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**KENNISGEWING DEUR PLAASLIKE OWERHEID****STAD KAAPSTAD:****VERORDENING OP OMGEWINGSGESONDHEID****DEFINISIES**

In dié verordening, tensy die konteks anders aandui beteken:—

**“aanstootlik”**, ’n toestand wat ’n gesondheidsgevaar is of die potensiaal het om ’n gesondheidsgevaar te word.

**“agent”**, ’n persoon wat spesifiek of in die algemeen aangestel is om na die belange van ’n ander om te sien;

**“akkommodasie inrigting”**, enige perseel in of waar die besigheid van die verskaffing van losies met of sonder een of meer maaltye per dag gelewer word of bedoel om gelewer te word vir beloning of wins, maar sluit nie enige sulke persele in wat regtens geregistreer is as ’n hotel ingevolge enige wet wat betrekking het op die registrasie van hotelle, of wat losies verskaf met een of meer maaltye per dag en minder as vyf beddens beskikbaar het vir bewoning, of wat geen maaltye voorsien nie en minder as drie kamers het wat verhuur word of bedoel is om verhuur te word;

**“bedrywe”** vir die doeleindes van hierdie verordening is tot die volgende beperk: akkommodasie-inrigtings, haarkappers en barbiers, tattoëring en lyfpremingsalonne vir mense, en kindersorggeriewe.

**“besitter”**, met betrekking tot ’n akkommodasie inrigting, beteken die natuurlike persoon wat besigheid bedryf of belas is met die bedryf van besigheid deur die verskaffing van losies of beide losies en maaltye vir beloning of wins en sluit ’n eienaar van sodanige eiendom in;

**“bewoner”**, ten aansien van enige perseel, beteken en sluit in—

- (1) Enige persoon wat inderdaad die perseel bewoon; of
- (2) Enige persoon wetlik geregtig om daardie perseel te bewoon; of
- (3) Enige persoon in beheer van of bestuur van daardie perseel, insluitend die agent van enige so ’n persoon wanneer hy afwesig is uit die Republiek van Suid-Afrika of sy verblyfplek onbekend is.

**“dier”**, perd, ponie, muil, donkie, bees, vark, skaap, bok, kameel, reptiel, inheemse dier en ander wilde of eksotiese dier, maar sluit uit honde en katte wat as troeteldiere aangehou word;

**“eienaar”**, sluit in—

1. Die persoon of persone in wie se naam die vaste eiendom van tyd tot tyd geregistreer is.
2. In enige geval waar ’n eiendom aan ’n geregistreerde huurooreenkoms onderworpe is, die huurder van so ’n eiendom.
3. In gevalle wat die persoon in wie se naam dit geregistreer is insolvent is of afgestorwe is, of nie by sy volle verstand is nie of wie se boedel toegewys is vir die wins van sy krediteure, die persoon in wie die administrasie van die eiendom gevestig is as trustee, eksekuteur, kurator of gevolmagtigde, of administrateur.
4. In gevalle waar die eienaar soos hierbo beskryf afwesig is, die agent of persoon wat die huur van die ter sake eiendom ontvang.
5. In enige geval waar die eiendom voordelig bewoon word onder ’n serwituut of soortgelyke reg die bewoner van so ’n eiendom.

**“generator”**, ’n persoon wat mediese afval genereer.

**“gesondheidsoorlas”**, enige aktiwiteit, toestand, perseel of ding wat weens afvalwater, wasem, chemiese uitdamping, reuke, geraas, vibrasie, uitstraling, vullis, afvalprodukte, vuilgoed, chemiese of biochemiese materiaal, mikrobiële infeksie, ongediertes, plantegroei, oorbewoning, gebrek aan behoorlike algemene higiëne, ventilasie, beligting, ontwerp, situasie of weens enige ander oorsaak of praktyk wat ookal, na mening van die Direkteur: Stadsgegesondheid is of ’n behoorlik gemagtigde stadraadwerknemer potensieel skadelik of gevaarlik vir gesondheid of wat aanstootlik is, insluitend, sonder om die algemeenheid van die voorgaande te beïnvloed, enige gerief vir die berging, verspreiding of hantering van water wat waarskynlik vir menslike huishoudelike doeleindes of gebruik, insluitende sulke water self, wat besmet of besoedel is;

**“haarkapper of barbier”**, ’n natuurlike persoon wat sake bedryf deur die sny, skeer, sjampoe, krul, uitstryk of andersins behandeling gee of verwydering van mense se hare of baarde of skoonheidsbehandeling verskaf vir beloning of wins;

**“hondeherberg”**, enige inrigting wie se besigheid die teel, aanhou of afrigting van honde is insluitend skutte hetsy dit deur die Staat of andersins bedryf word;

**“karkas”**, die oorblyfsels van enige dier of pluimvee;

**“karweier”**, enige persoon wat mediese afval van die perseel van ’n generator verwyder of wat mediese afval vervoer of beide.

**“kattery”**, enige inrigting waar katte geteel word of aangehou word;

**“kindersorginrigting”**, enige gebou of perseel wat onderhou of gebruik word, hetsy vir wins of andersins, vir die tydelike of gedeeltelike sorg van kinders onder 18 jaar weg van hulle ouers, maar sluit nie in enige koshuis, skoolkoshuis of enige instelling wat nie onderhou of hoofsaaklik gebruik word vir die opleiding en onderrig van kinders en wat beheer word of wat deur die Staat geregistreer of goedgekeur is;

**“koste”**, die bedrag bepaal deur ’n behoorlik gemagtigde werknemer van die Stadsraad;

“**loseerder**”, enige persoon aan wie losies of beide losies en etes in ’n akkommodasie inrigting deur die besitter vir beloning of wins verskaf word;

“**mediese afval**”, sluit in—

- (1) Enige afval, of dit besmet is of nie, as gevolg van ’n mediese, chirurgiese, veeartsenykundige of laboratoriumprosedure op mense of diere, soos bloed, liggaamsvloei-stowwe, weefsel, organe, liggaamsdele, uitgetrekte tande, lyke (uitsluitende lyke vir begrawing ingevolge die Wet op die Registrasie van Geboortes en Sterftes, 51 van 1992);
- (2) Gebruikte mediese toerusting en ander mediese materiaal wat in staat is of redelikerwys waarskynlik in staat is om siekte te veroorsaak of te versprei of infeksie veroorsaak of versprei, soos gebruikte chirurgiese verbande, deppers, bloedsakkies, laboratorium afval, bloedversamelbuis, kolostomie- en kateter-sakke; handskoene, drupsakke, toedieningspype en spatels.
- (3) Besmette en onbesmette skerp voorwerpe, insluitende kliniese items wat ’n sny, gat of inspuiting kan veroorsaak, soos naalde, spuite, lemmetjies en mikroskopiese plaatjies;
- (4) Farmaseutiese produkte wat verouderd of besmet is of onbehoorlik geberg is of nie meer nodig word, soos menslike en diere-entstowwe, medisyne en geneesmiddels;
- (5) Geno-toksiese chemiese afval en radio isotope van eksperimentele of diagnostiese werk of enige ander bron;

“**mediese praktisyen**”, ’n persoon as sodanig geregistreer ingevolge wetgewing rakende die registrasie van persone as mediese praktisyens;

“**mediese sertifikaat**”, ’n sertifikaat onderteken deur ’n mediese praktisyen;

“**nagvuil**”, menslike ontlasting waarmee nie weggedoen is in ’n goedgekeurde sanitêre gerief nie;

“**ongewenste materiaal**”, tuinvullis, gemors, afvalmateriaal, rommel, afvalmetaal, artikel of ding, masjinerie wat nie meer gebruik word nie, motorvoertuie of ander voertuie, sowel as die ongebruikte dele daarvan, afval van enige boubedrywe, of enige afval wat gestort kan word op enige grond of perseel, insluitend nuwe of gebruikte boumateriaal wat nie noodwendig nodig is vir bona fide bouwerk wat aan die gang is op enige grond nie, en insluitend enige soliede materiaal, vloeistof of gas wat ’n oorlas is of kan word of wat weselik inmeng met die gewone gemak of gerief van die publiek;

“**oorbewoon**”,

- (1) ’n residensiële besetting met meer as 12 bewoners per sanitêre gerief en/of
- (2) bewoning van bewoonbare kamers (dit is alle kamers in ’n woning uitsluitend kombuis, badkamers en sanitêre geriewe) vir die doeleindes om te slaap waar sulke bewoning 1 volwasse persoon per 4 m<sup>2</sup> en/of 1 kind onder die ouderdom van 10 jaar per 2 m<sup>2</sup> oorskry.

