

Cape Town, South Africa

Environmental Health

Legislation as at 30 June 2003

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Environmental Health
Contents

Paragraph (1) 2

Paragraph (2) 2

Paragraph (3) 2

Paragraph (4) 2

Paragraph (5) 2

Paragraph (1) 2

Paragraph (2) 2

Paragraph (3) 2

Paragraph (1) 2

Paragraph (2) 2

Paragraph (1) 2

Paragraph (2) 2

Paragraph (3) 3

Paragraph (4) 3

Paragraph (5) 3

Part 1 – Prevention and suppression of health nuisances 3

 Section 1. 3

 Section 2. 3

 Section 3. 4

 Section 4. 4

 Section 5. 5

 Section 6. 5

 Section 7. 5

 Section 8. 5

 Section 9. 5

 Section 10. 5

Part 2 – Keeping of animals and poultry 5

 Section 11. 5

 Section 12. 5

 Section 13. 6

 Section 14. 6

 Section 15. 7

 Section 16. 7

 Section 17. 8

Section 18.	8
Section 19.	8
Section 20.	8
Section 21.	8
Section 22.	8
Part 3 – Medical waste management	8
Section 23.	8
Section 24.	9
Section 25.	10
Section 26.	11
Section 27.	11
Part 4 – Trades	11
28. Accommodation establishments	11
29. Hairdresser and barbers	12
30. Tattooing and body piercing of humans	14
31. Childcare facilities	14
Section 32.	15
Part 5 – The conveying and handling for sale of meat intended for human consumption	15
Section 33.	15
Section 34.	16
Section 35.	16
Section 36.	16
Section 37.	16
Part 6 – General provisions	16
38. Right of entry and inspection	16
39. Service of documents and process	17
40. Penalties	17
41. Exemptions	17
42. Repeal	17
43. Interpretation	18
44. Short title and commencement	18
Schedule 1	19

Cape Town South Africa

Environmental Health By-law, 2003

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[Some of the provisions of this By-law have no headings.]

Definitions

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

"accommodation establishment" means any premises in or upon which the business of supplying lodging with or without one or more meals per day is conducted or intended to be conducted for reward or gain, but does not include any such premises which is duly registered as a hotel under any law relating to the registration of hotels, or which provides lodging with one or more meals per day and has fewer than five beds available for occupation, or which provides no meals and has fewer than three rooms that are let or intended for letting;

"agent" means a person specifically or generally appointed to attend to the affairs of another;

"animal" means horse, pony, mule, donkey, cattle, pig, sheep, goat, camel, reptile, indigenous animal and other wild or exotic animal, but excludes dogs and cats kept as domestic pets;

"boarder" means any person to whom lodging or both lodging and meals in an accommodation establishment is or are supplied by the proprietor for reward or gain;

"carcass" means the remains of any animal or poultry;

"cattery" means any establishment where cats are bred or boarded;

"child care facility" means any building or premises maintained or used, whether for profit or otherwise, for the temporary or partial care of children under 18 years of age apart from their parents, but does not include any boarding school, school hostel or any establishment which is maintained or used mainly for the tuition or training of children and which is controlled by or which has been registered or approved by the State;

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

"cost" means the amount determined by a duly authorized employee of the Council;

"Council" means the Council of the City of Cape Town or its duly authorised employee, councillor, committee or agent;

"generator" means a person who generates medical waste.

"hairdresser or barber" means a natural person who carries on business by cutting, shaving, shampooing, curling, straightening or otherwise treating or removing people's hair or beards or providing beauty treatment for reward or gain;

"health nuisance" means any activity, condition, premises or thing which, on account of effluent, vapours, chemical effluvia, odours, noise, vibration, radiation, refuse, waste products, dirt, chemical or biochemical material, microbial infection, vermin, vegetation, overcrowding, lack of proper general hygiene, ventilation, lighting, design, situation or on account of any other cause or practice whatsoever, is/are in the opinion of the Director: City Health or a duly authorised council employee potentially injurious or dangerous to health or which is/are offensive, including, without affecting the generality of the foregoing, any facility for the storage, distribution or handling of water that is likely to be used by man for domestic purposes or consumption, including such water itself, which is contaminated or polluted;

"kennel" means any establishment that has as its business the breeding, training or boarding of dogs and includes pounds whether operated by the State or otherwise;

"medical certificate" means a certificate signed by a medical practitioner;

"medical practitioner" means a person registered as such under the laws relating to the registration of persons as medical practitioners;

"medical waste" includes—

- (1) any waste, whether infected or not, resulting from a medical, surgical, veterinary or laboratory procedure on humans or animals, such as blood, body fluids, tissue, organs, body parts, extracted teeth, corpses (excluding corpses intended for burial in terms of the Births and Deaths Registration [Act, 51 of 1992](#));
- (2) used medical equipment and other medical material which is capable or is reasonably likely to be capable of causing or spreading disease or causing or spreading infection, such as used surgical dressings, swabs, blood bags, laboratory waste, blood collection tubes, colostomy- and catheter-bags; gloves, drip bags, administration lines and tongue depressers.
- (3) contaminated and uncontaminated sharps, including clinical items which can cause a cut or puncture or injection, such as needles, syringes, blades and microscope slides;
- (4) pharmaceutical products which have become outdated or contaminated or have been stored improperly or are no longer required, such as human and animal vaccines, medicines and drugs;
- (5) genotoxic chemical waste and radio isotopes from experimental or diagnostic work or any other source;

"nightsoil" means human excrement not disposed of in an approved sanitary convenience;

"objectionable material" means garden litter, rubbish, waste material, rubble, scrap metal, article or thing, disused machinery, motor cars or other vehicles, as well as the disused parts thereof, refuse from any building operations, or any refuse capable of being deposited on any land or premises, including new or used building materials not necessarily required in connection with *bona fide* building operations actually in progress on any land, and includes any solid, liquid or gas which is or may become a nuisance or which materially interferes with the ordinary comfort or convenience of the public;

"occupier" in relation to any premises means and includes —

- (1) Any person in actual occupation of those premises; or
- (2) Any person legally entitled to occupy those premises; or
- (3) Any person having the charge or management of those premises, and includes the agent of any such person when he is absent from the Republic of South Africa or his whereabouts are unknown.

