Johannesburg, South Africa

Public Health By-law, 2003

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Public Health By-law, 2003

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[Amended by Public Health: Amendment (Local Authority Notice 2076 of 2011) on 3 August 2011]

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

Chapter 1
Interpretation and fundamental principles

1. Definitions and interpretation

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

"**adequate**" when used to describe a standard or manner in which anything required by these By-laws must be done, means the standard or manner that, in the opinion of an environmental health officer, is sufficient to safeguard public health, and to achieve the purpose and apply the principles of these By-laws and "adequately" has a corresponding meaning;

"**approved**" when used to describe a particular object, measure or material, means an object, measure or material which has been approved in terms of section 12 as being adequate in specified circumstances to prevent, or reduce to a level acceptable to the Council, the risk of any public health hazard or public health nuisance occurring, continuing or recurring;

"**authorised official**" means any official of the Council who has been authorised by the Council to administer, implement and enforce the provisions of these By-laws;

"**communicable diseases**" means any disease which can be communicated directly or indirectly from any animal or through any agent to any person or from any person suffering therefrom or who is a carrier thereof, to any other person;

"**Council**" means –

(a) the Metropolitan Municipality of the City of Johannesburg established by Provincial Notice No. 6766 of 2000 dated I October 2000, as amended, exercising its legislative and executive authority through its municipal Council; or

(b) its successor in title; or

(c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or subdelegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or

(d) a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, or any other law, as the case may be;

"**disinfect**" means the use of approved chemical agents to treat inanimate objects such as working surfaces and instruments In order to inhibit growth of or to destroy harmful organisms. *[Definition of disinfect inserted: Notice 2076 : 2011-08-03 PG No 167]*

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

"**environmental health officer**" means an official appointed by the Council, and who is duly registered as an environmental health officer or environmental health practitioner with the Health Professions Council of South Africa in terms of section 33(1) of the Medical Dental and Supplementary Health Services Professions Act, 1974 (Act No. 56 of 1974);

"**exemption certificate**" means a certificate issued in terms of section 10;

"**hot water**" means water which has a minimum temperature of 55o C at the point of discharge;

"**municipal area**" means the area under the jurisdiction of the Council;

"**municipal manager**" means a person appointed as such by the Council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"**National Building Regulations and Building Standards Act**" means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);

"**occupier**", in relation to any premises, means any person –

(a) occupying the premises;

(b) leasing the premises;

(c) who is not occupying the premises but is entitled to do so; or

(d) who manages the premises or a business on the premises on behalf of a person referred to in paragraph (a), (b) or (c);

"**organ of state**" means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996);

"**owner**", in relation to any premises, means –

(a) the person in whose name the title to the premises is registered, and includes the holder of a stand licence; or

(b) if the person referred to in paragraph (a) is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian or other person who is legally responsible for administering that person's estate;

"**permit**" means a public health permit issued by the Council in terms of the section 11;

"**person**" means a natural person or a juristic person, and includes an organ of state;

"**pest**" means any animal or mammal which may create a public health hazard or public health nuisance if it is present in significant numbers and without limitation, includes rats, mice, flies, mosquitoes, bed bugs, fleas, lice, termites and cockroaches;

"**potable water**" means water that complies with the requirements set out in SABS 241: Water for Domestic Supplies;

"**premises**" means –

(a) any land without any buildings or other structures on it; (b) any building or other structure and the land on which it is situated;

(c) any land which adjoins land referred to in paragraph (a) or (b) and any building or other structure on the adjoining land, if that land, building or structure is occupied or used in connection with any activity carried out on the premises referred to in paragraph (a) or (b); or

(d) any vessel, vehicle or movable structure which is used for a scheduled use;

"**prescribed fee**" means a fee determined by the Council by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;

"**public health**" means the mental and physical health and well-being of people in the municipal area;

"**public health hazard**" means any actual threat to public health, and without limitation, includes –

(a) unsanitary conditions;

(b) circumstances which make it easier for a communicable disease to spread;

(c) circumstances which make food or drink, including water for domestic consumption, unhygienic or unsafe to eat or drink; and

(d) circumstances which allow pests to infest any place where they may affect public health;

[Item. (a) deleted and items renumbered: Notice 2076 : 2011-08-03 PG No 167]

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

"**public place**" means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden park, path, bus or taxi rank, servitude or enclosed space vested in the Council and includes any road, place or thoroughfare which is in the undisturbed use of the public or which the public have the right to use;

"**Rationalisation of Local Government Affairs Act**" means the Gauteng Rationalisation of Local Government Affairs Act, 1998 (Act No. 10 of 1998);

"**scheduled use**" means a use listed in Schedule 2.

"**sterilize**" means the act of treating inanimate objects to render it free from any living germs or microorganisms and any spores, usually by subjecting it to high temperature with steam, dry heat, or boiling liquid or by means of ultra violet treatment. *[Definition of sterilize inserted: Notice 2076 : 2011-08-03 PG No 167]*

"**unsanitary conditions**" means the presence on premises of any condition which may be offensive, unsightly, dangerous or injurious to health including but not limited to the following:

(a) unhygienic and dirty conditions;

(b) littering;

(c) accumulation of refuse, rubbish, waste or rubble;

(d) long grass;

(e) weeds:

(f) undergrovvth:

(g) stagnant water;

(h) mosquito breeding;

(i) attraction of flies or other vermin, pests, rodent breeding and or harbourage;

(j) emission of noxious gasses;

(k) offensive smells;

(l) odours;

(m) vapours;

(n) ash;

(o) grit;

(p) soot or smoke;

(q) toxic industrial effluent;

(r) sewer or wastewater spillage and the accumulation of manure; human or animal excreta or urine.

[Definition of unsanitary conditions inserted: Notice 2076 : 2011-08-03 PG No 167]

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

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

2. Purpose

The purpose of these By-laws is to enable the Council to protect and promote the long term health and well-being of people in the municipal area by -

(a) providing, in conjunction with any other applicable law, an effective legal and administrative framework within which the Council can –

(i) manage and regulate activities that have the potential to impact adversely on public health; and

(ii) require premises to be properly maintained and managed; and

(b) defining the rights and obligations of the Council and the public in relation to this purpose.

Chapter 2
Public health

Part 1 – Public health principles

3. Principles

(1) Every person has a constitutional right to an environment that is not harmful to his or her health or well-being and to have access to sufficient water and the Council has a constitutional duty to strive, within its financial and administrative capacity, to promote a safe and healthy environment.

(2) The risk of a public health hazard occurring, continuing or recurring must be eliminated wherever reasonably possible, and if it is not reasonably possible to do so, it must be reduced to a level acceptable to the Council.

(3) Any person who owns or occupies premises in the municipal area must ensure that it is used for and maintained in a manner that ensures that no public health hazard or public health nuisance occurs on the premises.

(4) Any person who wishes to undertake an activity which creates a risk to public health that is more than trivial or insignificant must –

(a) take all reasonable measures to eliminate that risk, and if that is not reasonably possible, to reduce the risk to a level acceptable to the Council; and

(b) bear the costs of taking those measures and of any reasonable costs incurred by the Council in ensuring that the risk is eliminated or reduced to an acceptable level.

(5) The Council must regulate all activities and administer all matters for which it is legally responsible in a manner that –

(a) avoids creating a public health hazard or a public health nuisance;

(b) does not make it easier for any human or animal disease to spread;

(c) does not give rise to unsanitary or unhygienic conditions;

(d) prevents unsafe food or drink from being eaten or drunk;

(e) avoids creating conditions favourable for infestation by pests; or

(f) wherever reasonably possible, improves public health in the municipal area.

(6) In dealing with matters affecting public health the Council must –

(a) adopt a cautious and risk-averse approach;

(b) prioritise the collective interests of the people of the municipal area, and of South Africa, over the interests of any specific interest group or sector of society;

(c) 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;

(d) adopt a long-term perspective that takes account of the interests of future generations; and

(e) take account of, and wherever possible without compromising public health, minimise any adverse effects on other living organisms and ecosystems.

4. Application of principles

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

(a) exercising a power or function or performing a duty under these By-laws;

(b) formulating or implementing any policy that is likely to have a significant effect on, or which concerns the carrying on of activities likely to impact on, public health in the municipal area; or

(c) exercising a public power or function or performing a public duty in the municipal area which is likely to have a significant effect on public health in that area.

Part 2 – Public health hazards and public health nuisances

5. Prohibition on causing public health hazards

(1) No person may create a public health hazard anywhere in the municipal area.

(2) Every owner or occupier of premises must ensure that a public health hazard does not occur on those premises.

[Subsection (3) deleted: Notice 2076 : 2011-08-03 PG No 167]

6. Duty to report public health hazards

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

(a) eliminate the public health hazard; or

(b) if the owner or occupier is unable to comply with paragraph (a), take reasonable steps to reduce the risk to public health and forthwith report the existence of the public health hazard to the Council in writing.

7. Prohibition on causing public health nuisances

(1) No person may cause a public health nuisance anywhere in the municipal area.

(2) Every owner or occupier of premises must ensure that a public health nuisance does not arise on those premises.

Chapter 3
Potentially hazardous uses of premises and enforcement

Part 1 – Potentially hazardous uses

8. Duty to list potentially hazardous uses

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

9. Scheduled uses

(1) Any person who uses premises in a manner or for a purpose listed in Schedule 2 must comply with every provision specified in the Chapter of these By-laws relating to that use, unless that person has been granted an exemption in terms of section 10 from complying with any such provision.

(2) Any person who uses premises in a manner or for a purpose that is listed in Part A of Schedule 2, must obtain a permit in terms of section 11 before commencing that use and must comply with the terms and conditions of that permit.

10. Exemption certificates

(1) Any person who wants to undertake a scheduled use on any premises but wishes to be exempted from complying with any requirement of these By-laws relating to the use concerned, may apply to the Council in accordance with section 13 for an exemption certificate.

(2) The Council may grant an exemption certificate, subject to such conditions as it may impose, if an environmental health officer is satisfied that –

(a) the measures taken to avoid or reduce the risk to public health arising from the scheduled use are equivalent to or better than the measures required by the relevant requirement of these By-laws; and

(b) the scheduled use in respect of which the exemption is required, is not likely to cause a public health hazard or a public health nuisance.

11. Public health permits

(1) Any person who wants to undertake a scheduled use that is listed in Part A of Schedule 2, must apply to the Council in accordance with section 13 for a public health permit.

(2) The Council may issue a public health permit to the owner or occupier of any premises, if an environmental health officer is satisfied that the use for which the permit is required is not likely to cause a public health hazard or a public health nuisance.

(3) A public health permit –

(a) must be issued subject to conditions aimed at reducing the risk to public health created by the scheduled use, to a level acceptable to the Council;

(b) may exempt the permit holder from complying with any relevant provision of these By-laws, if the Council reasonably believes that the permit requires the permit holder to take measures to avoid or reduce the risk to public health arising from the activity that are equivalent to, or better than, the measures required by the relevant provision of these By-laws; and

(c) may approve any measure or material in connection with the activity authorised by the permit that must be approved in terms of these By-laws.

12. Approval of measures, objects and materials

(1) The Council 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 Council.

(2) An object, material or measure referred to in subsection (1) may be approved by the Council in –

(a) a public health permit; or

(b) guidelines prescribed by the Council in terms of subsection (3).

(3) The Council may publish guidelines in the Provincial Gazette which describe –

(a) appropriate measures that can be taken and objects and materials that can be used, to eliminate the risk of any public health hazard or public health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Council; and

(b) the circumstances in which taking these measures or using these objects or materials are acceptable to the Council.

13. Application procedure

(1) Any person who wants to obtain an exemption certificate or a permit must apply to the Council in writing in a form prescribed by the Council, prior to undertaking the scheduled use concerned.

(2) When the Council receives an application contemplated in subsection (1), it must ensure that the relevant premises concerned are inspected by an environmental health officer as soon as reasonably possible.

(3) In deciding whether or not to issue an exemption certificate or a permit, and what terms and conditions, if any, to include in it, the Council must apply the public health principles set out in section 3.

[Subsection (3) deleted and renumbered: Notice 2076 : 2011-08-03 PG No 167]

14. General terms applicable to certificates and permits

(1) An exemption certificate or a permit–

(a) is not transferable from one person to another; and

(b) applies only to the premises specified in that certificate or permit.

(2) Every exemption certificate or permit must–

(a) specify the address and other relevant details regarding the location of the premises concerned;

(b) describe the premises concerned;

(c) describe the activity concerned;

(d) specify terms and conditions imposed, if any; and

(e) indicate when it expires.

(3) An applicant must pay a prescribed fee, if determined by the Council, in respect of an application for a permit or exemption certificate and such fee must accompany the application.

(4) The Council 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.

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

(1) An environmental health officer may by written notice to the holder of an exemption certificate or permit, suspend, amend or cancel that certificate or permit.

(2) An environmental health officer may suspend or cancel an exemption certificate or permit with immediate effect if –

(a) the environmental health officer reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health posed by a public health hazard or a public health nuisance; or

(b) the holder of such certificate or permit fails to comply with a compliance notice contemplated in section 32 of the Rationalisation of Local Government Affairs Act, in which is stated that such certificate or permit may be suspended or cancelled without further notice if the holder fails to comply with that notice.

(3) An environmental health officer may suspend or cancel an exemption certificate or permit after having given the holder thereof a reasonable opportunity of making representations as to why the permit or exemption certificate should not be suspended or cancelled if –

(a) the environmental health officer reasonably believes that it is desirable to do so to eliminate or reduce the risk to public health posed by a public health hazard or a public health nuisance; or

(b) the holder of such certificate or permit contravenes or fails to comply with any relevant provision of these By-laws.

(4) An environmental health officer 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 officer 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.

Part 2 – Enforcement, remedial work and costs

16. Demolition orders

(1) If the Council believes that a public health hazard would be eliminated or a public health nuisance would be significantly reduced by demolishing a building or other structure, it may, subject to the provisions of any other law, apply to any court having jurisdiction for an order directing any person to demolish the building or structure or authorising the Council to do so and to recover the costs of doing so from the owner or the occupier of the premises concerned, or from both.

(2) The Council may not apply to court in terms of subsection (1) unless it has given the owner and the occupier of the premises not less than 14 days' notice in writing of its intention to make the application and has considered any representations made within that period.

17. Municipal remedial work

The Council may, subject to the provisions of any other law, enter any premises and do anything on the premises that it reasonably considers necessary –

(a) to ensure compliance with these By-laws or with any compliance notice issued in terms of section 32 of the Rationalisation of Local Government Affairs Act;

(b) to reduce, remove or minimise any significant public health hazard; or

(c) to reduce, remove or minimise any public health nuisance.

18. Cost orders

(1) The Council may recover any costs reasonably incurred by it in taking measures contemplated in section 16 from any person who was under a legal obligation to take those measures, including –

(a) a person on whom a compliance notice referred to in section 17(a) that required those steps to be taken, was served;

(b) the owner or occupier of the premises concerned; or

(c) any person responsible for creating a public health hazard or a public health nuisance.

(2) The municipal manager may issue a cost order requiring a person who is liable to pay costs incurred by the Council in terms of subsection (1), to pay those costs by a date specified in the order and such order constitutes prima facie evidence of the amount due.

Chapter 4
Sanitary services

19. Compulsory connection to municipal sewage system

Every owner of premises to which a municipal sewage service is available, must ensure that all waste water drainage pipes from any bath, wash-hand basin, toilet, shower or kitchen sink is connected to the municipal sewer in an approved manner.

20. Prohibition against obstruction of sanitary services

No person may prevent, obstruct or interfere with any sanitary service provided by the Council.

21. Requirements in respect of toilet facilities

(a) Every owner of premises must ensure that the number of toilets provided on those premises comply with the provisions of the National Building Regulations and Building Standards Act.

(b) For premises on which no buildings are provided and which can not be categorised in terms of subsection (a), which will be used for the congregation or assembly of more than thirty (30) people for any purpose whatsoever for a duration in excess of one hour, temporary sanitary facilities in the form of serviced chemical facilities or temporary water –borne system facilities connected to the municipal sewer or other approved disposal system shall be provided in numbers as contained in table 1.

(c) The number of urinals depicted in Table 1 may be reduced by substituting it by an equal number of water closet pans.

Table 1

Table of sanitary facilities to be provided					
For a population of up to	**Males**		**Females**		
	WC Pans	**Urinals**	**Washbasins**	**WC Pans**	**Washbasins**
50	1	1	1	2	1
100	1	2	1	3	2
150	1	3	1	5	3
250	2	4	2	7	4
500	3	7	3	12	6

Table of sanitary facilities to be provided					
1000	3	12	4	16	7
1500	4	15	5	20	8
	For a population in excess of 1500 add 2 WC pans for every 500 persons or portion thereof	For a population in excess of 1500 add 1 Urinal for every 500 persons or portion thereof	For a population in excess of 1500 add 1 washbasins for every 500 persons or portion thereof	For a population in excess of 1500 add1 WC pans for every 150 persons or portion thereof	For a population in excess of 1500 add 1 washbasin for every 500 persons or portion thereof

[Par. (a) renumbered: Notice 1454: 20/06/08 PG No. 162 Subsection 21 (b) and (c) inserted: Notice 1454: 20/06/08 PG No. 162]

22. Toilets for workers

Every contractor must provide his or her workers with toilet facilities as prescribed by the National Building Regulations and Building Standards Act.

23. Prohibition against use of a bucket toilet under the same roof as a dwelling

No person may provide, erect, retain or use any bucket toilet inside, or under the same roof, as a dwelling.

