

# January 2019

## **OVERBERG DISTRICT MUNICIPALITY MUNICIPAL HEALTH SERVICES BY-LAW**

**To provide for Municipal Health Services and matters incidental thereto:**

### **PREAMBLE**

The Council of the OVERBERG DISTRICT MUNICIPALITY by virtue of the powers vested in Section 156(2) of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996), read with Section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), as amended, has made the Municipal Health By-law in the Schedule below –

<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
<b>CHAPTER 1: INTERPRETATION AND FUNDAMENTAL PRINCIPLES</b>	<b>2</b>
1. Definitions	4
2. Application of this By-Law	9
3. Purpose	9
4. Scope of Applicability	9
5. Principles	10
<b>CHAPTER 2: GENERAL PROVISIONS RELATING TO HEALTH NUISANCES</b>	<b>10</b>
6. Behaviour and Conduct	10
7. Prohibition on creation, existence or occurrence of a health nuisance	10
8. Duty to eliminate or reduce a Health Nuisance	11
<b>CHAPTER 3: STANDARDS APPLICABLE TO ALL PREMISES</b>	<b>11</b>
9. Standards applicable to Premises	11
10. Health Certification	11
11. Non-compliance	13
<b>CHAPTER 4: WATER AND SANITATION</b>	<b>13</b>
12. Duties and prohibitions	13
<b>CHAPTER 5: ENFORCEMENT</b>	<b>13</b>
13. Notice of compliance and representations	17
14. Prohibition Notice	17
15. Withdrawal of prohibition	18
16. Municipal remedial work	18
17. Policies and Guidelines	19
<b>CHAPTER 6: GENERAL PROVISIONS</b>	<b>19</b>
18. Authentication and service of notices and other documents	19
19. Appeal	19
20. Offences and Penalties	19
21. Co-operation between municipalities and application	20
22. Exemptions	20
23. Repeal of By-Laws	21
24. Short title and commencement	21
<b>STANDARDS APPLICABLE TO PREMISES</b>	<b>21</b>
<b>PREMISES THAT MUST BE IN POSSESSION OF A HEALTH CERTIFICATE:</b>	<b>22</b>
<b>ANNEXURE A:</b>	

A1.	Standards for Childcare Centres / ECD's	
A2.	Requirements for children's homes	
A3.	Requirements for Nursing Homes	24
A4.	Requirements for Maternity Homes	25
A5.	Standards for Old Age Homes	27
A6.	Standards for School Premises	29
A7.	Standards for Accommodation Establishments	30
A8.	Standards for Beauty Salons	
A9.	Standards for offensive trades	33

#### ANNEXURE B:

	Premises that <b>DO NOT REQUIRE</b> a Health Certificate	36
B.2	Standards for dry cleaning and laundry establishments	35
B.3	Standards for health establishments	36
B.4	Standards for construction sites and industrial premises	38
B.5	Standards for public gathering places	39
B.6	Standards for keeping of animals on premises	40
B.7	Slaughtering of animals for religious, ceremonial and own consumption	40
B.8	Pet shops and pet parlours	40
B.9	Standards for prisons including police stations holding cells	40
B.10	Standards for vacant land	40
B.11	Standards for office accommodation	40

#### CHAPTER 1:

##### INTERPRETATION AND FUNDAMENTAL PRINCIPLES

1. Definitions
2. Application of this By-Law
3. Purpose
4. Scope of Applicability
5. Principles

##### 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;

"Act" means the National Health Act, 2003 (Act No. 61 of 2003);

"adequate" means to the opinion of the Environmental Health Practitioner

"animal" means any equine, bovine, sheep, goat, pig, poultry, camel, dog, cat, or other domestic animal or any wild animal or reptile or any marine fauna or aquatic organism 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, feathers, bones, horns, blood, skins and entrails or any other waste of an animal, reptile, bird or poultry and any marine or aquatic organism;

"approved" means approved by the municipality, in terms of the environmental health requirements of the particular case;

"approved building plan" refers to a building plan approved by the local municipality in terms of the National Building Regulations and the Building Standards Act, 1977 (Act no. 103 of 1977)

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

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

"beauty salon" means a premises where a person who carries on the business of barber, hairdresser, beautician, body piercer or tattooist in a salon or any other place as approved by the municipality, which business comprises any one or more, or a combination thereof, of the aforementioned which are applied to the male or female human body;

"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;
- (l) tannery;
- (m) cheese making and processing;
- (n) composting plant; and
- (o) bio-diesel processing plant

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

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

"cemetery" means any land containing one or more graves;

"child" means any person under the age of 18 years and "children" has a corresponding meaning;

"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 conducting such undertaking or institution thereon as the case may be;

"communicable disease" means an illness due to a specific infectious agent or its toxic products which arises through transmission of the agent or its products from an infected person, animal or inanimate reservoir to a susceptible host, either directly or indirectly through an intermediate plant or animal host, vector or inanimate environment;

"Council" means the Overberg District Municipal Council;

"crematorium" means a place used for cremating a corpse and includes every part of such premises;

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

**"detrimental to health"**

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

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

"effluent" means waste water generated because of an activity;

"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;

"environmental health practitioner" means the person appointed by the Mayor under Section 80(1)(c) of the National Health Act, 2003 (Act No. 61 of 2003) and appointed by the Municipal Manger to render a Municipal Health Service within the Overberg District ;

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

"hazard" means an intrinsic potential or ability of an agent, equipment, material, activity or process to cause harm;

"hazardous substances" means any substance which may cause injury, ill-health to or death of human beings due to their toxic, corrosive, irritant, strongly sensitizing or flammable nature or the generation of pressure thereby in certain circumstances during importation, manufacture, sale, use, operation, application, modification, disposal or dumping. Includes hazardous chemical substances and substances such as solid, liquid, gas, aerosol or combination thereof, but excludes hazardous electronic products and radioactive substances;

"hazardous waste" means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on health and the environment;

"health certificate" means a health certificate issued in terms of this By-laws;

"health care risk waste" refers to healthcare risk waste as defined in the SANS 10248, Management of Health Care Waste;

"health care facility" means a health establishment as defined in the Act;

"health nuisance" an occurrence specified in chapter 2 (6) (1) and (2)

"home for the aged" means an institution or other place of residence maintained mainly for the accommodation and care of aged or debilitated persons;

"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;

"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;

"Landfill site" means a waste disposal facility as defined in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and includes transfer stations and drop off points

"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" 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 Overberg District municipality established in terms of Section 12 of the Municipal Structures Act, 1998 (Act No. 117 of 1998) Provincial Notice 492 dated 22 September 2000 and includes any political structure, political office bearer, Councillor duly authorized 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;

"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" 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 usufructuarii;
  - (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 authorized 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 local 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;

"permit" means the written permission granted by the local municipality;

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

"pest" means any animal, which includes insects and rodents that may transmit disease;

"pest control program" means a written program that outlines activities to be conducted for the control of pests in a premises;

"pesticide" refers to any substance or mixture of substances of chemical or biological ingredients, intended for repelling, destroying or controlling any pest;

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

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

"places of care" means a premises where a person or institution who carries on the business of an Early Childhood Development Centre, Old Age Home, Nursing Home, Maternity Home, or which business comprises any one or more, or a combination thereof, as approved by the local municipality;

"pollution" means any change in the environment caused by –

any activity, including the storage or treatment of waste or substances, construction and the provision of services, whether engaged in by any person or an organ of state, where that change has an adverse effect on human health or wellbeing or on the composition, resilience and productivity of natural or managed ecosystems, or on materials useful to people, or will have such an effect in the future;

“potable water” means water that complies with SANS 241;

“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;

“public place” means any public –

- (a) land, square, swimming bath, resort, recreation site, zoological, botanical or other garden, park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, as well as any open space, road, road reserve, reserve street, lake, dam, or river;
- (b) any public building, structure, hall, room or office including any part thereof and any facility or apparatus therein, which is the property of, or possessed, controlled or leased by the Municipality and or local municipality to which the public has access, whether on payment of admission fees or not;

“public gathering places” refers to public places, such as shopping malls, airports, cinemas, sport fields, stadia, public events, halls, including government owned or occupied premises;

“publish” in respect of the provisions 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;

“recreational water” refers to public and private swimming pools, spa baths, oceans, estuaries, rivers and dams;

“responsible authority” means the authority or municipality responsible for the execution of waste disposal functions within the area of jurisdiction of Overberg 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;

“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;

“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, commissary, servitude holder, possessor, lessee or occupier, irrespective of whether he or she resides thereon or not; and
- (b) any other person who is generally recognised as having a right of tenure on the land concerned;

"waste" means any substance, whether or not that substance can be reduced, re-used, recycled and recovered

- (a) that is surplus, unwanted, rejected, discarded, abandoned or disposed of;
- (b) which the generator has no further use of for (the purposes of production);
- (c) that must be treated or disposed of; or
- (d) that is identified as a waste by the Minister by notice in the Gazette, and includes waste generated by the mining, medical or other sector, but
  - (i) a by-product is not considered waste; and
  - (ii) any portion of waste, once re-used, recycled and recovered, ceases to be waste;

waste includes any solid material or material that is suspended, dissolved or transported in water (including sediment) and which is spilled or deposited on land or into a water resource in such volume, composition or manner as to cause, or to be reasonably likely to cause, the water resource to be polluted;

"wastewater" means wastewater arising from domestic, commercial and agricultural activities and premises, and may contain any form of sewage;

"water resource" includes a watercourse, surface water; dam; estuary,

## **2. Application of this By-Law**

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 No. 61 of 2003) adopts this By-law with the aim of protecting and promoting the health and well-being of all people in the jurisdiction area of Overberg District municipality by providing, in conjunction with applicable laws, a legal and administrative framework within which the municipality can develop, manage and promote its municipal health obligations.

