

**R.14.2 AANVAARDING VAN DIE KONSEPVERORDENING INSAKE MUNISIPALE
GESONDHEID VIR DIE KAAPSE WYNLAND DISTRIKSMUNISIPALITEIT**
(1/3)

DOEL VAN VOORLEGGING

Dat die Raad die voorlopige aanvaarding van die Konsepverordening insake Munisipale Gesondheid oorweeg vir die doel om openbare kommentaar daarop te bekom.

AGTERGROND

*** Afskrifte van die volgende dokumente is hierby aangeheg –

Bylae "A": Die Konsepverordening insake Munisipale Gesondheid

Bylae "B": Verduidelikende Memorandum

KOMMENTAAR

Die Uitvoerende Burgemeester saam met die Burgemeesterskomitee moet die voorgestelde verordening binne drie (3) maande oorweeg en 'n verslag met betrekking tot die volgende aan die Raad voorlê soos vereis by Klousule 56(3) van die Reglement van Orde van die Kaapse Wynland Distriksmunisipaliteit, naamlik:

- (a) Die nodigheid om die gedrag soos voorgestel, in 'n verordening te reguleer;
- (b) Die inhoud van die voorgestelde verordening;
- (c) Ander verordeninge wat herroep of gewysig moet word indien die voorgestelde verordening aangeneem word; en
- (d) Enige ander tersaaklike kommentaar of voorstelle.

Klousule 58(1) van die Reglement van Orde bepaal dat die Munisipale Bestuurder so spoedig as moontlik nadat die Raad 'n verordening voorlopig goedgekeur het, die voorlopige verordening vir openbare kommentaar moet publiseer in die plaaslike koerante op rekord in die regsgebied van die Kaapse Wynland Distriksmunisipaliteit, op so 'n wyse dat die publiek die geleentheid sal hê om verhoë te rig met betrekking daartoe.

IMPLIKASIES

PERSONEEL

Geen.

Kommentaar opgestel deur: Mnr. G.F. Qonde

**C.14.2 ADOPTION OF THE DRAFT MUNICIPAL HEALTH BY-LAW FOR THE CAPE
WINELANDS DISTRICT MUNICIPALITY (1/3)**

PURPOSE OF SUBMISSION

That Council considers the provisional passing of the draft Municipal Health By-law for purposes of obtaining public comment.

BACKGROUND

Copies of the following documents are attached –

Annexure "A": The draft Municipal Health By-law

Annexure "B": Explanatory Memorandum

COMMENT

The Executive Mayor together with the Mayoral Committee must consider the proposed by-law within three (3) months and submit a report to Council as required by Clause 56(3) of the Rules of Order of the Cape Winelands District Municipality regarding:

- (a) The need to regulate the conduct proposed in a by-law;
- (b) The contents of the proposed by-law;
- (c) Other by-laws that must be repealed or amended if the proposed by-law is adopted; and
- (d) Any other relevant comments or proposals.

Clause 58(1) of the Rules of Order determines that the Municipal Manager must as soon as possible after Council has provisionally passed a by-law, publish the proposed by-law for public comment in the local newspapers of record within the area of jurisdiction of the Cape Winelands District Municipality, in such a manner that the public will have the opportunity to make representations with regard thereto.

IMPLICATIONS

PERSONNEL

None.

Comment prepared by: Mr. G.F. Qonde

LEGAL

In terms of Section 160(2)(a) and (c) of the Constitution of the RSA, 1996, the power to pass by-laws is vested in a municipal council and cannot be delegated.

REGS

Ingevolge artikel 160(2)(a) en (c) van die Grondwet van die RSA, 1996 berus die mag om verordeninge goed te keur en belasting te hef, by 'n munisipale raad en kan dit nie gedelegeer word nie.

Die bepalings van artikel 11 tot 14 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) reguleer die wetgewende proses binne munisipale rade en stipuleer die volgende:

- Die wetgende gesag van 'n munisipaliteit word uitgevoer deur die munisipale raad (artikel 11(1));
- 'n Munisipaliteit voer sy wetgewende gesag uit deur die goedkeuring van verordeninge (artikel 11(2)(m));
- Slegs 'n lid of komitee van 'n munisipale raad mag 'n verordening instel in 'n munisipale raad (artikel 12(1));
- Geen verordening mag goedgekeur word nie, tensy al die lede van die raad redelike kennis daarvan gegee is (artikel 12(3)(a));
- Geen verordening mag goedgekeur word nie, tensy die voorgestelde verordening vir openbare kommentaar gepubliseer is op so 'n wyse dat dit die publiek die geleentheid gegee het om verhoër te word met betrekking tot die voorgestelde verordening (artikel 12(3)(b));
- 'n Verordening moet goedgekeur word deur 'n besluit deur 'n munisipale raad in ooreenstemming met sy reglement van orde en met 'n ondersteunende stem van 'n meerderheid van sy lede (artikel 12(2)(a) en (b));
- 'n Verordening goedgekeur deur 'n munisipale raad moet gepubliseer word in die provinsiale koerant, en wanneer moontlik, ook in 'n plaaslike koerant of enige ander praktiese manier om die inhoud van die verordening onder die aandag van die plaaslike gemeenskap te bring (artikel 13(a));
- 'n Verordening tree in werking wanneer dit gepubliseer word of op 'n toekomstige datum wat in die verordening (artikel 13(b)) bepaal word.

In ooreenstemming met klousule L.1.01 van die Stelsel van Delegasies van die Kaapse Wynland Distriksmunisipaliteit is die mag om verordeninge vir goedkeuring aan die Raad voor te lê, aan die Uitvoerende Burgemeester gedelegeer.

Die Raad het voorts by Item R.5(a) by sy vergadering op 1 November 2001 besluit dat Die Burger en die Cape Argus vasgestel word as koerante van rekord in die regsgebied van die Kaapse Wynland Distriksmunisipaliteit vir doeleindes van kommunikasie met die plaaslike gemeenskap in die gebied van die Kaapse Wynland Distriksmunisipaliteit.

Die Raad het daaropvolgend by Item R.7.9 op 24 Junie 2002 besluit dat die plaaslike koerante van die verskeie Plaaslike Munisipaliteite in die gebied van die Kaapse Wynland Distriksmunisipaliteit bepaal word as koerante van rekord om inligting aan die gemeenskap oor te dra.

Kommentaar opgestel deur: Me. M. Nel

The provisions of Sections 11 to 14 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), regulates the legislative process within municipal councils and stipulates the following:

- The legislative authority of a municipality is exercised by the municipal council (Section 11(1));
- A municipality exercises its legislative authority by passing by-laws (Section 11(2)(m));
- Only a member or committee of a municipal council may introduce a by-law in a municipal council (Section 12(1));
- No by-law may be passed unless all the members of the council have been given reasonable notice thereof (Section 12(3)(a));
- No by-law may be passed unless the proposed by-law has been published for public comment in a manner that allows the public to make representations with regard to the proposed by-law (Section 12(3)(b));
- A by-law must be adopted by a decision taken by a municipal council in accordance with its rules of order and with a supporting vote of a majority of its members (Section 12(2)(a) and (b));
- A by-law passed by a municipal council must be published in the provincial gazette and when feasible, also in a local newspaper or any other practical way to bring the contents of the by-law to the attention of the local community (Section 13(a));
- A by-law takes effect when published or on a future date as determined in the by-law (Section 13(b)).

In accordance with Clause L.1.01 of the System of Delegations adopted by the Cape Winelands District Municipality, the power to introduce by-laws into Council for adoption has been delegated to the Executive Mayor.

Furthermore, Council at Item C.5(a) during its meeting on 1 November 2001, resolved that "*Die Burger*" and the "*Cape Argus*" be determined as newspapers of record in the area of jurisdiction of the Cape Winelands District Municipality for purposes of communication to the local community within the area of the Cape Winelands District Municipality.

Council subsequently resolved at Item C.7.9 on 24 June 2002, that the local newspapers of the various Local Municipalities in the area of the Cape Winelands District Municipality, be determined as newspapers of record for purposes of the communication of information to the community.

Comment prepared by: Ms. M. Nel

FINANCIAL

None.

Comment prepared by: Mr. J.G. Marais

FINANSIEEL

Geen.

Kommentaar opgestel deur: Mnr. J.G. Marais

AANBEVELING:

Dat die Uitvoerende Burgemeester saam met die Burgemeesterskomitee oorweging daaraan skenk om 'n aanbeveling aan die Raad te maak om die Konsepverordening insake Munisipale Gesondheid, wat as Bylae "A" hierby aangeheg is, voorlopig goed te keur vir die doel om openbare kommentaar te verkry, nadat deeglike oorweging geskenk is aan die volgende aspekte soos uiteengesit in die Memorandum wat as Bylae "B" by die Verordening aangeheg is, en soos vereis by klousule 56(3) van die Reglement van Orde:

- (i) Die nodigheid om die gedrag soos voorgestel, in 'n verordening te reguleer;
- (ii) Die inhoud van die voorgestelde verordening;
- (iii) Enige ander tersaaklike kommentaar of voorstelle.

BURGEMEESTERSKOMITEE: 30 JUNIE 2009: ITEM BK.8.1

BESLUIT: Dat –

- (a) By die Raad aanbeveel word om die Konsepverordening insake Munisipale Gesondheid, wat as Bylae "A" by die agenda-item aangeheg is, voorlopig goed te keur vir die doel om openbare kommentaar te bekom, na die behoorlike oorweging van die volgende aspekte soos aangespreek in die Memorandum wat as Bylae "B" by die Verordening aangeheg is, en soos vereis by klousule 56(3) van die Reglement van Orde:
 - (i) Die nodigheid om die gedrag soos voorgestel, in 'n verordening te reguleer;
 - (ii) Die inhoud van die voorgestelde verordening;
 - (ii) Enige ander tersaaklike kommentaar of voorstelle.
- (b) Wanneer die Verordening in (a) hierbo aan die Raad voorgelê word vir voorlopige aanname, die redes vir die vertraging in die prosessering van die Verordening aangespreek word.

RECOMMENDATION: That -

The Executive Mayor together with the Mayoral Committee consider to make a recommendation to Council to provisionally pass the draft Municipal Health By-law, attached as Annexure "A", for purposes of obtaining public comment after having duly considered the following aspects as addressed in the Memorandum accompanying the By-law as Annexure "B" and as required by Clause 56(3) of the Rules of Order:

- (i) The need to regulate the conduct proposed in a by-law;
- (ii) The contents of the proposed by-law;
- (iii) Any other relevant comments or proposals.

MAYORAL COMMITTEE : 30 JUNE 2009 : ITEM MC.8.1

RESOLVED : That -

- (a) It be recommended to Council to provisionally pass the draft Municipal Health By-law, attached as Annexure "A" to the agenda item, for purposes of obtaining public comment after having duly considered the following aspects as addressed in the Memorandum accompanying the By-law as Annexure "B" and as required by Clause 56(3) of the Rules of Order:
 - (i) The need to regulate the conduct proposed in a by-law;
 - (ii) The contents of the proposed by-law;
 - (iii) Any other relevant comments or proposals;
- (b) When the By-law in (a) above is submitted to Council for provisional passing, the reasons for the delay in processing the by-law be addressed.

ADDITIONAL COMMENT

The drafting of the draft Municipal Health Bylaw was extensive and therefore a time consuming project in view of the fact that, with the dawn of a New Municipal dispensation after the December 2000 Election, a period began in which new legislation (i.e. the New National Health Act) was promulgated in 2003 and came into effect approximately May 2005.

1. Re-division of functions under the various categories of municipalities resulted from the new legislation.
2. Legislation did not immediately become effective during 2003 but was phased in over a period of time.

ADDISIONELE KOMMENTAAR

Die opstel van die Konsepverordening insake Munisipale Gesondheid was 'n omvangryke en derhalwe tydrowende projek in die lig van die feit dat daar met die aanbreek van die nuwe munisipale bedeling na die Desember 2000-verkiesing, 'n tydperk aangebreek het waar nuwe wetgewing (dws die Nuwe Nasionale Gesondheidswet) in 2003 afgekondig is en ongeveer Mei 2005 in werking getree het. Dit het die volgende tot gevolg gehad:

1. Die herverdeling van funksies onder die onderskeie kategorieë munisipaliteite het uit die nuwe wetgewing voortgevloei.
2. Wetgewing het nie dadelik in 2003 in werking getree nie, maar is oor 'n tydperk ingefaseer.
3. Genoemde wetgewing moes by werkswinkels bespreek word, waarna nuwe verordeninge opgestel is.
4. Die opstel van die verordeninge gebaseer op die nuwe wetgewing, het die kundigheid van 'n spesialis op die gebied geverg.
5. Verskeie werkswinkels om amptenare aan die nuwe funksies bekend te stel, die verdeling daarvan en die werking van die wetgewing, het oor 'n lang tydperk gevolg.
6. Nadat die konsepverordening gefinaliseer is, was die insette van die amptenare om die praktiese aspekte aan te spreek voordat die finale dokument gefinaliseer kon word, van kardinale belang. Daaruit het 'n nuwe dokument gevloei waarin drastiese veranderings aangebring is.
7. Daarna is die konsepverordening na die Burgemeester verwys wat dit aan die Raad voorgelê het vir beginselgoedkeuring vir doeleindes van gemeenskapsdeelname.
8. Die hele proses moes van meet af begin word toe insette ook vanuit ons eie geleedere gelewer is, wat weer eens 'n drastiese wysiging van die dokument meegebring het, en 'n verdere gemeenskapsdeelnameproses vereis het.
9. Net die vertaling van die dokument, wat baie regstegnies van aard is en nie 'n normale vertaling vereis het nie, het ongeveer sewe (7) maande geduur.

Kommentaar opgestel deur: Dr. W.Z.C. Mahlangu

3. The legislation in question had to be workshopped which resulted in the drafting of new bylaws.
4. The drafting of the bylaws, based on new legislation, required expertise of a specialist in this area.
5. Various workshops to introduce officials to the new functions, division thereof and the functioning of the legislation followed over a long period of time.
6. After the draft was finalized, an input of bureaucracy to address the practical aspects for the finalization of the final document was of crucial importance, which resulted in a new document in which drastic changes had been made.
7. Then, the referral of the draft to the Executive Mayor, who submitted it to Council for approval in principle for purposes of community participation.
8. The entire process had to be restarted when inputs were also received from our own ranks that again resulted in a drastic amendment of the document and required further community participation.
9. The translation of the document endured approximately seven (7) months due to the fact that it is very legal technical of nature and could not be translated in the normal course.

Comment prepared by: Dr. W.Z.C. Mahlangu

RECOMMENDATION :

That Council consider to provisionally pass the draft Municipal Health By-law, attached as Annexure "A", for purposes of obtaining public comment after having duly considered the following aspects as addressed in the Memorandum accompanying the draft By-law as Annexure "B" and as required by Clause 56(3) of the Rules of Order:

- (i) The need to regulate the conduct proposed in a by-law;
- (ii) The contents of the proposed by-law;
- (iii) Any other relevant comments or proposals.

SUBMITTED FOR CONSIDERATION

AANBEVELING:

Dat die Raad dit oorweeg om die konsep Verordening insake Munisipale Gesondheid, aangeheg as Bylae "A", voorlopig te aanvaar vir die doel om openbare kommentaar te bekom, na die behoorlike oorweging van die volgende aspekte soos aangespreek in die Memorandum, aangeheg as Bylae "B" by die konsep Verordening en soos vereis by klousule 56(3) van die Reglement van Orde:

- (i) Die noodwendigheid om die gedrag soos voorgestel, in 'n verordening te reguleer;
- (ii) Die inhoud van die voorgestelde verordening;
- (iii) Enige ander tersaaklike kommentaar of voorstelle.

VOORGELÊ VIR OORWEGING

**PROPOSED ENVIRONMENTAL HEALTH BY-LAW
EXPLANATORY MEMORANDUM**

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1. The legal situation

The function of Environmental Health services was allocated to District Municipalities by the Minister for Provincial and Local Government by virtue of his authorisation in terms of section 84(3) of the Municipal Structures Act, 1998, which was published in *Government Gazette* No. 24228 on 3 January 2003.

Since then, the National Health Act, Act 61 of 2003 came into operation on 2 May 2005. The Act, in section 32, clearly confirms the mandate of the district municipality to ensure that appropriate municipal health services are effectively and equitably provided in its area while it also endeavors to provide a definition of municipal health services.

Although vague in many respects, the definition includes a wide variety of environmental health issues which also forms the basis of the proposed by-law.

It is important to note that sections 1, 17, 20, 27, 28, 32 to 40, 42 to 52 and 54 to 64 of the Health Act, Act 63 of 1977, has not been repealed by section 93(1) of the new Act which means that the regulations promulgated under Act 63 of 1977, such as those relating to food premises, milk sheds, etc. remain operative and can be applied by Cape Winelands District Municipality in addition to the proposed by-law.

Nevertheless, it remains in the interest of Cape Winelands District Municipality to focus its activities in terms of its own Integrated Development Plan and the powers conferred upon it by section 156 of the Constitution and in particular sub-sections (2) and (5) thereof.

2. The aims and objectives of the by-law

Section 2 of the by-law sets the objective of providing a legal and administrative framework within which CWDM can develop and manage its municipal health obligations.

Unlike in the past, the bylaw provides for the involvement of its community by means of liaison forums etc. in developing norms, standards and guidelines best suited to a particular area or community. There is a clear departure from rigid enforcement of legislation in favor of a democratic and transparent approach to protect and promote the health and well-being of all the people in the CWDM area.

HOOFSTUK 7: BARBIERS, HAARKAPPERS, SKOONHEIDSKUNDIGES, LYFPRIEMERS EN TATOEËERDERS

23. Gesondheidsvereistes
24. Vereistes met betrekking tot persele

HOOFSTUK 8: AFVALBESTUUR

Deel 1: Algemene bepalings met betrekking tot die herwinning, opberging en wegdoen van afval

25. Herwinning, opberging en wegdoen van afval

Deel 2: Gevaarhoudende afval

26. Toepaslike wetgewing
27. Opberging van gevaarhoudende afval

HOOFSTUK 9: WATER EN SANITASIE

28. Toepaslike wetgewing en toepassing
29. Pligte en verbodbepalings

HOOFSTUK 10: WEGDOENING VAN LYKE EN VERSTEURING VAN STOFLIKE OORSKOT

30. Wegdoening van lyke
31. Versteuring van stoflike oorskot

HOOFSTUK 11: TOEPASSING

32. Gesondheidsbeampte
33. Kennisgewing van nakoming en vertoë
34. Verbodskennisgewing
35. Terugtrekking van Verbodskennisgewing
36. Munisipale remediërende werk
37. Koste
38. Norme, standaarde en riglyne

HOOFSTUK 12: ALGEMENE BEPALINGS

39. Veronderstellings
40. Verifiëring en betekening van kennisgewings en ander dokumente
41. Appèl
42. Strawwe
43. Samewerking tussen munisipaliteite en toepassing
44. Gemeenskapskakeforums
45. Vrystellings
46. Herroeping van Verordeninge
47. Kort titel en inwerkingtreding

1. Woordomsrywings

In hierdie Verordening, tensy dit uit die konteks anders blyk, beteken:–

“**afval**” enige stof of afvalmateriaal voortspruitend uit die gebruik van enige grond of perseel, uitgesluit gevaarhoudende afval en gesondheidsorgafval;

“**afvalwater**” water wat afval bevat, insluitende riool, of water wat in kontak was met afvalmateriaal en mag bio-degradeerbare nywerheidsafvalwater en huishoudelike afvalwater insluit;

“**akkommodasie-instelling**” ’n plek waarin akkommodasie, met of sonder maaltye, vir wins verskaf word;

“**akwatiese fauna en flora**” enige lewendige varswaterorganisme, insluitend enige waterplant, hetsy in ’n swembad al dan nie, en enige weekdier, skaaldier, seekomkommer of ander stekelhuidige, reptiel, watersoogdier en voël, insluitend hulle eiers, larwes en alle jeugstadia.

“**barbier, haarkapper, skoonheidskundige, lyfpriemer of tatoeëerder**” ’n persoon wat sake bedryf as barbier, haarkapper, skoonheidskundige, lyfpriemer of tatoeëerder in ’n salon of ander plek, welke besigheid enige een of meer van die volgende of soortgelyke dienste of aktiwiteite, of ’n kombinasie daarvan, behels, wat toegepas word op die manlike of vroulike menslike liggaam:

- (a) sny, skeer, skroei, vorming, sjampoenering, skoonmaak, kondisionering, behandeling, chemiese herformasie (soos, maar nie beperk tot permanente krulling nie), verslapping, reguitmaking en kleuring (soos, maar nie beperk tot tint, verkleuring en kleuring nie, hetsy deur permanente of semi-permanente wyse, en met insluiting van die gebruik van kleurspoeling, sjampoes, jels of mousse, en ligmaking by wyse van tint, verbleiking, ligstrepe of ligstreeptinte of kleurskakerings) van die hare op die menslike kop;
- (b) anders as ’n proses soos beoog by paragraaf (a), verwydering van hare by wyse van, maar nie beperk nie, tot waks, chemiese mengsels (soos maar nie beperk tot ontharingsmiddels nie), elektriese of meganiese wyses, ongeag of hitte of ’n toestel of apparaat in enige van hierdie aktiwiteite gebruik word;
- (c) behandeling van hare by wyse van ’n trigologiese proses of metode;
- (d) natuurlike of kunsmatige haartoevoegings aan hare by wyse van, maar nie beperk tot verlengings, kralewerk, of ’n pruik nie;
- (e) vorming, skeer, pluk, behandeling of tint van ’n wenkbrou of ooghare of aanwending van ’n kunsmatige wenkbrou of ooghare;
- (f) versorging van die gesig, ingesluit, maar nie beperk tot, die aanwending van skoonheidsmiddels nie;
- (g) toepassing van naeltegnologie, soos, maar nie beperk tot, handversorging, voetversorging, of aanwending van vals naels of verlengings nie;
- (h) priëring van die vel (“lyfpriëring”) of tatoëering;
- (i) massering;
- (j) verbronsing soos by wyse van, maar nie beperk tot, ultravioletbestraling nie; en
- (k) kontoëring, soos, maar nie beperk tot, verslanking nie;

“**begraafplaas**” grond of gedeelte van grond binne die munisipale gebied wat vir ’n begraafplaas opsygesit is;

“**besitter**” die persoon aan wie ’n akkommodasie-onderneming behoort of wat dit bestuur;

“**besproeiing**” die aanwending van water, insluitend afvalwater of water wat afvalstowwe bevat, op land of grond vir watter doel ookal;

“**bio-degradeerbare nywerheidsafvalwater**” afvalwater wat hoofsaaklik organiese afval bevat voortspruitend uit nywerheidsaktiwiteite en persele, insluitend, maar nie beperk nie tot –

- (a) melkprosessering;

- (b) vervaardiging van vrugte- en groenteprodukte;
- (c) suikermeule;
- (d) vervaardiging en bottellering van sagte drankies;
- (e) waterbottellering;
- (f) produsering van alkohol en alkoholiese drank in brouerye, kelders of mouthuse;
- (g) vervaardiging van diervoedsel van plant- of dierprodukte;
- (h) vervaardiging van gelatien en gom uit huid, vel en bene;
- (i) abattoirs;
- (j) visprosessering;
- (k) voerplekke, en
- (l) looierye;

“**dier**” enige perd, bees, skaap, bok, vark, pluimvee, kameel, hond, kat of ander huishoudelike dier of voël, of enige wilde dier of reptiel wat in aanhouding of onder die beheer van ’n persoon is;

“**diere-afval**” die ontlasting, mis, uitwerpsels, afgeskeerde hare of geplukte vere, bene, horings, bloed en ingewande van ’n dier, voël of pluimvee;

“**dieresiekte**” ’n aantasting of afwyking van die normale funksie van enige orgaan of liggaam van enige dier wat veroorsaak word deur ’n organisme of stof;

“**drinkbare water**” water wat aan SANS 241 voldoen;

“**eienaar**” met betrekking tot –

- (a) diere of goed, vervoermiddels en ander roerende eiendom, die persoon by wie eienaarskap berus en sluit in ’n persoon wat verantwoordelik is vir die beheer of bestuur daarvan of ’n persoon wat sodanige dier of goed, vervoermiddel en roerende eiendom in sy of haar besit het, maar in die geval van wild of diere wat nie ingevolge die Wet op die Identifikasie van Diere, 2002 (Wet 6 van 2002) gebrandmerk is nie, of waarvan die eienaarskap nie gereedelik bepaal kan word nie, word die gebruiker van die grond waarop sodanige wild of diere teenwoordig is, geag die eienaar te wees; en
- (b) grond –
 - (i) die persoon in wie se naam die grond geregistreer is;
 - (ii) wat deur ’n persoon gekoop is, maar nog nie in sy of haar naam geregistreer is nie, is sodanige koper;
 - (iii) wat onderhewig is aan vruggebruik, die vruggebruiker;
 - (iv) waarvan die eienaar of koper ’n minderjarige, verstandelik gestremde persoon, insolvent of andersins onbevoeg is om sy of haar nalatenskap te administreer of oorlede is, of ’n bestuursliggaam is onder geregtelike bestuur of likwidasie, die agent of regsverteenwoordiger van sodanige eienaar of koper of ander persoon wettiglik gemagtig om sy of haar sake te administreer of, in die geval van ’n bestuursliggaam, die betrokke geregtelike bestuurder of likwidateur; en
 - (v) ’n kategorie B-munisipaliteit wat in beheer is van grond uit hoofde van die magte en funksies wat ingevolge Skedule 4B en 5B van die Grondwet daaraan opgedra is;

“**gebou, struktuur of omheining**” ’n gebou, struktuur of omheining soos, maar nie beperk nie tot ’n stal, skuur, duiwehok, herberg, slaaphok, hok, kamp, kraal, koeistal, afdak, kamer, tent, voertuig, stroom, dam, poel, pan, afvoer of sloot (oop, toegemaak of omhein) opgerig of gebou in of op grond of ’n perseel, en wat gebruik word in verband met die aanhou van ’n dier deur ’n eienaar van ’n dier of eienaar of gebruiker van grond;

“**gebruiker**” met betrekking tot grond –

- (a) enige persoon wat ’n persoonlike of werklike reg in verband met grond het in sy of haar hoedanigheid as trustee, fideikommissaris, serwituuthouer, besitter, huurder of okkupeerder, ongeag of hy of sy die grond bewoon; en
- (b) enige ander persoon wat in die algemeen erken word om ’n eiendomsreg in die betrokke grond te hê;

“gevaarhoudende afval” afval met die potensiaal om, selfs in lae konsentrate, ’n nadelige effek op die omgewing en omgewingsgesondheid te hê as gevolg van die inherente toksikologiese, chemiese of fisiese eienskappe daarvan;

“goedgekeur” goedgekeur deur die munisipaliteit, ten opsigte van die redelike gesondheidsvereistes van die spesifieke saak;

“hondeherberg” ’n akkommodasie-instelling wat, vir wins, voorsiening maak vir die losies van honde;

“huishoudelike afvalwater” afvalwater, insluitend dié wat riool bevat, afkomstig van huishoudelike aktiwiteite en -persele;

“kategorie B-munisipaliteit” ’n munisipaliteit soos beoog by artikel 155(1)(b) van die Grondwet;

“katherberg” ’n akkommodasie-instelling wat, vir wins, voorsiening maak vir die losies van katte;

“kindersorgerief of -inrigting”, na gelang van die geval, enige onderneming of inrigting, hetsy vir wins of andersins, betrokke by die bewaring, versorging of onderrig van kinders, of enige kombinasie van hierdie funksies, gedurende die geheel of gedeelte van die dag op alle of enige van die dae van die week, of die gebou of die perseel wat onderhou of gebruik word met die doel om sodanige onderneming of inrigting daarop te bedryf;

“munisipaliteit” die Kaapse Wynland Distriksmunisipaliteit ingestel ingevolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), Provinsiale Kennisgewing 492 van 22 September 2000, en sluit in enige politieke struktuur, politieke ampsbekleër, raadslid, behoorlik gemagtigde agent daarvan, of enige werknemer daarvan handelende ooreenkomstig hierdie Verordening uit hoofde van ’n bevoegdheid wat by die munisipaliteit berus en gedelegeer of gesubdelegeer is aan sodanige politieke struktuur, politieke ampsbekleër, raadslid, agent daarvan of werknemer;

“okkupeerder” enige persoon wat enige perseel of gedeelte daarvan okkupeer ongeag die titel waaronder hy of sy aldus okkupeer, en sluit in –

- (a) enige persoon wat werklik okkupasie van daardie perseel het ;
- (b) enige persoon wetlik geregtig om daardie perseel te okkupeer;
- (c) in die geval van onderverdeling van daardie perseel en verhuring aan bewoners of verskeie huurders, die persoon wat die huur ontvang wat deur sodanige bewoners of huurders betaal word, hetsy op die persoon se eie rekening of as agent vir enige persoon daartoe geregtig of met ’n belang daarby;
- (d) enige persoon wat die beheer of bestuur het van daardie perseel, insluitend die agent van enige sodanige persoon wanneer die persoon afwesig is van die Republiek van Suid-Afrika of sy of haar bewegings onbekend is; en
- (e) die eienaar van daardie perseel;

“omgewing” die ruimte waarin mense bestaan, bestaande uit –

- (a) die grond, water en atmosfeer van die aarde;
- (b) mikro-organismes, plant- en dierelewe;
- (c) enige deel of ’n kombinasie van (a) en (b) en die interverwantskappe onder en tussen hulle; en
- (d) die fisiese, chemiese, estetiese en kulturele hoedanighede en toestande van die voorafgaande wat menslike gesondheid en welstand beïnvloed;

“oordraagbare siekte” ’n siekte voortspruitend uit ’n infeksie as gevolg van patogeniese of toksiese agente voortgebring deur die infeksie, wat volg op die direkte of indirekte oordrag van die agente van die bron na die gasheer;

“perseel” enige gebou, struktuur of tent tesame met die grond waarop dit geleë is en die aangrensende grond in verband waarmee dit gebruik word, en sluit in enige grond sonder enige gebou, struktuur of tent en enige voertuig, vervoermiddel of skip;

“persoon” ’n natuurlike en regspersoon, insluitend maar nie beperk tot, ’n vereniging van persone, ’n vennootskap en ’n maatskappy nie;

“**plaaslike munisipaliteit**” ’n kategorie B-munisipaliteit beoog by artikel 155(1)(b) van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996);

“**pluimvee**” ’n hoendersoort soos ’n kuiken, kalkoen, gans, eend, makou, kapokhoender en tarentaal, hetsy dit makgemaak is of nie, insluitend die kleintjies van sodanige pluimvee;

“**publiseer**” met betrekking tot die bepalings van artikel 38 –

- (a) om ’n kennisgewing in die Provinsiale Koerant en ’n plaaslike koerant te publiseer; en
- (b) die kennisgewing as sulks gepubliseer op die kennisgewingborde van die munisipaliteit te vertoon;

“**raad**” die Raad van die Kaapse Wynland Distriksmunisipaliteit;

“**salon**” ’n plek waar enige een of meer van die dienste of aktiwiteite beoog in die definisie van barbier, haarkapper, skoonheidskundige, lyfpriemer of tatoeëerder normaalweg bedryf word;

“**mariene fauna en flora**” enige hulpbronne wat in die water leef van die see en die strand, insluitend enige waterplant, en enige weekdier, skaaldier, koraal, spons, seekomkommer of ander stekelhuidige, reptiel, watersoogdier en voël, insluitend hulle eiers, larwes en alle jeugstadia;

“**swembad**” ’n swembad, spa-bad, insluitend ’n jacuzzi, wat vir die publiek toeganklik is, insluitend swembaddens by skole en ander tersiêre instellings;

“**troeteldiersalon**” ’n instelling waar troeteldiere versorg word;

“**troeteldierwinkel**” ’n instelling waar troeteldiere vir handelsdoeleindes aangehou word;

“**verantwoordelike owerheid**” die gesag of munisipaliteit verantwoordelik vir die uitvoering van afvalverwyderingsfunksies binne die regsgebied van die Kaapse Wynland Distriksmunisipaliteit;

“**voël**” ’n duif, pou, fisant, patrys, kanarie, budgie, papegaai, volstruis of enige ander makgemaakte voël of wilde voël in aanhouding;

“**vry spasie**” die spasie in ’n vertrek wat nie deur meubels of ander toestelle in beslag geneem word nie;

“**waterbron**” ’n bron soos gedefinieer in artikel 1 van die Wet op Nasionale Water, 1998 (Wet 36 van 1998);

2. Beginsels en doelwitte

Die munisipaliteit, bewus van elke persoon se grondwetlike reg op ’n omgewing wat nie skadelik is vir sy of haar gesondheid en welstand nie, en die beginsels onderliggend aan die Wet op Nasionale Gesondheid, 2003 (Wet 61 van 2003) en die Wet op Nasionale Omgewingsbestuur, 1998 (Wet 107 van 1998), neem hierdie Verordening aan met die oogmerk om die gesondheid en welsyn van al die mense in die Kaapse Wynland gebied te beskerm en te bevorder, deur tesame met toepaslike wette, ’n regs- en administratiewe raamwerk te voorsien waarbinne die munisipaliteit sy munisipale gesondheidsverpligtinge kan ontwikkel en bestuur.