24. Condition of toilets, urinals, backyards and refuse areas

Every owner or occupier of any premises must keep every backyard, refuse area, toilet, and urinal in a sanitary condition and good state of repair. 19

25. Separate storage of urine

(1) Any owner or occupier required by the Council to provide for the separate storage of urine, due to the size, extent of occupation or use of any premises, must comply with any notice issued by the Council calling on him or her to provide an adequate urine tank or an adequate number of urine buckets on the premises.

(2) Every owner or occupier referred to in subsection (1) must use the urine tank or urine bucket exclusively for the reception of urine.

26. Provision of tank for waste liquids in areas without sewers

(1) Any owner of premises not connected to a public sewer or not provided with other adequate measures for the disposal of waste liquid, must provide the premises with a tank big enough to contain the slops, bath water or other waste water produced on the premises during a period of 48 hours.

(2) Subject to the provisions of subsection (3), premises referred to in subsection (1), must be equipped either with –

(a) an overhead tank placed in a way that its contents can be gravity fed into the Council's waste removal vehicles; or

(b) an adequate filter, pump and indicator, with outlet pipes constructed and placed in a way that the tank may be easily emptied and cleansed.

(3) The provisions of subsection (2) do not apply if –

(a) adequate arrangements have been made for dispersing waste water produced on the premises, other than urine, over land associated with the premises concerned; and

(b) the waste water is dispersed in a way that will not create a public health nuisance.

27. Pumping of contents of underground tank to surface tank

Any occupier of premises on which both underground and overhead tanks are provided for the storage of waste water, must pump the contents of the underground tank to the overhead tank immediately prior to the overhead tank being emptied by the Council.

28. Blocked or defective outlet pipes

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

29. Prohibition against urine in slops tanks

No person may discharge or allow any urine or excrement to be discharged into a slops tank situated on any premises.

Chapter 5
Private sewage works

30. Permit for provision of service for the removal of human excrement or urine

No person may provide any service for the removal or disposal of human excrement and urine on any premises except in terms of a permit authorising that service.

31. ***

[Section 31 deleted : Notice 5319: 5/12/07, PG 347]

32. Maintenance of sewage works

Any person operating a sewage works must ensure that it is maintained in a sanitary condition and good state of repair at all times.

33. Disposal of sewage, sewage effluent and wastewater without causing a public health nuisance and/or hazard

No person may dispose of sewage or waste water from any bath, wash-hand basin, toilet, shower or kitchen sink in a way or in a location that may -

(a) cause dampness in or on any premises;

(b) endanger the quality of any water supply, surface water, stream or river; or

(c) create a public health nuisance and/or hazard.

34. Compulsory use of Council's sewage removal service

Every occupier of premises must use the sewage removal service prescribed by the Council for those premises.

Chapter 6
Water

35. Definitions

In this Chapter, unless the context otherwise indicates -

"**domestic consumption**" in relation to water, means the use of water for –

(a) human consumption;

(b) preparing or manufacturing food or drink for human consumption;

(c) cleaning vessels or utensils used in the preparation or manufacture of food or drink for human consumption; or

(d) any other domestic purpose.

"**effluent**" means any waste water which may be generated as a result of undertaking any scheduled use or an activity which is likely to cause a public health nuisance.

36. Pollution of sources of water supply

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

37. Dangerous wells, boreholes and excavations

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

(a) is fenced, filled in or covered over in a way that adequately safeguards it from creating a public health nuisance or public health hazard; and

(b) is not filled in a way, or with material, that may cause any adjacent well, borehole or underground water source to be polluted or contaminated to an extent that may create a public health nuisance or a public health hazard.

38. Provision of adequate water supply

Every owner of premises must provide every resident on the premises with an adequate and readily available potable water supply at all times.

39. Use of water from sources other than the municipal supply

No person may use, or permit to be used, any water obtained from a source other than the municipal water supply for domestic consumption, unless the water concerned has been approved for that purpose.

40. Furnishing of particulars of the source of water

(1) Any owner or occupier of premises on which a well, borehole, spring, dam, river or other water source is located, the water of which is used for domestic consumption, must within 14 days of

receiving a notice from the Council calling on him or her to do so, provide the Council with all particulars of the water source reasonably available to the owner or occupier.

(2) An owner or occupier of premises contemplated in subsection (1), must, if requested to do so by the Council, and at his or her own cost, furnish to the Council a certificate of analysis and bacteriological investigation issued by an analyst, as defined in the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), in respect of any water supply on that premises used for domestic consumption.

(3) If water from a borehole is used for domestic consumption, a certificate of analysis as contemplated in subsection (2), must be submitted to Council annually or at any time on request of an environmental health officer.

41. Notice of the sinking or digging of boreholes or wells

(1) No person may sink or dig, or cause or permit to be sunk or dug, a well or borehole, to obtain water, unless –

(a) it is done so in accordance with any relevant law; and

(b) he or she has given the Council at least 14 days' written notice of his or her intention to do so.

(2) The notice referred to in subsection (1)(b), must state the proposed location and the purpose for which the water is to be used.

42. Storm water runoff from premises which may impact on public health

(1) Every owner or occupier of premises must erect adequately designed, constructed and maintained hydraulic and hydrological structures on those premises -

(a) to divert the maximum storm water runoff, which could be expected within a period of 24 hours with an average frequency of recurrence of once in 100 years, from any part of the premises on which any waste, likely to create a public health nuisance, is or was handled, produced, stored, dumped or spilled;

(b) to collect all polluted runoff water from any part of the premises on which waste, likely to create a public health nuisance is or was handled, produced, stored, dumped or spilled, for reuse, treatment or purification;

(c) to separate all effluent from storm water systems;

(d) to prevent the erosion or leaching of material from any slimes dam, ash dam and any dump or stock-pile on the premises, and to contain any eroded or leached material in the area where it originated;

(e) to prevent any waste or waste water from entering any borehole, well, spring, vlei or water course; and

(f) to prevent any adverse impact on the quality of surface and ground water occurring, due to the location of any dump, stock-pile, dam, drain, canal, conduit, sewer or any other structure on the premises.

(2) An owner or occupier of premises –

(a) must keep all water passages open and free of obstruction from matter which may impede the flow of water or effluent;

(b) may not locate any dump within the one hundred year flood line of any water resource;

(c) may not use coal, coal discard, carbonaceous material or any other material for the construction of any slurry, evaporation or catchment dam, or any embankment, road or railway in a way likely to create a public health nuisance;

(d) must construct bund walls around any tank, or group of tanks, containing any substance that can create a public health nuisance, of a size that is capable of containing the volume of the largest tank in the event of any unlawful or accidental discharge from the tank or group of tanks; and

(e) must clean any industrial surface area so as to prevent the pollution of storm water which may result in an adverse impact on the quality of any surface or ground water.

43. Containment of waste water

Any dam, conduit or channel used for the containment of waste water must have a free board of at least 0.5 metres above the highest level of precipitation which could be expected within a period of 24 hours with an average frequency of recurrence of once in 100 years.

Chapter 7
Offensive trades

44. Definitions

In this Chapter, unless the context otherwise indicates -

"**effluent**" means any waste water 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 listed below or business which involves an activity listed below:

(a) Panel beating or spray painting;

(b) operating a waste recycling plant including oil and petroleum product recycling;

(c) scrap yard or scrap metal dealing;

(d) blood boiling, bone boiling, tallow melting, fat melting or fat extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, hide boiling, skin curing, blood drying, gut scraping, leather dressing, tanning or glue or size making;

(e) charcoal burning, brick burning, lime burning;

(f) manure making or storing or compost making;

(g) parchment making;

(h) manufacturing malt or yeast;

(i) cement works, coke-ovens or salt glazing works;

(j) sintering of sulphurous materials;

(k) viscose works;

(l) ore or mineral smelting, calcining, puddling or rolling of iron or other metal, conversion of pig iron into cast iron, reheating, tempering, hardening, forging, conversion or compounding of carbon with iron or other metals;

(m) works for the production of carbon bisulpide, cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, peridine, liquid or gaseous sulphur dioxide or sulphur chlorides;

(n) works for the production of amyl acetate, aromatic ethers, butyric acid, caramel, enameled wire, glass, hexamine, lampblack, B-naphthol, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride or zinc oxide; or

(o) the refining or processing of petrol, oil or their products;

(p) Cement brick manufacturing.

(q) activities.

[Par. (p) inserted: Notice 5319 : 5/12/07 PG No 347]

[Par. (q) inserted: Notice 2076 : 2011-08-03 PG No 167]

45. Permit requirement

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

46. Requirements for premises

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

(a) the floors of the premises are constructed of cement concrete or a similar impervious material, brought to a smooth finish;

(b) the floors of the premises are adequately graded and drained for the disposal of effluent to an approved disposal system;

(c) the inside walls, except where glazed or glass brick or glazed tiles are used, are plastered, brought to a smooth finish and painted with a light-coloured, washable paint;

(d) the surface of any backyard or open space is paved with concrete or similar impervious material, brought to a smooth finish;

(e) the premises are provided with adequate light and ventilation as prescribed in the National Building Regulations and Building Standards Act;

(f) an adequate supply of running potable water is provided;

(g) an adequate number of portable containers constructed of iron or another non-absorbent material, equipped with closely fitting lids, are provided for the removal of all waste and waste water from the premises;

(h) adequate means are provided for the disposal of all effluent arising from the manufacturing or other process performed on the premises;

(i) adequate accommodation is provided for the storage of all finished products, articles or materials which are used in the manufacturing or other process and which may –

(i) discharge offensive or injurious effluent or liquid; or

(ii) decompose in the course of the work or trade;

(j) adequate means are provided to control the discharge in the open air of any noxious, injurious or offensive gas, fume, vapour or dust produced during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of material;

(k) adequate sanitary fixtures are provided as prescribed in the National Building Regulations and Building Standards Act;

(l) a perimeter wall made of brick or some other impervious material, with a minimum height of 2 metres, is constructed around the premises;

(m) all gates to the premises are of solid construction with a minimum height of 2 metres;

(n) all perimeter walls and gates adequately screen activities on the premises from public view; and

(o) all materials are stacked or stored on the premises below the height of the perimeter screening;

(p) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing –

(i) an adequate metal locker for every employee;

(ii) a wash-hand basin provided with a supply of running hot and cold potable water; and

(iii) an adequate supply of soap and disposable towels at every wash-hand basin;

(q) if no change-room has been provided in terms of paragraph (p) –

(i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and

(ii) an adequate metal locker must be provided for every employee in the work area.

47. Duties of offensive traders

Every offensive trader must -

(a) maintain the premises in a clean, hygienic and good condition at all times;

(b) maintain all walls and floors of the premises in a manner and condition that prevents the absorption of any waste or waste water;

(c) maintain all machinery, plant, apparatus, furniture, fittings, tools, implements, vessels, containers, receptacles and vehicles in a clean, hygienic and good condition at all times;

(d) prevent any waste accumulating on the premises; and

(e) 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.

48. Liquid refuse from bone and tripe boiling

(1) Every bone boiler and every tripe boiler must adequately cool all waste water before it is discharged into any sewer or other receptacle.

(2) The cooling process referred to in subsection (1), must take place in a manner that prevents the generation of any noxious and injurious effluent.

49. Liquids, tanks and tubs in leather making

Every fell-monger, leather dresser or tanner must -

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

(b) clean the entire tank or other receptacle every time it is emptied;

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

50. Storage of rags, bones and waste

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

(a) inhabited by people; or

(b) not adequately ventilated.

Chapter 8
Hairdressing, beauty and cosmetology services

51. Definitions

In this Chapter, unless the context otherwise indicates -

"**body piercing**" means the piercing of the skin for the purpose of inserting any foreign object;

"**cosmetology or beauty service**" includes, but is not limited to, any one or more of the following services:

(a) Manicure, pedicure, nail technology, or the application of artificial nails or nail extensions, whatever the substance used;

(b) eyebrow shaping and plucking including the application of false or artificial eyebrows or eyelashes and tinting of eyelashes;

(c) cosmetic and camouflage makeup of the face and its features, whether by permanent, semi permanent or temporary means;

(d) facial skin care;

(e) removal of unwanted or superfluous hair from any part of the body by any means, other than shaving, including by means of waxing, chemical depilatories, electrical or mechanical means, whether or not any apparatus, appliance, heat, preparation or substance is used in any of these operations;

(f) body piercing and tattooing for cosmetic purposes;

(g) massaging;

(h) body bronzing by means of ultraviolet radiation or any similar method; or

(i) body contouring including all forms of slimming;

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

(a) Shampooing and cleansing, conditioning and treating hair;

(b) chemical reformation of the hair including permanent waving, relaxing and straightening of the hair;

(c) hair colouring, including tinting, dyeing and colouring by means of permanent, semi-permanent or temporary means, including the use of colour rinses, shampoos, gels or mousses and lightening by means of tints, bleaches, highlights or high lifting tints or toners;

(d) hair cutting and shaping;

(e) barbering services including shaving and singeing of hair; or

(f) the adding to hair of natural and artificial hair and hair extensions, board work, pastiche, wig-making or the performing of any operation specified in paragraphs (a) to (e) on a wig or hairpiece to be worn by any person; or

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

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

(a) Hairdressing service;

(b) cosmetology or beauty service;

(c) body piercing and tattooing; or

(d) 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.

52. Permit requirement

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

53. Requirements for premises

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

(a) Adequate lighting and ventilation, as prescribed in the National Building Regulations and Buildings Standards Act, must be provided;

(b) all shelves, fixtures and table tops on which instruments are placed must be constructed of an approved material that is durable, non-absorbent, and easy to clean;

(c) water and toilet facilities must be provided as prescribed in the National Building Regulations and Building Standards Act;

(d) adequate facilities, with a supply of running potable water, must be available for the washing of hair and hands;

(e) an approved system for the disposal of waste water must be provided;

(f) adequate storage facilities must be provided;

(g) the walls and floors must be constructed of a material that is easy to clean and which prevents cut hair from being dispersed; and

(h) the premises may not be used for the storage and preparation of food or for sleeping unless any area for that purpose is clearly separated by an impervious wall.

(i) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing –

(i) an adequate metal locker for every employee;

(ii) a wash-hand basin provided with a supply of running hot and cold potable water; and

(iii) an adequate supply of soap and disposable towels at every wash-hand basin;

(j) if no change-room has been provided in terms of paragraph (i) –

(i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and

(ii) an adequate metal locker must be provided for every employee in the work area.

54. Duties of salon operators

Any person operating a salon must –

(a) maintain the premises, tools, equipment and clothing in a hygienic and good condition at all times;

(b) equip the premises with an adequate means to disinfect and sterilise instruments and equipment that may come into direct contact with any customer's hair or skin;

(c) provide employees on the premises with approved protective clothing and equipment;

(d) collect all hair clippings and other waste in an approved container after every service;

(e) store or dispose of waste in an approved manner;

(f) adequately train any person working on the premises;

(g) not permit any animal on the premises unless it is a guide dog accompanying a blind person; and

(h) ensure that every person working in the salon complies with the requirements of this section and sections 55 and 56.

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

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

(a) Adequately disinfect the following instruments after each use:

(i) Razors;

(ii) blades;

(iii) nail files;

(iv) scissors;

(v) clippers;

(vi) hairbrushes;

(vii) combs;

(viii) bristle brushes;

(ix) metal clips; and

(x) rollers;

(b) adequately sterilise the following instruments after each use:

(i) Any instrument used for body piercing or tattooing;

(ii) any instrument which has come in contact with blood or any other body fluid;

(c) wash and clean all plastic and cloth towels after each use;

(d) dispose of all disposable gloves or other disposable material after each use;

(e) wash all aprons and caps daily;

(f) wash his or her hands with soap and water or disinfectant before and after rendering each service to a client;

(g) wear disposable gloves when providing one of the following salon services:

(i) Any chemical service;

(ii) any hair implant;

(iii) body piercing; and

(iv) tattooing;

(h) wash all walls, floors, chairs and other surfaces in the premises at least once a day with a disinfectant or household detergent;

(i) dispose of all waste water, sharp instruments, bloodied and otherwise contaminated towels and towelling paper in an approved manner;

(j) store razors, blades, needles and other sharp instruments separately in a “sharp instrument” box;

(k) adequately treat any injury or wound which may occur on the premises;

(l) clean and disinfect all surfaces that have been contaminated by blood after each service; and

(m) keep an approved first aid kit on the premises at all times.

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

(1) Any person operating a salon must ensure that the premises are used exclusively for that purpose.

(2) Any person who wants to prepare any beverage for customers on the premises of a salon, must provide a separate area, equipped with a facility for cleaning crockery and utensils, for that purpose, provided that the sale of other commodities will not pose a health risk.

[Subsection (2) modified: Notice 2076 : 2011-08-03 PG No 167]

Chapter 9
Second-hand goods

57. Definitions

In this Chapter, unless the context otherwise indicates –

"**second-hand goods business**" means any business in which used goods and materials are sold, including, without limitation –

(a) clothing, furniture, scrapped motor vehicles, footwear, timber, building bricks or blocks, building material or fittings, machinery, drums, tins, bottles, packing cases, boxes, crates or other containers, metal, rags, plastic bags, paper or any other material, which has previously been used; and

(b) bones or tallow.