The provisions of this By-law take precedence over the provisions of any other By-law or zoning scheme applicable in the district, insofar as such other By-law or zoning scheme regulates any aspect of Municipal Health Services as defined in the Act.

Regardless of any provisions of this By-Law, it is and remains exclusively the responsibility of the owner, manager or person in charge, to ensure that his or her premises complies with the provisions of this By-law.

## **3. Purpose**

3.1 The purpose of this Municipal Health Services By-law is to enable the Municipality to protect the long-term health and well-being of people in the municipal area.

## **4. Scope of Applicability**

This By-law is applicable to the municipal level where municipal health services are rendered.

## 5. Principles

The overarching principles of this By-law are those principles as contained in Chapter 2 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).

### CHAPTER 2

#### GENERAL PROVISIONS RELATING TO HEALTH NUISANCES

6. Behaviour and Conduct
7. Prohibition on creation, existence or occurrence of a health nuisance
8. Duty to eliminate or reduce a Health Nuisance

#### 6. Behaviour and Conduct

- (1) A health nuisance exists or occurs if any of the following occurs on any land or premises –
  - (a) a swimming pool, water pool, ditch, gutter, dung pit or heap is so foul or in such a state or so situated or constructed to be detrimental to health;
  - (b) an accumulation of waste or other matter which is detrimental to health occurs;
  - (c) irrigation of any land with waste water or water containing waste that may be detrimental to health
  - (d) where water or water containing waste, that is detrimental to health, is discharged into a water source occurs;
  - (e) where sewage sludge is not disposed of in an approved sewage disposal system
  - (f) a building, structure and or adjacent land is —
    - (i) so constructed, situated, used or kept as to be detrimental to health;
    - (ii) infested with pests or vermin or in a state that is conducive to the breeding of pests or vermin;
  - (g) a dwelling or any other premises is occupied for which no proper and sufficient supply of potable water is available
  - (h) organic matter or animal waste are being used or kept in a manner that attracts vermin or pests such as, but not limited to rats, mice, flies and mosquitoes;
  - (i) Unhygienic conditions that may be detrimental to health are present on any part of the land or premises;
  - (j) a carcass or the remains of an animal, poultry, bird or marine- or aquatic fauna, or any animal waste remains unburied or is not suitably disposed of after death.
- (2) A health nuisance exists if –  
any other activity, condition or thing declared to be a health nuisance by an Environmental Health Practitioner that exists or occurs on or emanates from land or premises.

#### 7. Prohibition on creation, existence or occurrence of a Health Nuisance

- (1) No person may –
  - (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 due to 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;
    - (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 because of the manner of its introduction or handling creates a health nuisance;

- (e) 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.

**8. 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) with mediate effect becoming aware of the existence of a health nuisance on the land or premises, eliminate the health nuisance, or if he or she is unable to eliminate the health nuisance –
    - (aa) take steps to the satisfaction of the municipality to reduce the risk to municipal health; and
    - (bb) report the existence of the health nuisance to the municipality.
- (2) The owner of land or premises must ensure that a health nuisance 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.
- (3) The owner, occupier or user of land or premises who contravenes a provision of subsection (1) and (2) commits an offence.

**CHAPTER 3:**

**STANDARDS APPLICABLE TO PREMISES**

- 9. Standards applicable to Premises
- 10. Health Certification
- 11. Non-compliance

**9. Standards applicable to Premises**

All premises indicated in this Chapter are subject to Municipal Health Legislature requirements and the monitoring standards, as defined in Annexure A of this By-Law, **or in terms of an approved Council policy.**

**10. Health Certification**

- (a) The premises indicated in the table below may not be operated without a Health Certificate and must comply with the applicable sections within this By-Law.

TABLE A: 1

<b>Type of Premises</b>	<b>Validity Period of Health Certificate (From date of issue)</b>	<b>Comply with the Section within this By-Law</b>
Child Care Centre & Early Childhood Development Centre	One year	Annexure A:1
Children’s Homes	One Year	Annexure A:2
Nursing Homes	One year	Annexure A:3
Health Care Risk Waste	One year	Annexure A:4
Old Age Homes	One year	Annexure A:5
School Premises	One year	Annexure A:6

Accommodation Establishments	One year	Annexure A:7
Beauty Salons	One year	Annexure A:8
Offensive trades	One year	Annexure A:9
Health Establishments	One year	Annexure A:10

- (b) A person who wishes to operate a business indicated in Table 1 must apply for a health certificate from the municipality.
- (c) A Health Certificate issued will be valid for a period of one year from the date of issue.
- (d) An owner or person who carries on a business indicated in Table 1 must apply for the annual renewal of the Health Certificate, two months prior to the expiry of the existing Health Certificate.
- (e) Failing to do so in (d) will implicate that such a business is not operational anymore.
- (f) This certificate, does not indemnify a person from compliance with any other legal requirements, authorisations and/or approvals applicable to the premises and/or business by any other department, municipality or authority.  
It is therefore unequivocally recorded that the approval and requirements set are not intended for any approval other than the purpose of applying for a Health Certificate to be granted in terms of this By-Law.  
The Overberg District Municipality does not accept any responsibility for costs incurred by a person in order to obtain aforementioned Health Certificate, if a person's application to the local Municipality or other relevant departments for any other authorisations and/or approvals applicable to the premises is unsuccessful.
- (g) A Health Certificate issued to a premise must include the following:
  - i) The details of the Health Certificate holder, owner/person in charge of the premises;
  - ii) The physical address of the premises;
  - iii) The identity number of the certificate holder;
  - iv) A certificate number;
  - v) If it is a Child Care Centre, the number of children and the minimum age groups permitted on the premises.
  - vi) If it is a Nursing Home or Old Age Home, the number of beds/patients that can be accommodated on the premises.
  - vii) Services provided/offered on the premises and services prohibited;
  - viii) Date of issue; and
  - ix) The validity period.
- (h) The Health Certificates must be displayed in a conspicuous manner on the premises, to be clearly visible to everyone entering the premises.
- (i) A Health Certificate shall not be transferable from one owner to another, or from one premises to another.
- (j) A Health Certificate may be withdrawn by an Environmental Health Practitioner where conditions does not comply with this By-law.
- (k) The premises indicated in the table 2 below do not need a Health Certificate.

TABLE: 2 ANNEXURE B

Dry Cleaning & Laundry Establishments
Construction Sites and Industrial premises
Public Gathering Places

Premises for Keeping of Animals
Slaughtering of animals for religious, traditional, cultural ceremonial and own consumption purposes
Pet shops and pet parlours
Prisons and Police Holding Cells
Vacant Land
Office Accommodation

## 11. **Non-compliance**

Should an owner or person in charge of a premises listed in Table 1 and 2 fail to comply with the provisions or any conditions or requirements imposed in terms of this By-Law, the municipality may act in terms of Section 19 of this By-Law.

### **CHAPTER 4:**

#### **WATER AND SANITATION**

## 12. **Duties and prohibitions**

- (1) An owner, occupier or user of land or premises must –
  - (a) keep all water passage open and free of obstruction from matter which may impede the flow of water or effluent in order 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 a health nuisance, 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;

### **CHAPTER 5:**

#### **ENFORCEMENT**

13. Notice of compliance and representations
14. Prohibition Notice
15. Withdrawal of prohibition notice
16. Municipal remedial work
17. Costs Recovery
18. Policies and Guidelines

### 13. **Notice of compliance and representations**

- (1) Where an Environmental Health Practitioner has reasonable grounds to believe that a person fails to comply with a requirement relating to a premises, 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 make written representations in the form of a sworn statement or affirmation to the municipality at a specified place.
- (3) Where a person does not make representations 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.
- (4)
  - (a) Representations 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 representations and any response thereto by the Environmental Health Practitioner.
  - (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 representations 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 subsection (4) (d), the Municipality may, irrespective of any fines which may be imposed under Section 21, act in terms of subsection (5).
- (5) The Municipality may, if non-conformances still prevail, exercise any remedial measures to remove the nuisance and recover the costs thereof from the polluter, person in charge or owner of the premises.

### 14. **Prohibition notice**

- (1) An Environmental Health Practitioner may, after inspecting a premises, serve a prohibition notice prohibiting the premises from being used for specified purposes and require measures to be taken to ensure that the prohibition notice is complied with, 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 a 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 it 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 significantly 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 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
  - (e) 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 Environmental Health Practitioner must as soon as possible affix a copy of the notice in a conspicuous position on the premises.

#### 15. **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 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.

#### 16. **Municipal remedial work**

- (1) The Municipality may enter and conduct inspections at any premises, in accordance with the National Health Act, 2003 (Act No. 61 of 2003) and do anything on the premises that the Municipality reasonably considers necessary –
  - (a) to ensure compliance with this By-law or with a compliance notice or prohibition notice;
- (2) The Municipality may conduct inspections of premises –
  - (a) on a routine basis where the Environmental Health Practitioner 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 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 13 and the purpose of the inspection is to determine whether the notice has been complied with;
  - (c) where the owner or occupier of the premises fails to comply with a compliance notice that was issued in terms of Section 13, or a prohibition notice that was issued in terms of Section 13 directing that relevant measures be taken; or
  - (d) where the Environmental Health Practitioner has reasonable grounds to believe that a health nuisance, which is likely to be detrimental to health, exists on the premises.
- (3) In addition to any corrective measures that the municipality may undertake in terms hereof, the municipality may approach a court with jurisdiction to prevent any person with a continuance of any health nuisance.