“**oordraagbare siekte**”, enige siekte wat oorgedra kan word, hetsy regstreeks of onregstreeks van enige persoon wat daaraan ly of wat ’n oordraer daarvan is aan enige ander persoon;

“**permit**”, die geskrewe toestemming wat deur die Stadsraad ingevolge hierdie verordening gegee.

“**persoon**”, sluit in enige vlak van regering; natuurlike en juristiese persone.

“**perseel**”, enige gebou, tent of enige ander struktuur, saam met die grond waarop dit staan en die aangrensende grond wat in samehang daarmee gebruik word en enige grond sonder gebou of tente, en sluit in enige voertuig, rytuig, skip of boot.

“**plaagdraend**”, besmet met ongediertes wat insluit maar nie beperk is tot luise, vlooië en enige organisme wat besmet mag wees of parasities op ’n persoon voorkom.

“**pluimvee**”, enige hoender, gans, volstruis, eend, duif, kalkoen, makou, tarentaal, pou of voël hetsy dit makgemaak of wild is.

“**raad**”, die Stadsraad van die Stad Kaapstad of sy behoorlik gemagtigde werknemer, raadslid, komitee of agent;

“**stelpmiddel**”, ’n stof wat gebruik word om bloeding te stop.

“**struktuur**”, enige stal, skuur, varkhok, kraal, voëlhok, kamp, bedekte struktuur, hoenderhok, hok, kamp, duiwehok of gebou wat gebruik word vir die aanhou of behuising van diere en pluimvee.

## DEEL 1

### VOORKOMING EN ONDERDRUKKING VAN GESONDHEIDSOORLASTE

1. Geen eienaar of bewoner van enige winkel of besigheidperseel of vakante grond langs ’n winkel of besigheidperseel mag dit gebruik of toelaat dat so ’n winkel of besigheidperseel, oop grond of enige deel daarvan of enige gedeelte daarvan wat vir die publiek oop is, gebruik word vir berging, stapeling, of hou van enige afvalmateriaal, rommel, kratte, kartonne, houers of enige ander artikels van soortgelyke aard op so ’n wyse dat dit ’n gesondheidsoorlas kan veroorsaak nie.
2. Nieteenstaande die bepalings van enige ander verordening of wetgewing mag geen persoon —
  - (1) Toelaat dat enige erf oorgroei word met bosgebied, onkruid of gras of ander plantegroei, behalwe gekweekte bome, struik en gras, tot so ’n mate dat, na die mening van die Raad, dit as skuilplek gebruik kan word deur rondlopers, wilde diere of ongediertes of openbare gesondheid of die veiligheid van enige lid van die gemeenskap mag bedreig nie.
  - (2) Versuim om die rioolpype, dreine, waterpasstukke, afvalwater passtukke, toilet passtukke en alle ander sanitêrebybehore wat ’n deel vorm of gehêg is aan enige gebou of struktuur in goeie en ongeskonde toestand te hou.
  - (3) Enige nagvuil stort, hou, veroorsaak of toelaat om gestort of gehou te word op enige perseel, behalwe in ’n behoorlike sanitêre gerief wat deur die Raad goedgekeur is.

- (4) Enige sanitêre gerief van so 'n aard of in so 'n toestand dat dit 'n gesondheidsoorlas is, op enige perseel hou of veroorsaak of toelaat dat dit aldus gehou word nie;
  - (5) Enige ongewenste materiaal of ding, vloeistof of vastestof aanhou, karwei of toelaat om vervoer te word nie deur enige straat of openbare plek, wat 'n gesondheidsoorlas is of of een kan word, behalwe as sodanige aanstootlike materiaal bedek is met gepaste materiaal om sodoende 'n gesondheidsoorlas te verhoed.
  - (6) Veroorsaak of toelaat dat enige stroom, poel, sloot, drein, geut, waterloop, wasbak, bad, spoelbak, toilet, gemakshuisie of urinaal op enige grond of perseel wat besit of bewoon word deur hom of waarvan hy in beheer is, so vuil word of in so 'n toestand of so geleë of opgerig word, dat dit 'n gesondheidsoorlas is nie.
  - (7) Veroorsaak of toelaat dat enige vuil of besoedelde water of enige vuil vloeistof of ongewenste materiaal van enige perseel na dié wat deur 'n ander persoon besit of ge-okkupeer word, hetsy vir gebruik vir handel, besigheid, vevaardiging of woondoeleindes of enige ander gebruik, na enige grond of in enige stormwater-, rivier- of kanaalstelsel afloop of vloei nie.
  - (8) Enige daad pleeg, veroorsaak of toelaat dat dit gepleeg word wat enige water kan besoedel waartoe inwoners van die jurisdiksiegebied van die Raad die reg tot toegang of gebruik het nie.
3. (1) Waar enige aanstootlike materiaal, artikel of stof van watter aard ookal opgegaar of gestoor word op enige erf, straat, deurgang, openbare plein of braak of waar daar 'n oorgroeiing van bosse, onkruid, gras of plantegroei op enige erf in oortreding van artikel 1 en 2(1) voorkom, mag die Raad 'n kennisgewing bedien om sulke gesondheidsoorlaste te verminder op—
    - (a) Die persoon regstreeks of onregstreeks verantwoordelik vir sulke opgaring of berging; of
    - (b) Die eienaar van sodanige materiaal, artikel of ding, hetsy hy verantwoordelik is of nie vir sulke opgaring of berging; of
    - (c) Die eienaar van die erf waarop sulke opgaring of berging plaasvind, hetsy hy verantwoordelik is of nie, of
    - (d) Die eienaar van die erf waarop daar 'n oorgroeiing van bosgasie, onkruid, gras of plantegroei is.
  - (2) In geval die ontvanger versuim om binne die voorgeskrewe tyd soos aangedui in sodanige kennisgewing te voldoen aan die vereistes van 'n kennisgewing wat ingevolge artikel 3(1) bedien, mag die Raad, op koste van die ontvanger, tesame met enige hulp en adviseurs wat hy mag benodig, onmiddellik tot sodanige perseel toegang kry en van die perseel enige sodanige bome, bosse, onkruid, gras of klippe en rommel of aanstootlike materiaal verwyder. Die koste van sulke werk is deur die Raad verhaalbaar van die persoon wat oortree het in enige hof met bevoegde jurisdiksie.
4. Geen persoon mag enige bewoonbare perseel bewoon of laat bewoon op so 'n wyse dat dit 'n gesondheidsoorlas, hetsy deur oorbewoning of andersins, veroorsaak nie.
  5. Die eienaar van enige perseel wat aan meer as een bewoner verhuur of onderverhuur word, moet ten alle tye 'n skoon en sanitêre toestand in stand hou op elke deel van sodanige perseel wat gesamentlik deur meer as een bewoner gebruik word.
  6. Geen persoon mag enige fabrieks- of handelsperseel hou of bedryf of toelaat dat dit so gehou word sodat dit reuke of uitdamping veroorsaak wat 'n gesondheidsoorlas vorm nie.
  7. Elke persoon wat enige perseel bewoon of in beheer van so 'n perseel is of die eienaar van enige oop grond in die jurisdiksiegebied van die Raad, moet alle moontlike voorsorg tref om toestande te voorkom wat die vermenigvuldiging en voorkoms van muskiete, vlieë, vlooië, insekte, kakkerlakke en ander ongediertes of peste begustig nie en moet stappe vir die uitroeiing daarvan doen. 'n Gemagtigde persoon wat vir die Raad werk, mag 'n kennisgewing op so 'n eienaar, bewoner of persoon in beheer bedien met betrekking tot die voorkoming of uitroeiing van enige sulke ongediertes of peste en 'n tydperk voorskryf waarin sodanige ongediertes en/of peste uitgewis moet word.
  8. Geen persoon mag enige ophoping of storting van vullis, vuilgoed, afval, mis, ander aanstootlike stof of ongewenste materiaal of ding op enige perseel hou of veroorsaak of toelaat dat dit so gehou word dat dit 'n gesondheidsoorlas is nie.
  9. Geen persoon mag sonder die geskrewe toestemming van die Raad, 'n karavaan, tent of ander soortgelyke skuiling van enige beskrywing op ongedienste grond bewoon of vir bewoning toelaat nie behalwe op 'n gemagtigde kampering of woonwaterrein.
  10. Enige persoon wat oortree of versuim om te voldoen aan enige bepalinge van hierdie Deel, of versuim om te voldoen aan enige kennisgewing wat regtelik daaronder uitgereik word, is skuldig aan 'n misdryf.

