and type of any boilers, digesters, driers or other apparatus or installations which will be used for the purpose of conducting such activity;
  - 3.1.3 the location and size of the premises;
  - 3.1.4 the nature and quantity of the processes and raw material which will be used and of the products and by-products which will be produced in conducting such activity;

- 3.1.5 any condition and anything that is likely to lead to the existence of a nuisance or a substantial risk of a nuisance arising in conducting such activity;
  - 3.1.6 the measures to be taken for preventing any such nuisance or risk; and
  - 3.1.7 the nature, quantity and/or volume of all waste material that will be generated or handled on the premises.
- 3.2 The Municipality may in writing request any person who has furnished information as referred to in subsection 3.1 to provide further or more detailed information in connection with any particulars, and the person concerned shall furnish the Municipality with such information.

#### 4. Registration

- 4.1 The municipality may, after considering any objection lodged and if satisfied that no danger to health or no nuisance is likely to be caused by conducting the activity in question on the premises concerned, register the premises (issuing a permit) subject to such conditions as it may determine.
- 4.2 The municipality may –
- 4.2.1 grant an application for registration on condition that the premises shall, before they are registered, comply with any requirement stipulated by the Municipality and made known in writing to the applicant; or
  - 4.2.2 register the premises subject to a specified condition which the premises shall meet within a set period.
- 4.3 Such registration may be for an indefinite or specified period and, in the latter, may be renewed from time to time on application.
- 4.4 Once the Inspector has granted or denied an application for registration of any premises it shall, as soon as is practicable –
- 4.4.1 furnish the applicant concerned with a permit; or
  - 4.4.2 notify the applicant concerned in writing of the reason(s) for its decision to decline the application.

#### Exemption

- 5.1 Any person may by means of a written application, in which the reasons are given in full, apply to the municipality for exemption from this Chapter.
- 5.2 The municipality may –
- 5.2.1 grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted shall be stipulated therein;
  - 5.2.2 if compliance with any provision of Sections 6, 7, 8, 9 and 10 would serve no useful purpose by reason of the small volume of the offensive trade (scheduled trade) concerned, or the small scale on which it will be carried on, the municipality may exempt in writing any person from compliance with any such provision.
  - 5.2.3 alter or cancel any exemption or condition in an exemption;
  - 5.2.4 refuse to grant an exemption.
- 5.3 An exemption shall not take effect before the applicant has undertaken in writing to comply with all the conditions imposed by the municipality under subsection 2; provided that if activities are commenced before such undertaking has been submitted to the Municipality, the exemption shall lapse.
- 5.4 If any condition of an exemption is not complied with, the exemption shall lapse forthwith.

**6. Requirements for premises**

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

- 6.1 The floors of the premises are constructed of cement, concrete or a similar impervious material, brought to a smooth finish.
- 6.2 The floors of the premises are adequately graded and drained for the disposal of effluent to an approved disposal system.
- 6.3 The inside walls, except where glazed or glass brick or glazed tile are used, are plastered, brought to a smooth finish and painted with a light-coloured, washable paint.
- 6.4 The surface of any backyard or open space is paved with concrete or similar impervious material, brought to a smooth finish.
- 6.5 The premises are provided with adequate light and ventilation as prescribed in the National Building Regulations and Building Standards Act.
- 6.6 An adequate supply of running potable water is provided.
- 6.7 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 from the premises.
- 6.8 Adequate means are provided for the disposal of all effluent arising from the manufacturing or other process performed on the premises.
- 6.9 Adequate accommodation is provided for the storage of all finished products, articles or material which are used in the manufacturing or other processes and which may –
  - 6.9.1 discharge offensive or injurious effluent or liquid; or
  - 6.9.2 decompose in the course of the work or trade.
- 6.10 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 or grinding process or storage of material.
- 6.11 Adequate sanitary fixtures are provided as prescribed in the National Building Regulations and Building Standards Act.
- 6.12 A perimeter wall made of brick or some other impervious material, with a minimum height of 2 metres, is constructed around the premises.
- 6.13 All gates to the premises are of solid construction with a minimum height of 2 metres.
- 6.14 All perimeter walls and gates adequately screen activities on the premises from public view; and
- 6.15 All materials are stacked or stored on the premises below the height of the perimeter screening.
- 6.16 Adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing-
  - 6.16.1 an adequate metal locker for every employee;
  - 6.16.2 a wash-hand basin provided with a supply of running hot and cold potable water; and
  - 6.16.3 an adequate supply of soap and disposable towels at every wash-hand basin.

- 6.17 If no change-room has been provided in terms of paragraph 6.16 –
  - 6.17.1 a wash-hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
  - 6.17.2 an adequate metal locker must be provided for every employee in the work area.

**7. Duties of offensive traders**

Every offensive trader must –

- 7.1 Maintain the premises in a clean, hygienic and good condition at all times.
- 7.2 Maintain all walls and floors of the premises in a manner and condition that prevents the absorption of any waste or waste water.
- 7.3 Maintain all machinery, plant, apparatus, furniture, fittings, tools, implements, vessels, containers, receptacles and vehicles in a clean, hygienic and good condition at all times.
- 7.4 Prevent any waste accumulating on the premises.
- 7.5 Prevent the emission of noxious, injurious or offensive gases, fumes, vapours or dust generated during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of any material on the premises.
- 7.6 Take effective steps to combat rodents, flies, cockroaches and other insects.

**8. Liquid refuse from bone and offal boiling**

- 8.1 Every bone boiler and every offal boiler must adequately cool all waste water before it is discharged into any sewer or other receptacle.
- 8.2 The cooling process referred to in subsection 8.1 must take place in a manner that prevents the generation of any noxious and injurious effluent.

**Liquids, tanks and tubs in leather making**

- 9. Every fell-monger, leather dresser or tanner must –
  - 9.1 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.
  - 9.2 Clean the entire tank or other receptacle every time it is emptied.
  - 9.3 Clean every tub or other receptacle used to contain a solution of the material known as “puer”.

**Storage of rags, bones and waste**

- 10. 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 –
  - 10.1 Inhabited by people, or
  - 10.2 Not adequately ventilated.

**11. Change of activity**

The provisions of Sections 2, 3 and 5 shall *mutatis mutandis* apply in respect of any –

- 11.1 Increase in the volume of the activity concerned or in the scale on which it is conducted.
- 11.2 Substantial change in the method of conducting the activity.
- 11.3 Extension, alteration or building used for the purpose of carrying on a scheduled trade.
- 11.4 Substantial alteration of the location on the premises where the different parts of processes of a scheduled trade are carried on.

**Other requirements**

- 12. The offensive traders have to comply with the requirements of the Building Standards Act, Town Planning consideration and applicable legislation, fire and emergency services legislation before a permit is issued by the municipality.

**Fees**

- 13. A fee determined in terms of the General Tariffs By-laws shall be levied by the Municipality for a permit issued in terms of Section 2.

## **CODE OF PRACTICE FOR ODOUR PREVENTION**

Considerable attention needs to be given to reducing as much as possible the odours which are produced within a plant in order that the odour abatement system is asked to deal with as little odour as possible. Expensive odour treatment plants cannot compensate for bad handling practice, poor building layout or inadequate processing design. The following indicates basic consideration in relation to these matters –

### **1. Handling and storage of raw material –**

- 1.1 material should be as fresh as possible;
- 1.2 storage areas enclosed and properly ventilated;
- 1.3 handling and transfers reduced to a minimum;
- 1.4 conveyors as short as possible and totally enclosed with proper provision for access for cleaning.

### **2. Building design –**

- 2.1 floors to be impervious, readily cleansed and resistant to heavy use;
  - 2.1 adequate floor drainage with bucket traps to remove solids
  - 2.2 walls to be finished with a hard, impervious material to at least 2 metres with coved joints between the wall and floor;
  - 2.3 all surfaces to be maintained in a satisfactory condition to facilitate ease of cleaning;
- roadways and yards to be properly paved and kept free from spillages;
- 2.4 plant to be installed so as to allow ease of cleaning to all parts of the plant and the building structure;
  - 2.5 ventilation systems to be designed so as to provide a positive pressure inside the buildings and to effectively isolate air from contaminated areas for treatment;
  - 2.6 air-locks should be provided at entrances to deal with entry into the factory by vehicles. Interlocks to be provided on both inner and outer doors;
  - 2.7 adequate lighting to be provided for production, maintenance and cleaning.

### **3. Plant design and maintenance –**

- 3.1 Equipment to be either totally enclosed or provided with exhaust ventilation at open points, particularly at points of discharge from cookers, etc.
- 3.2 Equipment to be so designed and installed as to facilitate easy cleaning.
- 3.3 Programmed maintenance systems are essential since breakdowns in odour abatement plant for example can lead to serious nuisance.
- 3.4 A sufficient stock of spares for essential equipment, including odour abatement plant needs to be kept at the factory and, whenever possible, skilled maintenance expertise should be constantly available.

**4. Cleaning Procedures**

- 4.1 There needs to be a system of regular programmed cleaning for both the building and the plant and equipment.
- 4.2 Any spillage should be immediately cleared.
- 4.3 Rodent and insect control need to be established on a programmed basis.

**5. Methods used for odour prevention are**

- 5.1 Absorption – usually by water but may be combined with a chemical reaction such as oxidation and neutralization by the use of, for example, hypo-chloride. Relatively low running costs and capable of removing odourants down to very low concentrations.
- 5.2 Adsorption – the material most often used is activated carbon. The odour molecules are not destroyed and the absorption bed has to be regenerated from time to time or replaced.
- 5.3 Incineration – oxidation at high temperatures. Tends to be expensive unless the gas contains enough combustible organics in the combustion stream to be self-sustaining or the heat can be used in a process or boiler furnace.
- 5.4 Catalytic Incineration – using a variety of supported noble metal catalysts. Pre-cleaning of the gas is important to prevent blocking the catalyst bed.
- 5.5 Ozone – used as an odour counteractant it makes an odour appear less unpleasant. It can also be used as an oxidizing agent.
- 5.6 Dispersion – the design of the stack and outlet position to ensure adequate dilution with air and reduce the concentration below threshold level at ground level.
- 5.7 Ventilation – ideally by a completely closed system.
- 5.8 Masking agents – organic compounds used to counteract malodours.



# ANNEXURE A

## [Municipal Health Services By-laws, Chapter 8, Section 2]

### LIST OF OFFENSIVE TRADES

1. Battery manufacturing, reconditioning or servicing
2. 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 or size making
3. Breweries, manufacturing malt or yeast
4. Brick burning, brick or tile manufacturing
5. Candle making
6. Cement works, coke-ovens or salt glazing works
7. Ceramic or glass works
8. Charcoal burning, lime burning or packing
9. Coal yards
10. Compost making
11. Dealer by retail in rags, bones, skins, fat, etc.
12. Dealer in hides, skins and fat
13. Dealer in blood
14. Dealer in animal fats and butchers waste
15. Dealer in or collector of beasts, sheep and animal hides, skin, carcasses, fat, blood, bones and offal
16. Dryer and packer of rabbit skins
17. Dresser of fur skins
18. Dresser of hides for making pickers
19. Distillers
20. Electroplating, enameling or galvanizing works
21. Fertilizer works
22. Glass-fibre manufacturing, storing, moulding or finishing
23. Manure making or storing or compost making
24. Mechanical engineering works
25. Oil boilers
26. 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 metals
27. Operating a waste recycling plant including oil and petroleum products
28. Paint or surface coating manufacturing
29. Panel beating
30. Plastic products works
31. Parchment making
32. Processes for the manufacture and rendering of organic matter of plant origin
33. Process for the manufacture and rendering of by-products of organic matter of animal, fish or bird origin
34. Pulp, paper or board manufacturing
35. Refining or processing of petrol, oil or their products
36. Sand- or shot-blasting
37. Sand winning
38. Scrap yard or scrap metal dealing
39. Shredding or teasing of coir, Hock or textiles
40. Sewage treatment, transport or disposal
41. Sintering of sulphurous materials
42. Spinning, weaving or braiding works
43. Spray-painting, coating or finishing
44. Skin drier
45. Timber products or furniture manufacturing or reconditioning
46. Vegetable oil extraction or processing

47. Works for the production of carbon bisulphide, cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, peridine, liquid or gaseous sulphur dioxide or sulphur chlorides
48. Works for the production of amyl acetate, aromatic ethers, butyric acid, caramel, enameled wire, glass, lexamine, lampblack, B-naphthol, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride or zinc oxide and
49. Yeast manufacturing as approved by the Municipality from time to time

**ANNEXURE B**

**[Municipal Health Services By-laws, Chapter 8, Offensive Trades, Section 3.1]**

**WEST RAND DISTRICT MUNICIPALITY**

**ENVIRONMENTAL HEALTH SECTION**

**APPLICATION FOR A PERMIT IN RESPECT OF AN OFFENSIVE TRADE**

Application is hereby made to use the premises in respect of which the particulars are as follows--

Name of offensive trade: \_\_\_\_\_

Full name of applicant: \_\_\_\_\_

Capacity: \_\_\_\_\_

Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Stand/Portion number: \_\_\_\_\_

Street address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone/cell number: \_\_\_\_\_

The attached particulars are furnished in respect of the activity concerned (particulars referred to in Section 3.1 or 3.2 read with 10, as the case may be).

Date of application: \_\_\_\_\_

Signature of applicant: \_\_\_\_\_

## ANNEXURE C

**[Municipal Health Services By-laws, Chapter 8, Offensive Trades, Section 4.1]****WEST RAND DISTRICT MUNICIPALITY****ENVIRONMENTAL HEALTH SECTION****PERMIT FOR AN OFFENSIVE TRADE**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of business (offensive trade) and street address or title deed description:

\_\_\_\_\_  
is hereby registered for the purpose of \_\_\_\_\_

(state whether commencing or changing activity, in precisely what way) the

activity of \_\_\_\_\_

(full description of activity)

The permit (registration) is subject to the following conditions (if any):

\_\_\_\_\_  
Permit (registration certificate) number: \_\_\_\_\_

Signature of Inspector (name of inspector and official designation):

\_\_\_\_\_  
Endorsements/exemptions (if any): \_\_\_\_\_\_\_\_\_\_  
Permit no.: \_\_\_\_\_

Environmental Health Practitioner: \_\_\_\_\_

Endorsements/exemption (if any): \_\_\_\_\_  
\_\_\_\_\_

## CHAPTER 9 SWIMMING POOLS AND SPA-BATHS

### INDEX

Section:

1. Definitions
2. Requirements 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. Application of swimming pool By-laws

#### 1. 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 purposes;

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

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

“swimming-pool” means a structure of concrete, steel or other material, provided with a controlled water supply, used by any number of persons for swimming or bathing purposes and includes a children’s swimming and paddling pool. For the purposes of these By-laws a tidal swimming-pool or a swimming-pool forming part of a residential accommodation which is not utilized for commercial purposes shall be excluded;

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

#### 2. Requirements for premises

- 2.1 Separate change rooms, shower and toilet facilities shall be provided for each sex within easy access of the spa-bath and swimming pool and shall be in accordance with the National Building Regulations and Building Standards Act, 1977.
- 2.2 A swimming pool shall be surrounded by an approved wall or fence as contemplated in the National Building Regulations and Building Standards Act, 1977.
- 2.3 The surface of the floor area surrounding the spa-bath or swimming pool shall be of an impervious, non-slip material.