58. Requirements for premises

No person may operate a second-hand goods business in or on any premises which do not comply with the following requirements:

(a) any section of the premises where second-hand goods are stored and handled, save for clothing, furniture, and footwear must be enclosed by walls constructed of brick, rock or concrete and gates, with a minimum height of two metres; [[Item (a) modified: Notice 2076 : 2011-08-03 PG No 167]]

(b) all materials must be stacked or stored below the height of the perimeter screening;

(c) adequate lighting and ventilation, as prescribed in the National Building Regulations and Building Standards Act must be provided;

(d) all storage areas must be paved with cement, concrete or other approved impervious material;

(e) all backyard surfaces and open spaces of the premises must be graded and drained to allow for the effective run-off of all precipitation;

(f) adequate sanitary fixtures for both sexes employed on the premises must be provided, as prescribed in the National Building Regulations and Building Standard Act; and

(g) an adequate number of refuse containers must be provided.

(h) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing -

(i) an adequate metal locker for every employee;

(ii) a wash-hand basin provided with a supply of running hot and cold potable water; and

(iii) an adequate supply of soap and disposable towels at every wash-hand basin;

(i) if no change-room has been provided in terms of paragraph (h) –

(i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and

(ii) an adequate metal locker must be provided for every employee in the work area.

[Item (b) deleted and renumbered: Notice 2076 : 2011-08-03 PG No 167]

59. Duties of second-hand goods traders

Any person who conducts a second-hand goods business must -

(a) store second-hand goods in a backyard, building or open space that is constructed of an approved material in such a manner as to prevent the harbourage of rodents or other vermin and pests;

(b) ensure that no water accumulates in any article stored on the premises;

(c) keep the premises in a clean, neat and sanitary condition at all times;

(d) immediately on receipt, disinfect all furniture, soft furnishings, clothing, bedding or other fabrics in an adequate manner;

(e) keep any other articles separate from articles which have been disinfected; and

(f) label all articles which have been disinfected in a conspicuous place on each article.

Chapter 10
Accommodation establishments

60. Definitions

In this Chapter, unless the context otherwise indicates –

"**accommodation establishment**" means any place other than a dwelling house or a dwelling unit that only accommodates a single family, in which accommodation is provided to four or more people, with or without meals;

"**dwelling house**" means a single building designed for use as a residence for a single family;

"**dwelling unit**" means an inter-connected suite of rooms which must include a kitchen or scullery, designed for occupation by a single family, other than a dwelling house, irrespective of whether such unit is a single building or forms part of a building containing two or more such units;

"**family**" means a man or woman or both, or one or both partners of a same sex relationship, with or without their parents and with or without the children of one or the other or both of them, living together as one household.

"**dormitory**" means a sleeping room in which sleeping accommodation is provided for four or more persons.

(Section 60 amended : Notice 5319: 5/12/07 , PG 347)

61. Permit requirement

No person may operate an accommodation establishment except in terms of a permit authorising that activity.

62. Requirements for premises of accommodation establishments

No person may operate an accommodation establishment on premises which do not comply with the following requirements:

(a) No room wholly or partly used by persons for sleeping in may be occupied by a greater number of persons than will allow-

(i) less than 11,3 m^3 of free air space and 3,7 m^2 of floor space for each person 10 years and older; and

(ii) less than 5,7 m^3 of free air space and 1,9 m^2 of floor space for each person under the age of 10 years;

(b) no latrine, passage, staircase, landing, bathroom, cupboard, outbuilding, garage, stable, tent, storeroom, lean-to, shed, kitchen, diningroom, food preparation area, cellar or loft or any other room not intended and approved for sleeping purposes may be used as sleeping accommodation;

(c) if a dormitory is provided on the premises –

(i) a single bed, manufactured of metal or some other durable material and equipped with a mattress, must be provided for every person housed in the dormitory;

(ii) a separate locker must be provided for every person making use of the dormitory for safeguarding the person's clothing and other possessions;

(iii) every bed in a dormitory must be so placed that its sides are at least one metre away from any part of any other bed;

(d) an accommodation establishment must be provided with –

(i) an area for the preparation and cooking of food, adequate for the use of and easily accessible to any occupier residing in the accommodation establishment;

(ii) adequate separate wash-up facilities; and

(iii) where meals are provided to persons housed in the accommodation establishment, a dining-room or adequate dining area with tables and chairs or benches and unobstructed floor area, including the area occupied by tables, chairs and benches, of at least 1,2 m^2 for every seat provided for dining purposes;

(e) (i) an accommodation establishment must be provided with one or more showers, each suitably placed in a separate compartment, easily accessible to every occupier, and fitted with waste pipes which comply with the provisions of the National Building Regulations and Building Standards Act.

(ii) a bath fitted with a waste pipe may be substituted for each shower referred to in subparagraph (i).

(iii) the facilities referred to in subparagraphs (i) and (ii) must be designated for the different sexes;

(f) an accommodation establishment must be provided with sanitary fixtures as prescribed in the National Building Regulations and Building Standards Act and such fixtures must be designated for the different sexes;

(g) an accommodation establishment must be provided with an adequate supply of hot and cold running potable water;

(h) all rooms and passages must be provided with adequate ventilation and lighting as prescribed in the National Building Regulations and Building Standards Act;

(i) openings such as doors, windows or fanlights may not be obstructed in a manner that interferes with the lighting or cross ventilation they provide;

(j) (i) a separate room with metal bins or canvas laundry bags must be provided for the storage of dirty articles used in connection with an accommodation establishment, pending removal to be laundered; and

(ii) if articles used in connection with an accommodation establishment are laundered on the premises, a separate approved washing, drying and ironing area equipped with the necessary facilities for this purpose must be provided.

(k) a store-room for the storage of furniture and equipment and a separate linen room with cupboards or shelves for the storage of clean bed and other linen, towels, blankets, pillows and other articles used in connection with an accommodation establishment, must be provided;

(l) (i) all walls and ceilings must have a smooth finish and be painted with a lightcoloured washable paint, or have some other approved finish;

(ii) the floor surface of every kitchen, scullery, laundry, bathroom, shower, ablution room, toilet and sluice room must be constructed of concrete or some other durable, impervious material brought to a smooth finish; and

(iii) the floor surface of every habitable room must be constructed of an approved material;

(m) the following facilities must be provided for people who are employed and also reside on the premises:

(i) Sleeping quarters equipped with a bed, mattress and locker which comply with the provisions of paragraphs (a), (b) and (c) for each employee; and

(ii) if employees are not provided with meals in the accommodation establishment, food preparation and dining facilities that comply with the provisions of paragraph (d).

(n) adequate changing facilities must be provided for non-resident employees;

(o) adequate ablution and sanitary facilities, which comply with the provisions of paragraphs (e) and (f), must be provided for resident and non-resident employees;

(p) an adequate refuse holding area must be provided and an approved refuse removal system must be maintained;

(q) all walls, floors and roofs must be constructed in a manner which prevents wind or rain entering an accommodation establishment or dampness entering the interior surfaces of any wall or floor;

(r) All accesses to an accommodation establishment must have a door which when closed, prevents the wind or rain entering the premises; and

(s) All windows must be constructed in a manner that prevents rain entering the accommodation establishment when the windows are closed.

[Section 62(a)(i) amended : Notice 5319: 5/12/07, PG 347]

[Section 62(b) amended : Notice 5319: 5/12/07, PG 347]

63. Duties of operators of accommodation establishments

Every person who conducts an accommodation establishment must –

(a) keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hangings and other soft furnishings, table linen, bed linen, and other bedding, towels and cloths of whatever nature used in connection with the accommodation establishment, in a clean, hygienic and good condition at all times;

(b) clean and wash any bed linen, towel, bath mat or face cloth after each use by a different person;

(c) take adequate measures to eradicate pests on the premises;

(d) provide a container made of a durable and impervious material, equipped with a close-fitting lid, in every toilet used by females;

(e) provide towel rails or hooks in every bathroom and in every room in which there is a wash-hand basin or shower;

(f) store all dirty linen, blankets, clothing, curtains and other articles used in connection with an accommodation establishment in the manner provided in section 62(j);

(g) store all clean linen, towels, blankets, pillows and other articles used in connection with the accommodation establishment in the manner provided in section 62(k);

(h) keep all sanitary, ablution and water supply fittings in good working order;

(i) keep every wall, surface and ceiling, unless constructed of materials not intended to be painted, painted at the intervals to ensure that the area painted, remains clean and in a good state of repair; and

(j) handle refuse in the manner provided in section 62(p).

Chapter 11
Dry-cleaning and laundry establishments

64. Definitions

In this Chapter, unless the context otherwise indicates –

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

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

65. Premises for dry-cleaning or laundry businesses

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

(a) a work-room or area used for housing dry-cleaning machines, washingmachines, ironing boards, presses and other fixed or movable equipment, with a minimum unobstructed floor area of 2,5 m^2 per person employed on the premises, must be provided;

(b) adequate separate areas for marking clean and dirty articles must be provided with -

(i) tables with an impervious surface;

(ii) adequate washable containers for dirty articles; and

(iii) hanging rails and shelves constructed of an impervious material in the area for marking clean articles;

(c) a separate room or area with separate designated counters, with impervious surfaces, must be provided for the receipt and dispatch of articles;

(d) a store-room or facility for the storage of packing material and other articles must be provided and equipped with adequate packing shelves of which the lowest shelf must be at least 250 mm above floor level;

(e) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing -

(i) an adequate metal locker for every employee;

(ii) a wash-hand basin provided with a supply of running hot and cold potable water; and

(iii) an adequate supply of soap and disposable towels at every wash-hand basin;

(f) if no change-room has been provided in terms of paragraph (e) –

(i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and

(ii) an adequate metal locker must be provided for every employee in the work area;

(g) a tea kitchen with a single-basin stainless steel sink, with a supply of running hot and cold potable water, must be provided;

(h) separate toilets for males and females must be provided which comply with the provisions of the National Building Regulations and Building Standards Act;

(i) every toilet and change-room must be clearly gender designated;

(j) all internal walls must be constructed of an impervious material, brought to a smooth finish and painted with a light-coloured washable paint;

(k) all ceilings must be dust-proof, smoothly finished, and painted with a light-coloured washable paint;

(l) all floor surfaces must be constructed of cement or some other adequate impervious material, brought to a smooth finish and properly drained;

(m) the minimum height from floor to ceiling of any room or area must be 2,4 metres;

(n) adequate lighting and ventilation, as prescribed by the National Building Regulations and Building Standards Act must be provided;

(o) all machinery and equipment must be equipped with adequate suction fans to remove any noxious gas, steam and hot air from any room and to release it in the open air in an adequate manner;

(p) all machinery and equipment must be placed so that there is free access to all areas around and underneath each machine or item of equipment, to enable those areas to be adequately cleansed; and

(q) a separate pre-rinsing area must be provided on any premises where nappies are laundered.

66. Premises for dry-cleaning or laundry receiving depots

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

(a) A separate room or area with a minimum width of two metres must be provided for the receipt and dispatch of articles;

(b) fifty percent of the floor space of the room referred to in paragraph (a) must be unobstructed;

(c) a wash-hand basin with a supply of running potable water must be provided;

(d) an adequate supply of soap and disposable towels must be provided at every wash-hand basin;

(e) all internal wall and ceiling surfaces must be constructed of an impervious material, brought to a smooth finish and painted with a light-coloured washable paint;

(f) all floor surfaces must be constructed of cement or other impervious material, brought to a smooth finish;

(g) lighting and cross-ventilation, as prescribed by the National Building Regulations and Building Standards Act, must be provided;

(h) adequate washable containers for storing dirty articles must be provided;

(i) adequate quantities of hanging rails or impervious shelves for the storage of clean articles must be provided;

(j) adequate designated counters, with impervious surfaces, must be provided separately for the receipt and dispatch of dirty and clean articles; and

(k) an adequate metal locker must be provided for every person employed in the receiving depot.

67. Premises for coin-operated laundries

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

(a) separate toilet and hand washing facilities for the different sexes, as prescribed in the National Building Regulations and Building Standards Act, must be provided;

(b) an adequate area must be provided where ironing is done on the premises; and

(c) any machine on the premises must be installed in accordance with any applicable law.

68. General requirements for dry-cleaning and laundry businesses

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

(a) keep the premises, all fittings, equipment, appliances, machinery, containers and business vehicles in a clean, hygienic and good condition at all times;

(b) separate dirty articles from clean articles at all times, including when in transit;

(c) use a change-room solely for changing;

(d) ensure that every person who handles clean or dirty articles wears adequate protective clothing at all times;

(e) keep protective clothing in a clean and sound condition at all times;

(f) store protective clothing in a locker when it is not being worn;

(g) affix the name and business address, in clear lettering, to the outside of any business vehicle;

(h) ensure that the premises are not directly connected to any food premises, new clothing shop, hairdresser or any other area from which contamination might occur;

(i) comply with the requirements of the following legislation at all times:

(i) the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993); and

(ii) the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965);

(j) place all piping in the building, not chased into the walls, at least 100 mm away from all walls or floors and comply with the provisions of the National Building Regulations and Building Standards Act;

(k) insulate all steam piping with an adequate material; and

(l) dispose of all waste water in an approved manner.

Chapter 12
Swimming pools and spa-baths

69. 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-bath keeper**" means any person who owns or controls the operation of a spabath;

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

"**swimming pool keeper**" means any person who owns or controls the operation of a swimming pool.

70. Requirements for premises

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

(a) readily accessible change-rooms, showers and toilet facilities must be provided separate for each sex in compliance with the National Building Regulations and Building Standards Act;

(b) every swimming-pool must be surrounded by a wall or fence as prescribed by the National Building Regulations and Building Standards Act;

(c) the surface of the floor area surrounding any spa-bath or swimming-pool must be constructed of an impervious, non-slip material;

(d) an approved chemical gas mask must be provided at the chlorinator installation;

(e) if so instructed in writing by an environmental health officer, an oxygen or air breathing apparatus must be provided; and

(f) an adequate number of refuse receptacles must be provided on the premises.

71. Duties of spa-bath keepers

Every spa-bath keeper must –

(a) keep the premises in a safe, clean and sanitary condition and in good repair at all times;

(b) provide a properly maintained approved first-aid box in a prominent, easily accessible and protected position;

(c) purify, treat and maintain the spa-bath water to an adequate quality level at all times;

(d) provide and maintain, in good working order, equipment for testing the quality of the spa-bath water;

(e) be capable of undertaking routine tests on the water quality in the spa-bath and interpreting the tests results; and

(f) maintain a daily record of the spa-bath water quality.

72. Duties of swimming pool keepers

Every swimming pool keeper must –

(a) keep the premises in a safe, clean and sanitary condition at all times;

(b) provide a properly maintained approved first-aid box in a prominent, easily accessible and protected position;

(c) be qualified and proficient in life saving, rendering first aid, use of a resuscitation appliance, the operation of the swimming pool and testing and maintaining the safety of the swimming pool water;

(d) ensure that the swimming pool water is purified, treated and maintained to an adequate quality at all times;

(e) provide and maintain, in proper working order, equipment for testing the quality of the swimming pool water;

(f) be capable of undertaking routine tests on the water quality in the swimming pool and interpreting the tests results; and

(g) maintain a daily record of the swimming pool water quality.

73. Water supply

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

(2) An environmental health officer must –

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

(b) submit the samples to an analyst authorised in terms of section 12 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 to conduct an analysis.

74. Safety of water

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

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

(b) the pH value of the water must be not less than 7 and not greater than 8; (c) where chlorine based disinfectants are used, a minimum free available chlorine residual of 0,5 mg/l, with a maximum free available chlorine residual of 3 mg/l, must be maintained;

(d) if a disinfectant other than chlorine is used, the residual level must be equivalent in effect to the requirements of paragraph (c); (e) the total viable bacteriological count of any sample submitted for analysis, must not exceed 100 organisms per ml of water; and

(f) Escherichia coli type 1 bacteria must not be present in any 100 ml of water.

75. Order and behaviour

No person may –

(a) interfere with a spa-bath keeper or swimming pool keeper in the execution of his or her duties;

(b) allow any dog or other pet belonging to him or her or under his or her care to enter or to remain within the premises of a spa-bath or swimming pool, unless it is a guide dog accompanying a blind person;

(c) enter or remain in any premises of a spa-bath or swimming pool if he or she knows or suspects that he or she may be suffering from any communicable or contagious disease; and

(d) urinate, defecate, spit or blow his or her nose in a spa-bath or swimming pool.

Chapter 13
Nursing homes

76. Definitions

In this Chapter, unless the context otherwise indicates –

"**general practice**" when used to describe the purpose for which a nursing home is used, means all medical, gynaecological and surgical cases, excluding maternity cases;

"**maternity home**" means any nursing home, or part thereof, dealing exclusively with maternity cases;

"**nursing home**" means any premises where the nursing or care of patients is carried on for gain, but does not include any consulting room, dental surgery or home for aged persons.

(Section 76 amended: Notice 5319: 5/12/07, PG 347)

77. Use of premises

(1) Any person who operates a nursing home may use it for the purpose of either a maternity home or for general practice, but not for both those functions, unless –

(a) the nursing home carried on business prior to the promulgation of these By-laws; or

(b) the nursing home –

(i) complies with the requirements of subsection (2); (ii) is in possession of a permit authorising that activity; and

(iii) complies with the requirements of any relevant Town Planning Scheme.