## DEEL 2

### AANHOU VAN DIERE EN PLUIMVEE

- 11 Ten einde openbare gesondheid te bevorder, sal geen persoon toegelaat word om op enige perseel of eiendom enige dier of pluimvee aan te hou sonder die toestemming van die Raad nie.
- 12 (1) Vir die doeleindes van die bevordering van openbare gesondheid en die beperking van openbare oorlaste mag die Raad van tyd tot tyd die aantal soort en geslag van diere of pluimvee bepaal wat per eenheidsgebied aangehou mag word en die gebiede waarbinne sodanige diere of pluimvee verbied word.
- (2) Die Raad mag van tyd tot tyd, bepaal vir watter soorte diere en pluimvee 'n permit benodig word, asook die toepaslike aansoekfooi en jaarlikse fooi vir so 'n permit. Aansoeke vir sulke permitte moet op die voorgeskrewe vorm gedoen word wat deur die Raad daarvoor beskikbaar gestel word.
- (3) Permitte wat hiervolgens uitgereik word is nie oordraagbaar nie en is slegs geldig vir die spesifieke eiendom waarvoor aansoek gedoen is.
- 13 (1) Die Raad mag vereis dat 'n aansoek in gevolge artikel 12(2) vergesel word van 'n gedetailleerde terreinplan wat alle bestaande of beoogde strukture en heinings op die eiendom waarvoor die permit benodig word, aandui.

- (2) Die Raad kan gedetailleerde planne en spesifikasies vereis van strukture waarin daar beoog word om diere en pluimvee aan te hou, ten einde te evalueer of 'n permit waarvoor ingevolge artikel 12(2) aansoek gedoen is, toegestaan moet word al dan nie.
- (3) Nieteenstaande enigiets tot die teendeel in hierdie verordening, mag die Raad goedkeuring van 'n aansoek weier of toestemming verleen onderworpe aan spesifieke voorwaardes as die eiendom na sy mening, weens sy ligging of geografiese eienskappe of grootte, nie geskik is om diere of pluimvee aan te hou nie.
- (4) Geen struktuur wat diere huisves mag geplaas word:
- binne 15m van enige grens van die erf wat aan 'n ander residensiële erf grens nie; en
  - binne 6m van enige grens van die erf wat enige pad of openbare gebied begrens nie;
  - binne 4,5m van enige woning, bediendekwartiewe, bewoonde buitegebou en winkel of gebou waar kos verwerk word nie.
- (5) Waar 'n struktuur waarin diere aangehou gaan word deel vorm van 'n buitegebou wat vir menslike bewoning gebruik staan te word, moet sodanige struktuur minstens 4,5m weg van sodanige bewoonbare vertrek wees en mag dit nie onder dieselfde dakruimte as die bewoonbare vertrek wees nie.
- (6) Geen struktuur waarin pluimvee aangehou word, mag geplaas word:
- binne 1,5m van enige grens van 'n residensiële erf nie; en
  - binne 1,5m van enige woning, bediendekwartiere, bewoonde buitegebou en winkel of gebou waar kos verwerk, verkoop word of geberg word nie.
- (7) Alle strukture waarin diere of pluimvee gehou word, moet tot die bevrediging van die Raad toepaslik afgeskerm word van enige straat.
- (8) Geen struktuur waarin pluimvee gehou word mag hoër as 3,5m wees nie.
- (9) Nieteenstaande die bogemelde bepalings mag die Raad, na oorweging van voorwaardes ten opsigte van die eiendom en op voorwaarde dat geen beswaar van aangrensende bure ontvang is nie, enige of alle vereistes van dié gedeelte opskort en ander voorwaardes instel, indien toepaslik.
- 14 (1) Alle mis voortspruitend uit die aanhou van diere of pluimvee moet, in afwagting van verwydering vanaf die perseel, beskut in geseëlde vliegvaste houers geberg word en gereeld mee weggedoen word om te voorkom dat enige oorlas geskep word, welke wegdoening nie die vervaardiging van kompos op die perseel mag insluit nie.
- (2) Alle voer vir die aanhou van diere of pluimvee moet in 'n knaagdierbestande plek, houder of stoorkamer geberg word.
- (3) Die perseel vir die aanhou van diere en pluimvee moet in so 'n toestand gehou word dat dit nie knaagdiere sal lok of skuiling aan knaagdiere bied nie.
- (4) Karkasse moet op koste van die eienaar en op 'n manier wat die Raad goedgekeur, weggedoen word.
- 15 Die Raad mag van tyd tot tyd bepaal dat 'n vlieg- en knaagdierbestande misstoor en voerskuur van voldoende grootte en van permanente materiaal gebou, vereis word op 'n perseel waar diere aangehou word.
- 16 Geen persoon mag 'n hondeherberg of kattery bedryf nie tensy daar aan die volgende voorwaardes voldoen word:
- (1) Honde en katte sal in aparte hokke gehou word:
- gebou van duursame materiaal en met voldoende toegang vir die doeleindes van skoonmaak, ontsmetting en uitroeiing van ongediertes.
  - met 'n vloer van beton of ander duursame en sypeldigte materiaal met 'n gladde afwerking en wat oorgaan tot 'n kanaal van 100mm, wat strek oor die volle wydte van die vloer en geleë is in die hok, welke kanaal moet dreineer in 'n afvoerstelsel wat verbind is aan die Raad se rioolstelsel deur 'n pyp van goedgekeurde materiaal met 'n minimum deursnee van 100mm, of verbind is met 'n ander goedgekeurde wegdoeningstelsel.
  - met 'n 150mm hoë randsteen langs die hele lengte van die kanaal waarna verwys word in sub-paragraaf (ii) om te voorkom dat stormwater van so 'n gebied die kanaal binnedring.
- (2) Elke hok in artikel 16(1) bedoel, moet 'n skuiling met 'n dak hê vir die akkommodasie van honde en katte hê waarvan:
- elke muur van steen, klip, beton of van ander duursame materiaal gebou is en 'n gladde interne oppervlak sonder krake en oop laste moet hê.
  - die vloer van beton of ander sypeldigte materiaal moet wees, 'n gladde afwerking sonder krake of oop laste moet hê en die oppervlak tussen die vloer en die mure van die permanente struktuur konkaaf moet wees.
- (3) In die geval van honde mag 'n hondehok van gevormde vesement of soortgelyke materiaal wat verskuifbaar is en geplaas is op 'n basis van beton of ander duursame materiaal met 'n maklik skoonmaakbare oppervlakte, sonder krake of oop laste, verskaf word in plek van skuiling soos bepaal in artikel 16(2). As die basis van so 'n hok nie waterdig is nie, moet 'n verhewe slaapplank wat die hond in staat sal stel om te bly, in elke van sodanige hondehok verskaf word.
- (4) 'n Betonskort van minstens 1m wyd moet verskaf word by die ingang na die hok oor sy hele wydte en sodanige skort moet 'n helling hê om water vanaf die hok weg te lei.
- (5) 'n Voorraad drinkbare water, genoegsaam vir drink en skoonmaakdoeleindes, moet in of langs elke hok verskaf word.

- (6) Afsonderlike isolasiegeriewe vir siek honde en katte moet tot die bevrediging van die Raad voorsien word.
- (7) Indien hokke verskaf word vir die aanhou van katte, moet sodanige hokke van duursame, sygeldigte materiaal wees en so gebou wees sodat dit maklik skoongemaak kan word.
- 17 Alle strukture moet te alle tye deur die eienaar of bewoner van die perseel in 'n behoorlike toestand gehou word.
- 18 (1) Indien enige diere wat op enige eiendom aangehou word ten opsigte waarvan 'n permit ingevolge hierdie verordening uitgereik is na die mening van die Raad 'n gesondheidsoorlas veroorsaak, 'n gesondheidsgevaar inhou of die veiligheid van die publiek bedreig, of waar meer diere aangehou word as wat ingevolge die permit gemagtig is, mag die Raad skriftelike kennisgewing bedien op die permithouer of, in sy afwesigheid die persoon in beheer, om sodanige oorlaste of gevaar of oortollige aantal diere binne 'n gespesifiseerde tydperk te verwyder.
- (2) Die permithouer of die persoon in beheer moet by die ontvangs van 'n kennisgewing ingevolge artikel 18(1), moet voldoen aan die vereistes soos gespesifiseer deur die Raad in sodanige kennisgewing, by gebreke waarvan die Raad na na goëddunke—
- (a) die permit om diere op so 'n perseel aan te hou kan kanselleer, of
- (b) die permit kan wysig.
- 19 Die permithouer moet, wanneer deur die Raad daarom versoek, die permit wat aan hom uitgereik is terugbesorg vir wysiging of kansellering, wat ookal die geval mag wees.
- 20 Geen persoon mag 'n struktuur verander of gebruik vir die aanhou van diere of pluimvee vir doeleindes anders as dié in die permit vermeld nie.
- 21 (1) Enige perseel waarop diere of pluimvee reeds aangehou word op die datum van inwerkingtreding van hierdie verordening, word vir 'n tydperk van 12 maande vrygestel van die nakoming van die vereistes ten opsigte van akkommodasie van diere.
- (2) Alle permitte, magtigings en konsessies om diere of pluimvee aan te hou ingevolge enige verordening of regulasie wat deur artikel 42 herroep word, sal geag te wees om toegeken te wees ingevolge hierdie verordening.
- 22 Enige persoon wat die bepalings in dié Deel oortree of versuim om te voldoen aan enige kennisgewing wat regtelik daaronder uitgereik is, sal aan 'n misdryf skuldig wees.

