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## LOCAL AUTHORITY NOTICES

### LOCAL AUTHORITY NOTICE 1454

#### CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

#### AMENDMENTS TO THE PUBLIC HEALTH BY-LAWS

The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of Section 13(a) of the Local Government: Municipality Systems Act, 2000 (Act No. 32 of 2000) publishes the amendments to the Public Health By-laws of the City of Johannesburg Metropolitan Municipality (as published under Notice 830 dated 21 May 2004), as approved by its Council, as set out hereunder.

#### AMENDMENT TO PUBLIC HEALTH BY-LAWS TO PROVIDE FOR –

- SANITARY FACILITIES AT SPECIAL EVENTS
- CHILDREN'S HOMES

#### SANITARY FACILITIES AT SPECIAL EVENTS.

1. Section 21 of the Public Health By-laws is amended by -

- (a) numbering the existing section as paragraph (a); and by
- (b) inserting the following paragraphs (b) and (c):

*“(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.*

Table 1

Table of sanitary to be provided					
For population of up to	Males		Females		
	WC Pans	Urinals	Washbasins	W C pans	Washbasins
50	1	1	1	2	1
100	1	2	1	3	2
150	1	3	1	5	3
250	2	4	2	7	4
500	3	7	3	12	6
1000	3	12	4	16	7
1500	4	15	5	20	8
	For a population 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 add 1 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

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

2. After section 148 of the Public Health By-laws insert the following sections 149 to 164:

## "CHAPTER 16

### CHILDREN'S HOMES

#### Definitions

149 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.

**Permit requirement**

150 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.

**General provisions for children's home premises**

151(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.

### **Indoor areas**

152. (1) Indoor areas complying with the following requirements shall be provided-

- (a) **For children under the age of two years:**
  - (i) sleeping accommodation of 2m<sup>2</sup> 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 2m<sup>2</sup> 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 4m<sup>2</sup> 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 4m<sup>2</sup> 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 1,5m<sup>2</sup> 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 1,5m<sup>2</sup> 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

**Outdoor play or activity areas**

153 (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 2m<sup>2</sup> 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.

### **Toilet and hand wash facilities**

154 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 .

### **Bathing facilities**

155 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.

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

- 156 (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;
  - (g) 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.

### **Medicines**

157 (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.

### **After school facilities**

158 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

### Laundry facilities

- 159 (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<sup>2</sup> or 2,5 m<sup>2</sup> 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 light-coloured 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.

**Safety Measures**

160 (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.

#### **Duties of the person in charge of a children's home**

161 (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.

**Register**

- 162 (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;

**Medical registers and files**

- 163 (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;

**General journal**

- 164 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."

3. (a) Change the numbering of sections 149 to 153 accordingly commencing with section 165.
- (b) Replace heading "Chapter 16" with "Chapter 17".

4. In Schedule 2 Scheduled Uses Part A after the expression -  
"148 Introduction of milk and milk products into Municipal Area"  
insert the expression  
"150 Children's Homes".

**M A V DLAMINI  
CITY MANAGER  
OFFICE OF THE EXECUTIVE MAYOR  
CITY OF JOHANNESBURG  
158 LOVEDAY STREET  
METRO CENTRE  
BRAAMFONTEIN**

**LOCAL AUTHORITY NOTICE 1455****CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY****AMENDMENTS TO THE WATER SERVICES BY-LAWS**

The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of Section 13(a) of the Local Government: Municipality Systems Act, 2000 (Act No. 32 of 2000) publishes the amendments to the Water Services By-laws of the City of Johannesburg Metropolitan Municipality (as published under Notice 835 dated 21 May 2004), as approved by its Council, as set out hereunder.

1. In section 1(1) of the Water Services By-laws after the definition of "flood plain" insert the following paragraph:

" 'garbage grinder' means an electrically or mechanically driven apparatus that is designed and made to be installed in a water borne sewage system, that has the function to crush food wastes and flush them down the sewage system and that is deemed to be a water fitting in terms of these by-laws;"

2. After section 80(7) insert the following section:

**"Installation, supply and usage of garbage grinders**

80A (1) No person shall install, supply or use a garbage grinder without the prior written approval of the Council.

- (2) Any person who is in the business of supplying garbage grinders shall keep a record of all garbage grinders that are kept in stock and that are sold and shall at the written request of the Council furnish the Council with a copy of such record."

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