(2) Any person who operates a nursing home may use the premises concerned as a maternity home and for general practice, subject to compliance with the following requirements:

(a) One part of the premises must be set aside exclusively as a maternity area for maternity cases and another part must be set aside exclusively as a general practice area for general practice;

(b) no room, passage, stairway, hall, corridor, lift, external entrance or exit or other portion of the premises may be used in common for any purpose whatsoever, except those that are used for the purpose of –

(i) laundries;

(ii) central sterilising unit, including ancillary units and stores;

(iii) pathological laboratories;

(iv) kitchens, sculleries, washing-up facilities, larders and any associated storage space;

(v) storage space for unused or adequately sterilised stores;

(vi) an administrative office other than an office used to admit and discharge patients;

(vii) central pharmaceutical units;

(viii) mortuaries; and

(ix) workshops;

(c) access to any common area may not be gained from the maternity area by going through the general practice area, and vice versa;

(d) any common area leading from the two exclusive areas must be adequately ventilated;

(e) there may not be any direct means of access between the two exclusive areas;

(f) there may not be any opening, aperture or gap in any common wall dividing the two exclusive areas which could allow air to pass from one area to the other;

(g) every floor of one exclusive area, which is located immediately above the other exclusive area, must be made of reinforced concrete or other impervious material;

(h) no member of the nursing or ward domestic staff who has performed duties in one exclusive area may, within 24 hours thereafter, perform duties in or enter the other exclusive area in an official capacity or in uniform;

(i) the uniforms and protective clothing worn by persons employed in the common area and the two exclusive areas, must be clearly distinguishable from one another;

(j) no furniture, equipment, utensils, apparatus, linen, blankets or any other articles located in a common area, may be taken to any exclusive area until they have been adequately sterilised;

(k) all furniture, equipment, utensils, apparatus and other articles, excluding linen, blankets, kitchen utensils, catering equipment, crockery, medical, surgical instruments and other incidental items, used in or intended for use in the two exclusive areas, must be clearly marked to indicate in which of the those areas they are used or originated;

(l) no article identified for use in the one exclusive area may be taken into or kept in the other exclusive area unless a certificate is obtained from an environmental health officer that the article has been adequately sterilised;

(m) all articles issued from the common area for use in the two exclusive areas, must be returned to the common area;

(n) no article issued for use in one exclusive area may be used in the other exclusive area until it has been returned to the common area for adequate sterilisation;

(o) no patient from the maternity area may be accommodated, nursed or cared for in the general practice area, and vice versa; and

(p) no person shall bring any animal, poultry or bird onto the premises.

78. General requirements

No person may operate a nursing home which does not comply with the following requirements:

(a) Separate residential accommodation must be provided for staff required to reside on the premises;

(b) separate bathrooms and toilets must be provided in accordance with section 85(b) and (c), for each of the following classes of person:

(i) Patients;

(ii) nursing staff; and

(iii) domestic staff;

(c) the bathrooms and toilets must be designated for each sex and must be laid out in a manner that satisfies an environmental health officer;

(d) an adequate supply of running hot and cold potable water, drawn from the Council's main supply, must be provided;

(e) a water-borne sewerage system connected to the Council's sewer, a septic tank or other disposal system approved by the city engineer of the Council and an environmental health officer in writing, must be provided;

(f) adequate accommodation for the administrative purposes of the nursing home, must be provided;

(g) adequate storage accommodation for articles that are reasonably necessary to store on the premises, must be provided;

(h) an adequate kitchen and scullery, having regard to the size and layout of the nursing home, must be provided;

(i) adequate accommodation and facilities for the storage and refrigeration of food, must be provided;

(j) a separate linen room, containing adequate cupboards or shelves for the storage of clean linen, must be provided;

(k) an incinerator, adequate for the complete incineration of any combustible article placed in it, must be provided;

(l) any laundry located on the premises, must comply with the provisions of these By-laws;

(m) no autopsy may be performed on the premises, other than in a room which is used solely for the reception of dead bodies and is constructed as follows:

(i) The room must be divided from any other room by a solid wall;

(ii) the floor and walls must be constructed of an impervious material brought to a smooth finish;

(iii) all tables in the room must have impervious tops;

(iv) a sink, supplied with hot and cold running potable water, must be provided; and

(v) an adequate drainage system must be provided;

(n) adequate facilities must be provided for the hygienic handling and disposal of flowers, vases and other related materials;

(o) fire prevention equipment, which in the opinion of the chief fire officer of the Council is adequate, must be provided and maintained on the premises;

(p) a fire escape, the stairs of which are a minimum of 1 metre wide with landings at each turning point measuring a minimum of 2.2 metres by 1.7 metres, must be affixed to the premises;

(q) the premises must provide adequate accommodation for the storage of any spare equipment, including particularly heavy equipment and gas cylinders, in a manner that will not obstruct any passages or exits to the premises; and

(r) an emergency stand-by electrical plant must be provided which is adequate to provide an immediate alternative supply of electricity to –

(i) each operating theatre throughout the period of any power failure; and

(ii) any part of the nursing home to ensure the continued operation, throughout the period of the failure, of all electrically operated appliances and equipment which, in the opinion of an environmental health officer, are or may be life saving.

79. Floor requirements

No person may operate a nursing home, unless the following are provided on each floor:

(a) A duty-room equipped in accordance with section 90; (b) adequate sluicing facilities, taking into account the number of beds on the floor;

(c) a dressing room fitted with adequate sterilising equipment, containing impervious shelves for the storage of sterile drums and other equipment, and used exclusively for –

(i) the sterilisation or preparation of instruments, dressings and other equipment; and

(ii) the treatment of patients;

(d) a ward kitchen equipped with a sink with hot and cold running potable water, a refrigerator, a stove and cupboards for crockery and cutlery: Provided that a floor does not require a separate ward kitchen if all the needs of that floor are adequately catered for by the premises' main kitchen;

(e) an adequate room or cupboard for the storage of clean linen;

(f) a portable receptacle for the collection of soiled linen;

(g) a room reserved exclusively for sorting and handling linen: Provided that such separate linen rooms are not required, if the entire premises are adequately served by one such room;

(h) a room for the storage of any spare equipment including heavy equipment and gas cylinders; and

(i) where accommodation is provided for children under the age of six years, a separate milk room for the storage and preparation of milk and other children's foods, unless a ward kitchen adequately fulfils this purpose.

80. Maintenance and construction

No person may operate a nursing home in or on premises which do not comply with the following requirements:

(a) The premises must be kept in good and hygienic condition at all times;

(b) all walls must constructed of brick, stone, concrete or other impervious material;

(c) except where glazed or glass bricks, glazed tiles or other similar material with a hard and smooth surface have been used, the internal walls of operating theatres, sterilizing rooms, wards, labour wards, scrubbing-up rooms, dressingrooms, duty-rooms, kitchens, sculleries, pantries, food store-rooms, milk rooms, bathrooms, toilets, sluice-rooms, wash-houses and mortuaries must be –

(i) plastered and brought to a smooth finish; and

(ii) covered with a light-coloured washable paint, adequate plastic finish or other approved material;

(d) the angles formed between each floor and wall, and between two walls, in operating units, wards, labour wards, sluice-rooms, milk rooms, bathrooms, toilets and kitchens, must be rounded;

(e) the floors of wards must be constructed of concrete, hardwood or other durable material, brought to a smooth finish and maintained in this way at all times;

(f) the floors of operating theatres, sterilizing rooms, wards, including labour wards, scrubbing-up rooms, dressing-rooms, duty-rooms, kitchens, sculleries, pantries, food store-rooms, milk rooms, bathrooms, toilets, sluice-rooms, wash-houses and mortuaries must be made of cement concrete or other impervious material brought to a smooth finish and maintained at in this way at all times;

(g) all ceilings must be constructed so as not to attract dust; and

(h) the ceilings of operating theatres, labour wards, sterilizing rooms and scrubbing-up rooms must have a hard, smooth and washable surface.

81. Ventilation

No person may operate a nursing home which does not comply with the provisions of the National Building Regulations and Building Standards Act with regard to adequate light and ventilation.

82. Ward requirements

No person may operate a nursing home which does not comply with the following requirements in respect of each ward:

(a) All ceilings must have a minimum height of three metres, except in the case of existing nursing homes where the height may be a minimum of 2.6 metres as long as the floor area of the ward is sufficient to provide 22 m^3 of air space for every bed;

(b) the size of the floor area must be such as to provide a minimum of 8, 5 m^2 of floor space for every bed;

(c) no bed may be placed –

(i) within 750mm of any wall on the side of a bed or wall fixture, other than a wash-hand basin or central-heating radiator; or

(ii) within one metre of any other bed;

(d) no space left between beds in terms of paragraph (c), may be obstructed in any manner;

(e) the following must be displayed on the outside of each ward door:

(i) The number of the ward; and

(ii) the number of patients that may be accommodated in the ward;

(f) an adequate number of easily accessible wash-hand basins, complying with the following requirements, must be placed inside each ward:

(i) The basins must be of adequate size for scrubbing up; and

(ii) the basins must be provided with an adequate supply of hot and cold running potable water;

(g) no room, any of the windows of which are situated less than 1.5 metres from an object which obstructs its light, may be used as a ward; and

(h) every ward must have a door opening directly onto a passage.

83. Maternity homes

Any person who operates a maternity home must, in addition to the requirements for nursing homes, comply with the following requirements:

(a) One or more rooms, as an environmental health officer may think fit to avoid overcrowding and congestion, must be set aside for each of the following purposes:

(i) a nursery;

(ii) a labour ward;

(iii) a delivery ward; and

(iv) a milk room;

(b) every delivery ward must have a scrubbing-up basin, with a supply of hot and cold running potable water, the taps of which are designed for operation by elbow or by foot;

(c) newborn infants must be kept in the nursery except when brought to their mothers for feeding or for some other specific purpose, except that the infants may be kept with their mother at all times if there are no more than two maternity cases in a ward;

(d) the floor area of any delivery ward in which a maximum of two maternity cases are accommodated, must provide a minimum of 10 m^2 for each bed and crib;

(e) one separate crib for each baby, each with a minimum of least 2 m^2 of floor space, must be provided in every nursery;

(f) the cribs must be situated as follows:

(i) A minimum of 750 mm from any other crib; or

(ii) a minimum of 300 mm from any wall on the side of the crib or wall fixture, excluding a wash-hand basin or a central-heating radiator;

(g) a baby's bathing and changing-room, fitted with adequate baby bathing equipment, must adjoin every nursery; and

(h) every milk room must be provided with –

(i) a sink made of porcelain, enamel or stainless steel and a wash-hand basin with hot and cold running potable water;

(ii) a refrigerator;

(iii) tables with impervious tops; and

(iv) adequate equipment for sterilising utensils used in the handling of milk.

84. Operating theatres

Any person who operates a nursing home which receives patients in need of surgical treatment, must provide an operating theatre used exclusively for surgical operations, which complies with the following requirements:

(a) Every operating theatre must be provided with -

(i) a scrubbing-up room or bay, which must immediately adjoin the operating theatre;

(ii) a sterilising room;

(iii) a theatre sluice-room; and

(iv) a recovery room;

(b) the sterilising room, which adjoins an operating theatre, must be separated by a swing door or other approved type of door;

(c) the sluice-room, sterilising room and recovery room must be reasonably accessible from the operating theatre; and

(d) one sluice-room, sterilizing room and recovery room may be used to serve more than one operating theatre.

85. Ablution and sanitary requirements

Any person who operates a nursing home must ensure that the premises complies with the following requirements:

(a) All bathrooms must be fitted with porcelain enamel or cast-iron enamel baths with a supply of hot and cold running potable water;

(b) the following number of baths and toilets must be provided for patients:

(i) In a maternity home –

(aa) the ratio of toilets to patients must not be less than 1:8; and

(bb) the ratio of bathrooms to patients must not be less than 1:12;

(ii) in any other nursing home –

(aa) the ratio of toilets to patients must not be less than 1:12; and

(bb) the ratio of bathrooms to patients must not be less than 1:12;

(c) the following number of baths and toilets must be provided for nursing staff, domestic staff and other employees:

(i) the ratio of each of toilets and bathrooms to nursing and domestic staff must not be less than 1:12 respectively; and

(ii) the ratio of each of toilets and bathrooms or shower cubicles to other employees must not be less than 1:12 respectively;

(d) in calculating the number of toilets in terms of paragraph (b), no account must be taken of any toilet contained in a bathroom; and

(e) every toilet must be equipped with an adequate flushing system maintained in proper working order.

86. Sluice-rooms

Any person who operates a nursing home must ensure that every sluice room located on the premises –

(a) is a minimum of 7 m^2 in area and have a minimum width of 2.2 metres;

(b) opens into a well-ventilated passage and is accessible to every ward which it serves;

(c) has a sluice-pan of approved design and equipped with an adequate flushing system maintained in proper working order;

(d) has smooth and impervious shelves or other adequate apparatus for the storage of bed-pans or other sanitary utensils;

(e) has, in the case of a maternity home, adequate apparatus for sterilizing bedpans by steam or boiling water and in the case of a nursing home carrying on a general practice, adequate apparatus for cleaning bed-pans;

(f) has an impervious receptacle, with a tight fitting lid and of adequate size, for the reception of soiled dressings; and

(g) is used only for –

(i) the storage and cleansing of bed-pans and other sanitary utensils;

(ii) the temporary deposit of soiled dressings; and

(iii) the testing of urine.

87. Kitchens and sculleries

Any person who operates a nursing home must ensure that any kitchen and scullery located on the premises complies with the following requirements:

(a) Every draining board and top of every table installed, whether as a new installation or by way of replacement, must be constructed of stainless steel, enamelled metal or of another adequate smooth and impervious material;

(b) every sink installed, whether as a new installation or by way of replacement, must –

(i) be constructed of stainless steel;

(ii) have two compartments each with hot and cold running potable water; and

(iii) together with its draining board, be installed at least 100mm away from any wall;

(c) any wall within 600mm of any part of a sink, draining board or of any table on which food is prepared or handled, must be tiled or treated in some other adequate manner to a minimum height of 1.35 metres above the floor;

(d) a receptacle with a tight fitting lid suitable for the reception of kitchen refuse, must be provided;

(e) the receptacle must be kept tightly shut and emptied at least once a day into an external refuse receptacle; and

(f) a hood or canopy of adequate size, having a flue at least 300mm in diameter and which emits fumes and gasses in such a manner that it creates no public health nuisance, must be provided immediately over any stove where cooking is carried out on the premises.

88. Storage of foodstuffs

Any person who operates a nursing home must ensure that–

(a) all crockery, cutlery and foodstuffs are stored in a hygienic place and manner;

(b) adequate refrigeration facilities are provided for the storage of perishable foodstuffs; and

(c) any room in which fruit and vegetables are stored, is adequately ventilated and equipped with heavy wire shelves and racks.

89. Layout of rooms

No person who operates a nursing home may do so unless the rooms referred to in sections 87 and 88 comply with the following additional requirements:

(a) The rooms may not be situated in, or share an entrance with, any –

(i) ward or room used for sleeping;

(ii) sluice-room; or

(iii) toilet and urinal;

(b) the rooms must be provided with adequate racks, shelves and other means to store bulk goods at a minimum height of 225mm above the floor;

(c) adequate lighting and ventilation, as prescribed by the National Building Regulations and Building Standards Act, must be provided.

90. Medicines and poisons

Any person who operates a nursing home must ensure that–

(a) a room or cupboard, of adequate size is set aside, to be used solely for the storage of medicines and drugs;

(b) every room or cupboard set aside in terms of paragraph (a), is kept locked at all times except when medicines or drugs are being removed from it or returned to it; and

(c) within that room or cupboard, a separate lockable cupboard or locker is reserved for the storage of poisons, habit-forming drugs and potentially dangerous drugs.

91. Sterilisation

Any person who operates a nursing home must provide adequate apparatus for the sterilisation of instruments.

92. Laundering

If laundering is carried out on the premises of a nursing home, this must take place in accordance with the provisions of Chapter 11.

93. Reception rooms for soiled articles

Any person who operates a nursing home must ensure that–

(a) the reception room for soiled articles is used exclusively for receiving and sorting soiled articles;

(b) a wash-hand basin, supplied with running hot and cold potable water is provided, in each reception room;

(c) each reception room is mechanically ventilated in a manner that ensures that any air generated in the room is discharged into the atmosphere; and

(d) a separate reception room is provided in any maternity home and used exclusively for receiving and sluicing of baby napkins.

94. Laundry rooms

If laundering is carried out on the premises of a nursing home, the premises that are used for such laundering must comply with the requirements for premises on which a laundry business is conducted as contemplated in section 65 of these By-laws.

95. Storage rooms

Any person who operates a nursing home must ensure that –

(a) any storage room is used exclusively for the storage and distribution of those articles intended to be stored in such storeroom;

(b) any storage room contains adequate moveable shelving made of impervious material;

(c) every shelf is a minimum height of 225 mm above the floor;

(d) containers used for the reception or conveyance of soiled or laundered articles are adequately marked so that they can be easily distinguishable from one another; and

(e) all persons employed in any part of the laundry are provided with, and wear, caps covering their hair and clean overalls made of light-coloured material, of a design approved by an environmental health officer.

96. Linen

Any person who operates a nursing home must ensure that at all times, all linen provided in the premises is –

(a) of good quality;

(b) maintained in good repair; and

(c) available in a quantity adequate to ensure the prompt replacement of soiled articles.

97. Refuse receptacles

Any person who operates a nursing home must provide an adequate number of refuse receptacles on the premises.

98. Accommodation for nursing staff

No person may operate a nursing home unless –

(a) adequate sleeping accommodation is provided for the resident nursing staff employed on the premises;

(b) adequate arrangements are made for the separation of the sleeping accommodation of members of the staff on day duty and those on night duty, so as to avoid the undue disturbance of staff sleeping; and

(c) a dining-room and separate recreation room is provided for the nursing staff: Provided that one room may be used as a dining and recreation room if the room is adequate for both purposes.