- 2.4 A suitable chemical gas mask shall be provided at the chlorinator installation, and, if required by the authorized official, an oxygen or air breathing apparatus shall be provided.
- 2.5 An adequate number of refuse receptacles shall be provided on the premises.

**3. Duties of the spa-bath keeper**

- 3.1 The premises shall be kept in a safe, clean and sanitary condition and in good repair at all times.
- 3.2 An approved, fully equipped first-aid box, clearly designated, properly maintained and kept in a prominent, easily accessible and protected position shall be provided.
- 3.3 The spa-bath keeper shall ensure that the water is purified, treated and maintained to an acceptable quality at all times when the spa-bath is in use.
- 3.4 Equipment for testing the quality of the spa-bath water for pollution and for disinfection shall be provided and maintained in proper working order.
- 3.5 The spa-bath keeper shall be fully conversant with all routine tests to be carried out and the interpretation of the results thereof.
- 3.6 A daily operating record of the water quality shall be maintained.

**4. Duties of the swimming pool keeper**

- 4.1 The premises shall be kept in a safe, clean and sanitary condition at all times.
- 4.2 An approved, fully equipped first-aid box, life-saving equipment and resuscitation appliance, clearly designated, shall be provided, properly maintained and kept in a prominent, easily accessible and protected position.
- 4.3 The swimming pool keeper shall be qualified and proficient in life saving, rendering first aid, use of the resuscitation appliance, the operation of the swimming pool and testing and maintaining the safety of the water.
- 4.4 The swimming pool keeper shall ensure that the water is purified, treated and maintained to an acceptable quality at all times when the swimming pool is in use.
- 4.5 The swimming pool keeper shall provide and maintain in proper working order equipment for testing the quality of the swimming pool water for pollution and disinfection.
- 4.6 The swimming pool keeper shall be fully conversant with all routine tests to be carried out and the interpretation of the results thereof.
- 4.7 A daily operating record of the water quality shall be maintained.

**5. Water supply**

- 5.1 No water from a source other than water from the Municipality's supply, shall be used to clean, fill or maintain the level in a swimming pool or spa-bath unless the authorised official has issued a certificate to the swimming pool or spa-bath keeper, stating that such water is suitable for such use.
- 5.2 The authorized official shall 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 authorized in terms of Section 12 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

## **6. Safety of water**

- 6.1 The water shall be free from floating, suspended or settled debris or swimming organisms and the walls, floors, access ladders or steps and gutters shall be free from slime and algae.
- 6.2 The pH value of the water shall be not less than 7 and not greater than 8.
- 6.3 Where chlorine based disinfectants are used, a minimum free available chlorine residual of 0,5 mg// with a maximum free available chlorine residual of 3 mg// shall be maintained.
- 6.4 Where a disinfectant other than chlorine is used, the residual level shall be equivalent in effect to the requirements of subsection 6.3.
- 6.5 The total viable bacteriological count of any sample submitted for analysis in accordance with the acceptable methods shall not exceed 100 organisms per ml of water.
- 6.6 *Escherichia coli* type 1 bacteria shall not be present in any 100 ml of water.
- 6.7 Appropriate water quality testing equipment shall be available and maintained.

## **7. Prohibition on the use of a swimming pool or spa-bath**

- 7.1 Should the water in the swimming pool or spa-bath, when available for use, not comply with the provisions of Section 6, and should, in the opinion of the authorized official, the use of such swimming pool or spa-bath not be in the interest of public health, he may forthwith prohibit the use of such swimming pool or spa-bath.
- 7.2 A prohibition in terms of subsection 6.1 shall remain in force until written revocation thereof by the authorized official has been serviced upon the swimming pool or spa-bath keeper.

## **8. Right of entry**

The authorized official 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 the water as he may deem necessary for chemical or bacteriological examination or analysis.

## **9. Order and behaviour**

No person may-

- 9.1 interfere with the spa-bath keeper, swimming pool keeper or any authorized official in the execution of their duties;
- 9.2 allow any animal including pets belonging to him or under his care to enter or to remain within the premises;
- 9.3 use any premises where he or she knows or suspects that he or she may be suffering from any communicable or contagious disease.

**CHAPTER 10**  
**CHILD-CARE SERVICES**

**INDEX**

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**Definitions**

1. In this Chapter:

"approved" means approved by the municipality having taken into consideration reasonable environmental health requirements and the best practicable method of the particular case, or to the physical and mental health of children, as the case may be;

"after school care" means a place or activity where school-going children receive care in the afternoons during school terms and full day during normal school holidays, totally separate during the time at such centre from all pre-school children as contemplated in terms of Section 7(1) of this Chapter;

"after school centre" means a place that functions in the afternoon during school terms and is intended for school children and may, however, also provide full-day care for school children during school holidays if the health certificate provides for this;

"baby" means a child of 0-2 years and/or a child who is still bottle-fed or who wears napkins;

"best practicable method" means a method to determine adequate, approved and suitable areas or conditions by considering the basic criteria of material used, size of areas, site of the premises, geographical area, surrounding area, number of children, health and safety of children and in the best interest of the child;

"child" means any child under the age of 18 years;



"child-care service" means any undertaking or institution or facility involving the custody, care or tuition or any combination of these functions, during any time in a 24 hour cycle on all or any days of the week on any premises or at any place of any number of children whether for gain or free of charge as the case may be;

"child-care official" means the official appointed by the Municipality or by a state organ as child-care officer, for the monitoring of this legislation except for Section 3 and 5(3)(11) of this Chapter;

"child-minder or day mother" means a person who, whether motivated by profit seeking or otherwise, takes care of a maximum of six (6) children apart from their parents;

"health certificate" means a certificate issued in terms of Section 3;

"health certificate holder" means a natural or legal person or a partnership or association of persons, to whom a health certificate has been issued in terms of Section 3;

"play group" means a place of care that takes care of children from three (3) years of age to pre-school age for a period not exceeding four (4) hours per day;

"premises" means any land, building, structure or vehicle or part thereof in or upon which child-care services operate;

"pre-school child" means any child under the school-going age;

"water" means water that is fit for human consumption and which complies with the SANS 241 code for drinking water.

## **2. Application of this Chapter**

- 2.1 This Chapter shall apply to all child-care services and child-minder services within the jurisdiction of the municipality.
- 2.2 Subject to the provisions of this chapter, no person shall conduct a child-care service or a child-minder service unless it has been registered as contemplated in section 3 of this chapter and such service is in possession of a valid certificate in terms of that section.
- 2.3 A person who is, at the date of the commencement of these by-laws, conducts a child-care or a child-minder services shall, within one month of that date or such extended period as the municipality may allow, on written application made prior to the expiry of the said period apply for registration of such service in terms of section 3 of this chapter. If such person conducting such service fails to apply as aforesaid or his application is refused, he shall, if he continues to conduct such service after such period or after refusal of his application, be deemed to have contravened section 2.2 of this chapter.
- 2.4 A person whose service has been registered in terms of section 3 of this chapter shall ensure that the service and the premises comply with the conditions and restrictions imposed upon the operation of the service.

## **3 Health certificate**

- 3.1 No person shall conduct a child-care service or be permitted to care for children:
  - 3.1.1 on a premises in respect of which a valid health certificate has not been issued or is not in force;
  - 3.1.2 in contravention of any restriction or condition or stipulation contained in such health certificate;
  - 3.1.3 if not in compliance with the requirements of the relevant Town Planning Scheme for Consent Use;
- 3.2 The person in charge of any child-care service wishing to obtain a health certificate in respect of such premises shall apply therefor in writing to the Municipality in whose area of

jurisdiction the premises are situated on a form containing at least the particulars that are substantially the same as those contained in the form in Annexure A to this Chapter.

- 3.3 An municipality may, in considering such application, request further information as it may deem necessary or expedient from the applicant or from any other person.
- 3.4 If an authorized official, after having carried out an inspection, is satisfied that the premises concerned, do in all respects comply with all the requirements of this Chapter as well as with the requirements of the relevant Town Planning Scheme, the Municipality shall issue a health certificate in the name of the person in charge on a form that is substantially the same as the form in Annexure B of this Chapter.
- 3.5 If the person in charge of a child-care facility or service is replaced by another person, such person shall inform the Municipality in writing of such replacement within 30 days of the date thereof, subject to the provisions of Section 4.2, the municipality shall then issue a new health certificate in the name of the new person in charge.
- 3.6 A health certificate:-
- 3.6.1 shall not be transferable from one person to another person and from one premises to another premises;
  - 3.6.2 shall be valid only in respect of child-care set out in the application for a health certificate or provisional health certificate;
  - 3.6.3 shall state the number and both minimum and maximum ages of the children permitted to be cared for on such premises and the hours during which such child-care service may operate;
  - 3.6.4 may at any time be endorsed by the authorized official by :
    - (i) the addition of any further restriction that may be necessary to prevent a health hazard or danger to a child; and
    - (ii) the removal of any restriction.
  - 3.6.5 shall expire temporarily for the period during which a prohibition under Section 4(2) is in effect;
  - 3.6.6 shall expire permanently if a prohibition referred to in Section 4(2) is not removed within a stipulated period which shall not exceed two months from the date on which a notice was issued in terms of Section 4(2);
  - 3.6.7 shall expire permanently if the provisions of Section 3(5) are not complied with
  - 3.6.8 shall be renewed annually.
- 3.7 No person shall make any unauthorized changes to or forge a health certificate.

#### **4. Prohibition on child-care**

- 4.1 No person shall care for children in a manner contrary to the provisions of this Chapter.
- 4.2 If an Inspector following an inspection of a child-care service or facility is of the opinion:
- 4.2.1 that such child-care service or facility :
    - (i) are or is in such condition or used in such a manner; or
    - (ii) do or does not comply with this Chapter to the extent; or
  - 4.2.2 that a particular activity with regard to the care of children takes place in such a manner; or
  - 4.2.3 that such circumstance exist with regard to the child-care facility or service or any other activity; that they constitute a health hazard or a hazard to the safety of children and that the continued use of the child-care service or facility or the activity should be prohibited, the authorized official shall summarily prohibit the use of the child-care service or facility or any of the activities that relate to the care for children by serving a notice in terms of subsection 7.1 on the person in charge or if he or she is not available, his or her representative informing such person of the prohibition.
- 4.3 A notice referred to in subsection 4.2 shall contain at least the following particulars:
- 4.3.1 the reason(s) for prohibition;

- 4.3.2 a statement that the prohibition will in writing be removed by an authorized official as soon as the reason(s) for the prohibition has (have) been removed and provided the authorized official is satisfied that the reason(s) for the prohibition is (are) likely to recur.
- 4.4
- 4.4.1 a prohibition shall come into operation from the time at and the date on which a notice is served under subsection 4.2;
- 4.4.2 no person shall perform any act that is contrary to such prohibition.
- 4.5 An authorized official shall, within 72 hours of receiving a request for the removal of a prohibition, carry out an investigation of the child-care facility or service, activity or circumstance which gave rise to the prohibition and the Inspector shall upon completion of such investigation in writing inform the person on whom the prohibition notice 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.
- 4.6 The Municipality may levy an inspection fee on the person in charge for each investigation carried out by an authorized official in terms of subsection 4.5.
- 4.7
- 4.7.1 Whenever any notice, order or other document under this Chapter is required to be served:
- (i) 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 if it is left thereat with him personally or with some adult inmate thereof;
  - (ii) on an owner or occupier of any premises and the address of such owner or occupier is unknown, it shall be deemed to be duly and sufficiently served if it is delivered at the centre.
- 4.7.2 It shall not be necessary in any notice, order or other documentation given under these regulations to an owner or occupier of land or premises to name him or her, if the notice, order or document describes him or her as the owner or occupier of the land or premises in question.
5. **Requirements for premises**
- 5.1 No person shall care for children elsewhere than on or in a premises that meets the requirements of this Chapter.
- 5.2 Child-care facility or service shall be of such location, design, construction and finish and shall be so equipped, in such condition that it can be used at all times for the purpose of which it was designed, equipped and appointed:
- 5.2.1 without creating a health hazard; and
- 5.2.2 in such manner that children :
- (i) can be cared for hygienically thereon, and
  - (ii) can be effectively protected by the best practical methods against all elements, heat, vapours, odours, smoke, dust, moisture, cold, insect or any other physical, chemical, biological dangers or pollution, any substance or thing that is dangerous to the child, or any other agent or substance whatsoever, to the best interest of the child.
- 5.3 In respect of child-care for children under compulsory school-going age, the following accommodation and facilities shall be provided for the purposes of subsection 5.2:
- 5.3.1 indoor play area:
- (i) all buildings or structure(s) used as an indoor play area of a child-care service or facility shall be constructed of approved material(s) in an approved manner taking into consideration construction and erection, cross ventilation and lighting, thermal protection, health and safety of the child and best practical method;

- (ii) the floor must have a smooth surface which is easily washable and which prevent the permeation of dampness;
  - (iii) an indoor play area of at least 1,5 square metres free unobstructed floor space per child shall be provided – excluding for babies;
  - (iv) babies room(s) with at least 3 m<sup>2</sup> floor free unobstructed space per baby shall be provided and where there are cots they be arranged in such a way that there is a minimum of 500 millimeters between the cots;
  - (v) separate indoor play areas shall be provided for the following different age groups :
    - 0-2 years;
    - 2-3 years;
    - 3 years up to compulsory school-going age;
    - after-school children (school-going children).
  - (vi) the children in the different age groups shall be cared for separately at all times;
  - (vii) divisions or removable partitions may be used.
- 5.3.2 outdoor play area:
- (i) an outdoor play area, which is free of any excavations, steps, projections, levels or any surface which is dangerous or may constitute a safety hazard shall be provided;
  - (ii) a minimum outdoor play area of 3 square metres per child shall be provided;
  - (iii) if no outdoor area is available an approved additional indoor area of 1,5 square metres per child shall be provided;
  - (iv) the premises should have an approved means of enclosure and lockable gates to prevent a child leaving the premises on his own and to prevent the entrance of animals or unauthorized persons;
  - (v) separate outdoor play area shall be provided for the following different age groups:
    - 0-2 years;
    - 2-3 years;
    - 3 years up to compulsory school-going age;
    - after-school children (school-going children).
  - (vi) if separate play area cannot be provided for the different age groups, the play times for the age groups should be staggered.
- 5.3.3 child-care premises must have adequate toilet and wash facilities for all children with –
- (i) one toilet or chemical toilet facility shall be provided for 15 children or part thereof;
  - (ii) if no water-borne system is available, the best practical method of disposal shall be applied;
  - (iii) one hand wash facility shall be provided for every 20 children or part thereof;
  - (iv) preferably running water shall be available at the wash hand basins, if no running water is available, a minimum of 25 litre of portable water shall be available at all times at the premises, and stored in a hygienically clean container and shall be suitably protected.
- 5.3.4 toilet and wash facilities for children under the age of 2 years :
- (i) an approved separate napkin changing unit shall be provided for changing of napkins of children under the age of 2 years;
  - (ii) an acceptable method in accordance with the best practical method shall be used to clean the children wearing napkins;
  - (iii) approved containers for the storage of clean and soiled napkins shall be provided;
  - (iv) approved hand wash facilities shall be provided in the napkin changing area;
- 5.3.5 separate toilet and hand wash facilities for staff members shall be provided.