#### 17. **Policies and guidelines**

- (1) The Municipality may determine and publish policies 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) Any person who fails to comply with any of the policies and guidelines contemplated in subsection (1) or any conditions imposed in terms thereof, commits an offence.

## CHAPTER 6

### GENERAL PROVISIONS

18. Authentication and service of notices and other documents
19. Appeal
20. Co-operation between municipalities and application
21. Exemptions
23. Repeal of By-Laws
24. Short title and commencement

#### 18. **Authentication and serving 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 Environmental Health Practitioner.
- (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 sixteen 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 acknowledgement 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 specified by subsection (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) Serving of a copy is deemed to be serving 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.

#### 19. **Appeal**

- (1) A person whose rights are affected by a decision of the Municipality in terms of this By-law may appeal against that decision by giving written notice of the appeal and reasons, in terms of Section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), within 21 days of the date of the notification of the decision to the Municipal Manager.

#### 20. **Offences and 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, is guilty of an offence and liable upon conviction to –
  - (a) a fine or 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 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 a 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.
21. **Co-operation between municipalities and application**
- (1) To achieve optimal service delivery in terms of this By-law, the Municipality may enter into Memorandums of Agreement with local municipalities within its area of jurisdiction in respect of the following –
- (a) the practical arrangements regarding the execution of the provisions of this By-law;
  - (b) recovery of costs and expenses related to any action in terms of this By-law;
  - (c) subject to the provisions of Section 86 of the Municipal Structures Act, 1998 (Act No. 117 of 1998), mechanisms for the settlement of disputes regarding 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 in terms of this By-law.

22. **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 by its duly appointed Environmental Health Practitioner —
- (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) 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.
- (6) The Environmental Health Practitioners in the service of the Municipality, who is generally authorized by the Municipality to perform any function in terms of these By-laws, shall not be liable for anything done in good faith under these By-laws.
- (7) The provisions and / or requirements contained in this By-law may be amended and / or relaxed with a written notice from the Municipality if the relevant authority considers such relaxation and / or amendment not to or give rise to the emergence of a health nuisance.
- (8) Such authorization and / or exemption may or can immediately be revoked with a written notice from the authority concerned, or within a period as determined by the authority, should circumstances deemed it necessary.
- (9) This By-law places the responsibility for the compliance of the stipulated requirements on the person and institution applicable and thus exempt the Municipality from any condition, conduct or negligence that may give rise to any claims regarding the application of this By-law by the Municipality.

23. **Repeal of By-laws**

- (1) This By-law repeals 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.
- (2) Any By-law previously promulgated by the local municipalities within the jurisdictional area of Overberg District Municipality, or any of the dis-established municipalities now incorporated into the said municipalities, in so far as it has been made applicable to Overberg District Municipality by the authorization for the execution of powers and functions in terms of Section 84(3) of the Municipal Structures Act, 1998 (Act No. 117 of 1998).

**24. Short title and commencement**

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

**STANDARDS APPLICABLE TO PREMISES**

**Premises must comply with the following standards:**

**1. Structural facilities**

The building structure of the premises must comply with the requirements of an approved building plan by the applicable local municipality in terms of meeting Municipal Health standards.

**2. Water supply**

Adequate supply of potable water must be available on the premises for all uses.

The quality of water supply supplied on the premises complies with the specifications of the SANS 241 for drinking water, with regards to microbiological, chemical and physical quality.

Stored drinking water must always be protected from contamination and cold water is stored at temperatures below 20°C.

No cross-connection between a system providing potable water and a system providing non-potable water is allowed.

For premises without running water available, drinking water must be adequately stored and protected against contamination. Water storage containers must always be kept clean.

If temporary water storage tanks must be provided for drinking water, the water must be from an approved source.

**3. Drainage systems**

Suitable and effective means of drainage and sewage disposal shall be provided on all premises, in compliance to the relevant By-Laws of a specific local authority.

Drainage systems must be kept clean and maintained to prevent any blockages or any health nuisance.

**4. Waste Management**

Approved methods of solid waste collection, storage, and disposal shall be adopted, and in compliance with the relevant By-laws of the Local Authority concerned.

Refuse bins and/or a designated refuse storage area must be available on the premises for the storage of all refuse.

Health care risk waste management

Where health care risk waste is generated:

An approved method of waste collection, storage, transportation and disposal must be adopted on the premises.

A designated waste storage area must be provided for the storage of health care risk waste pending removal by an approved service provider.

The health care risk waste storage area must be separate from any food preparation area or any area where patients are cared for.

An adequate number of purpose-manufactured, leak-proof, sealable containers must be available for the storage of health care risk waste. Containers used for the storage of health care risk waste must be clearly labelled in large, legible lettering.

Accurate and up to date records must be kept of all health care risk waste generated by the facility.

Laundry must be done at approved facilities or with a registered service provider.

Food preparation facilities

## **5. If meals are served on the premises:**

All facilities used in connection with the handling, preparation, storage and serving of foodstuffs must comply with the relevant Regulations, published in terms of the Foodstuffs, Cosmetic and Disinfectants Act 1972, (Act No. 54 of 1972), as amended.

## **6. Pest and rodent control**

A rodent/pest control programme must be in place to minimize the risk of rodents and pests on the premises.

Rodent proofing must be maintained in good order or repair to be impervious to rodents.

To prevent the spreading of rodents or pests, rodents must be eliminated before demolition of any building or structure likely to be infested with rodents.

The premises yard must be kept clean from any condition that may result in the breeding of flies or mosquitoes, and other vermin.

## **PREMISES THAT MUST BE IN POSSESSION OF A HEALTH CERTIFICATE:**

### **ANNEXURE A: 1**

#### **STANDARDS FOR CHILD CARE CENTRES / ECDS**

#### **Child care centres must comply with the following standards:**

##### **1. Location and design**

(1) The premises used for or in connection with child-care services should be located, designed, constructed, finished, and equipped and in such a condition that children -

- i) can be cared for hygienically; and
- ii) can be adequately protected against any possible health nuisance.

(2) The applicant must adhere to the requirements of a Health Certificate. (Chapter 3)

(3) Comply with the applicable regulation Governing General Hygiene Requirements for Food premises, the Transport of food and related matters

##### **2. Indoor play area**

- i) An indoor play area for playing, eating and for sleeping purposes is provided.
- ii) An indoor play area with a minimum of 1.5m<sup>2</sup> free unobstructed floor space must be available for each child.
- iii) If no outdoor play area is provided on the premises, an indoor play area with a free unobstructed floor space of 3m<sup>2</sup> per child must be provided.
- iv) The play area should not pose a health nuisance as defined.
- v) Linen used for sleeping purposes must be laundered frequently to the satisfaction of the Environmental Health Practitioner, especially for children under the age of 3 (three) years.
- vi) The area must be kept clean.

##### **2. Outdoor play area**

- i) An outdoor play area of a minimum of at least 2m<sup>2</sup> must be provided for each child.
- ii) Separate outdoor play areas should be provided for different age groups.
- iii) The play equipment should not pose a health nuisance as defined.
- iv) The outdoor play area must be kept clean.

##### **3. The use of artificial/synthetic grass surfaces**

Where artificial grass surfaces are used in indoor and outdoor play areas, the following measures must be put in place:

- i) The surfaces should be cleaned regularly with suitable cleaning material to prevent the offensive odours and the occurrence of other health nuisances.

#### **4. Toilets / ablution and nappy changing facilities**

- i) For centres catering for toddler's junior type toilets and washbasins should be provided where appropriate.
- ii) Toilet and hand washing facilities must be accessible to the children.
  - a) For children 0-2 years:
    - i) At least 1 (one) toilet is provided for every 20 children;
    - ii) Where there are no sewerage systems in place, potties are provided;
    - iii) At least 1 (one) potty is provided for every 5 (five) toddlers;
    - iv) Human excreta from potties to be disposed of hygienically in a toilet as not to create a health nuisance;
    - v) Potties are cleaned after every use and disinfected in a properly demarcated area;
    - vii) A clearly demarcated nappy changing area equipped with an easily cleanable surface and water-proof mattress is provided, and this area is located away from any food preparation area;
    - viii) Proper hygiene practices are employed during diaper changing, to prevent the faecal contamination of the immediate environment in the changing area, as well as to prevent transmission of faecal oral infections, these hygiene practices include the following:
      - ix) Disposal of faeces or urine in a toilet;
      - x) Safe disposal of the nappy and placing it in the allocated refuse bin with a closed lid;
      - xi) Disinfection of the changing area;
      - xii) Wiping of babies hands; and
      - xiii) The caregivers should wash their hands with soap and water.
  - b) For children 3-6 years:
    - i) At least 1 (one) toilet and at least 1 (one) hand wash basin must be provided for every 20 children on the premises.
    - ii) A supply of potable water must be available at every hand wash basin.
    - iii) Where none waterborne toilets are available, an approved sanitation facility must be provided.
    - iv) The toilet facility must be available.
    - v) All toilets must be maintained in good order and cleaned regularly.
    - vi) Toilet facilities must be properly illuminated and ventilated.
    - vii) Separate toilets and hand wash facilities should be provided for staff members on the premises.
    - viii) An adequate amount of toilet paper, soap and hand drying material should always be available in the toilet facilities.

#### **Water supply requirements**

- i) Where no running water is available, a minimum of 10-25 litres per person per day must be made available and stored hygienically on the premises for all uses.