HOOFSTUK 1 GESONDHEIDSOORLASTE

3. Gesondheidsoorlas

(1) ’n Gesondheidsoorlas bestaan of kom voor, op grond of ’n perseel, indien enige van die volgende plaasvind:

- (a) ’n waterpoel, sloot, geut, misput of hoop wat so vuil is of in so ’n toestand is of so geleë of gebou is dat dit skadelik of gevaarlik is vir gesondheid;
- (b) ’n ophoping van afval of ander stof ontstaan wat skadelik of gevaarlik vir gesondheid is;
- (c) wanneer besig met ’n beheerde aktiwiteit soos beoog in die Nasionale Waterwet, 1998 (Wet 36 van 1998), artikel 37(1)(a), besproeiing van enige

grond met vuilwater of water wat afval bevat, wat deur enige nywerheidsaktiwiteit of deur 'n waterwerke en sodanige aktiwiteit gegeneer is:

- (i) nie voldoen aan regulasie 2 van die Algemene Magtigings No 1191 gepubliseer in Staatskoerant No. 20526 van 8 Oktober 1999, afgekondig ingevolge artikel 63 van die Nasionale Waterwet, 1998 (Wet 36 van 1998), en gewysig by Goewermentskennisgewing 399 van 26 Maart 2004, Koerant No 26187; of
 - (ii) waar die algemene magtiging nie van toepassing is nie, nie voldoen aan enige voorwaarde van die lisensie wat sodanige watergebruik magtig ingevolge artikel 22 van die Nasionale Waterwet, 1998 (Wet 36 van 1998) nie; of
 - (iii) nie voldoen aan enige beperking, voorbehoud of verbod ingevolge die Nasionale Waterwet, 1998 (Wet 36 van 1998) of enige ander toepaslike wet nie; of
 - (iv) nie voldoen aan "Gids: Toelaatbare benutting en wegdoening van behandelde riooluitvloeiing", 1978. Departement van Nasionale Gesondheid en Bevolkingsontwikkeling Verslag No. 11/2/5/3, soos van tyd tot tyd gewysig (verkrygbaar by die Departement van Gesondheid) nie;
- (d) waar afvalwater wat afgevoer word in 'n waterbron deur 'n pyp, kanaal, riool, leipyp, see-uitloop of ander leipyp, en sodanige aktiwiteit nie:
- (i) voldoen aan regulasie 3 van die Algemene Magtigings No 1191 gepubliseer in Staatskoerant No. 20526 van 8 Oktober 1999, afgekondig ingevolge artikel 63 van die Nasionale Waterwet, 1998 (Wet 36 van 1998) en gewysig by goewermentskennisgewing 399 van 26 Maart 2004, Koerant No. 26187 nie; of
 - (ii) waar die algemene magtiging nie van toepassing is nie, nie voldoen aan enige voorwaarde van die lisensie wat sodanige watergebruik magtig ingevolge artikel 22 van die Nasionale Waterwet, 1998 (Wet 36 van 1998) nie; of
 - (iii) voldoen aan enige beperking, voorbehoud of verbod ingevolge die Nasionale Waterwet, 1998 (Wet 36 van 1998) of enige ander toepaslike wet nie;
- (e) waar rioolslyk weggedoen of op so 'n manier benut word wat nie voldoen aan die riglyne vir die benutting en wegdoening van vuilwaterslyk nie, soos afgekondig deur die Departement van Waterwese en Bosbou, soos van tyd tot tyd deur die Departement hersien;
- (f) 'n gebou, struktuur of omheining—
- (i) so gebou of geleë is, of gebruik of gehou word dat dit gevaarlik vir gesondheid is;
 - (ii) gehou of toegelaat word om te bly in 'n toestand wat nadelig of gevaarlik vir gesondheid is; of
 - (iii) besmet met peste of ongediertes of in 'n toestand is wat bevorderlik is vir die uitbroei van peste of ongediertes;
- (g) 'n gebou, struktuur of omheining opgerig word sonder om eers enige ontlasting, dier- of plantafval weggedoen op die grond of perseel, op 'n goedgekeurde wyse te verwyder of te ontsmet; of
- (h) 'n gebou of struktuur afgebreek word sonder om eers alle ongediertes uit te roei;
- (i) 'n gebou of enige ander perseel geokkupeer word waarvoor geen behoorlike en voldoende drinkwater beskikbaar is nie soos voorgeskryf ingevolge regulasie 3

van GNR.509 van 8 Junie 2001: Regulasies insake verpligte nasionale standaard en maatreëls om water te bespaar, afgekondig ingevolge die Wet op Waterdienste, 1997 (Wet 108 van 1997);

- (j) 'n gebou of enige ander perseel geokkupeer word waarvoor toiletgeriewe ingevolge die Wet op Nasionale Bouregulasies en Boustandaard, 1977 (Wet 103 van 1977) nie beskikbaar is nie;
 - (k) 'n gebou of enige ander perseel geokkupeer word wat nie ingevolge die Wet op Nasionale Bouregulasies en Boustandaard, 1977 (Wet 103 van 1977) geventileer is nie; of
 - (l) 'n gebou of enige ander perseel nie dienooreenkomstig geventileer word om enige gegenererde gasse, dampe, stof of ander onsuiverhede wat gevaarlik vir gesondheid is, te vernietig of onskadelik te stel nie;
 - (m) 'n gebou of enige ander perseel so oorbeset, belig of geventileer is dat dit skadelik of gevaarlik is vir die gesondheid van diegene wat daarin of daarop in diens is, of veroorsaak of aanleiding gee tot reuke of uitvloeiings wat gevaarlik vir gesondheid is;
 - (n) toestande bestaan wat bevorderlik is en aanleiding gee tot die verspreiding van 'n aansteeklike en oordraagbare siekte;
 - (o) organiese materiaal of diere-afval gebruik of gehou word op 'n wyse wat vektore, ongediertes, of peste lok soos, maar nie beperk nie tot rotte, muise, vlieë en muskiete;
 - (p) onhygiëniese toestande ontstaan op enige deel van die grond of perseel wat nadelig of gevaarlik vir gesondheid kan wees;
 - (q) 'n karkas of oorblyfsels van 'n dier, voël of akwatiese fauna of enige dierafval onbegrawe bly of nie paslik weggedoen word vir meer as 24 uur nadat dit doodgegaan het nie
- (2) 'n Gesondheidsoorlas bestaan indien –
- (a) peste, ongediertes, vektore, van watter bron ookal, op grond of persele bestaan;
 - (b) enige ander aktiwiteit, toestand of ding wat ingevolge enige wet as 'n gesondheidsoorlas verklaar is, op grond of 'n perseel bestaan of ontstaan of daarvan afkomstig is.

4. Verbod op die skepping, ontstaan of voorkoms van 'n gesondheidsoorlas

- (1) Geen persoon mag in enige gebied binne die regsgebied van die munisipaliteit –
- (a) 'n gesondheidsoorlas skep nie;
 - (b) enige handeling verrig wat 'n gesondheidsoorlas kan veroorsaak nie;
 - (c) 'n aktiwiteit, gebeurtenis of funksie organiseer, toelaat of toestaan in of op grond of 'n perseel, of grond of 'n perseel gebruik, teweegbring, toelaat of toestaan om gebruik te word vir 'n doel wat vanweë die aard daarvan of andersins uit hoofde van gevolge 'n gesondheidsoorlas sal skep of moontlik kan skep nie;
 - (d) tensy hy of sy gemagtig is of by wet toegelaat is om dit te doen of dit doen met die skriftelike goedkeuring van die munisipaliteit en ooreenkomstig enige voorwaardes opgelê deur die munisipaliteit –
 - (i) enige materiaal, voorwerp of ding wat moontlik 'n gesondheidsoorlas kan skep, in 'n openbare plek aktiveer, hanteer of gebruik nie;
 - (ii) enige materiaal, voorwerp of ding of enige vloeistof of soliede bestanddeel wat vanweë die aard daarvan of uit hoofde van die wyse van sy aanwesigheid of hantering, 'n gesondheidsoorlas kan skep, in 'n openbare plek bekendstel of hanteer nie;
 - (e) enige afkeurenswaardige materiaal of ding, vloeistof of vaste stof, wat

gevaarlik vir gesondheid is of kan word, deur of in enige straat of openbare plek dra, vervoer of toelaat of toestaan om gedra of vervoer te word, tensy sodanige afkeurenswaardige materiaal of ding bedek is met geskikte materiaal om die skepping van enige gesondheidsoorlas te voorkom;

- (f) deur 'n handeling direk of indirek of deur nalatigheid toelaat dat 'n gesondheidsoorlas geskep word of voortduur nie.
- (2) Enigeen wat 'n bepaling van subartikel (1) oortree, begaan 'n misdryf.

5. Verpligting om 'n gesondheidsoorlas te verwyder of te verminder

- (1) (a) Die eienaar, okkupeerder of gebruiker van grond of 'n perseel moet –
- (i) verseker dat 'n gesondheidsoorlas nie op sy of haar grond of perseel bestaan of voorkom nie; en
 - (ii) binne 24 uur van bewuswording van die bestaan van 'n gesondheidsoorlas op die grond of perseel, die bestaan van die gesondheidsoorlas aan die munisipaliteit rapporteer en die gesondheidsoorlas verwyder.
- (b) Die eienaar van grond of 'n perseel moet verseker dat 'n gesondheidsoorlas soos omskryf in artikel 3(1)(k), (l) en (m) nie op sy of haar grond of perseel voorkom nie, en binne 24 uur van bewuswording van die bestaan van 'n gesondheidsoorlas op die grond of perseel, die bestaan van die gesondheidsoorlas aan die munisipaliteit rapporteer en die gesondheidsoorlas verwyder.
- (c) Die eienaar, okkupeerder of gebruiker van grond of 'n perseel moet, vir doeleindes van subartikel (1)(a), ter verwydering of vermindering van die hoeveelheid –
- (i) vlieë, beste-praktyk-metodes gebruik;
 - (ii) muskiete –
 - (aa) versamelde water ten minste een maal elke sewe dae laat afvoer;
 - (bb) beste-praktyk-metodes gebruik om muskiete en hulle larwes te beheer;
 - (cc) in dié geval van putte, 'n muskietbestande bedekking en pomp te voorsien;
 - (dd) muskietbestande bedekkings of muskietgaasdraadskerms oor tenke, vate en soortgelyke houers waarin muskiete mag broei te pas op 'n wyse wat verhoed dat muskiete toegang tot die water wat daarin gehou word, kan verkry;
 - (ee) gereeld verstopte of ingesakte geute en afvoerpype skoonmaak sodat staande water nie daarin kan versamel nie; en
 - (iii) ongediertes, muisvalle of ongediertegif of enige ander beste-praktyk-metodes gebruik.
- (2) Die eienaar, okkupeerder of gebruiker van grond of 'n perseel moet verseker dat elke put, gat, kuil, reservoir, dam of uitgrawing daarop nie op so 'n wyse of met enige stof gevul is wat kan veroorsaak dat 'n aangrensende put, boorgat of ondergrondse waterbron besoedel of besmet kan word nie.
- (3) Die okkupeerder moet toesien dat alle afval geplaas word in vullishouers, deur die eienaar of die verantwoordelike gesag voorsien, om weggedoen te word op die wyse beoog in artikel 27.
- (4) Die eienaar, okkupeerder of gebruiker van grond of 'n perseel moet met enige gevaarhoudende materiaal of bestanddele wegdoen op 'n wyse wat nie 'n gesondheidsoorlas sal veroorsaak of 'n waterliggaam, waterbron, boorgat of ondergrondse waterbron sal besoedel nie.

(5) Die eienaar, okkupeerder of gebruiker van grond of 'n perseel wat 'n bepaling van subartikel (1), (2) en (4), of die okkupeerder wat 'n bepaling van subartikel (3) oortree, begaan 'n misdryf.

HOOFSTUK 2 AANHOU EN SLAG VAN DIERE

6. Toepassing van Hoofstuk

(1) Hierdie Hoofstuk is van toepassing op enige eienaar van 'n dier, voël, pluimvee, vis of skaaldier wat 'n dier, voël, pluimvee, vis of skaaldier vir watter doel ookal aanhou op grond of 'n perseel binne die regsgebied van die munisipliteit waarvan hy of sy die eienaar, okkupeerder of gebruiker is.

(2) 'n Persoon wat 'n dier, voël, pluimvee, vis of skaaldier ingevolge 'n goedgekeurde grondgebruik, of op 'n perseel of grond gesoneer vir landboudoeleindes aanhou, is nie van die bepalings van hierdie Verordening of van ander wetgewing met betrekking tot die bewerkstelling van of skep van 'n gesondheidsoorlas vrygestel nie.

7. Aanhou en slag van diere

(1) Die eienaar van 'n dier, voël, pluimvee, vis of skaaldier of die eienaar, okkupeerder of gebruiker van grond of 'n perseel mag nie sodanige dier, voël, pluimvee, vis of skaaldier in of op 'n gebou, struktuur of omheining op 'n wyse aanhou of slag wat 'n gesondheidsoorlas veroorsaak nie.

(2) 'n Persoon wat subartikel (1) oortree, begaan 'n misdryf.

8. Karkasse

(1) Die eienaar van 'n dier, voël, pluimvee, vis of skaaldier of die eienaar, okkupeerder of gebruiker van grond of 'n perseel moet ooreenkomstig subartikel (3), binne 24 uur wegdoen met die karkas van 'n dier, voël, pluimvee, vis of skaaldier wat op sodanige grond of perseel doodgegaan het.

(2) Indien die eienaar van 'n dier, voël, pluimvee, vis of skaaldier of die eienaar, okkupeerder of gebruiker van grond op 'n perseel in gebreke bly om met die karkas weg te doen, mag die gesondheidsbeampte reëlings tref vir die wegdoen van die karkas en mag die betrokke koste verhaal word van die eienaar van die dier of die eienaar of gebruiker van die grond of perseel.

(3) 'n Persoon bedoel in subartikel (1) en (2), moet op een van die volgende wyses met 'n karkas wegdoen:

- (a) hy of sy moet stappe neem om die karkas te verwyder of te laat verwyder deur 'n persoon daartoe ingevolge die verantwoordelike gesag se afvalregulasies gemagtig;
- (b) indien die perseel geskik is, moet hy of sy die karkas begrawe op 'n diepte wat die hele karkas behoorlik bedek sodat dit nie opgegrawe kan word deur 'n dier nie, of 'n gesondheidsoorlas kan veroorsaak nie; of
- (c) indien die dier dood is aan 'n siekte, moet hy of sy ooreenkomstig paragraaf (a) met die karkas handel.

(4) Artikel (1) tot (3) is nie van toepassing in die geval waar 'n dier, voël of pluimvee geslag is vir die doel van menslike of dierlike gebruik nie.

(5) Geen persoon mag, tensy dit in 'n houer en bedek is om moontlike storting te voorkom die karkas van 'n dier, voël of pluimvee, vis, skaaldier, dierafval of afval deur of oor 'n straat dra of vervoer nie.

(6) Geen dier, voël, pluimvee, vis of skaaldier mag op enige grond of perseel gehou word in sodanige toestande en so naby enige gebou of fasiliteit dat die toestand na mening van die munisipaliteit nadelig of gevaarlik vir die gesondheid van okkupeerders van naburige

geboue of geriewe is nie.

(7) 'n Persoon wat die bepalings van subartikels (1) tot (6) oortree, begaan 'n misdryf.

HOOFSTUK 3 DIERE-INRIGTINGS

Deel 1: Honde- en Katherberge

9. Vereistes met betrekking tot persele

(1) Die persoon wat 'n honde- of katherberg besit of bedryf, moet verseker dat die perseel aan die volgende vereistes voldoen:

- (a) 'n betonblad met 'n afwaartse helling moet voorsien word vir die dreinerings van water weg van die gebou of struktuur, en sodanige water moet afgevoer word in 'n riool of ander goedgekeurde stelsel;
- (b) alle los voedsel moet in 'n stoorkamer in knaagdierdigte houers met digsluitende deksels gestoor word;
- (c) isolasiefasiliteite moet vir siek honde en katter voorsien word en sodanige fasiliteite moet van duursame materiaal gebou wees sodat dit maklik skoongemaak en ontsmet kan word;
- (d) alle dierontlastings moet in soliede houers met digsluitende deksels geberg word en moet daagliks van die perseel verwyder en op 'n goedgekeurde wyse beskikbaar word;
- (e) alle dierehokke of omheinde aanhou-areas moet daagliks skoongemaak word en in 'n higiëniese en reukvrye toestand gehou word; en
- (f) alle kat- en hondeherberge moet op so 'n wyse bedryf word dat dit nie 'n gesondheidsoorsaak veroorsaak nie.

(2) Geen persoon mag die besigheid van 'n honde- of katherberg in enige gebou, struktuur of omheining bedryf wat direkte toegang het tot, of 'n deur, venster of ander opening binne vier meter van enige deur, venster of ander opening tot enige bewoonbare vertrek of enige vertrek waarin klere gestoor word of voedsel vir menslike gebruik gestoor, voorberei of verkoop word nie.

(3) 'n Persoon wat 'n bepaling van subartikel (1) en (2) oortree, begaan 'n misdryf.

Deel 2: Troeteldierwinkels en -salonne

10. Vereistes met betrekking tot persele en werknemers

(1) 'n Persoon wat 'n troeteldierwinkel of troeteldiersalon besit of bedryf, moet verseker dat die perseel aan die volgende vereistes voldoen:

- (a) toiletfasiliteite en 'n wasbak wat van lopende water voorsien is, moet vir diene wat op die perseel werksaam is, voorsien word;
- (b) hoogstens 70% van die vloeroppervlakte van die perseel mag deur hokke of goedere bykomstig tot die besigheid bedek word;
- (c) alle hokke moet –
 - (i) van 'n korrosiebestande, maklik skoonmaakbare materiaal gemaak wees wat toegerus is met duplikaat ondeurdringbare, beweeglike panne, en die punte van alle buisvormige toebehore moet toe wees; en
 - (ii) so geplaas wees om skoonmaak te vergemaklik en so gerangskik wees dat, na gelang van die geval, die onderkante daarvan nie minder as 450mm bo die vlak van die vloer of werf is;
- (d) knaagdierdigte stoorruimte, moet vir die beddegoed van diere op die perseel voorsien word;
- (e) vleis, vis en bederfbare voedsel wat in die troeteldierwinkel geberg word om

- (f) diere te voed , moet te alle tye in 'n yskas onder 7°C geberg word;
 - (g) akkommodasie moet vir alle diere wat op die perseel gehou word, verskaf word;
 - (h) addisionele akkommodasie wat behoorlik van die troeteldierwinkel geskei is, moet vir siek of oënskynlik siek diere voorsien word;
 - (i) alle dierontlasting moet in soliede houers met digsluitende deksels geberg word en moet daaglik van die perseel verwyder en op 'n goedgekeurde wyse weggedoen word; en
 - (j) alle dierehokke of omheinde aanhou-areas moet daaglik skoongemaak word en in 'n higiëniese en reukvrye toestand gehou word.
- (2) Geen persoon mag die besigheid van 'n troeteldierwinkel of troeteldiersalon in enige gebou, struktuur of omheining bedryf wat direkte toegang het tot, of 'n deur, venster of ander opening binne vier meter het van enige deur, venster of ander opening tot enige bewoonbare vertrek of enige vertrek waarin klere geberg word of voedsel vir menslike gebruik gestoor, voorberei of verkoop word nie.
- (3) 'n Persoon wat 'n bepaling van subartikel (1) en (2) oortree, begaan 'n misdryf.

HOOFSTUK 4 AKKOMMODASIE-INSTELLINGS

11. Toepassing van Hoofstuk

Hierdie Hoofstuk is van toepassing op 'n persoon wat 'n besigheid besit of bedryf vir die voorsiening van akkommodasie vir wins in 'n akkommodasie-instelling op 'n perseel binne die munisipale gebied.

12. Vereistes met betrekking tot geboue, water, sanitasie en vullisverwydering

- (1) Geen persoon mag enige gebou as 'n akkommodasie-instelling gebruik nie, tensy –
- (a) dit binne en buite in 'n goeie strukturele toestand is en behoorlik in stand gehou word;
 - (b) nie minder nie as een badkamer voorsien word vir die eerste agt loseerders, met een addisionele badkamer vir elke twaalf addisionele loseerders of gedeelte daarvan;
 - (c) elke badkamer –
 - (i) voorsien is van 'n handwasbak;
 - (ii) voorsien is van 'n bad of stort; en
 - (iii) voorsien is van 'n voldoende toevoer warm en/of koue lopende water;
 - (d) sanitasiegeriewe voorsien is op die basis van een gerief vir die eerste agt loseerders en daarna een gerief vir elke addisionele twaalf loseerders of gedeelte daarvan, met dien verstande dat 'n sanitasiegerief nie geïnstalleer word in dieselfde kamer as 'n bad of stort nie, en suite-badkamers uitgesluit;
 - (e) ontlasting wat as gevolg van die akkommodasie ontstaan, behoorlik gestoor word en, uitgesluit putlatrines of waar 'n metode voorsien word vir die behoorlike behandeling van sodanige ontlasting by wyse van 'n ensiematiese of chemiese proses, behoorlik verwyder en beskik word;
 - (f) 'n houer met 'n digsluitende deksel in die toilet voorsien word;
 - (g) die huishoudelike vullis wat as gevolg van die akkommodasie ontstaan, ten minste een maal per week behoorlik verwyder en beskik word;
 - (h) alle watertoestelstukke en passtukke met betrekking tot sanitasie en ablusie in 'n behoorlike werkende toestand is.
- (2) Indien 'n eienaar nie aan die vereistes van die bepalings van subartikel (1) voldoen nie, mag die munisipaliteit ooreenkomstig artikel 33 of 34 handel.

13. Voorbereiding en bediening van voedsel

'n Eienaar wat voedsel op die perseel voorberei of bedien vir gebruik deur 'n gas, ongeag of die gas afsonderlik vir die voedsel betaal of 'n koste vir die voedsel ingesluit is in die akkommodasiekoste, moet aan die bepalings van die Regulasies met betrekking tot Algemene Higiënevereistes vir Voedselpersele en die Vervoer van Voedsel gepubliseer ingevolge Goewermentskennisgewing No R918 van 30 Julie 1999, voldoen.

14. Perseel

'n Eienaar moet verseker dat sy of haar perseel toegang het tot veilige en voldoende drinkbare water, sanitasie en vullisverwydering, en dat huishoudelike geriewe, eetware, linne en beddegoed in 'n skoon en higiëniese toestand gehou word.

HOOFSTUK 5 KINDERSORGGERIEWE EN -INSTELLINGS

15. Strukturele en ander vereistes

- (1) 'n Kindersorgfasiliteit moet aan die volgende vereistes voldoen.
- (a) Die mure en vloere van klaskamers moet van 'n gladde, splintervrye, waterbestande en maklik wasbare materiaal gemaak wees. Waar verf gebruik word, word slegs nie-giftige verf toegelaat.
 - (b) Klaskamers moet genoegsame vensters hê om voldoende ventilasie te verseker; met dien verstande dat effektiewe kruisventilasie moontlik is en dat vensters kan oopmaak en dat sodanige openinge 'n oppervlak het gelykstaande aan minstens 5% van die vloeroppervlak van die betrokke kamer is en beligting verskaf; met dien verstande dat die vensters deursigtig is met 'n oppervlak gelykstaande aan minstens 10% van die vloeroppervlak van die betrokke kamer.
 - (c) Dakke moet te alle tye waterdig wees.
 - (d) Plafonne moet voorsien word en moet te alle tye skoon en stofbestand wees.
 - (e) 'n Afsonderlike kantoorarea moet vir administratiewe en personeelaktiwiteite voorsien word.
 - (f) 'n Afsonderlike siekeboegarea moet weg van die ander kinders voorsien word.
 - (g) Voldoende stoorgeriewe moet voorsien word sodat matrasse in 'n staande of hangende posisie gestoor kan word.
 - (h) Voldoende stoorgeriewe moet vir die stoor van medisyne, skoonmaakmiddels, vloeibare brandstof, gashouers of enige ander giftige of potensieel skadelike stowwe, asook speelgoed en gereedskap, voorsien word sodat dit veilig en buite bereik van die kinders gestoor kan word.
 - (i) Alle werksoppervlakke moet glad, waterbestand, splintervry en wasbaar wees.
 - (j) Daar moet minstens 2 m² binnenshuise spasie per baba (1 tot 24 maande) en 1.5 m² binnenshuise spasie per kleuter (2 tot 7 jaar) beskikbaar wees. Indien geen buitenshuise spasie beskikbaar is nie, moet die binnenshuise spasie 2.5 m² per kleuter wees. Daar moet ook minstens 1 m² buitenshuise spasie vir die eerste 30 kinders beskikbaar wees.
 - (k) Daar moet minstens een toilet beskikbaar wees vir elke twintig kinders en een potjie vir elke vyf babas. Toiletbakke, potjies en sitplekke moet daaglik ontsmet word. Afsonderlike toiletgeriewe word vir personeellede vereis.
 - (l) Indien babas tot vier-en-twintig maande oud geakkommodeer word, moet 'n afsonderlike fasiliteit vir die was van potjies en die daaglikse was van doeke voorsien word.
 - (m) 'n Kombuis of voedselhanterings-/voorbereidingsfasiliteit moet aan die bepalings van die Regulasies insake die Beheer van Algemene

- Higiënevereistes vir Voedselpersel en die Vervoer van Voedsel, gepubliseer kragtens Goewermentskennisgewing Nr. R918 van 30 Julie 1999, voldoen.
- (n) Minstens een handwasbak moet vir elke twintig kinders of een kom vir elke tien kinders beskikbaar wees. Skoon water moet vir die was van die kinders se hande beskikbaar wees. Vuilwater moet op 'n goedgekeurde wyse beskik word. Seep en 'n afdroogdoek moet by elke handwasbak beskikbaar wees.
 - (o) Sandputte moet elke 6 weke gereeld met sout behandel word en moet na-ure bedek wees om dit ontoeganklik vir diere te maak.
 - (p) Die buitenshuise speelplek moet omhein wees en oor selfsluithekke beskik.