"offensive" means a state of affairs which is a health hazard or which has the potential to result in a health hazard

"overcrowding" means

- (1) a residential occupancy in excess of 12 occupants per sanitary convenience and/or
- (2) occupancy of habitable rooms (being all rooms in a dwelling excluding kitchens, bathrooms and sanitary conveniences) for sleeping purposes where such occupation exceeds 1 adult person per 4 m² and/or 1 child under 10 years of age per 2 m².

"owner" includes—

- (1) The person or persons in whom from time to time shall be vested the legal title to any immovable property.
- (2) In any case where a property is subject to a registered lease the lessee of such property.

- (3) In cases where the person in whom the legal title is vested is insolvent or deceased, or is of unsound mind or whose estate has been assigned for the benefit of his creditors, the person in whom the administration of the property is vested as trustee, executor, curator or assignee, or administrator.
- (4) In cases where the owner as above described is absent the agent or person receiving the rent of the property in question.
- (5) In any case where the property is beneficially occupied under a servitude or right similar thereto the occupier of such property.

"permit" means the written permission granted by the Council in terms of this by-law.

"person" includes any sphere of government; natural and juristic person person includes any sphere of government; natural and juristic persons

"poultry" means any fowl, goose, ostrich, duck, pigeon, dove, turkey, muscovy, guinea-fowl, peacock and/or peahen or bird whether domesticated or wild.

"premises" means any building, tent or any other structure, together with the land on which the same is situated and the adjoining land used in connection therewith and any land without buildings or tents, and includes any vehicle, conveyance, ship or boat.

"proprietor", in relation to an accommodation establishment, means the natural person who carries on or who is charged with carrying on business by supplying lodging or both lodging and meals for reward or gain and includes an owner of said property;

"structure" means any stable, shed, pigsty, kraal, aviary, paddock, covering structure, poultry house, enclosure, run, loft or building used for the keeping, housing or enclosing of animals and poultry;

"styptic" means a substance applied to stop bleeding.

"trades" for purpose of this by-law is restricted to the following: accommodation establishments, hairdressers and barbers, tattooing and body piercing of humans and child care facilities.

"transporter" means any person who removes medical waste from the premises of a generator or who transports medical waste or both.

"verminous" means being infested with vermin which includes but is not limited to lice, fleas and any organism which may infest or be parasitic on a person.

Part 1 – Prevention and suppression of health nuisances

1.

No owner or occupier of any shop or business premises or vacant land adjoining a shop or business premises shall use, cause or permit to be used such shop or business premises, vacant land or any portion thereof which is open to the public, for the purpose of storing, stacking, or keeping any waste material, refuse, crates, cartons, containers or any other articles of like nature in such a way as to cause a health nuisance.

2.

Notwithstanding the provision of any other by-law or legislation no person shall—

- (1) Allow any erf to be overgrown with bush, weeds or grass or other vegetation, except cultivated trees, shrubs and grass, to such an extent that, in the opinion of the Council, it may be used as a shelter by vagrants, wild animals or vermin or may threaten the public health or the safety of any member of the community.

- (2) Fail to maintain the sewers, drains, water fittings, waste water fittings, water closet fittings and all other sanitary accessories forming part of or attached to any building or structure in good and sound repair.
- (3) Deposit, keep, cause or permit to be deposited or kept any nightsoil on any premises, except in a proper sanitary convenience approved by the Council.
- (4) Keep, cause or suffer to be kept upon any premises any sanitary convenience of such nature or in such condition that it is a health nuisance.
- (5) Carry, convey 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 a health nuisance, unless such objectionable material or thing is covered with suitable material in order to prevent the creation of any health nuisance.
- (6) Cause or permit any stream, pool, ditch, drain, gutter, watercourse, sink, bath, cistern, water closet, privy or urinal on any land or premises to that owned or occupied by him or of which he is in charge to be or to become so foul or in such a state or to be so situated or constructed so as to be a health nuisance.
- (7) Cause or permit any foul or polluted water or any foul liquid or objectionable material to run or flow from any premises to that owned or occupied by another person, whether occupied for trade, business, manufacturing, dwelling or other purposes, onto any land or into any stormwater, river or canal system.
- (8) Commit, cause or permit to be committed any act which may pollute any water to which inhabitants of the area of jurisdiction of the council have the right of use or access.

3.

- (1) Where any objectionable material, article or matter of whatsoever nature has been accumulated or stored on any erf, street, thoroughfare, public square or commonage or where there is an overgrowth of bush, weeds, grass or vegetation on any erf in contravention of section 1 and 2(1) the Council may serve a notice to abate such health nuisance on —
 - (a) The person directly or indirectly responsible for such accumulation or storing; or
 - (b) The owner of such material, article or thing, whether or not he is responsible for such accumulation, or storing; or
 - (c) The owner of the erf on which such accumulation or storing takes place, whether or not he is responsible therefor, or
 - (d) The owner of the erf on which there is an overgrowth of bush, weeds, grass or vegetation.
- (2) In the event of the recipient failing to comply with the requirements of a notice served on him in terms of section 3(1) within the time specified in such notice, the Council may, at the expense of the recipient, together with any assistants and advisors it may require, forthwith enter upon such premises and clear from such premises any such trees, bushes, weeds, grass, stones and rubble or objectionable matter. The cost of such work shall be recoverable by the Council in any court of competent jurisdiction from the person in default.