#### **Designated milk preparation areas for children under 2 (two) years**

- i) An adequate supply of potable cold and hot water is available for washing of bottles and teats.
- ii) Cooling facilities are provided for the hygienic storage of prepared milk bottles.
- iii) Proper storage facilities are available for storage of milk and other foods.
- iv) All bottles used for feeding of children must be sterilized before use.
- v) Before sterilizing, used bottles, teats and caps must be thoroughly washed and cleaned.
- vi) Refrigeration / Cooling facilities are provided for the hygienic storage of milk bottles that are prepared and stored before use. The temperature of the refrigerator is not higher than 5°C and is monitored daily.

#### **Storage facilities**

- i) To minimize infections from viruses, bacteria and parasites and the risk of disease transmission, the following measures must be applied:
- ii) Provide adequate storage space and separate storage space for food and none food to be provided:

iii) Store cleaning material which may be toxic, dangerous or hazardous to children in an inaccessible area

### **Sick bay facilities**

i) A sickbay area for the treatment and care of a child who falls ill, who is injured during day care or who may be suffering from an illness that is suspected to be infectious must be provided on the premises

### **General hygiene requirements**

- i) Play rooms are regularly cleaned to minimize dust and moulds.
- ii) Solid waste is removed from playrooms daily.
- iii) Waste water is disposed of safely.
- iv) Appropriate vector control measures must be in place
- v) Personal Cleansing material must be available and used hygienically.
- vi) The floor must be free from dirt, dampness or any liquid substances.
- vii) Individual sheets and covers are provided for each child.
- viii) Contact toys, for children under the age of 2 years, must be kept clean.
- ix) Waste is always kept out of reach of children.

### **Sand Pits**

- i) The sand pit must be kept in a hygienic and clean state; and –
- ii) Covered at night to prevent contamination by animals, and other pests;
- iii) Covered when not in use;
- iv) Disinfected when obviously dirty and contaminated;
- v) Disinfected by raking salt through the sand (10kg coarse salt every three months per m<sup>3</sup>);
- vi) The sand must be changed at least annually.
- vii) If the sand is contaminated by animal or human faeces, blood or other bodily fluids:-
  - a) children must be removed from the sand pit;
  - b) use a watering can filled with mild detergent or household disinfectant diluted in water, over the sand to kill germs;
  - c) disinfect by raking salt through the sand; or,
  - d) the sand must be completely replaced if contaminated extensively,
  - e) all visible contaminants must be removed.

### **After school facilities**

- (i) If after-school care services are provided for children of school-going age on the same premises as the child-care services, the following must be provided:
  - (ii) An indoor care area of at least 1.5m<sup>2</sup> for each child;
  - (iii) At least 1 (one) toilet facility and 1 (one) hand-wash basin must be provided for every twenty (20) children or part thereof.
  - (iv) Comply to the applicable regulation Governing General Hygiene Requirements for Food premises, the Transport of food and related matters

## **ANNEXURE: A 2 REQUIREMENTS FOR CHILDREN'S HOMES**

Children's homes must comply with the following standards:

### **Enclosure of the premises**

- i) The building structure has an approved plan by the applicable local municipality
- ii) any activity on the premises should not constitute a health nuisance.

### **Indoor living areas**

- i) An indoor play space with sleeping accommodation of at least 2m<sup>2</sup> per child for children aged between 2-6 years, and 4m<sup>2</sup> for children between 7-13 years and children above 13 years is provided on the premises;
- ii) For children under the age of 2 (two) years, separate indoor activity area of 1.5m<sup>2</sup> per child should be provided;
- iii) Linen used for sleeping purposes must be provided for children and laundered at least weekly if possible, especially for children under the age of 2 years.
- iv) For children on nappies, a nappy changing area, equipped with a nappy changing table, with a water-proof mattress must be provided.
- v) Proper diaper changing procedures should be followed to prevent the transmission of faecal-oral infections.

### **Outdoor areas**

- i) An outdoor play area with a minimum of 2m<sup>2</sup> per child should be provided for use by the children on the premises.

### **Toilets and bathing facilities**

- i) An adequate toilet and wash up facilities should be provided on the premises for use by the children.
- ii) 1 (one) toilet facility should be provided for at least every 20 (twenty) children on the premises (ratio 1:20) and an adequate supply of toilet paper must always be supplied in the toilet facilities.
- iii) 1 (one) hand wash basin should be provided for at least every 20 (twenty) children on the premises (ratio 1:20).
- iv) The hand wash basin should be in or immediately adjacent to the toilets.
- v) A supply of cold and hot running potable water should be made available at every wash-hand basin, or if no running water is available, a minimum of 25 litres of potable water per child per day, stored hygienically in a closed container must always be available on the premises for drinking, cooking, personal hygiene and laundry.
- vi) An adequate supply of soap and a clean towel should always be maintained;
- vii) For children under the age of 2 (two) years on potty training, 1(one) chamber pot should be provided for at least every 5 children (ratio 1:5).
- viii) The pots must be emptied properly after passing of every stool and urine, and always properly cleaned to prevent any other environmental health nuisance.
- ix) Pit toilets used by children should be designed for use by children (reduced pots size and height), doors open-able on the outside.
- x) The pit toilets must be maintained in good order and cleaned regularly.
- xi) For children under the age of 2 (two) years, still on nappies, a separate changing area must be provided on the premises, equipped with adequate storage facilities for soiled nappies and hand wash facilities to clean the children.
- xii) Separate toilets and hand wash facilities should be provided for staff members on the premises, and an adequate amount of toilet paper, soap and towel must always be available in the staff toilet and hand wash facilities.
- xiii) All toilet facilities on the premises should always be properly illuminated, ventilated, maintained in good repair, and kept clean.
- xiv) Individual face cloths should be provided for each child and marked as such.

### **Cleaning, sterilization of feeding equipment and preparation of infant formula**

- i) All equipment used to feed and prepare feeds for infants (cups, bottles, teats, lids, spoons) should be thoroughly cleaned and sterilized before use to remove harmful bacteria that could grow in the feed and make children ill.
- ii) Before sterilizing, used bottles, teats and caps must be thoroughly washed with clean soapy water to remove all traces of milk, and rinsed in safe water.
- iii) Hands must be washed with soap and water, and dry well before handling sterilized equipment.

- iv) The use of sterilized forceps for handling sterilized equipment is recommended.
- v) Comply to the applicable regulation Governing General Hygiene Requirements for Food premises, the Transport of food and related matters

#### **Storage facilities**

- i) Adequate storage space and facilities must be provided on the premises for storage of:
- ii) Unsafe, toxic, dangerous or hazardous materials or substances must be separated from other materials and equipment.

### **ANNEXURE: A 3 REQUIREMENTS FOR NURSING HOMES**

#### **Nursing home must comply with the following Standards:**

- i) Registration and Issue of Health Certificate for operation of a nursing home
- ii) The premises are operated under a valid Health Certificate issued by an Environmental Health Practitioner
- iii) A health certificate issued by an Environmental Health Practitioner to the effect that the premises comply with Environmental Health requirements.
- iv) The applicant must adhere to the requirements of a Health Certificate. (Chapter 3)

#### **Ablution and wash up facilities**

- i) Adequate and accessible toilet, bathing and washing facilities must be provided to meet the needs of patients.
- ii) At least one toilet and at least 1 (one) bath must be provided for at least every 12 (twelve) patients (ratio 1:12) on the premises.
- iii) Every toilet facility should be equipped with an adequate flushing system and must be maintained in proper working condition.
- iv) Adequate and sufficient sluice-rooms are available in each ward.
- v) Approved storage shelves should be provided in the sluice-room for the storage of bed-pans or other sanitary utensils.
- vi) At least 1 (One) toilet, bath/shower should be available for every 20 members of staff, (ratio 1:20) and designated by gender;

#### **Storage facilities**

- i) Separate storage facilities must be provided for storage of hazardous chemicals.
- ii) All storerooms and store facilities must always be kept clean.

#### **General requirements**

- i) A rodent/pest control programme must be place on the premises to prevent any infestations of rodents/pests, and is in line with the requirements as set out in Chapter 3 of this document.

## **ANNEXURE A: 4 Health Care Risk Waste**

### **Health Certification**

- (a) All premises where health care waste are generated, must have a Health Certificate and may not be in operation without a Health Certificate and must comply with the applicable sections within this By-Law.

Compliance with the provisions of this Chapter is mandatory for all generators of health care waste and, where applicable, for all transporters and disposers of health care waste, and is mandatory at especially –

- (a) all health care facilities such as places or sites where professional health services are dispensed to human patients, including hospitals, mobile and stationary clinics, sick bays such as, but not limited to old-age homes, day units, hospices, rehabilitation centres, consulting rooms of medical doctors, oral health practitioners, traditional healers, traditional surgeons, professional, nurses, facilities for rendering midwifery services, free-standing operating theatres, pharmacies and all similar sites;
- (b) all pathological and microbiological laboratories or places where biological research is carried out, and the premises of blood transfusion services;
- (c) the facilities of all manufacturers and distributors of pharmaceutical products or vaccines;
- (d) all mortuaries and undertaker premises;
- (e) all veterinary consulting rooms, animal hospitals, treatment-stations, dog kennels and catteries; and
- (f) any private dwelling or household or any other premises where the environmental health risk constituted by the quantity and nature of health care waste generated is such that such health care waste should be handled in accordance with these regulations.

A person who contravenes a provision of subsection (1) commits an offence.

### **Duties of generators, transporters and disposers of health care waste**

(1) Every generator must register with the Municipality by completing and submitting a written notification to the Municipality in the format prescribed from time to time.

(2) Every transporter must register with the Municipality within 6 months of the coming into operation of this By-law by completing and submitting a written notification to the Municipality in the format prescribed from time to time.