### DEEL 3

#### MEDIESE AFVALBESTUR

- 23 (1) Generators moet mediese afval op 'n veilige manier hanteer en berg wat geen bedreiging vir menslike gesondheid of die omgewing inhou nie en staan onder die verpligting om te verseker dat mediese afval van hulle persele verwyder, vervoer en weggedoen word in ooreenstemming dié verordening.
- (2) Sonder om die algemeenheid van die verpligting in subartikel (1) te beperk, moet generators aan die volgende vereistes voldoen:
- (a) skei mediese afval van ander afval by die punt waar dit gegeneer word;
- (b) berg mediese afval in lekvrye verseëlbare houers en verseker dat houers wat vir die stoor van skerp items en ander kliniese items wat snye, steekplekke of inspuittings kan veroorsaak ook stewig is en nie maklik deurgesteek kan word nie.
- (c) merk elke mediese afvalhouer in onuitwisbare, groot, leesbare letters met—
- (i) die naam en adres van die generator;
- (ii) die woorde “Danger: Medical Waste”, “Gevaar: Mediese Afval” en “Ingozi: Inkunkuma Yezamayeza”; en die internasionale bio-gevaar logo; en
- (iii) die datum waarop die mediese afval van die generator se perseel verwyder is;
- (d) voorkom toegang vir die publiek tot mediese afvalhouers wat in gebruik is;
- (e) berg vol mediese afvalhouers in gekontroleerde, veilige gebiede wat vir die stoor van mediese afval gereserveer is;
- (f) tref reëlins vir die verwydering van mediese afval van hulle persele en vir die vervoer van mediese afval na 'n afvalterrein deur 'n persoon wat mediese afval ingevolge dié verordening vervoer en wat as 'n karweier geregistreer is soos voorsien in artikel 26 van dié verordening;
- (g) reëlins tref vir die wegdoen van mediese afval deur 'n persoon wat ingevolge dié verordening gemagtig is om met mediese afval weg te doen.
- (3) Generators mag skriftelik by die Raad aansoek doen vir toestemming om hul mediese afval te hanteer, te berg en andersins daarmee te handel op 'n wyse wat nie aan die vereistes soos vervat in subartikel (2) voldoen nie.
- (4) Die Raad kan die toestemming in subartikel (3) bedoel skriftelik verleen; met dien verstande dat dit sodanige toestemming kan verleen behoudens enige voorwaardes wat dit na sy uitsluitlike goëddunke bepaal.
- (5) Generators mag mediese afval vervoer en daarmee wegdoen, mits hulle dit ingevolge dié verordening doen.
- (6) Generators moet —
- (a) 'n geskrewe rekord byhou van mediese afval wat van hulle persele verwyder word in die formaat soos van tyd tot tyd deur die Raad voorgeskryf.

- (b) van die wegdoener van mediese afval geskrewe kennis verkry dat die mediese afval weggedoen is en by ontvangs van so 'n kennisgewing, dit in hulle geskrewe rekords aanteken dat die mediese afval aldus weggedoen is;
- (c) die skriftelike rekord hou waarna verwys word in paragraaf (a) en die kennisgewing waarna verwys in paragraaf (b) vir 'n tydperk van een jaar hou nadat die mediese afval van hulle persele verwyder is.
- 24 (1) Karweiers moet mediese afval verwyder van die perseel van 'n generator, dit vervoer, stoor en sulke mediese afval aflewer by die perseel waar dit op 'n veilige manier mee weggedoen sal word en wat geen gevaar vir menslike gesondheid of die omgewing inhou nie.
- (2) Sonder om die algemeenheid van die verpligting in subartikel (1) te beperk, moet karweiers aan die volgende vereistes voldoen:
- (a) mediese afval mag nie verwyder word uit die houeers waarin die generator mediese afval geberg het nie;
- (b) mediese afval moet op so wyse vervoer en geberg word dat geen lid van die publiek toegang tot die mediese afval of die houeers waarin dit geberg word kan verkry nie;
- (c) mediese afval vervoer in voertuie wat—
- (i) daartoe in staat is om die mediese afval te kan inhou;;
  - (ii) ontwerp is om storting te voorkom;
  - (iii) gebou is van materiaal wat maklik is om skoon te maak en te ontsmet;
  - (iv) beveilig kan word om ongemagtigde toegang te voorkom;
- (d) mediese afval aflewer slegs aan 'n persoon en terrein wat ingevolge artikel 25 gemagtig is om met mediese afval weg te doen.
- (3) Karweiers mag skriftelik by die Raad aansoek doen om mediese afval te verwyder, te vervoer, te berg en af te lewer op 'n wyse wat nie voldoen aan die vereistes soos in subartikel (2) uiteengesit nie.
- (4) Die Raad kan die toestemming in subartikel (3) bedoel skriftelik verleen; met dien verstande dat dit sodanige toestemming kan verleen behoudens enige voorwaardes wat dit na sy uitsluitlike goeëdunke bepaal.
- (5) Karweiers mag wegdoen met mediese afval op voorwaarde dat hulle dit doen ingevolge die bepalings van hierdie verordening.
- (6) Karweiers moet 'n geskrewe rekord hou van elke insameling en aflewering van mediese afval, wat met elke insameling en aflewering bygewerk word en so 'n rekord moet in die formaat wees soos van tyd tot tyd deur die Raad voorgeskryf en moet vir 'n tydperk van een jaar vanaf die datum waarop die mediese afval afgelewer is, gehou word. Karweiers moet 'n afskrif van die toepaslike rekord hou in die voertuig wat gebruik word vir die vervoer van die mediese afval.
- 25 (1) Mediese afval mag slegs weggedoen word deur 'n persoon—
- (a) wat 'n permit hou om 'n afvalterrein vir gevaarlike stowwe te bedryf ingevolge artikel 20 van die Wet op Omgewingsbewaring, No. 73 van 1989, of wat gemagtig is om mediese afval te verbrand met toerusting wat ingevolge die Wet op die Voorkoming van Lugbesoedeling, No. 45 van 1965, goedgekeur is, of albei; en
- (b) wat voldoen aan al die voorwaardes gekoppel aan so 'n permit en magtiging.
- (2) 'n Persoon wat ingevolge subartikel (1) toegelaat word om weg te doen met mediese afval moet dit doen by die terrein waar die permit of magtiging, of albei, hom of haar toelaat om weg te doen met mediese afval en mag nie met mediese afval wegdoen by enige ander plek nie.
- (3) Persone wat wegdoen met mediese afval moet—
- (a) 'n bygewekte geskrewe rekord hou van elke aflewering van mediese afval by die wegdoeningsterrein in die formaat soos van tyd tot tyd deur die Raad voorgeskryf.
- (b) so 'n rekord bewaar vir 'n tydperk van een jaar vanaf die datum waarop daar met die mediese afval weggedoen is.
- 26 (1) Elke generator moet binne ses maande na die inwerkingtreding van hierdie verordening by die Raad registreer deur 'n skriftelike aansoek om registrasie in te dien in die formaat soos van tyd tot tyd deur die Raad voorgeskryf.
- (2) Elke karweier moet binne 6 maande na die inwerkingtreding van hierdie verordening by die Raad registreer deur 'n skriftelike kennisgewing in te dien in die formaat soos van tyd tot tyd deur die Raad voorgeskryf.
- (3) Generators en karweiers moet die Raad van enige verandering in die inligting wat verskaf is ingevolge subartikels (1) en (2) in kennis stel so gou as sulke verandering plaasvind.
- 27 Enige persoon wat enige bepaling van hierdie Deel oortree of versuim om te voldoen aan enige kennisgewing wat regtens daaronder uitgereik is, is skuldig aan 'n misdryf.