4.

No person shall occupy or cause or suffer to be occupied any premises for habitable purposes so as to be a health nuisance, whether by overcrowding or otherwise.

5.

The owner of any premises which is let or sublet to more than one tenant, shall maintain at all times in a clean and sanitary condition every part of such premises as may be used in common by more than one tenant.

6.

No person shall keep, cause or suffer to be kept any factory or trade premises so as to cause or give rise to smells or effluvia that constitute a health nuisance.

7.

Every person who is the occupier or in charge of any premises or the owner of any vacant land in the area of jurisdiction of the council, shall take all possible precaution to prevent conditions favouring the multiplication and prevalence of, and shall take steps for the eradication of mosquitoes, flies, fleas, bugs, cockroaches or other vermin or pests. An authorised person employed by council may serve upon such owner, occupier or person in charge a notice in regard to the prevention or eradication of any such vermin or pest and specify a time period within which such vermin and/or pest must be eradicated.

8.

No person shall keep, cause or suffer to be kept on any premises any accumulation or deposit of filth, rubbish, refuse, manure, other offensive matter, or objectionable material or thing so as to be a health nuisance.

9.

No person shall, without the written permission of the council, occupy or permit to be occupied for human habitation a caravan, tent or other similar shelter of any description on unserviced land except on an authorised camping or caravan site.

10.

Any person who contravenes or fails to comply with any provisions of this part or fails to comply with any notice lawfully given thereunder shall be guilty of an offence.

Part 2 – Keeping of animals and poultry

11.

In order to promote public health no person shall keep or permit to be kept on any premises or property any animal or poultry without the permission of the council.

12.

- (1) For the purpose of promoting public health and restricting public nuisances, the Council may from time to time determine the number, kinds and sex of animals or poultry that may be kept per unit area and the areas within which such animals or poultry shall be prohibited.
- (2) The Council may from time to time, determine the kinds of animals and poultry for which a permit is required and the relevant application fee and annual fee for such permit. Applications for such permits must be made on the prescribed form made available by the Council for such purposes.

- (3) Permits issued in terms hereof are not transferable and shall only be valid for the specific property in respect of which the application was made.

13.

- (1) The Council may require an application in terms of [section 12\(2\)](#) to be accompanied by a detailed site plan indicating all existing or proposed structures and fences on the property for which the permit is required.
- (2) The Council may require detailed plans and specifications of structures wherein it is proposed to keep animals and poultry, in order to evaluate whether or not to grant a permit applied for in terms of [section 12\(2\)](#).
- (3) Notwithstanding anything to the contrary contained in this by-law, the Council may refuse to approve an application or grant approval subject to specific conditions if, in its opinion, the property owing to its location, siting or geographical features or size, is unsuitable for the keeping of animals or poultry.
- (4) No structure that accommodates animals shall be sited:
 - (a) within 15m of any boundary of the erf which abuts another residential erf; and
 - (b) within 6m of any boundary of the erf which abuts any road or public open space.
 - (c) within 4,5m from any dwelling, servants quarters, inhabited outbuilding and shop or building where food is processed.
- (5) Where a structure in which animals will be kept forms part of an outbuilding used for human habitation, such structure must be sited at least 4,5m from such habitable room and must not be under the same roof space as the habitable room.
- (6) No structure in which poultry is kept shall be sited:
 - (a) within 1,5m from any boundary of a residential erf; and
 - (b) within 1,5m from any dwelling, servants quarters, inhabited outbuilding and shop or building where food is processed, sold or stored.
- (7) All structures in which animals or poultry are kept shall be suitably screened from any street to the satisfaction of the Council.
- (8) No structure in which poultry is kept shall have a height in excess of 3,5m.
- (9) Notwithstanding the aforementioned provisions, the Council may after considering conditions particular to the property and on condition that no objection is received from adjoining neighbours, waive any or all of the requirements of this part and impose other conditions if appropriate.

14.

- (1) All manure resulting from the keeping of animals and poultry shall, pending removal from the premises, be stored under shelter in sealed fly-proof containers and disposed of on a regular basis so as to prevent any nuisance from being created, provided that such disposal may not include composting on the premises.
- (2) All feed shall be stored in a rodent proof place, container or storeroom for the keeping of animals and poultry.

- (3) The premises for keeping of animals and poultry shall be kept in such condition as not to attract or provide harbourage for rodents.
- (4) Carcasses are to be disposed of at the owner's expense and in a manner approved by the Council.

15.

The council may from time to time determine that a fly and rodent proof manure store and feedstore of adequate size and constructed of permanent material, is required on premises where animals are kept.

16.

No person shall keep a kennel or cattery unless the following requirements are complied with:

- (1) Dogs and cats shall be kept in a separate enclosures:
 - (i) constructed of durable materials and with adequate access for cleaning, disinfecting and devermination purposes.
 - (ii) with a floor constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100mm wide, extending over the full width of the floor and situated within the enclosure, which channel shall drain into a gully connected to the Council sewer system by means of a pipe of approved material with a minimum diameter of 100mm or to another approved disposal system.
 - (iii) with a kerb 150mm high along the entire length of the channel referred to in subparagraph (ii), to prevent stormwater from such area from entering the channel.
- (2) Every enclosure referred to in [section 16\(1\)](#) shall contain a roofed shelter for the accommodation of dogs and cats of which:
 - (i) every wall shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface without cracks or open joints.
 - (ii) the floor shall be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints and the surface between the floor and the walls of a permanent structure shall be coved.
- (3) In the case of dogs, a dog kennel of moulded fibre cement or other similar material which is movable and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter contemplated in [section 16\(2\)](#) and if the base of such kennel is not rendered waterproof, a raised sleeping board which will enable the dog to keep dry shall be provided in every such kennel.
- (4) A concrete apron at least 1m wide shall be provided at the entrance of the enclosure over its full width, the apron to be graded to allow for the drainage of water away from the enclosure.
- (5) A supply of potable water, adequate for drinking and cleaning purposes, shall be provided in or adjacent to every enclosure.
- (6) Separate isolation facilities for sick dogs and cats shall be provided to the satisfaction of the Council.
- (7) If cages are provided for the keeping of cats, such cages shall be of durable, impervious material and constructed so as to be easily cleaned.