(3) Generators and transporters must advise the Municipality of any changes to the information provided in terms of subsection (1) and (2) as soon as such change takes place.

(4) Every generator of health care waste and, where applicable, every transporter and disposer of health care waste must cause all such health care waste to be sorted, packed, contained, handled, stored, transported and disposed of in accordance with this Chapter

(5) The activities referred to in subsection (1) must be carried out in such way that the health care waste generated does not cause a Health nuisance or safety hazard for any handler thereof or any other person or the environment in general.

(6) The responsible authority may, subject to the provisions of any provincial or national law, allow any person to dispose of health care waste in any other acceptable manner that ensures that such health care waste and method of disposal does not constitute a Health nuisance or a safety hazard for any handler thereof or any other person or the environment in general.

(7) A person who intends to engage, on any plot or premises, in an activity which may cause health care waste to be generated must, prior to the generation of the health care waste inform the responsible authority by written notice of his or her intention, and the notice must contain:

- (a) the composition, chemical or otherwise and nature of the health care waste;
- (b) a description of the industrial process or trade giving rise to the health care waste;



- (c) the estimated quantity of health care waste to be generated;
- (d) the method of storage of the health care waste;
- (e) the proposed duration of storage of the health care waste;
- (f) the manner in which the health care waste will be collected;
- (g) the manner in which and the disposal site at which the health care waste will be disposed of;
- (h) the identity of the licensee removing the health care waste; and
- (i) the number of persons employed on the premises.

(8) If so required by the Municipality, the notice must be substantiated by an analysis certified by an appropriately qualified industrial chemist of the composition of the health care waste, and must contain any other information required by the Municipality.

(9) Upon receipt and evaluation of the notice, the Municipality shall by written notice to person require that person, at his or her expense, to-

- (a) dispose of the health care waste in the same manner as other solid waste;
- (b) store and dispose of the health care waste in refuse receptacles, using special containers or labelling as directed by the municipality;
- (c) transport the health care waste to a municipal or private disposal or processing facility as directed by the municipality, employing special containers and handling, and placing the health care waste in a specific area of the facility as directed by the facility operating plan;
- (d) cause the health care waste to be processed on the plot or premises of generation, thus rendering it non-hazardous;
- (e) take any other measures relative to transportation and disposal of the health care waste as determined by the municipality to be required to protect human health and the environment; or
- (f) pay an additional tariff for collection and disposal of the health care waste.

(10) An owner or occupier of a plot or premises where health care waste is generated must provide periodic training, on proper health care waste handling procedures, to all employees who may come into contact with health care waste.

(11) A person who contravenes a provision of this section commits an offence.

### **Storage of health care waste**

(1) Any person engaging in an activity which may generate health care waste must ensure that the health care waste generated on the premises is kept and stored thereon until it is collected from the premises.

(2) (a) Perishable health care waste must be stored at a temperature not exceeding 4°C, and should preferably be frozen.

- (b) A health care waste storage area must –
  - (i) be vermin-proof, insect-proof, and rodent-proof;
  - (ii) have an easily cleanable floor and wall finishing and general construction;
  - (iii) be totally enclosed;
  - (iv) adequately ventilated and lighted; and
  - (v) be lockable.

(c) All health care waste must be stored in a health care waste storage area until it is loaded or removed for final disposal.

(d) On-site spills must be cleaned up immediately.

(e) All interior surfaces of storage areas must be meticulously disinfected and cleaned on a daily basis.

(3) Provision must be made for unrefrigerated health care waste to be removed on weekends and public holidays.

(4) Subject to the provisions of sub-section (6) health care waste must, prior to final disposal at a municipal disposal or processing facility, be sterilized using one of the following methods:

- (a) autoclave;
- (b) microwave;
- (c) chemical treatment; or
- (d) incineration.

(5) Sterilization of health care waste may be performed on the premises where the health care waste was generated or at an off-site location.

(6) Health care waste must, prior to disposal, be placed in a colour coded heavy duty plastic bag or other suitable colour coded container as follows:

- (a) Health care waste which has not been sterilized and rendered non-infectious must be placed in a red heavy duty plastic bag at the point of generation or disposed of at a municipal disposal or processing facility in an unsterilized condition;
- (b) health care waste which has been sterilized by autoclave, microwave, chemical or other non-burning method, must be placed in a yellow heavy duty plastic bag;
- (c) cytotoxic or genotoxic pharmaceutical health care waste and associated contaminated materials such as, but not limited to syringes, tubing, containers, preparation materials, vials and ampoules, must be discarded into a container which is labelled cytotoxic waste or genotoxic waste; and
- (d) sharp objects such as, but not limited to needles and broken glass, contaminated with cytotoxins must be placed into a rigid, sealed, plastic container which is labelled cytotoxic sharps, and provision must be made in this regard for the safe discarding of the longest needle.

(7) The above requirements for colour coded containers must be strictly adhered to for all movement and transportation of health care waste either on the premises of generation or in transit to an off-site sterilization or disposal facility.

(8) A person who contravenes a provision of this section commits an offence.

### **Transport of health care waste**

(1) Only approved transporters may transport health care waste and must do so in accordance with the requirements and provisions of the responsible local municipality.

(2) (a) The loading compartments of transport vehicles for health care waste must be lockable and must comply with the following requirements:

- (i) compartment must be thermally insulated and capable of maintaining a refrigerated transport temperature not exceeding 4°C;
  - (ii) interior panel construction must be so tightly joined as to ensure a removable liquid seal and airtight seal;
  - (iii) interior surfaces must be painted white with a durable duco or enamel paint or have a finish approved by the municipality;
  - (iv) there must be a threshold of at least 100 mm at the doors to prevent leakages spilling outside; and
  - (v) compartment must be equipped with approved Spill kits that are regularly checked and replenished.
- (b) The transport vehicle must be manned by a team adequately trained in the effective use of the Spill kits and clean-up procedures.
  - (c) Every loading compartment must be meticulously disinfected and chemically cleaned on a daily basis.

(3) A licensee licensed to collect and dispose of health care waste, must inform the municipality at those intervals the municipality may stipulate in the or elsewhere, about

- (a) the removal of health care waste;
- (b) the date of such removal, the quantity;
- (c) the composition of the health care waste removed; and
- (d) the facility at which the health care waste has been disposed.

(4) A person who contravenes a provision of this section commits an offence.

### **Disposal facility and incineration**

(1) An approved transporter must dispose of the health care waste at an approved waste disposal facility for that purpose.

(2) The incinerator and incineration process must comply with the prescriptions of all relevant legislation, such as the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), the Hazardous Substances Act, 1973 (Act No. 15 of 1973), and the Environmental Conservation Act, 1989

(Act No. 73 of 1989), in order to deal with health care waste having a wide variation in burning characteristics, ranging from highly volatile and high calorific-value plastics to high water-content material such as placentae.

(3) Ashes from the incineration of health care waste may be disposed of without special containers or markings.

(4) A person who contravenes subsection (1) or operates an incinerator or undertakes an incineration process in contravention of subsection (2) commits an offence.

## **ANNEXURE A: 5**

### **STANDARDS FOR OLD AGE HOMES**

- i) Old aged homes must comply with the following Standards:
- ii) Registration and Issue of Health Certificate for Old Age Homes
- iii) The premises must be operated under a valid Health Certificate issued by an Environmental Health Practitioner.
- iv) The premises must promote the health of residents or older persons;
- v) The applicant must adhere to the requirements of a Health Certificate. (Chapter 3)
- vi) Comply to the applicable regulation Governing General Hygiene Requirements for Food premises, the Transport of food and related matters

### **Structural and physical facilities**

- i) Floors and walls should be constructed of a non-penetrable, easy washable material.
- ii) Ceilings must be constructed so as not to attract dust and in the case of operating theatres, labour wards, sterilizing rooms and wash up rooms, the ceiling must have a hard, smooth and washable surface.
- iii) Rooms should be adequately and individually ventilated and illuminated.
- iv) All windows in the rooms should be adequately protected or guarded to ensure the safety of service users.

### **Accommodation requirements**

- i) The rooms and/wards must be cleaned daily and kept hygienic and free from offensive odours.

### **Toilet and ablution facilities**

- i) Adequate and accessible toilet, bathing and washing facilities must be provided to
- ii) At least 1 (one) toilet and one bath should be provided for at least every 8 (eight) service users on the premises (ratio 1:8). Where suitably adapted en-suite toilet and bathing/shower are provided in the user's rooms, these rooms can be excluded from the calculation. The toilet facilities should be designed for use by one person at a time.
- iii) Each service user must have access to toilet facility within proximity of his/her private accommodation or where they are cared for.
- iv) Additional toilet facilities must be provided, accessible and clearly marked next to the lounge and dining areas for use by service users.
- v) Every toilet should be equipped with an adequate flushing system and all toilets, bathrooms or showers should be maintained in good working order.
- vi) All toilets must always be kept clean; floors scrubbed and bowl cleaned and disinfected daily.
- vii) Adequate and accessible toilet, wash-up and bath facilities should be provided for staff members employed on the premises.
- viii) All bathrooms must be fitted with porcelain, enamel or cast iron enamel baths with a constant supply of cold and hot running potable water.
- ix) Walls of the toilet facilities should be constructed of a smooth surface and be light coloured.
- x) Toilet facilities must be adequately illuminated and ventilated.
- xi) Every toilet facility must be equipped with an adequate flushing system and should be maintained in proper working condition.
- xii) Bathrooms and toilets must all be designated for each gender.
- Xiii) The toilet areas should be adequately illuminated and ventilated.
- ix) The bathroom complex must be painted with a light coloured durable, washable paint.
- x) Floors should be covered with a non-penetrable, easy washable surface.