Chapter 14
Child - care services

99. Definitions

In this Chapter, unless the context otherwise indicates –

"**child-care premises**" mean premises on which child-care services are offered;

"**child-care service**" means any service, whether for gain or otherwise, for the reception, protection, care and bringing-up of more than six children apart from their parents, but does not include any reform school, boarding school, school hostel or any establishment which is maintained or used mainly for the tuition or training of children and which is controlled by or which has been registered or approved by the State, including a provincial administration, as contemplated in the Child Care Act, 1983 (Act No. 74 of 1983).

100. Permit requirement

No person may provide a child-care service except on child-care premises which comply with the requirements of sections 101 to 116 and in terms of a permit authorising that activity.

101. General requirements for child-care premises

A child-care service may only be provided in or on premises which are located, designed, constructed, finished, equipped and in such a condition that children –

(a) can be cared for hygienically; and

(b) can be adequately protected against any possible public health hazard and public health nuisance.

102. Indoor play areas

Child-care premises on which children under compulsory school-going age are cared for, must be provided with an indoor play area which must -

(a) be enclosed by buildings and structures constructed of materials and in a manner that ensures the health and safety of children using that area;

(b) have a floor which is smooth, easily washable and which prevents the permeation of dampness;

(c) have a play area with a minimum of 1,5 m^2 free unobstructed floor space per child, or 3 m^2 if no outdoor play area is provided, and which is divided by walls or removable partitions into separate indoor play areas in which children of the following age groups are cared for separately at all times:

(i) 0-2 years;

(ii) 2-4 years; and

(iii) 4 years up to compulsory school-going age.

(d) have an activity area of 4m^2 for every child of school going age catered for on the premises

(Section 102 (d) inserted: Notice 5319: 5/12/07, PG347)

103. Outdoor play areas

If child-care premises have an outdoor play area it must –

(a) be free of any excavations, steps, projections, levels or any surface which may adversely impact on the health and safety of children using that area;

(b) provide a minimum outdoor play area of 2 m^2 per child;

(c) have an adequate means of enclosure and a lockable gate to prevent a child leaving the premises on his or her own and to prevent the entrance of any animal and unauthorised person; and

(d) have separate outdoor play areas for the following different age groups:

(i) 0-2 years;

(ii) 2-4 years;

(iii) 4 years up to compulsory school- going age; and

(iv) school-going children.

104. Toilet and wash facilities

Child-care premises must have adequate toilet and wash facilities for all children with -

(a) a ratio of not more than 15 children for each toilet or chemical toilet;

(b) a ratio of not more than 20 children for each hand wash facility; and

(c) a supply of hot and cold running potable water must be available at every wash-

hand basin, or if no running water is available, a minimum of 25 litres of potable water, stored in a hygienically clean container, must be available on the premises at all times.

105. Toilet and wash facilities for children under the age of 2 years

Child-care premises must provide the following additional toilet and wash facilities for children under the age of 2 years:

(a) A separate napkin changing unit for changing the napkins of children under the age of 2 years;

(b) adequate wash facilities to clean children wearing napkins;

(c) adequate containers for the storage of clean and soiled napkins.

106. General requirements

No person may provide a child-care service unless the child-care premises comply with the following additional requirements:

(a) Separate toilet and hand wash facilities must be provided for staff members;

(b) no child may, at any time, have access to living quarters of staff and adequate measures must be taken to keep the living quarters separate;

(c) an adequate sick-bay area for the treatment and care of any child who falls ill or who is injured during day care, must be provided;

(d) an adequate method for hand washing must be provided in the sick-bay area;

(e) an approved lockable and adequately equipped first aid unit must be provided and maintained in the sick-bay area;

(f) an adequate office area must be provided;

(g) an adequate kitchen area, where food is to be handled, prepared, stored and provided to children, must be provided;

(h) the kitchen area referred to in paragraph (g) must comply with any relevant law;

(i) a separate storage area of adequate size must be provided for the storage of indoor and outdoor play materials, equipment, stretchers, sleeping mats, bedding and linen; and

(j) a separate designated storage facility of adequate size for the storage of the personal belongings of each child and staff member must be provided.

107. Resting and play equipment

Any person who provides a child-care service must provide –

(a) adequatechild-sized seating and tables for each child;

(b) adequate individual resting or sleeping places for each child;

(c) an approved blanket for the individual use of each child; and

(d) adequate indoor and outdoor play equipment for the children's use.

108. After-school facilities

Any person who provides a child-care service for children of school-going age must provide the following after-school care facilities:

(a) If an after-school care is provided on the same premises as for the care of children under school going age, the facilities for the two groups of children must be kept totally separate, except for the kitchen and office area;

(b) an indoor care area of at least 1,5 m² free floor space for each child must be provided;

(c) an outdoor play area of at least 2 m² for each child must be provided;

(d) one toilet and one hand-wash facility must be provided for every 20 children, or part of that number, and the facilities must be separately designated for the use of each sex; and

(e) adequate seating and tables must be provided for each child.

109. Medical care for children

Any person who provides a child-care service or is in charge of child-care premises must –

(a) in respect of any child who becomes ill or has suffered an injury requiring medical attention –

(i) immediately notify the parent or guardian of the child;

(ii) immediately call for medical assistance; and

(iii) provide necessary care and treatment in the sick-bay area required in terms of section 106(c);

(b) immediately notify the Council in the event of the illness being a communicable disease;

(c) ensure that every child has completed basic immunization schedules as considered necessary by the Council;

(d) comply with the provisions of any relevant legislation and regulations published under the Health Act, 1977 (Act No. 63 of 1977), regarding the exclusion of children from day-care services on account of infectious diseases;

(e) be trained in basic first aid; and

(f) only administer medicine to a child with the written consent of that child's parent or guardian.

110. Safety Measures

No person may provide a child-care service unless the following safety measures are complied with:

(a) Children must be adequately protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other article, thing or substance that may be dangerous or cause injury to any child;

(b) any slats or rails forming part of an enclosure, security gate, play pen, bed, cot or any other object or structure whatsoever, must be a minimum of 75 mm apart, must be installed and maintained in a good state of repair, and if painted, only non-toxic paint must be used;

(c) all medicines, pesticides, detergents and other harmful substances must be stored in a locked place inaccessible to any child at all times;

(d) no noxious or poisonous or dangerous plant or shrub may be permitted on the premises;

(e) all animals or birds must be kept in enclosures as contemplated in chapter 15 of the by-laws and provided that no health hazard or health nuisance is created; [[Item (e) amended: Notice 2076 : 2011-08-03 PG No 167]]

(f) no person known or suspected to be suffering from an infectious or contagious disease, and no person so suffering, may be allowed on the premises while, in the opinion of an environmental health officer, the person is capable of communicating the infectious or contagious disease to the children;

(g) no paddling pool, swimming pool or other structure may be permitted in any child-care service without adequate fencing and a safety net;

(h) any sandpit must be adequately covered when not in use and must be treated with a treatment agent on a regular basis; and

(i) any other reasonable measures which may, in the opinion of an environmental health officer, be necessary to protect the children from any physical danger, must be taken by the child-care service provider on the instruction of an environmental health officer.

111. General duties of a child-care service provider

Any person who provides a child-care service must –

(a) ensure that the children are properly cared for and supervised at all times;

(b) maintain every part of the premises, including any equipment, in good repair and in a clean and hygienic condition at all times;

(c) ensure that all persons on or in the premises are clean in person and clothing and are in good state of health;

(d) ensure that no person smokes or uses any tobacco product in the presence of children;

(e) ensure that the toys, books and other indoor play materials intended for day-to-day use are available in any indoor play area and suitably stored so that they are within easy reach of the children;

(f) ensure that the children are at all times under the direct supervision of an adult in the following ratio:

(i) one adult supervisor for every 6 babies between 0-18 months;

(ii) one adult supervisor for every 12 children between 18 months and 3 years;

(iii) one adult supervisor for every 20 children between 3 and 5 years;

(iv) one adult supervisor for every 30 children between 5 and 6 years; and

(v) one adult supervisor for every 35 children of school going age;

(g) if transport to or from a child care service is provided, ensure that –

(i) the children are supervised by at least one adult apart from the driver during transport;

(ii) the doors of the vehicle are lockable so that they cannot be opened from inside the vehicle;

(iii) no children are transported in the front seat or the boot of the vehicle;

(iv) no babies are placed under the seat of a vehicle;

(v) the vehicle is not overloaded in terms of any applicable law;

(vi) the driver of the vehicle holds a valid licence to transport the passengers; and

(vii) the vehicle is licensed and is in a road worthy condition;

(h) when children are transported in the back of an enclosed light commercial vehicle, ensure that no exhaust fumes enter the enclosed area and that it is adequately ventilated;

(i) if meals are provided, display a two-weekly menu that must be visible to the parents;

(j) provide nutritionally balanced meals of adequate volume to satisfy the energy needs of the children in each age group;

(k) provide a laundry area an adequate distance from any area used to care for children or the kitchen, if laundry is done on the premises;

(l) provide an adequate number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste materials, inside the premises;

(m) provide an approved refuse area, with adequate refuse bins, for the storage of refuse pending removal;

(n) provide each child with a towel, preferably disposable, for his or her individual use on the premises;

(o) provide adequate individually marked pegs or hooks for each child to hang his or her towel on; and

(p) provide an adequate and easily available supply of toilet paper, soap and tissues for the children's use.

112. Application for admission

Any person who provides a child-care service must ensure that –

(a) an application form containing the following information is completed by the parent or guardian of every child when he or she is admitted to the child-care service:

(i) The child's name and date of birth;

(ii) the name, address and telephone number of the parent or guardian;

(iii) the place of employment and telephone number of the parent or guardian;

(iv) the name, address and telephone number of a responsible person other than the parent or guardian who may be consulted in emergencies; and

(v) the name, address and telephone number of the child's doctor together with permission to consult him;

(b) all application forms are kept for a minimum period of three years from the date a child is discharged; and

(c) the date of admission and discharge of each child is written on the relevant application form.

113. Registers

Any person who provides a child-care service must keep an admission and discharge register of all children admitted to and discharged from the child-care service, in which –

(a) the presence or absence of each child is recorded daily; and

(b) each child's date of birth is recorded.

114. Medical reports

Any person who provides a child-care service must obtain a report from the parent or guardian of each child containing the following health data:

(a) Information concerning the child's general state of health and physical condition;

(b) operations, illnesses and any communicable diseases which the child has suffered and the relevant dates;

(c) details of required immunizations; and

(d) details of allergies and any medical treatment the child may be undergoing.

115. General journal

Any person who provides a child-care service must keep a journal, in which any important or outstanding event, including any accident on the premises or during transportation of children, and any explanation is recorded.

116. Medical journal

Any person who provides a child-care service must keep a medical journal in which the details and quantity of any medicine given to a child is recorded, and the child-care provider must ensure that the journal is signed daily by the parent or guardian of any child to whom medicine was given.

Chapter 15
Keeping of animals

117. Definitions

In this Chapter, unless the context otherwise indicates -

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

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

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

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

"**cattery**" means premises in or upon which –

(a) boarding facilities for cats are provided; or

(b) cats are bred for commercial purposes;

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

"**keeper**" means –

(a) in relation to any animal, the owner of the animal or any other person responsible for feeding and caring for the animal;

(b) in relation to a battery system, cattery, kennels, pet parlour or pet shop means the person who owns the business of which it forms part of and the person in charge of the premises in which the animals are kept;

"**kennels**" means premises in or upon which –

(a) boarding facilities for dogs are provided;

(b) dogs are bred for commercial purposes;

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

(d) dogs are kept for commercial security purposes;

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

"**pet**" means a domestic animal, bird or poultry kept in a household for companionship or amusement;

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

"**pet shop**" means the premises on which the business of keeping and selling of pets is carried out;

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

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

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

"**proclaimed township**" means an approved township as contemplated in sections 79, 103, 111 and 141(4) of the Town Planning and Townships Ordinance, 1986, (Ordinance No. 15 of 1986), or a township approved in terms of any prior law relating to townships;

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

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

"**stable**" means any building or structure used to accommodate livestock other than poultry;

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

Part 1 – General provisions relating to the keeping of animals

118. Application of Chapter

(1) Subject to the provisions of subsection (2), the provisions of this Chapter do not apply to -

(a) any agricultural show where animals are kept on a temporary basis; and

(b) any laboratory where animals are kept for research purposes.

(2) The provisions of section 144 apply to the keeping of animals at any agricultural show and at research laboratory.

(3) No person may, subject to the provisions of section 121, keep or allow to be kept, any animal other than an approved pet on an erf in a proclaimed township, provided the keeping of such pet does not create or constitute a nuisance

(4) If at any time it appears to an authorized official that the keeping of poultry or rabbits on an erf or agricultural holding, in respect of which a permit has been granted, is likely to constitute a nuisance or danger to the public health, that official may -

(a) cancel the permit; or

(b) prohibit the keeping of such poultry or rabbits.

(5) An authorized official must serve a notice on the permit holder or the owner of the erf or agricultural holding concerned, informing him or her of a decision in terms of subsection (4) and instruct the owner to comply with the requirements within the period stated in such notice, which must be at least 48 hours. *[Subsection (5) amended: Notice 2076 : 2011-08-03 PG No 167]*

(6) An authorized official must as soon as a permit has been cancelled, notify the permit holder of that fact in writing.

(7) An authorized official may, subject to the foregoing provisions of this section, issue a new permit if he is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

Part 2 – Keeping of cattle, horses, mules and donkeys

119. Requirements for premises

(1) No person may keep any cattle, horse, mule or donkey in a stable or enclosure that does not comply with the following requirements:

(a) Every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material;

(b) the internal wall surfaces of the stable must be constructed of smooth brick or other durable surface brought to a smooth finish;

(c) the height of the walls to the wall plates of the stable must –

(i) if the roof is a pitched roof be 2,4 metres;

(ii) if the roof is a flat roof be 2,7 metres;

(iii) if the roof is a lean to roof be a mean height of 3 metres with a minimum of 2,4 metres on the lowest side;

(iv) in the case of a stable which has an opening along the entire length of one of it's long sides be not less than 2 metres;

(d) the stable must have a floor area of at least 9 m^2 for each head of cattle, horse, mule or donkey accommodated in it;

(e) lighting and ventilation must be provided by openings or glazed opening windows or louvers totalling at least 0,3 m^2 for each animal to be accommodated in it except in the case of a stable open along the entire length of one of its long sides;

(f) the lowest point of every opening, window or louvers must be at least 1,8 metres above floor level;

(g) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish graded to a channel and drained in terms of section 143;

(h) any enclosure must have an area of at least 10 m^2 for each head of cattle, horse, mule or donkey accommodated in it and the fencing must be strong enough to prevent the animals from breaking out;

(i) no enclosure or stable may be situated within –

(i) 15 metres of the boundary of any land, property, dwelling or other structure used for human habitation; or

(ii) 50 metres of any water resource or water supply intended or used for human consumption; and

(j) there must be a water supply adequate for drinking and cleaning purposes next to every stable or enclosure.

120. Duties of keeper of cattle, horses, mules and donkeys

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

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

(b) provide portable manure storage receptacles of an impervious material and with close fitting lids;

(c) keep every manure storage receptacle on a platform constructed of concrete or other durable and impervious material near the stable or enclosure;

(d) if there is so much manure and bedding that storage receptacles are impractical, provide a manure container or area complying with the following requirements:

(i) The manure container or area must be roofed and enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish; and

(ii) the floor must be of smoothly finished concrete that is inclined so that it drains to a water channel along the full length of the open side, which is at least 150mm in diameter and is kept filled with water;

(e) remove all the manure from the stable and enclosure at least once every 24 hours and place it in the manure storage receptacles or manure container or area until it is removed from the premises;

(f) remove the contents of the manure storage receptacles or manure container or area from the premises at least once every second day and dispose of the manure in a way which will not create a public health nuisance;

(g) remove all bedding from the stable at least once a week and store it in the manure receptacles or manure container or area until it is removed from the premises;

(h) store all saddles, bridles, harnesses and other equipment or articles used in connection with the keeping of the animals, in a storeroom or other adequate storage facility; and

(i) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids.

Part 3 – Keeping of goats and sheep

121. Application

The provisions of sections 122 and 123 also apply to the temporary keeping of a goat on any premises for the provision of milk for medical reasons.

122. Requirements for premises

(1) No person may keep goats or sheep in –

(a) an enclosure which does not comply with the following requirements:

(i) The minimum overall floor area must be 30 m^2; and

(ii) at least 1,5 m^2 of floor space must be provided for every goat or sheep accommodated in it; or

(b) a stable which does not comply with the following requirements:

(i) Every wall must be constructed of brick, stone, concrete or other durable material;

(ii) every wall must be at least 2 metres in height and have a smooth internal finish;

(iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel drained in terms of section 143;

(iv) at least 1,5 m^2 of floor space must be provided for every goat or sheep accommodated in it with an overall minimum floor area of 6 m^2; and

(v) lighting and ventilation openings totalling at least 0,15 m^2 per goat or sheep must be provided.

(2) No person may keep goats or sheep in an enclosure or stable within –

(a) 15 metres of any boundary of any land, dwelling, building or other structure used for human habitation; or

(b) 50 metres of any water resource or water supply intended or used for human consumption.

(3) Every person must provide a water supply adequate for drinking and cleaning purposes situated next to or in every enclosure or stable used to accommodate goats or sheep.