17.

All structures shall at all times be kept in a proper state of repair by the owner or occupier of the premises.

18.

- (1) If, in the opinion of the Council, any animals kept on any property in terms of which a permit has been issued by the Council under this By-law cause a health nuisance, danger to health or endanger the safety of the public or where more animals are kept than authorised in the permit issued, the Council may serve written notice on the holder of the permit, or in his absence the person in charge, to remove or cause to be removed such nuisance or danger or excess number of animals within a specified period.
- (2) The holder of a permit or the person in charge, on receiving a notice in terms of [section 18\(1\)](#), shall comply with the requirements as specified by the Council in such notice, failing which the Council may at its discretion –
 - (a) cancel the permit to keep animals on such property, or
 - (b) amend the permit

19.

The holder of a permit shall, when requested by council to do so, return the permit issued to him for amendment or cancellation, as the case may be.

20.

No person shall alter or use a structure for the keeping of animals or poultry for purposes other than those specified in the permit.

21.

- (1) Any premises on which animals or poultry are already being kept shall be exempted from complying with requirements in respect of accommodation for animals for a period of 12 months from date of coming into operation of this By-law.
- (2) All permits, authorisations and concessions to keep animals or poultry granted in terms of any By-law or regulation repealed by [section 42](#) shall be deemed to have been granted in terms of this By-law.

22.

Any person who contravenes any of the provisions of this part or fails to comply with any notice lawfully given thereunder shall be guilty of an offence.

Part 3 – Medical waste management

23.

- (1) Generators must handle and store medical waste in a safe manner that poses no threat to human health or to the environment and are under a duty to ensure that medical waste is removed from their premises, transported and disposed of in accordance with this By-law.

- (2) Without limiting the generality of the duty in subsection (1), generators must comply with the following requirements:
 - (a) separate medical waste from other waste at the point at which it is generated;
 - (b) store medical waste in leak-proof, sealable containers and ensure that containers which are used for the storage of sharps and other clinical items which can cause cuts or punctures or injections are, in addition, rigid and puncture-resistant;
 - (c) label each medical waste container indelibly and in large, legible lettering with –
 - (i) the name and address of the generator;
 - (ii) the words "Danger: Medical Waste", "Gevaar: Mediese Afval" and "Ingozi: Inkunkuma Yezamayeza"; and the international bio-hazard logo; and
 - (iii) the date on which the medical waste container is removed from the generator's premises;
 - (d) prevent public access to medical waste containers which are in use;
 - (e) store filled medical waste containers in controlled, secure areas which are reserved for the storage of medical waste;
 - (f) make arrangements for the removal of medical waste from their premises and for the transportation of medical waste to a disposal site by a person who transports medical waste in terms of this By-law and who is registered as a transporter as contemplated in [section 26](#) of this By-law;
 - (g) make arrangements for the disposal of medical waste by a person permitted to dispose of medical waste in terms of this By-law.
- (3) Generators may apply in writing to the Council for permission to handle, store and otherwise deal with their medical waste in a manner which does not comply with the requirements set out in subsection (2).
- (4) The Council may in writing grant the permission referred to in subsection (3); provided that it may grant such permission subject to conditions.
- (5) Generators may transport and dispose of medical waste, provided that they do so in terms of this By-law.
- (6) Generators must –
 - (a) maintain an up-to-date written record of medical waste removed from their premises in the format as prescribed from time to time by the Council.
 - (b) acquire from the disposer of the medical waste written notification that the medical waste has been disposed of and, on receiving such notification, indicate in their written records that the medical waste has been thus disposed of;
 - (c) keep the written record referred to in (a) and the notification referred to in (b) for a period of one year after the removal from their premises of the medical waste.

24.

- (1) Transporters must remove medical waste from the premises of a generator, transport, store and deliver such medical waste to the site at which it will be disposed of in a safe manner which poses no threat to human health or the environment.

- (2) Without limiting the generality of the duty in subsection (1), transporters must comply with the following requirements:
 - (a) not remove medical waste from the containers in which the generator has stored the medical waste;
 - (b) transport and store medical waste in such a way that no member of the public can gain access to the medical waste or the containers in which it is stored;
 - (c) transport medical waste in vehicles which are —
 - (i) capable of containing the medical waste;
 - (ii) designed to prevent spillage;
 - (iii) constructed of materials which are easy to clean and to disinfect;
 - (iv) capable of being secured in order to prevent unauthorised access;
 - (d) deliver medical waste only to a person and site permitted to dispose of medical waste in terms of [section 25](#).
- (3) Transporters may apply in writing to the Council for permission to remove, transport, store and deliver medical waste in a manner which does not comply with the requirements set out in subsection (2).
- (4) The Council may in writing grant the permission referred to in subsection (3); provided that it may grant such permission subject to conditions.
- (5) Transporters may dispose of medical waste, provided that they do so in terms of this By-law.
- (6) Transporters must maintain a written record in respect of each collection and delivery of medical waste, which they must update simultaneously with each collection and delivery, and such record must be in the format as prescribed from time to time by the Council and must keep such record for a period of one year from the date on which the medical waste is delivered. Transporters must keep a copy of the relevant record in the vehicles used for the transportation of the medical waste.