16. Vrystellings, bykomende vereistes en voorbehoude

- (1) 'n Gesondheidsbeampte mag 'n kindersorgerief van enige van die bepalings in artikel 15(1) van hierdie Verordening vrystel indien hy of sy oortuig is dat die verlening van sodanige vrystelling nie tot toestande lei of sal lei wat 'n gesondheidsoorlas uitmaak nie.
- (2) 'n Vrystelling in hierdie artikel genoem –
 - (a) moet deur die Gesondheidsbeampte teruggetrek word na aanleiding van 'n inspeksie indien hy of sy van mening is dat sodanige vrystelling tot toestande sal lei wat 'n gesondheidsoorlas uitmaak.
- (3) Nieteenstaande die bepalings van artikel 15, word alle kindersorgeriewe wat wetlik ten tyde van die afkondiging van hierdie Verordening in bedryf is, vrygestel van nakoming vir 'n tydperk van een (1) jaar vanaf die datum van sodanige afkondiging.
- (4) 'n Gesondheidsbeampte mag na aanleiding van 'n inspeksie bykomende vereistes stel wat deur die kindersorgerief nagekom moet word waar, ten spyte van voldoening aan enige bepaling vervat in hierdie Verordening, 'n gesondheidsoorlas bestaan waarvoor daar nie in hierdie regulasies voorsiening gemaak word nie, welke bykomende vereistes, onderworpe aan die beginsels van die beste-beskikbare-metode, beperk word tot die minimum wat vereis word om die betrokke gesondheidsoorlas te verwyder.

17. Nie-nakoming

Indien 'n eienaar of persoon in beheer van 'n kindersorgerief versuim om aan die bepalings van artikel 15 of enige voorwaardes of vereistes opgelê ingevolge artikel 16, te voldoen, mag die munisipaliteit ingevolge artikel 33 of 34 handel.

HOOFSTUK 6 OPENBARE SWEMBADDENS EN SPA-BADDENS

18. Pligte van 'n swembad- en spa-badbestuurder

- (1) 'n Swembad- en spa-badbestuurder moet –
 - (a) die perseel te alle tye in 'n veilige, skoon en higiëniese toestand hou; en
 - (b) verseker dat die water te alle tye volgens die standaarde genoem in artikel 21 gesuiwer, behandel en in stand gehou word.
- (2) 'n Persoon wat 'n swembad of spa-bad in stryd met die bepalings van subartikel (1) bedryf, begaan 'n misdryf.

19. Watervoorsiening

- (1) 'n Persoon wat 'n swembad of spa-bad bedryf, mag vir die doeleindes om die swembad of spa-bad skoon te maak, te vul of die watervlak daarin in stand te hou, slegs water uit 'n goedgekeurde bron gebruik.
- (2) Die gesondheidsbeampte mag op tye wat hy of sy geskik ag, monsters van die water neem vir die doeleindes van chemiese- of bakteriologiese analise.
- (3) 'n Persoon wat subartikel (1) oortree, begaan 'n misdryf.

20. Voorsiening van sanitêre toebehore en opebare geriewe

- (1.) Enige persoon wat 'n openbare swembad bedryf, moet aan die vereistes wat in hierdie Verordening voorgeskryf word, voldoen.
- (2) Watertoiletfasiliteite moet soos volg voorsien word:
- (a) in die geval van 'n swembad met 'n wateroppervlakte gelykstaande aan of minder as 300m², minstens drie toilette vir elke geslag, en een van die toilette bedoel vir mans kan met 'n urinaal of urinaalplek wat minstens 600mm lank is, vervang word; of
 - (b) in die geval van 'n swembad met 'n wateroppervlakte groter as 300m², een toilet vir elke geslag vir elke bykomende wateroppervlakgebied van 250m² of 'n gedeelte daarvan; met dien verstande dat in die geval van toilette vir mans tot 'n maksimum van 25% van die vereiste aantal toilette met urinale of urinaalplekke wat elk minstens 600mm lank is, vervang kan word.
- (3) Indien voldoende geriewe nie binne 'n redelike afstand van die swembad beskikbaar is nie word afsonderlike toilet- en ablusiegeriewe nie vereis waar swembadgeriewe, as deel van die algemene geriewe, by 'n akkommodasie-instelling of groepbehuisingsperseel beskikbaar is.

21. Waterveiligheid

- (1) Die water in 'n openbare swembad moet voortdurend gedurende die tydperk waartydens geswem word, gefiltreer word, en die water moet effektief met 'n goedgekeurde ontsmettingsmetode behandel word, en moet selfs as dit gechlomeer word, te eniger tyd aan die volgende standaarde voldoen (monsterneming vind plaas in die oggend voordat daar geswem word) –
- (a) die water moet vry wees van drywende, gesuspendeerde of afgesakte oorblyfsels of swemmende organismes, en die wand, vloer, toegangsleer of trappies en geute moet vry van slyk of alge wees;
 - (b) die swembadopsigter moet verseker dat die water in die swembad te alle tye 0,5 tot 1,0 mg/l, vry of beskikbare chloor bevat, en dat fekale Escherichia coli nie aanwesig is nie in 'n monster van 100 ml swembadwater, en moet verder verseker dat die swembad te alle tye vry van slakke is;
 - (c) waar 'n ander goedgekeurde ontsmettingsmiddel as chloor gebruik word of natuurlik in die water voorkom, moet dit gelykstaande in effek wees aan die oorblywende chloorvlak soos in paragraaf (b) voorgeskryf;
 - (d) die pH van die water mag nie minder as 7,0 en nie meer nie as 7,6 wees nie; en
 - (e) beste-praktyk-metodes moet beoefen word om veilige watergehalte te verseker.

22. Misdrywe

- (1) 'n Persoon wat 'n bepaling van Hoofstuk 6 oortree, begaan 'n misdryf.

HOOFSTUK 7**BARBIERS, HAARKAPPERS, SKOONHEIDSKUNDIGES, LYFPRIEMERS EN TATOEËERDERS****23. Gesondheidsvereistes**

- (1) Geen persoon mag die perseel van 'n salon vir enige ander doel as vir die bedryf van 'n besigheid as barbier, haarkapper, skoonheidskundige, lyfpriemer of tatoeëerder gebruik nie.
- (2) 'n Persoon wat 'n besigheid as barbier, haarkapper, skoonheidskundige, lyfpriemer of tatoeëerder in 'n salon of ander plek bedryf, moet –
- (a) 'n toestel of ander meganisme in die salon installeer of beskikbaar hê om 'n

- instrument wat in kontak was met menslike vel, hare of liggaamlike vloeistof soos, maar nie beperk nie tot bloed, te steriliseer of te ontsmet;
- (b) verseker dat slegs professionele tatoeërings- en lyfpriemingsmasjiene wat op so 'n wyse ontwerp en aanmekeer gesit dat dit die besmetting van steriele naaldstelle sal voorkom, gebruik word vir die toepassing van permanente tatoeërmerke of lyfprieming, en alle buise en naalde moet in enkeldiens-, steriele, geseëde stoomgesteëliseerde sakke geberg word wat in die teenwoordigheid van die kliënt oopgemaak moet word;
 - (c) na elke gebruik van 'n lem, skeermes, skêr, kam, borsel, roller, naelvyf, knipper of ander instrument wat op menslike hare, naels of vel aangewend is, wegdoen met wegdoenbare instrumente, of herbruikbare instrumente ontsmet deur gebruik te maak van 'n toepaslike ontsmettingsmiddel;
 - (d) nuwe wegdoenbare rubber- of nitriële ondersoekhandskoene vir die duur van 'n prosedure dra waar hy of sy hare implant, die vel priem of tatoeër, of 'n chemikalie of chemiese bestanddeel tydens 'n aktiwiteit gebruik;
 - (e) sy of haar hande ontsmet voor en nadat 'n diens aan 'n kliënt gelewer is;
 - (f) direk na behandeling van 'n kliënt, 'n oppervlak wat met liggaamsvloeistof besmet is, skoonmaak en ontsmet;
 - (g) wegdoen met enige wegdoenbare handskoen of ander wegdoenbare materiaal na elke gebruik;
 - (h) ten minste een maal per dag alle kledingstukke soos voorskote en kappies, en alle oppervlaktes soos, maar nie beperk nie tot mure, vloere, toonbanke en stoele, met 'n ontsmettingsmiddel was;
 - (i) met alle skerp instrumente, bebloede en andersins besmette, wegdoenbare handdoeke en papier ooreenkomstig artikel 27 op 'n goedgekeurde wyse wegdoen;
 - (j) skerp instrumente soos, maar nie beperk nie tot 'n skeermes, lem of naald in afsonderlike houers, ooreenkomstig artikel 27, stoor;
 - (k) na elke gebruik, alle oppervlakke en handdoeke was en skoonmaak;
 - (l) oor die algemeen die perseel, gereedskap, toerusting en kledingstukke te alle tye in 'n higiëniese toestand hou;
 - (m) na elke dienslewering afval soos, maar nie beperk nie tot, haarknipsels en handdoekpapier, versamel en sodanige afval stoor of wegdoen ooreenkomstig beste-praktyk-metodes;
 - (n) verseker dat geen dier, uitgesluit 'n gidshond wat 'n blinde persoon vergesel, die perseel binnekom nie; en
 - (o) sy of haar werknemers van beskermende klere voorsien, enige persoon wat op die perseel werk oplei, en verseker dat werknemers aan die bepalings van hierdie Verordening voldoen.
- (3) 'n Persoon wat 'n bepaling van subartikel (1) of (2) oortree, begaan 'n misdryf.

24. Vereistes met betrekking tot persele

- (1) 'n Persoon wat 'n besigheid as barbier, haarkapper, skoonheidskundige, lyfpriemer of tatoeërder in 'n salon of ander plek bedryf, moet verseker dat die perseel aan die volgende voldoen:
- (a) wasbakke met voldoende lopende warm en koue drinkbare water moet beskikbaar wees vir die was van hare en hande;
 - (b) beligting, ventilasie, water en toiletgeriewe soos in die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet 103 van 1977), voorgeskryf, moet voorsien word;
 - (c) rakke, toonbanke, tafelblaai en ander vaste voorwerpe waarop instrumente geplaas word, moet gebou wees van ondeurdringbare materiaal wat maklik

- skoongemaak kan word;
- (d) voldoende fasiliteite vir die was van klere, instrumente en toebehore moet voorsien word;
 - (e) fasiliteite vir die wegdoen van afvalwater moet voorsien word; en
 - (f) die mure en vloere moet gebou wees van materiaal wat maklik skoongemaak kan word.
- (2) Indien die eienaar, okkupeerder of persoon in beheer van die perseel waarop die besigheid bedryf word, nie aan die vereistes van die bepalings van subartikel (1) voldoen nie, mag die munisipaliteit ooreenkomstig artikel 33 of 34 handel.

HOOFSTUK 8 AFVALBESTUUR

Deel 1: Algemene bepalings met betrekking tot die herwinning, opberging en beskikking van afval

25. Die herwinning, opberging en beskikking van afval

- (1) Afval moet herwin, geberg, vervoer en beskik word –
 - (a) sonder om menslike gesondheid in gevaar te stel;
 - (b) sonder om prosesse te gebruik wat waarskynlik die omgewing kan beskadig of besoedel; en
 - (c) op 'n manier wat nie 'n gesondheidsoorlas veroorsaak nie.
- (2) 'n Persoon wat subartikel (1) oortree, begaan 'n misdryf.

Deel 2: Gevaarhoudende afval

26. Toepaslike wetgewing

Die munisipaliteit, met inagneming van die bepalings van die Wet op Omgewingsbewing, 1989 (Wet 73 van 1989), Wet op Gevaarhoudende Stowwe, 1973 (Wet 15 van 1973), Wet op Nasionale Gesondheid, 2003 (Wet 61 van 2003) en die regulasies uitgevaardig ingevolge sodanige Wette, aanvaar die bepalings in hierdie Deel.

27. Berging van gevaarhoudende afval

- (1) 'n Leë houer waarin gevaarhoudende afval soos, maar nie beperk nie tot plaagbestrydingsmiddels, gestoor was, moet as gevaarhoudende afval behandel word en –
 - (a) moet op so 'n wyse gestoor word dat –
 - (i) geen besoedeling van die omgewing op enige stadium kan plaasvind nie;
 - (ii) geen gesondheidsoorlas op enige stadium geskep word nie;
 - (b) terwyl dit op die perseel gestoor word, duidelik gemerk of geëtiketteer wees met die woorde "Gevaarhoudende Afval";
 - (c) die eienaar of okkupeerder van die grond moet die stoorarea omhein ten einde ongemagtigde toegang te voorkom;
 - (d) sal mee gehandel word as 'n Klas 6-afval soos omskryf in die Minimum Vereistes vir die Hantering, Klassifikasie en Wegdoen van Gevaarhoudende Afval (Tweede Uitgawe, 1998), soos gepubliseer deur die Departement van Waterwese en Bosbou, en soos van tyd tot tyd gewysig.
- (2) 'n Persoon wat 'n bepaling van subartikel (1)(a) tot (d) oortree, begaan 'n misdryf.

HOOFSTUK 9 WATER EN SANITASIE

28. Toepaslike wetgewing en toepassing

- (1) Die munisipaliteit, met inagneming van die bepalings van die Nasionale Waterwet, 1998 (Wet 36 van 1998), aanvaar die bepalings in hierdie Hoofstuk.
- (2) Die munisipaliteit, met inagneming van die bepalings van die Waterdienstewet, 1997 (Wet 108 van 1997) en die Regulasies insake Verpligte Nasionale Standaard en Metodes vir Waterbewaring, kragtens GK R509 van 8 Junie 2001 gepubliseer, aanvaar die bepalings in hierdie Hoofstuk.
- (3) Binne die bevoegdheidsverleen aan die munisipaliteit ingevolge die Wet op Nasionale Gesondheid, 2003, (Wet 61 van 2003), mag die munisipaliteit ingevolge artikel 33 of 34 van hierdie Verordening optree waar die nie-nakoming van enige bepalings van die Wet en Regulasies beoog by subartikel (1) en (2) 'n gesondheidsoorlas uitmaak.

29. Pligte en verbodbealings

- (1) 'n Eienaar, okkupeerder of gebruiker van grond of persele moet –
 - (a) elke waterweg oop en vry van verstopping van stowwe hou wat die vloei van wateruitvloeiisel mag verhinder, ten einde die ontstaan van 'n gesondheidsoorlas te voorkom;
 - (b) 'n keermuur om 'n tenk, of groep tenks, wat 'n stof bevat wat 'n gesondheidsoorlas kan veroorsaak, bou, van 'n grootte wat die volume van die grootste tenk kan bevat in die geval van enige onwettige of toevallige uitlating van die tenk of groep tenks;
 - (c) enige nywerheidsoppervlakarea skoonmaak ten einde besoedeling van stormwater te verhoed wat 'n nadelige impak op die kwaliteit van enige oppervlak- of grondwater mag hê; en
 - (d) verseker dat 'n dam, leipyp of kanaal wat vir die opdamming van afvalwater gebruik word, 'n vryboord het van minstens 0.5 meter bo die hoogste vlak van presipitaat wat in 'n tydperk van 24 uur verwag kan word met 'n gemiddelde herhalingsfrekwensie van een maal in 100 jaar.
- (2) 'n Eienaar of okkupeerder van grond of persele mag nie –
 - (a) enige vullisstortingsterrein binne die eenhonderdjaarvloedlyn van enige waterbron vestig nie; of
 - (b) enige steenkool, steenkoolafval, koolstofhoudende materiaal of enige ander materiaal vir die konstruksie van enige slyk-, verdampings- of opgaardam, of enige ander wal, pad of spoorweg gebruik op 'n wyse wat waarskynlik 'n omgewingsgesondheidsoorlas kan veroorsaak nie.
- (3) 'n Persoon wat die bepalings van subartikel (1) of (2) oortree, begaan 'n misdryf.

HOOFSTUK 10 WEGDOENING VAN LYKE EN VERSTEURING VAN STOFLIKE OORSKOT

30. Wegdoening van lyke

- (1) Geen persoon mag 'n lyk op so 'n wyse ter aarde bestel dat dit 'n gesondheidsoorlas uitmaak nie.
- (2) 'n Persoon wat die bepaling van subartikel (1) oortree, begaan 'n misdryf.

31. Versteuring van stoflike oorskot

(1) Onderworpe aan die bepalings van 'n opgrawingsbevel gegee ingevolge artikel 3(4) van die Wet op Geregte Doodsondersoeke, 1959 (Wet 58 van 1959), en enige ander bepaling van enige Wet insake die opgrawing van lyke, mag geen persoon, indien die Gesondheidsbeampte nie teenwoordig is nie:

- (a) 'n lyk of stoflike oorskot of die grond daarom in 'n begraafplaas versteur nie;
 - (b) 'n graf oopmaak nie;
 - (c) 'n lyk uit 'n graf verwyder nie; of
 - (d) 'n lyk opgrawe of 'n lyk laat opgrawe gedurende sodanige tyd as wat die begraafplaas vir die publiek oop is nie.
- (2) Geen persoon mag 'n graf heroopmaak vir die doeleindes om 'n tweede lyk in dieselfde graf te begrawe nie, tensy –
- (a) die graf aanvanklik vir sodanige doel dieper gemaak is, en indien nie dieper gemaak nie, dan slegs dertig dae na 'n tydperk van vyf jaar sedert die eerste lyk begrawe is;
 - (b) vir die doeleindes om 'n houer te begrawe wat as bevat, die diepte nie 300mm oorskry nie; en
 - (c) die toestemming van die plaaslike munisipaliteit verkry is.
- (3) 'n Persoon wat 'n bepaling van subartikel (1) of (2) oortree, begaan 'n misdryf.

HOOFSTUK 11 TOEPASSING

32. Gesondheidsbeampte

Artikel 80 tot 89 van die Wet op Nasionale Gesondheid, 2003 (Wet 61 van 2003), met die nodige wysigings, is van toepassing op die aanstelling, verantwoordelikhede en bevoegdhede van 'n gesondheidsbeampte, en misdrywe betreffende sodanige beampte.

33. Kennisgewing van nakoming en verdoë

(1) Waar 'n gesondheidsbeampte redelike gronde het om te vermoed dat 'n persoon in gebreke bly om enige vereiste van hierdie Verordening na te kom, of dat sodanige persoon enige bepaling van hierdie Verordening oortree, mag hy of sy 'n kennisgewing van nakoming op die persoon bedien, welke kennisgewing die volgende moet bevat –

- (a) die naam en woon- of posadres van die persoon;
 - (b) die vereiste wat nie nagekom is nie of die bepaling wat oortree is;
 - (c) dat die persoon binne 'n gespesifiseerde tydperk stappe moet doen om aan die kennisgewing te voldoen en die stappe voor 'n gespesifiseerde datum af te handel; en
 - (d) dat die persoon binne veertien dae in die vorm van 'n beëdigde verklaring op 'n gespesifiseerde plek by die munisipaliteit mag appelleer.
- (2) Die munisipaliteit moet wanneer hy oorweging gee aan enige stappe of tydperk beoog by subartikel (1)(c) of (d), die beginsels en oogmerke van hierdie Verordening, die aard van die nie-nakoming en ander faktore in ag neem.
- (3) Waar 'n persoon nie ingevolge subartikel (1)(d) appelleer nie, en die persoon in gebreke bly om die stappe te doen voor die datum beoog by subartikel (1)(c), begaan hy of sy 'n misdryf, en mag die munisipaliteit, ongeag enige boetes wat opgelê mag word ingevolge artikel 42, handel ingevolge subartikel (5).
- (4) (a) Verdoë wat nie binne die tydperk soos beoog by subartikel (1)(d) ingedien word nie, word nie oorweeg nie, tensy die persoon goeie redes aanvoer en die munisipaliteit die laat indiening van die verdoë aanvaar.
- (b) Die munisipaliteit moet die tydigte verdoë en enige reaksie daarop deur die Gesondheidsbeampte oorweeg.

- (c) Die munisipaliteit mag uit eie beweging enige verdere ondersoekes loods om, indien nodig, feite te verifieer en die resultaat van sodanige ondersoekes moet aan die persoon wat die verhoë gemaak het, beskikbaar gestel word, en sodanige persoon moet die geleentheid gegee word om verder te reageer indien hy of sy dit verkies, en die munisipaliteit moet ook sodanige verdere reaksie oorweeg.
 - (d) Die munisipaliteit moet na oorweging van die verhoë en enige antwoord en enige verdere reaksie, 'n skriftelike bevel maak en 'n afskrif op die persoon beteken, welke bevel die kennisgewing van nakoming in geheel of gedeeltelik moet bevestig, wysig of ter syde stel, en waar die kennisgewing van nakoming in geheel of gedeeltelik bevestig of gewysig word, moet die munisipaliteit die persoon in kennis stel dat hy of sy binne die tydperk soos in die bevel bepaal, die verpligtinge wat in die bevel uiteengesit word, moet nakom en dat nie-nakoming 'n misdryf uitmaak.
 - (e) Waar die persoon in gebreke bly om die verpligtinge soos beoog by subartikel (d) na te kom, begaan hy of sy 'n misdryf en mag die munisipaliteit ongeag enige boetes wat ingevolge artikel 42 opgelê mag word, ingevolge subartikel (5) handel.
- (5) Die munisipaliteit mag sodanige maatreëls instel as wat nodig geag word om die aangeleentheid te remedieer, en die koste daarvan moet ooreenkomstig artikel 37 aan die munisipaliteit betaal word.

34. Verbodskennisgewing

- (1) 'n Gesondheidsbeampte kan nadat 'n perseel geïnspekteer is, op een of meer van die volgende persone 'n verbodskennisgewing beteken waarvolgens verbied word dat die perseel vir gepesifiseerde doeleindes gebruik word, en vereis word dat stappe gedoen word om te verseker dat die verbod uitgevoer word:
- (a) die eienaar of okkupeerder van die perseel, indien die munisipaliteit redelikerwyse vermoed dat die perseel gebruik word vir 'n doel of op 'n wyse wat 'n gesondheidsoorlas veroorsaak;
 - (b) enige persoon wat 'n aktiwiteit bedryf of die perseel vir 'n doel of op 'n wyse gebruik wat die munisipaliteit redelikerwyse laat vermoed dat dit 'n gesondheidsoorlas veroorsaak; of
 - (c) 'n persoon op wie 'n kennisgewing van voldoening beteken is, indien die munisipaliteit redelikerwyse vermoed dat die persoon nie aan die voldoeningkennisgewing voldoen het nie.
- (2) Die munisipaliteit moet die persoon op wie hy van voornemens is om 'n verbodskennisgewing te beteken, 'n redelike geleentheid gee om verhoë te rig voordat die kennisgewing beteken word, tensy die munisipaliteit redelikerwyse vermoed dat enige vertraging om dit te doen, omgewingsgesondheid sal kompromitteer, in welke geval die persoon op wie die verbodskennisgewing beteken word, redelike geleentheid gegee moet word om verhoë te rig waarom die kennisgewing teruggetrek behoort te word.
- (3) 'n Verbodskennisgewing moet die volgende bevat –
- (a) die redes vir betekening van die kennisgewing;
 - (b) of die munisipaliteit die kennisgewing sal terugtrek, al dan nie, indien sekere stappe gedoen word, en indien wel, die stappe wat gedoen moet word;
 - (c) die moontlike gevolge van nie-nakoming van die kennisgewing; en
 - (d) hoe om teen die kennisgewing te appelleer.
- (4) Tensy 'n verbodskennisgewing andersins bepaal, tree dit in werking by betekening ingevolge subartikel (1) en bly dit van krag totdat dit teruggetrek word.
- (5) Die gesondheidsbeampte moet so spoedig moontlik 'n afskrif van die kennisgewing op 'n opvallende plek op die perseel aanbring.

- (6) Dit is 'n verweer vir enigeen wat aangekla is dat daar in gebreke gebly is om aan 'n verbodskennisgewing te voldoen, om bewys te lewer dat –
- hy of sy nie bewus was van die bestaan van die verbodskennisgewing nie en nie redelikerwys van die bestaan daarvan bewus kon gewees het nie; en
 - hy of sy aan die verbodskennisgewing binne agt-en-veertig uur nadat die kennisgewing ingevolge subartikel (5) op die perseel aangebring is voldoen het.

35. Terugtrekking van 'n Verbodskennisgewing

- Die munisipaliteit moet binne agt-en-veertig uur van ontvangs van 'n skriftelike versoek vir die terugtrekking van 'n verbod vervat in 'n verbodskennisgewing, 'n ondersoek van die grond of perseel onderneem.
- Na afhandeling van die ondersoek moet die munisipaliteit die persoon op wie die verbodskennisgewing bedien is, of die persoon se agent, skriftelik in kennis stel of die verbod verwyder is en of die belettingsbevel teruggetrek is, al dan nie.
- Die munisipaliteit mag van die eienaar of okkupeerder van die grond of perseel waar 'n ondersoek ingevolge subartikel (1) gedoen is, 'n voorgeskrewe tarief hef vir die doen van die ondersoek.

36. Munisipale remediërende werk

- Die munisipaliteit mag enige perseel betree en dit inspekteer ooreenkomstig die Wet op Nasionale Gesondheid, en enige-iets op die perseel doen wat hy redelik nodig ag –
 - om voldoening aan hierdie Verordening of die voldoenings- of verbodskennisgewing te verseker;
 - 'n gesondheidsoorlas uit te skakel of te verminder.
- Die munisipaliteit mag 'n perseel inspekteer –
 - op 'n roetine grondslag waar die gesondheidsbeampte redelikerwys glo dat die perseel gebruik word vir doeleindes soos beoog in hierdie Verordening, en die doel van die inspeksie is om te bepaal of die gebruik aan die bepalings van hierdie Verordening voldoen, al dan nie;
 - waar 'n voldoeningskennisgewing ten opsigte van die perseel ingevolge artikel 33 uitgereik is, en die doel van die inspeksie is om te bepaal of die kennisgewing nagekom is, al dan nie;
 - waar die eienaar of okkupeerder van die perseel versuim het om te voldoen aan 'n voldoeningskennisgewing wat ingevolge artikel 33 uitgereik is, of 'n verbodskennisgewing wat ingevolge artikel 34 uitgereik is, wat opdrag gee dat tersaaklike maatreëls ingestel word; of
 - waar die gesondheidsbeampte redelike gronde het om te glo dat 'n gesondheidsoorlas wat waarskynlik gesondheid in gevaar gaan stel, op die perseel bestaan.
- Voordat enige perseel geïnspekteer word, of daar met enige werk ingevolge hierdie artikel begin word, moet die persone wat die inspeksie doen of met die werk begin, hulle identifiseer en hulle gesag aan die persoon wat oënskynlik in beheer van die perseel is, of die persoon wat hulle toestemming gegee het om dit te betree, verduidelik.
- Enige inspeksie wat ingevolge hierdie artikel onderneem word, of werk wat ingevolge hierdie artikel begin word, moet op 'n redelike tyd gedoen word, met inagneming van die omstandighede van die spesifieke situasie.
- Enige inspeksie of werk gedoen ingevolge hierdie artikel, moet gedoen word met streng agting vir waardigheid en orde, insluitend –
 - 'n persoon se reg op, respek vir en beskerming van sy of haar waardigheid;
 - 'n persoon se reg op vryheid en sekuriteit; en
 - 'n persoon se reg op sy of haar persoonlike privaatheid.

37. Koste

(1) Indien 'n persoon in gebreke bly om die stappe te doen soos van hom of haar vereis ingevolge 'n voldoeningskennisgewing soos beoog by artikel 33, mag die munisipaliteit, onderhewig aan sub-artikel (3), alle koste wat uit hoofde van sy optrede ingevolge artikel 36(1) aangegaan is, as skuld verhaal, ooreenkomstig die munisipaliteit se skuldinvorderingsbeleid, van daardie persoon en enige of almal van die volgende persone:

- (a) die eienaar van die grond, gebou of perseel; of
- (b) die persoon of okkupeerder in beheer van die grond, gebou of perseel of enige persoon wat geregtig is of was om die grond te gebruik toe die situasie ontstaan het.

(2) Die koste verhaal, moet redelik wees en kan insluit, maar is nie beperk nie tot, koste met betrekking tot arbeid, water, toerusting, en administratiewe en oorhoofse koste wat deur die munisipaliteit aangegaan is.

38. Norme, standaarde en riglyne

(1) Die munisipaliteit mag norme, standaarde en riglyne bepaal en publiseer wat toepaslike maatreëls beskryf wat ingestel kan word om die risiko van enige gesondheidsoorlas wat ontstaan, voortduur of herhaaldelik voorkom, uit te skakel, of om daardie risiko tot 'n aanvaarbare vlak te verminder.

(2) Die norme, standaarde en riglyne beoog by subartikel (1), mag 'n onderskeid maak tussen gemeenskappe, geografiese areas en verskillende soorte persele.

(3) Enige persoon wat versuim om te voldoen aan enige van die norme, standaarde en riglyne beoog by subartikel (1) of enige voorwaardes wat ingevolge daarvan opgelê is, begaan 'n oortreding.

HOOFSTUK 12 ALGEMENE BEPALINGS

39. Veronderstellings

(1) Wanneer 'n werknemer van 'n persoon in die loop van sy of haar indiensneming 'n handeling verrig of skuldig is aan 'n versuim wat 'n misdryf ingevolge hierdie Verordening uitmaak, word dit geag as sou die werkgewer ook die versuim gepleeg het of skuldig wees aan die versuim, en die werkgewer is by skuldigbevinding verantwoordelik vir die boetes vermeld in artikel 42, tensy die werkgewer tot bevrediging van die Hof bewys lewer dat –

- (a) die werknemer sonder die werkgewer se kennis of magtiging die handeling verrig het of hom of haar skuldig gemaak het aan die versuim;
- (b) alle redelike stappe deur die werkgewer geneem is om die handeling of betrokke versuim te voorkom; en
- (c) dit nie binne die bestek van die magtiging of in die loop van die indiensneming van die werknemer was om die handeling van die betrokke aard te verrig nie

(2) Die feit dat die werkgewer opdragte gegee het wat enige handeling of versuim van die soort gemeld in subartikel (1) verbied, is nie opsigself voldoende bewys dat hy of sy alle stappe gedoen het soos gemeld in subartikel (1)(b) nie.