#### DEEL 4

#### BEDRYWE

#### 28 Akkommodasie-inrigtings

- (1) Elke akkommodasie-inrigting moet aan die volgende vereistes voldoen:

- (a) Die perseel wat bedoel is vir gebruik of reeds gebruik word as 'n akkommodasie-inrigting moet sowel binne en buite in 'n goeie strukturele toestand wees.
  - (b) Alle meubels, linne, gerei, toebehore en toerusting wat deur die besitter verskaf word, moet skoon en in 'n goeie toestand wees en moet voldoende wees vir die doeleindes waarvoor dit bedoel is.
  - (c) Elke kamer moet van voldoende lig en ventilasie voorsien word ten einde so 'n kamer te enige tyd te gebruik sonder benadeling van gesondheid of veiligheid is of sonder om 'n oorlas te veroorsaak.
  - (d) Dit moet van 'n voldoende aantal vullishouers met digsluitende deksels voorsien word.
  - (e) 'n Genoegsame aantal behoorlik toegeruste badkamers en toilette moet op die perseel voorsien word.
  - (f) Afsonderlike badkamers en toilette moet vir manlike en vroulike loseerders en vir werknemers voorsien word en moet so geplaas wees dat dit maklik toeganklik is vir die persone wat dit moet bedien; met dien verstande dat waar die aantal loseerders nie meer as twaalf (12) beloop nie, afsonderlike geriewe vir verskillende geslagte nie nodig is nie.
  - (g) Baddens, storte en wasbakke op die perseel moet te alle tye van lopende warm en koue water voorsien word.
  - (h) Dit moet voorsien wees van 'n geskikte werf wat tot die tevredenheid van die Raad geplavei en gedreineer is.
  - (i) Indien tien (10) of meer loseerders op een gegewe tydstip op die perseel gehuisves kan word, moet dit:
    - (i) 'n geskikte sitkamer of sitkamers hê wat so gemeubileer is en van so 'n grootte is dat dit aan die redelike behoeftes van die loseerders beantwoord; en
    - (ii) waar maaltye voorsien word, 'n gepaste eetkamer of eetkamers hê wat sitplek verskaf op die grondslag van nie minder nie as een (1) vierkante meter vir elke loseerder;
  - (j) Waar maaltye voorsien word of waar kos gemaak word moet 'n voldoende toegeruste kombuis verskaf word.
- (2) Die besitter van 'n akkommodasie-inrigting sal verantwoordelik wees vir die behoorlike voldoening aan en nakoming van die voorskrifte van dié verordening en sal voorts verantwoordelik wees vir die handelinge, versuime en nalate van sy werknemers of agente in die verband en enige oortreding van die verordening deur homself, deur enige ander lid van sy gesin of deur enige ander van sy werknemers of agente sal beskou word as 'n persoonlike oortreding van die verordening deur die besitter.
- (3) Die besitter van 'n akkommodasie inrigting moet te alle tye tot die bevrediging van die Raad—
- (a) die hele akkommodasie-inrigting in 'n skoon en sanitêre toestand hou;
  - (b) die meubels, gerei, linne en toerusting in 'n skoon en goeie toestand hou;
  - (c) slegs voedsame kos aan die loseerders en ander persone op die perseel verskaf, en
  - (d) nie wetend toelaat dat enige persoon wat aan 'n oordraagbare siekte ly in of op die perseel in diens is nie tensy hy 'n mediese sertifikaat het wat staaf dat so 'n persoon geskik is om met sy werk te kan voortgaan.
- (4) Die besitter van 'n akkommodasie-inrigting mag nie—
- (a) toelaat dat enige deel van die perseel, anders as 'n goedgekeurde slaapkamer, deur enige persoon vir slaapdoeleindes gebruik word nie; met dien verstande dat die voorgaande beperking nie van toepassing sal wees op enige loseerder wat 'n slaapkamer bewoon insoverre dit uit 'n stoep of veranda wat gepas omgeskakel is, bestaan nie;
  - (b) enige loseerder in dieselfde slaapkamer met 'n ander persoon huisves nie, tensy sulke persone van dieselfde familie is of albei hulle toestemming daartoe verleen het, en
  - (c) die besigheid van die genoemde akkommodasie inrigting op so 'n manier bedryf dat dit enige oorlas of ongerief vir inwoners van aangrensende eiendomme veroorsaak nie.
  - (d) toelaat dat daar in 'n woonkamer of 'n gebied wat as 'n woonkamer geoormerk is, gekook word, nie.
  - (e) toelaat dat die perseel oorbewoon word nie.
- (5) Nieteenstaande voldoening aan al die voorgaande voorskrifte, mag geen persoon 'n akkommodasie-inrigting bedryf nie tensy die eiendom toepaslik gesoneer is ingevolge die toepaslike soneringskema en met voldoening van alle toepaslike wette.

## 29 Haarkappers en barbiers

- (1) Geen persoon mag die besigheid van haarkappery of barbier op enige perseel binne die munisipale gebied bedryf nie, tensy—
- (a) alle dele van die perseel doeltreffend verlig en geventileer is;
  - (b) wasbakke, met lopende warm en koue water en gekoppel aan 'n afvoerpylp, voorsien is in die verhouding van ten minste een wasbak vir elke twee persone wat op dieselfde tyd besig is met die sny, doen of die sjampoe van hare of die skeer van enige persoon of enige bedrywigheid met betrekking tot die besigheid van haarkappery of barbier;
  - (c) alle tafels en rakke waarop instrumente geplaas word gemaak is van of bedek is met glas, marmer, geglasuurde teëls of ander soortgelyke gladde, sypeldigte, duursame en nie-verwerende materiaal.

- (d) die vloer gelyk is en gepas bedek is met sypeldigte materiaal of andersins gemaak is van 'n gladde, sypeldigte oppervlakte wat so onderhou word dat dit maklik gevee en deeglik skoongemaak kan word, en
- (e) hy 'n voldoende aantal draagbare afvalhouers met digsluitende deksels, gemaak van sypeldigte materiaal voorsien, wat maklik wasbaar is.

(2) Elke persoon wat 'n haarkappery of barbierwinkel bedryf moet verseker dat—

- (a) die perseel waarin sodanige besighede bedryf word en alle instrumente, toebehore, implemente, gereedskap en ander artikels wat gebruik word of bedoel is vir gebruik, te alle tye in 'n skoon en goeie toestand is;
- (b) alle gesnyde hare onmiddellik opgevee en in 'n bedekte vullisblik wat vir die doel verskaf is, geplaas word;
- (c) elke haarborsel wat vir die besigheid gebruik word of bedoel is vir gebruik te alle tye in 'n skoon toestand gehou word en minstens een keer per dag gewas en deeglik skoongemaak word.
- (d) elke handdoek wat op enige persoon gebruik is, voldoende gewas word voordat dit vir enige ander persoon gebruik word;
- (e) voorkomingsmaatreëls getref word om regstreekse kontak te voorkom tussen die kop of die nek van enige kliënt en die stoel waarop hy sit;
- (f) elke borsel, kam, skeermes, skêr, knipper of ander instrument, toebehore of toerusting wat op enige persoon gebruik is op so 'n manier dat dit in regstreekse aanraking was met onblote dele van so 'n persoon se liggaam, op een van die volgende wyses ontsmet word voordat dit op enige ander persoon gebruik word:
  - (i) indompeling in kokende water; of
  - (ii) indompeling in 'n ontsmettingsoplossing; of
  - (iii) behandeling in 'n goedgekeurde ontsmettingsapparaat op 'n goedgekeurde wyse;
- (g) 'n voldoende aantal van elke instrument, toestel of werktuig voorsien word;
- (h) geen persoon aan skeer, haarsny of enige ander behandeling wat verband hou met so 'n besigheid blootgestel word nie in daardie deel van die perseel waar die besigheid van haarkappery of barbierdery gewoonweg bedryf word, indien dit voorkom dat so 'n persoon met ongediertes besmet is of aan 'n vel- of haarsiekte siekte ly en indien enige sodanige persoon aan enige so 'n behandeling onderwerp is, dat alle handdoeke, instrumente en ander dinge wat in genoemde behandeling gebruik is, niesteenstaande enige iets tot die teendeel, onmiddellik daarna gesteriliseer word deur indompeling in kokende water vir minstens vyftien minute;
- (i) geen seep anders as vloeibare, poeier- of gebuisde seep of skeerroom gebruik word wanneer enige persoon gesjampoe of geskeer word nie of onderwerp word aan enige ander behandeling wat te doen het met haarkappery of barbierswerk;
- (j) geen stolmiddel anders as in vloeibare- of poeiervorm en aangewend as 'n sproei of deur middel van 'n skoon, nuwe stukkie watte, op enige persoon gebruik word nie;
- (k) geen persoon wat aan sy persoon of kleding vuil is, betrokke raak by die sny, doen of sjampoe van die hare van enige ander persoon nie of enige so 'n ander persoon te skeer nie, of betrokke wees by enige ander bedrywigheid in verband met die besigheid van haarkappery of barbierswerk waaraan so 'n laasgenoemde persoon onderwerp word nie;
- (l) geen persoon wat die hare van enige ander persoon sny, doen of sjampoe of 'n ander persoon skeer, of betrokke raak in enige ander bedrywigheid van haarkappery of barbierswerk, dit doen sonder om sy hande onmiddellik voordat dit gedoen word te was nie;
- (m) geen persoon wat aan enige oordraagbare siekte ly deelneem of toegelaat word om deel te neem aan enige bedryfsaksie van haarkappery of barbierswerk nie tensy so 'n persoon 'n mediese sertifikaat kan toon wat aandui dat hy geskik is om deel te neem.
- (n) waar was gebruik word, die was slegs vir een aanwending gebruik word.