25.

- (1) Medical waste may only be disposed of by a person—
 - (a) who holds a permit to operate a hazardous waste site in terms of section 20 of the Environment Conservation [Act, 73 of 1989](#), or who is authorised to incinerate medical waste by means of equipment which has been approved in terms of the Atmospheric Pollution Prevention [Act, 45 of 1965](#), or both; and
 - (b) who complies with all terms and conditions attached to such permit and authorisation.
- (2) A person permitted in terms of subsection (1) to dispose of medical waste must do so at the site at which the permit or authorisation, or both, permits him or her to dispose of medical waste and may not dispose of medical waste at any other place.
- (3) Persons who dispose of medical waste must—
 - (a) maintain an up-to-date written record of each delivery of medical waste to the disposal site in the format as prescribed from time to time by the Council.
 - (b) keep such record for a period of one year from the date on which the medical waste is disposed of.

26.

- (1) Every generator must register with the Council within 6 months of the coming into operation of this By-law by completing and submitting a written notification to the Council in the format prescribed from time to time.
- (2) Every transporter must register with the Council within 6 months of the coming into operation of this By-law by completing and submitting a written notification to the Council in the format prescribed from time to time.
- (3) Generators and transporters must advise the Council of any changes to the information provided in terms of subsections (1) and (2) as soon as such change takes place.

27.

Any person who contravenes any provision of this part or fails to comply with any notice lawfully given thereunder commits an offence.

Part 4 – Trades

28. Accommodation establishments

- (1) Every accommodation establishment shall comply with the following requirements:
 - (a) The premises intended to be used or already in use as an accommodation establishment shall be in good structural order and repair, both internally and externally.
 - (b) All furniture, linen, utensils, fittings and equipment provided by the proprietor shall be clean and in good order and sufficient for the purpose thereof.
 - (c) Every room shall be provided with adequate means of lighting and ventilation so as to enable such room to be used at all times without detriment to health or safety or causing a nuisance.
 - (d) It shall be provided with a sufficient number of refuse receptacles with close-fitting lids.
 - (e) An adequate number of bathrooms and toilets, suitably equipped, shall be provided on the premises.
 - (f) Separate bathrooms and toilets shall be provided for male and female boarders and for employees, and shall be so located that they are easily accessible to those persons they are intended to serve; provided, however, that where the number of boarders does not exceed twelve (12), separate facilities for the different sexes need not be supplied.
 - (g) Baths, showers and washbasins on the premises shall be served at all times with running hot and cold water.
 - (h) It shall be provided with a suitable yard, paved and drained to the satisfaction of the Council.
 - (i) If ten (10) or more boarders can at any one time be lodged on the premises, it shall have —
 - (i) a suitable sitting room or sitting rooms so furnished and of such capacity as to meet the reasonable requirements of the boarders, and

- (ii) where meals are provided, a suitable dining room or dining rooms which shall provide seating accommodation on the basis of not less than one (1) square meter for each boarder.
 - (j) where meals are provided or cooking takes place, an adequately equipped kitchen to be provided.
- (2) The proprietor of an accommodation establishment shall be responsible for the due compliance with and observation of the provisions of this By-law, and further he shall be responsible for the acts, omissions and defaults of his employees or agents in such regard, and any breach of this by-law by himself, by any member of his family or by any of his employees or agents shall be deemed to be a breach by the proprietor personally of this By-law.
- (3) The proprietor of an accommodation establishment shall, to the satisfaction of the Council, at all times—
 - (a) maintain the whole of the accommodation establishment in a clean and sanitary condition;
 - (b) keep the furniture, utensils, linen and equipment in a sound condition and clean state;
 - (c) supply only wholesome food to the boarders and other persons on the premises, and
 - (d) not knowingly cause or permit any person suffering from a communicable disease to be employed in or on the premises unless he is in possession of a medical certificate to the effect that such person is fit to continue his employment.
- (4) The proprietor of an accommodation establishment shall not—
 - (a) allow any portion of the premises other than an approved bedroom to be used by any person for sleeping purposes; provided that the aforesaid prohibition shall not apply to any boarder occupying a bedroom in so far as it consists of a stoep or porch which has been suitably converted;
 - (b) accommodate any boarder in the same bedroom with another person unless such persons are of the same family or both of them have given their consent thereto, and
 - (c) conduct the business of the said accommodation establishment in such a manner so as to cause any nuisance or annoyance to residents of neighbouring properties.
 - (d) permit cooking in a living room or an area designated as a living room.
 - (e) permit the premises to become overcrowded.
- (5) Notwithstanding compliance with all of the proceeding provisions, no person may operate an accommodation establishment unless the property is appropriately zoned in accordance with the zoning scheme applicable thereto, and in compliance with all applicable laws.

29. Hairdresser and barbers

- (1) No person shall conduct the business of hairdresser or barber in any premises within the municipal area unless—
 - (a) all parts of the premises are effectively lit and ventilated;
 - (b) washbasins with hot and cold running water and fitted with a trapped wastepipe have been provided in the proportion of at least one basin for every two persons engaged at the same time in cutting, dressing or shampooing hair or shaving any person or in any operation pertaining to the business of hairdresser or barber;