- 5.3.6 no children shall have, at any time access to living quarters of staff and measures shall be taken to keep such living quarters separately;
- 5.3.7 a separate area (sick bay) adequate in size for the treatment and care of any child who falls ill or who is injured during day care shall be provided;
- 5.3.8 an approved method for hand washing shall be provided in the sick bay area;
- 5.3.9 an approved lockable and adequately equipped first aid unit shall be provided in the sick bay area;
- 5.3.10 an area adequate in size to be used as an office shall be provided. Such area may include the sickbay area;
- 5.3.11 an area adequate in size where food is to be handled, prepared, stored or provided to children, such area shall comply with the provisions of the Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food (Published under Government Notice R918 of 30 July 1999) as amended.
- 5.3.12 a separate and an approved storage area shall be provided for the storage of indoor and outdoor play materials and equipment and for stretchers, sleeping mats, bedding and linen;
- 5.3.13 a separate and approved designated storage facility for the storage of the personal belongings of each child and staff member shall be provided.

#### 6. **Resting and play equipment**

- 6.1 Suitable child sized seating accommodation and tables shall be provided for each child.
- 6.2 Adequate and an approved individual resting or sleeping equipment shall be provided for the separate use of each child.
- 6.3 A suitable blanket for the individual use of each child shall be provided, and such blanket shall be kept clean and well maintained at all times.
- 6.4 Adequate, approved and safe indoor and outdoor play equipment shall be provided for the children's use.

#### **After school facilities**

- 7.
- 7.1 In respect of child-care for children of school going age the following accommodation shall be provided for the purposes of Section 5.2:
  - 7.1.1 where an after school care is provided on the same premises as for the care of children under school going age, such facilities shall be kept totally separate, except for the kitchen and office area;
  - 7.1.2 an indoor care area of at least 1,5 square metres floor space for each child shall be provided;
  - 7.1.3 an outdoor play area of at least 3 square metres for each child shall be provided;
  - 7.1.4 one toilet and one hand wash facility shall be provided for every 20 children or part thereof, such facilities shall be separately designated for the use of each sex;
  - 7.1.5 approved and adequate seating equipment and tables shall be provided for each child.

#### **Medical care for children**

- 8.
- 8.1 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.
- 8.2 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.

- 8.3 Any child who falls ill or has suffered an injury shall receive the necessary care and treatment in the sick bay area, so designated.
- 8.4 In the event of a suspected or confirmed communicable disease, the Municipality and the Department of Health shall be notified immediately.
- 8.5 The child-care provider shall ensure that all children have completed basic immunization schedules as deemed necessary.
- 8.6 The provisions of the Regulations regarding the exclusion of children from day-care services on account of communicable or infectious diseases made in terms of the Health Act as amended shall apply to all child-care services.
- 8.7 All child-care service providers shall be trained in basic first aid.

#### **Safety measures**

9. The following measures shall be taken on premises on which child-care services are conducted:
  - 9.1 Children shall be adequately protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other article or thing or substance which may be dangerous or cause injury to any child.
  - 9.2 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 non-toxic paint shall be used.
  - 9.3 Install emergency and firefighting equipment on the premises and submit an Emergency Procedure to the Fire Brigade Disaster Management Officer or other designated official for approval.
  - 9.4 All medicines, pesticides, detergents and other harmful substances shall be under lock and key at all times such that they are not be accessible to any child. Hazardous substances shall be stored separately.
  - 9.5 No noxious or poisonous or dangerous plant or shrub shall be permitted on the premises and no animals or birds shall be kept on the premises without the approval of the authorized official.
  - 9.6 No person known or suspected to be suffering from an infectious or contagious disease shall be allowed on the premises while in the opinion of an authorized official or registered medically trained person, such person is capable of communicating such infectious or contagious disease.
  - 9.7 No paddling pool, swimming pool or other structure shall be permitted in any child-care service without an approved fencing and safety net; and where such has been provided, it shall be locked and covered at all times when not in use.
  - 9.8 The sandpit shall be covered with an approved covering material when not in use and shall be treated with an approved treatment agent on a regular basis.
  - 9.9 The provisions of the Regulation regarding the exclusion of children from day-care services on account of infectious diseases made in terms of the Health Act as amended shall apply to all child-care services.
  - 9.10 Any other reasonable measures that may in the opinion of the authorized official be necessary to protect the children from any physical, biological or chemical danger shall be taken by the child-care service on instruction of the authorized official.

10 **General duties and liabilities for compliance with this Chapter**

The health certificate holder shall ensure that the children are at all times properly cared for and supervised and shall:

- 10.1 Maintain every part of the child-care service, including any outdoor area and all structures and equipment in good repair and in a clean and hygienic condition at all times.
- 10.2 Ensure that all persons on or in the premises are clean in person and clothing and are in good state of health.
- 10.3 Ensure that no person shall smoke or use any tobacco product in the presence of children.
- 10.4 Ensure the 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.
- 10.5 Ensure that the children are at all times under the direct supervision of the specified number of adults in the following ratio:
  - 10.5.1 one adult supervisor for every 6 babies between 0-18 months;
  - 10.5.2 one adult supervisor for every 12 children between 18 months and 3 years;
  - 10.5.3 one adult supervisor for every 20 children between 3 and 5 years;
  - 10.5.4 one adult supervisor for every 30 children between 5 and 6 years;
  - 10.5.5 one adult supervisor for every 35 children of school going age.
- 10.6 If transport to or from a child care service is provided by the facility, such a service, shall ensure that:
  - 10.6.1 the children are supervised by at least one adult apart from the driver during transport;
  - 10.6.2 the doors of the vehicle are lockable so that they cannot be opened from the inside by the children;
  - 10.6.3 no children are transported in the front seat of the vehicle;
  - 10.6.4 no babies shall be placed under the seat of a vehicle;
  - 10.6.5 the vehicle is not overloaded in terms of any applicable law;
  - 10.6.6 the transport of children are not allowed in the boot of any vehicle;
  - 10.6.7 the driver of the vehicle is licensed to transport passengers as stipulated in the Road Traffic legislation;
  - 10.6.8 the vehicle is licensed for such and is in a road worthy condition;
- 10.7 If meals are provided an approved two weekly menu must be displayed as to be visible to the parents.
- 10.8 Meals provided shall be nutritionally balanced and of adequate volume to satisfy the energy needs of the children in each age group and each child shall be fed using **individual** utensils.
- 10.9 Whenever laundry is done on the premises such laundry shall be done in an approved area away from any area used to care for children and no laundry shall be done in the kitchen or kitchen area.
- 10.10
  - 10.10.1 an approved and adequate number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste materials shall be provided inside the premises;
  - 10.10.2 an approved refuse removal area, with adequate and approved refuse bins shall be provided for the storage of refuse pending removal.

- 10.11 Suitable towels preferably disposable towels for the individual use of children shall be provided.
- 10.12 Suitable pegs or hooks for the individual hanging of the children's towels which shall be individually marked with the child's name or symbol shall be provided.
- 10.13 An adequate supply of toilet paper, soap and tissues, which must be available and accessible to the children, shall be provided.
- 10.14 children shall be bathed individually in a clean bath, and water shall be changed for each child bathing activity.

#### **11 Application for admission**

- 11.1 The health certificate holder shall ensure that an application form containing the following information is completed by the parent or guardians of a child on admission to child-care service:
  - 11.1.1 the child's name and date of birth;
  - 11.1.2 name, address and telephone number of the parent or guardian;
  - 11.1.3 place of employment and telephone numbers of the parent or guardian;
  - 11.1.4 name, address and telephone number of a responsible person other than the parent or guardian who may be consulted in emergencies;
  - 11.1.5 name, address and telephone number of the child's doctor and permission to consult him.
- 11.2 All application forms shall be retained for a minimum of 3 years and the relevant date of admission and discharge of the child referred to, in such form, shall be entered thereon.

#### **12 Registers**

- 12.1 An admission and discharge register of all children admitted to and discharged from the child-care service shall be kept.
- 12.2 A register of attendance shall be kept in which the presence or absence of children shall be noted daily.
- 12.3 Such attendance register shall include the children's respective dates of birth.

#### **13. Medical report**

A report containing the following health data shall be obtained from the parent or guardian in respect of each child admitted and cared for :

- 13.1 Information concerning the child's general state of health and physical condition.
- 13.2 Operations, illnesses and any communicable diseases which the child has suffered and the relevant dates.
- 13.3 Details of required immunizations.
- 13.4 Details of allergies and any medical treatment such child may be undergoing.

#### **14. Journal**

- 14.1 A journal, diary, log book or book of similar nature shall be kept in which important or outstanding events, including accidents and explanations are recorded.



- 14.2 No medicine shall be given to children without the written consent of the parents or guardian unless it is administered by duly registered and practicing medical staff in an emergency.
- 14.3 A medicine journal shall be kept in which the medicine and quantity that are given to a child are recorded and shall be signed on administering medication by the person administering the medication and the parent or guardian shall be furnished with this information.

#### **15. Right of entry and inspection of premises and records**

- 15.1 A duly authorized Inspector may for any purpose connected with the carrying out of this Chapter, at all reasonable times and without previous notice, enter any premises upon which a child-care service is conducted, or upon which such officer has reasonable grounds for suspecting the existence of a child-care service and make such examination, enquiry and inspection thereon as the Inspector may deem necessary.
- 15.2 Any duly authorized officer from any government department may be requested to assist an authorized official for any purpose connected with the carrying out of the provisions of this Chapter, and may at all reasonable times and without previous notice, enter any premises at which a child-care service is conducted.

#### **16. Offences**

- 16.1 Any person who fails to give or refuses access to any duly authorized official or person in executing the provisions of this Chapter to enter upon and inspect any premises, or obstructs or hinders such official in the execution of his/her duties in terms of this Chapter, or who fails or refuses to give information that the officer may lawfully require, or who gives to such official false or misleading information, shall be guilty of an offence.
- 16.2 Any person who –
  - 16.2.1 fails or refuses to comply with any provision of this Chapter or any requirements imposed by the Inspector in terms of this Chapter;
  - 16.2.2 being a health certificate holder allows:
    - (i) a greater number of children than the number stated on the health certificate to be enrolled at or to be present in a child-care service to which the health certificate relates;
    - (ii) any child who is cared for in contravention of Section 5.3.1 and 5.3.2 of this Chapter.
    - (iii) allow such child-care service to be operated during hours not stated on such health certificate :

shall be guilty of an offence and shall be liable on conviction thereof to a fine or imprisonment for a period not exceeding six months, or to such fine and such imprisonment and in the event of a continuing offence shall be guilty of a separate offence and liable as aforesaid for every day or part of a day during which the offence continues.

#### **Withdrawal of health certificate**

- 17. The authorized official may add or remove any conditions and can at his or her discretion withdraw a health certificate issued in terms of this Chapter should the health certificate holder be convicted of a breach of any of the provisions of this Chapter.

#### **18. Appeal**

#### **19. Fees**

A fee determined in terms of the General Tariffs By-law shall be levied by the Municipality for a health certificate issued in terms of Section 3.

**20 Exemptions**

- 20.1 Any person who wants to undertake a the services contemplated under this chapter on any premises but wishes to be exempted from complying with any requirement of these By-laws relating to the use concerned premises, may apply to the Municipality in accordance with Section 2 for an exemption.
- 20.2 The Municipality may grant an exemption, subject to such conditions as it may impose, if an Environmental Health Practitioner is satisfied that –
- 3.2.1 the measures taken to avoid or reduce the risk to children or public arising from the exempted condition are equivalent to or better than the measures required by the relevant requirement of these By-laws; and
- 20.3 the municipality may grant exemptions for ECDCs in informal areas provided they meet minimum requirements as determined by this chapter

**ANNEXURE A**  
**[Municipal Health Services By-laws, Chapter 10, Section 3.2]**

**WEST RAND DISTRICT MUNICIPALITY**

**APPLICATION FOR A HEALTH CERTIFICATE FOR THE CARING OF CHILDREN**

Mark with a ☒ X

- ☐ Day mother (maximum 6 children)
- ☐ Day Care Centre (7 and more children)

**AGE OF CHILDREN**

- ☐ 0-2 years (babies)      Number \_\_\_\_\_
- ☐ 2-3 years      Number \_\_\_\_\_
- ☐ 3-6 years      Number \_\_\_\_\_
- ☐ After school children      Number \_\_\_\_\_

Application is hereby made to use the premises in respect of which the particulars are as follows, for the above-mentioned purposes:

1. Name of Day Care Centre: \_\_\_\_\_
2. Full name of Applicant: \_\_\_\_\_
3. Identity Number: \_\_\_\_\_
4. Postal Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
5. Stand Number: \_\_\_\_\_
6. Street Address: \_\_\_\_\_  
 \_\_\_\_\_
7. Telephone/Cell Number: \_\_\_\_\_
8. Date of Application: \_\_\_\_\_
9. Signature: \_\_\_\_\_

**ANNEXURE B**  
**[Municipal Health Services By-laws, Chapter 10, Section 3.4]**

**WEST RAND DISTRICT MUNICIPALITY**

**ENVIRONMENTAL HEALTH SECTION**

**HEALTH CERTIFICATE FOR THE CARING OF CHILDREN**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Name of business and stand no.: \_\_\_\_\_

\_\_\_\_\_  
The inspection at the above-mentioned premises revealed that the premises comply with the provisions in terms of the Municipal Health Services By-laws for child care as from \_\_\_\_\_ 200\_ subject to the following:

A maximum number of \_\_\_\_\_ babies between 0 and 2 years and \_\_\_\_\_ children between 2 and 6 years may be cared for on a full day basis (06h00 until 18h00).

Separate play areas must be provided for different age groups:

- (a) 0-2 years (babies)
- (b) 2-3 years
- (c) 3 years to school going age
- (d) after school children

Health Certificate Number: \_\_\_\_\_

Restrictions, conditions or stipulations (if any): \_\_\_\_\_

\_\_\_\_\_  
Environmental Health Practitioner

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Endorsements/Exemptions (if any): \_\_\_\_\_

## CHAPTER 11

### COMMUNITY NOISE CONTROL

#### INDEX

Sections:

1. Definitions
2. Specific Prohibitions
3. Open-air festivals
4. Fireworks display
5. Fees

Annexure A: Information required for open-air festivals (Outdoor amplified sound)

Annexure B: Requirements for open-air festivals

#### Definitions

1. For the purpose of this Chapter, unless the content indicates otherwise:

"the Act" means the Environment Conservation Act, 1989 (Act No. 73 of 1989) and the Noise Control Regulations, published in terms thereof;

"Guidelines" means the Guidelines on noise control by the Municipality.