123. Duties of keeper of goats and sheep

Any person who keeps goats or sheep must -

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

(b) provide portable manure storage receptacles of an impervious material and with close fitting lids;

(c) keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned;

(d) remove all manure from the enclosure or stable at least once every seven days and place it in the manure storage receptacles;

(e) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way that will not create a public health nuisance; and

(f) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.

Part 4 – Keeping of poultry

124. Application

The provisions of sections 126(d), (f), (g) and 127(e), do not apply to any person keeping ten or less poultry.

125. Permit requirement

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

126. Requirements for premises

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

(a) In relation to a poultry house –

(i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;

(ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish;

(iii) the upper floor of a two or more story structure must be constructed of an impervious and easily cleanable material;

(iv) the minimum floor area must be –

(aa) 0,20 m^2 for each grown fowl, duck, muscovy duck or guinea fowl;

(bb) 0,5 m^2 for each grown goose, turkey or peacock; and

(cc) 0, 14 m^2 for each grown pigeon; and

(v) the minimum aggregate floor area must be 4 m^2;

(b) a poultry run, if provided, must be enclosed with wire mesh or other durable material;

(c) in relation to a building or structure housing a battery system –

(i) every wall, if provided, must be at least 2,4 m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface;

(ii) if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building or structure;

(iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and if required by an environmental health officer, the floor surface must be graded and drained by means of a channel drained in terms of section 143;

(iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its edges;

(v) the cages of the battery system must be made of an impervious material; and

(vi) if required by an environmental health officer, a tray of an impervious material must be fitted under every cage for the collection of manure;

(d) a water supply adequate for drinking and cleaning must be provided in or next to every poultry house and poultry run and in or next to a building or structure housing a battery system;

(e) no poultry house, poultry run, or building or structure housing a battery system, may be constructed within 3 metres of –

(i) any dwelling or other building or structure used for human habitation; and

(ii) any place where foodstuffs are stored or prepared for human consumption;

or (iii) the nearest boundary of any land;

(f) feed must be stored in an adequate rodent-proof storeroom;

(g) adequate washing facilities must be provided for the cleaning of the cages;

(h) if required by an environmental health officer, due to the amount of manure stored on the premises awaiting removal, a storage area complying with the following requirements must be provided:

(i) A roofed platform constructed of concrete or other impervious material;

(ii) the platform's outside edges must have a minimum curb of 100 mm high;

(iii) the platform must be graded and drained in terms of section 143; and

(iv) the roof of the platform must extend a minimum of 1 metre beyond the edges of the base of the platform.

127. Duties of keeper of poultry

Any person who keeps poultry must -

(a) ensure that all poultry is kept within a poultry house, poultry run or building or structure housing a battery system;

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

(c) maintain the premises and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from pests;

(d) ensure that the poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;

(e) provide portable manure storage receptacles of an impervious material and with close fitting lids and keep the manure storage receptacles on a platform;

(f) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every four days from a building or structure housing a battery system;

(g) place the manure and other waste matter in manure storage receptacles;

(h) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way which will not create a public health nuisance; and

(i) take adequate measures to keep the premises free of flies, cockroaches and rodents and to prevent offensive odours arising from the keeping of poultry on the premises.

Part 5 – Keeping of rabbits

128. Application

The provisions of sections 130(b), (c), (d), (f) and (g), and 131(d), (f) and (g), do not apply to any person keeping ten or less rabbits.

129. Permit requirements

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

130. Requirements for the premises

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

(a) In relation to a rabbit hutch -

(i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;

(ii) the floor surface must be –

(aa) constructed of concrete or other impervious material brought to a smooth finish;

(bb) situated at least 150 mm above ground level; and

(cc) graded to a channel drained in terms of section 143, if required by an environmental health officer;

(iii) adequate ventilation must be provided; and

(iv) the rabbit hutch must be adequate in size to allow free unobstructed movement of animals kept therein.

(b) any rabbit run must be enclosed with wire mesh or other durable material and constructed in a way that prevents the escape of rabbits from the run;

(c) in relation to a building or structure housing a battery system –

(i) every wall must –

(aa) be at least 2,4 metres high;

(bb) be constructed of concrete, stone, brick or other durable material; and

(cc) must have a smooth internal surface;

(ii) if walls are provided, the building or structure must be ventilated and lighted by means of natural openings or windows of an area not less than 15% of the floor area of the building or structure;

(iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish, and if required by an environmental health officer, the floor surface must be graded to a channel drained in terms of section 143;

(iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its outside edges; and

(v) every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure;

(d) a water supply adequate for drinking and cleaning purposes must be provided in or next to every rabbit hutch or building or structure housing a battery system;

(e) no person may erect a rabbit hutch, rabbit run or building or structure housing a battery system within five metres of –

(i) any dwelling, building or other structure used for human habitation;

(ii) any place where foodstuffs are stored or prepared for human consumption; or

(iii) the nearest boundary of any land;

(f) an adequate rodent-proof storeroom must be provided for the storage of feed; and

(g) adequate washing facilities must be provided for the cleaning of cages.

131. Duties of keepers of rabbits

Any person who keeps rabbits must -

(a) keep all rabbits within the rabbit hutch, rabbit run or building or structure housing a battery system;

(b) maintain the premises and any equipment, apparatus, containers or receptacles used in connection with keeping rabbits, in a clean, sanitary condition and in good repair;

(c) maintain the premises free from offensive odours and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from pests;

(d) provide portable manure storage receptacles of an impervious material with close-fitting lids which receptacles must be kept on a platform;

(e) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system, at least once every 48 hours;

(f) keep the manure and waste in manure storage receptacles until it is removed from the premises; and

(g) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a way which will not create a public health nuisance.

Part 6 – Keeping of birds other than poultry

132. Requirements for the premises

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

(a) the aviary must be constructed of durable rodent-proof material;

(b) adequate access must be provided for cleaning purposes;

(c) if the aviary is constructed above ground level, its base must be constructed of an impervious and durable material and must be situated a minimum of 300 mm above ground level;

(d) the aviary may not be situated within three metres of any building or structure, boundary fence or boundary wall; and

(e) a water supply adequate for drinking and cleaning purposes must be situated in or next to every aviary.

133. Duties of keepers of aviaries

Any person who keeps birds in an aviary must -

(a) ensure that the aviary and the premises are kept in a clean condition and free from pests;

(b) provide and use rodent-proof facilities for the storage of bird food; and

(c) ensure that the birds do not disturb the comfort, convenience, peace or quiet of the public.

Part 7 – Kennels and catteries

134. Requirements for premises

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

(a) Every dog or cat must be kept in an enclosure which complies with the following requirements:

(i) the enclosure must be constructed of impervious materials and must provide adequate access for cleaning purposes;

(ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending the full width of the floor, which channel must be graded and drained into a gully connected to the Council's sewer by means of a pipe 100 mm in diameter; and

(iii) a curb 150 mm high must be provided along the edge of the channel, referred to in subparagraph (ii), to prevent any storm water runoff entering the channel; and

(iv) the enclosure must be adequate in size to allow free unobstructed movement of animals kept therein.

(b) subject to the provisions of paragraph (c), every enclosure referred to in paragraph (a), must be provided with an adequate roofed shelter that complies with the following requirements:

(i) Every wall must be made of brick, stone, concrete or other impervious material;

(ii) every wall must have a smooth internal surface;

(iii) the floor must be made of concrete or other impervious material brought to a smooth finish; and

(iv) every shelter must have adequate access for cleaning and eliminating pests;

(c) a dog kennel which complies with the following requirements may be provided instead of the shelter contemplated in paragraph (b):

(i) The kennel must be constructed of an approved weatherproof and insulating material or other similar material;

(ii) the kennel must be movable;

(iii) the kennel must be placed on a base constructed of concrete or other impervious material with an easily cleanable finish; and

(iv) a sleeping board, which will enable the dog to keep dry, must be provided in any kennel that does not have a waterproof base;

(d) a concrete apron extending at least one metre wide around the edges of the enclosure must be provided;

(e) the apron must be graded and drained in a way that drains storm water away from the enclosure;

(f) a water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the enclosure;

(g) any cage in which cats are kept must be constructed of durable impervious material and in a manner that it may be easily cleaned; and

(h) no shelter, enclosure or kennel may be situated within five metres of any –

(i) dwelling or other building or structure used for human habitation;

(ii) place where food is stored and prepared for human consumption; or

(iii) the boundary of the premises.

135. Food preparation areas

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

(a) The floor of the room or roofed area must be constructed of concrete or other impervious material brought to a smooth finish;

(b) the internal wall surfaces of the room or roofed area must be smooth and easily cleanable;

(c) adequate washing facilities for food bowls and utensils must be provided; and

(d) a rodent-proof storeroom must be provided for the storage of food.

136. Duties of a keepers of kennels or catteries

Any person operating kennels or a cattery must –

(a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;

(b) provide portable storage receptacles, of an impervious material with close fitting lids, for the storage of dog and cat faeces;

(c) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in paragraph (b); (d) remove the contents of the storage receptacles from the premises at least twice every seven days and dispose of it in a manner that will not create a public health nuisance;

(e) store all loose food in receptacles, with close fitting lids, in the food store;

(f) provide adequate refrigeration facilities to store perishable foods on the premises;

(g) provide adequate separate refuse receptacles, with close fitting lids, on the premises for refuse other than faeces;

(h) keep any sick dog or cat isolated from any other animals; and

(i) maintain the premises free from offensive odours and every enclosure, shelter, kennel, cage or food store clean and free from pests.

(j) ensure that no dog or cat disturbs the comfort, convenience, peace and quiet of the public.

Part 8 – Pet shops and pet parlours

137. Requirements for premises

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

(a) Any wall and partition must –

(i) be constructed of brick, concrete or other impervious material;

(ii) have a smooth and easily cleanable internal surface; and

(iii) be painted with a washable paint or other adequate finish;

(b) all floor surfaces must be constructed of concrete or other impervious material brought to a smooth finish;

(c) all ceilings must be dust proof and easily cleanable;

(d) at least one wash hand basin, with a supply of running hot and cold potable water, must be provided for employees and the ratio of wash hand basins to persons employed on the premises must not be less than 1:15; (e) the wash hand basins, referred to in subparagraph (d), must be drained in terms of section 143;

(f) adequate storage facilities must be provided;

(g) facilities for the washing of cages, trays and other equipment must be provided in the form of either –

(i) a curbed and roofed over platform with a minimum surface area of 1,5 m^2, raised at least 100 mm above the floor and constructed of concrete or other impervious material brought to a smooth finish, which platform must be provided with a supply of running potable water; or

(ii) a stainless steel sink or trough of adequate size with a drainage board and provided with a supply of running potable water;

(h) the platform, sink or trough referred to in paragraph (g) must be drained in terms of section 143;

(i) any wall surface within 0,5 metres of the platform, sink or trough referred to in paragraph (g), must be permanently covered with waterproof material to a minimum height of 1,4 metres above the floor;

(j) a clearly designated changeroom must be provided if more than six persons are employed on the premises and every change room must –

(i) have a floor area providing at least 0,5 m^2 for each employee;

(ii) have a minimum overall floor area of 6 m^2 and width of two metres; and

(iii) be equipped with an adequate metal locker for each employee;

(k) if no changeroom is required in terms of paragraph (j), each employee must be provided with an adequate metal locker;

(l) for the purposes of washing, clipping or grooming of pets –

(i) a bathroom fitted with a bath, or similar fitting, and a wash hand basin supplied with running potable water must be provided;

(ii) a clipping and grooming room fitted with impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids, for the storage of cut hair pending removal, must be provided;

(iii) at least 50 % of the floor area of the rooms referred to in subparagraphs (i) and (ii), must be unobstructed; and

(iv) the floors of the rooms referred to in subparagraphs (i) and (ii), must be graded to a channel drained in terms of section 143;

(m) all buildings, including storage areas, must be rodent-proof; and

(n) the premises may not have direct internal access with any room or place –

(i) used for human habitation;

(ii) where clothing is stored or sold; or

(iii) where food is prepared, stored or sold for human consumption.

138. Duties of pet shop or pet parlour keepers

Any keeper of a pet shop or pet parlour must –

(a) provide cages for housing the pets which comply with the following requirements:

(i) the cages must be constructed of metal or other impervious material and fitted with a removable metal floor-tray to facilitate cleaning;

(ii) the exterior cavity of any tubular or hollow material used to construct a cage must be sealed;

(iii) the cages must be able to be moved easily;

(iv) where rabbits are kept in a cage, the metal floor-tray referred to in subparagraph (i), must be drained to a removable receptacle;

(v) the cages must be fitted with a drinking vessel filled with water;

(vi) the distance from any cage to the nearest wall must be a minimum of 150 mm; (vii) the cages must be kept a minimum of 450 mm above floor level; and

(viii) the space below every cage must be unobstructed;

(b) provide rodent-proof receptacles, of an impervious material and with close fitting lids, for the storage of all loose pet food in the storage facilities required in terms of section 137 (f);

(c) provide adequate refrigeration facilities to store all perishable pet food on the premises;

(d) ensure that in any room in which the pets are kept –

(i) 50 % of the floor space is unobstructed; and

(ii) the cages are placed a minimum of 800 mm from one another;

(e) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment or appliances used in connection with the pet shop or pet palour, in a clean and sanitary condition, free from pests and in good repair;

(f) provide overalls or other protective clothing for employees and ensure that the employees wear them when on duty;

(g) provide isolation facilities in which every pet which is, or appears to be, sick must be kept while on the premises;

(h) provide an adequate supply of potable water for drinking and cleaning purposes;

(i) provide adequate ventilation to ensure the comfort and survival of the pets; and

(j) ensure that the number of pets contained in each cage does not impede their free movement.

Part 9 – Keeping of wild animals

139. Requirements for the premises

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

(a) Every wild animal must be kept in an enclosure and/or housing constructed and equipped as follows:

(i) The enclosure and/or housing must satisfy the needs of the specific animal as specified by the relevant nature conservation authorities;

(ii) the enclosure and/or housing may not be situated within 50 metres of –

(aa) any boundary of the premises;

(bb) any dwelling, building or structure used for human habitation;

(cc) any dwelling, building or structure where food is stored, handled or prepared for human consumption; or

(dd) any water resource intended for domestic consumption;

(iii) an adequate supply of potable water for drinking and cleaning purposes must be provided; and

(iv) the enclosure and/or housing must be graded and drained in a way that does not pollute any water resource or create a public health nuisance;

(b) a separate room, equipped with a preparation table and wash-up sink, supplied with running potable water and drained in accordance with section 143, must be provided for the preparation of food;

(c) 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;

(d) both facilities referred to in paragraph (c) must be provided with a supply of running water adequate for drinking and cleaning and be drained in accordance with section 143;

(e) any area and room in which fodder and food are stored must be rodent-proof; and

(f) the enclosure and/or housing must be adequate in size to allow free unobstructed movement of animals kept therein.

140. Duties of keepers of wild animals

Any person who keeps wild animals must –

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

(b) clean all manure and food scraps from any enclosure and/or housing at adequate intervals;

(c) prevent the soil beneath or around any enclosure and/or housing from becoming saturated with urine or polluted by any other matter or liquid; and

(d) remove all bedding from any housing at least once every seven days and store it in a manure receptacle or manure container or area, until it is removed from the premises.

Part 10 – Keeping of pigs

141. Requirements for premises

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

(a) Every wall must –

(i) be constructed of brick, stone, concrete or other durable material;

(ii) have a minimum height of 1,5 metres; and

(iii) have a smooth, impervious internal surface;

(b) the floor area must provide at least 3 m^2 for each pig accommodated in the pigsty, with an overall minimum floor area of 6 m^2;

(c) the roof over any portion of a pigsty must have a minimum height of 1,5 metres;

(d) except in the case of a roofed structure having one of its long sides completely open, the lighting and ventilation openings must –

(i) be situated opposite one another in the external walls; and

(ii) provide a minimum of 0,15 m^2 for each pig;

(e) the floor must be –

(i) at least 150 mm above the surrounding ground level;

(ii) constructed of concrete or other durable and impervious material brought to a smooth finish; and

(iii) graded for the run-off of liquids into an open channel outside the pigsty;

(f) the open channel referred to in paragraph (e)(iii) must –

(i) be constructed of concrete or other durable and impervious material;

(ii) be a minimum of 100 mm in diameter; and

(iii) be drained in terms of section 143;

(g) the pigsty must be strong enough to prevent the pigs breaking out;

(h) the pigsty may not be situated within 100 metres of –

(i) the boundary of the premises;

(ii) any dwelling, building or structure used for human habitation;

(iii) any place where foodstuffs are stored or prepared for human consumption; or

(iv) any water resource intended for domestic consumption;

(i) a roofed over concrete platform must be provided for –

(i) the storage of all swill in containers; and

(ii) the preparation of pig feed;

(j) the platform referred to in paragraph (i) must comply with the provisions of paragraph (e) and in addition, must have a curbing of a minimum height of 100 mm on each edge; and

(k) a water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the pigsty.

142. Duties of keepers of pigs

Every person keeping pigs must -

(a) ensure that every pig is kept within a pigsty;

(b) maintain the premises and any equipment, apparatus, containers and receptacles concerned in a clean and sanitary condition and in good repair;

(c) provide portable storage receptacles, of impervious material and with close fitting lids, to store manure;

(d) keep all manure storage receptacles on a platform that complies with the provisions of section 141 (j);

(e) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles;

(f) remove the contents of the manure storage receptacles from the premises at least once every second day and dispose of the manure in a manner that will not create a public health nuisance;

(g) provide a rodent-proof store-room of adequate size in which all feed, other than swill, must be stored; and

(h) provide rodent-proof receptacles, with close fitting lids, in which to store all loose feed.