- (c) all tables and shelves on which instruments are laid are constructed of or covered with glass, marble, glazed tiles or other similar smooth, impervious, durable and non-corroding material;
 - (d) the floor is even and suitably covered with impervious material or constructed with a smooth, impervious surface, maintained so that it may be easily swept and thoroughly cleansed, and
 - (e) he has provided a sufficient number of readily portable refuse receptacles with close-fitting lids made of impervious material in such a manner that they can be readily washed and cleaned.
- (2) Every person carrying on the business of barber or hairdresser shall ensure that –
- (a) the premises in which such business is conducted and all instruments, appliances, implements, utensils and other articles belonging or pertaining thereto or used or intended to be used in connection therewith, are maintained in a clean condition and a good state of repair at all times;
 - (b) all cut hair is immediately swept up and placed in a covered refuse receptacle provided for the purpose;
 - (c) every hairbrush used or intended to be used in the business is kept in a clean condition at all times and washed and thoroughly cleansed at least once a day;
 - (d) every towel which has been used upon any person is adequately laundered before being used upon any other person;
 - (e) precautionary steps are taken to prevent direct contact between the head or neck of any client and the chair in which he sits;
 - (f) every brush, comb, razor, scissors, clippers or other instruments, appliance or implement which has or have been used upon any person in such a way as to have come into contact with some exposed portion of such person's body has, or have, before being used upon any other person, been disinfected in one of the following ways
 - (i) immersion in boiling water; or
 - (ii) immersion in a disinfectant solution
 - (iii) treatment in an approved disinfecting apparatus in an approved manner;
 - (g) a sufficient number of each kind of instrument, appliance or implement has been provided.
 - (h) no person is subjected to shaving, haircutting or any other operation connected with such business in that part of the premises in which the business of hairdresser or barber is ordinarily conducted, if such person appears to be verminous or to be suffering from any disease of the skin or hair and, should any such person have been subjected to any such operation, that all towels, instruments and other things used in connection with such operation have, notwithstanding anything to the contrary herein contained, immediately thereafter been sterilised by immersion in boiling water for at least fifteen minutes;
 - (i) no soap other than liquid, powder or tubed soap or shaving cream is used when any person is shampooed or shaved or is subjected to any other operation connected with the business of hairdresser or barber;
 - (j) no styptic substance other than in liquid or powder form and applied as a spray or by means of a clean, new piece of cotton-wool is used on any person;

- (k) no person whose person or clothing is in a dirty condition engages in cutting, dressing or shampooing the hair of any other person or in shaving any such other person, or engages in any other operation connected with the business of hairdresser or barber to which such latter person is subjected;
 - (l) no person engages in cutting, dressing or shampooing the hair of any other person or in shaving any such other person, or engages in any other operation connected with the business of hairdresser or barber to which such latter person is subjected without washing his hands immediately before doing so;
 - (m) no person suffering from any communicable disease takes part in or is permitted or suffered to take any part in any operation connected with the conducting of the business of hairdresser or barber unless such person has produced a medical certificate to the effect that he is fit so to take part.
 - (n) where waxing is practiced, the wax used in such a procedure may only be used for one application.
- (3) The provisions of this By-law shall apply *mutatis mutandis* to any beauty treatment, manicuring or similar treatment.

30. Tattooing and body piercing of humans

- (1) 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.
- (2) All clip cords and spray bottles must have triggers; grasped areas must also be protected by a plastic covering which must be disposed of after use on each client.
- (3) Work surfaces must be smooth and impervious and disinfected after rendering services to each client.
- (4) Equipment and supplies must be stored in clean, designated storage cabinets.
- (5) Instruments and equipment used for any procedure must be sterilised after each client.
- (6) All tubes and needles must be stored in single service, sterile, sealed autoclave bags that must be opened in the presence of the client.
- (7) A person responsible for tattooing or piercing must wash his hands with soap and hot water before attending to a client and new latex or nitrile examination gloves must be worn by the operator for the duration of the procedure for each client.

31. Childcare facilities

- (1) No child care facility may be operated without the written approval of the Director: City Health or his authorised representative, which approval may be subject to conditions.
- (2) Applications for approval must be made on the prescribed form and will only be processed after payment of the application fee approved from time to time by the Council.
- (3) Written approval in terms of subsection (1) does not exempt any person from the requirements of any other law related to the care of children and/or the use of the premises concerned.
- (4) Notwithstanding subsection (1) all child care facilities legally in operation at the time of promulgation of this By-law shall be exempted from requiring written approval for a period of 1 year from such promulgation.

32.

Any person who contravenes any of the provisions of this part shall be guilty of an offence.

Part 5 – The conveying and handling for sale of meat intended for human consumption

33.

No person shall convey or cause or suffer to be conveyed any meat for sale and intended for human consumption, save in accordance with the following requirements:

- (a) If the conveyance is a vehicle of 1 ton or over:
 - (i) Its internal walls, floor and roof shall be continuously lined with corrosion resistant metal or other approved impervious suitable material. Such lining shall be rounded at all corners, junctions and intersections, and all joints shall be seamless. The vehicle shall be maintained externally, internally and mechanically in good order and repair.
 - (ii) Its body shall be insulated in such a way that the temperature of the meat shall not rise more than 5° Centigrade per hour.
 - (iii) The rear end or sides of its body shall be fitted with a closely fitting metal door or doors, the interior of which shall also be of non-corrodible metal and be as far as possible free of projections and ledges.
 - (iv) A fixed observation panel of glass in the partition between the driver's cab and the body of the vehicle is permissible.
 - (v) A non-corrodible metal bar or bars with fixed or movable non-corrodible metal hooks, shall be fitted to the roof of the vehicle, and all carcasses, or portions of carcasses shall be hung therefrom during transit. Such bar or bars shall be fixed high enough to ensure that carcasses hang clear of the floor.
 - (vi) All chains or bars used for stabilising the load shall be of non-corrodible metal and so installed that they can be easily removed for cleaning.
 - (vii) A loose non-corrodible container, approved by the Director: City Health or his authorised representative, and easily removable for cleaning, shall be provided inside the vehicle for conveying offal, and no offal shall be conveyed in such vehicle except in such container. Such container may be carried on the outside of the vehicle, provided it is fitted into another container that will protect its contents from contamination, and it can be easily removed for cleaning.
- (b) If the conveyance is a trailer, it shall comply with the provisions of sub-section (a)(i), (ii), (iii), (v), (vi) and (vii).
- (c) If the conveyance is a vehicle of under 1 ton:
 - (i) It shall comply with the requirements of subsection (a) (i) and (iii).
 - (ii) It shall be permissible for retail butchers to convey therein meat from an abattoir to their trading premises without hanging such meat, provided that it is conveyed in non-corrodible containers of adequate size, approved by the Director: City Health or his authorized representative, and easily removable for cleaning and that no offal is conveyed in any container used for conveying meat, but is conveyed in a separate container complying with the requirements of (a) (vii) above.