#### 2. Specific Prohibitions

The following act, and the causing or permitting thereof, are declared to be in violation of this Chapter –

- 2.1 Yelling, shouting –  
Loud or raucous yelling, shouting, whistling, singing or otherwise making any loud noise in any street or public place or premises between 20h00 and 06h00.
- 2.2 Radios, television sets, musical instruments and similar devices –  
Operating, playing or permitting the operation or playing of any radio, television set, phonograph, drum, musical instrument, sound amplifier or similar device which produces or reproduces sound in such manner as to create a noise disturbance, or at any time to violate the provisions of South African National Standard; SANS 10103; Table 2, except for activities for which a variance has been issued by the authorized officer.
- 2.3 Warning device, siren, hooter and similar devices –  
Operate or sanction the operation of any warning device, siren, hooter or any similar device, other than in an emergency or when required by law.
- 2.4 Burglar alarm devices –  
Sanction or allow any burglar alarm device to sound either continuously or intermittently for more than 20 minutes after it has begun sounding.
- 2.5 Domestic power tools, machinery –  
Operate or sanction the operation of any mechanically powdered saw, sander, drill, grinder, lawnmower or power garden tool or similar tool between 13h00 and 16h00 on a Sunday. Any motor, machinery, pump, such as swimming pool equipment, etc. shall be sufficiently enclosed or muffled and maintained so as not to create a noise disturbance in accordance with South African National Standards; SANS 10103; Table 2.

- 2.6 Singing or playing musical or noisy instrument for profit – playing upon for profit any musical or noisy instrument or sing in any street or public area, without the previous consent of the Municipality in writing.
- 2.7 Advertising by loudspeaker or other device – without the previous consent of the Municipality in writing, play or permit the playing of any gramophone, or use or permit the use of any loudspeaker or other audible device for the purpose of advertising on or adjacent to or which may be heard in any street or public place or in a business premises or after being required to desist by an police or authorized officer, persist in playing or operating such device.
- 2.8 Keeping of animals and birds disturbing public peace – Keeping, maintaining, or permitting to be kept or maintained upon any premises owned, occupied or controlled by any person of any animal or birds which by any frequent or long continued noise shall cause annoyance or discomfort to two or more reasonable persons of normal sensitiveness who reside in separate residences (including apartments, town houses, etc.). the police or authorized officer may proceed on the basis of a complaint of only one person if circumstances are determined to exist whereby a noise nuisance caused by an animal or bird affects only one individual.
- 2.9 Loading and unloading – loading, unloading, opening, closing and/or permitting any handling of boxes, crates, containers, building material or similar object(s) between 22h00 and 07h00 in such a manner as to cause a noise nuisance.
- 2.10 Construction – Operating or causing the operation to erect a building or structure on residential premises in such a manner that it may cause noise nuisance between 18h00 and 07h00.
- 2.11 Vibration  
Operating or permitting the operation of any device that creates a vibration which annoys or disturbs at least two or more reasonable persons of normal sensitiveness who reside in separate residences (including apartments and town houses) between 18h00 and 07h00.

### **3. Open-air festivals and/or sermons**

No person may stage an open-air festival and/or sermons without the prior consent received from the Municipality in accordance to the requirements promulgated under Section 13 of the Gauteng Noise Control Regulations, 1999.

All required information according to Annexure A of this Chapter must be provided by the applicant(s) in detail to the Municipal Environmental Health Section for prior consent.

### **4. Fireworks display**

No person may display fireworks without the prior consent received from the Municipality.

The display should be conducted in such a way that it does not become a noise nuisance to the surrounding businesses and residential areas.

No person shall conduct himself or herself in such a manner as is liable to be injurious or dangerous to the health of humans and animals or to create any state or condition of premises which is injurious.

The fireworks must further comply to the provisions of the Explosives Act, 2003 (Act No. 15 of 2003) and any other applicable legislation.

5. **Certification**

The municipality may demand where noise and/or vibration may occur or are occurring as a result of proposed activities or occurring activities the following:

- 5.1 a certificate indicating envisaged or measured noise levels from an independent acoustic consultant/engineer
- 5.2 That reports or certificates relating to the noise impact to the satisfaction of the Municipality be submitted by the owner, developer, tenant or occupant..

6. **INTERVENTIONS AND SANCTIONS INCLUDING EXEMPTIONS BY THE MUNICIPALITY**

7. **Fees**

A fee for consent approval in terms of the General Tariffs By-law shall be levied by the Municipality in terms of Section 2.6, 2.7 and 3 of this Chapter.

**ANNEXURE A****INFORMATION REQUIRED FOR OPEN-AIR FESTIVALS  
(OUTDOOR AMPLIFIED SOUND)**

Any person(s) or organization(s) wishing to stage an one-time event employing the use of amplified sound outdoors, shall apply to the Environmental Health Section for approval.

The Environmental Health Section of the Municipality, in evaluating the application, shall consider the following factors –

1. time of event;
2. location of event;
3. anticipated number of people in attendance;
4. number of people to be affected by the event;
5. magnitude of the noise;
6. provisions of the organization to deal with complaints received;
7. provisions of the organization for admitting people to the event;
8. provisions of the organization for crowd control;
9. past compliance with the provisions of this Municipal Health Services By-laws – Noise Chapter, and previous consents granted to the organization.
10. that on private property there have been no more than seven (7) consents for outdoor amplified sound granted for the location applied for within that calendar year or any such consent granted for an event taking place at the location within 14 days of the requested date.
11. that on public property no more than one consent be issued for the location in any one day.

Additionally, all open-air festival events will be subject to the following restrictions:

1. The only sounds permitted shall be either music or human speech, or both.
2. Sound amplification equipment shall not be utilized in any location for a period in excess of four (4) hours in any twenty-four (24) hour period.
3. No loud music to be played after 22h00.
4. Speakers for sound amplification equipment shall be directed, to the extent possible, toward open or unoccupied space and away from residentially occupied property or if not possible, placed in such a way to minimize noise emissions into potentially sensitive business and residential areas.
5. The ambient noise levels at any time not to exceed **95 Dba** on the boundary of the premises where the open-air festival will take place.
6. In any event, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing or an nuisance.
7. Approval of the application may be conditioned upon such other terms as may be necessary to insure compliance with the provisions an spirit of this Chapter.
8. The organization must provide the Environmental Health Section with the names of two (2) people who will be in attendance at all times and have the authority to deal with the Inspector or the police in response to complaints and/or violations.
9. All sensitive and neighbouring residents also to be informed in writing prior to the date of the event with regards to loud music and other noisy activities which might emanate from the open-air festival.



**ANNEXURE B**

**REQUIREMENTS FOR OPEN-AIR FESTIVAL**

Date: \_\_\_\_\_

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Your application was perused by the Environmental Health Section of the Municipality and we support it in principle, provided that the following requirements are strictly adhered to:-

**Requirements for open-air festival**

All sensitive and neighbouring residents also to be informed in writing prior to the date of the event with regards to loud music and other noisy activities which might emanate from the open-air festival.

The requirements promulgated under Section 13(1), (2), (3), (4) & (5), Part II of the Gauteng Noise Control Regulations, 1999 issued in terms of the Environmental Conservation Act, 1989 (Act No. 73 of 1989) be adhered to.

The ambient noise levels at any time not the exceed **95 Dba** on the boundary of the premises where the open-air festival will take place.

No loud music to be played after 22h00 at night. The placing of the stage and loudspeaker equipment to be placed in such a way to minimize noise emissions into potentially sensitive business and residential areas.

Your cooperation will be appreciated.

Yours faithfully

---

**ENVIRONMENTAL HEALTH**

Public safety

Traffic

Police

**CHAPTER 12**

**SMOKE CONTROL**

1. For the purposes of this Chapter unless the context indicated otherwise:

"the Act" means the Atmospheric Pollution Prevention Act, 1965 (Act 45 of 1965) and Regulations promulgated there under or any amendment thereof or legislation passed in substitution thereof;

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

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

And any other word or expression to which a meaning has been assigned in the Act shall bear that meaning.

- 2.

- 2.1 Save as provided in subsection 2.2, no owner or occupier of any premises shall, except for an aggregate period not exceeding three minutes during any continuous period of thirty minutes, permit the emissions or emanation from such premises of smoke which, if compared with a chart of the kind shown in the First Schedule of the Act, appears to be of a shade equal to or darker than shade 2 on that chart or which, when measured with a light absorption meter has an absorption of 40 per cent or greater.

- 2.2 The provisions of subsection 2.1 shall not apply to smoke emanating from a fuel burning appliance during the start-up period or, if such emission could not reasonably have been prevented, while such appliance is being overhauled or during the period of any breakdown or disturbance of such appliance, and emitted in contravention of that subsection.

3. No person shall install or cause or permit to be installed or alter or extend or cause or permit to be altered or extended any fuel burning appliance designed to burn solid or liquid fuel in or on any premises, unless the plans and specifications in respect of such installation, alteration or extension have been approved by the Municipality, shall apply in writing on a form containing at least the particulars that are substantially the same as those contained in the form in Annexure A to this Chapter.

4. If any fuel burning appliance has been installed, altered or extended in contravention of Section 3, the Municipality may, by notice in writing, require the owner or occupier of the premises in question to remove, alter and/or bring the burning appliance to meet the required standards within a specified period.

5. The owner or occupier of any premises in or on which any fuel burning appliance is used, shall –

- 5.1 If so requested by the Municipality in writing install, maintain and use at his own expense such apparatus as may be determined by the Municipality, for the purpose of indicating or recording the density or shade of the smoke emitted from such appliance or for the purpose of facilitating the observance of such smoke with a view to determining its density or shade, and make available to the Municipality at all reasonable times or demand any information recorded or ascertained by means of such apparatus.

- 5.2 By 30<sup>th</sup> June of every year and/or any interval specified by municipality submit a written report to the Environmental Health Section of the Municipality reflecting –

- 5.2.1 the quantity and type of fuel used during the past year in any fuel burning appliance;
- 5.2.2 the stack emissions from such fuel burning appliance during the applicable year by an approved inspection authority.

6. The provisions of this Chapter shall not apply to smoke emitted from any dwelling house or to the installation, alteration or extension of any approved fuel burning appliance in any dwelling house.
7. No person shall burn any waste material on any premises except in a fuel burning appliance.
8. If upon receipt of written application from any person the Municipality is satisfied that there is sufficient reason for the granting of temporary exemption from the provisions of Section 2 in respect of any fuel burning apparatus or any premises, the Municipality may by written notice to the applicant grant such exemption for a specified period.
9. The approval by the Municipality required in terms of Section 3 or the grant of a temporary exemption in terms of Section 8 shall be furnished against the payment of a fee as determined in terms of the General Tariff By-law of the Municipality.

## ANNEXURE A

**APPLICATION FOR APPROVAL OF FUEL BURNING APPLIANCE**

[In terms of Section 15 and 16 of the Atmospheric Pollution Prevention Act, 1965, and Municipal Health Services By-laws, Chapter 12, Smoke Control, Section 3 of West Rand District Municipality]

Mark with a

X

Apply for approval to:

- ☐ Install  
☐ Alter  
☐ Current (without approval)  
☐ Extend fuel burning appliance

as detailed hereunder:

NAME OF APPLICANT \_\_\_\_\_

ADDRESS \_\_\_\_\_

PREMISES ON WHICH FUEL BURNING APPLIANCE IS TO BE INSTALLED:

NAME OF BUILDING \_\_\_\_\_

Stand No. \_\_\_\_\_ Street \_\_\_\_\_

Township/Holding/Farm \_\_\_\_\_

Owner's Name \_\_\_\_\_

Address \_\_\_\_\_

Occupier's Name \_\_\_\_\_

Address \_\_\_\_\_

Nature of Business \_\_\_\_\_

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 200\_\_

SIGNED \_\_\_\_\_

APPLICANT

**DETAILS OF FUEL BURNING APPLIANCE****FUEL**

Type \_\_\_\_\_ Sulphur content \_\_\_\_\_ %W/W

Name of fuel supplier \_\_\_\_\_

**BOILER**

Make \_\_\_\_\_

Type \_\_\_\_\_

Official Number \_\_\_\_\_

 Maker's Rating Normal \_\_\_\_\_ Kg Steam per hour/kj. Per hour  
 Maximum \_\_\_\_\_ Kg Steam per hour/kj. Per hour

Are soot blowers fitted? \_\_\_\_\_

Hot water storage capacity \_\_\_\_\_ litres

Number of Flats (How many) \_\_\_\_\_

Will refuse of any kind be disposed of in this boiler? \_\_\_\_\_

**STOKERS**

Number of stokers (How many) \_\_\_\_\_

Make \_\_\_\_\_ Type \_\_\_\_\_  
 Maximum rate \_\_\_\_\_ Kg. coal per hour  
 Furnace volume \_\_\_\_\_ m<sup>3</sup>  
 Vertical headroom (internal) \_\_\_\_\_ mm  
 Overfire air: Fan capacity \_\_\_\_\_ m<sup>3</sup>/hour  
 Number of jets \_\_\_\_\_  
 Where are jets located? \_\_\_\_\_  
 Method of control: Hand/Automatic

#### OIL BURNERS

Number of burners (how many) \_\_\_\_\_ Make \_\_\_\_\_  
 Type \_\_\_\_\_  
 Maximum rate \_\_\_\_\_ litres/hour

#### DRAUGHT

Natural \_\_\_\_\_ Forced \_\_\_\_\_ Induced \_\_\_\_\_  
 Balanced \_\_\_\_\_

#### INSTRUMENTS

Draught gauge \_\_\_\_\_ Steam flow meter \_\_\_\_\_  
 CO<sub>2</sub> Indicator or recorder \_\_\_\_\_ Make \_\_\_\_\_  
 Smoke Indicator or recorder \_\_\_\_\_ Make \_\_\_\_\_

#### INCINERATOR

Make \_\_\_\_\_  
 Type \_\_\_\_\_  
 Burning rate \_\_\_\_\_  
 Kg./hour

Primary Combustion Chamber Volume \_\_\_\_\_ m<sup>3</sup>  
 Type of Burners: Primary \_\_\_\_\_ Output \_\_\_\_\_ Kj/hour  
 Secondary \_\_\_\_\_ Output \_\_\_\_\_ Kj/hour

Means of preventing fly-ash emission \_\_\_\_\_  
 Total weight of refuse \_\_\_\_\_ Kg/day

#### Composition of Refuse (Approximate percentages)

Paper, cartons, rags, wood scraps, etc. \_\_\_\_\_ %  
 Garbage (meat and vegetable waste) \_\_\_\_\_ %  
 Animal waste (carcasses, organs, etc.) \_\_\_\_\_ %  
 Plastics: Polyvinylchloride \_\_\_\_\_ %  
 Other \_\_\_\_\_ %  
 Rubber, leather \_\_\_\_\_ %  
 Saw dust, sanding dust \_\_\_\_\_ %  
 Other (Specify \_\_\_\_\_) \_\_\_\_\_ %

#### CHIMNEY

Height: Above ground level \_\_\_\_\_ m above highest  
 point of building \_\_\_\_\_ m  
 Inside dimension at the top \_\_\_\_\_ mm  
 Type and make of grit collector \_\_\_\_\_  
 Is chimney top visible from the boiler room? \_\_\_\_\_  
 Has cleaning access been provided for chimney and flues? \_\_\_\_\_  
 Type of chimney insulation and/or cladding \_\_\_\_\_

(Any other relevant information regarding this installation or any appliance for which no provision has been made on this form, must be furnished separately).