(3) Wanneer 'n werkgewer uit hoofde van die bepalings van subartikel (1) verantwoordelik is vir enige handeling of versuim van sy of haar werknemer, is daardie werknemer ook aanspreeklik om vir die misdryf vervolgt te word.

(4) 'n Bewering in die betrokke saak tydens enige vervolging van 'n misdryf ingevolge hierdie Verordening, dat enige plek geleë was in 'n straat of openbare plek of binne 'n bepaalde gebied of dat dit 'n plek van 'n gespesifiseerde soort is, word as korrek geag, tensy die teendeel bewys word.

40. Bekragtiging en betekening van kennisgewings en ander dokumente

(1) 'n Kennisgewing uitgereik deur die munisipaliteit ingevolge hierdie Verordening, word geag behoorlik uitgereik te wees indien dit deur die gesondheidsbeampte onderteken is.

(2) Enige kennisgewing of ander dokument wat op 'n persoon ingevolge hierdie Verordening beteken is, word geag behoorlik beteken te wees –

- (a) wanneer dit persoonlik aan die persoon gelewer is;
- (b) wanneer dit by die persoon se woonplek of besigheid in die Republiek gelaat is by 'n persoon klaarblyklik oor die ouderdom van sestien jaar;
- (c) wanneer dit per geregistreerde of gesertifiseerde pos aan die persoon se laaste bekende residensiële of besigheidsadres in die Republiek gepos is en 'n bevestiging van die pos daarvan van die posdiens verkry is;
- (d) wanneer dit beteken is op die persoon se agent of verteenwoordiger in die Republiek op 'n wyse voorsien in paragraaf (a), (b) of (c), indien die persoon se adres in die Republiek onbekend is;
- (e) wanneer dit aangebring is op 'n opvallende plek op die grond of besigheidperseel waarop dit betrekking het, indien die persoon se adres en agent of verteenwoordiger in die Republiek onbekend is;
- (f) wanneer dit by die geregistreerde kantoor van die besigheidperseel van die regspersoon afgelewer is, in die geval van 'n regspersoon; of
- (g) wanneer dit op versoek van daardie persoon by sy of haar e-pos-adres afgelewer is.

(3) Die betekening van 'n afskrif word beskou asof dit die betekening van die oorspronklike te wees.

(4) Wanneer enige kennisgewing of ander dokument op die eienaar, okkupeerder, of houer van enige eiendom, of reg in enige eiendom, beteken word, is dit voldoende indien daardie persoon in die kennisgewing of ander dokument as die eienaar, okkupeerder, of houer van die betrokke eiendom of reg beskryf word, en dit is nie nodig om daardie persoon by name te noem nie.

41. Appèl

(1) 'n Persoon wie se regte geraak word deur 'n beslissing van die munisipaliteit, mag ingevolge Artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) binne een-en-twintig dae van die datum van kennisgewing van die besluit appèl aanteken teen daardie besluit deur skriftelik kennis van die appèl en die redes daarvoor aan die munisipale bestuurder te gee.

42. Strawwe

(1) Enige persoon wat 'n bepaling van hierdie Verordening, 'n kennisgewing uitgereik ingevolge hierdie Verordening, of 'n voorwaarde opgelê kragtens hierdie Verordening, oortree of versuim om daaraan te voldoen, ongeag of sodanige oortreding of versuim elders in hierdie Verordening as 'n misdryf verklaar is, is skuldig aan 'n oortreding en by skuldigbevinding onderhewig aan:

- (a) 'n boete of gevangenisstraf, óf sodanige boete óf sodanige gevangenisstraf, of beide sodanige boete en sodanige gevangenisstraf;
- (b) in die geval van 'n voortgesette oortreding, 'n bykomende boete of 'n bykomende tydperk van gevangenisstraf, óf sodanige bykomende boete óf sodanige bykomende gevangenisstraf, of beide sodanige bykomende boete en gevangenisstraf vir elke dag waarop sodanige oortreding voortduur, en
- (c) 'n verdere bedrag gelykstaande aan enige koste en uitgawes wat die hof bevind het die munisipaliteit aangegaan het as gevolg van sodanige oortreding.

(2) Alle gelde en boetes wat kragtens hierdie Verordening ingevorder is, kom die Raad

toe en mag slegs vir die implementering en toepassing van hierdie Verordening gebruik word.

43. Samewerking tussen munisipaliteite en toepassing

(1) In 'n poging om optimale dienslewering daar te stel, mag die munisipaliteit met plaaslike munisipaliteite binne sy regsgebied ooreenkomste sluit met betrekking tot die volgende:

- (a) praktiese reëlings met betrekking tot die uitvoering van die bepalings van hierdie Verordening;
- (b) verhaling van koste en uitgawes;
- (c) onderhewig aan die bepalings van artikel 86 van die Munisipale Strukturewet, 1998 (Wet 117 van 1998), meganismes vir die oplossing van geskille met betrekking tot die uitoefening van bevoegdhede en funksies of aangeleenthede waarvoor daar ooreenkomste aangegaan is, onderworpe aan die bepalings van artikel 86 van die Munisipale Strukturewet, 1998, meganismes vir geskilbeslegting ten opsigte van die uitvoering van bevoegdhede of aangeleenthede waarvoor ooreenkoms bereik is;
- (d) enige ander saak wat as noodsaaklik geag word deur die munisipaliteit en plaaslike munisipaliteite om optimale dienslewering te bewerkstellig.

44. Gemeenskapskakelforums

- (1) Die munisipaliteit mag gemeenskapskakelforums instel vir doeleindes van –
 - (a) aansporing van 'n plaaslike gemeenskap om aan die implementering, ontwikkeling en toepassing van hierdie Verordening deel te neem; en
 - (b) bevordering van 'n veilige en gesonde omgewing.
- (2) Die forums beoog by subartikel (1) mag bestaan uit –
 - (a) 'n lid of lede van 'n belangegroep of 'n geaffekteerde persoon in die gees van artikel 2(4)(f) tot (h) van die Wet op Nasionale Omgewingsbestuur, 1998 (Wet 107 van 1998);
 - (b) 'n lid of lede van 'n gemeenskap in wie se onmiddellike omgewing 'n gesondheidsoorlas voorkom of kan voorkom;
 - (c) 'n aangewese amptenaar of amptenare van die munisipaliteit; en
 - (d) die raadslid verantwoordelik vir munisipale gesondheid.
- (3) Die munisipaliteit mag met betrekking tot die implementering en toepassing van hierdie Verordening –
 - (a) 'n forum versoek om insette te lewer;
 - (b) enige vaardighede of kapasiteit wat in 'n forum mag bestaan, benut.
- (4) 'n Forum, of 'n persoon of persone bedoel in subartikel (2), mag op eie inisiatief met inagneming van die bepalings van artikel 31 van die Wet op Nasionale Omgewingsbestuur, 1998 (Wet 107 van 1998), insette aan die munisipaliteit lewer vir oorweging.

45. Vrystellings

- (1) Enige persoon mag by wyse van skriftelike aansoek, waarin die redes volledig vervat is, by die munisipaliteit aansoek doen om vrystelling van enige bepaling van hierdie Verordening.
- (2) Die munisipaliteit kan –
 - (a) 'n vrystelling skriftelik toestaan en die voorwaardes, indien enige, en die tydperk waarvoor die vrystelling toegestaan is, moet daarin gespesifiseer word;
 - (b) enige vrystelling of voorwaarde in 'n vrystelling wysig of kanselleer; of
 - (c) weier om 'n vrystelling toe te staan.
- (3) Ten einde 'n aansoek ingevolge subartikel (1) te oorweeg, mag die munisipaliteit die

insette of kommentaar van die eienaars of bewoners van omliggende persele verkry.

(4) 'n Vrystelling tree nie in werking nie voordat die aansoeker skriftelik onderneem het om aan al die voorwaardes gestel deur die munisipaliteit ingevolge subartikel (2) te voldoen; met dien verstande dat indien 'n aktiwiteit begin voordat sodanige onderneming aan die munisipaliteit gegee is, die vrystelling verval.

(5) Indien daar nie aan enige voorwaarde van 'n vrystelling voldoen word nie, verval die vrystelling onmiddellik.

46. Herroeping van Verordeninge

Die volgende verordeninge word hiermee herroep:

(1) Enige verordeninge voorheen uitgevaardig deur die munisipaliteit of deur enige afgeskafte munisipaliteit wat nou ingesluit is by die munisipaliteit, insoverre dit betrekking het op aangeleenthede waarvoor in hierdie Verordening voorsiening gemaak word; en

(2) Enige verordeninge voorheen uitgevaardig deur die plaaslike munisipaliteite in die regsgebied van die Kaapse Wynland Distriksmunisipaliteit, of enige van die afgeskafte munisipaliteite wat nou ingesluit is by genoemde plaaslike munisipaliteite, insoverre dit van toepassing gemaak is op die Kaapse Wynland Distriksmunisipaliteit kragtens die magtiging vir die uitvoering van bevoegdhede en funksies ingevolge artikel 84(3) van die Munisipale Strukturewet, 1998 (Wet 117 van 1998).

47. Kort titel en inwerkingtreding

Hierdie Verordening heet die Kaapse Wynland Verordening insake Munisipale Gesondheid en tree in werking op die datum waarop dit in die Provinsiale Koerant gepubliseer word.

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DISCUSSION DOCUMENT

**MUNICIPAL HEALTH BY-LAWS
CAPE WINELANDS DISTRICT MUNICIPALITY**

Under the provisions of Section 156 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), the Cape Winelands District Municipality, enacts as follows:–

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1. Definitions

In this by-law unless the context otherwise indicates: -

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

"animal" means any equine, bovine, sheep, goat, pig, poultry, camel, dog, cat, or other domestic animal or bird, or any wild animal or reptile which is in captivity or under the control of a person;

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

"animal waste" means the faeces, manure, droppings, shed hair or feathers, bones, horns, blood and entrails of an animal, bird or poultry;

"aquatic fauna and flora" means any aquatic living organism from aquatic resources, including any aquatic plant, whether piscine or not, and any mollusc, crustacean, holothurians or other echinoderm, reptile, aquatic mammal and bird and include their eggs, larvae and all juvenile stages;

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

"baby" means a child under the age of two years;

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

- (a) cutting, shaving, singeing, shaping, shampooing, cleansing, conditioning, treating, chemical reformation (such as but not limited to permanent waving) relaxing, straightening and colouring (such as but not limited to tinting, dyeing, colouring, whether by permanent or temporary or semi-permanent means, and including the use of colour rinses, shampoos, gels or mousses, and lightening by means of tints, bleaches, highlights or high lighting tinting or toning) of the hair on the human head;
- (b) other than by a process contemplated in paragraph (a), removing hair by means of, but not limited to, waxing, chemical compounds (such as but not limited to depilatories), electrical or mechanical means, whether or not heat or an appliance or apparatus is used in any of these activities;
- (c) treating hair by means of a trichological process or method;
- (d) adding to hair of natural or artificial hair by means of, but not limited to an extension, bead work, or a wig;
- (e) shaping, shaving, plucking, treating or tinting an eyebrow or eyelashes or applying an artificial eyebrow or eyelashes;
- (f) skin care of the face, including but not limited to the application of cosmetics;
- (g) applying nail technology, such as but not limited to manicuring, pedicuring, or applying false nails or extensions;
- (h) piercing of the skin ("body piercing") or tattooing;
- (i) massaging;
- (j) bronzing such as by means of, but not limited to, ultraviolet radiation; and
- (k) contouring, such as but not limited to, slimming.

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

- (a) milk processing;
- (b) processing of fruit and vegetable products;
- (c) sugar mills;
- (d) manufacture and bottling of soft drinks;
- (e) water bottling;

- (f) production of alcohol and alcoholic beverages in breweries, wineries or malt houses;
- (g) manufacture of animal feed from plant or animal products;
- (h) manufacture of gelatine and glue from hides, skin and bones;
- (i) abattoirs;
- (j) fish processing;
- (k) feedlots; and
- (l) tannery;

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

"**building, structure or enclosure**" means a building, structure or enclosure such as, but not limited to, a stable, shed, dove-cote, kennel, pen, sty, camp, kraal, cow-shed, lean-to, room, tent, vehicle, stream, dam, pool, pan, drain, or ditch (open, covered, or enclosed) erected or constructed in or upon land or premises and which is used in connection with the keeping of an animal by an owner of an animal or owner or user of land;

"**category B municipality**" means a municipality as contemplated in section 155(1)(b) of the Constitution;

"**cattery**" means an accommodation establishment which, for gain, caters for the boarding of cats;

"**cemetery**" means a land or part of a land within the municipal area set aside as a cemetery;

"**child care facility or institution**" means any undertaking or institution, whether for profit or otherwise, involving the custody, care or tuition or any combination of these functions, during the whole or part of the day on all or any of the days of the week of children, or the building or the premises maintained or used for the purpose of conducting such undertaking or institution thereon as the case may be;

"**Council**" means the Cape Winelands District Municipal Council;

"**communicable disease**" means a disease resulting from an infection due to pathogenic or toxic agents generated by the infection, following the direct or indirect transmission of the agents from the source to the host;

"**domestic wastewater**" means wastewater arising from domestic premises, and may contain sewage;

"**dog kennel**" means an accommodation establishment which, for gain, caters for the accommodation of dogs;

"**environment**" means the surroundings within which humans exist made up of –

- (a) the land, water and atmosphere of the earth;
- (b) micro-organisms, plant and animal life;
- (c) any part or combination of (a) and (b) and the interrelationships among and between them; and
- (d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

"**free space**" means the space in a room which is not occupied by furniture or other appliances.

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

"**irrigation**" means the application of water to any land or grounds for any purpose and includes waste water or water containing waste generated through any activity.;

"**local municipality**" means a Category B municipality envisaged in Section 155(1)(b) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

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

"municipality" means the Cape Winelands District Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 492 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

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

- (a) any person in actual occupation of those premises;
- (b) any person legally entitled to occupy those premises;
- (c) in the case of those premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants whether on the person's own account or as agent for any person entitled thereto or interested therein;
- (d) any person having the charge or management of those premises, and includes the agent of any such person when the person is absent from the Republic of South Africa or his or her whereabouts are unknown; and
- (e) the owner of those premises;

"owner", in relation to –

- (a) animals or things, conveyances and other movable property, means the person in whom ownership is vested and includes a person who is responsible for the control or management thereof or a person who has such animal or thing, conveyance or movable property in his or her possession, but in the case of game or animals that are not branded in terms of the Animal Identification Act, 2002 (Act No 6 of 2002), or of which the ownership cannot readily be established, the user of the land on which such game or animals are present is deemed to be the owner; and
- (b) land –
 - (i) means the person in whose name that land is registered;
 - (ii) that has been purchased by a person but has not yet been registered in his or her name, means such purchaser;
 - (iii) that is subject to a usufruct, means the usufructuary;
 - (iv) of which the owner or purchaser is a minor, mentally disabled person, insolvent or is otherwise incompetent in law to administer his or her estate, or is deceased, or is a body corporate under judicial management or liquidation, means the agent or legal representative of such owner or purchaser or another person authorised by law to administer his or her affairs or, in the case of a body corporate, the judicial manager or liquidator concerned; and
 - (v) a category B municipality which is in control of land by virtue of the powers and functions allocated to it in terms of Schedules 4B and 5B of the Constitution;

"person" means a natural and legal person, including but not limited to an association of persons, a partnership, and a company;

"pet parlour" means an establishment where pets are groomed;

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

"potable water" means water that complies with SANS 241;

"poultry" means a fowl such as a chicken, turkey, goose, duck, muscovy-duck, bantam-fowl and guinea fowl, whether domesticated or not, including the young of such poultry;

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

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

"publish" in respect of the provisions of section 38 means-

- (a) to publish a notice in the Provincial Gazette and a local newspaper; and
- (b) to display the notice so published on the notice boards of the municipality;

"responsible authority" means the authority or municipality responsible for the execution of

waste disposal functions within the area of jurisdiction of Cape Winelands District Municipality;
"salon" means a place where any one or more of the services or activities contemplated in the definition of "barber, hairdresser, beautician, body piercer or tattooist" are normally carried on;
"swimming pool" means a swimming pool, spa bath, including a jacuzzi, that is accessible to the public and includes swimming pools at schools or other tertiary institutions;

"user", in relation to land, means –

- (a) any person who has a personal or real right in respect of land in his or her capacity as fiduciary, fideicommissary, servitude holder, possessor, lessee or occupier, irrespective of whether or not he or she resides thereon; and
- (b) any other person who is generally recognised as having a right of tenure on the land concerned;

"waste" means any matter or waste material arising from the use of any land or premises, excluding hazardous waste and health care waste;

"wastewater" means water containing waste, including sewage, or water that has been in contact with waste material and may include biodegradable industrial wastewater and domestic wastewater;

"water resource" means a source as defined in section 1 of the National Water Act, 1998 (Act 36 of 1998).

2. Principles and objectives

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

CHAPTER 1 HEALTH NUISANCES

3. Health nuisance

- (1) A health nuisance exists or occurs if any of the following occurs on land or premises:
 - (a) A water pool, ditch, gutter, dung pit or heap is so foul or in such a state or so situated or constructed to be injurious or dangerous to health;
 - (b) an accumulation of waste or other matter occurs which is injurious or dangerous to health;
 - (c) when engaging in an controlled activity as contemplated in the National Water Act, 1998 (No 36 of 1998) section 37(1)(a), irrigation of any land with waste water or water containing waste generated through any industrial activity or by a water work and such activity;
 - (i) does not comply with regulation 2 of the General Authorizations No 1191 published in Government Gazette No. 20526 dated 8 October 1999, promulgated in terms of section 63 of the National Water Act, 1998 (Act No. 36 of 1998) and amended by Government notice 399 dated 26 March 2004 Gazette no. 26187; or,
 - (ii) where the general authorization does not apply, does not comply to any condition of the license authorizing such water use in terms of section 22 of the National Water Act, 1998 (No. 36 of 1998); or,
 - (iii) does not comply to any limitation, restriction or prohibition in terms of the National Water Act, 1998 (No. 36 of 1998) or any other applicable law; or

- (iv) does not comply with the "Guide: Permissible utilization and disposal of treated sewage effluent", 1978. Department of National Health and Population Development Report No. 11/2/5/3, as amended from time to time (obtainable from the Department of Health).
- (d) Where waste water or water containing waste is discharged into a water resource through a pipe, canal, sewer, sea outfall or other conduit and such activity does not;
 - (i) comply with regulation 3 of the General Authorizations No 1191 published in Government Gazette No. 20526 dated 8 October 1999, promulgated in terms of section 63 of the National Water Act, 1998 (Act No. 36 of 1998) and amended by Government Notice 399 dated 26 March 2004 Gazette no. 26187; or,
 - (ii) where the general authorization does not apply, comply to any condition of the license authorizing such water use in terms of section 22 of the National Water Act, 1998 (No. 36 of 1998); or,
 - (iii) comply to any limitation, restriction or prohibition in terms of the National Water Act, 1998 (No. 36 of 1998) or any other applicable law.
- (e) where sewage sludge is disposed of or utilized in a manner that does not comply with the guidelines for the utilization and disposal of waste water sludge as published by the Department of Water Affairs and Forestry as revised by the department from time to time.
- (f) a building, structure or enclosure is –
 - (i) so constructed, situated, used or kept as to be injurious or dangerous to health;
 - (ii) kept or permitted to remain in a state as to be injurious or dangerous to health; or
 - (iii) infested with pests or vermin or in a state that is conducive to the breeding of pests or vermin;
- (g) a building, structure or enclosure is erected without first removing or decontaminating in an approved manner, any faecal, animal or vegetable waste disposed of on the land or premises; or
- (h) a building or structure is demolished without first eradicating all vermin;
- (i) a dwelling or any other premises is occupied for which no proper and sufficient supply of potable water is available as prescribed in terms of regulation 3 of GNR 509 of 8 June 2001: Regulations relating to compulsory national standards and measures to conserve water. Promulgated in terms of the Water Services Act, 1997 (Act 108 of 1997);
- (j) a dwelling or building is occupied for which no proper toilet facilities, as required in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), is available;
- (k) a dwelling or building is occupied which is not properly ventilated in accordance with the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977); or
- (l) a dwelling that is not ventilated so as to destroy or render harmless any gases, vapours, dust or other impurities generated which are dangerous to health;
- (m) a dwelling that is so overcrowded, lighted or ventilated as to be injurious or dangerous to the health of those employed therein or thereon; or cause or give rise to smells or effluvia which are dangerous to health.
- (n) conditions exist that are conducive and contributing to the spread of a contagious and communicable disease;
- (o) organic matter or animal waste are used or kept in a manner that attracts vector, vermin, or pests such as, but not limited to rats, mice, flies and

- mosquitoes;
 - (p) unhygienic conditions that may be injurious or dangerous to health are present on any part of the land or premises;
 - (q) a carcass or the remains of an animal, bird or aquatic fauna or any animal waste remains unburied or not suitably disposed of for more than 24 hours after death.
- (2) A health nuisance exists if –
- (a) pests, vermin, vector, from whatever source exists on any land or premises;
 - (b) any other activity, condition or thing declared to be a health nuisance under any law exists or occurs on or emanates from land or premises.

4. Prohibition on creation, existence or occurrence of a health nuisance

- (1) No person may, in any area under the jurisdiction of the municipality –
- (a) create a health nuisance;
 - (b) perform any act which may cause a health nuisance;
 - (c) organise, allow or permit an activity, event or function in or on land or premises, or use, cause, allow or permit to be used land or premises for a purpose which by its nature or otherwise or by reason of its consequences creates or is likely to create a health nuisance;
 - (d) unless he or she is authorised or permitted by law to do so or does so with the written permission of the municipality and in accordance with any conditions imposed by the municipality-
 - (i) in a public place activate, handle or use any material, object or thing which is likely to cause a health nuisance;
 - (ii) introduce into or handle in a public place any material, object or thing or any liquid or solid substance which by its nature or by reason of the manner of its introduction or handling creates a health nuisance;
 - (e) carry, convey, or cause or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become dangerous to health, unless such objectionable material or thing is covered with a suitable material to prevent the creation of any health nuisance;
 - (f) by an action directly or indirectly or by negligence allow that a health nuisance be created or continued.
- (2) A person who contravenes a provision of subsections (1) commits an offence.

5. Duty to eliminate or reduce a health nuisance

- (1) (a) The owner, occupier or user of land or premises must –
- (i) ensure that a health nuisance does not exist or occur on his or her land or premises; and
 - (ii) within 24 hours of becoming aware of the existence of a health nuisance on the land or premises report the existence of the health nuisance to the municipality and eliminate the health nuisance –
- (b) The owner of land or premises must ensure that a health nuisance as defined in section 3(1)(k), (l) and (m) does not occur on his land or premises and within 24 hours of becoming aware of the existence of a health nuisance on the land or premises report the existence of the health nuisance to the municipality and eliminate the health nuisance.
- (c) For the purposes of subsection (1)(a), the owner, occupier or user of land or premises must, for the purpose of eliminating or reducing the quantity of -
- (i) flies, use best practice methods;
 - (ii) mosquitoes –

- (aa) drain accumulated water at least once every seven days;
 - (bb) by making use of best practice methods to control mosquitoes and their larvae
 - (cc) in the case of wells, provide a mosquito-proof cover and a pump;
 - (dd) fit tanks, barrels and similar containers in which mosquitoes may breed with mosquito-proof covers or mosquito wire gauze screens in a manner that prevents mosquitoes gaining access to water contained in them; and
 - (ee) regularly clear clogged or sagging gutters and down pipes so that stagnant water cannot accumulate in them; and
- (iii) vermin, use mouse traps or vermin poison or any other best practice methods.
- (2) The owner, occupier or user of land or premises must ensure that every well, hole, pit, reservoir, pond or excavation thereon is not filled in a way, or with any material, that may cause an adjacent well, borehole or underground water source to be polluted or contaminated.
- (3) The occupier must cause all waste to be placed in refuse receptacles provided by the owner or by the responsible authority to be disposed of in a manner contemplated in section 27.
- (4) The owner, occupier or user of land or premises must dispose of any hazardous material or substance in such a way that it will not cause a health nuisance or pollute a water body, water source, borehole or underground water source.
- (5) The owner, occupier or user of land or premises who contravenes a provision of subsection (1), (2), and (4), or the occupier who contravenes a provision of subsection (3) commits an offence.

CHAPTER 2 KEEPING AND SLAUGHTERING OF ANIMALS

6. Application of Chapter

- (1) This Chapter applies to any owner or person in charge of an animal, bird or poultry, fish or crustaceans who keeps an animal, bird or poultry, fish or crustaceans for whatever purpose, on land or premises of which he or she is the owner, occupier or user within the jurisdiction of the municipality.
- (2) A person who keeps an animal, bird, poultry, fish or crustaceans in terms of an approved land use, or on premises or land zoned for agricultural purposes, is not exempt from the provisions of this by-law or other legislation with regard to the inception or bringing about of a health nuisance.

7. Keeping and slaughtering of animals

- (1) The owner of an animal, bird, poultry, fish or crustaceans or the owner, occupier or user of land or premises may not keep or slaughter such animal, bird, poultry, fish or crustaceans in or on a building, structure or enclosure in a manner that constitutes a health nuisance.
- (2) A person who contravenes subsection (1) commits an offence.

8. Carcasses

- (1) The owner of an animal, bird, poultry, fish or crustaceans or the owner, occupier or user of land or premises must within 24 hours, in accordance with subsection (3), dispose of the carcass of an animal, bird, poultry, fish or crustaceans that has died on such premises or land.
- (2) Should an owner of an animal, bird, poultry, fish or crustaceans or owner, occupier or user of land or premises fail to dispose of a carcass, the health officer may arrange for the disposal of the carcass and may recover the cost involved from the owner of the animal, bird, poultry, fish or crustaceans or the owner or user of the land or premises.
- (3) A person contemplated in subsection (1) and (2) must dispose of a carcass in one of the following manners:
 - (a) He or she must take steps to remove the carcass or have it removed by a person authorized to do so in terms of the responsible authority's waste regulations;
 - (b) if the premises are suitable, he or she may bury the carcass at a depth which completely covers the whole carcass so that it cannot be dug up by an animal or cause a health nuisance; or
 - (c) if the animal died of a disease, he or she must deal with the carcass in accordance with paragraph (a).
- (4) Sections (1) to (3) do not apply in the instance where an animal, bird or poultry is slaughtered for the purpose of human or animal consumption.
- (5) No person may carry or convey through or along a street the carcass of an animal, bird or poultry, fish, crustaceans, animal waste or offal unless it is contained and covered to prevent potential spillage.
- (6) No animal, bird, poultry, fish or crustaceans may be kept on any land or premises under such conditions and in such close proximity to any building or facility that in the opinion of the municipality the condition be injurious or dangerous to the health of the occupants of neighbouring buildings or facilities.
- (7) A person who contravenes a provision of subsections (1) to (6) commits an offence.

CHAPTER 3 ANIMAL ESTABLISHMENTS

Part 1: Dog kennels and Catteries

9. Requirements relating to premises

- (1) The person who owns or operates a dog kennel or cattery must ensure that the premises comply with the following requirements:
 - (a) a concrete apron must be provided and graded for the drainage of all waste water away from the building or structure, and such water must be discharged into a sewer or other approved system;
 - (b) all loose foods must be stored in rodent free receptacles with close fitting lids in a store room;
 - (c) isolation facilities must be provided for sick dogs and cats and the facilities must be of durable material and constructed so as to be easily cleaned and disinfected;
 - (d) all animal waste must be stored in solid containers with tight fitting lids and must be removed on a daily basis from the premises and disposed of in an approved manner;
 - (e) all animal cages or holding enclosures must be cleaned on a daily basis and be kept in a hygienic and odour free condition; and
 - (f) all catteries and kennels must be operated in such a manner as not to

constitute a health nuisance.

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

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

Part 2: Pet shops and parlours

10. Requirements relating to premises and employees

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

- (a) Toilet facilities and a wash basin which is supplied with running water must be provided for those employed on the premises;
- (b) no more than 70% of the floor area of the premises may be covered by cages or goods incidental to the business;
- (c) All cages must be –
 - (i) made entirely of a non-corrosive easy cleanable material fitted with duplicate impervious movable trays and all tubular fittings must be closed at the ends; and
 - (ii) be placed in such a manner to facilitate cleansing and so arranged that the bottoms thereof are not less than 450mm above the level of the floor or yard, as the case may be;
- (d) storage space which is rodent-proofed, must be provided for animal bedding on the premises;
- (e) meat, fish or perishable foodstuff used in the feeding of an animal and stored in a pet shop, must be stored in a refrigerator which can maintain a temperature not exceeding 7°C;
- (f) accommodation for all animals kept on the premises must be provided;
- (g) additional accommodation which is properly separated from the pet shop must be provided for the keeping of a sick or apparently sick animal;
- (h) all animal waste must be stored in solid containers with tight fitting lids and must be removed on a daily basis from the premises and disposed of in an approved manner; and
- (i) all animal cages or holding enclosures must be cleaned on a daily basis and be kept in a hygienic and odour free condition.

(2) No person may conduct the business of a pet shop or pet parlour in any building, structure or enclosure which has direct access to, or has a door, window or other opening within four metres of any door, window or other opening to any habitable room or any room in which clothing or food for human consumption is stored, processed or sold.

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

CHAPTER 4 ACCOMMODATION ESTABLISHMENTS

11. Application of Chapter

This Chapter applies to a person who owns or carries on the business of providing accommodation for gain in an accommodation establishment on premises within the municipal area.