- (d) If the conveyance is a vehicle, conveying meat to a retail customer, the provisions of sub-section (a) (i) and (iii) shall be complied with.
- (e) Cooked or prepared meats shall be conveyed in non-corrodible containers approved by the Director: City Health or his authorized representative and shall be wrapped or covered so as to prevent contamination.
- (f) Save as provided in sub-section (c) (ii) and (e), no meat shall be conveyed on the floor of any vehicle.
- (g) No person, animal or article liable to contaminate meat shall be carried in any vehicle used for conveying for sale any meat intended for human consumption.
- (h) The name and address of the owner and the trade name, if any, of his business shall be printed in clear letters and figures, so as to be easily seen and legible, on both sides of every vehicle used for conveying meat for sale for human consumption.

34.

- (1) All persons engaged in the bulk handling for sale of meat intended for human consumption shall wear clean protective covers of a material approved by the Director: City Health or his authorized representative over their heads, necks and shoulders, so as to prevent contact between the meat and any part of their bodies, except their hands.
- (2) All employers of such persons shall provide them with such covers and shall insure that the provisions of sub-section (1) are complied with.

35.

For a period of four years after the date of promulgation of this by law, the provisions of sections 33(a) (i), (ii), (iii), (v) and (vi), 33(b), except the provision that the trailer should comply with section 33(a) (vii) and 33(d) of this regulation, shall not apply to any vehicle already lawfully in use at such date for conveying meat for sale intended for human consumption.

36.

The provisions of this part shall be in addition to, and not in substitution for, the provisions of any other regulations of the council relating to food intended for sale, except in so far as such regulations may be repugnant to or inconsistent with this regulation, in which case the provisions of this regulation shall prevail.

37.

Any person who contravenes or fails to comply with any of the provisions of this part shall be guilty of an offence.

Part 6 – General provisions

38. Right of entry and inspection

- (1) Any duly authorised employee of the Council is authorised to inspect any premises within the municipal area in order to determine whether there is compliance with the provisions of this By-law.

- (2) When entering a premises in terms of sub-section (1), the authorised employee must on request by any person, identify him-/herself by producing written proof of authorisation.
- (3) The authorised employee may be accompanied by a person reasonably required to assist in conducting the inspection.

39. Service of documents and process

- (1) Whenever any notice, order, demand or other document is authorised or required to be served on a person in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such person:
 - (a) when it has been delivered to him personally;
 - (b) when it has been left at his place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered or certified mail to his last known residential or business address in the Republic and an acknowledgment of the posting thereof is produced;
 - (d) if his address in the Republic is unknown, when it has been served on his agent or representative in the Republic in the manner provided by paragraph (a), (b) or (c), or
 - (e) if his address and agent in the Republic are unknown, when it has been posted in a conspicuous place on the immovable property (if any) to which it relates.
- (2) When any notice, order, demand or other document as aforesaid is authorised or required to be served on a person by reason of his being or having been the owner or occupier of or holding some other right in respect of immovable property, it shall not be necessary to name him but it shall be sufficient if he is therein described as the owner, occupier or holder of such immovable property or other right, as the case may be.

40. Penalties

- (1) Any person convicted of an offence under this By-law shall be liable to a fine and/or imprisonment for a period not exceeding two years.
- (2) In the case of a continuing offence an additional fine and/or imprisonment for a period not exceeding ten days for each day on which such offence continued may be imposed.
- (3) In addition to any penalty imposed in terms of subsections (1) and (2), the person so convicted shall be liable to pay the cost of repair of any damage caused or costs incurred in remedying any damage resulting from such an offence.

41. Exemptions

Notwithstanding the provisions of this By-law, the Council may exempt any person and/or class of persons from any or all of these requirements and may impose any other requirements it deems appropriate.

42. Repeal

The legislation appearing in Schedule 1 is repealed insofar as it has application in the municipal area of the City of Cape Town

43. Interpretation

In the event of a conflict between the English, Xhosa and Afrikaans versions of this By-law, the English version shall be decisive.

44. Short title and commencement

This By-law shall be known as the Environmental Health By-law and come into operation on the date of publication in the *Provincial Gazette*.

Schedule 1

PN no.	By-law
65/1962	Bellville Municipality: Regulations relating to the prevention of Fires
1022/1977	Durbanville Municipality: By-law Relating to Nuisances
131/1961	Bellville Municipality: Regulations relating to the Removal of Vegetation from Land
483/1961	Goodwood Municipality: Regulations relating to the Removal of Vegetation from Land
133/1949	Regulations relating to the Compelling of Residents to keep their premises free from offensive, infectious or unwholesome matter, the suppression of Nuisances and the Preservation of the Public Health.
34/1941	Municipality of Goodwood: Standard Regulations dealing with Public Health
100/1993	Goodwood Municipality: By-law Relating to Nuisances
297/1982	Goodwood Municipality: By-law Relating to Smoking in certain premises or vehicles
607/1991	Bellville Municipality: Amendment to the Standard By-law relating to the Keeping of Animals
831/1989	Bellville Municipality: Standard By-law relating to the Keeping of Animals
517/1986	Bellville Municipality: Standard By-law Relating to the Keeping of Poultry
541/1953	Goodwood Municipality: Standard Regulations relating to the Keeping of Poultry
42/1947	Municipality of Durbanville: Regulations relating to the Slaughterhouse and the Inspection of meat
133/1949	Goodwood Municipality: Regulations relating to Hairdressers
	Goodwood Municipality: Regulations relating to Tenement Houses