**NB THIS APPLICATION MUST BE ACCOMPANIED BY DRAWINGS SHOWING:**

- 7 Chimney position and height relative to building.
- 8 Arrangement of flues between the appliance and the chimney.
- 9 Means of access to flues and chimney for cleaning purposes.
- 10 Grit aprestor (where applicable)
- 11 Any other relevant details.

## CHAPTER 13

## KEEPING AND BREEDING OF ANIMALS, BIRDS, BEES AND POULTRY

## INDEX

Section:

1. Definitions

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

2. Application of the Chapter
3. Premises for the keeping of livestock and kennels
4. Keeping of animals, poultry and birds
5. Permits for keeping of animals and poultry

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

6. Requirements for premises
7. Duties of keepers of cattle, horses, mules and donkeys

**Part 3: Keeping of pigs**

8. Requirements of premises
9. Duties of keeper of pigs
10. Restrictions

**Part 4: Keeping of goats and sheep**

11. Requirements for premises
12. Duties of keeper of goats and sheep

**Part 5: Keeping of poultry**

13. Requirements for premises
14. Duties of keeper of poultry

**Part 6: Keeping of rabbits**

15. Requirements for premises
16. Duties of keeper of rabbits

**Part 7: Keeping of birds**

17. Requirements for premises
18. Duties of keeper birds

**Part 8: Keeping of Bees**

19. Requirements for premises and duties of keeper of bees

**Part 9: Dealers in livestock and other businesses involving the keeping of animals or poultry.**

20. Requirements for conducting business

**Part 10: Dog kennels and catteries**

- 21. Requirements for premises
- 22. Duties of persons in control of kennels and catteries

**Part 11: Pet shops and pet parlours**

- 23. Requirements for premises
- 24. Duties of trader

**Part 12: Hawking of poultry and rabbits**

- 25. Requirements for premises
- 26. Duties of hawker

**Part 13: Keeping of ostriches and emus**

- 27. Requirements for premises
- 28. Duties of keeper of ostriches and emus

**Part 14: Keeping of wild animals**

- 29. Requirements for premises
- 30. Duties of keeper of wild animals

**Part 15: Miscellaneous**

- 31. Draining
- 32. Discharge of taps
- 33. Nuisance
- 34. Illness attributable to animals, poultry and birds
- 35. Dangerous animals, reptiles or insects
- 36. Inspection
- 37. Fees

Annexure A: Application for a permit

Annexure B: Permit

**Definitions**

1. In this Chapter, unless the context otherwise indicates –

“agricultural holding” means the same as defined in the relevant Town Planning Scheme;

“animal” means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, dog, cat and wild animal.

“aviary” means a roofed or unroofed enclosure used for the keeping of birds, other than in 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;

“bird” means a feathered vertebrate other than poultry;

“cattery” means premises in or upon which –

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

"chicken" for purposes of this Chapter includes an ostrich or emu not older than 4 months;

"chicken run" means any roofed-over building or structure where chickens are kept;

"code" means the Code of Practice for the handling of manure from intensive animal feeding units;

"enclosure" in relation to animals, means any kraal, pen, paddock or other such fenced or enclosed area erected on the property to confine such animal from roaming freely on the remainder of the premises;

"erf" means ground within an approved town, registered at the Deeds Office as an erf, lot, premises or stand, and includes agricultural and farm land;

"hawking" means the activity as set out in the Business Act, Act 71 of 1991;

"health officer" means a medical officer of health, an environmental health practitioner and a veterinarian, in the service of the Municipality;

"kennels" means premises in or upon which –

- (i) boarding facilities for dogs are provided;
- (ii) dogs are bred for commercial purposes;
- (iii) dogs are kept for the purposes of being trained or hired out with or without handlers; or
- (iv) dogs are kept for commercial security purposes;

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

"pet" means any domestic or other animal which may be lawfully kept as a pet and includes any bird, fish, guinea pigs and non-poisonous reptile;

"pet salon" means any premises where beauty treatment is given to dogs or cats 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 are carried out;

"pigsty" means a building, structure or enclosure in which pigs are kept;

"poultry" means fowls, ducks, muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowls;

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

"poultry run" means any unroofed wire mesh or other enclosure, whether not an addition to a poultry house, in which poultry is kept;

"premises" means any land, building or structure or any portion of land, building or structure on or in which any of the activities regulated by these by-laws are carried on.

"rabbit hutch" means any roofed-over building or structure, other than one in which a battery system is operated, in which rabbits are kept;



"rabbit run" means any unroofed wire mesh or other enclosure, whether or not an addition to a rabbit hutch, in which rabbits are kept;

"stable" means any building or structure or any part thereof used for accommodating or keeping any cattle, horses, mules or donkeys.

## PART 1

### GENERAL PROVISIONS RELATING TO THE KEEPING OF ANIMALS

#### 2. Application of the Chapter

- 2.1 The provisions of this Chapter will not apply to –
  - 2.1.1 the keeping of cows for commercial milk production;
  - 2.1.2 any agricultural show where animals, poultry or birds are kept on a temporary basis;
  - 2.1.3 any laboratory where animals, poultry or birds are kept for research purposes. Provided that the health officer may, if he is satisfied that the application of one or more provisions of this Chapter is essential in the interest of public health, by notice to the person concerned required such provisions be complied with.
- 2.2 The provisions of Section 4, 5, 10 and 11 will not apply to the temporary keeping of a goat on any land for the provision of milk for medical reasons, provided the prior approval of the health officer is obtained and no nuisance arises from the keeping of such goat.
- 2.3 The provisions of Sections 13.4, 13.6, 13.7 and 14.4 to 14.8 inclusive, will not apply to the keeping of poultry not in excess of ten in number.
- 2.4 The provisions of Sections 15.3 and 15.5 and 16.4 to 16.8 inclusive, will not apply to the keeping of rabbits not in excess of ten in number.

#### 3. Premises for the Keeping of Livestock and Kennels

No person may –

- 3.1 Keep any livestock, other than poultry, or maintain kennels within any area defined by the Municipality as unsuitable for the keeping of livestock and the maintenance of kennels: Provided that the foregoing will not apply in respect of a veterinary clinic or veterinary hospital operating with the Municipality's consent;
- 3.2 Keep any livestock, other than poultry, on premises situated on land less than 1 ha in extent: Provided that in the case of a dealer or speculator in livestock, the land may not be less than 2.5 ha in extent.

#### 4. Keeping of Animals, Poultry and Birds

No person may keep any animal, poultry or bird in or upon any premises –

- 4.1 Which does not comply with the provisions of this Chapter;
- 4.2 Which are so constructed, maintained or situated that the keeping of animals, poultry or birds thereon is, in the opinion of the health officer, likely to cause a nuisance or injury to health.

#### 5. Permits for Keeping of Animals and Poultry (the area to be permitted need to be defined and clarified)

- 5.1 No person may –

- 5.1.1 Keep any bees, animals, other than a cat, dog or more than ten rabbits or poultry in excess of twenty, unless he is the holder of a permit issued by the health officer in the form set out in Annexure B hereto: Provided that such permit will not be required for the keeping of any animals or poultry in connection with the business of a pet shop;
  - 5.1.2 Keep any animal or poultry in excess of the number specified in such permit: Provided that progeny of any mammal is still suckling, will not be taken into account.
- 5.2 Application for such permit will be made to the Municipality in the form set out in Annexure A hereto.
- 5.3 A permit may not be transferable and will expire on the date on which the permit holder ceases to keep the animals or poultry for which the permit was issued.
- 5.4 A permit holder must in writing notify the Municipality if he ceases to keep the animals or poultry in respect of which a permit was issued or of any increase in the number of animals or poultry kept in excess of the number specified in the permit concerned, within ten day of any such occurrence.
- 5.5 The Municipality may cancel a permit issued in terms of subsection 5.1, if –
  - 5.5.1 the construction or maintenance of the premises concerned at any time does not comply with any provision of this Chapter, or the permit holder contravenes, or fails to comply with any such provision, and the permit holder fails to comply with a written notice from the health officer requiring him to make such premises comply with this Chapter or to cease such contravention or failure to comply within a period specified in such notice;
  - 5.5.2 any disease, which in the opinion of the health officer, is of such a nature that it is likely to constitute a danger to the public health or to other animals or poultry, breaks out amongst the animals or poultry kept under such permit;
  - 5.5.3 the permit holder or person in control of the premises at the time, personally or through his employee obstructs the health officer in his execution of his duties under this Chapter;
  - 5.5.4 the permit holder has been found guilty in a competent court of a contravention of this Chapter;
  - 5.5.5 in the opinion of the health officer, a public nuisance exists due to the keeping of animals.
- 5.6 The health officer will soon as a permit has been cancelled, notify the permit holder of that fact in writing.
- 5.7 The health officer, 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

#### 1. Requirements for Premises

Where for the keeping of any cattle, horse, mule or donkey a stable or enclosure is constructed of brick, stone, concrete or other durable material, complying with the following requirements must be provided:

- 6.1 The internal wall surfaces of the stable must be of smooth brick or other durable surface brought to a smooth finish;
- 6.2 The height of the wall to the wall plates of the stable must be –
  - 6.2.1 2.4 m in the case of pitched roof;
  - 6.2.2 2.7 m in the case of a flat roof;
  - 6.2.3 a mean height of 3 m with a minimum of 2,4 m on the one side in the case of a lean-to roof;
  - 6.2.4 not less than 2 m in the case of a stable which has an opening along the entire length of it's long sides.
- 6.3 The stable must have a floor area of at least  $m^2$  for each head cattle, horse, mule or donkey to be accommodated therein.
- 6.4
  - 6.4.1 Except is the case of a stable open along the entire length of one of it's long sides, lighting and ventilation must be provided by openings or glazed opening windows or louveres totaling at least  $0,3 m^2$  for each animal to be accommodated therein.
  - 6.4.2 The lowest point of every such opening, window or louver must be at least 1.8m above floor level.
- 6.5 The floor of the stable must be constructed of other durable and impervious material brought to a smooth finish graded to a channel and drained in terms of Section 31.
- 6.6 Any enclosure must have an area of at least  $10 m^2$  for each head of cattle, horse, mule or donkey to be accommodated therein and the fencing shall be of such substantial material so constructed as to prevent such animals from breaking out.
- 6.7 No enclosure will be situated within 100 m and no stable will be situated less than 15 m of any boundary of any land, dwelling or other building or structure used for human habitation or within 50 m of any well, water course or other source of water supply intended or used for human consumption.
- 6.8 A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to every stable or enclosure.

#### 7. Duties of Keeper of Cattle, Horses, Mules and Donkeys

Every person keeping any cattle, horse, mules or donkey must –

- 7.1 Ensure that any such animal is kept within a stable or enclosure.
- 7.2 Maintain the premises, any equipment, apparatus, container and receptacle used in connection with such keeping in a clean and sanitary condition and in good repair.
- 7.3
  - 7.3.1 provide portable manure storage receptacles of an impervious material and with close fitting lids;
  - 7.3.2 every such receptacle shall be kept on a platform constructed of concrete or other durable and impervious material and situated adjacent to the stable or

enclosure and so as to comply *mutatis mutandis* with the provisions of Section 6.8.

- 7.4 If the manure and bedding is of such quantity that storage receptacles are inadequate or impractical, provide a manure midden complying with the following requirements:
- 7.4.1 the midden must be enclosed by three walls constructed of brick, concrete or other durable material;
  - 7.4.2 plastered to a smooth finish and covered at the junctions of the floor;
  - 7.4.3 the floor must be of concrete brought to a smooth finish and graded and drained to a water channel at least 150 mm in diameter along the full length of the open side, which channel must be kept filled with water.
- 7.5 Remove all the manure from the stable and enclosure at least once every 24 hours and place it in the manure storage receptacles or midden pending removal from the premises.
- 7.6 Remove the contents of the manure storage receptacles or midden from the premises at least once every second day and dispose thereof in a manner which will not create a nuisance.
- 7.7 Remove all bedding from the stable at least once a week and store in the manure receptacles or midden pending removal from the premises.
- 7.8 Store all saddles, bridles, harnesses and other equipment or articles used in the keeping of such animals, in a store-room or other storage facilities approved by the council;
- 7.9 Provide a rodent proof store-room in which all feed must be stored and a number of rodent proof receptacles with close fitting lids in such store-room in which all loose feed must be stored.
- 7.10 Take effective measures for the prevention of harbouring or breeding of, and for the destruction of flies, cockroaches, rodents and other vermin.

### PART 3

#### KEEPING OF PIGS

##### Requirements for Premises

8. For the keeping of pigs, a pigsty complying with the following requirements must be provided:
- 8.1 Every wall must be constructed of brick, stone, concrete or other durable material not less than 1,5 m in height and must have a smooth internal surface.
  - 8.2 The pigsty must have a floor area of at least 3 m<sup>2</sup> for each pig to be accommodated therein, with an overall minimum floor area of 6 m<sup>2</sup>.
  - 8.3 A roof provided over any portion of a pigsty must be at a height of not less than 1,5 m from ground level at it's lowest point in the pigsty and, except in the case of a roofed structure having one of it's long sides completely open, lighting and ventilation openings situated in opposite external walls of at least 0,15 m<sup>2</sup> for each pig accommodated or other adequate means of ventilation and lighting must be provided.
  - 8.4 The junction between the walls and floor must be curved.
  - 8.5 The floor must be at least 150 mm above the surrounding ground level, constructed of concrete or other durable and impervious material brought to a smooth finish, graded for the run-off of liquids into an open channel outside the pigsty, constructed of concrete,

glazed earthenware, or other durable and impervious material, measuring not less than 100 mm in diameter and drained in terms of Section 31.

- 8.6 The pigsty must be so constructed as to prevent the pigs therein from breaking out.
- 8.7 No pigsty must be situated within 100 m of any dwelling or other building or structure used for human habitation or of the boundary of any land or of any well watercourse or other source of water supply intended or used for human consumption.
- 8.8
- 8.8.1 a roofed-over concrete platform must be provided for the storage of all swill in containers and for the preparation of pig feed and it must be so situated as to comply *mutatis mutandis* with the provisions of subsection 8.8;
- 8.8.2 such platform must have a curbing of at least 100 mm high on all of its sides and the surface of the platform must be brought to a smooth impervious finish and graded to a channel drained in terms of Section 31.
- 8.9 A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the pigsty.