(3) Die bepalinge van die verordening sal *mutatis mutandis* van toepassing wees op enige skoonheidsbehandeling, manikuurwerk of soortgelyke behandeling.

30 *Tattoëring en Lyfprieming van Mense*

- (1) Slegs professionele tattoëring en lyfpriemingsmasjiene wat op so 'n manier ontwerp en aanmekeer gesit is om besmetting van steriele naalde te voorkom, mag gebruik word vir die aanbring van permanente tatoëring of lyfprieming.
- (2) Alle knipkoorde en spreibottels moet snellers hê; greepareas moet ook deur 'n plastiekomhulsel beskerm word wat na die behandeling van elke kliënt weggedoen word.
- (3) Werksoppervlakke moet glad en sypeldig wees en na elke kliënt ontsmet word.
- (4) Toerusting en voorrade moet in skoon, aangewese stoorkabinette geberg word.
- (5) Instrumente en toerusting wat vir enige prosedure gebruik word, moet na gebruik op elke kliënt gesteriliseer word.
- (6) Alle buise en naalde moet in enkeldiens, steriele, geseëde stoomgesteriliseerde sakke geberg word wat in die teenwoordigheid van die kliënt oopgemaak moet word.
- (7) 'n Persoon wat verantwoordelik is vir die tattoëring of lyfprieming moet sy hande met seep en warm water was voordat 'n kliënt bedien word en nuwe rubber- of nitriële ondersoekhandskoene moet deur die operateur gedra word vir die duur van die prosedure vir elke kliënt.

31 *Kindersorggeriewe*

- (1) Geen kindersorggerief mag bedryf word nie sonder die geskrewe toestemming van die Direkteur: Stadsgesondheid of sy gemagtigde verteenwoordiger nie, welke goedkeuring aan voorwaardes onderworpe kan wees.
  - (2) Aansoeke vir goedkeuring moet op die voorgeskrewe vorm gedoen word en sal slegs geprosesseer word na die betaling van die aansoekfooie wat van tyd tot tyd deur die Raad vasgestel word.
  - (3) Geskrewe goedkeuring ingevolge subartikel (1) skeld geen persoon vry van die vereistes van enige ander wet oor die sorg van kinders en/of die gebruik van die betrokke perseel nie.
  - (4) Nieteenstaande subartikel (1) sal alle kindersorggeriewe wat wettig bedryf word ten tye van die promulgering van dié verordening, vir 'n tydperk van een jaar vanaf sodanige promulgering vrygestel wees van die vereiste om geskrewe goedkeuring te verkry
- 32 Enige persoon wat enige bepaling van dié Deel oortree, sal skuldig wees aan 'n misdryf.

**DEEL 5:****DIE VERVOER EN HANTERING VAN VLEIS WAT VIR VERKOOP EN VIR MENSLIKE GEBRUIK BEDOEL IS**

- 33 Geen persoon mag enige vleis wat vir menslike gebruik bedoel is vervoer of veroorsaak of toelaat dat dit vervoer word vir verkoop nie, behalwe in ooreenstemming met die volgende vereistes:
- (a) As die vervoermiddel 'n voertuig van 1 ton of meer is:
    - (i) moet die interne wande, vloer en dak ononderbroke uitgevoer wees met korrosiebestande metaal of met ander goedgekeurde, sypeldigte materiaal. So 'n voering moet gerond wees in die hoeke; laste en kruisings en alle laste sal naatloos wees. Die voertuig moet binne, buite en meganies in 'n goeie toestand gehou word.
    - (ii) moet die voertuig se bak geïsoleer word op so 'n manier dat die temperatuur van die vleis nie meer as 5° Celcius per uur kan styg nie.
    - (iii) moet die agterkant of sykant van die bak met 'n digsluitende metaaldeur of deure toegegerus wees, waarvan die binnekant ook van korrosiebestande metaal is en sover as moontlik vry van uitsteeksels en riwwe.
    - (iv) is 'n vaste waarnemings-glaspaneel toelaatbaar in die afskorting tussen die drywerskajuit en die bak van die voertuig.
    - (v) moet 'n korrosiebestande metaalstaaf of stawe, met vaste of beweegbare korrosievrye metaalhake, aan die dak van die voertuig aangebring word en alle karkasse of dele van karkasse, moet daaraan gehang word tydens vervoer. So 'n staaf of stawe moet hoog genoeg aangebring word om te verseker dat karkasse vry van die vloer hang.
    - (vi) moet alle kettings of stawe wat gebruik word om die wag te stabiliseer van korrosievrye metaal wees en so geïnstalleer wees dat dit maklik verwyder kan word vir skoonmaakdoeleindes.
    - (vii) moet 'n los, korrosievrye houër, goedgekeur deur die Direkteur: Stadsgesondheid of sy gemagtigde verteenwoordiger en maklik verwyderbaar vir skoonmaakdoeleindes, binne die voertuig voorsien word vir die vervoer van afval en geen afval mag in so 'n voertuig houër wat vir die vervoer van vleis gebruik word nie, maar moet dit in 'n aparte houër vervoer word wat voldoen aan die vereistes van 'n ander houër aangebring word wat die inhoud teen besmetting sal beskerm en wat maklik verwyderbaar is om skoonmaak te word.
  - (b) Indien die vervoermiddel 'n sleepwa is, moet dit voldoen aan die bepalings van subartikel (a)(i), (ii), (iii), (v), (vi) en (vii).
  - (c) Indien die vervoermiddel 'n voertuig minder as 1 ton is:
    - (i) moet dit voldoen aan die vereistes van subartikel (a) (i) en (iii).
    - (ii) is dit vir kleinhandelslagters toelaatbaar om vleis van 'n abattoir na hulle handelsperseel daarin te vervoer sonder om sulke vleis op te hang, op voorwaarde dat dit in korrosievryehouers van voldoende grootte vervoer word, goedgekeur deur die Direkteur: Stadsgesondheid of sy gemagtigde verteenwoordiger en maklik verwyderbaar vir skoonmaak en mag geen afval vervoer word in enige houër wat vir die vervoer van vleis gebruik word nie, maar moet dit in 'n aparte houër vervoer word wat voldoen aan die vereistes van (a) (vii) hierbo.
  - (d) As die vervoermiddel 'n voertuig is, wat vleis na 'n kleinhandelsklant toe vervoer, moet daar aan die bepalings van subartikel (a) (i) en (iii) voldoen word.
  - (e) Gekookte en voorbereide vleis moet in korrosievrye houers goedgekeur deur die Direkteur: Stadsgesondheid of sy gemagtigde verteenwoordiger vervoer word en moet toegedraai of bedek wees om besmetting te voorkom.
  - (f) Behalwe soos voorsien in subartikels (a)(vii), (c)(ii) en (e) mag geen vleis op die vloer van enige voertuig vervoer word nie.
  - (g) Geen persoon, dier of artikel wat vleis kan besmet mag in enige voertuig vervoer word wat gebruik word vir die vervoer van enige vleis wat vir verkoop vir menslike gebruik bestem is nie.
  - (h) Die naam en adres van die eienaar en die handelsnaam van sy besigheid, indien enige, moet in duidelike letters en syfers wat maklik gesien en leesbaar is, aan beide kante van elke voertuig wat gebruik word vir die vervoer van vleis vir verkoop vir menslike gebruik, aangebring word
- 34 (1) Alle persone wat betrokke is by die grootmaathantering van vleis bestem vir menslike gebruik, moet skoon, beskermende bedekkings dra van 'n materiaal goedgekeur deur die Direkteur: Stadsgesondheid of sy gemagtigde verteenwoordiger oor hulle koppe, nekke en skouers om kontak tussen die vleis en enige deel van hulle liggame, behalwe hulle hande, te voorkom.
- (2) Alle werkgewers van sulke persone moet hulle toerus met sulke bedekkings en moet verseker dat daar aan die bepalings van subartikel (1) voldoen word.

- 35 Vir 'n tydperk van vier jaar na promulgering van dié verordening, sal die bepalings van artikels 33(a) (i), (ii), (iii), (v) en (vi), 33(b), behalwe die bepaling dat die sleepwa moet voldoen aan artikel 33(a) (vii) en 33(d) van dié regulasie, nie op enige voertuig van toepassing wees wat op sodanige datum reeds wettig in gebruik is vir die vervoer van vleis wat bestem is vir verkoop vir menslike gebruik nie.
- 36 Die bepalings van dié Deel is bykomend tot en vervang nie die bepalings van enige ander regulasie van die Raad met betrekking tot voedsel vir verkoop nie, behalwe in soverre sulke regulasies teenstrydig is of inkonsekwent is met dié regulasie, in welke geval die bepaling van dié regulasie sal geld.
- 37 Enige persoon wat enige bepalings van die Deel oortree of versuim om te voldoen daaraan sal skuldig wees aan 'n misdryf.