	Goodwood Municipality: Regulations relating to Boarding Houses and similar premises
	Goodwood Municipality: Regulations relating to Tea-rooms, Coffee-rooms, Restaurants and Eating-houses
	Goodwood Municipality: Regulations relating to the Sale, preparation and Storage of foodstuffs
774/1954	Goodwood Municipality: Standard Regulations relating to Restaurants, Refreshment or tea-rooms and eating-houses
775/1954	Goodwood Municipality: Additional Regulations relating to Restaurants, Refreshment or tea-rooms and eating-houses
330/1957	Goodwood Municipality: Standard Butchery Regulations
547/1969	Goodwood Municipality: Amendment to the Regulations relating to the sale, preparation and storage of foodstuffs
314/1990	Cape Town Municipality: Environmental Health By-law
PG5642/2000	South Peninsula Municipality: By-law Relating to the Keeping of Animals and Poultry
760/1951	Amendments to the Standard Regulations to the Keeping of Poultry
453/1962	Local Authorities: Amendment to the Standard Regulations to the Keeping of Poultry
531/1962	Amendments to the Standard Regulations to the Keeping of Poultry
742/1963	Local Authorities: Amendment to the Standard Regulations to the Keeping of Poultry
365/1984	Cape Provincial Council: By-law Relating to the Keeping of Poultry on Premises within Local Areas: Correction Notice
593/1992	Standard By-laws Relating to Barbers & Hairdressers
630/1990	Somerset West Municipality: Standard By-law relating to Accommodation Establishments
784/1988	Somerset West Municipality: By-law relating to the accumulation, Dumping, Storage or Depositing of material

870/1989	Somerset West Municipality: By-law relating to the removal of vegetation from land
563/1961	Amendment to the Standard Regulations relating to Barbers and Hairdressers
348/1954	Standard: Standard Regulations relating to Restaurants, refreshments or tea-rooms and eating-houses
509/1962	Standard Regulations relating to Fishmongers
705/1953	Amendment to Standard Boarding-house regulations
830/1954	Standard Boarding-house regulations
602/1950	Standard Bakery By-laws
875/1988	Standard By-law relating to Butcheries
210/1947	Municipality of Fish Hoek: Regulations relating to Boarding Houses
193/1983	Brackenfell Municipality: Health By-law relating to crèches and crèches-cum-nursery schools.
451/1988	Kuils River Municipality: Standard By-law relating to accommodation establishments
232/1991	Milnerton Municipality: Repeal and adoption of Standard By-law relating to the Keeping of Animals
603/1989	Standard By-law relating the keeping of Animals
348/1973	Divisional Council of the Cape: Regulations relating to the keeping of certain animals
340/1958	Amendment to the Standard Regulations relating to the keeping of animals
577/1950	Standard Regulations relating to the keeping of animals
454/1983	Provincial Council: By-law relating to the keeping of poultry on premises within local areas
117/1988	Standard By-law relating to the keeping of poultry
591/1955	Milnerton Municipality: Additional regulations relating to the Keeping of animals.
520/1983	Divisional Council of the Cape: By-law relating to the keeping of Pigeons and Doves on premises within local areas

956/1989	Somerset West Municipality: Standard By-law relating to the Keeping of Animals
603/1989	Standard By-law relating to the keeping of animals
822/1989	Gordon's Bay Municipality: Standard By-law relating to the keeping of animals
705/1958	Gordon's Bay Village Management Board: Standard Regulations relating to the keeping of poultry
372/1976	Stellenbosch Divisional Council: Regulations relating to the keeping of animals in local areas
956/1977	Strand Municipality: By-law Relating to the cleanliness of premises
703/1976	Strand Municipality: By-law relating to the Dumping and accumulation of refuse
664/1988	Kraaifontein Municipality: By-law relating to the prevention of nuisances
321/1957	Divisional Council: Regulations for the prevention and suppression of nuisances as amended
503/1977	Divisional Council of the Cape: Amendment to the By-law for the prevention and suppression of nuisances
13/1998	Malmesbury Transitional Local Council: By-law relating to the prevention and suppression of nuisances
92/1972	Gordon's Bay Municipality: By-law Relating to the cleanliness of premises
773/1989	Gordon's Bay Municipality: Amendment to the Standard By-law relating to Barbers and Hairdressers
668/1950	Standard Regulations relating to Barbers and Hairdressers
115/1956	Amendment to the Standard Regulations relating to Barbers and Hairdressers
167/1988	Standard By-laws relating to accommodation establishments
428/1989	Gordon's Bay Municipality: By-law relating to nuisances
114/1969	Strand Municipality: Amendment to the General Series of Regulations—Transportation of foodstuff

997/1964	Strand Municipality: Amendment to the Regulations relating to the Pasteurisation of Milk
426/1980	Strand Municipality: Amendment to the General By-law
545/1972	Divisional Council of the Cape: Regulations Relating to the Sale and Preparation of Foodstuffs.
395/1939	Divisional Council of the Cape: Regulations Relating to the Sale and Preparation of foodstuffs.
41/1945	Municipality of Cape Town: Regulation No 1933 as regards the compelling of Residents to keep their Premises Free from offensive, infectious or unwholesome matter, the suppression of Nuisances and the preservation of the Public Health
441/1938	Simon's Town Municipality: Fish Market Regulations as amended 479/1957; 51/1959; 432/1963.