#### **Duties of Keeper of Pigs**

- 9. Every person keeping pigs must –
- 9.1 Ensure that every pig is kept within a pigsty.
- 9.2 Maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping, in clean and sanitary condition and in good repair.
- 9.3 Every person keeping pigs must –
  - 9.3.1 provide portable manure storage receptacles of impervious material with close fitting lids; and
  - 9.3.2 every such receptacle must be kept on a platform constructed of concrete or other durable and impervious material adjacent to the pigsty, so as to comply *mutatis mutandis* with the provisions of Section 8.8.
- 9.4 Remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles.
- 9.5 Remove the contents of the manure storage receptacles from the premises at least once every second day and dispose thereof in a manner which will not create a nuisance.
- 9.6 Provide a rodent proof store-room in which all feed, other than swill, must be stored and a number of rodent proof receptacles with close fitting lids in such store-room in which all loose feed must be stored.
- 9.7 Take effective measures for the prevention of harbouring or breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

#### **10. Restrictions**

- 10.1 No pigs may be kept in any residential area including any agricultural holding or informal township but subject to Section 10.2 and Section 10.3.
- 10.2 Pigs may be kept on agricultural holdings but subject to the health officer granting a permit which permit will be granted solely in the discretion of the health officer and the number of pigs and the conditions where under they may be kept which will also be subject to relevant legislation and council policy.

- 10.3 Pigs may be kept by the S.P.C.A. or for educational or experimental purposes but subject to other relevant legislation and council policy.
- 10.4 The health officer has also discretion to the number of pigs that may be kept on any farmland including the number of male or female pigs which may be kept which includes agricultural holdings.
- 10.5 The health officer will determine how many pigs of each gender may be kept.
- 10.6 Notwithstanding the above, pigs may be kept within the municipal boundary of the West Rand District Municipality under the following conditions:
  - 10.6.1 Pigs may be kept for the duration of any show for example an agricultural show but only for the following period:
    - (a) pigs may not be brought into the municipal boundary two day before the actual show;
    - (b) pigs must be removed not later than two days after the end of the show;
  - 10.6.2 If for any reason pigs are to be auctioned within the municipal boundary then such pigs may only be brought in not more than one day before the auction and must be removed not later than a day after the auction.
- 10.7 The number of pigs which are allowed at any show or auction will be subject to the permission of the health officer.

#### PART 4

#### KEEPING OF GOATS AND SHEEP

##### Requirements for Premises

- 11. For the keeping of goat or sheep, premises complying with the following requirements must be provided:
  - 11.1 An enclosure with an area of at least 1,5 m<sup>2</sup> for every goat or sheep to be accommodated therein with an overall minimum floor area of 30 m<sup>2</sup>.

If a building or shed is provided for such keeping, it must comply with the following requirements.

    - 11.2.1 Every wall thereof must be constructed of brick, stone, concrete or other durable material not less than 2 m in height and must have a smooth internal finish.
    - 11.2.2 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 29.
    - 11.2.3 The floor area must be at least 1.5 m<sup>2</sup> for every goat or sheep to be accommodated therein with an overall minimum floor area of 6 m<sup>2</sup>.
    - 11.2.4 Lighting and ventilation opening at least 0,15 m<sup>2</sup> per goat or sheep to be kept in the building or shed.
  - 11.3 No building or shed may be situated within 15 m and no enclosure within 100 m of any boundary of any land, dwelling or any other building or structure used for human habitation or within 50 m of any well, water course or other source of water supply intended or used for human consumption.
  - 11.4 A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to every stable or enclosure.

### Duties of Keeper of Goats and Sheep

12. Every person keeping any goat or sheep must –
  - 12.1 Ensure that every such animal is kept within an enclosure, building or shed.
  - 12.2 Maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping in a clean and sanitary condition and in good repair.
  - 12.3
    - 12.3.1 provide portable manure storage receptacles of an impervious material and with close fitting lids;
    - 12.3.2 keep every such receptacle on a platform constructed of concrete or other durable and impervious material adjacent to the enclosure, building or shed so as to comply *mutatis mutandis* with the provisions of Section 6.8.
  - 12.4 Remove all manure from the enclosure, building or shed at least once every 7 days and place it in the manure storage receptacles.
  - 12.5 Remove the contents of the manure storage receptacles from the premises at least once every 7 days and dispose thereof in a manner which will not create a nuisance.
  - 12.6 Provide a rodent proof store-room in which all feed must be stored and a number of rodent proof receptacles, with close fitting lids in such store-room in which all loose feed must be stored.
  - 12.7 Take effective measures for the prevention of harbouring and breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

## PART 5

### KEEPING OF POULTRY

#### Requirements for Premises

13. For the keeping of poultry, premises complying with the following requirements must be provided:
  - 13.1 A poultry house complying with the following requirements:
    - 13.1.1 every wall thereof must be constructed of brick, stone concrete or other durable material and shall have a smooth internal surface;
    - 13.1.2 the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish;
    - 13.1.3 the upper floors of the construction of two or more tiers must be of an impervious and easily cleaned material;
    - 13.1.4 it must have an area of at least 0,20 m<sup>2</sup> for each grown fowl, duck, muscovy duck or guinea fowl, 0,5 m<sup>2</sup> for each grown goose, turkey, peacock and 0,14 m<sup>2</sup> for each grown pigeon to be accommodated therein, with a minimum aggregate area of 4 m<sup>2</sup>.
  - 13.2 A poultry run, if provided, must be enclosed with wire mesh or other durable material.
  - 13.3 If a battery system is to be operated, a building or structure in which such system may be housed, constructed and equipped in accordance with the following requirements, must be provided:
    - 13.3.1 every wall, if provided, must be at least 2,4 m high, and must be constructed of concrete, stone, brick or other durable material and must have a smooth internal surface;

- 13.3.2 if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and light through openings or opening windows of an area equal to not less than 15% of the floor area of the building;
  - 13.3.3 the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish, and if required by the health officer, the floor surface must be graded and drained by means of a channel drained in terms of Section 29;
  - 13.3.4 if no walls are provided, or the walls are of metal, the floor must be provided with a curb at least 150 mm high around its extremities;
  - 13.3.5 every junction between the floor and walls and curbing must be coved;
  - 13.3.6 the cages of the battery system must be constructed of an impervious material;
  - 13.3.7 if required by the health officer, a tray of an impervious material and design must be fitted under every cage for the collection of manure.
  - 13.3.8 a wash hand basin with a constant supply of water laid on must be provided and drained in terms of Section 31.
- 13.4 A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the battery system building or structure or poultry house.
- 13.5 There must be at least 5 m of clear unobstructed space between any poultry house, aviary, poultry run or building or structure housing a battery system and the nearest point of any dwelling, or building or structure used for human habitation or place where foodstuffs are stored or prepared for human consumption and the nearest boundary of any land.
- 13.6 13.6.1 A rodent proof store-room must be provided for the storage of feed, the floor area of which may not be less than 7 m<sup>2</sup>, width not less than 2,2 m and the height not less than 2,4 m;
- 13.6.2 if the health officer is satisfied that, having regard to the number of poultry being kept, a store-room of dimensions less than the minimum dimensions required in terms of subparagraph (i) or that other storage facilities;
- 13.6.3 a curbed concrete washing platform or stainless steel trough with draining board and with a constant supply of water laid on, must be provided within or adjacent to such building or structure for the cleaning and disinfection of cages. The washing platform and trough must be drained in terms of Section 31.
- 13.7 13.7.1 If required by the health officer, with due regard to the quantity of manure to be stored pending removal from the premises, a storage area comprising a roofed over platform constructed of concrete or other durable and impervious material, with a curb at least 100 mm high around its extremities and graded and drained in terms of Section 31, must be provided;
- 13.7.2 the roof over such platform must extend 1 m beyond the extremities.

#### **Duties of Keeper of Poultry**

14. Every person keeping poultry must –
- 14.1 Ensure that all poultry is kept within the poultry house, poultry run or building or structure housing a battery system.
- 14.2 Maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping in a clean, sanitary condition and in good repair.
- 14.3 Maintain the premises free from offensive odours and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from vermin.
- 14.4 Ensure such poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public including neighbours.



- 14.5 14.5.1 Provide portable manure storage receptacles of an impervious material and with close fitting lids;
- 14.5.2 keep such receptacles on a platform constructed of concrete or other durable and impervious material adjacent to the poultry house, poultry run or structure housing a battery system so as to comply *mutatis mutandis* with the provisions of Section 12.5.
- 14.6 14.6.1 remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every 4 day or at such longer intervals approved by a health officer from a building or structure housing a battery system, regard being had to the prevention of a public health nuisance caused by offensive smell; and
- 14.6.2 place the manure and other waste matter in the manure storage receptacles;
- 14.7 Remove the contents of the manure storage receptacles from the premises at least once every 7 days and dispose thereof in a manner which will not create a nuisance.
- 14.8 Not store any material or article in any poultry house, poultry run or building or structure housing a battery system, except material or articles which are required for use in such house, run, building or structure.
- 14.9 Provide within the store-room required in terms of Section 12.6, a number of rodent proof receptacles with close fitting lids in which all loose feed shall be stored.
- 14.10 Take effective measures for the prevention of harbouring and breeding, and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of poultry on the premises.

## PART 6

### KEEPING OF RABBITS

#### Requirements for Premises

- 15. For the keeping of rabbits premises complying with the following requirements must be provided:
  - 15.1 A rabbit hutch complying with the following requirements:
    - 15.1.1 every wall thereof must be constructed of brick, stone, concrete or other durable material and must have a smooth surface;
    - 15.1.2 the floor surface which must be at least 150 mm above ground level must be constructed of concrete or other durable and impervious material brought to a smooth finish and, if required by a health officer, the floor must be graded to a channel drained in terms of Section 31;
    - 15.1.3 natural light and ventilation must be provided;
    - 15.1.4 it must have a minimum area of 0,4 m<sup>2</sup> for every rabbit to be accommodated therein;
    - 15.1.5 a rabbit run, if provided, must be enclosed with wire mesh or other durable material and constructed so as to prevent the escape of rabbits from a run.
  - 15.2 If a battery system is to be operated, a building or structure in which such systems may be housed, constructed and equipped in accordance with the following requirements must be provided:
    - 15.2.1 every wall, if provided, must be at least 2,4 m high, must be constructed of concrete, stone, brick or other durable material and must have a smooth internal surface;
    - 15.2.2 if walls are provided, the building must be ventilated and lighted by means of natural openings or windows of an area equal to not less than 15% of the floor area of the building;

- 15.2.3 the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish, and if required, the floor surface must be graded to a channel drained in terms of Section 31.
  - 15.2.4 if no walls are provided, or the walls are of metal, the floor must be provided with a curb at least 50 mm high around its extremities;
  - 15.2.5 every junction between the floor and the walls and curbing must be covered.
  - 15.2.6 the cages of the battery system must be constructed of impervious material and fitted with trays of an impervious material under every cage for the reception of urine;
  - 15.2.7 a wash hand basin with a constant supply of water laid on must be provided and drained in terms of Section 31.
- 15.3 A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the battery system building or structure or the rabbit hutch.
- 15.4 There must be at least 5 m of clear unobstructed space between a rabbit hutch, rabbit run, or building or structure housing a battery system, and the nearest point of any dwelling, or other building or structure used for human habitation or place where foodstuffs are stored or prepared for human consumption and the nearest boundary or any land.
- 15.5 Every person keeping rabbits –
- 15.5.1 must provide a rodent proof store-room for the storage of feed, the floor area of which may not be less than 7 m<sup>2</sup>, the width not less than 2,2 m and the height not less than 2,4 m; and
  - 15.5.2 if the authorised officer is satisfied that, having regard to the number of rabbits being kept, a store-room of dimensions less than the minimum dimensions required in terms of subparagraph 15.5.1 or other storage facilities are suitable, he may permit such smaller store-room or other storage facilities.
  - 15.5.3 Shall provide a kerbed concrete washing platform or a stainless steel trough with draining board and with a constant supply of water laid on, within or adjacent to such building or structure for the cleaning and disinfection of cages. The washing platform and trough must be drained in terms of Section 31.

#### **Duties of Keeper of Rabbits**

16. Every person keeping rabbits must –
- 16.1 Ensure that all rabbits are kept within the rabbit hutch, rabbit run or building or structure housing a battery system.
  - 16.2 Maintain the premises and every equipment, apparatus, container and receptacle used in connection with such keeping, in a clean, sanitary condition and in good repair.
  - 16.3 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 from vermin.
  - 16.4
    - 16.4.1 Provide portable manure storage receptacles of an impervious material with close fitting lids;
    - 16.4.2 every such receptacle must be kept on a platform constructed of concrete or other durable and impervious material adjacent to the rabbit hutch, rabbit run or building or structure housing the battery system and so as to comply *mutatis mutandis* with the provisions of Section 14(d).
  - 16.5 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 and place it in the manure storage receptacles.

- 16.6 Remove the contents of the manure storage receptacles from the premises at least once every 7 days and dispose thereof in a manner which will not create a nuisance.
- 16.7 Not store any material or article in any rabbit hutch, rabbit run or building or structure housing a battery system, except material or an article which is required for use in such house, run or building or structure.
- 16.8 Provide within the store-room required in terms of Section 14(e) a number of rodent proof receptacles with close fitting lids in which all loose feed shall be stored.
- 16.9 Take effective measures for the prevention of harbouring and breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of rabbits on the premises.

## **PART 7**

### **KEEPING OF BIRDS**

#### **Requirements for Premises**

- 17. For the keeping of birds in an aviary, premises complying with the following requirements must be provided:
  - 17.1 The aviary must be properly constructed of durable material, rodent proof and provided with access thereto adequate for cleaning purposes.
  - 17.2 If the aviary is constructed above ground level, the base thereof must be constructed of an impervious and durable material and may not be less than 300 mm above ground level.
  - 17.3 No aviary may be situated within 3 m of any building or structure, boundary fence or boundary wall.
  - 17.4 A potable supply of water must be provided adequate for drinking and cleaning purposes.

#### **Duties of Keeper of Birds**

- 18. Every person who keeps birds in an aviary must –
  - 18.1 Ensure that the aviary and the premises are kept in a clean condition and free from vermin.
  - 18.2 Provide rodent proof facilities for the storage of bird food and keep such food therein.
  - 18.3 Take effective measures for the prevention of harbouring and breeding and for the destruction of flies, cockroaches, rodents and other vermin.
  - 18.4 Ensure that such birds do not disturb or hinder the comfort, convenience, peace and quiet of the public.