#### **DEEL 6:**

#### **ALGEMENE BEPALINGS**

#### 38 *Reg van toegang en inspeksie*

- (1) Enige behoorlik gemagtigde werknemer van die Raad is gemagtig om enige perseel binne die munisipale gebied te inspekteer ten einde te bepaal of daar aan die bepalings van dié Verordening voldoen word.
- (2) Wanneer 'n perseel ingevolge subartikel (1) binnegegaan word, moet die gemagtigde werknemer op versoek van enige persoon, hom-/haarself identifiseer deur 'n geskrewe bewys van magtiging te toon.
- (3) Die gemagtigde werknemer mag vergesel word van 'n persoon van wie dit redelikerwys verwag word om te help in die uitvoer van die inspeksie.

#### 39 *Bediening van dokumente en geregtelike stappe*

- (1) Wanneer enige kennisgewing, bevel, aanskrywing of ander dokument gemagtig is of nodig is om bedien te word op 'n persoon ingevolge dié verordening, word dit geag effektief en na behore aan sodanige persoon beteken te wees-
  - (a) wanneer dit persoonlik aan hom afgelewer is;
  - (b) wanneer dit by sy plek van inwoning of besigheid in die Republiek gelaat is by 'n persoon wat duidelik ouer as sestien jaar is;
  - (c) wanneer dit gepos is per geregistreerde of gesertifiseerde pos aan sy laaste bekende woon- of besigheidsadres in die Republiek en 'n erkenning van die versending verskaf word;
  - (d) indien sy adres in die Republiek onbekend is, wanneer dit aan sy agent of verteenwoordiger in die Republiek bedien is op so 'n manier soos bepaal deur paragraaf (a), (b) of (c), of
  - (e) indien sy adres en agent in die Republiek onbekend is, wanneer dit opsigtelik vertoon word op die vaste eiendom (indien enige) waarop dit betrekking het.
- (2) Wanneer enige kennisgewing, bevel, aanskrywing of ander dokument soos die voorgenoemde gemagtig is of bedien moet word aan 'n persoon omdat hy die eienaar of bewoner is of was of 'n ander reg hou met betrekking tot vaste eiendom, sal dit nie nodig wees om hom by name te noem nie, maar sal dit voldoende wees as hy daarin beskryf word as die eienaar, bewoner of houer van sodanige vaste eiendom of ander reg, wat ook al die geval mag wes.

#### 40 *Strawwe*

- (1) Enige persoon wat skuldig bevind word aan 'n oortreding ingevolge dié verordening stel hom bloot aan 'n boete en/of gevangenisstraf van hoogstens twee jaar.
- (2) In die geval van 'n voortdurende oortreding mag 'n addisionele boete en/of gevangenisstraf van 'n tydperk wat nie tien dae oorskry vir elke dag waarop so 'n oortreding voortduur nie, opgelê word.
- (3) Bykomend tot enige straf opgelê ingevolge subartikels (1) en (2), sal die persoon wat aldus skuldig bevind is aanspreeklik vir die betaling van die koste vir die herstel van enige skade wat aangerig is of enige koste wat aangegaan is om enige skade voortspruitend uit sodanige misdryf reg te stel..

#### 41 *Vrystellings*

Nieteenstaande die bepalings van dié verordening, mag die Raad enige persoon en/of klas van persone vrystel van enige of al hierdie vereistes en mag dit enige ander vereistes oplê wat dit as geskik beskou.

#### 42 *Herroeping*

Die wetgewing bevat in Bylae 1 word herroep in soverre as wat dit van toepassing is in die munisipale gebied van die Stad Kaapstad.

#### 43 *Vertolking*

In die geval van konflik tussen die Engelse, Xhosa en Afrikaanse weergawes van dié verordening, sal die Engelse weergawe die beslissende een wees.

#### 44 *Kort titel en aanvang*

Dié verordening sal bekend staan as die Verordening op Omgewingsgesondheid en in werking tree op die datum waarop dit in die Provinsiale Koerant gepubliseer word.

**BYLAE 1**

<b>PN NO.</b>	<b>VERORDENING</b>
65/1962	Bellville Munisipaliteit: Regulasies met betrekking tot die voorkoming van brande
1022/1977	Durbanville Munisipaliteit: Verordening met betrekking tot oorlaste
131/1961	Bellville Munisipaliteit: Regulasies met betrekking tot die verwydering van plantegroei van grond
483/1961	Goodwood Munisipaliteit: Regulasies met betrekking tot die verwydering van plantegroei van grond
133/1949	Regulasies met betrekking tot die verpligting van inwoners om hulle persele vry te hou van aanstootlike, aansteeklike of ongesonde stof, die onderdrukking van oorlaste en die behoud van openbare gesondheid.
34/1941	Goodwood Munisipaliteit: Standaardregulasies oor openbare gesondheid
100/1993	Goodwood Munisipaliteit: Verordening met betrekking tot oorlaste
297/1982	Goodwood Munisipaliteit: Verordening met betrekking tot rook in sekere persele of voertuie
607/1991	Bellville Munisipaliteit: Wysiging aan die Standaardverordening met betrekking tot die aanhou van diere
831/1989	Bellville Munisipaliteit: Standaardverordening met betrekking tot die aanhou van diere
517/1986	Bellville Munisipaliteit: Standaardverordening met betrekking tot die aanhou van pluimvee
541/1953	Goodwood Munisipaliteit: Standaardregulasies met betrekking tot die aanhou van pluimvee
42/1947	Durbanville Munisipaliteit: Regulasies met betrekking tot slaghuise en die inspeksie van vleis
133/1949	Goodwood Munisipaliteit: Regulasies met betrekking tot haarkappers
	Goodwood Munisipaliteit: Regulasies met betrekking tot huurhuisvesting
	Goodwood Munisipaliteit: Regulasies met betrekking tot losieshuise en soortgelyke persele
	Goodwood Munisipaliteit: Regulasies met betrekking tot teekamers, koffiekamers, restaurante en eetplekke
	Goodwood Munisipaliteit: Regulasies met betrekking tot die verkoop, voorbereiding en berging van voedsel
774/1954	Goodwood Munisipaliteit: Standaardregulasies met betrekking tot restaurante, verversings- of teekamers en eetplekke
775/1954	Goodwood Munisipaliteit: Addisionele regulasies met betrekking tot restaurante, verversings- of teekamers en eetplekke
330/1957	Goodwood Munisipaliteit: Standaard slaghuisregulasies
547/1969	Goodwood Munisipaliteit: Wysiging van die Regulasies met betrekking tot die verkoop, voorbereiding en berging van voedsel
314/1990	Kaapstad Munisipaliteit: Verordening op Omgewingsgesondheid
PK5642/2000	Suid-Skiereiland Munisipaliteit: Verordening met betrekking tot die aanhou van diere en pluimvee
760/1951	Wysigings aan die standaardregulasies vir die aanhou van pluimvee
453/1962	Plaaslike Besture: Wysiging van die standaardregulasies vir die aanhou van pluimvee
531/1962	Wysiging van die standaardregulasies vir die aanhou van pluimvee
742/1963	Plaaslike Besture: Wysiging van die standaardregulasies vir die aanhou van pluimvee
365/1984	Die Kaapse Provinsiale Raad: Verordening met betrekking tot die aanhou van pluimvee op persele binne plaaslike gebiede: Regstellende kennisgewing
593/1992	Standaardverordenings met betrekking tot barbiere en haarkappers
630/1990	Somerset-Wes Munisipaliteit: Standaardverordening met betrekking tot losieshuise
784/1988	Somerset-Wes Munisipaliteit: Verordening met betrekking tot die opgaar, storting, berging of agterlaat van materiaal
870/1989	Somerset-Wes Munisipaliteit: Verordening met betrekking tot die verwydering van plantegroei van grond
563/1961	Wysiging van die Standaardregulasies met betrekking tot barbiere en haarkappers
348/1954	Standaardregulasies met betrekking tot restaurante, verversings- of teekamers en eetplekke
509/1962	Standaardregulasies met betrekking tot visverkopers
705/1953	Wysiging van Standaardregulasie vir losieshuise
830/1954	Standaard losieshuisregulasies
602/1950	Standaard bakkerijverordenings
875/1988	Standaardverordening met betrekking tot slaghuise
210/1947	Munisipaliteit van Vishoek: Regulasies met betrekking tot losieshuise