### **Examination rooms**

- i) A hand wash basin with a supply of cold and hot running water should be available in all examination rooms.
- ii) Floors and walls must be constructed of a non-penetrable, easy washable surface
- iii) Walls must be painted with a washable paint.

### **Sluice rooms**

- i) The sluice room must be well ventilated and illuminated.
- ii) The rooms must be equipped with impervious shelves.
- iii) The rooms must be equipped with hand wash basin for washing of hands by staff and hot and cold running water
- iv) Floors must be constructed of an easy cleanable surface.

### **Storage facilities**

- i) Adequate storage facilities must be provided

### **General Requirements**

- i) Measures should be taken for infection control and to prevent spread of infection and communicable diseases.
- ii) A vector control program must be in place on the premises
- iii) Laundry area should be available for laundering of linen or other soiled articles on the premises and
- iv) A separate linen room, containing adequate cupboards or shelves for the storage of linen must be provided on the premises.
- v) If an outside contractor is utilized for laundry purposes, it must be done in an approved laundry

### **ANNEXURE A: 6**

#### **STANDARDS FOR SCHOOL PREMISES**

- i) School premises must comply with the following:
- ii) Issue of a Health Certificate
- iii) The premises must be operated under a valid Health Certificate issued by an Environmental Health Practitioner.
- iv) The premises should promote the health and safety of students/children.
- v) The applicant must adhere to the requirements of a Health Certificate. (Chapter 3)

### **Structural facilities**

- i) Must comply to the approved building plan by the local municipality
- ii) Floors and walls must be constructed of a non-penetrable, easy-washable surface
- iii) The ceiling must have a hard, smooth and washable surface.
- iv) Classrooms must be adequately ventilated and illuminated in compliance to the approved building plan by the local municipality
- v) The school premises should be enclosed with an approved means of enclosure.
- vi) An outdoor play area/yard should be available for outdoor activities on the school premises.
- vii) Toilet and ablution facilities
- viii) Adequate toilet and wash up facilities that meet the needs of pupils and staff members on should be available on the school the premises.
- i) At least 1 (one) toilet facility should be available for every 25 children (ratio 1:25), and in addition at least 1 (one) urinal is available for every 50 boys' ratio 1:50.
- ii) The school toilet facilities should be equipped with an adequate flushing system and running water.
- iii) At least 1 (one) hand wash basin should be available for every 25 (twenty) children (ratio 1:25) on the school premises, equipped with a constant supply of running water.
- iv) Hand wash basins should be in or immediately adjacent to the toilets.
- v) If non-waterborne toilets are utilized, Ventilated Improved Toilets are recommended.

- vi) If pit toilets are used, the design of the pit toilets should be constructed in such a manner as not to cause an environmental health nuisance.
- vii) Pit toilets should be so structured as to be able to be used by small children (reduced pots size and height), and doors should be open-able on the outside.
- viii) The pit toilets should be maintained in good order and cleaned regularly to prevent smells and flies going in and out of the toilet facilities.
- ix) Children must be educated on hand washing after visiting the toilet.
- x) Separate toilets and hand wash facilities must be provided for staff members on the premises. Toilet and washing facilities for staff may also open for use by visitors. At least 1 (one) toilet facility and at least 1 (one) hand wash basin should be provided for every twenty staff members on the premises (ratio 1:20).
- xi) Staff toilets should be separated by gender.
- xii) Toilet facilities must be properly illuminated and ventilated in compliance with the approved building plan by the local municipality
- xiii) Toilets should be easily accessible to all.
- xiv) Toilets must be cleaned daily.
- xv) A cleaning and maintenance plan should be in place for cleaning and maintenance of all toilets.
- xvi) An adequate supply of soap and toilet paper should always be maintained in the toilet facilities.

### **Water supply**

- i) Safe potable water, with soap or a suitable alternative, must be available at all the critical points within the school, particularly in toilets and kitchens.
- ii) Safe potable water access points should always be accessible.
- iii) If no piped potable water is available on the premises, a minimum of 5 litres per person per day for non-residential children and staff must be kept and stored hygienically on the premises for all purposes (drinking, personal hygiene/hand washing and cleaning). For boarding schools, a minimum of 20 litres per person per day for all residential school children and staff must be available on the premises for drinking, washing up, cleaning and food preparation purposes.;

### **Accommodation for pupils and staff members at boarding schools**

- i) Adequate sleeping, living and accommodation facilities must be provided for boarders and should comply with the requirements of the National Building Regulations and the Building Standards Act, 1977 (Act No. 103 of 1977), with regards to ventilation and lighting.
- ii) Separate sleeping accommodation must be provided for residential male and female pupils.
- iii) Separate sleeping and living accommodation should be provided for staff on the premises.
- iv) For dormitories, a floor space of not less than 4.2 m<sup>2</sup> must be provided for each pupil with a distance of at least 0.9 m maintained between each bed.
- v) For cubicles, a cubicle for a single pupil with its own window and a minimum floor area of 5.0 m<sup>2</sup>; must be provided.
- vi) Single bed bedroom for a single pupil must have a minimum floor area of 6.0 m<sup>2</sup>.
- vii) Sleeping accommodation must be kept clean. A floor space of not less than 2.3 m<sup>2</sup> should be available in all living accommodation for each pupil and staff on the premises.

### **Sick Bay facilities**

- i) A sick room must be provided for isolation of sick pupils on the premises
- ii) The area must be provided/ equipped with a hand wash basin with a supply of running water.
- iii) An approved, lockable and adequately equipped first aid kit should be made available in the sick bay area for treatment of minor injuries or illnesses.

### **Medical care for pupils and students**

- i) Immediately notify relevant health practitioner in an event of the illness being suspected of being a communicable disease.
- ii) Pupils suspected of suffering from a communicable disease must be excluded from attending preschool if in the opinion of relevant health professional, the person poses a health risk to other pupils and can transmit the disease.
- iii) Adequate provision should be made for disposable gloves and disinfectants to protect staff and children and to disinfect contaminated areas and surfaces when dealing with blood related illnesses and injuries; all health care risk waste must be handled and disposed of safely.
- iv) All areas and surfaces where treatment of a child or caregiver for an illness or injury has taken place must be disinfected immediately;

### **General requirements**

- i) Medicines, detergents, pesticides and other harmful substances should be stored in lockable places and access be given to employees responsible for utilizing such materials only.
- ii) The school premises must always be kept clean.
- iii) Waste water disposal systems should be in place on the premises, in compliance to the relevant By-Laws of the Local Authority concerned.

### **ANNEXURE A: 7**

#### **STANDARDS FOR ACCOMMODATION ESTABLISHMENTS**

Accommodation establishments must comply with the following:

#### **Issue of a Health Certificate**

- i) The premises operated under a valid Health Certificate issued by an Environmental Health Practitioner.
- ii) The applicant must adhere to the requirements of a Health Certificate. (Chapter 3)

#### **Structural facilities and accommodation requirements**

- i) Ceilings and walls of rooms must be constructed of a dust-free material.
- ii) Walls must be brought to a smooth finish.
- iii) Floors surfaces of kitchens, scullery, laundry, bathrooms, showers, ablution rooms, and toilets, should be constructed of non-penetrable easy washable material.
- iv) All rooms, passages, staircases, bathrooms, kitchen and other areas should be adequately ventilated and illuminated as per the provisions of the National Building regulations and the Building Standards Act.
- v) Each room must have artificial or natural ventilation
- vi) Disabled facilities must be provided on the premises, such as ramps to enable people with disabilities to move in and around the premises with ease.
- vii) Accommodation rooms must be kept clean
- viii) Residential employees must be provided with separate sleeping facilities on the premises.

#### **Toilet and ablution facilities**

- i) Toilet facilities and hand wash basins ~~and~~ should be equipped with a flushing system and an adequate supply of running potable water.
- ii) Bath and or showers should be provided
- iii) Suitable and effective means of drainage and sewage disposal connected to an approved disposal system must be in place and approved by the Local Authority concerned.
- iv) A waterborne sewage system connected to the municipal sewer, a septic tank or other approved disposal system must be utilized for sewage disposal, in compliant with the local authority's relevant By-Laws.
- v) Drainages and sewage disposal systems or private sewage disposal systems should be maintained in proper operating condition
- vi) Sufficient toilet paper, soap and towels must be supplied in the ablution facilities

- vii) All sanitary, ablution and water supply fittings must be kept clean
- viii) Staff on the premises should be provided with separate and adequate toilet and wash-up facilities. At least 1 (one) toilet and hand wash basin, bath/shower is provided for every 12 (twelve) employees on the premises (ratio 1:12).

### **Swimming pools and hot tubs**

- i) If hot tubs/swimming pool facilities are provided on the premises for use by the guests:
- ii) Management must ensure the sampling of bath tub/pool is conducted regularly and provide sample results at request of the Environmental Health Practitioner
  - a. The facilities must be kept clean and maintained in good working order.