## **PART 8**

### **KEEPING OF BEES**

#### **Requirements for Premises and duties of Keeper**

- 19.
  - 19.1 No person may harbour or keep bees on any premises within the area of jurisdiction of the council without a permit from the Municipality and a permit may only be granted subject to the following conditions:

- 19.1.1 the application or permit must be supported by a written consent of the property owner;
  - 19.1.2 such permit may not be transferable;
  - 19.1.3 the Municipality may cancel such permit be contravention of any provisions of the Chapter;
  - 19.1.4 should any permit holder intend to move either bees or beehives to another erf, then a fresh application in terms of Section 5.1.1 must be lodged with the Municipality;
  - 19.1.5 the Municipality must be satisfied that the applicant must have a reasonable knowledge of the habit and keeping of bees.
  - 19.1.6 the applicant must be registered with a local bee keeping association that is reputable and recognized.
- 19.2 No person may keep bees within the area of jurisdiction of the Municipality, save in beehives constructed of ridged and weather-resisting material and fitted with interchangeable readily removed frames.
- 19.3 No person may keep bees on any erf at a distance of less than 10 m from any boundary of such erf or at a distance of less than 1000 m from any public place or building occupied or used by human beings, subject thereto that the Municipality may relax the distances herein referred to, if it is deemed reasonable.
- 19.4 Beehives must be completely surrounded by an approved fencing of not less than 2 m high, fitted with a gate of the same height which must be so kept as to prevent the approach of any person or domestic animal to within a distance of not less than 10 m from any part of any such beehive. Such enclosure must have the physical address and telephone number of the permit holder at a conspicuous position.
- 19.5 The gate referred to in subsection 19.4 of this Chapter must, except when a person is actually entering or leaving the enclosure, be securely closed and no person may permit any animal in his custody or under his control to enter the enclosure.
- 19.6 Beehives must be kept in shade and every person who keeps bees must maintain an adequate and suitable supply of drinking water for such bees within a distance of not more than 5 m from a hive in which such bees are kept by such person.
- 19.7 No person may transfer bees before two hours prior to sunset unless bee-escapes are used.
- 19.8 Honey may under no circumstances be removed before two hours prior to sunset.
- 19.9 If at any time any person residing within the jurisdiction of the Municipality complains at the Municipality's office that the bees of any person are a nuisance, the complaint must be investigated, and if it is found that any person has failed to comply with any of the condition mentioned in this Chapter, or that he is negligent or careless in the handling of bees, or that he is keeping bees as a place not allowed to do so, the Municipality may order that such person must take precautions to abate the nuisance, or that he remove his bees outside the jurisdiction area of the Municipality, or destroy it.
- 19.10 Should any person fail to execute any order issued by the Municipality in terms of subsection (9), the council may remove the bees to a safe place or destroy the bees. Such person will be liable for the costs of the Municipality for removing or destroying of the bees.
- 19.11 Should any occupier of any house or erf discover bees which have taken up their abode in any part of such house or erf, he must report such fact to the council, then in such case the Municipality may remove such bees to a proper hive or destroy the bees.

- 19.12 No person may dump or deposit any garbage, compost or manure within 5 m of any beehive.

## PART 9

### DEALERS IN LIVESTOCK AND OTHER BUSINESSES INVOLVING THE KEEPING OF ANIMALS OR POULTRY

#### Requirements for Conducting Business

- 20.
- 20.1 Every person conducting the business of a dealer or speculator in livestock or other business involving the keeping of animals or poultry, other than a pet shop, must comply with the requirements of subsection 20.2 and 20.3.
- 20.2 Subject to the provisions of Section 2 to 15 inclusive, must be complied with in so far as those provisions are applicable to the animals or poultry kept.
- 20.3 An enclosure with an area of at least 10 m<sup>2</sup> per head of cattle, horse, mule or donkey and 3 m<sup>2</sup> per goat or sheep to be accommodated therein at any time with an overall minimum area of 50 m<sup>2</sup> must be provided.
- 20.4 A separate change room, clearly designated, must be provided for every sex if more than three non-resident persons of opposite sexes are employed in the keeping of animals or poultry.
- 20.4.1 every change room must have a floor area of at least 0,5 m<sup>2</sup> per employee, subject to an overall minimum area of 6,5 m<sup>2</sup> and a minimum width of 2.1 m;
- 20.4.2 any such change room must be equipped with a metal clothes locker for the keeping of personal clothing of each employee;
- 20.4.3 for each employee for whom no change room is required in terms of subparagraph 20.4.1, a metal clothes locker must be provided;
- 20.5 One hand wash basin and one shower-bath must be provided for every 15 persons, or part of that number, employed;
- 20.5.1 every hand wash basin and shower-bath must be located within or adjacent to the change rooms, shall have a constant supply of hot and cold running water laid on to be drained in terms of Section 31;
- 20.5.2 soap and toweling must be provided at the wash hand basin and shower.
- 20.6 Overalls or other protective clothing and, if required by the health officer, protective footwear must be provided for the use of persons employed in the keeping of animals or poultry.
- 20.7 In respect of employees resident on or at the premises –
- 20.7.1 sleeping accommodation equipped with a bed for each such employee must be provided;
- 20.7.2 ablution facilities comprising one wash hand basin and one shower-bath or bath, separate for the sexes and clearly designated, must be provided for every 10 persons or part of that number of particular sex employed;
- 20.7.3 every hand basin, shower-bath or bath must have a constant supply of hot and cold running water laid on and be drained in terms of Section 31.
- 20.8 Cooking facilities and scullery for the cleaning of cooking and eating utensils must be provided.
- 20.8.1 the scullery must be fitted with a double-bowled sink of stainless steel with a constant supply of hot and cold running water laid on and drained in terms of Section 28;
- 20.8.2 every bowl of the sink must have a minimum capacity of 55 litre and be fitted with a 150 mm high splash screen on the side nearest the wall and be positioned at least 100 mm from any wall surface.

- 20.9 Laundry facilities consisting of a stainless steel laundry trough with a constant supply of hot and cold running water laid on and drained in terms of Section 29, must be provided.
- 20.10 a refuse receptacle must be provided in the scullery;
- 20.11 a locker or other approved facilities must be provided in the room where the cooking facilities are situated for the storage of non-perishable food of each employee.

## PART 10

### DOG KENNELS AND CATTERIES

#### Requirements for Premises

- 21.
- 21.1 No person may use premises as kennels or as a cattery except in terms of a permit authorizing that activity and unless the premises comply with the following requirements of subsection 21.2 to 21.12 –
- 21.2 Every dog or cat must be kept in an enclosure complying with the following requirements:
  - 21.2.1 it must be constructed of durable materials and must have access thereto adequate for cleaning purposes;
  - 21.2.2 the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending the full width of the floor and situated within the enclosure, which channel must be graded and drained into a gully connected to the council's sewer by means of a waste water pipe 100 mm in diameter;
  - 21.2.3 a curb 150 mm high must be provided along the entire length of the channel referred to in paragraph (b) and on the side thereof adjacent to the surrounding outside area to prevent storm water from such area from entering the channel.
- 21.3 Every enclosure referred to in subsection (2), must contain a roofed shelter for the accommodation of dogs or cats complying with the following requirements:
  - 21.3.1 every wall must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface without cracks or open joints;
  - 21.3.2 the floor must be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints and every junction between the floor and the walls of a permanent structure must be covered.
  - 21.3.3 every shelter must have adequate access thereto for cleaning and de-verminising.
- 21.4 In the case of dogs, a dog kennel of moulded asbestos or other similar material, which is moveable, and placed on a base constructed of concrete or other durable material with an easy cleaned finish, without cracks or open joints, may be provided instead of a shelter contemplated in subsection 21.2 and if the base of such kennel is not rendered water-proof, a sleeping board which will enable the dog to keep dry, must be provided in every such kennel.
- 21.5 A concrete apron extending at least 1 m wide around the extremities of the enclosure must be provided, which apron must be graded and drained for the draining of storm water away from the enclosure.
- 21.6 A potable water supply must be provided in or adjacent to the enclosure adequate for drinking and cleaning purposes.
- 21.7 If required by the health officer, a separate room or roofed area with a floor area not less than 6,5 m<sup>2</sup>, a width of not less than 2,1 m and a height of not less than 2,4 m must be provided for the preparation of food.

- 21.7.1 the floor of the room or roofed area must be concrete or other durable and impervious material brought to a smooth finish;
  - 21.7.2 the internal wall surfaces of the room or roofed area must be smooth plastered and painted with a light coloured washable paint;
  - 21.7.3 the room or roofed area must be equipped with preparation tables of metal manufacture and a double bowled stainless steel sink with a constant supply of hot and cold water laid on and drained in terms of Section 29;
  - 21.7.4 every bowl of the sink must have a minimum depth of 225 mm and minimum capacity of 55 litre.
- 21.8 A rodent proof store-room must be provided for the storage of food, the floor area of which may not be less than 6,5 m<sup>2</sup> and the width not less than 2,1 m; Provided that if the health officer is satisfied that, having regard to the number of dogs or cats being kept on the premises, a store-room of a smaller dimensions than the minimum dimension required or other storage facilities would be adequate, he may permit a smaller store-room or other storage facility as he deems fit.
- 21.9 At least 5 m of clear unobstructed space must be provided between any shelter or enclosure and the nearest point of any dwelling, other building or structure used for human habitation or place where food is stored or prepared for human consumption, or the boundary of any land.
- 21.10 Isolation facilities must be provided for sick dogs or cats.
- 21.11 If washing, clipping or grooming of pets is done, the following facilities must be provided:
- 21.11.1 a bathroom with a minimum floor area of 9 m<sup>2</sup>, a width of not less than 2,1 m fitted with a bath or similar approved fitting and wash hand basin with a constant supply of hot and cold running water laid on;
  - 21.11.2 a clipping and grooming room with a minimum floor area of 10 m<sup>2</sup>, a width of not less than 2,1 m and fitted with approved 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;
  - 21.11.3 the rooms referred to in paragraphs 21.11.1 and 21.211.2 must be laid out in such a manner so as to provide an unobstructed floor area of at least 30%;
  - 21.11.4 the floors of the rooms referred to in paragraphs 21.11.1 and 21.11.2 must be constructed of concrete or other durable and impervious material, brought to a smooth finish, graded to a channel drained in terms of Section 29;
  - 21.11.5 every junction between the floor and walls of such room must be coved and the coving shall have a smooth plastered and painted in a light coloured washable paint.
- 21.12 If cages are provided for the keeping of cats, such cages must be of durable impervious material and constructed so as to be easily drained.

#### **Duties of Person in Control of Kennels or Catteries**

22. Any person in control of kennels or a cattery must –
- 22.1 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.
- 22.2
- 22.2.1 Provide portable storage receptacles of an impervious material with close fitting lids for storage of dog and cat faeces;
  - 22.2.2 every such receptacle must be kept on a platform constructed of concrete or other durable and impervious material adjacent to the enclosures.

- 22.3 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 22.2.
- 22.4 Remove the contents of the storage receptacles from the premises at least twice every 7 days and dispose thereof in a manner which will not create a nuisance.
- 22.5 Store all loose food in receptacles with close fitting lids within the food store.
- 22.6 Provide refrigeration facilities in which all perishable food must be stored at a temperature no higher than 10° C.
- 22.7 Take effective measures for the prevention of harbouring or breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of dogs and cats.
- 22.8 Provide refuse receptacles with close fitting lids in the food preparation room or roofed area required in terms of Section 21.7.
- 22.9 Keep any sick dog or cat in the isolation facilities required in terms of Section 21.10, whilst on the premises.
- 22.10 Ensure that dogs and cats kept on the premises do not disturb or hinder the comfort, convenience, peace or quiet of the public.

## PART 11

### PET SHOPS AND PET PARLOURS

#### Requirements for Premises

- 23. No person may conduct a business of a pet shop or pet parlour in or upon any premises—
- 23.1 In which there is direct internal access with any room or place used for human habitation or in which clothing is stores or sold or food for human consumption is prepared, stored, sold or consumed.
- 23.2 Unless the premises are constructed and equipped in accordance with the following requirements:
  - 23.2.1 every wall including any partition of any building must be constructed of brick, concrete or other durable material, must have a smooth internal surface and painted with a light coloured washable paint or given some other approved finish;
  - 23.2.2 the floor of any building must be constructed of concrete or other durable and impervious material brought to a smooth finish;
  - 23.2.3 the ceiling of any building must be constructed of durable material, have a smooth finish, be dust proof and painted with a light coloured washable paint;
  - 23.2.4 one wash hand basin with a constant supply of hot and cold running water laid on, must be provided for every 15 or part of that number of persons employed on the premises which must be drained in terms of Section 29.
  - 23.2.5
    - (i) A rodent proof store-room with a floor area of not less than 16 m<sup>2</sup> must be provided;
    - (ii) If the health officer is satisfied that, having regard to the extent of the business and the quantity of goods and equipment and pets food to be stored on the premises, a store-room of smaller dimensions than the minimum dimensions in terms of subparagraph (i) is adequate, he may permit a smaller store-room.
  - 23.2.6 (i) a curbed and roofed over platform with a surface of at least 1,5 m<sup>2</sup> raised at least 100 mm above the floor and constructed of concrete or other



- durable and impervious material brought to a smooth finish, which platform must be provided with a constant supply of water laid on; or  
 (ii) a stainless steel sink or trough not less than 304 mm deep with a drainage board and with a constant supply of water laid on;
- 23.2.7 The platform, sink or trough referred to in subparagraph 23.2.6 shall be drained in terms of Section 29 and any wall surface with 0,5 m of such platform, sink or trough must be permanently covered with durable waterproof material to a height of at least 1,4 m above the floor.
- 23.2.8 A separate change room, clearly designated, must be provided for any sex if more than two persons are employed on the premises.
- (i) Every such change room must have a floor area of at least 0,5 m<sup>2</sup> for each employee with a minimum overall floor area of 6,5 m<sup>2</sup> and a minimum width of 2,1 m and must be equipped with a separate metal clothes locker for the keeping of personal clothing of each employee;
- (ii) For each employee for which no change room is required in terms of subparagraph (i), a metal cloths locker must be provided.
- 23.2.9 No door, window or other opening in any wall of a building on the premises must be within 2 m of any door, window or opening to any building in which food is prepared, stored or sold for human consumption or consumed by humans.
- 23.2.10 If the washing, clipping or grooming of pets is done on the premises, the requirements of Section 21.11 shall be complied with.

### Duties of Trader

24. Every person who conducts the business of a pet shop or pet parlour must: -
  - 24.1 Provide cages for housing animals, poultry or birds and the following requirements must be complied with.
    - 24.1.1 the cages must be constructed entirely of metal or other durable impervious material and must be fitted with a removable tray below the floor to facilitate cleaning;
    - 24.1.2 every cage must be free from any recess or cavity not readily accessible for cleaning and every tubular or hollow fitting used in connection therewith must have its interior cavity sealed;
    - 24.1.3 every cage must be of such size and mass and so placed that it can be readily moved.
    - 24.1.4 if rabbits are kept in a cage, the metal tray referred to in subparagraph 24.2.1 must be drained to a removable receptacle;
    - 24.1.5 every cage must be fitted with a drinking vessel filled with water and accessible to the pets kept in the cage;
    - 24.1.6 the distance from any cage to the nearest wall must at all times be not less than 150 mm;
    - 24.1.7 the cages must be kept not less than 450 mm above floor level and the space beneath the cages must be unobstructed.
  - 24.2 Provide rodent proof receptacles of an impervious material with close fitting lids in the store-room in which all loose pet food must be stored.
  - 24.3 Provide refrigeration facilities in which all perishable pet food kept on the premises must be stored at a temperature not higher than 10° C.
  - 24.4 Maintain in every room in which pets are kept, an unobstructed floor space of not less than 30% of the floor area of such room and a distance of not less than 800 mm between rows of cages.
  - 24.5 Maintain the premises and every cage, tray, container, receptacles, baskets and apparatus, equipment and appliances used in connection with the pet shop, in a clean, sanitary condition, free from vermin and in good repair.