Part 11 – General provisions

143. Drainage

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

144. Dangerous animals

(1) No person may without a permit issued by an environmental health officer, keep any wild animal of a species that is dangerous to humans, including without limitation, large carnivores, venomous snakes, spiders or scorpions.

(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.

145. Requirements for keeping of bees

(1) No person may keep bees on any premises unless –

(a) that person is the holder of a permit authorising that activity; and

(b) every bee hive is situated –

(i) a minimum of five metres from any boundary of the premises; and

(ii) a minimum of twenty metres from any public place or building used for human habitation or from any place used for the keeping of animals, poultry and birds;

(c) the bees are kept in an approved bee hive; and

(d) the bee hive is –

(i) kept in an area inaccessible to children and animals;

(ii) ..... [[Section 145(1)(d)(ii) deleted : Notice: 5319: 5/12/07, PG 347]]

(iii) supplied with a source of drinking water within five metres of the hive.

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

(3) Bees must at all times be kept strictly in accordance with the Council's guidelines for the keeping of bees.

[Section 145 (3) inserted Notice: 5319: 5/12/07, PG 347]

146. Illness attributable to animals, poultry or birds

(1) The illness of any person, which may be attributed to any animal, poultry or bird kept or handled by that person, must be reported to an environmental health officer within 24 hours of diagnosis, by the person making the diagnosis.

(2) An environmental health officer may order the removal of an animal, poultry or bird from premises if he or she reasonably believes that the animal poses a public health nuisance or public health hazard.

147. Keeping of and slaughtering animals for religious and ceremonial purposes

(1) Any person who keeps an animal prior to slaughtering it for any religious or ceremonial purposes, must comply with the provisions of this Chapter applicable to the animal concerned.

(2) A person intending to slaughter an animal in any place other than in a recognised abattoir must -

(a) notify the Council in writing, fourteen days prior to the event;

(b) slaughter the animal in a position where the slaughtering cannot be observed by any person on neighbouring premises or any member of the public;

(c) use the meat derived from the slaughtered animal solely for the purposes of the religious or ceremonial feast;

(d) handle the meat in a hygienic manner at all times;

(e) dispose of any portions of the animal which are not used or consumed, in a manner which will not become a public health hazard or public health nuisance; and

(f) not keep such animal prior to slaughtering for a period in excess of 24 hours.

148. Introduction of milk and milk products into the Municipal Area

(1) No person is allowed to introduce, unless for own consumption, into the municipal area any milk or milk product for purposes of human consumption unless-

(i) that person is the holder of a permit;

(ii) such milk or milk product is pasteurised or otherwise treated to render it safe for human consumption before offered for sale to the public.

[Section 148 inserted: Notice 5319: 5/12/07, PG 347]

Chapter 16
Children's homes

149. Definitions

In this Chapter, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and –

"**Act or the Act**" means Child Care Act, 1983 including the regulations made in terms of section 60 thereof;

"**adopted child**" means a child adopted under the provisions of Chapter 4 of the Act;

"**adoptive parent**" means a person who adopts or has adopted a child under the provisions of Chapter 4 of the Act;

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

"**children's home**" means any residence or home maintained for the reception, protection, care and bringing-up of more than six children living apart from their parents, guardian or person in whose custody the child is, but does not include any school of industries or reform school, with the understanding that separate living accommodation can be provided on the children's home premises where a parent, guardian or person in whose custody the child is will be living together with such a child;

"**family**" means parent, guardian or person in whose custody the child is or was, immediately before commencement of any proceedings for the alternative placement of the child and also includes any parent,

guardian or person in whose custody the child is and who is living in separate accommodation on the premises of a children's home;

"**parent**" means natural or adoptive parent;

"**person in charge**" refers to the owner, the principal or any person who is in effective control of the children's home whether permanently or temporarily;

"**prophylaxis**" means preventative treatment against disease;

"**play area**" means a separate area identified for children to play;

"**staff member**" means a person employed by the children's home on a temporary or permanent basis.

150. Permit requirement

No person shall operate a children's home except in accordance with the provisions of this Chapter and in terms of a permit authorising the operation of a children's home.

151. General provisions for children's home premises

(1) A children's home may only be operated on premises which are located, designed, constructed, finished and equipped in such a condition that children –

(a) can be cared for hygienically;

(b) can be adequately protected against any possible public health hazard and public health nuisance;

(c) can be adequately fed;

(d) are provided with adequate shelter;

(e) have access to potable clean water;

(f) can be adequately safeguarded from any condition which may impact on their safety; and

(g) are not allowed access to any accommodation set aside exclusively for the use of staff.

(2) Premises from which a children's home is operated shall have the following-

(a) separate living quarters for staff members and families living on the premises, which comply with the provisions of Chapter 10 of these by-laws, dealing with accommodation establishments, whether services are rendered for gain or not, provided that living quarters make separate provision for sleeping accommodation for:

(i) any guardian and child;

(ii) any person in whose custody the child is and the child; and

(iii) the different sexes for children 7 years and older;

(b) separate approved toilet and hand wash facilities for staff members, as contemplated in the National Building Regulations and Building Standards Act;

(c) separate designated change and storage facilities of adequate size for the storage of the personal belongings of staff members;

(d) an adequate office area; and

(e) an adequate kitchen area, where food is to be handled and provided to children which complies with any relevant laws.

152. Indoor areas

(1) Indoor areas complying with the following requirements shall be provided-

(a) For children under the age of two years:

(i) sleeping accommodation of 2m² per child;

(ii) an adequate separate facility for the hygienic preparation and storage of milk and milk formulas;

(iii) an adequate separate facility for the hygienic washing, sterilisation and storage of feeding bottles, cups and other containers;

(iv) the facilities contemplated in sections 152 (1) (a) (ii) and (iii) can form part of any kitchen on the premises and shall comply with any relevant laws;

(v) a separate napkin changing unit with an impervious work surface for changing the napkins of children;

(vi) adequate hand wash and bathing facilities to clean children when changing napkins;

(vii) the facilities referred to in sections 152 (1) (a) (v) and (vi) shall be cleaned after each use and clean water and clean cloths shall be used for each washing procedure;

(viii) adequate impervious containers with a tight fitting lid for the storage of soiled napkins;

(ix) separate, approved storage facility for the storage of clean napkins;

(x) adequate storage facilities for the storage of personal belongings and clothing of each child;

(xi) adequate toilet and hand wash facilities as contemplated in section 154 hereof;

(xii) adequate separate storage facilities for clean and dirty linen and bedding;

(xiii) a separate safe sleeping facility provided with an approved mattress of impervious material and bedding for each child, with a minimum distance of 750mm between sleeping facilities;

(xiv) each cot, bed, linen or bedding shall only be used by a single child and shall be cleaned and sanitised before being assigned to another child.

(b) For children between two to six years of age:

(i) sleeping accommodation of 2m² per child;

(ii) adequate separate storage facilities for the storage of personal belongings and clothing of each child;

(iii) adequate bathing, hand wash and toilet facilities as contemplated in sections 154 and 155 hereof;

(iv) adequate separate storage facilities for clean and dirty linen and bedding;

(v) a separate safe sleeping facility provided with an approved mattress and bedding for each child, with a minimum distance of 750mm between sleeping facilities; and

(c) For children between seven to thirteen years of age:

(i) sleeping accommodation of 4m² per child separate for the sexes;

(ii) adequate separate and private storage facilities for the storage of personal belongings and clothing of each child;

(iii) adequate bathing, hand wash and toilet facilities as contemplated in sections 154 and 155 hereof;

(iv) adequate separate storage facilities for clean and dirty linen and bedding;

(v) a separate safe sleeping facility provided with an approved mattress and bedding for each child with a minimum distance of 750mm between sleeping facilities;

(vi) sanitary towels tampons and facilities for the safe disposal after use.

(d) For children above the age of thirteen years:

(i) sleeping accommodation of 4m² per child separate for the sexes;

(ii) adequate separate, private and lockable storage facilities for the storage of personal belongings and clothing of each child;

(iii) adequate bathing, hand wash and toilet facilities as contemplated in sections 154 and 155 hereof;

(iv) adequate storage facility for clean and dirty linen and bedding;

(v) separate safe sleeping facility provided with an approved mattress and bedding for each child, with a minimum distance of 750 mm between sleeping facilities; and

(vi) sanitary towels and tampons and facilities for the safe disposal after use.

(2) Indoor activity and play areas

(i) Separate indoor activity and play areas of 1,5m² per child shall be provided for the following age categories:

Under 2 years of age; 2 to 6 years; 7 years and older;

unless arrangements are made and a roster instituted to regulate times the activity and play area can be used separately by the age groups contemplated in subsection (i);

(ii) The indoor play and activity areas referred to in subsection (i) shall be increased by 1,5m² unobstructed floor space per child, where no outdoor play or activity areas have been provided.

(iii) Adequate child-sized seating and tables for each child two to six years of age shall be provided in the indoor play or activity area.

(iv) Adequate seating and tables for each child seven years and older shall be provided in the indoor play or activity area.

(v) An approved facility for the disinfecting of toys and other equipment shall be provided.

(vi) Adequate indoor and outdoor play equipment for the children's use shall be provided.

153. Outdoor play or activity areas

(1) If a children's home premises has an outdoor play or activity area it must –

(a) be free of any excavations, steps, projections, levels or any surface which may adversely impact on the health and safety of children using that area;

(b) provide a minimum outdoor area of 2m² per child;

(c) have an adequate means of enclosure and a lockable gate to prevent a child from leaving the premises on his or her own and to prevent the entrance of any animal and unauthorised person; and

(d) have separate outdoor play or activity areas for the following age categories of children:

(i) Under 2 years;

(ii) 2 to 6 years;

(iii) 7 years and older.

(2) In the event that adequate space is not available to cater for a separate outdoor play area as contemplated in Section 153(1)(d) above, the following shall occur -

(a) a roster regulating different times for the use of the play area by different age groups should be instituted; or alternatively

(b) adequate supervision should be provided, to ensure the safety of each child using the outdoor play area, at all times.

154. Toilet and hand wash facilities

A children's home premises shall be provided with the following-

(a) toilets at a ratio of not more than 15 children for each toilet or chemical toilet;

(b) hand wash facilities at a ratio of not more than 20 children for each hand wash facility; and

(c) a supply of hot and cold running potable water must be available at every wash hand basin, or if no running water is available, a minimum of 25 litres of potable water, stored in a hygienically clean container, must be available at each wash hand basin .

155. Bathing facilities

A children's home premises shall be provided with the following-

(a) a bath for every 8 children separate for the sexes and designated accordingly;

(b) showers may be substituted for baths in the following ratios:

(i) Males – two thirds of total number of baths; and

(ii) Females – one third of total number of baths.

(c) a supply of hot and cold running potable water at every bath and shower facility, or if no running water is available, a minimum of 25 litres of potable water stored in a hygienically clean container must be available at each bath or shower.

156. Medical care for children

(1) Any person who operates or is in charge of a children's home must –

(a) provide an adequate first aid area with adequate and appropriate first aid equipment for the treatment of minor ailments and bodily injuries sustained by children;

(b) have an accessible list of emergency contact numbers which shall include fire brigade, ambulance, outbreak response, clinic, hospital, doctor and police;

(c) be trained in basic first aid;

(d) ensure that adequate provision is made for disposable gloves and disinfectants to protect staff and children, and also to disinfect contaminated areas and surfaces when dealing with blood related illness and injuries;

(e) ensure that immediately after treating a child with blood related illnesses and injuries, areas and surfaces where treatment took place are adequately disinfected;

(f) ensure that post exposure prophylaxis for HIV and Hepatitis B be made available to any child or caregiver who may have been so exposed;

(f) in respect of any child who becomes ill or has suffered an injury requiring medical attention, –

(i) immediately transport such child to the nearest clinic or hospital or call for medical assistance;

(ii) ensure that appropriate medical care is given to the child in the sick bay area, if the illness or injury is not of a nature requiring attendance at the clinic or hospital; and

(iii) immediately notify the Council in the event of the illness being a notifiable disease;

(h) ensure that every child has a road to health card and has completed basic immunization schedules as required by the Department of Health;

(i) take measures to adequately manage communicable diseases;

(j) isolate in an approved manner, any child that is suffering from any infectious disease until such time that the disease no longer poses any threat; and

(k) in respect of terminally ill children cared for on the premises, provide approved facilities complying with the requirements contemplated in sections 82, 86 and 91 of Chapter 13 of these by-laws, dealing with Nursing homes.

157. Medicines

(1) Any person who operates a children's home must ensure that –

(a) a room or cupboard of adequate size, is set aside to be used solely for the storage of medicines and drugs; and

(b) every room or cupboard set aside in terms of paragraph (a) above, is kept locked at all times except when medicines or drugs are being removed from it or returned to it.

158. After school facilities

Any person who provides an after-school care service for children of school-going age other than the children accommodated in the children's home shall comply with the requirements contemplated in section 108 of Chapter 14 of these by-laws pertaining to child care services.

159. Laundry facilities

(1) If laundering is carried out on the premises of a children's home, this activity must take place in accordance with the following provisions –

(a) a work-room or area used for housing washing-machines, irons, ironing boards, presses and other fixed or movable equipment, with a minimum floor area of 6 m^2 or 2,5 m^2 unobstructed floor space per person employed in the laundry, whichever is the greater size, must be provided;

(b) all internal walls must be constructed and finished so as to render them non-absorbent in a manner consistent with the provisions of the National Building Regulations and Building Standards Act, and painted with a lightcoloured washable paint;

(c) all ceilings must be dust-proof, smoothly finished, and painted with a light-coloured washable paint;

(d) all floor surfaces must be constructed of cement or other non-absorbent material brought to a smooth finish in a manner consistent with the provisions of the National Building Regulations and Building Standards Act;

(e) lighting and ventilation as contemplated in the National Building Regulations and Building Standards Act must be provided;

(f) adequate separate facilities for the receiving of dirty laundry and dispatch of clean laundry must be provided;

(g) a store-room or facility for the storage of all relevant materials must be provided and equipped with adequate packing shelves of which the lowest shelf must be at least 250 mm above floor level;

(h) a separate pre-rinsing area must be provided on any premises where nappies are laundered; and

(i) the laundry area must be inaccessible to any child and must at all times be kept locked when not in use.

160. Safety Measures

(1) A person in charge of a children's home must ensure that the following safety measures are complied with-

(a) children must be adequately protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other article, thing or substance that may be dangerous or cause injury to any child;

(b) any slats or rails forming part of an enclosure, security gate, play pen, bed, cot or any other object or structure whatsoever must be a maximum of 75 mm apart, must be installed and maintained in a good state of repair, and if painted, only non-toxic paint must be used;

(c) all pesticides, detergents and other harmful substances must be stored in a locked place inaccessible to any child at all times;

(d) no noxious or poisonous or dangerous plant or shrub may be permitted on the premises;

(e) no animals or birds may be kept on the premises unless an approved area, complying with the requirements of Chapter 15 of these by-laws relating to the keeping of animals, is provided, separately from the indoor and outdoor activity and play areas;

(f) no paddling pool, swimming pool or other structure may be permitted in any children's home without adequate fencing and a safety net;

(g) any sandpit must be adequately covered when not in use and must be treated with a treatment agent on a regular basis;

(h) all toys for children under the age of three years shall be free from any small parts and if painted, only with non-toxic paint;

(i) no person known or suspected to be suffering from an infectious or contagious disease, and no person so suffering, may be allowed to enter the premises or may be employed in the children's home if in the opinion of an environmental health practitioner, the person is capable of communicating the infectious or contagious disease to the children;

(j) any other reasonable measures which may, in the opinion of an environmental health practitioner, be necessary to protect the children from any physical danger, must be taken by the children's home service provider on the instruction of an environmental health practitioner.

161. Duties of the person in charge of a children's home

(1) Any person who operates a children's home must –

(a) ensure that the children are properly cared for and supervised at all times;

(b) maintain every part of the premises, including any equipment, linen, bedding, feeding utensils and play equipment in good repair and in a clean and hygienic condition at all times;

(c) ensure that all staff members and care givers at the premises are at all times healthy and clean;

(d) ensure that no person smokes or uses any tobacco product in the presence of children or in any area prohibited by the Tobacco Products Control Act, 1993 and regulations published thereunder;

(e) ensure that the toys, books and other indoor play materials intended for day-to-day use are available in any indoor activity or play area and suitably stored so that they are within easy reach of the children;

(f) ensure that children are at all times appropriately supervised by an adult when utilizing the indoor and/or outdoor areas -

(i) one adult supervisor for every 6 children under the age of 2 years;

(ii) one adult supervisor for every 15 children aged 2 to 6 years old;

(iii) one adult supervisor for every 20 children 7 years and older.