### **General hygiene requirements**

- i) The premises and all equipment used during the operation of the facility must always be maintained in a clean and sanitary good condition.
- ii) A rodent/pest control program must be in place on the premises so that it does not constitute a health nuisance

## **ANNEXURE A: 8 STANDARDS FOR BEAUTY SALONS**

- i) Beauty salons must comply with the following requirements:

### **Issue of a Health Certificate**

- i) The premises must be operated under a health certificate issued by an Environmental Health Practitioner.
- ii) The applicant must adhere to the requirements of a Health Certificate. (Chapter 3)

### **Structural facilities**

- i) Internal walls must be constructed of an easily cleanable material and painted with a light coloured paint.
- ii) Floors should be constructed of an easily cleanable material brought to a smooth finish.
- iii) The ceiling must be constructed of a dust proof material.
- iv) The premises should be adequately ventilated and illuminated.
- v) The clients and employees should be provided with toilet and ablution facilities on the premises. At least 1 (one) toilet and hand wash basin should be provided for every twenty employees (ratio 1:20) and at least one toilet and hand wash basin should be provided for every twenty clients on the premises (ratio 1:20), and should be equipped with a constant supply of running water. The toilet facilities must be equipped with a flushing system.
- vi) All toilet facilities
- vii) Adequate wash up facilities with a constant supply of hot and cold running potable water must be available on the premises for washing of hair.
- viii) An approved system for the disposal of waste water should be in place on the premises.
- ix) The change rooms provided should contain an individual locker for every employee and a hand wash basin provided with a supply of hot and cold running potable water and an adequate supply of soap and disposable towel.
- x) All refuse must be disposed of in an environmentally acceptable manner and in line with relevant By-laws of the local authority concerned.
- xi) A central refuse storage area must be provided on the premises for the storage of waste pending removal for disposal.
- xii) Adequate number of refuse bags and/ or bins should be provided for the collection of waste the premises. The refuse bags must therefore be transferred to the central storage area.
- xiii) The salon premises may not be used for food preparation or for sleeping, unless separate food preparation area is provided for such different purpose.

- xiv) The premises and all equipment used in connection should always be maintained in good conditions and clean and sanitary.
- xv) Animals are not permitted on the premises, unless in the case of a guide dog.
- xvi) Instruments used in the salon should be kept clean and disinfected after each use.
- xvii) All instruments that come into contact with blood must be sterilized after each use.
- xviii) Adequate numbers of towels should be provided for various uses associated with the running of the business and must be kept clean.
- xix) Laundry facilities for the washing of all linen and towels should be provided.
- xx) If beverages are provided on the premises, a separate area should be provided equipped with a facility for cleaning crockery and utensils for that purpose.

### **Waste management**

- i) All sharp instruments, bloodied instruments are regarded as infectious waste and must be disposed of accordingly, including razors, blades, needles and other sharp instruments. Approved methods of waste collection, storage, transportation and disposal should be adopted for the management of health care risk waste and must be in line with applicable health legislation
- ii) Containers used for the storage of health care risk waste should be clearly labelled in large, legible lettering.
- iii) Employees should be adequately trained in the identification, separation, handling and storing of health care risk waste.
- iv) Health care risk waste may only be removed/collected, transported, treated and disposed by a registered service provider from the premises.
- v) Accurate and up to date records of all health care risk waste generated by the facility must be kept.

### **The use of dyes, pigments and stencils and tattoo procedures**

- i) In preparing dyes or pigments, non-toxic materials should be used.
- ii) Single-use, sterile, individual containers for dyes or pigments must be used for each patron.
- iii) The stencil, unless composed of acetate, should be used for a single tattoo procedure only. Acetate stencils may be disinfected and re-used.
- iv) Tattooing must be conducted in such a manner to prevent the transmission of communicable diseases from client to client and from artist to client. The following minimum standards are maintained:
- v) A tattoo artist must always wear water proof and clean aprons during tattooing. Tattoo artists must always wash hands with soap and running water before working on each client.
- vi) Equipment used for tattooing, body piercing, clippers etc. must be sterilised accordingly utilising approved sterilizers; and
- vii) Good sanitary and hygiene practices must always be adopted.

## **ANNEXURE A: 9**

### **STANDARDS FOR OFFENSIVE TRADES**

- i) For the purpose of this document, Offensive Trades refers to any trade in which the substances dealt with are, or are likely to be hazardous or dangerous to health and likely to pose a health nuisance. These include but are not limited to the following trades:
  - i) Panel beating and spray painting
  - ii) Operating of a hazardous waste recycling plant;
  - iii) Oil and petroleum product recycling;
  - iv) Scrap yard or scrap metal dealing; blood boiling, bone boiling, tallow, melting or fat extracting, soap boiling, tripe boiling or cleaning, skin storing, hide boiling, sin curing, blood drying, leather dressing, tanning or glue making;
  - v) Brick burning, lime burning; manure making and storing or compost making;
  - vi) Cement works, coke-ovens or slat glazing works;
  - vii) Viscose works;
  - viii) Ore or mineral smelting, tempering, hardening;



- ix) Slaughtering of animals;
- x) Fish mongering and fish frying;
- xi) Animal bristle, hair or storing and sterilising;
- xii) Storage of raga;
- xiii) Storing of wood saw-dust;
- xiv) Works to produce carbon bisulphite, cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, pyridine, liquid or gaseous sulphur dioxide or sulphur chlorides;
- xv) Works to produce amyl acetate, aromatic ethers, butyric acid, caramel, enamelled wire, glass, hexamine, lampblack, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride or zinc oxide;
- xvi) Food-processing factories; bacon factories and meat-processing factories; chemical works; Dye works; Breweries and distilleries;
- xvii) Malt and yeast manufacturing works;
- xviii) Sugar mills and sugar refineries;
- xix) Works or premises used for the storing or mixing of manure, super phosphate or fertilizers;
- xx) Fat-melting or tallow-melting works and any similar works or establishments for dealing with meat, bones, blood or offal, or with other organic matter derived from animals or poultry;
- xxi) Works or premises used for the manufacture, storage or mixing of meal derived from fish, crustacean, poultry, meat offal from animals or poultry, or other organic matter derived from animals or poultry;
- xxii) works or premises used for storing, drying, preserving, or otherwise processing bones, horns, hoofs or other waste matter or excretions from animals or poultry;
- xxiii) Premises used for storing, sorting or dealing with hides and skins, or for fell mongery; and
- xxiv) Tanning and leather-dressing works; and any other activity deemed to be an offensive trade by a specific Local Authority.

**Premises used for offensive trades must comply with the following**

- i) The premises must be operated under a Valid Health Certificate issued by an Environmental Health Practitioner, to the effect that the premises comply with Environmental Health requirements and cause no Health Nuisance..

**General requirements**

- i) The premises must always be maintained in a clean, hygienic and good condition.
- ii) All machinery, plant, apparatus, furniture, fittings, tools, implements, vessels, containers, receptacles and vehicles should always be maintained in a clean, hygienic and good condition.
- iii) Waste accumulating should be prevented on the premises.

**ANNEXURE A: 10  
STANDARDS FOR HEALTH ESTABLISHMENTS**

Health establishments must comply with the following:

**Drinking water quality**

- i) Water must be continuously tested for fitness of consumption. Where on-site water storage facilities are utilized, the storage capacity should be sufficient for 24 hours.
- ii) Water storage facilities e.g. reservoirs and tanks should be adequately protected from contamination.
- iii) The water in the storage facilities must be tested for compliance and fitness for consumption.
- iv) Water source e.g. borehole, should be effectively protected from contamination.
- v) If non-compliance is identified when testing of the water, the possible source of contamination must be traced. The possible source of contamination must then be monitored as part of a risk management approach to ensure effectiveness of interventions.
- vi) To prevent organisms that grow in temperatures between 25°C and 50°C (e.g. Legionella species), hot water temperatures especially must be kept above 50°C and cold water below 20°C.

- vii) Taps and pipes containing water not fit for human consumption are clearly marked as such.
- viii) Designated staff must be available for regular monitoring of the water system in the health facility. Water quality monitoring records must be kept and made available to an Environmental Health Practitioner on request.
- ix) If water is stored in a temporary water storage tank on the premises, must comply with SANS 241

### **Toilet and ablution facilities**

- i) Adequate toilet and wash up facilities should be provided for patients and staff on the premises. At least 1 (one) toilet is provided for every 12 (twelve) in-patients, and 1 (one) hand wash basin, and 1 (one) bath or shower is provided for every 12 (twelve) in-patients.
- ii) Separate toilet and hand washing facilities must be provided for staff on the premises.
- iii) Floors of walls of the toilet facilities must be constructed of a non-penetrable, easy washable surface.
- iv) All toilet facilities on the premises must always be kept clean and in good repair.
- v) All hand wash facilities should be supplied with a constant supply of potable running water.
- vi) An adequate and constant supply of soap, toilet paper and towel must always be maintained in all toilet and hand wash facilities.

### **Storage facilities**

- i) Additional storage facilities should be provided for the storage of cleaning equipment, pesticides and other potentially dangerous hazardous substances.
- ii) All storerooms and store facilities must always be kept clean and cleaned routinely at least once every week.
- iii) Hazardous substances must be stored and disposed of in a safe manner, separate from other non-hazardous materials.
- iv) Food and non-food items should be stored separately from any other items; refrigerators used for storage of medicines are not at any time used for storage of any foodstuffs.
- v) Separate storage facilities for dirty and clean linen and equipment, including sluice facilities for cleaning of soiled linen and equipment should be provided.
- vi) Refrigeration facilities used for storage of hazardous waste or infectious material must be marked as such, and should be used to store any other item except for the designed purpose.