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

- (1) No person shall use any building as an accommodation establishment unless-
- (a) it is in good structural condition outside and inside and in a proper state of repair;
 - (b) not less than one bathroom is provided for the first eight lodgers, with one additional bathroom for every additional twelve lodgers or part thereof;
 - (c) every bathroom-
 - (i) is provided with a hand wash-basin;
 - (ii) is provided with a bath or shower; and
 - (iii) is provided with an adequate supply of cold and or hot running water.
 - (d) sanitary conveniences are provided on the basis of one convenience for the first eight lodgers and thereafter one convenience for every additional twelve lodgers or part thereof: provided that a sanitary convenience shall not be installed in the same room as a bath or shower, en-suite bathrooms excluded.
 - (e) the faecal matter arising in respect of the accommodation is properly stored and, except where pit latrines or a method for the adequate treatment of such matter by means of an enzymatic or chemical process is provided, is properly removed and disposed of;
 - (f) a receptacle with a close-fitting lid is provided in a latrine
 - (g) the household refuse arising in respect of the accommodation is properly removed and disposed of at least once a week;
 - (h) all water supply fittings and fittings that relate to sanitation and ablution are in a working order.
- (2) Should a proprietor not comply with a provision of subsection (1), the municipality may act in terms of section 33 or 34.

13. Preparation and serving of food

A proprietor who prepares or serves food on the premises for consumption by a guest, irrespective if the guest pays separately for the food or if a charge for the food is included in the accommodation costs, must comply with the provisions of the Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food, published under Government Notice No. R918 of 30 July 1999.

14. Premises

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

CHAPTER 5 CHILD CARE FACILITIES AND INSTITUTIONS

15. Structural and other requirements

- (1) A Childcare facility must comply with the following requirements:
- (a) The walls and floors of classrooms must be of a smooth, splinter free, waterproof and easily washable material. Where paint is applied, only non toxic paint are allowed.
 - (b) Classrooms must have enough windows to ensure adequate ventilation; provided that effective cross-ventilation is possible and that windows are allowed to open and that such openings shall have a surface equal to at least 5% of the floor area of the room concerned and lighting; provided that windows shall be transparent with an area equal to at least 10% of the floor area of the room concerned.

- (c) Roofs must be waterproof at all times.
- (d) Ceilings should be provided and must be clean and dustproof at all times.
- (e) A separate office area must be provided for administration and staff activities
- (f) A separate sick bay area away from the other children must be provided.
- (g) Adequate storage facility must be provided for the storage of mattresses in an upright or hanging position.
- (h) Adequate storage facility must be provided for the storage of medicines, cleaning agents, liquid fuels, gas containers or any other poisonous or potentially harmful material, as well as toys and utensils so that it can be stored safely and out of reach of children.
- (i) All working surfaces should be smooth, waterproof, splinter free and washable.
- (j) There must be at least 2 m² of indoor space available per baby (1 to 24 months) and 1.5 m² indoor space available per toddler (2 to 7 years). If no outdoor space is available, the indoor space must be 2.5 m² per toddler. There must also be at least 1 m² of outdoor space available for the first 30 children.
- (k) There must be at least one toilet available for every twenty children and one potty for every five babies. Toilet bowls, potties and seats must be disinfected daily. Separate toilet facilities are required for staff members.
- (l) If babies up to twenty four months are accommodated, a separate facility for the washing of potties and the daily washing of nappies must be provided.
- (m) A kitchen or a food handling/preparation facility must comply with the provisions of the Regulation Governing General Hygiene Requirements for Food Premises and the Transport of Food, published under Government Notice No. R918 of 30 July 1999.
- (n) At least one hand wash basin for every twenty children or one bucket for every ten children must be available. Clean water shall be available for the washing of children's hands. Soiled water must be disposed of in an approved manner. Soap and a drying cloth must be available at every hand wash basin.
- (o) Sandpits must be treated every six weeks with salt and must be covered after hours in order to make it inaccessible to animals.
- (p) The outdoor play area must be fenced with self closing gates.

16. Exemptions, additional requirements and reservations

- (1) A Health Officer may exempt a childcare facility from any of the provisions in sections 15 (1) of this bylaw if he or she is satisfied that the granting of such exemption does not or will not result in conditions that constitute a health nuisance.
- (2) An exemption referred to in this section -
 - (a) shall be withdrawn by the Health Officer on the grounds of an inspection if he or she is of the opinion that such exemption will result in conditions that constitute a health nuisance.
- (3) Notwithstanding the provisions of section 15, all childcare facilities legally in operation at the time of promulgation of this by-law shall be exempted from complying for a period of one (1) year from the date of such promulgation.
- (4) A Health Officer may, on the grounds of an inspection, set additional requirements to be met on any childcare facility where, despite compliance with any provision contained in these bylaws, a health nuisance exists which is not provided for in these regulations, which additional requirements shall, subject to the principles of the best available method, be limited to the minimum necessary to remove the health nuisance in question.

17. Non compliance

Should an owner or person in charge of a child care facility fail to comply with the provisions of section 15 or any conditions or requirements imposed in terms of section 16, the municipality may act in terms of Sections 33 or 34.

**CHAPTER 6
PUBLIC SWIMMING POOLS AND SPA-BATHS**

18. Duties of a swimming pool and spa-bath manager

- (1) A swimming pool and spa-bath manager must-
 - (a) at all times keep the premises in a safe, clean and sanitary condition; and
 - (b) ensure that the water is at all times purified, treated and maintained to the standards mentioned in section 21.
- (2) A person who operates a swimming pool or spa bath in contravention of the provisions of subsection (1) commits an offence.

19. Water supply

- (1) A person who operates a swimming pool or spa bath may, for the purpose of cleaning, filling or maintaining the water level in a swimming pool or spa bath, only use water from an approved source.
- (2) The Health Officer may take samples of the water for the purpose of chemical analysis or bacteriological analysis at times that he or she considers appropriate.
- (3) A person who contravenes subsection (1) commits an offence.

20. Provision of sanitary fixtures and public amenities

- (1.) Any person who carries on a public, swimming pool, shall comply with the requirements prescribed by this regulation.
- (2) Water latrine facilities shall be provided as follows:
 - (a) In the case of a swimming pool having a water surface equal in or less than 300m², at least three latrines for each sex, of which one of the latrines intended for males may be replaced by a urinal or urinal space of at least 600mm in length; or
 - (b) in the case of a swimming pool having a water surface greater than 300m², one latrine for each sex for every addition water surface area of 250m² or part thereof. Provided that in the case of latrines for males, up to maximum of 25% of the required number of latrines may be replaced by urinals or urinal spaces of at least 600mm in length each.
- (3) Where swimming pool facilities are available at an accommodation undertaking or cluster housing premises as part of the general amenities, separate latrine and ablution facilities shall not be required if adequate facilities are available within a reasonable distance of the pool.

21. Water Safety

- (1) The water in a public swimming pool shall be effectively filtered continuously during the period in which swimming takes place and when water must be treated effectively by an approved method of disinfecting and, even if chlorinated, must at any time conform to the following standards (sampling to be done in the morning before swimming commence)-
 - (a) the water must be free from floating, suspended or settled debris or swimming organisms and the walls, floor, access ladders or steps and gutters must be free from slime or algae;
 - (b) the keeper of the swimming pool must ensure that water in the pool at all times contains 0,5 to 1,0 mg/l, free or available chlorine and that faecal Escherichia

coli are absent in a sample of 100 ml of the swimming-bath water; and must further ensure that the pool is at all times kept free from snails.

- (c) where an approved disinfectant other than chlorine is used or is found naturally in the water, it shall be equivalent in effect to the residual level of the chlorine prescribed in paragraph (b);
- (d) the pH of the water may not be less than 7,0 and not more than 7,6; and
- (e) best practise methods should be practised to ensure safe water quality.

22. Offences

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

CHAPTER 7 BARBERS, HAIRDRESSERS, BEAUTICIANS, BODY PIERCERS AND TATTOOISTS

23. Health requirements

(1) No person may use the premises of a salon for a purpose other than for the carrying on of the business of barber, hairdresser, beautician, body piercer or tattooist.

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

- (a) install or have available in the salon an appliance or other means whereby an instrument that has come into contact with human skin, hair or bodily fluid, such as, but not limited to, blood, must be sterilized or disinfected;
- (b) ensure that only professional tattooing and body piercing machines designed and assembled in a manner which prevents contamination of sterilized needle sets may be used for applying permanent tattoos or body piercing, and all tubes and needles must be stored in single service, sterile, sealed autoclave bags which must be opened in the presence of the client;
- (c) after each use of a blade, razor, pair of scissors, comb, brush, roller, nail file, clippers, or other instrument which was applied to the human hair, nail or skin, dispose of disposable instruments or disinfect reusable instruments by applying a suitable disinfectant;
- (d) wear new disposable latex or nitrile examination gloves for the duration of a procedure where he or she implants hair, pierces or tattoos skin, or uses a chemical or chemical compound in an activity;
- (e) disinfect his or her hands before and after rendering any service to a client;
- (f) directly after treatment of the client, clean and disinfect a surface that has been contaminated by body fluid; and
- (g) dispose of any disposable glove or other disposable material after each use;
- (h) at least once a day wash, with a disinfectant, all clothing such as aprons and caps, all surfaces such as, but not limited to, walls, floors, counters and chairs;
- (i) dispose of all sharp instruments, bloodied and otherwise contaminated disposable towels and paper in accordance with section 27;
- (j) store sharp instruments such as, but not limited to, a razor, blade or needle in a separate container in accordance with section 27;
- (k) after each use, wash and clean all surfaces and towels;
- (l) generally keep the premises, tools, equipment and clothing in a hygienic condition at all times;
- (m) after every service, collect waste such as, but not limited to, hair clippings and towelling paper, and store or dispose of such waste in accordance with best practice methods;
- (n) ensure that no animal, excluding a guide dog accompanying a blind person,

- enters the premises; and
- (o) provide his or her employees with protective clothing, train any person working on the premises, and ensure that the employee complies with the provisions of this by-law.
- (3) A person who contravenes a provision of subsection (1) or (2) commits an offence.

24. Requirements for premises

- (1) A person who carries on the business of barber, hairdresser, beautician, body piercer or tattooist in a salon or another place, must ensure that the premises comply with the following:
 - (a) basins, with a supply of running hot and cold potable water, must be available for the washing of hair and hands;
 - (b) lighting, ventilation, water and toilet facilities as prescribed in the National Building Regulations and Buildings Standards Act, 1977 (Act 103 of 1977) must be provided;
 - (c) shelves, counters, table tops or other fixtures on which instruments are placed must be constructed of impervious material that is easy to clean;
 - (d) adequate facilities for the storage of clothes, instruments and appliances must be provided;
 - (e) facilities for the disposal of waste water must be provided; and
 - (f) the walls and floors must be constructed of materials that are easy to clean.
- (2) Should the owner, occupier or person in charge of the premises upon which the business is carried on fail to comply with a provision in subsection (1), the municipality may act in terms of section 33 or 34.

**CHAPTER 8
WASTE MANAGEMENT**

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

25. Recovery, storage and disposal of waste

- (1) Waste must be recovered, stored, transported and disposed of –
 - (a) without endangering human health;
 - (b) without the use of processes or methods likely to harm or pollute the environment; and
 - (c) in a manner that does not create a health nuisance.
- (2) A person who contravenes subsection (1) commits an offence.

Part 2: Hazardous Waste

26. Applicable legislation

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

27. Storage of hazardous waste

- (1) An empty container in which hazardous waste such as, but not limited to, pesticides was stored is to be treated as hazardous waste, and –
 - (a) must be stored in such a manner that –
 - (i) no pollution of the environment occurs at any time;
 - (ii) no health nuisance is created at any time;

- (b) while being stored on site, must be clearly marked or labelled with the words "Hazardous Waste";
 - (c) the owner or occupier of the land must fence off the storage area to prevent unauthorised access; and
 - (d) shall be dealt with as Class 6 waste as described in the Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste (Second Edition, 1998) as published by the Department of Water Affairs and Forestry and as amended from time to time.
- (2) A person who contravenes a provision of subsection (1)(a) to (d) commits an offence.

CHAPTER 9 WATER AND SANITATION

28. Applicable legislation and enforcement

- (1) The municipality, taking cognisance of the provisions of the National Water Act, 1998 (Act 36 of 1998), adopts the provisions in this Chapter.
- (2) The municipality, taking cognisance of the provisions of the Water Services Act, 108 of 1997 and of the Regulations relating to Compulsory National Standards and Measures to Conserve Water published under GN R509 dated 8 June 2001, adopts the provisions in this Chapter.
- (3) Within the powers conferred upon the municipality by the National Health Act, 2003 (Act No. 61 of 2003), the municipality may act in terms of section 33 or 34 of this by-law where the non-compliance with any of the provisions of the Act and Regulations contemplated in sub-sections (1) and (2) constitutes a health nuisance.

29. Duties and prohibitions

- (1) An owner, occupier or user of land or premises must –
 - (a) keep every water passage open and free of obstruction from matter which may impede the flow of water or effluent so as to prevent the creation of a health nuisance;
 - (b) construct a bund wall around a tank, or group of tanks, that contain a substance that can create pollution, of a size that contains the volume of the largest tank in the event of any unlawful or accidental discharge from the tank or group of tanks;
 - (c) clean any industrial surface area so as to prevent the pollution of storm water which may result in adverse impacts on the quality of any surface and ground water; and
 - (d) ensure that a dam, conduit or channel that is used for the containment of waste water has 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.
- (2) An owner or occupier of land or premises may not –
 - (a) locate any dump within the one hundred year flood line of any water resource; or
 - (b) use coal, coal discard, carbonaceous material or any other material for the construction of any slurry, evaporation or catchment dam, or any embankment, road or railway in a way likely to create an environmental health nuisance.
- (3) A person who contravenes a provision of subsection (1) or (2) commits an offence.

**CHAPTER 10
DISPOSAL OF CORPSES AND DISTURBANCE OF MORTAL REMAINS**

30. Disposal of corpses

- (1) No person may inter a corpse in such a manner that it constitutes a health nuisance.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

31. Disturbance of mortal remains

- (1) Subject to the provisions of an exhumation order given in terms of section 3(4) of the Inquests Act, 1959 (Act 58 of 1959), and any other provision of any Act relating to the exhumation of corpses, no person may, without a Health Officer being present:
 - (a) disturb a corpse or mortal remains or the ground surrounding it in a cemetery;
 - (b) open a grave;
 - (c) remove a corpse from a grave; or
 - (d) exhume or cause a corpse to be exhumed during such time as the cemetery is open to the public.
- (2) No person may re-open a grave for the purpose of interring a second corpse in the same grave unless –
 - (a) the grave was initially made deeper for this purpose, and if not made deeper, then only 30 days after a period of 5 years since the interment of the first corpse;
 - (b) for purposes of burial of a receptacle containing ashes, the depth does not exceed 300 mm; and
 - (c) the consent of the local municipality has been obtained.
- (3) A person who contravenes a provision of subsection (1) or (2) commits an offence.

**CHAPTER 11
ENFORCEMENT**

32. Health Officer

Sections 80 to 89 of the National Health Act, 2003 (Act 61 of 2003) apply, with the necessary changes, to the appointment, responsibilities and powers of the Health Officer, and offences relating to such officer.

33. Notice of compliance and submissions

- (1) Where a Health Officer has reasonable grounds to believe that a person fails to comply with any requirement of this by-law, or that such a person is in contravention of any provision of this by-law, he or she may serve a notice of compliance on the person, which notice must state –
 - (a) the name and residential or postal address of the person;
 - (b) the requirement which has not been complied with or the provision which has been contravened;
 - (c) that the person must within a specified period take measures to comply with the notice and to complete the measures before a specified date; and
 - (d) that the person may within 14 days appeal in form of a sworn statement to the municipality at a specified place.
- (2) The municipality, when considering any measure or period envisaged in subsection (1)(c) or (d), must have regard to the principles and objectives of this by-law, the nature of the non-compliance, and other relevant factors.
- (3) Where a person does not appeal in terms of subsection (1)(d) and the person fails to take the measures before the date contemplated in subsection (1)(c), he or she commits an

offence, and the municipality may, irrespective of any fines which may be imposed under section 42, act in terms of subsection (5).

- (4) (a) Submissions not lodged within the time contemplated in subsection (1)(d) will not be considered, except where the person has shown good cause and the municipality condones the late lodging of the representations.
- (b) The municipality must consider the timely submission and any response thereto by the Health Officer.
- (c) The municipality may, on its own volition, conduct any further investigations to verify the facts if necessary, and the results of the investigation must be made available to the person making a submission who must be given an opportunity of making a further response if he or she so wishes, and the municipality must also consider the further response.
- (d) The municipality must, after consideration of the submission and any response and further response make an order in writing and serve a copy of it on the person, which order must confirm, in whole or in part, alter, or set aside the notice of compliance, and where the notice of compliance is confirmed, in whole or in part, or altered, the municipality must inform the person that he or she must, within the period specified in the order, discharge the obligations set out in the order and that failure to do so constitutes an offence.
- (e) Where a person fails to discharge the obligations contemplated in paragraph (d), he or she commits an offence and the municipality may, irrespective of any fines which may be imposed under section 42, act in terms of subsection (5).
- (5) The municipality may take such measures as it deems necessary to remedy the situation, and the cost thereof must be paid to the municipality in accordance with section 37.

34. Prohibition notice

- (1) A Health Officer may, after inspecting premises, serve a prohibition notice prohibiting the premises from being used for specified purposes and require measures to be taken to ensure that this occurs, on one or more of the following persons:
- (a) the owner or occupier of the premises if the municipality reasonably believes that the premises are being used for a purpose or in a manner that is causing a health nuisance;
- (b) any person who is carrying on an activity or using premises for a purpose or in a manner that the municipality reasonably believes is causing a health nuisance; or
- (c) a person on whom a compliance notice was served if the municipality reasonably believes that that person has not complied with the compliance notice.
- (2) The municipality must give the person on whom he or she intends serving a prohibition notice a reasonable opportunity to make representations before serving the notice unless the municipality reasonably believes that the delay in doing so would compromise environmental health, in which case the person on whom a prohibition notice is served must be given reasonable opportunity to make representations why it should be withdrawn.
- (3) A prohibition notice must state –
- (a) the reasons for serving the notice;
- (b) whether or not the municipality will withdraw the notice if certain measures are taken, and if so, the measures that must be taken;
- (c) the possible consequences of failing to comply with the notice; and
- (d) how to appeal against the notice.
- (4) Unless a prohibition notice provides otherwise, it comes into effect when it is served under subsection (1) and remains in force until it is withdrawn.

- (5) The Health Officer must as soon as possible affix a copy of the notice in a conspicuous position on the premises.
- (6) It is a defence for anyone charged with failing to comply with a prohibition notice if he or she can prove that –
- (a) he or she did not know of the existence of the prohibition order and could not reasonably be expected to have known of its existence; and
 - (b) he or she had complied with the prohibition notice within 48 hours of the time that the notice was affixed to the premises in terms of subsection (5).

35. Withdrawal of prohibition notice

- (1) The municipality must, within 48 hours of receiving a written request for the withdrawal of a prohibition contained in a prohibition notice, carry out an investigation of the land or premises.
- (2) After completing the investigation, the municipality must inform, in writing, the person on whom the prohibition notice was served or that person's agent whether or not the prohibition has been removed or the prohibition order has been withdrawn.
- (3) The municipality may charge the owner or occupier of the land or premises where an investigation is carried out in terms of subsection (1), a prescribed fee for undertaking the investigation.

36. Municipal remedial work

- (1) The municipality may enter and conduct inspections at any premises, in accordance with the National Health Act, and do anything on the premises that it reasonably considers necessary –
- (a) to ensure compliance with this by-law or with a compliance notice or prohibition notice;
 - (b) to eliminate or reduce a health nuisance.
- (2) The municipality may conduct inspections of premises –
- (a) on a routine basis where the Health Officer reasonably believes that the premises are being used for a purpose contemplated in this by-law, and the purpose of the inspection is to determine whether or not the use complies with the provisions of this by-law;
 - (b) where a compliance notice relating to the premises has been issued in terms of section 33, and the purpose of the inspection is to determine whether or not the notice has been complied with;
 - (c) where the owner or occupier of the premises has failed to comply with a compliance notice that was issued in terms of section 33, or a prohibition notice that was issued in terms of section 34 directing that relevant measures be taken; or
 - (d) where the Health Officer has reasonable grounds to believe that a health nuisance, which is likely to endanger health, exists on the premises.
- (3) Before inspecting any premises or commencing any work in terms of this section, persons undertaking the inspection or commencing the work must identify themselves and explain their authority to the person apparently in control of the premises or the person who gave them permission to enter.
- (4) Any inspection undertaken or work commenced in terms of this section must be carried out at a reasonable time, taking into account the circumstances of the specific situation.
- (5) Any inspection conducted or work undertaken in terms of this section must be conducted with strict regard to decency and order, including –
- (a) a person's right to, respect for and protection of his or her dignity;
 - (b) the right of a person to freedom and security; and

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

37. Costs

(1) Should a person fail to take the measures required of him or her by a notice of compliance contemplated in section 33, the municipality may, subject to subsection (3) recover, as a debt, and in accordance with municipality's debt collection regulations, all costs incurred as a result of it acting in terms of section 36(1) from that person and any or all of the following persons:

- (a) the owner of the land, building or premises; or
- (b) the person or occupier in control of the land, building or premises or any person who has or had a right to use the land at the time when the situation came about.

(2) The costs recovered must be reasonable and may include, without being limited to, costs relating to labour, water, equipment, administrative and overhead costs incurred by the municipality.

38. Norms, standards and guidelines

(1) The municipality may determine and publish norms, standards and guidelines which describe appropriate measures that can be taken to eliminate the risk of any health nuisance occurring, continuing or recurring, or to reduce that risk to an acceptable level.

(2) The norms, standards and guidelines contemplated in subsection (1) may differentiate between communities, geographical areas and different kinds of premises.

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

CHAPTER 12 GENERAL PROVISIONS

39. Presumptions

(1) When an employee of a person in the course of his or her employment performs any act or is guilty of an omission which constitutes an offence under this by-law, the employer is deemed also to have performed the act or to be guilty of the omission and the employer is liable on conviction to the penalties referred to in section 42, unless the employer proves to the satisfaction of the Court that –

- (a) in performing the act or being guilty of the omission, the employee was acting without the employer's knowledge or permission;
- (b) all reasonable steps were taken by the employer to prevent the act or omission in question; and
- (c) it was not within the scope of the authority or the course of the employment of the employee to perform an act of the kind in question.

(2) The fact that an employer issued instructions forbidding any act or omission of the kind referred to in subsection (1) is not itself sufficient proof that he or she took all steps referred to in paragraph (1)(b).

(3) When an employer is by virtue of the provisions of subsection (1) liable for any act or omission of his or her employee, that employee shall also be liable to prosecution for the offence.

(4) In any prosecution for an offence under this by-law an allegation in the charge concerned that any place was situated in a street or public place or within a particular area or was a place of a specified kind, shall be presumed to be correct unless the contrary is proved.

40. Authentication and service of notices and other documents

- (1) A notice issued by the municipality in terms of this by-law is deemed to be duly issued if it is signed by the Health Officer.
- (2) Any notice or other document that is served on a person in terms of this by-law is regarded as having been duly served –
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;
 - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of the body corporate; or
 - (g) when it has been delivered, at the request of that person, to his or her e-mail address.
- (3) Service of a copy is deemed to be service of the original.
- (4) When any notice or other document is served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, or holder of the property or right in question, and it is not necessary to name that person.

41. Appeal

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

42. Penalties

- (1) Any person who contravenes or fails to comply with a provision of this by-law, a notice issued in terms of this by-law or a condition imposed under this by-law, irrespective of whether such contravention or failure has been declared as an offence elsewhere in this by-law, shall be guilty of an offence and liable upon conviction to:
 - (a) a fine or imprisonment, or either such fine or such imprisonment or both such fine and such imprisonment;
 - (b) in the case of a continuing offence, an additional fine or an additional period of imprisonment or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and
 - (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention.
- (2) All fees and fines recovered under this by-law shall accrue to the council and shall be used expressly for the implementation and application of this by-law.

43. Co-operation between municipalities and application

(1) In an effort to achieve optimal service delivery, the municipality may enter into agreements with the local municipalities within its area of jurisdiction in respect of the following:-

- (a) practical arrangements with regard to the execution of the provisions of this by-law;
- (b) recovery of costs and expenses;
- (c) subject to the provisions of section 86 of the Municipal Structures Act, 1998, mechanisms for the settlement of disputes with regard to the execution of powers or the matters on which there have been agreements;
- (d) any other matter regarded necessary by the district and local municipalities to achieve optimal service delivery.

44. Liaison forums in community

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

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

(2) The forums contemplated in subsection (1) may consist of-

- (a) a member or members of an interest group or an affected person in the spirit of section 2(4)(f) to (h) of the National Environmental Management Act, 1998 (Act 107 of 1998).
- (b) a member or members of a community in whose immediate area a health nuisance occurs or may occur;
- (c) a designated official or officials of the municipality; and
- (d) the councillor responsible for municipal health.

(3) The municipality may, in the implementation and enforcement of this by-law, -

- (a) request the input of a forum;
- (b) employ any skills or capacity that may exist in such a forum.

(4) A forum, or a person or persons, contemplated in subsection (2), may, on own initiative, having regard to the provisions of section 31 of the National Environmental Management Act, 1998 (Act 107 of 1998), submit an input to the municipality for consideration.

45. Exemptions

(1) Any person may by means of a written application, in which the reasons are given in full, apply to the municipality for exemption from any provision of this by-law.

(2) The municipality may -

- (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted must be stipulated therein;
- (b) alter or cancel any exemption or condition in an exemption; or
- (c) refuse to grant an exemption.

(3) In order to consider an application in terms of subsection (1), the municipality may obtain the input or comments of the owners or occupants of surrounding premises.

(4) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (2), however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.

(5) If any condition of an exemption is not complied with, the exemption lapses immediately.

46. Repeal of by-laws

The following by-laws are hereby repealed:

- (1) Any by-law previously promulgated by the municipality or any of the disestablished municipalities now incorporated into the municipality, in so far as it relates to any matter provided for in this by-law; and
- (2) Any by-law previously promulgated by the local municipalities within the jurisdictional area of Cape Winelands District Municipality, or any of the disestablished municipalities now incorporated into the said municipalities, in so far as it has been made applicable to Cape Winelands District Municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 1998 (Act 117 of 1998).

47. Short title and commencement

This by-law may be cited as the Cape Winelands Municipal Health By-law and shall come into operation on the date of publication thereof in the Provincial Gazette.

Final draft

IPHEPHA LEENGXOXO

**UMTHETHO WEMPILO KWEZENDALO
CAPE WINELANDS DISTRICT MUNICIPALITY**

Phantsi kwezindululo zomhlathi -156 womgaqo-siseko we-Republic of South Africa uMasipala we -Cape Winelands District Municipality, wenza oku kulandelayo:-

IZIQULATHO

1. Iinkcazelo
2. Imithetho kunye nemithetho-siseko

ISAHLUKO 1: IINGOZI ZEMPILO YEZENDALO NEMIQOBO YEMPILO

3. Ingozi yempilo kwezendalo nemiqobo yempilo
4. Ukurhoxisa ekwenzeni, kubukho okanye ekwenzekeni kwengozi yempilo kwezendalo okanye imiqobo yempilo.
5. Umsebenzi wokuphelisa okanye ukunciphisa ingozi yempilo kwezendalo okanye umqobo wempilo.