(g) in the event that transport to or from a children's home is provided, ensure that –

(i) the children are supervised by at least one adult apart from the driver during transportation;

(ii) the child locks, if any, and doors of the vehicle are locked so that they cannot be opened from inside the vehicle;

(iii) no children are transported in the front seat or the boot of the vehicle;

(iv) no children are placed under the seat of a vehicle;

(v) the vehicle is not overloaded in terms of South African traffic laws;

(vi) the driver of the vehicle holds a valid driver's licence / permit to transport the passengers;

(vii) the vehicle has all relevant permits and documentation to transport the children, is licensed and is in a road worthy condition; and

(viii) when transporting children in the back of an enclosed light commercial vehicle, ensure that no exhaust fumes enter the enclosed area and that it is adequately ventilated;

(h) display a weekly menu that must be visible to any visitor;

(i) ensure that children are at all material times under adequate adult supervision when utilizing the sleeping facility;

(j) observe dietary requirements for children with special dietary requirements;

(k) provide nutritionally balanced meals of adequate volume to satisfy the energy and nutritional needs of the children in each age group;

(l) provide an adequate number of bins with liners for the disposal of paper, paper towels, tissues and other waste materials, inside the premises;

(m) provide an approved refuse area, with adequate refuse bins, for the storage of refuse pending removal;

(n) provide each child with a towel for his or her individual use on the premises;

(o) provide adequate individually marked pegs or hooks for each child to hang his or her towel on;

(p) handle and dispose of medical risk waste in accordance with the relevant legislation governing this category;

(q) provide an adequate and easily available supply of toilet paper at all toilets, soap and disposable towelling at all hand wash basins and soap at all baths and/or showers;

(r) ensure that mattresses are cleaned and sanitised when soiled or wet;

(s) ensure that toys are disinfected daily and immediately after it becomes contaminated by body secretions, sputum, blood or by any other means;

(t) ensure that toys are not used simultaneously by children suffering from any infectious disease and healthy children;

(u) ensure that blood spills or spills of other fluids containing blood are removed by using gloves to prevent contamination of the hands and that the contaminated area be disinfected with a freshly prepared solution of 1:10 household bleach and clean water applied to the area for at least 30 seconds and thereafter wiped with disposable material or alternatively by using any other approved and appropriate disinfectant;

(v) provide each child with his or her own toiletry which shall include amongst others, toothbrush, toothpaste, bathing soap, skin lotion and other necessary items required for use by the child; and

(w) provide an adequate supply of tissues for use by the children.

162. Register

(1) Any person who operates a children’s home must keep an admission and discharge register ("register") of all children admitted to and discharged from the children’s home in accordance with regulation 33 of the Regulations promulgated in Government Gazette 10546 of 12 December 1986 in terms of the provisions of section 60 of the Act.

(2) The following particulars where applicable shall be entered in the register –

(a) his or her full name, sex, date of birth, identity number; names, addresses and telephone numbers of parent or parents, guardian or guardians or next of kin;

(b) date of admission;

(c) particulars of any leave of absence or any absence longer than one day and the reason for such absence; and

(d) in the case of a pupil who absconded from the children's home or who is a pupil referred to in section 38(1)(b) of the Act, the date on which he so absconded or on which his leave of absence, referred to in section 38(1)(b), expired, as the case may be, and if he returns or is returned to the children's home, the date on which he so returned or was brought back.

(3) A separate file shall be kept in a children's home in respect of each pupil in that children's home in which the following documents where applicable shall be filed–

(a) all documents relating to the pupil received at the time of his admission;

(b) all reports received from the school which the pupil attends or attended;

(c) reports and notes from social workers and the staff of the children's home on the pupil;

(d) for each leave of absence, the address where leave of absence was spent;

163. Medical registers and files

(1) Any person who operates a children's home must keep a register containing the following health data:

(a) operations, illnesses and any communicable diseases which the child has suffered and the relevant dates;

(b) details of all immunizations;

(c) details of allergies and any medical assessment and treatment the child may be undergoing;

(d) details and quantity of any medicine given to a child with the name and signature of the person who administered the medicine.

(e) all reports on any physical, psychiatric or clinical-psychological examination of the pupil and any report on the results of any treatment given.

164. General journal

Any person who provides a children's home service must keep a journal, in which any important or outstanding event, including any accident on the premises or during transportation of children, illness or hospital admittance of any child and any explanation is recorded.

Chapter 17
Miscellaneous

165. Offences and penalties

(1) Any person who –

(a) contravenes or fails to comply with any provisions of these By-laws; or

(b) fails to comply with any notice issued in terms of or for the purposes of these By-laws; or

(c) fails to comply with any lawful instruction given in terms of or for the purposes of these By-laws; or

(d) obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these By-laws,

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

166. Serving of notices

(1) A notice, order or other document is regarded as having been properly served if -

(a) it has been delivered to the person concerned personally;

(b) it has been sent by registered post or speed post to the person to whom it is addressed at his or her last known address;

(c) it is served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address;

(d) if the address of the person concerned in the Republic of South Africa is unknown, if it has been served on that person's agent or representative in the Republic of South Africa in the manner provided for in paragraph (a),(b) or (c); or

(e) if the address of the person concerned and of his or her agent or representative in the Republic of South Africa is unknown, if it has been posted in a conspicuous place on the premises to which it relates.

(2) A notice, order or other document which may in terms of these By-laws be served on the owner or occupier of premises may be addressed to the owner or occupier of the specified premises and need not bear the name of the owner or occupier.

167. Application to the State

These By-laws bind the State, including the Council.

168. Repeal

The By-laws listed in Schedule 3 are hereby repealed.

169. Short title

These By-laws are called the Public Health By-laws, 2003.

[Section 148 to 152 renumbered: Notice 5319: 5/12/07, PG 347) Sections 149 to 164 Inserted: Notice 1454: 20/06/08, PG 162]

[Previous Sections 149 to 153 Renumbered accordingly: Notice 1454: 20/06/08, PG 162]

[Heading "Chapter 16" replaced with "Chapter 17": Notice 1454: 20/06/08, PG 162]

Schedule 1

PUBLIC HEALTH NUISANCES

1. General Nuisances

An owner or occupier of premises creates a public health nuisance if he or she causes or allows -

(a) any premises or part thereof to be of such a construction or in such a state as to be offensive, injurious or dangerous to health;

(b) any street, stream, pool, lagoon, ditch, gutter, watercourse, sink, cistern, watercloset, earth closet, pail closet, urinal, cesspool, cesspit, drain, sewer, dung pit, slop tank, ash heap or dung heap to be so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health;

(c) any stable, kraal, shed, run or premises used for the keeping of animals or birds and which is so constructed, situated, used or kept as to be offensive or to be injurious or dangerous to health;

(d) any accumulation of refuse, offal, manure or other matter which is offensive or is injurious or dangerous to health;

(e) any public building to be so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;

(f) any dwelling to be occupied without proper and sufficient supply of potable water within a reasonable distance;

(g) any factory or industrial or business premises not to be kept in a clean state and free from offensive smells arising from any drain, water closet, earth-closet, urinal or any other source, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gas, vapour, dust or other impurity generated, or so overcrowded or so badly lighted or ventilated, as to be injurious or dangerous to the health of those employed therein or thereon;

(h) any factory or industrial or business premises to cause or give rise to any smell or effluvium which is offensive or injurious or dangerous to health;

(i) any building, room or structure to be used wholly or partly by a greater number of persons than will allow less than 11,3 m^3 of free air space and 3,7 m^2 of floor space for each person aged 10 years or more and 5,7 m^3 of free air space and 1,9 m^2 of floor space for each person less than 10 years of age; or

(j) any other activity, condition or thing declared to be a nuisance by the Minister in terms of the Health Act, 1977.

2. Pest control

(1) An owner or occupier of premises creates a public health nuisance if -

(a) the premises are maintained in a manner that attracts or harbours rodents or other pests, or is conducive to the breeding thereof;

(b) flies are being attracted to, or can breed on, the premises, in significant numbers because –

(i) insufficiently rotted manure or any other organic material is being kept or used; or

(ii) any other substance that attracts flies is used or kept other than for the purposes of trapping or killing flies;

(c) mosquitoes can breed in significant numbers on the premises because –

(i) containers in which mosquitoes can breed, such as tyres, bottles, crockery, and tins, have been left or are kept on the premises;

(ii) tanks, barrels and similar containers in which mosquitoes can breed are not fitted with mosquito-proof covers or mosquito wire gauze screens in a manner that prevents mosquitoes gaining access to water contained in them;

(iii) gutters and down pipes are sagging or clogged so that stagnant water can accumulate in them; or

(iv) approved measures have not been taken to prevent mosquitoes breeding in ponds, excavations, wells, swimming pools or any other stagnant water source on the premises.

(2) The following measures are approved measures for the purposes of subsection (1)(c)(iv) –

(a) draining accumulated water at least once every seven days;

(b) covering accumulated water with oil at least once every seven days; and

(c) in the case of wells, providing a mosquito-proof cover and a pump.

3. Air pollution

An owner or occupier of premises creates a public health nuisance if–

(a) any waste on the premises is burned outside except in an approved appliance;

(b) ash, grit, soot or smoke is emitted from any chimney or appliance or from any other means on the premises in a manner or quantity that is sufficient to have an adverse impact on public health;

(c) the erection or destruction of a building or structure causes dust to be discharged into the surrounding atmosphere in a manner or quantity that is sufficient to have an adverse impact on public health; or

(d) Any dust is generated on, and emitted from the premises due to any activity or process and discharged into the surrounding atmosphere in a manner or quantity that is sufficient to have an adverse impact on public health.

4. Fouling and littering of public places and open spaces.

(1) A person creates a public health nuisance if he or she throws, dumps, stores, keeps or drops refuse, rubbish, glass, tins, paper, car wrecks or parts of motor vehicles, dead animals, waste water or flushing water or other litter or waste, whether liquid or solid, on or in a street, road, bridge, thoroughfare, open space, vacant stand, public place or erf, spruit or watercourse, or cause or permit it to be thrown, dumped or dropped there, or cause or permit any such liquid to flow into such a place.

(2) The person who has contravened subitem (1), must remedy, to the satisfaction of the environmental health officer, any damage to the environment which resulted from such contravention.

5. Condition of premises

(1) No person shall fail to keep any premises owned or occupied by him or her clean and free from filth, debris, rubble, rubbish, glass, paper, rags, tins, lumber, waste, refuse, old motor bodies, chassis of motor vehicle, parts of motors, old motor tyres, scrap material or any other material which is unsightly or is likely to become a nuisance or hazard or injurious to health or is likely to be offensive or a cause of annoyance to any person.

(2) No owner or occupier of premises shall allow grass, undergrowth, weeds or any other vegetation to become a safety or security risk to any person.

(3) Should a safety or security risk as contemplated in subsection (2) arise, the owner or occupier of the premises shall remove the risk by-

(i) cutting any grass, undergrowth, weeds of vegetation associated with the safety and security risk to a maximum height of 150mm; or

(ii) pruning or chopping down any shrubs or tree;

(iii) any other acceptable means.

[Item 5 inserted : Notice 5319: 5/12/07, PG 347]

Schedule 2

Scheduled Uses

(Sections 1, 8, 9 and 11)

The activities and uses of premises listed in this Schedule are considered to pose an unacceptable risk to public health unless the measures specified in the relevant Chapter of these By-laws and where required, in a permit, are taken to avoid the risk or to reduce it to a level acceptable to the Council.

Part A – Activities for which a permit is required

Section	Activity
30	Provision of service to remove human excrement or urine 45 Offensive trades
52	Hairdressing, beauty and cosmetology services
61	Accommodation Establishments
77	Nursing homes used for maternity purposes and for medical and surgical purposes 100 Child care services
125	Keeping of poultry
129	Keeping of rabbits
134	Dog Kennels and catteries
144	Keeping dangerous animals
145	Keeping bees
148	Introduction of milk and milk products into Municipal Area 150 Children's Homes.

[Reference to Section 31 deleted: Notice 5319: 5/12/07, PG 347.]

[Reference to Section 148 inserted: Notice 5319: 5/12/07, PG 347.]

[Item 150 Inserted: Notice 1454: 20/06/08, PG 162]

Part B – Scheduled uses

Chapter	Scheduled use
4	Sanitary services
5	Private Sewage Works
6	Water

Chapter	Scheduled use
7	Offensive Trades
8	Hairdressing, Beauty and Cosmetology Services
9	Second-hand Goods
10	Accommodation Establishments
11	Dry Cleaning and Laundry Establishments
12	Swimming Pools and Spa-Baths
13	Nursing Homes
14	Child-Care Services
15	Keeping of Animals

Schedule 3

REPEALED BY-LAWS

Number and year	Name of By-laws	Extent of Repeal
Administrator's Notice 11 dated 12 January 1949	Johannesburg Municipality: Public Health By-laws	Whole
Administrator's Notice 11 dated 12 January 1949	Roodepoort Municipality: Public Health By-laws	Whole
Administrator's Notice 148 dated 21 February 1951	Sandton Municipality: Public Health By-laws	Whole
Administrator's Notice 148 dated 21 February 1951	Randburg Municipality: Public Health By-laws	Whole
Administrator's Notice 148 dated 21 February 1951	Midrand Municipality: Public Health By-laws	Whole

Number and year	Name of By-laws	Extent of Repeal
Administrator's Notice 950 dated 18 November 1953	Midrand Municipality: Fishmongers and Fish Bakers By-laws	Whole
Administrator's Notice 435 dated 18May 1955	Peri-Urban Areas Health Board: By-laws relating to the Keeping of Bees as applied in Randburg and Midrand	Whole
Administrator's Notice 1269 dated 12 November 1969	Johannesburg Municipality: Second Hand Goods By-laws	Whole
Administrator's Notice 1764 dated 15 December1971	Sandton Municipality: By-laws for Controlling and Prohibiting the Keeping of Pigs	Whole
Administrator's Notice 819 dated 24 May 1972	Midrand Municipality: Standard Milk By-laws	Whole
Administrator's Notice 884 dated 7 June 1972	Sandton Municipality: Standard Milk By-laws	Whole
Administrator's Notice 1762 dated 7 June 1972	Randburg Municipality: Standard Milk By-laws	Whole
Administrator's Notice 1212 dated 19 July 1972	Sandton Municipality: By-laws relating to the Keeping of Bees	Whole
Administrator's Notice 1138 dated 3 October 1979	Sandton Municipality: By-laws to Control the Hawking of Food and Livestock	Whole
Administrator's Notice 1433 dated 5 December 1979	Midrand Municipality: Noise Abatement By-laws	Whole
Administrator's Notice 13 dated 2 January 1980	Roodepoort Municipality: Noise Control By-laws	Whole
Administrator's Notice 1277 dated 10 September 1980	Randburg Municipality: Noise Abatement By-laws	Whole
Administrator's Notice 317 dated 2 March 1983	Johannesburg Municipality: Swimming Pool By-laws	Whole

Number and year	Name of By-laws	Extent of Repeal
Government Notice R.2607 dated 2 December 1983 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993)	By-laws relating to Second Hand Goods as applied by the Municipalities of Alexandra, Diepmeadow, Dobsonville and Soweto	Whole
Government Notice R.2608 dated 2 December 1983 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993)	By-laws relating to Control over Places of Care within the Area of Jurisdiction of Local Authorities as applied by the Municipalities of Alexandra, Diepmeadow, Dobsonville and Soweto	Whole
Administrator's Notice 2111 dated 14 December 1983	Roodepoort Municipality:	Whole
Administrator's Notice 332 dated 29 February 1984	Johannesburg Municipality: By-laws relating to the Keeping of Animals, Birds and Poultry and Businesses involving the keeping of Animals, Birds, Poultry and Pets	Whole
Government Notice R.1253 dated 22 June 1984 as amended by Government Notice 1986 dated 6 September 1985 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993)	By-laws relating to the Control of Slums as applied by the Municipalities of Alexandra, Diepmeadow, Dobsonville and Soweto	Whole
Administrator's Notice 2336 dated 19 December 1984	Johannesburg Municipality: By- laws for Accommodation Establishments	Whole
Administrator's Notice 2208 dated 9 October 1985	Roodepoort Municipality: Standard By-laws Relating to the Keeping of Animals, Birds and Poultry and Businesses Involving the Keeping of Animals, Birds, Poultry and Pets	Whole

Number and year	Name of By-laws	Extent of Repeal
Administrator's Notice 1921 dated 22 January 1986	Midrand Municipality: By-laws Relating to Amusement Machines	
Administrator's Notice 43 dated 14 January 1987	Randburg Municipality: By-laws relating to the Keeping of Animals, Birds and Poultry and Businesses involving the keeping of Animals, Birds, Poultry and Pets	Whole
Local Authority Notice dated 30 November 1988	Sandton Municipality: Standard By-laws Relating to the Keeping of Animals, Birds and Poultry and Businesses Involving the Keeping of Animals, Birds, Poultry and Pets	Whole
Local Authority Notice 8 dated 3 January 1990	Randburg Municipality: By-laws to Control Food Vending Machines and the Hawking of Food and Livestock	Whole
Local Authority Notice 4182 dated 21 November 1990	Johannesburg Municipality: Slums Regulations	Whole
Local Authority Notice 2006 dated 12 June 1991	Randburg Municipality: Regulations Regarding Housing Nuisances	Whole
Local Authority Notice 4193 dated 30 October 1991	By-laws for the Prohibition of Smoking in Theatres, Bioscopes, Community Halls and Lifts	Whole
Local Authority Notice 123 dated 8 January 1992	Roodepoort Municipality: Slums Regulations	Whole
Administrator's Notice 100 dated 17 March 1993 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993)	By-laws relating to the Control and Keeping of Certain Animals as applied by the Municipalities of Alexandra, Diepmeadow, Dobsonville and Soweto	Whole

Number and year	Name of By-laws	Extent of Repeal
Local Authority Notice 1660 dated 26 May 1993	Johannesburg Municipality: Health By-laws for Childminder Services	Whole
Local Authority Notice 2109 dated 23 June 1993	Sandton Municipality: Standard Health By-laws for Pre-school Institutions	Whole