- 24.6 Take effective measures for the prevention of harbouring or breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of pets on the premises.
- 24.7 Provide overalls or other protective clothing for the use of person employed in connection with the pet shop and ensure that such apparel is worn by the employee when on duty.
- 24.8 Not keep any pet in the yard or other open spaces on the premises, unless otherwise approved by the health officer.
- 24.9 Provide isolation facilities, in which every pet which is or appears to be sick must be kept whilst on the premises.
- 24.10 Ensure that there is a constant and potable water supply for drinking and cleaning purposes.
- 24.11 Ensure that the premises are at all times so ventilated so as to ensure sufficient movement of air for the comfort and survival of the pets.
- 24.12 Ensure that the number of pets per cage is not such that the free movement of such pets is impeded.

## PART 12

### HAWKING OF POULTRY AND RABBITS

- 25. No person may hawk poultry or rabbits, unless the following requirements are complied with:
  - 25.1 The business of a hawker must be conducted from premises on which poultry or rabbits may be kept in compliance with the provisions of Chapters V and VI and facilities must be provided for the parking of the vehicles used for hawking after normal trading hours.
  - 25.2 Facilities must be provided on the premises for the washing and disinfection of cages, crates and trays in the form of either –
    - 25.2.1 a curbed platform with a surface area of at least 1,5 m<sup>2</sup>, raised at least 100 mm above the floor and constructed of a concrete or other durable and impervious material brought to a smooth finish and drained in terms of Section 29; or
    - 25.2.2 a stainless steel sink or trough not less than 300 mm deep and 0,6 m<sup>2</sup> in area with a drainage board, and with a constant supply of water laid on at such washing platform, sink or trough.
  - 25.3
    - 25.3.1 A vehicle and sound construction, oil painted and bearing the name of the hawker, together with his residential address and the address of his business premises in clearly legible letter not less than 50 mm in height on both sides of the vehicle must be provided;
    - 25.3.2 that part of the vehicle in which poultry or rabbits are conveyed must be provided with a top or cover of heat resistant material, other than metal, and provision for through ventilation must be made.
  - 25.4 Cages or crates of an impervious and durable material must be provided for conveying poultry or rabbits on the vehicle.
    - 25.4.1 such cages, crates or divisions thereof must be fitted with removable trays of impervious material for the reception of poultry or rabbit droppings;
    - 25.4.2 in the case of rabbits such trays must be drained to a removable receptacle.

- 25.5 Every cage, crate or division must be provided with a drinking vessel, not less than 100 mm in depth filled with water, which must be fixed to an inside corner of the cage, crate or division.

#### **Duties of Hawker**

26. Every person having poultry or rabbits must –
- 26.1 Wash and thoroughly cleanse that part of the vehicle in which poultry or rabbits are conveyed and every cage, crate and tray used on the vehicle, after each day's trading.
- 26.2 Remove from every cage or crate on the vehicle any poultry or rabbits which appear to be sick and place such poultry or rabbits in a separate cage.
- 26.3 Maintain the premises, vehicle and every cage, crate, tray, vessel, container and receptacle used in connection with such hawking in a clean and sanitary condition, free from vermin and in good repair.
- 26.4 Store all feed in rodent proof receptacles.

### **PART 13**

#### **KEEPING OF OSTRICHES, EMUS AND THEIR CHICKENS**

#### **27. Requirements for Premises**

For the keeping of chickens, ostriches and emus, premises complying with the following requirements must be provided:

- 27.1 A chicken house complying with the following requirements:
- 27.1.1 the chicken house shall have a floor area of at least 0,32 m<sup>2</sup> for each chicken to be accommodated therein, with an overall minimum floor area of 32 m<sup>2</sup>;
  - 27.1.2 the floor shall be at least 150 mm above the surrounding ground level, constructed of concrete or other impervious material and grated for the run-off liquids into an open channel outside the chicken house and drained in terms of Section 31;
  - 27.1.3 every wall thereof shall be constructed of brick, stone, concrete or any other impervious material and shall have a smooth internal surface;
  - 27.1.4 a roof provided over the chicken house must be of impervious material and must be at the height of not less than 3 m from ground level at its lowest point;
  - 27.1.5 there must be adequate and suitable facilities for the collection and disposal of all manure or refuse and which manure or refuse must be disposed of outside the chicken run to the chicken house;
  - 27.1.6 there must be sufficient natural and/or artificial lighting and ventilation. For natural lighting and ventilation adequate openings will be provided. At night such openings should be covered with blinds;
  - 27.1.7 sufficient heat must be installed to protect chickens against cold;
  - 27.1.8 a water supply, adequate for drinking and cleaning purposes, must be provided for in the chicken house.
- 27.2 A chicken run must comply with the following requirements:
- 27.2.1 if a chicken run is provided it must be enclosed with a fence;
  - 27.2.2 the height of such fence shall be at least 600 mm;
  - 27.2.3 shadow netting must be attached overhead in the centre of the run for shade;
  - 27.2.4 a water supply, adequate for drinking and cleaning purposes, shall be provided in the run.

- 27.3 An enclosure for ostriches and emus complying with the following requirements:
- 27.3.1 the enclosure must be surrounded by a fence, which fence must be of a height not less than 1,5 m, provided that a fence for emus must be of a height not less than 1,25 m, and the fence must be of such nature that the ostriches and emus will not be able to get injured or escape;
  - 27.3.2 a water supply, adequate for drinking and cleaning purposes, must be provided within the enclosures.
  - 27.3.3 Breeding camps shall be a dimension of 40 m x 40 m and no more than 70 ostriches or emus may be kept in such breeding camp during the breeding season.
- 27.4 A change room for visitors and workers must be provided and such change room must contain facilities for washing and/or sanitation of hands before entering any chicken run or chicken house.
- 27.5 No person may enter a chicken run or chicken house without wearing clean overalls as well as gum boots and which gum boots must be rinsed in a foot bath containing sterilization liquid.
- 27.6 A separate room or area must be provided where injured chickens, ostriches or emus may be examined and or treated.
- 27.7 If a hatchery is provided it must consist of a minimum of one room and of a dimension in the discretion of the Inspector.
- 27.8 All chicken houses and chicken runs must be located at least 3 m from a boundary and 3 m apart whilst other enclosures and camps must be situated 5 m from any boundary and not less than 50 m from any dwelling or other building or structure used for human habitation or any premises where food is handled.
- 27.9 Hatching may only take place in an approved building in an erf of a proclaimed township or agricultural holding, and such hatched chickens must be transferred to the ostrich or emu farmers within 3 day after hatching, provided that no chickens may be raised in a township or agricultural holding except with the approval of the Inspector.
- 27.10 No ostrich or emu may be kept in a township, provided that ostriches or emus may be kept on an agricultural holding but subject to the approval of the Inspector.
- 27.11 No chicken run may be within a distance less than 50 m from any well, water source or other source of water supply, intended for human consumption. Where reasonably possible the chicken run should placed on the lower side of a spring or well
- 27.12 An adequate rodent-proof store-room must be provided for the storage of feed.

## **28. Duties of the Keeper of Ostriches and Emus**

- 28.1 Every person keeping chicken, ostriches or emus must:
- 28.1.1 ensure that all chickens are kept within the chicken house or chicken run;
  - 28.1.2 ensure that all ostriches or emus are kept within the enclosure or breeding camp;
  - 28.1.3 maintain the premises and any equipment, apparatus, container and receptacles used in connection with such keeping in a clean, sanitary condition and in good repair;
  - 28.1.4 maintain the premises free from offensive odours and every chicken house, chicken run, enclosure or breeding camp must be clean and free from vermin;
  - 28.1.5 provide portable manure storage receptacles with close-fitting lids of an impervious material and every such receptacle must be kept on a concrete floor or other impervious material approved by the health officer;

- 28.1.6 remove all manure and other waste from the chicken house or chicken run at least once every 48 hours and place it in a manure storage receptacle;
- 28.1.7 disinfect the chicken house or chicken run every 24 hours;
- 28.1.8 remove all manure and other waste at least 4 times a year from any enclosure and remove manure and other waste from breeding camps after breeding has been completed;
- 28.1.9 take effective measure to prevent the harbouring and breeding of flies, cockroaches, rodents and other vermin, and for the prevention of offensive odours arising from keeping of chickens, ostriches or emus on the premises;
- 28.1.10 ensure that all chemicals and medication are kept separately from each other in a room or locker and such chemicals and medication must be properly labeled.

## PART 14

### KEEPING OF WILD ANIMALS

- 29. 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:
- 29.1 Every wild animal must be kept in an enclosure and/or housing constructed and equipped as follows:
  - 29.1.1 the enclosure and/or housing must satisfy the needs of the specific animal as specified by the relevant nature conservation authorities;
  - 29.1.2 the enclosure and/or housing may not be situated within 50 metres of –
    - (i) any boundary of the premises;
    - (ii) any dwelling, building or structure used for human habitation;
    - (iii) any dwelling, building or structure where food is stored, handled or prepared for human consumption; or
    - (iv) any water source intended for domestic consumption.;
  - 29.1.3 an adequate supply of potable water for drinking and cleaning purposes must be provided; and
  - 29.1.4 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;
- 29.3 A separate room, equipped with a preparation table and wash-up sink, supplied with running potable water and drained in accordance with Section 31, must be provided for the preparation of food.
  - 29.3.1 adequate facilities must be provided for washing any cages, trays, crates, 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;
- 29.4 Both facilities referred to in paragraph © must be provided with a supply of running water adequate for drinking and cleaning and be drained in accordance with Section 31.
- 29.5 Any area and room in which fodder and food are stored must be rodent-proof, and
- 29.6 The enclosure and/or housing must be adequate in size to allow free unobstructed movement of animals kept therein.
- 30. **Duties of Keeper of Wild Animals**
  - Any person who keeps wild animals must –
  - 30.1 Maintain the premises in a clean and sanitary condition at all times.

- 30.2 Clean all manure and food scraps from any enclosure and/or housing at adequate intervals.
- 30.3 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
- 30.4 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 15**

### **MISCELLANEOUS**

#### **31. Draining**

All sinks, wash and basins, baths, shower-baths, troughs, floor surfaces, including channels and washing platforms, required to be drained in terms of this Chapter, must be drained to an external gully, connected to the Municipality's sewer or, where no sewer is available or readily accessible, to other means of drainage approved by the Municipality.

#### **32. Discharge of Taps**

The taps at all water supply points required in terms of this Chapter, other than those within a building or structure the floors of which are graded and drained, must be placed so as to discharge directly over and into a dished top fitted to an external gully connected to the Municipality's sewer or, where sewer is unavailable or readily accessible, to other means of drainage approved by the Municipality.

#### **33. Nuisance**

No person shall –

- 33.1 Keep any animal or pet in such a manner as to cause a nuisance.
- 33.2 Fail to remove faeces deposited by a dog in a public place whilst under his control or supervision and dispose of such faeces in a refuse receptacle.
- 33.3 Fail to duly dispose of dead animals in an approved manner as prescribed by the health officer.
- 33.4 Keep any animal or pet in such a manner as to disturb or hinder the comfort, convenience, peace or quiet of the public.

#### **Illness Attributable to Animals, Poultry and Birds**

- 34. The illness of any person which is attributable to the keeping of any animal, poultry, bird or pet as contemplated in Parts 7 and 9 to 11 inclusive, must be reported to the health officer within 24 hours of diagnosis by the person making the diagnosis.

#### **Dangerous Animals, Reptiles or Insects**

- 35.
- 35.1 No person may without a permit issued by an health officer and/or relevant nature conservation authorities, keep any wild animal of a species that is dangerous to humans, including without limitation, large carnivores, venomous snakes, spiders or scorpions.

35.2 Any person who keeps any animal which is known to behave in a manner that is dangerous to humans must keep it in an adequate enclosure and take adequate measures to ensure that it does not escape from the enclosure or pose a danger to the residents of, or visitors to, the premises or any other person.

35.3 No person shall keep bees on a premises within a proclaimed township.

#### **Inspection**

36. The health officer may, in order to satisfy himself that the provisions of this Chapter are being complied with –

36.1 Enter any premises on which animals, poultry, birds or pets are kept or on which kennels or a cattery is conducted or the business of a dealer or speculator in livestock or a pet shop, a hawker of poultry or rabbits is being conducted or on which he reasonably suspects animals, poultry, birds or pets are kept or such business is being conducted, at all reasonable times.

36.2 Inspect such premises or any vehicle used or reasonably suspected by him to be used for such business and anything thereon or therein, and

36.3 Question any person on such premises or in such vehicle or who has recently been on such premises or in such vehicle.

#### **Fees**

37. A fee determined in terms of the General Tariffs By-laws shall be levied by the Municipality for a permit in terms of Sections 5.1.1, 19.1 and 21.1.

## ANNEXURE A

## [MUNICIPAL HEALTH SERVICES BY-LAWS, CHAPTER 13, SECTION 5.2]

## WEST RAND DISTRICT MUNICIPALITY

## APPLICATION FOR A PERMIT: KEEPING OF ANIMALS, ETC.

Mark with a

☒☐

Keeping of animals

☐

Dog kennels &amp; catteries

☐

Keeping of rabbits

☐

Keeping of dangerous animals

☐

Keeping of bees

Application is hereby made to use the premises in respect of which the particulars are as follows, for the above-mentioned purposes:

Name of business (if any):

---

Full name of applicant:

---

Postal address:

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---

---

Stand/Portion No.:

---

Telephone/Cell no.:

---

Date of application:

---

Signature of applicant:

---



**ANNEXURE B**

**[MUNICIPAL HEALTH SERVICES BY-LAWS, CHAPTER 13, SECTION 5.1.1]**

**WEST RAND DISTRICT MUNICIPALITY**

**PERMIT FOR THE KEEPING OF ANIMALS, ETC.**

A permit to keep poultry/rabbits/bees/dangerous animals/dog kennels and catteries as specified hereunder at the address to be specified is hereby granted.

\* Poultry/Rabbits: \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street address: \_\_\_\_\_

\_\_\_\_\_

Stand/Portion No.: \_\_\_\_\_

Permit No.: \_\_\_\_\_

\_\_\_\_\_  
ENVIRONMENTAL HEALTH PRACTITIONER

Restrictions, conditions or stipulations (if any):-

\_\_\_\_\_

(iii) Specify numbers and kind of poultry or rabbits.