ISAHLUKO 2: UKUGCINWA KWEZILWANYANA

6. Umsebenzi wesahluko
7. Ukugcinwa kwezilwanyana
8. Imizimba yezilwanyana ezixheliweyo

ISAHLUKO 3: IZISEKO ZEZILWANYANA

Indima 1: Izindlu zezinja nezeekati

9. Okufunekayo ngokuphathelele kwiindawo

Indima 2: Iivenkile zezilwanyana namagumbi okulindela

10. Okufunekayo ngokuphathelele kwiindawo nakubasebenzi

ISAHLUKO 4: IZISEKO ZENDAWO

11. Umsebenzi wesahluko
12. Okufunekayo ngokuphathelele kwizakhiwo, amanzi nokususwa kwenkunkuma
13. Ukwenziwa nokuphakwa kokutya
14. Izakhiwo

ISAHLUKO 5: IZINTO ZABANTWANA NEENDAWO EZIBANAKEKELAYO

15. Izakhiwo kunye nokufunekayo
16. Ukukhululwa, ezinye izinto ezongezelelweyo eziifunekayo
17. Ukungathobeli

ISAHLUKO 6: IINDAWO ZOKUDADA NEZOKUZIPHOLISA

18. Imisebenzi yomntu ophethe indawo yokudada
19. Unikezelo lwamanzi
20. Ubonelelo ngezinto zococeko nezinto zasekuhlaleni
21. Ukhuseleko lwamanzi
22. Ukwaphula umthetho

ISAHLUKO 7: IINDAWO ZOKUCHEBA IINWELE, EZILUNGISA IINWELE, EZONOBUHLE, EZIGQOBHOZA UMZIMBA NEZIZOBA UMZIMBA

23. limfuneko zempilo
24. limfuneko zesakiwo

ISAHLUKO 8: UKUPHATHWA KWENKUNKUMA

Indima 1: Amalungiselelo jikelele ngokuphathelele ekucholweni nasekulahlweni kwenkunkuma

25. Ukucholwa, ukugcinwanokulahlwa kwenkunkuma

Indima 2: Inkunkuma enobungozi

26. Umthetho osetyenziswayo
27. Ukugcinwa kwenkunkuma enobungozi

ISAHLUKO 9: AMANZI NOCOCEKO

28. Umthetho osebenzayo nonyanzeliswayo
29. Imisebenzi nezithinteli

ISAHLUKO 10: UKULAHLWA KWEZIDUMBU NAMALUNGU ASELEYO ESIDUMBU

30. Ukulahlwa kwesidumbu
31. Ukuphazanyiswa kwamalungu aseleyo

ISAHLUKO 11: UNYANZELISO

32. Igosa lezempilo
33. Isaziso sokuthobela nokufakiweyo
34. Isaziso sokurhoxisa
35. Ukuyekiswa kwesaziso sokurhoxiswa
36. Umsebenzi olungisayo kamasipala
37. lindleko
38. Izithethe, amabakala nezikhokelo

ISAHLUKO 12: IZIBONELELO JIKELELE

39. Ubunganga
40. Ukungqinelana neenkonziso zezaziso namanye amaxwebhu
41. Isibheni
42. Izohlwayo
43. Intsebenziswano phakathi koomasipala nomsebenzi
44. Amaziko othethathethwano asekuhlaleni
45. Ukuvunyelwa
46. Ukubhangiswa kwemithetho
57. Isihloko esifutshane nokuqala

1. linkcazelo

Kulo mthetho ngaphandle kokuba umxholo uthetha okunye: -

"ukusekwa kwendawo" kuthetha indawo apho kunikwa indawo yokuhlala nokutya okanye ngaphandle kwako;

"isilwanyana" kuthetha nasiphi na isilo, igusha, ibhokwe, ihagu, inkukhu, inkamela,inja, ikati, okanye nasiphi na isilo sasekhaya okanye intaka, okanye nasiphi na isilo sasendle okanye esirhubuluzayo esigciniweyo okanye esiphantsi kweliso lomntu osinakekelayo;

"isifo sesilwanyana" kuthetha ukonakala okanye ukuphazamiseka komsebenzi wesiqhelo walo naliphi na ilungu okanye umzimba waso nasiphi isilwanyana okubangelwe yinto;

"inkunkuma yesilwanyana" kuthetha ituwa, umgquba, amaqhekeza, iinwele okanye uboya, amathambo, iimpondo, igazi, nezinye izinto zesilwanyana, intaka okanye inkukhu;

"ukuvunywa" kuthetha ukuvunywa ngumasipala, ngokuphathelele kwiimfuno zendalo kwimeko ethile;

"usana" ithetha umntwana ongaphantsi kweminyaka emibini;

"umchebi zinwele umlungisi zinwele, owonobuhle, umgqobhozi mzimba okanye umbhali mzimba" kuthetha umntu owenza umsebenzi wokucheba iinwele, wokulungisa iinwele, wonobuhle, wokugqobhoza umzimba okanye wokubhala umzimba kwindawo yoko okanye nakweyiphi na enye indawo, enendawo yeshishini enenye yezi ndawo zilandelayo okanye iinkonzo eziyeleleneyo okanye imisebenzi eyeleleneyo, okanye indibanisela yazo, eyenziwa kumzimba wendoda okanye umfazi:

- (a) Ukucheba, ukusheva, ukulungisa, ukuthambisa, ukucoca, ukufaka ikhemikhali(kufana kodwa akuphelelanga) ukurelaxer, straightening nokufaka umbala (kufana kodwa akuphelelanga ekutshintsheni umbala, ekufakeni omnye umbala nokuba sisigxina okanye akusosigxina kuthetha, kubandakanya ukusebenzisa kwezinto ezopulayo zombala, ishampu, ijel i-mousses, nezikhanyisi ngohlobo lwethinti, bleaches, izikhanyisi okanye ukulungiswa kweenwele entlokweni yomntu;
- (b) ngaphandle kokuchazwe kumhlathi (a) ukususa iinwele ngohlobo, kodwa akupheli apho, lwe-wax, ii-khemikali (ezinjenge kodwa zipheli kwi delipatories), ngohlobo lombane, nokuba buyasetyenziswa okanye abusetyenziswa ubushushu kuyo yonjke le misebenzi;
- (c) ukulungisa iinwele ngohlobo lwe-trichology;
- (d) ukongeza kwiinwele zendalo okanye ezingezizo ngohlobo , kodwa akupheleli kwisongezelelo, umsebenzi weentshebe, okanye iwiki;
- (e) ukulungisa, ukusheva okanye ukuthinta amashiya okanye ukusebenzisa into engeyiyo yamashiya;
- (f) ukukhathalelwa kolusu, kubandakanya kodwa akupheleli kwizithambisi;
- (g) ukusebenzisa izinto zeenzipho, ezifana kodwa azipheleli kwiring, pedicuring, okanye ukusebenzisa izinto ezingezizo ezeenzipho;
- (h) ukugqozwa kolusu ("ukugqobhoza umzimba") okanye ukubhala umzimba,
- (i) ukumasaja;
- (j) ukutshintsha umbala ngohlobo olufana, kodwa aluphelelanga kwi-ultraviolet radiation; kunye
- (k) noyilo olufana kodwa aluphelelanga, ekunciphiseni umzimba

"inkunkuma yamanzi avela kwimizi mveliso" kuthetha amanzi alahliweyo anenkunkuma yasezifemini nakwizindlu ezibandakanya, kodwa azipheleli -

- (a) ekulungisweni kobisi
- (b) ekwenzeni imveliso yeziqhamo nemifino;
- (c) emaphikweni eswekile;
- (d) ekwenziweni nasekufakweni ezibhotileni kwesiselu;

- (e) ekufakweni kwamanzi ezibhotileni;
- (f) ekwenziweni kotywala neziselo ezinxilisayo kwimizi yazo; iiwayini okanye imizi ye-malt;
- (g) ekwenziweni kokutya kwezilwanyana okuvela kwizityalo okanye imveliso yezilwanyana;
- (h) ukwenziwa kwe gelatine ne-glu okuvela kulusu nakumathambo;
- (i) kwiindawo ekuxhelelwa kuzo
- (j) ekulungisweni kwentlanzi;
- (k) kwiindawo ekutyiselwa kuzo, kwakunye
- (l) neendawo ekusukwa kuyo izikhumba

"**intaka**" kuthetha ihobe, peafowl, pheasant, partridge, canary, budgerigar, parrot, inkciniba nayo nayiphi na intaka yasekhaya okanye yasendle egciniweyo

"**isakhiwo**" kuthetha isakhiwo esinje kodwa asiphelelanga kwisitali, ished, indlu yamahobe, indlu yenja, inkampu, ubuhlanti, ished yeenkomo, igumbi, intente, isithuthi, umthombo, idama, ipuli, idreyini, okanye indawo ekume amanzi (evaliweyo okanye ebiyelweyo) eyandisiweyo okanye eyakhiweyo kumhlaba okanye kwisakhiwo esetyenziselwa ukugcina isilwanyana ngumnikazi waso okanye umnikazi womhlaba; "**icandelo B likamasipala**" lithetha umasipala ngokuqulathwe kwicandelo 155(1)(b) lomgaqo-siseko;

"**cattery**" ithetha indawo esekelwe, kwezengeniso, ukunakekela ukuhlala kweekati;

"**amangcwaba**" ithetha umhlaba okanye indawo yomhlaba ebekelwe bucala ngumasipala ukuze kungcwatyelwe kuyo;

"**indawo enakekela abantwana okanye iziko**" kuthetha naliphi na iziko, nokuba lelengeniso okanye enye into, libandakanya ukunakekela, imfundo okanya nayiphi indibanisela yale misebenzi, ngemini yonke okanye inxalenye yayo okanye naziphi na iintsuku zeveki, okanye isakhiwo esigcinelwe okanye esisetyenziselwa umsebenzi lowo;

"**crematorium**" ithetha indawo apho kwenziwa umsebenzi wokutshiswa kwezidumbu;

"**ibhunga**" ithetha uMasipala wethili sezidiliya;

"**communicable disease**" ithetha isifo esibangelwe kukosuleleka ngenxa yezinto ezinobungozi, kulandela ukosuleleka ngqo kulowo ebenaso;

"**amanzi anenkunkuma yasekhaya**" kuthetha amanzi anenkunkuma evela kwizinto zasekhaya nakwizakhiwo zoshishino, kwaye anokuba nelindle;

"**indlu yenja**" ithetha isiseko sendawo eyenzelwe ukuhlalainja;

"**indalo**" ithetha indawo apho kuhlala abantu eyenzelwe –

- (a) umhlaba, amanzi nendawo esemhlabeni;
- (b) izinto ezincinci, izityalo nezilwanyana;
- (c) nayiphi na okanye indibanisela ka (a) no (b) nokunxulumnene nako; kwakunye
- (d) nezinto eziphathekayo zekhemikali nezesithethe ezijongene neemeko eziphembelela impilo yomntu;

"**ingozi yempilo kwezendalo**" kuthetha okuqhubekayo kumhlathi 3(1) no (2);

"**igosa lezempilo**" kuthetha umntu oqeshwe ngokomthetho okumhlathi 80(1) we Health Act 61 ka 2003;

"**umqobo wempilo kwezendalo**" ithetha okuqhubekayo kumhlathi 3(3);

"**indawo ekhululekileyo**" kuthetha indawo egumbini engenayo ifanishala okanye ezinye izinto;

"**inkunkuma enobungozi**" kuthetha inkunkuma enefuthe, nokuba kungomlinganiselo omncinci, yokuba nempembelelo kwindalo nakwimpilo yendalo ngenxa yezinto zayo ezinobungozi, iikhemikali nezinye izinto;

"inkunkuma yendalo" kuthetha inkunkuma eyenziwe esibhedlele, ekliniki, kwikhaya labongikazi, ii-ofisi zoogqirha, ilebhu yamayeza, izinto zophando, kugqirha wamazinyo, ugqirha wesintu okanye nayiphi na enye indawo apho kwenziwa inkunkuma yezempilo enefuthe lokosulela, yaye ibandakanya –

(a) inkunkuma kubandakanya nenkunkuma eninzi eyosulelayo naleyo inokubangela izifo ebantwini;

(b) igazi lomntu okanye iimveliso zegazi, kubandakanya i-serum, plasma kunye nezinye izinto zegazi;

(c) inkunkuma yomntu yasesibhedlele, kubandakanya amalungu omzimba asusiweyo ngexesha bekusenziwa uqhaqho

(d) Izinto ezingcolisekileyo zezilwanyana kubandakanya imizimba yezilwanyana ezixheliweyo, amalungu omzimba nezinto zebhedlwa eziboniswe kwizinto ezosulelayo ngexesha lophando, uvavanyo lwamachiza okanye imveliso yezendalo,

(e) Inkunkuma eyahluliweyo enxulunyaniswa nezilwanyana okanye abantu eneqondo eliphezulu lwezifo ezosulelayo; kunye

(f) Neenaliti ezingcolisiweyo okanye ezingangcoliswanga, neeglasi ezaphukileyo;

"ukunkcenceshelwa" kuthetha ukusetyenziswa kwamazi enkunkuma kwiindawo zolonwabo ngeenjongo zokwenza imveliso yezityalo;

"umasipala" kuthetha iCape Winelands District Municipality eyasekwa ngokwemiqathango ye- Section 12 ye- Municipal Structures Act, 117 ka 1998, Provincial Notice 492 echazwe ngomhla we 22 September 2000 yaye ibandakanya nawuphi na umbutho wezopolitiko, umntu wezopolitiko, uceba, ilungu eligunyazisiweyo okanye umqeshwa osebenza ngokuphathelele kulo mthetho ngokwamandla awanikwe ngumasipala okanye liqela lakhe lezopolitiko, uceba, ilungu okanye umqeshwa;

"umhlali" ithetha nawuphi na umntu ohlala nakweyiphi indawo ngokungakhethi tayitile ahlala phantsi kwayo, yaye ibandakanya –

(a) nawuphi na umntu ohleli kwezi ndawo;

(b) nawuphi na umntu ovunyelwe ngokusemthethweni ukuba ahlale kwezi ndawo;

(c) kumba weendawo ezahlulahluliweyo ukuze kuhlale abanxusi, umntu lowo ofumana irente ehlawulwa ngabanxusi, nokuba kukwi-akhawunti yaloo mntu okanye igosa eligunyazisiweyo;

(d) nawuphi na umntu ogunyazisiweyo okanye ophathisiweyo loo ndawo, kubandakanya ummeli waloo mntu xa engekho eMzantsi Afrika okanye akaziwa ukuba uphi; kunye

(e) umnikazi weso sakhiwo;

"umnikazi" ngokuphathelele -

(a) kwizilwanyana okanye izinto, nezinto eziphathekayo, kuthetha umntu onikwe amagunya obunini yaye kubandakanya umntu onoxanduva lokuphatha okanye oneso silwanyana okanye into leyo, okanye into ephathekayo, kwimeko apho izilwanyana zingakhuselwanga ngokomthetho we- Animal Identification Act, 2002 (Act no 6 of 2002), okanye zingaziwayo ukuba zezikabani, umsebenzi womhlaba apho zifumaneke khona uya kuthathwa njengokuba ngumninin wazo, yaye

(b) umhlaba-

(i) uthetha umntu ekubhaliswe ngaye umhlaba;

(ii) othengwe ngumntu kodwa awukabhaliswa egameni lakhe, kuthetha ukuba loo mntu,

(iii) ukwiimeko ezithile

(iv) Umnikazi wawo okanye umthengi usemncinci, uphazamisekile entloko, akanamali okanye akavumelekanga ngokusemthethweni ukuba apha the lo mhlaba; okanye uswelekile, okanye liqela loshishino eliphantsi kolawulo lwaseemthethweni okanye luyaphelelwa, kuthetha ukuba umntu lowo okanye igqwetha elimmeleyo okanye umthengi okanye omnye umntu ogunyaziswe ngumthetho ukuba apha the imicimbi yakhe okanye, kwimeko yeqela loshishino, umphathi wasemthethweni okanye lowo uthengisayo; yaye

(v) Icandelo B likamasipala elilawula umhlaba ngokwemithetho nemisebenzi elinikelwe yona ngokwe Schedule 4B no 5B yomgqo-siseko;

"**umntu**" kuthetha umntu ngokusemthethweni, kubandakanya kodwa akuphelelanga kunxulumano lwabantu, intsebenziswano nenkampani;

"**pet parlour**" lithetha isiseko apho izilo zihlala khona;

"**pet shop**" lithetha indawo apho izilo zigcinwa khona ngeenjongo zokuthengiswa

"**poultry**" lithetha inkukhuni, turkey, idada, muscovy-duck, bantam-fowl and guinea fowl, nokuba igcinwa ekhaya okanye akunjalo, kubandakanya nezincinci kwezo;

"**iindawo**" lithetha nasiphi na isakhiwo, okanye intente kunye nomhlaba apho sikhoyo nomhlaba odibana nayo osetyenziswa nayo yaye ibandakanya nasiphi isakhiwo, intente kunye nesithuthi, okanye inqanawa.

"**proprietor**" lithetha umntu ongumnikazi okanye osebenzisa isiseko sendawo;

"**papasha**" ngokuphathelile kwimiqathango yomhlathi 41 ethetha-

(a) ukupapasha isaziso kwi- Provincial Gazette nakumaphepha asekuhlaleni

(b) ukuxhoma isaziso esipapashiweyo kwiibhodi zikamasipala;

"**igunya elinoxanduva**" lithetha igunya okanye umasipala onegunya lomsebenzi wokulahla inkunkuma kwindawo amiselwe kuyo ye- Cape Winelands District Municipality;

"**salon**" lithetha indawo apho enye okanye uninzi lweenkonzo okanye imisebenzi enikwe kwinkcazelo "yomchebi zinwele, mlungisi zinwele, mgqobhozi okanye umbhali womzimba" eyenziwa khona;

"**indawo yokudada**" ibandakanya indawo yokudada yasesikolweni

"**spa bath**" ibandakanya ijacuzzi

"**umsebenzisi**", ngokuphathelile kumhlaba, ithetha-

(a) nawuphi na umntu onelungelo lomhlaba endaweni yakhe ngokuphathelile kumhlaba njengommi, umnikazi umntu oqeshe indawo, akukhathaliseki nokuba uhlala okanye akahlali apho, kunye

(b) nawuphi na omnye umntu othathwa njengokuba unelungelo lomhlaba lowo uchaphazelekayo;

"**inkunkuma**" ithetha nayiphi na inkunkuma evela ekusetyenzisweni komhlaba okanye indawo, akubandakanyi inkunkuma enobungozi kunye nenkunkuma yezempilo

"**amanzi enkunkuma**" lithetha amanzi anenkunkuma, kubandakanya ilindle okanye amanzi abedibene nezinto ezinenkunkuma kubandakanya amanzi emizi mveliso okanye lawo aphuma emakhaya.

"**umthombo wamanzi**" lithetha umthombo ngokuchazwa kumhlathi 1 we National Water Act, Act No. 36 ka 1998;

2. Imithetho siseko nemisebenzi

Umasipala, ngokwazi amalungelo omgaqo siseko aye nawuphi na umntu kwindalo enobungozi empilweni yakhe, nemithetho siseko ekwi National Health Act, 2003 (Act 61 of 2003) kunye ne National Environmental Management Act, 1998 (Act 107 of 1998), wamkela lo mthetho ngeenjongo zokukhusela nokukhuthaza impilo yabo bonkwe abantu kwi Cape Winelands ngokuthi anike, ngokuhambisana nemithetho ekhoyo, umsebenzi wolawulo nose mthethweni apho umasipala anokwenza khona aze aphaathe imisebenzi yezempilo.

ISAHLUKO 1

INGOZI YEMPILO YEZENDALO NEMIQOBO YEZEMPILO KWEZENDALO

3. Ingozi yempilo yezendalo nemiqobo yezempilo kwezendalo

- (1) Ingozi yempilo yezendalo ikho okanye yenzeka ukuba enye kwezi zilandelayo iyenzeka emhlabeni okanye kwizakhiwo:
- (a) ipuli yamazi, indawo enamanzi amileyo, igata, udongwe okanye isiduli sikwindawo apho singanobungozi khona kwezempilo;
 - (b) ingqokelela yenkunkuma okanye into enobungozi;
 - (c) apho amanzi enkunkuma asetyenziselwa ukunkcenkceshela engahambisani nale miqathango ilandelayo:
 - (i) Ii-coliforms zelindle zigqithisele kwi 1000 nge 100ml;
 - (ii) kufunyaniswe i-Escherichia Coli ; kwaye
 - (iii) kugqithiselwe kwimida yentsholongwane ye-Enteric neenkukuthu zeProtozoan kokuchazwa kwi SANS Code 241/2005;
 - (d) apho amanzi enkunkuma akhutshwa ngombhobho, into evulekileyo, umbhobho welindle, okanye nangaziphi na ezinye iindlela ezingahambisani nemiqathango echazwe kumhlathi (c) (i) ukuya ku(iii).
 - (e) Isakhiwo okanye indawo –
 - (i) ifumaneka, isetyenziswa okanye igcinwa ukuze ibe nobungozi empilweni
 - (ii) ineengcongconi okanye ikwindawo enokubangela ukuba kubekho iingcongconi;
 - (f) Kukho iimeko ezinokubangela ukuba kubekho izifo ezosulelayo ;
 - (g) Umgquba uyagcinwa kwaye usetyenziswe ngendlela enokubangela ukuba kubekho iingcongconi, izinambuzane iimpuku;
 - (h) Kwenzeka imiqathango engaginyisi mathe nakweyiphi na indawo yomhlaba;
 - (i) Isakhiwo, siyakhiwa kungakhanga kwaqala kwasuswa okanye kwabulawa ngendlela evumelekileyo, nayiphi na into enelindle, izilwanyana okanye imifino elahliweyo kumhlaba lowo; okanye
 - (j) Isakhiwo siyadilizwa kungakhanga kwaqala kwasuswa yonke i- vermin;
 - (k) Isakhiwo okanye naziphi na izindlu ekuhlalwa kuzo apho kungekho manzi oneleyo afumanekayo ngokuchazwa yi- Water Services Act;
 - (l) isakhiwo ekuhlalwa kuso apho kungekho zinto zendlu yangasese ngokuchazwa yi- National Building Regulations ne- Building Standards Act, Act 103 ka 1977 ;
 - (m) kuhlalwa kwisakhiwo esingenazinto ezingenisa umoya ngokwe National Building Regulations ne Building Standards Act, Act 103 ka 1977; okanye
 - (n) intsalela yesilwanyana, intaka okanye inkukhu, ayingqunywanga okanye

ayilahlwanga ngendlela efanelekileyo ngaphezu kweeyure ezingama 24 emveni kokuba sifile.

- (2) Ukongeza kwimiqathango echazwe kumhlathi (1), kukho ingozi yempilo yezendalo eyenzekayo ukuba enye yeendawo -
 - (a) ayinamoya waneleyo ukwenzela ukuba kutshatyalaliswe nayiphi na igesi, uthuli okanye into enganobungozi empilweni;
 - (b) ixinene kakhulu, ikhupha umoya onobungozi empilweni yabo basebenza apho; okanye inika okanye yenza ivumba elibi elinobungozi empilweni.
- (3) umqobo wempilo kwezendalo, nokuba wenzeka okanye awenzeki kwingozi yempilo yezendalo, ikho ukuba -
 - (a) kuphuma ivumba elingatshongo khona emhlabeni okanye ezindlini;
 - (b) nayiphi na enye into, imeko okanye into echazwa njengomqobo empilweni phantsi komthetho okhoyo okanye iyenzeka okanye ivela emhlabeni okanye ezindlini.

4. Ukunqandwa kokwenziwa, kokwenzeka kwengozi yempilo kwezendalo okanye imiqobo yempilo kwezendalo

- (1) Akukho mntu nakweyiphi indawo yomhlaba kamasipala -
 - (a) onokwenza ingozi yempilo yendalo okanye umqobo wempilo kwezendalo;
 - (b) onokwenza umsebenzi onokuba yingozi yempilo kwezendalo okanye umqobo wempilo kwezendalo;
 - (c) onokwenza okanye avumele umsebenzi, emhlabeni okanye kwisakhiwo, okanye asebenzise, abangele, avumele okanye ngenxa yeziphumo zoko enze okanye enze ingozi yempilo kwezendalo okanye umqobo wempilo kwezendalo;
 - (d) ngaphandle kokuba ugunyazisiwe okanye uvunyelwe ngokusemthethweni ukuba enze njalo okanye wenza oko ngemvume ebhaliweyo kamasipala kunye nemiqathango kamasipala-
 - (i) Kwindawo kamasipala enze, apha the okanye asebenzise nayiphi na into, enokubangela ukuba kwenzeka ingozi kwimpilo yendalo okanye umqobo wempilo yendalo;
 - (ii) wazisa okanye uphatha kwindawo kawonke wonke nayiphi na into, engamanzi ethi ngobume bayo okanye ngemeko yokwaziswa kwayo okanye ngokuphathwa kwayo ibangele ingozi kwimpilo yendalo okanye umqobo kwimpilo yendalo;
 - (e) uphatha okanye ubangela okanye uvumela kuphathwe nakwesiphi isitalato okanye indawo kawonke wonke, nayiphi into engavumelekanga, amanzi, anokuba yingozi empilweni, ngaphandle kokuba loo nto ingavumelekanga ikhuselwe ngento efanelekileyo ukunqanda ukuba ingenzi ingozi kwimpilo yendalo okanye umqobo kwimpilo yendalo;
 - (f) ngomsebenzi othe ngqo okanye ongathanga ngqo okanye ngokungenankathalo avumele ukuba kwenziwe ingozi yempilo kwezendalo okanye umqobo wempilo kwezendalo;
- (2) Umntu ongenzi okuqulethwe ngumhlathi(1) waphula umthetho.

5. Umsebenzi wokuphelisa okanye wokunciphisa ingozi yempilo kwezendalo

okanye umqobo wempilo kwezendalo

- (1) (a) Umnikazi, umhlali okanye umsebenzisi womhlaba okanye isakhiwo kufuneka aqinisekise ukuba -
- (i) Ayenzeki endaweni yakhe ingozi yempilo kwezendalo okanye umqobo wempilo kwezendalo; kwaye
 - (ii) Kwisithuba seeyure ezingama 24 esazi ukuba kwenzeka ingozi yempilo kwezendalo okanye umqobo wempilo kwezendalo kumhlaba okanye kwindawo, aphelise ingozi yempilo kwezendalo okanye umqobo wempilo kwezendalo, okanye ukuba akakwazi ukuphelisa ingozi yempilo kwezendalo okanye umqobo wempilo kwezendalo -
 - (aa) athathe amanyathelo okunciphisa ingozi yempilo kwezendalo, yaye
 - (bb) axele ubukho bengozi yezempilo kwezendalo okanye umqobo wempilo kwezendalo kumasipala..
- (a) Ngokomthetho womhlathi (1) (a), umnikazi, umhlali okanye umsebenzisi womhlaba okanye izakhiwo kufuneka, ngeenjongo zokuphelisa okanye anciphise ubuninzi -
- (i) Bezinambuzane, asebenzise ezona ndlela zifanelekileyo
 - (ii) iingcongconi-
 - (aa) Atsale amanzi ubuncikane kanye kwiintsuku ezisixhenxe;
 - (bb) Ngokusebenzisa eyona ndlela ifanelekileyo yokulawula iingcongconi kwindawo yazo
 - (cc) Kwimeko yamanzi aphantsi komhlaba, anike isikhusele seengcongconi nempompo,
 - (dd) Azalise amatanki, amabhakethi nezinye izinto eziyeleleneyo apho iingcongconi zinokuzala khona nezikhuseleli zazo okanye ucingo oluzilawulayo ngendlela ekhusele iingcongconi zingangeni emanzini akuzo, kunye
 - (ee) nokuthi rhoqo kucocwe iigatha nemibhobho yaphantsi ukuze amanzi amileyo angakhuli kuzo, kwaye
 - (iii) vermin, ukusetyenziswa kwezigcayiseli zeempuku, okanye ityhefu
- (2) Umnikazi, umhlali okanye umsebenzisi womhlaba okanye izakhiwo kufuneka aqinisekise ukuba yonke indawo enamanzi angaphantsi komhlaba, umngxunya, umthombo, iphondi okanye indawo egrunjelweyo ayigcwaliswanga ngendlela, okanye nangayiphi na into enokuthi yenze amanye amanzi angaphantsi komhlaba, umngxunya ogrundelweyo okanye umthombo ungcoliswe ngendlela enokuthi ibangele ingozi kwimpilo yendalo nomqobo kwimpilo yendalo.
- (3) Umhlali kufuneka enze ukuba yonke inkunkuma ibekwe kwizinto zokuyilahla ezikhutshwe ngumnikazi okanye ngogunyazisiweyo ukuze ilahlwe ngendlela echazwe kumhlathi 25.
- (4) Umnikazi, umhlali okanye umsebenzisi womhlaba okanye izakhiwo kufuneka alahle yonke inkunkuma enobungozi ngendlela yokuba ayisayi kubangela mqobo wezempilo okanye ingcolise amanzi, umthombo wamanzi, umngxunya wamanzi okanye amanzi angaphantsi komhlaba.
- (5) Umnikazi, umhlali okanye umsebenzisi womhlaba ongathobeli okubhalwe kwimihlathi (1), (2), no (4), okanye umhlali ongathobeli okubhalwe kumhlathi

(3) waphula umthetho.

ISAHLUKO 2 UKUGCINWA KWEZILWANYANA

6. Umsebenzi wesi sahluko

- (1) Esi sahluko sichaphazela umnikazi wesilwanyana, intaka, inkukhu okanye intlanzi ogcina isilwanyana, intaka inkukhu okanye intlanzi nangasiphi na isizathu, kumhlaba okanye kwizakhiwo zakhe, umhlali okanye umsebenzisi kamasipala.
- (2) Umntu ogcina isilwanyana, intaka okanye intlanzi ngokomthetho ogunyazisiweyo wokusetyenziswa komhlaba. Okanye kwizakhiwo okanye kumhlaba owenzelwe ezolimo, akakhuselwanga ngulo mthetho okanye omnye umthetho ngokuphathelele ekuzisweni kwengozi yempilo kwezendalo okanye umqobo wempilo kwezendalo.

7. Ukugcinwa kwezilwanyana

- (1) Umnikazi wesilwanyana, intake inkukhu okanye intlanzi okanye umnikazi, umhlali okanye umsebenzisi womhlaba okanye izakhiwo akanakho ukugcina isilwanyana, intaka, inkukhu okanye intlanzi kwizakhiwo okanye indawo ngendlela ebangela ukuba kubekho ingozi yempilo kwezendalo okanye umqobo wempilo kwezendalo.
- (2) Umntu ongathobeli okubhalwe kumhlathi (1) waphula umthetho.

8. Imizimba yezilwanyana ezixheliweyo

- (1) Umnikazi wesilwanyana, intaka, inkukhu okanye intlanzi okanye umnikazi, umhlali okanye umsebenzisi womhlaba okanye izakhiwo kufuneka ngesithuba seeyure ezingama-24, ngokomhlathi (3), alahle umzimba wesilwanyana, intaka, inkukhu okanye intlanzi ethe yafa kweso sakhiwo okanye umhlaba.
- (2) Ukuba umnikazi wesilwanyana, intaka, inkukhu okanye intlanzi okanye umnikazi, umhlali okanye umsebenzisi womhlaba akakwazi ukulahla umzimba, igosa lezempilo linokwenza amalungiselelo okuba kulahlwe umzimba kwaye unokubuyisa iindleko ezichaphazelekayo kumnikazi wesilwanyana okanye umsebenzisi womhlaba okanye wesakhiwo.
- (3) Umntu ochazwe kwimihlathi (1) ukuya ku (5) kufuneka alahle umzimba ngenye yezi ndlela zilandelayo:
 - (a) Kufuneka athabathe amanyathelo okususa umzimba okanye ususwe ngumntu ogunyaziswe ukuba enze oko ngokwemithetho yokususwa kwenkunkuma;
 - (b) Ukuba izakhiwo zikulungele oko, kufuneka angcwabe umzimba kwindawo enzulu ekhusela umzimba wonke ukuze unagagrunjwa sisilwanyana okanye ubangele ingozi kwimpilo yendalo okanye umqobo kwimpilo yendalo
 - (c) Ukuba isilwanyana sife ngenxa yesifo, kufuneka asebenze ngokuqulathwe kumhlathi (a).
- (4) Akukho mntu unokuphatha umzimba wesilwanyana, intaka, inkukhu okanye intlanzi okanye inkunkuma yaso ngaphandle kokuba ikhuselwe;

- (5) Eli candela alisebenzi kwimeko apho isilwanyana, intaka, inkukhu okanye intlanzi ixhelwa ngeenjongo zokutyiwa.
- (6) Umntu ongathobeli okubhalwe kwimihlathi (1) ukuya ku (5) waphula umthetho.