### **Reception of dead bodies on the premises**

- i) All facilities used about the handling, preparation, storage and transportation of dead bodies on the premises and the requirements with regards to the operation of premises for the management of Human Remains must comply with the requirements of the Regulations relating to the Management of Human Remains.
- ii) Suitable trained staff should be available and responsible for duties in the mortuary and ensure that the Hygiene Standards are adhered to.
- iii) A cleaning program for the mortuary should be in place. A register and records must be kept and maintained of the information regarding the handling of corpses; including the record of refrigeration facilities and temperatures must be taken daily.
- iv) The infection control staff member should regularly monitor whether the policy regarding the handling of corpses is followed and whether the mortuary is operated in an acceptable manner.
- v) Adequate protective clothing (comprising of waterproof aprons, light coloured overalls and protective gloves) should be provided and utilized for employees working in the mortuary.
- vi) Approved methods of waste collection, storage, transportation and disposal should be adopted for the handling of infectious waste in the mortuary, in compliance to the SANS 10248.

### **Laundry facilities**

- i) The health establishment facility must have access to a well manage laundry facilities for the effective laundering of linen, for controlling of infection; and avoiding contamination on the premises.
- ii) Internal walls, floors and ceiling must be constructed of a non-penetrable, easy washable surface
- iii) The laundry facility must be properly ventilated by cross ventilation and adequately illuminated.

- iv) Drainage systems should be available and not connected to storm water drainage.
- v) Areas receiving soiled linen must be separated from areas handling clean linen.
- vi) Adequate ablution and toilet facilities must be provided.
- vii) Suitable and hazard-free storage facilities for storage of chemicals should be provided.
- viii) Vehicles, containers, trolleys or other manually operated equipment for the transporting of linen must conform to requirements to ensure contamination free conditions.
- ix) All dirty linen and hospital clothes regarded as infectious waste and must be stored only in the designated storage area and removed from wards, passages or any other place where patients are treated.

### **Operational requirements**

- i) A policy for the management of linen in a facility must be in place.
- ii) work instructions and procedures;
- iii) process control procedures;
- iv) quality control procedures; and
- v) control of linen (clean /soiled) procedures.
- vi) A procedure specifically for infection/contamination control must be made available to staff handling linen. The procedure should include control measures through differentiation between categories of soiled linen, i.e. of high-risk to normal soiled linen: containers must be colour coded in accordance with SANS 1024-1 (as amended):
  - a. Category A (red bag) = high risk infection for immediate incineration;
  - b. Category B (yellow bag) = sealed alginate bags of high-risk (blood/body fluids contaminated or sluiced) for direct loading into washing machines;
  - c. Category C (yellow bag/hazard label) = sealed hazardous material (chemical, anti-neoplastic drugs or radio-isotopes) for direct loading into washing machines; and
  - d. Category D (white bag) = normal linen of no risk during handling.
- vii) A person designated as the laundry controller must ensure that the requirements regarding pollution, occupational and environmental hygiene are complied with, including appropriate action in respect of any risks associated with infection or other hazards.
- viii) Procedures for the use of protective clothing and personal hygiene where staff is in contact with high-risk areas or linen should be documented to include precautionary measures.
  - a. carrying out their functions effectively;
  - b. handling hazardous goods in the laundry service;
  - c. following procedures (including first aid) about the prevention and control of infection;
  - d. using protective clothing and follow procedures for decontamination; and
  - e. operating laundry machines to ensure optimum results including general safety procedures.

### **General hygiene requirements**

- i) The premises must always be maintained clean, free from offensive odours, unsightly accumulation of debris, litter and miscellaneous waste.
- ii) Cleaning staff should be trained and competent on cleaning techniques and processes to be utilized for various areas in the health facility.
- iii) Cleaning material and detergent required to ensure a hygienic environment in the health facility must always be available and properly stored.
- iv) A cleaning schedule should be kept and maintained for cleaning of all areas in the facility.
- v) Appropriate cleaning material and equipment should be available on the premises.

### **PREMISES THAT DO NOT NEED A HEALTH CERTIFICATE:**

## **ANNEXURE B: 1**

### **STANDARDS FOR DRY CLEANING AND LAUNDRY ESTABLISHMENTS**

- i) Dry cleaning and laundry establishments must comply with the following Environmental Health standards:

#### **Structural facilities**

- i) The layout of the laundry and plant in health facilities for controlling of infection; and avoiding contamination.
- ii) Drainage for laundry from health facilities should be and not connected to storm water drainage.

#### **Water supply and sanitation facilities**

- i) Toilet facilities should be equipped with a flushing system and a constant supply of toilet running water, and provided with toilet paper, soap and disposable paper towel.
- ii) A supply of soap and disposable towels at every hand wash basin.
- iii) drainage and sewage disposal should be in place on the premises, approved by the local authority concerned.

## **ANNEXURE B: 2**

### **STANDARDS FOR CONSTRUCTION SITES AND INDUSTRIAL PREMISES**

Construction sites must comply with the following standards:

#### **Water supply and sanitation facilities**

- i) Adequate toilet facilities should be provided for use by construction workers. At least 1 (one) toilet and one hand wash basin is provided for every 20 employees on the premises (ratio 1:20). In addition at least one urinal should be provided for every 40 males on site (ratio 1:40). If more than 200 employees are employed on the site, at least 1 (one) toilet and 1 (one) urinal must be provided for at least every 50 workers (ratio 1:50);
- ii) Wash-up facilities equipped with potable water should be provided for employees, especially employees engaged in the application of paints, coating, pesticides etc.
- iii) Toilet and washing facilities should always be maintained in a sanitary condition.

#### **Physical facilities**

- i) Whenever food is prepared and served on the premises, the facilities used for the preparation, handling, storage and serving of foodstuffs must comply with the requirements of the applicable Regulations Governing General Hygiene Requirements and the Transport of Food.

#### **Waste management and waste water**

- i) Private sewerage disposal works or refuse (landfill) disposal sites managed must be operated effectively in accordance with prescribed legislation and permit conditions for operation of landfills and sewerage works.
- ii) Evaluations/monitoring must be included in the waste/pollution management plans and must be implemented per plans.
- iii) Final effluent or sludge emanating from the sewerage disposal works should be utilized in accordance with prescribed national guidelines to prevent soil and water pollution.
- iv) The sewerage drainage system must be maintained effectively to prevent blockages and spills that could give rise to environmental pollution.
- v) Staff responsible for the operation of waste water disposal works or facilities should be well trained to operate the facilities effectively and pollution free.
- vi) All necessary information concerning operations at these facilities as required by permit conditions and legislation should be recorded.
- vii) Results of final sewage effluent of sewerage disposal sites should be recorded.

- viii) Waste material and debris should be removed to a disposal area and re -usable material should be sorted and moved to a storage area at least once daily to prevent a hazardous condition arising.
- ix) Waste generated should be disposed of at an approved landfill site and in accordance with the relevant by-laws of a Local Authority concerned.
- x) Rubbish, debris and other waste material from the demolition or construction of projects should be temporarily disposed of in a designated area on site and access to the area should be strictly controlled and disposed of at an approved waste facility.

### **ANNEXURE B: 3 STANDARDS FOR PUBLIC GATHERING PLACES**

Public gathering places must comply with the following Environmental Health Standards:

#### **Waste management**

- i) The management of waste on the premises should comply with the relevant by-laws of the applicable Local Authority and regulated by the local authority
- ii) Refuse bins should be provided at strategic points throughout the premises for collection of litter.
- iii) On-site management of waste should be available on the premises during events, for management of spillages and littering, to prevent a nuisance from occurring.
- iv) Arrangements should be in place between the event manager and the Local Authority, with regards to waste management during and after an event.

#### **Drinking water supply**

- i) In the case of events, water points should be available at strategic points throughout the premises.
- ii) If water tankers are used during events, the water must comply with SANS 241 of 2015 as amended.

#### **Sanitation facilities**

Adequate toilet and hand washing facilities should be provided for staff and for the public.

Suitable, effective drainage and sewage disposal system should be in place on the premises

#### **For short term events:**

- i) If chemical closet toilets are used, an on-site maintenance team should be available on the premises for the duration of the event to ensure the prevention of blockages and leakages from creating a nuisance and health hazard from occurring; and
- ii) A site plan detailing the location and type of sanitary facilities to be used during events should be submitted to the Environmental Health Practitioner

### **ANNEXURE B: 4 STANDARDS FOR KEEPING OF ANIMALS ON PREMISES**

Premises used for the keeping of animals must comply with the following:

- i) The premises may not constitute a health nuisance.

### **ANNEXURE B: 5**

#### **Slaughtering of animals for religious, traditional, cultural ceremonial and own consumption purposes**

- i) No meat or animal product obtained from an animal slaughtered for cultural, traditional, religious purposes or own consumption, may be sold to any person.
- ii) In the case of religious or traditional slaughtering, the applicant must apply with the local municipality and they must notify the Environmental Health Practitioner to approve the event.
- iv) Blood and other waste products from the carcass must be disposed of in a manner which will not become a health nuisance.

v) Measures should be taken to ensure that no health nuisance is created or exist on the premises because of the slaughtering.

#### **ANNEXURE B: 6**

##### **Pet shops and pet parlours**

i) The premises may not constitute a health nuisance.

#### **ANNEXURE B: 7**

##### **STANDARDS FOR PRISONS, INCLUDING POLICE STATION HOLDING CELLS**

Prisons, including police station holding cells must comply with the following standards:

##### **Structural facilities**

Holding cells should always be kept clean, free from debris, litter and other miscellaneous rubbish and be maintained in good repair.

##### **Toilet and ablution facilities**

- i) Adequate toilet, hand washing and shower facilities should be provided on the premises for use by service users/inmates.
- ii) Toilet facilities must always be kept clean.

#### **ANNEXURE B: 8**

##### **STANDARDS FOR VACANT LAND**

Vacant land may not constitute a health nuisance.

#### **ANNEXURE B: 9**

##### **STANDARDS FOR OFFICE ACCOMMODATION**

Office buildings and accommodation may not constitute a health nuisance.