ISAHLUKO 3 IZISEKO ZESILWANYANA

Indima 1

Izindlu zezinja nezeekati

9. Okufunekayo ngokuphathelele kwizakhiwo

- (1) Umntu onendlu yenja okanye yekati makaqiniseke ukuba izakhiwo zihambelana nezi mfuneko:
 - (a) Kufuneka kwenziwe indawo yekhonkrithi igangathwe ukuze kutsalwe amanzi esitishi kwisakhiwo, yaye loo manzi kufuneka akhutshelwe kwilindle okanye kwimeko egunyazisiweyo;
 - (b) Konke ukutya kufuneka kugcinwe kwindawo ekhuselekileyo nenesiciko esitoren;
 - (c) Kufuneka kusetyenziswe izinto ezahlukileyo kwizinja neekati ezigulayo kwaye ezi zinto kufuneka zisebenziseke ukuze zicocwe lula; kwaye
 - (d) Inyama, intlanzi okanye ukutya okuphelayo kokutyisa izilwanyana, kufuneka kugcinwe efrijini eneqondo elingadluliyo ku 7°C.
- (2) Akukho mntu uvumelekileyo ukwenza ishishini lokuthengisa indlu yenja okanye yekati nakwesiphi na isakhiwo, okanye indawo ekhokelela emnyango, efestileni okanye iimitha ezi-2 ukuya emnyango, efestileni okanye indawo ekhokelela egumbini okanye naliphi na igumbi ekugcinwa kulo impahla okanye ukutya okutyiwa ngabantu.
- (3) Umntu ongathobeli okubhalwe kumhlathi (1) no (2) waphula umthetho.

Indima 2

Izindlu zezilwanyana

10. Okufunwayo ngokuphathelele kwizakhiwo nakubasebenzi

- (1) Umntu onendlu yesilwanyana kufuneka aqinisekise ukuba isakhiwo sihambelana nezi mfuneko zilandelayo:
 - (a) Zonke izindlu kufuneka zakhiwe ngendlela ebangela ukuba kube lula ukuzicoca yaye zibekwe ngendlela elula:
 - (b) Indawo yokuzigcina kufuneka ikhuseleke, kubekho nomandlalo kwisakhiwo eso;
 - (c) Inyama, intlanzi okanye ukutya kokutyisa izilwanyana kufuneka kugcinwe kwivenkile yezilwanyana kugcinwe kwifriji eneqondo elingadluliyo ku- 7°C;
 - (d) Kufuneka kubekho indawo apho zigcinwa khona izilwanyana;
 - (e) Kufuneka kubekho indawo eyodwa kwivenkile apho zigcinwa khona izilwanyana, kwakunye naleyo yezilwanyana ezigulayo;
- (2) Akukho mntu uvumelekileyo ukuba angenza ishishini lezilwanyana nakwesiphi na isakhiwo okanye indawo ekhokelela emnyango, efestileni okanye iimitha ezi-2 ukuya emnyango, efestileni okanye indawo ekhokelela egumbini okanye

- (3) naliphi na igumbi ekugcinwa kulo ukutya okanye ekuthengiswa kulo ukutya.
 (3) Umntu ongathobeli okubhalwe kwimihlathi (1) no (2) waphula umthetho.

ISAHLUKO 4 IZISEKO ZENDAWO YOKUHLALA

11. Umsebenzi wesahluko

Esi sahluko sichaphazela umntu owenza ishishini lendawo yokuhlala ngeenjongo zokuzuzisa kwisiseko sendawo yokuhlala kwizakhiwo ezikwindawo kamasipala.

12. Okufunekayo ngokuphathelele kwizakhiwo, amanzi, ucoceko nokususwa kwenkunkuma

(1) Akukho mntu oya kusebenzisa isakhiwo njengendawo yokuhlala ngaphandle kokuba -

- (a) sikwimeko entle ngaphandle nangaphakathi kwaye singakwazi ukulungiseka,
- (b) ngaphandle kokuba likho igumbi lokuhlambela elilingene abahlali abasibhozo, negumbi elinye labantu abongezelelweyo abalishumi elinesibini;
- (c) igumbi lokuhlambela ngalinye -
 - (i) Linebhafu yokuhlamba izandla
 - (ii) linebhafu okanye ishawari ngaphandle kokuba kuya kufakwa ibhafu kwisiseko ngasinye; kwaye
 - (iii) linamanzi ashushu nabandayo.
- (d) kukho igumbi langasese kubahlali bokuqala abasibhozo ukuze emva koko kubekho elinye elongezelelweyo kubahlali abalishumi elinesibini; ngaphandle kokuba alisayi kufakwa gumbini linye nelokuhlambela, kungafakwa i-en-suite.
- (e) kufuneka ubumdaka bulahlwe, ngaphandle kweemeko apho ilatrine okanye kukho indlela yokulungisa umonakalo ngohlobo lwekhemikali;
- (f) kufuneka kubekho isiciko esikhusela ilatrine.
- (g) inkunkuma evela endlini isuswa kakuhle ilahlwe ubuncinane kanye ngeveki.
- (h) zonke izinto ezisebenzisa amanzi ngokuphathelele kwilindle zikwimeko esebenzayo.

(2) Ukuba umnikazi mzi akathobeli okubhalwe kumhlathi (1) umasipala uya kusebenza ngokomthetho womhlathi 36 okanye 37.

13. Ukulungiswa nokuphakwa kokutya

Umnikazi owenza okanye aphake ukutya okuza kutyiwa lundwendwe kwisakhiwo, akukhathaliseki nokuba undwendwe lubhatalela bucala ukutya okanye imali yokutya ikho kwiindleko zokuhlala, kufuneka ahambiselane nokuqulethwe kwi-Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food, opapashwe phantsi kwe-Government Notice No. R918 of 30 July 1999.

14. Izakhiwo

Umnikazi sakhiwo kufuneka aqinisekise ukuba izakhiwo zakhe zikufuphi nendawo enamanzi akhuselekileyo nawoneleyo, nacocekileyo nasekusweni kwenkunkuma, yaye nezinto zendlu, izixhobo zokutya, amalaphu elineni nawebhedi agcinwa eekwimeko ecocekileyo nesempilweni.

ISAPHLUKO 5

IZINTO ZOKUNAKEKELWA KWABANTWANA KUNYE NAMAZIKO ABANTWANA

15. Izakhiwo kwakunye nezinye izinto ezifunekayo

- (1) Indawo enakekela abantwana kufuneka ithobele oku kulandelayo
 - (a) lindonga kunye nemigangatho yamagumbi okufundisela kufuneka ibe mpuluswa, ingahlali manzi yaye ihlambeke lula. Kufuneka kusetyenziswe kuphela ipeyinti engenabungozi.
 - (c) Amagumbi okufundisela kufuneka abe neefestile ezaneleyo ukwenzela ukuba kungene umoya; kungene imimoya evela nakwezinye iifestile ezivuliweyo yaye loo magumbi aya kuba nemigangatho engange 5% kubandakanya nokukhanya; kuphela xa iifestile zikwazi ukubonisa okungaphakathi okulinganane-10% yomgangatho wegumbi.
 - (c) Amaphahla kufuneka angahlalwa manzi ngalo lonke ixesha
 - (d) lisilingi kufuneka zibe khona yaye zicoceke, zingabi nalo uthuli.
 - (e) Kufuneka kubekho indawo eyahlukileyo eneeosifi kunye nokwenza eminye imisebenzi yabasebenzi.
 - (f) Kufuneka kubekho indawo eyahlukileyo ekudana nabanye abantwana ehlala abantwana abathe bagula.
 - (g) Kufuneka kubekho indawo yokugcina oomatrasi ngokuthi bamiswe okanye baxhonywe.
 - (h) Kufuneka kubekho indawo eyaneleyo yokugcina amayeza, zinto zokucoca, izinto ezogalelwayo, amatanki egesi okanye nayiphi na into enobungozi okanye enobuhlungu, kwakunye nezinto zokudlala nezinye izinto ezinokugcinwa khuselekileyo ukuze zingafunyanwa ngabantwana.
 - (i) Zonke iindawo zokusebenzela kufuneka zibe mpuluswa, zingahlali manzi kwaye zihlambeke.
 - (j) Kufuneka kubekho indawo engange 2m² yomntwana ngamnye (ingyanga e-1 ukuya kwezingama 24) kunye ne-1,5m² yendawo kumntwana ngamnye (kwiminyaka emi-2 ukuya kwe-7). Ukuba akukho ndawo yangaphandle efumanekayo, indawo yangaphakathi kufuneka ibe yi-2,5m² kumntwana ngamnye. Kufuneka kananjalo kubekho indawo yangaphakathi engange 1,m² efumanekayo yabantwana bokuqala abangama 30.
 - (k) Kufuneka kubekho ubuncinane igumbi elinye langasese elifumanekayo kubantwana abangamashumi amabini kunye nepoti enye kubantwana abahlanu. Iindawo zokuchopha zendlu yangasese, iipoti kunye nezihlalo kufuneka zicocwe ngesibulali zinambuzane qho. Kufuneka izinto ezahlukileyo zendlu yangasese yabasebenzi.
 - (l) Ukuba kugcinwa abantwana abaneenyanga ezingamashumiamabini anesine bezelwe, kufuneka kubekho into eyahlukileyo yokuhlamba iipoti kunye namalweyile.
 - (m) Ikhithsi okanye indela yokuphatha ukutya kufuneka ihambiselane nemiqathango ye-Regulation Governing General Hygiene Requirements

for Food Premises and the Transport of Food, epapashwe phantsi kwe-Government Notice No. R918 of 30 July 1999.

(n) Ubuncinane kufuneka kubekho isinki enye yokuhlamba izandla yabantwana abangamashumi amabini okanye ibhakethi elinye labantwana abalishumi. Kuya kufumaneka amanzi acocekileyo okuba abantwana bahlambe izandla. Amanzi amdaka kufuneka lahlwe ngendlea agunyazisiweyo. Kufuneka kufumaneka isepha kunye nelaphu lokosula kuyo nayiphi indawo yokuhlamba izandla.

(o) Isanti enamanzi amileyo kufuneka isetyenzwe rhoqo ngetyuwa yaye kufuneka ivalwe emva kweeyure zomsebenzi ukwenzela ukuba ingafunyanwa zizilwanyana. Isanti kufuneka isetyenzwe rhoqo ngeeveki ezintandathu.

(p) Indawo yokudlala yangaphandle kufuneka ibiyelwe neegeyiti ezizivalayo.

16. Ukukhululwa, izinto ezifunekayo ezongezelelweyo kunye nokugciniweyo

(1) Igosa lempilo linokuyikhulula indawo enakekela abantwana kuyo nayiphi na imiqathango yomhlathi 15 (1) yalo mthethwana ukuba lanelisekile ukuba ukunikwa kwaloo nkululeko akusayi kuchaphazela iimeko ezibangela ukuba kubekho umqobo kwezempilo.

(2) Ukukhululwa ekuthethwa ngako kulo mhlathi-

(a) kuya kurhoxiswa ligosa lezempilo kwiimeko zokuhlolwa okanye ukuba liyaqonda ukuba ukukhululwa oko kubangela ukuba kuphazamiseke ezempilo.

(3) Singagqibanga ngemiqathango yomhlathi 15, zonke iindawo ezinakekela abantwana ngexesha bekusenziwa lo mthetho ziya kukhululwa isithuba esingangonyaka ukususela kumhla wokusekwa kwawo.

(4) Igosa lempilo linokuthi ngokuhlola, lifakele ezinye izinto ekufuneka kuhlanguyezenwe nazo apho, ngaphandle kwezi zichazwe kule mithethwana, kukho umqobo wezempilo ongachazwanga kule mithetho, apho izinto ezongezelelweyo ziya kuthi, ngokuphathelele kumgaqo wemithetho siseko okhoyo, zinciphiswe ukuze kususwe umqobo wezempilo ekuthethwa ngawo.

17. Ukungathobeli

Ukuba umnikazi okanye umntu ojongene nendawo enakekela abantwana akaphumeleli ekuthobeleni imiqathango yomhlathi 15 okanye naziphi na iimeko okanye iimfuno ezibekiweyo ngkomhlathi 16, umasipala uya kuthi asebenze ngokwemihlathi 33 okanye 34.

ISAHLUKO 6

IIDAWO ZOKUDADA ZASEKUHLALENI NEENDAWO ZOKUZIPHOLISA

18. Imisebenzi yomphathi weendawo zokudada

(1) Umphathi wendawo yokudada kufuneka-

(a) ngawo onke amaxesha azigcine zikwimeko ekhuselekileyo necocekileyo; kwaye

(b) aqiniusekise ukuba amanzi kufuneka ahlaziywe ngawo onke amaxesha, aphathwe aze agcinwe ngokwemithetho echazwe kwicandelo 21.

(2) Umntu onendawo yokudada okanye eyokuzipholisa ongahambisaniyo nokubhalwe kumhlathi (1) waphula umthetho.

19. Inkonzo yamanzi

- (1) Umntu onendawo yokudada okanye eyokuzipholisa unokuthi, ngeenjongo zococeko, zokuzalisa okanye agcine umgangatho wamanzi kwindawo yokudada okanye eyokuzipholisa, asebenzise amanzi avela kwindawo egunyazisiweyo
- (2) Igosa lempilo linokuthatha iisampulu zamanzi ngeenjongo zokwenza uhlalutyo lwekhemikali ngamaxesha elibona kulungele oko.
- (3) Umntu ongahambiselani nokubhalwe kumhlathi (1) waphula umthetho.

20. Ubonelelo ngezinto zangasese nakwizinto zasekuhlaleni

- (1) Nabani na osebenza ekuhlaleni, kwindawo yokudada, uya kuthobela okufanelekileyo ngokuqulunqwe ngulo mthetho.
- (2) Amanzi endlu yangasese engaphandle aya kukhutshwa ngale ndlela:
 - (a) Kwimeko yendawo yokudada enamanzi alingana okanye angaphantsi kwe-300 m², ubuncinane izindlu zangasese zibe ntathu kwisini ngasinye, apho enye yezindlu zangasese iyeyamadoda inendawo yokuchama umile okanye indawo evuleke kangange 600mm ubude; okanye
 - (b) Kwimeko apho indawo yokudada inamanzi angaphezu kwe-300m², indlu yangasese ibe nye kwisini ngasinye kumanzi ongezelelweyo angaphezu kwe-250m² okanye inxalenye yayo: Kuxhomekeke ukuba kwindlu yangasese yamadoda, ubuninzi be 25% benani elifunekayo lezindlu zangasese linokufakelwa izinto zokuchama umile okanye zibe neendawo ezivulekileyo ezibude bungange 600mm inye.
- (3) Apho kukho indawo yokudada ekhayeni okanye kwindawo enezindlu eziqeshiweyo njengento efunekayo, akusayi kufuneka zindlu zangasese zahlukileyo ukuba kukho izinto ezaneleyo kumganyana ukusuka kwindawo yokudada.

21. Ukhuseleko lwamanzi

- (1) Amanzi akwindawo yokudada yasekuhlaleni aya kusetyenzwa rhoqo ngexesha lokudada yaye kufuneka asetyenzwe ngendlela egunyazisiweyo yokubulala izinambuzane kwaye, nokuba ane-chlorine, kufuneka abe nale miqathango ilandelayo (kuthathwe isampulu kusasa phambi kokuba kuqaliswe ukudada) -
 - (a) Akufunekanga kubekho izinto ezidada phezu kwamanzi, iindonga, umgangatho, iindawo zokungena kunye neegata akufunekanga zibe nezinto ezimdaka;
 - (b) umgcini wendawo yokudada kufuneka aqinisekise ukuba amanzi kwindawo yokudada ngalo lonke ixesha ane-0,5 ukuya kwi-1,0 yobunzima bemegaliter, ane-chlorine yaye awangcolisekanga lilindle kwisampulu ye-100ml yamanzi akwindawo yokudada; yaye kufuneka aqinisekise ngalo lonke ixesha ukuba ayinazinambuza zonwabu.
 - (c) ukuba esinye isibulali zinambuzane esigunyazisiweyo esisetyenzisiweyo ngaphandle kwechlorine okanye sifumaneke emnzini, siya kulingana nomthamo wechlorine ochazwe kumhlathi (b);
 - (d) i-pH yamanzi ayikho ngaphantsi kwe 7,0 yaye ayikho ngaphezu kwe-7,6; kwakunye
 - (e) kufuneka kusetyenziswe ezona ndlela zikhuselekileyo ukufamana amanzi akumgangatho ophakamileyo.

22. Ukwaphula umthetho

- (2) Umntu ongathobeli okubhalwe kumhlathi (1) waphula umthetho.

ISAPHLUKO 7**ABACHEBI ZINWELE, ABALUNGISI ZINWELE, EZOONOBUHLE,
ABAGQOBHOZI NABABHALI MIZIMBA****23. Okufunekayo kwezempilo**

- (1) Akukho mntu unokusebenzisa isakhiwo sesalon ngaphandle kweshishini lokuchebea iinwele, lokulungisa iinwele, loonobuhle, lokugqobhoza nokubhalwa komzimba.
- (2) Umntu owenza ishishini lokuchebea iinwele, lokulungisa iinwele, loonobuhle lokugqobhoza nokubhala umzimba kwisaloni okanye kwenye indawo, kufuneka
- (a) afakele izinto ezifunekayo zasesalon okanye ezinye izixhobo apho zithi xa zidibene nesikhumba somntu, iinwele, nokunye okufana kodwa akuphelelanga egazini, kufuneka zicocwe kakuhle okanye zisuswe izinto ezosulelayo;
 - (b) aqinisekise ukuba ngoomatshini abasemgangathweni bokubhala nokugqobhoza umzimba abenziwe baza badityaniswa ngendlela ekhusela ukosuleleka zizixhobo zeenaliti abanokuthi basetyenziselwe umbhalo ongasukiyo okanye ukugqojozwa komzimba, yaye ezi tyhubhu neenaliti kufuneka zigcinwe kwisingxobo esisodwa esivalekayo nesivulwa phambi komntu lowo;
 - (c) aqinisekise ukuba zonke izixhobo zokuchebea neebhotile zokusasaza zineendawo ezicofwa kuzo, ndawo ezo zokubamba zikhuselwe ngeplastiki ezinokulahlwa emva kokusetyenziswa kumntu ngamnye;
 - (d) emva kokusetyenziswa kwe-blade nganye, iskere, ikama, ibrash, into yeenzipho, umatshini wokuchebea, okanye nasiphi na isixhobo esisetyenziswe ezinweleni zomntu kwiinzipho okanye kwisikhumba kufuneka zilahlwe ezo zinokulahlwa okanye zicocwe kakuhle ngekhemikali ezinokuphinda zisetyenziswe;
 - (e) kufuneka unxibe izikhuseli zezandla ezikwaziyo ukuphinda zilahlwe ngexesha apho usebenza ezinweleni, ugqobhoza okanye ubhala umzimba, okanye sebenzisa ikhemikali kumsebenzi ngamnye;
 - (f) coca izandla zomntu phambi nasemva kokuba usebenzile kuye;
 - (g) kanye emva kokuba usebenze emntwini coca indawo leyo ocinga ukuba ibichatshazelwe yincindi; kwaye
 - (h) lahla nasiphi na isikhuseli sezandla emva komsebenzi ngamnye;
 - (i) ubuncinane kanye ngosuku, hlamba ngesibulali zinambuzane yonke impahla efana neelokhwe nezinto ezithwalwa entloko, nayo yonke imigangatho efana kodwa ayiphelelanga, kumadonga imigangatho, iikhawuntari nezitulo;
 - (j) lahla onke amanzi amdaka, izixhobo ezibukhali, iitawuli ezinamagazi nezimdaka ngendlela embi kunye namaphepha ngendlela efanelekileyo;
 - (k) gcina izixhobo ezibukhali ezifana kodwa aziphelelanga, kwi-blade, okanye inaliti kwisingxobo esahlukileyo;
 - (l) emva komsebenzi ngamnye, hlamba kwaye ucoce zonke iiplastiki

neetawuli;

- (m) gcina amasango jikelele, izixhobo, nempahla zikwimeko ecocekileyo ngawo onke amaxesha;
 - (n) emva komsebenzi ngamnye qokelela yonke inkunkuma, enjenge kodwa ayiphelelanga ezinweleni, nasemaphephani, kwaye gcina ulahle inkunkuma ngomthetho wecandelo 24;
 - (o) qinisekisa ukuba akukho silwanyana, akubandakanyiinja ekhokela umntu ongaboniyo, sinokungena kwizakhiwo; kwaye
 - (p) nika bonke abasebenzi impahla ekhuselekileyo, qeqesha wonke umntu osebenza kwizakhiwo, qinisekisa ukuba wonke umsebenzi uyawuthobela lo mthetho..
- (3) Umntu ongahambisani nokubhalwe kumhlathi (1) no (2) waphula umthetho.

24. Okufunekayo kwizakhiwo

- (1) Umntu owenza ishishini lokucheba iinwele, lokulungisa iinwele, loonobuhle, lokugqobhoza nokubhala umzimba, kwisalon okanye enye indawo, kufuneka aqinisekise ukuba izakhiwo zihambelana noku kulandelayo:
- (a) iibhafu zokuhlamba izandla, ezinamanzi abandayo nashushu, kufuneka zibe khona ukuze kuhlanjwe iinwele nezandla;
 - (b) kufuneka kubekho umbane, umoya opholileyo, amanzi kunye nezinto zezindlu zangasese ngokuchazwa kwi National Building Regulations and Buildings Standards Act, 1977 (Act 103 of 1977);
 - (c) iishelufu, iikhawuntari, umphezulu wetafle okanye ezinye iindawo ekubekwa kuzo izixhobo kufuneka zenziwe ngento ekulula ukuyicoca;
 - (d) kufuneka kubekho izinto ezaneleyo zokugcina impahla, izixhobo kunye nezinto zombane;
 - (e) kufuneka kubekho izinto zokulahlwa kwamanzi; kwaye
 - (f) iindonga nemigangatho kufuneka zakhiwe ngendlela ekulula ukuzicoca.
- (2) Ukuba umnikazi, umhlali okanye umntu onegunya lokusebenzisa isakhiwo ekwenziwa kuso ishishini akakwazi ukuthobela imiqathango kumhlathi (1), umasipala uya kuthatha amanyathelo ngokomhlathi 33 okanye 34.

ISAPHLUKO 8 ULAWULO LWENKUNKUMA

Indima 1: Imiqathango ngokuphathelele ekuqokelelweni nasekulahlweni kwenkunkuma

25. Ukuqokelelwa nokulahlwa kwenkunkuma

- (1) Inkunkuma kufuneka iqokelelwe kwaye ilahlwe
- (a) ngaphandle kokwenza ingozi empilweni;
 - (b) kungakhange kwenziwa iimeko okanye imigaqo enokwenza ingozi okanye ingcolise indalo; kwakunye
 - (c) nakwimeko apho ingengomqobo empilweni.
- (2) Umntu ongathobeli umhlathi (1) waphula umthetho.

Indima 2 : Inkunkuma Enobungozi

26. Umthetho okhoyo

Umasipala, ngokuthatha ingqalelo kwimiqathango ye- Environment Conservation Act, 1989 (Act No. 73 of 1989) the Hazardous Substances Act, 1973 (Act 15 of 1973), the National Health Act, 61 of 2003, nezindululo ezenziwe phantsi kwale mithetho, wamkela imiqathango kule ndima.

27. Ukugcinwa kwenkunkuma enobungozi

- (1) Into ebiphethe inkunkuma enobungozi efana kodwa ayiphelelanga kwinto yokubulala izinambuzane iya kuthatyathwa njengenkunkuma, kwaye -
- (a) kufuneka igcinwe ngendlela yokuba —
 - (i) akwenzeki lungcoliseko kwezendalo nangaliphi na ixesha
 - (ii) akwenzeki ngozi kwezendalo okanye mqobo kwezendalo nangaliphi na ixesha;
 - (b) xa igcinwe kwindawo ekusetyenzelwa kuyo, kufuneka iphawulwe ngokucacileyo okanye ibe nombhalo othi "Inkunkuma enobungozi"
 - (c) umnikazi okanye umhlali kulo mhlaba kufuneka abiyele indawo ekugcinwe kuyo ukunqanda ukuba kungangeni nabani; kwaye
 - (d) kuya kuqutyiswana nayo njengenkunkuma yecandelo 6 ngokuchazwa kwi- Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste (Second Edition, 1998) njengoko kupapashwe yi- Department of Water Affairs and Forestry kwaye ngokulungiswa ngokuhamba kwamaxehsa
- (2) Umntu ongahambelani nokubhalwe kumhlathi (1)(a) ukuya ku (d) waphula umthetho.

**ISAHLUKO 9
AMANZI NOCOCEKO**

28. Umthetho osetyenziswayo nonyanzeliswayo

- (1) Umasipala, ngokuthatha ingqalelo yokuqulethwe kwi- National Water Act, 1998 (Act 36 of 1998), wamkela amalungiselelo esi sahluko.
- (2) Umasipala, ngokuthatha ingqalelo yokuqulethwe kwi- Water Services Act, 108 of 1997 and of the Regulations relating to Compulsory National Standards and Measures to Conserve Water opapashwe phantsi kwe-GN R509 ngomhla we 8 June 2001, wamkela amalungiselelo esi sahluko.
- (3) Umasipala ngegunya alinikwe yi- National Health Act, 2003, unokusebenza ngokwemithetho ekumhlathi 36 okanye 37 yalo mthetho apho ukungavumelani nemiqathango ebhalwe kwi- Act and Regulations ngokuchazwa kwimihlathi (1) no (2) kwenza ingozi yempilo yezendalo okanye umqobo.

29. imisebenzi nezithinteli

- (1) Umnikazi, umhlali okanye umsebenzisi womhlaba okanye izakhiwo kufuneka -
 - (a) agcine indawo yamanzi ukuze kungenzeki ingozi yempilo yezendalo okanye umqobo.
 - (b) akhe udonga oluvalela itanki, kwiqela lamatanki, elinokwenza ukuba kubekho umqobo kwezempilo, elilingana nomthamo wetanki elikhulu apho kunokwenzeka khona ingozi kwitanki okanye amaqela amatanki;
 - (c) acoce indawo yokusebenza ukuze kungabikho kungcoliseka kwamanzi

- esitishi okunokuthi kube nefuthe kwamanye amanzi; kwaye
- (2) Umnikazi okanye umhlali wendawo okanye izakhiwo akanakho-
 - (a) ukufumana indawo yokulahla kwindawo enomgama ongangekhulu leemitha apho kukho khona amanzi; okanye
 - (b) asebenzise amalahle okanye amalahle alahliweyo, izinto ze-carbon okanye nayiphi na enye into ekwakheni, nasekubiliseni edamini nasendleleni okanye kumgaqo kaloliwe ngendlela apha enokubangela ukuba kubekho umqobo kwezempilo.
 - (3) Umntu ongahambiselaniyo nokubhalwe kwimihlathi (1) okanye (2) waphula umthetho.

**ISAHLUKO 10
UKUL AHLWA KWEZIDUMBU NOKUPHAZANYISWA KWAMALUNGU OMZIMBA
ASELEYO**

30. Ukulahlwa kwesidumbu

- (1) Akukho mntu unokusebenza kwisidumbu kangangendlela yokuba sibangele inggozi empilweni.
- (2) Umntu ongahambiselaniyo nokubhalwe kumhlathi (1) waphula umthetho

31. Ukusetyenziswa kwesidumbu

- (1) Ngokuphathelele kwimiqathango yemithetho yokugrunjwa ekhutshwe ngokwe section 3(4) ye- Inquests Act, 1959 (Act 58 of 1959), Section 3 of Ordinance No 12 of 1980 kwakunye nawo nawaphi na malungiselelo aphaathelele kumthetho wokugrunjwa komzimba, akekho umntu onokwenza oko, kungekho gosa lezempilo likhoyo:
 - (a) onokuphazamisa isidumbu okanye iintsalela okanye umhlaba owungqongileyo emangcwabeni;
 - (b) onokususa isidumbu emangcwabeni; okanye
 - (c) agrumbe okanye abangele ukuba umzimba ugrunjwe ngexesha amangcwaba evuleleke ukuba asetyenziswe ngabahlali.
- (2) Akukho mntu uvumeleke ukuba avule ingcwaba ngeenjongo zokufaka isidumbu sesibini kwingcwaba elinye ngaphandle kokuba -
 - (a) ingcwaba elo lalenziwe nzulu ukulungiselela ezi meko, okanye ukuba lenziwanga nzulu, kwiintsuku ezingama 30 emva kweminyaka emihlanu ukususela oko kwangcwatywa kulo;
 - (b) ngeenjongo zokungcwaba uthuthu, ubunzulu akufunekanga budlule ii-mm ezingama 300; kwaye
 - (c) kufunyenwe imvume kamasipala.
- (3) Umntu ongahambiselaniyo nokubhalwe kumhlathi (1) okanye (2) waphula umthetho.

**ISAHLUKO 11
UMTHETHO**

32. Igosa lezempilo

Imihlathi 80 ukuya ku 89 ye - National Health Act, 2003 (Act 61 of 2003) iyasebenza apha, neenguqu ezinokuthi zibekho, ekuqeshweni, imisebenzi namagunya eghosa lezempilo, nezohlwayo eziphathelelene nelo gosa..

33. Isaziso sokuthobela nokufakiweyo

- (1) Kwiimeko apho igosa lezempilo likholelwa ekubeni umntu akazithobeli iimfuno zalo mthetho, okanye umntu lowo akahambiselani nayo nayiphi na imiqathango yalo mthetho, igosa linokuthumela isaziso sezinto ekufuneka zithotyelwe kulo mntu, isaziso kufuneka sichaze -
 - (a) igama nendawo okanye idilesi yaloo mntu;
 - (b) into leyo engakhange ithotyelwe okanye ekwaphulwe umthetho wayo;
 - (c) ukuba umntu kwixesha elibekiweyo kufuneka athabathe amanyathelo okuthobela isaziso yaye agqibe amiselwe khona ngexesha elimisiweyo; kwaye
 - (d) umntu kufuneka afake isicelo esibhaliweyo kumasipala kwindawo emiselweyo.
- (2) Umasipala, xa ejonga imiqathango okanye ithuba elimisiweyo kumhlathi (1)(c) okanye (d), kufuneka athathe imithetho nemisebenzi yaloo mthetho, uhlobo ongathotyelwanga ngawo kwakunye neminye imiba.
- (3) Ukuba umntu engenanto ayifakileyo ebhaliweyo ngokomhlathi (1)(d) yaye engakwazi ukuthatha amanyathelo phambi komhla omisiweyo kumhlathi (1)(c), waphula umthetho, yaye umasipala uya kuthatha amanyathelo akukhathaliseki nokuba kukho izohlwayo ezifakwe phantsi komhlathi- 45, ngokomthetho womhlathi (5).
- (4)
 - (a) Isindululo esingafakwanga phantsi kwexesha elimisiweyo kumhlathi (1)(d) asisayi kuqwalaselwa, ngaphandle kokuba umntu lowo uzibonakalisile kakuhle yaye umasipala uyakwamkela ukungafakwa kwesindululo
 - (b) Umasipala kufuneka aqwalasele ixesha esifakwe ngayo isicelo neempendulo ezenziwe ligosa lezempilo.
 - (c) Umasipala, ngendlela abona ngayo unokwenza olakhe uphando ukuzanelisa ukuba kuyimfuneko oko, yaye iziphumo zophando kufuneka zinikwe umntu owenza isicelo ukuze anikwe ithuba lokuba aziphendulele ukuba ubona kunjalo, yaye umasipala kufuneka aqwalasele enye impendulo.
 - (d) Umasipala kufuneka, emva kokuba eqwalasele isicelo neempendulo kwakunye nezinye iimpendulo enze umthetho ngokuthi abhale athumele ikopi kumntu, umthetho lowo ovumayo, inxalenye yawo okanye uwonke, ulungise okanye ubeke bucala isivumo, umasipala kufuneka axelele umntu lowo ukuba kufuneka kwisithuba esimisiweyo, enze okuqulethwe sisindululo yaye ukuba akakwenzi oko uya kuba waphula umthetho.
 - (e) Kwiimeko apho umntu engakwazi ukwenza okuqulethwe kumhlathi (d), umntu lowo waphula umthetho yaye umasipala uya kuthatha amanyathelo akukhathaliseki nokuba kukho izohlwayo ezifakwe phantsi komhlathi -45, umthetho ngokomhlathi (5).
- (5) Umasipala uya kuthatha amanyathelo njengokuba ebona kuyimfuneko ukulungisa imeko leyo, yaye iindleko ezo kufuneka zihlawulwe kumasipala

ngokomhlathi - 40.

34. Isaziso sokurhoxisa

- (1) Igosa lezempilo linokuthi, emveni kokuba lihlole izakhiwo, likhuphe isaziso sokurhoxisa esirhoxisa ukuba isakhiwo eso sisetyenziselwe umsebenzi othile yaye lifune ukuba kuthatyathwe amanyathelo ukuqinisekisa ukuba oku kuyenziwa, kumntu okanye aba Bantu balandelayo:
 - (a) umnikazi okanye umhlali kwizakhiwo ukuba umasipala uyakholelwa ukuba izakhiwo zisetyenziselwa injongo okanye ngendlela ebangela ukuba kubekho ingozi yempilo kwezendalo okanye umqobo;
 - (b) nabani na owenza umsebenzi okanye osebenzisa izakhiwo ngenjongo okanye ngendlela ebangela ukuba kubekho ingozi yempilo kwezendalo okanye umqobo; okanye
 - (b) Umntu bekukhutshwe isaziso sokuthobela kuye ukuba umasipala ukholelwa ekubeni umntu lowo akakuthobelanga okubhalwe kwisaziso.
- (2) Umasipala kufuneka anike umntu afuna ukukhupha kuye isaziso sokurhoxisa ithuba elaneleyo lokuzibonakalisa phambi kokuba akhuphe isaziso ngaphandle kokuba umasipala uyayiqonda ukuba ukulibazisa kuya kubangela ingozi empilweni, nokuba kunjalo umntu okhutshelwa isaziso kufuneka anikwe ithuba lokuba kutheni efuna iyekwe le nto yesi saziso.
- (3) Isaziso sokurhoxisa kufuneka sichaze-
 - (a) izizathu zokukhutshwa kwesaziso;
 - (b) nokuba umasipala anganakho okanye ngabi nakho ukusirhoxisa isaziso ukuba kuthatyathwa amanye amanyathelo, yaye ukuba kunjalo, kufuneka kuthatyathwe amanyathelo;
 - (c) Iziphumo ezilindelekileyo zokungathobeli isaziso; kunye
 - (e) nendlela yokwenza isibheni kwisaziso.
- (4) Ngaphandle kokuba isaziso sichaza okanye, sisebenza nqo xa sikhutshwa phantsi komhlathi (1) yaye sisebenza side sirhoxiswe
- (5) Igosa lezempilo kufuneka ngokukhawuleza okukhulu linamathisele ikopi yesaziso kwindawo ebonakalayo kwizakhiwo.
- (6) Sisikhuseli saye nabani na ofunyaniswa enetyala lokungathobeli isaziso sokurhoxiswa ukuqinisekisa ukuba -
 - (a) ebengayazi ukuba kukho isaziso sokurhoxisa yaye ebengenakulindelwa ukuba ayazi ukuba sikho kwaye;
 - (b) uye wasithobela isaziso sokurhoxiswa kwiiyure ezingama 48 emveni kokuba sixhonyiwe emasangweni ngokomthetho okumhlathi (5).

35. Ukurhoxiswa kwesaziso sokuyekiswa

- (1) Umasipala kufuneka, kwisithuba seeyure azingama - 48 efumene isicelo esibhaliweyo sokuyeka esibhalwe kwisicelo sokurhoxiswa, enze uphando kuloo mhlaba okanye kwizakhiwo.
- (2) Emva kokugqitywa kophando, umasipala kufuneka azise ngokuthi abhale, umntu lowo ebekhutshelwe isicelo sokurhoxiswa okanye lowo ummeleyo nokuba isicelo eso besikhutshiwe okanye khange sikhutshwe okanye umyalelo orhoxisayo ubusele uyekiwe.
- (3) Umasipapa unokuhlululisa umnikazi okanye umhlali kwizakhiwo xa kusenziwa

uphando ngokwemithetho yomhlathi (1), isohlwayo esimiselweyo sokwenza uphando.

36. Umsebenzi olungisayo kamasipala

(1) Umasipala unokungena yaye ahlole naziphi na izakhiwo ngokomthetho we-National Health Act, yaye enze nantoni na kwizakhiwo abona ukuba kuyimfuneko yokuba ayenze –

(a) ukuqinisekisa ukuba lo mthetho uyathotyelwa okanye nesaziso sokuthobela okanye isaziso sokurhoxisa;

(b) ukususa okanye anciphise imiqobo yezempilo

(2) Umasipala unokwenza uhlolo kwizakhiwo-

(a) rhoqo apho igosa lezempilo likholelwa ukuba izakhiwo ezo zisetyenziselwa iimeko echazwe kulo mthethwana, yaye injongo yokuhlola kukufumanisa ukuba ukusetyenziswa kuyahambiselana nemiqathango yalo mthethwana;

(b) apho isaziso sokuthobela ngokuphathelele kwizakhiwo sikhutshwe ngokomhlathi 33, yaye injongo yokuhlola kukufumanisa ukuba isaziso sithotyelwe kusini na;

(c) apho umnikazi okanye umhlali wesakhiwo engakwazanga ukuthobela isaziso esikhutshwe ngokomhlathi 33, okanye isaziso esithintelayo sasikhutshiwe ngokomhlathi 34 esichaza ukuba kufuneka kuthatyathwe amanyathelo; okanye

(d) apho igosa lezempilo linezizathu ezibambekayo zokuba kungakho ingozi empilweni okanye kwizakhiwo.

(3) Phambi kokuba kuhlolwe nasiphi na isakhiwo okanye kuhlolwe nawuphi na umsebenzi ngokwalo mhlathi, abantu abenza uhlolo okanye abenza umsebenzi kufuneka bazichaze yaye bachaze negunya labo kumntu ophethe izakhiwo okanye umntu obanike imvume yokuba bangene.

(4) Naluphi na uhlolo olwenziweyo okanye umsebenzi owenziwe ngokwalo mhlathi kufuneka wenziwe ngexesha elifanelekileyo, kuthathelwa ingqalelo iimeko ezigqubayo ngelo xesha.

(5) Naluphi na uhlolo olwenziweyo okanye umsebenzi owenziwe ngokwalo mhlathi kufuneka wenziwe ngobuchule nangenzolo, kubandakanya-

(a) ilungelo lomntu, intlonipho nokhuseleko lwesidima sakhe;

(b) ilungelo lomntu kwinkululeko nasekukhuselekeni; kunye

(c) nelungelo lomntu kwizinto zakhe zangasese.

37. Iindleko

(1) Ukuba umntu akakwazi ukuhabatha amanyathelo ekufuneka ewathabathile ngokukhutshwa sisaziso sokuthobela esichazwe kumhlathi 33, umasipala unokuthi ngokuphathelele kwicandelo (3) atsale njengetyala, yaye ngokomthetho wokukolekwa kwamatyala kamasipala, atsale zonke iindleko ezenzekileyo kuba esebenze ngokomthetho womhlathi 36(1) kumntu lowo nakubani na okanye bonke aba bantu balandelayo:

(a) umnikazi womhlaba, isakhiwo okanye izindlu; okanye

(b) umntu okanye umhlali olawula umhlaba, isakhiwo okanye izindlu okanye nabani na onelungelo lokusebenzisa umhlaba xa imeko ibimvumela.

(2) Iindleko ezizuziweyo kufuneka zamkeleke yaye zinokubandakanya, zingakhange

zabekelwa umda, iindleko eziphathelele kumsebenzi, amanzi, izixhobo, kunye neendleko zokuphatha ezenziwe ngumasipala.

38. Izithethe, amabakala nezikhokelo

- (1) Umasipala unokugqiba ekubeni apapashe izithethe, amabakala nezikhokelo ezichaza amanyathelo anokuthatyathwa ekupheliseni ingozi engumqobo kwezempilo ukuba mayenzeke, iqhubekeke okanye iphinde iqhubeke, okanye anciphise ingozi ibe kumgangatho owamkelekileyo
- (2) izithethe, amabakala nezikhokelo ezichazwe kumhlathi (1) zinokwahluka ngokwasekuhlaleni, kwiindawo ezisingqongileyo nakwizakhiwo ezahlukeyo.
- (3) Nabani na ongazithobeliyo izithethe, imigangatho nemiqathango echazwe kumhlathi (1) okanye nayiphi na imiqathango echaziweyo ngokwale meko, waphula umthetho.

ISAPHLUKO 12 IZIBONELELO JIKELELE

39. Ubunganga

- (1) Xa umqeshwa emsebenzini wakhe esenza nawuphi na umsebenzi okanye wenze umsebenzi ombeka ityala ngokwalo mthetho, umqeshi naye ufunyaniswa ukuba wenze umsebenzi okanye wenze into embangela ukuba afunyaniswe enetyala ngokuchazwa kumhlathi 45, ngaphandle kokuba uyakubonisa ngokwanelisa inkundla ukuba -
 - (a) umsebenzi lowo wenziweyo okanye ukufunyaniswa enetyala, umqeshwa ebesebenza ngaphandle kolwazi lomqeshi okanye kwemvume yakhe;
 - (b) umqeshi uwathathile onke amanyathelo ukuthintela isenzo ekuthethwa ngaso; kwaye
 - (c) bekungekho kwimiqathango yabasemagunyeni okanye ibingeyonxalenye yomsebenzi lo kuthethwa ngawo.
- (2) Into yokuba umqeshi ukhuphe imiyalelo ethintela umsebenzi ekuthethwa ngawo kumhlathi (1) asinto yaneleyo yokuba uwathathile onke amanyathelo ekuthethwa ngawo kumhlathi 1 (b).
- (3) Ukuba umqeshi ngokwemiqathango echazwe kumhlathi (1) uthatha uxanduva lwento eyenziwa ngumqeshwa wakhe, umqeshwa lowo uya kuthi atshutshiswe kuba unetyala.
- (4) Xa kuxoxwa ngetyala phantsi kwalo mthetho kwinto yokuba nayiphi na indawo efumaneka esitratweni okanye kwindawo ethile okanye ibibekwe ngohlobo oluthile, loo ndawo iya kuthatyathwa njengokuba ilungile ngaphandle kokuba kukho enye into.

40. Ukungqinela neenkonziso zezaziso namanye amaxwebhu

- (1) Isaziso esikhutshwa ngumasipala ngokwalo mthetho sithathwa ngokuba siyasebenza ukuba sikhutshwa ligosa lezempilo.
- (2) Nasiphi na isaziso okanye uxwebhu olukhutshwa ngumntu ngokwalo mthetho sithathwa ngokuba siyasebenza ukuba -
 - (a) sithunyelwe kuye buqu;

- (b) xa sishiywe kwindawo ahlala kuyo okanye kwindawo yeshishini kwi-Republic kumntu ongaphezu kweminyaka eli-16;
 - (c) Xa sithunyelwa ngeposi ebhalisiweyo okanye eqinisekisiweyo kwindawo yokugqibela yaloo mntu eyaziwayo okanye indawo aphantela kuyo kwi-Republic, kwaye kukho nesiqinisekiso sokuthunyelwa seposi esivela kwinkonzo yezeposi;
 - (d) ukuba idilesi yaloo mntu ayaziwa kwi-Republic, xa ithunyelwe kummeli wakhe kwi-Republic ngendlela echazwe kwimihlathi (a), (b) okanye (c);
 - (e) xa idilesi yaloo mntu ingaziwa okanye ummeli wakhe engaziwa kwi-Republic, xa sithunyelwe kwindawo ethile okanye kwindawo eyeleleneyo nayo;
 - (f) kwimeko yezoshishino, xa ithunyelwe kwi-ofisi ebhalisiweyo yezakhiwo zoshishino; okanye
 - (g) xa sithunyelwe, kwidilesi ye e-mail yalo mntu ngokwesicelo sakhe.
- (3) Ukusetyenziswa kwekopi kuthatyathwa njengokuba yeyoqobo.
- (4) Xa isaziso okanye olunye uxwebhu luthunyelwa kumnikazi, kumhlali okanye umntu okwisakhiwo, okanye kulunge nandawoni na, kwanele ukuba laa mntu uchazwe kwisaziso okanye kwelinye uxwebhu njengomnikazi, umhlali okanye umntu okwisakhiwo yaye akuyomfuneko ukuchaza igama lalo mntu.

41. Isibheni

Umntu amalungelo akhe achatshazelwe sisigqibo sikamasipala unokwenza isibheni kwisigqibo eso ngokuthi abhale isaziso sesibheni kwakunye nezizathu ngokuchazwa kumhlathi 62 we Local Government Municipal Systems Act, Act 32 of 2000 kumphathi kamasipala kwiintsuku ezingama 21 emva kokuba kuthatyathwe isigqibo eso.

42. Izohlwayo

(1) Nabani na owaphula okanye ongathobeli lo mthethwana, isaziso esikhuthswe ngokuphathelele kulo mthethwana, akukhathaliseki nokuba loo mthethwana uchazwe njengesono nokuba kuphi, uya kuba nesono kwaye uya kufumana:

- (a) isohlwayo okanye abanjwe, okanye isohlwayo okanye ukuvalelwa entolongweni okanye zozibini ukoohlwaya nokuvalelwa entolongweni;
- (b) kwimeko apho isono sisoloko siqhubekeka, isohlwayo esongezelelweyo okanye ixesha elongezelelweyo entolongweni okanye ixesha elongezelelweyo kunye nokuvalelwa ngosuku ngalunye lokuqhubekeka kwesono eso, kwakunye
- (c) isixa mali esilingana nentlawulo kunye neendleko ezifunyaniswe yinkundla ukuba zenziwe ngumasipala ngenxa yokwaphula umthetho.

43. Intsebenziswano phakathi koomasipala kunye nomsebenzi

- (1) Ngokweenjongo zokufumana iinkonzo ezikumgangatho ophakamileyo, umasipala unokungena kwizivumelwano noomasipala bekhaya kwindawo asebenzela kuyo ngokwale ndlela ilandelayo:
- (a) kwenziwe amalungiselelo ngokuphathelele ekwenziweni kwemisebenzi echazwe kulo mthetho;
 - (b) kubuyiswe iindleko nenkcitho;
 - (c) ngokwamalungiselelo akumhlathi- 86 of the Municipal Structures Act, 1998, iimeko zokusonjululwa kweyantlukwano ngokuphathelele

ekwenziweni kwemisebenzi okanye kwiimeko apho bekukho izivumelwano;

- (d) nawuphi na umcimbi othathwa ukuba ulungile kwisithili okanye koomasipala bekhaya ekufumaneni inkonzo ekumgangatho ophezulu.

44. Amaqonga othethwano asekuhlaleni

- (1) Umasipala unokuseka amaqonga othethwano asekuhlaleni ngeenjongo-
- (a) zokukhuthaza abahlali ukuba bathathe inxaxheba ekusekweni nasekuphuculweni kwalo mthetho; kwaye
 - (b) akhuthaze ukuba kufunyanwe imeko ekhuselekileyo yezendalo.
- (2) Amaqonga achazwe kumhlathi (1) anokuba -
- (a) nelungu okanye amalungu eqela elinomdla okanye umntu ochaphazelekayo ngokuchazwe kumhlathi 2(4)(f) ukuya ku (h) we National Environmental Management Act, 1998 (Act 107 of 1998).
 - (b) ilungu okanye amalungu anendawo yawo echaphazelekayo kwingozi yempilo kwezendalo okanye umqobo onokuthi wenzeke;
 - (c) igosa okanye amagosa anyulwe ngumasipala; kunye
 - (d) noceba onomsebenzi wempilo yezendalo.
- (3) Umasipala unokuthi; ekufakweni nasekunyanzelisweni kwalo mthetho -
- (a) acele igalelo kubantu ;
 - (b) asebenzise nabuphi na ubuchule obunokuthi buvele kwelo qonga.
- (4) Iqonga, okanye umntu okanye abantu abachazwe kumhlathi - 2, banokuthi, ngokubona kwabo, ngokuvumelana namalungiselelo akumhlathi - 31 we National Environmental Management Act, 1998 (Act 107 of 1998), bafake igalelo elinokuthi liqwalaselwe ngumasipala.

45. Ukukhululwa

(1) Nabani na ngokwenza isicelo esibhaliweyo, apho izizathu zichazwa ngokupheleleyo, enze isicelo sokuba akhululwe kumalungiselelo alo mthetho.

(2) Umasipala-

(a) unokuvuma ukuba kukhululwe ngokwemiqathango apho, ukuba ikho, yaye nexesha lokukhululwa kufuneka lichazwe;

(b) unokulungisa okanye arhoxise ukukhululwa; okanye

(c) unokunganiki mvume yokuba kukhululwe

(3) Ukuze kuqondisiswe isicelo ngokuchazwe kumhlathi (1), umasipala unokufumana igalelo okanye ingxelo kubanikazi okanye kubahlali bezakhiwo ezingqongileyo.

(4) Ukukhululwa akusebenzi ngaphandle kokuba lowo wenze isicelo uvumile ukuthobela imiqathango ngokuthi abhalele umasipala phantsi komhlathi (2), nangona kunjalo, ukuba umsebenzi wenziwe phambi kokuba kufakwe isicelo kumasipala, ukukhululwa kuya kuthi kurhoxiswe.

(5) Ukuba nawuphi na umqathango wokukhululwa awuthotyelwanga, ukukhululwa kuyaphelelwa ngoko nangoko.

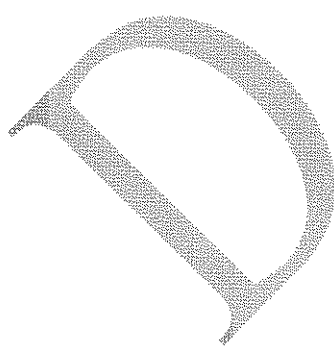
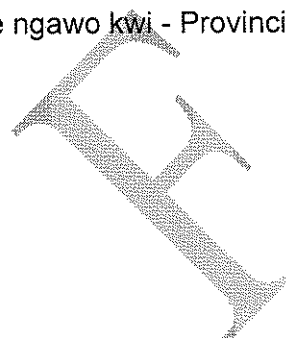
46. Ukubhangiswa kwemithetho

Le mithetho ilandelayo iyabhangiswa:

- (a) Nawuphi na omnye umthetho owenziwe ngumasipala okanye nayiphi na enye indawo kamasipala erhoxisiweyo yaza yafakwa kumasipala, ngendlela ebhekiselele kumalungiselelo alo mthetho, kunye
- (b) Nawuphi na umthetho owenziwe ngoomasipala bekhaya kwindawo ye- Cape Winelands District Municipality, okanye nawuphi na umasipala erhoxisiweyo waza wafakwa koomasipala ekuthethwa ngabo, ngendlela ekwenziwa ukuba mabasebenze ngayo kwi - Cape Winelands District Municipality ngegunya nemisebenzi ngokuphathelele kumhlathi 84(3) we - Municipal Structures Act, 117 ka 1998.

47. Isihloko esifutshane nomsebenzi

Lo mthetho unokuthathwa njenge -Cape Winelands Environmental Health By-law, yaye uya kusebenza ngomhla opapashwe ngawo kwi - Provincial Gazette.



BESPREKINGSDOKUMENT**VERORDENINGE INSAKE MUNISIPALE GESONDHEID
KAAPSE WYNLAND DISTRIKSMUNISIPALITEIT**

Ingevolge die bepalings van Artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996) verorden die Kaapse Wynland Distriksmunisipaliteit soos volg:–

INHOUDSOPGAWE

1. Woordomsrywings
2. Beginsels en doelwitte

HOOFSTUK 1: GESONDHEIDSOORLASTE

3. Gesondheidsoorlas
4. Verbod op die skepping, ontstaan of voorkoms van 'n gesondheidsoorlas
5. Verpligting om 'n gesondheidsoorlas te verwyder of te verminder

HOOFSTUK 2: AANHOU EN SLAG VAN DIERE

6. Toepassing van Hoofstuk
7. Aanhou en slag van diere
8. Karkasse

HOOFSTUK 3: DIERE-INRIGTINGS*Deel 1: Honde- en katherberge*

9. Vereistes met betrekking tot persele

Deel 2: Troeteldierwinkels en -salonne

10. Vereistes met betrekking tot persele en werknemers

HOOFSTUK 4: AKKOMMODASIE-INSTELLINGS

11. Toepassing van Hoofstuk
12. Vereistes met betrekking tot geboue, water, sanitasie en vullisverwydering
13. Voorbereiding en bediening van voedsel
14. Persele

HOOFSTUK 5: KINDERSORGGERIEWE EN –INSTELLINGS

15. Strukturele en ander vereistes
16. Vrystellings, bykomende vereistes en voorbehoude
17. Nie-nakoming

HOOFSTUK 6: OPENBARE SWEMBADDENS EN SPA-BADDENS

18. Pligte van 'n swembad- en spa-badbestuurder
19. Watervoorsiening
20. Voorsiening van sanitêre toebehore en openbare geriewe
21. Waterveiligheid
22. Oortredings

Although strict measures are proposed in certain cases, the by-law allows for any person to apply for exemption from any of the provisions of the by-law. Considerations for exemption would include developmental issues such as the promotion of social and economic development, access to services and affordability.

Sections 83 to 88 of the National Health Act, 2003 gives very clear directions for the operation of an environmental health inspectorate while the by-law will provide the inspectorate with a framework written with a clear conception of the local conditions.

3. Chapter 1

This chapter firstly explains the conditions under which an environmental health hazard or nuisance exists or occurs. It refers to various conditions on different kinds of premises such as the accumulation of waste or materials and waste water and the presence of rodents and vermin on premises that may create a health hazard or nuisance. It also endeavors to give substance to the definition of "health nuisance" in Act 61/2003 which is given as *"a situation, or state of affairs, that endangers life or health or adversely affects the well-being of a person or community"*;

Secondly, it places a prohibition on the creation, existence or occurrence of such health hazards or nuisances which may lead to further action in the case of non-compliance with any directive given by the municipality.

Thirdly it imposes a duty on all owners or occupiers of land or property to eliminate or reduce the risk of health hazards and and nuisances on premises. In addition it gives clear directives to such owners or occupiers as to how such hazards or nuisances may be eliminated or reduced, failing which may also lead to further action by the municipality.

4. Chapter 2

The keeping of animals and pets often result in the occurrence of an environmental health hazard or nuisance.

Section 6 explains the applicability of the by-law. It is important to note that it does not exclude farmers or people living on small holdings from liability where the keeping of their animals create a hazard or nuisance to other people. It provides for distances to be kept from buildings used for educational, health care or recreational purposes or rooms that are used for human habitation.

Carcasses of dead animals or marine fauna quickly creates health hazards or nuisances and needs no further comment.

5. Chapter 3

The location of the animal establishments referred to in this chapter is normally determined in terms of the Zoning Schemes of local municipalities while the operation of and the requirements for dog kennels, catteries and pet shops and pet parlors must conform to the environmental health requirements of CWDM. These requirements are set out in sections 10 and 11.

6. Chapter 4

The rapid development of the accommodation sector in South Africa and in particular in the CWDM region necessitates some form of management with regard to buildings, water, sanitation and refuse removal at accommodation establishments.

This chapter prescribes certain minimum requirements for the healthy operation of such establishments and incorporates the Regulations relating to Food Premises as promulgated in terms of Act 63/1977.

7. Chapter 5

With the changing profile of the work force where women are becoming more prominent, the demand for child care facilities is growing just as rapidly. This chapter acknowledges the importance of proper child care and sets the requirements for such facilities to promote healthy and safe conditions. The requirements are in line with the minimum requirements for child care facilities set by the department of Social Welfare.

8. Chapter 6

The quality and standards of water at swimming pools and spa baths is addressed in sections 23 to 25. The duties of swimming pool and spa bath keepers are also explained.

9. Chapter 7

The nature of the tools and equipment used in salons contemplated in this chapter and the fact that clients sustain cuts and piercing in many cases requires some form of management from a health point of view.

With the increasing threat of HIV/aids and other diseases, this chapter provides for the hygienic use of equipment as well as proper ventilation, water and toilet facilities in such salons.

10. Chapter 8

This chapter provides CWDM with further measures within numerous existing pieces of legislation to address the environmental health aspects surrounding waste and hazardous waste.

In the absence of other legislation regulating the removal, transport and disposal of health care waste, this chapter provides detailed requirements there of.

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11. Chapter 9

This chapter incorporates the provisions of the National Water Act, 1998 with regard to pollution of water and imposes a duty on the owners or occupiers of land to prevent the creation of an environmental health hazard or nuisance. It also gives certain directives in terms of which owners or occupiers should operate.

12. Chapter 10

Although the function of cemeteries and burial of the dead is a function of the local municipalities, the district municipality has a health responsibility when graves are re-opened or where exhumations take place.

13. Chapter 11

This chapter deals with the arrangements for enforcement of the by-law. It allows for the appointment of environmental health practitioners and the powers and duties of such staff.

It provides for notices of compliance that may be issued where a contravention of any of the provisions of the by-law is taking place and at the same time allows for the person receiving the notice to make representations to the municipality.

Section 42 provides for a prohibition notice that may be served to prohibit the owner or occupier of land or premises to use such premises where it may create an environmental health hazard or nuisance. As in the case of the compliance notice, the prohibition notice must state reasons for the serving of the notice and the measures to be taken to rectify the matter and the opportunity to make representations.

Sections 44 and 45 entitles the municipality to undertake remedial work where the recipient of a compliance or prohibition notice stays in default and to recover any costs incurred while undertaking such remedial steps.

14. Chapter 12

This chapter provides for presumptions normally allowed in terms of legislation where prosecution takes place.

It also deals with the authentication of documents and the procedures for serving notices or documentation.

Section 48 creates the opportunity for any person who feels aggrieved to appeal against any decision taken by the municipality.

Provision is made for penalties for offenders in section 49. While the environmental health practitioner will serve notices in terms of sections 41 and 42, prosecutions will take place in terms of section 49 where the recipient fails to act in terms of the said notices. The health practitioner will still be responsible to see to the procedures and statements needed for prosecution.

Section 50 allows for the municipality to enter into agreements with the local municipalities in its area to address practical arrangements regarding service delivery issues. Grey areas that may exist will be addressed in terms of the said agreement in an effort to optimize service delivery. The present situation is that officials of the various municipalities are not exactly sure where their responsibilities end or begin.

A good example is the keeping of animals. While the local municipality has the control over the actual keeping of animals, the district municipality can only take action when the keeping of such animals results in an environmental health hazard or nuisance.

Section 51 creates the opportunity for involving communities in the implementation and development of the by-law. It provides for liaison forums which may be approached whenever necessary and even to employ any skills or capacity that may exist in such forum.

Finally, section 52 provides for exemptions that may be applied for.

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