<b>PN NO.</b>	<b>VERORDENING</b>
193/1983	Brackenfell Munisipaliteit: Gesondheidsverordening met betrekking tot crèches en crèches-cum-kleuterskole.
451/1988	Kuilsrivier Munisipaliteit: Standaardverordening met betrekking tot akkommodasie-inrigtings
232/1991	Milnerton Munisipaliteit: Herroeping en aanvaarding van Standaardverordening met betrekking tot die aanhou van diere
603/1989	Standaardverordening met betrekking tot die aanhou van diere
348/1973	Afdelingsraad van die Kaap: Regulasies met betrekking tot die aanhou van sekere diere
340/1958	Wysiging van die standaardregulasies met betrekking tot die aanhou van diere
577/1950	Standaardregulasies met betrekking tot die aanhou van diere
454/1983	Die Kaapse Provinsiale Raad: Verordening met betrekking tot die aanhou van pluimvee op persele binne plaaslike gebiede
117/1988	Standaardverordening met betrekking tot die aanhou van pluimvee
591/1955	Milnerton Munisipaliteit: Addisionele regulasies met betrekking tot die aanhou van diere.
520/1983	Afdelingsraad van die Kaap: Verordening met betrekking tot die aanhou van duiwe op persele binne plaaslike gebiede
956/1989	Somerset-Wes Munisipaliteit: Standaardverordening met betrekking tot die aanhou van diere
603/1989	Standaardverordening met betrekking tot die aanhou van diere
822/1989	Gordonsbaai Munisipaliteit: Standaardverordening met betrekking tot die aanhou van diere
705/1958	Gordonsbaai Dorpsbestuursraad: Standaardregulasies met betrekking tot die aanhou van pluimvee
372/1976	Stellenbosch Afdelingsraad: Regulasies met betrekking tot die aanhou van diere in plaaslike gebiede
956/1977	Strand Munisipaliteit: Verordening met betrekking tot die sindelikheid van persele
703/1976	Strand Munisipaliteit: Verordening met betrekking tot die storting en opgaring van afval
664/1988	Kraaifontein Munisipaliteit: Verordening met betrekking tot die voorkoming van oorlaste
321/1957	Afdelingsraad van die Kaap: Regulasies vir die voorkoming en onderdrukking van oorlaste soos gewysig
503/1977	Afdelingsraad van die Kaap: Wysiging van die verordening vir die voorkoming en onderdrukking van oorlaste
13/1998	Malmesbury Plaaslike Oorgangsraad: Verordening met betrekking tot die voorkoming en onderdrukking van oorlaste
792/1972	Gordonsbaai Munisipaliteit: Verordening met betrekking tot die sindelikheid van persele
773/1989	Gordonsbaai Munisipaliteit: Wysiging van die standaardverordening met betrekking tot barbiere en haarkappers
668/1950	Standaardregulasies met betrekking tot barbiere en haarkappers
115/1956	Wysiging van die Standaardregulasies met betrekking tot barbiere en haarkappers
167/1988	Standaardverordenings met betrekking tot akkommodasie-inrigtings
428/1989	Gordonsbaai Munisipaliteit: Verordening met betrekking tot oorlaste
114/1969	Strand Munisipaliteit: Wysiging van algemene reeks regulasies — vervoer van voedsel
997/1964	Strand Munisipaliteit: Wysiging van die regulasies met betrekking tot die pasteurisasie van melk
426/1980	Strand Munisipaliteit: Wysiging van die Algemene Verordening
545/1972	Afdelingsraad van die Kaap: Regulasies met betrekking tot die verkoop en voorbereiding van voedsel.
395/1939	Afdelingsraad van die Kaap: Regulasies met betrekking tot die verkoop en voorbereiding van voedsel.
41/1945	Munisipaliteit van Kaapstad: Regulasie No 1933 om inwoners te dwing om hulle persele vry te hou van aanstootlike, aansteeklike of ongesonde materiaal, die onderdrukking van oorlaste en die handhawing van openbare gesondheid
441/1938	Simonstad Munisipaliteit: Vismarkregulasies soos gewysig 479/1957; 51/1959; 432/1963.

**NOTICE BY LOCAL AUTHORITY**

**CITY OF CAPE TOWN:**

**ENVIRONMENTAL HEALTH BY-LAW**

**DEFINITIONS**

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

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

**“agent”** means a person specifically or generally appointed to attend to the affairs of another;

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

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

**“carcass”** means the remains of any animal or poultry;

**“cattery”** means any establishment where cats are bred or boarded;

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

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

**“cost”** means the amount determined by a duly authorized employee of the Council;

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

**“generator”** means a person who generates medical waste.

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

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

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

**“medical certificate”** means a certificate signed by a medical practitioner;

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

**“medical waste”** includes—

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

**“nightsoil”** means human excrement not disposed of in an approved sanitary convenience;

**“objectionable material”** means garden litter, rubbish, waste material, rubble, scrap metal, article or thing, disused machinery, motor cars or other vehicles, as well as the disused parts thereof, refuse from any building operations, or any refuse capable of being deposited on any land or premises, including new or used building materials not necessarily required in connection with bona fide building operations actually in progress on any land, and

includes any solid, liquid or gas which is or may become a nuisance or which materially interferes with the ordinary comfort or convenience of the public;

**“occupier”** in relation to any premises means and includes —

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

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

**“overcrowding”** means

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

**“owner”** includes—

1. The person or persons in whom from time to time shall be vested the legal title to any immovable property.
2. In any case where a property is subject to a registered lease the lessee of such property.
3. In cases where the person in whom the legal title is vested is insolvent or deceased, or is of unsound mind or whose estate has been assigned for the benefit of his creditors, the person in whom the administration of the property is vested as trustee, executor, curator or assignee, or administrator.
4. In cases where the owner as above described is absent the agent or person receiving the rent of the property in question.
5. In any case where the property is beneficially occupied under a servitude or right similar thereto the occupier of such property.

**“permit”** means the written permission granted by the Council in terms of this by-law.

**“person”** includes any sphere of government; natural and juristic person person includes any sphere of government; natural and juristic persons

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

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

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

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

**“styptic”** means a substance applied to stop bleeding.

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

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

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

## PART 1

### PREVENTION AND SUPPRESSION OF HEALTH NUISANCES

1. No owner or occupier of any shop or business premises or vacant land adjoining a shop or business premises shall use, cause or permit to be used such shop or business premises, vacant land or any portion thereof which is open to the public, for the purpose of storing, stacking, or keeping any waste material, refuse, crates, cartons, containers or any other articles of like nature in such a way as to cause a health nuisance.
2. Notwithstanding the provision of any other By-law or legislation no person shall—
  - (1) Allow any erf to be overgrown with bush, weeds or grass or other vegetation, except cultivated trees, shrubs and grass, to such an extent that, in the opinion of the Council, it may be used as a shelter by vagrants, wild animals or vermin or may threaten the public health or the safety of any member of the community.
  - (2) Fail to maintain the sewers, drains, water fittings, waste water fittings, water closet fittings and all other sanitary accessories forming part of or attached to any building or structure in good and sound repair.
  - (3) Deposit, keep, cause or permit to be deposited or kept any nightsoil on any premises, except in a proper sanitary convenience approved by the Council.

- (4) Keep, cause or suffer to be kept upon any premises any sanitary convenience of such nature or in such condition that it is a health nuisance.
  - (5) Carry, convey or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become a health nuisance, unless such objectionable material or thing is covered with suitable material in order to prevent the creation of any health nuisance.
  - (6) Cause or permit any stream, pool, ditch, drain, gutter, watercourse, sink, bath, cistern, water closet, privy or urinal on any land or premises to that owned or occupied by him or of which he is in charge to be or to become so foul or in such a state or to be so situated or constructed so as to be a health nuisance.
  - (7) Cause or permit any foul or polluted water or any foul liquid or objectionable material to run or flow from any premises to that owned or occupied by another person, whether occupied for trade, business, manufacturing, dwelling or other purposes, onto any land or into any stormwater, river or canal system.
  - (8) Commit, cause or permit to be committed any act which may pollute any water to which inhabitants of the area of jurisdiction of the council have the right of use or access.
3. (1) Where any objectionable material, article or matter of whatsoever nature has been accumulated or stored on any erf, street, thoroughfare, public square or commonage or where there is an overgrowth of bush, weeds, grass or vegetation on any erf in contravention of section 1 and 2(1) the Council may serve a notice to abate such health nuisance on —
    - (a) The person directly or indirectly responsible for such accumulation or storing; or
    - (b) The owner of such material, article or thing, whether or not he is responsible for such accumulation, or storing; or
    - (c) The owner of the erf on which such accumulation or storing takes place, whether or not he is responsible therefor, or
    - (d) The owner of the erf on which there is an overgrowth of bush, weeds, grass or vegetation.
  - (2) In the event of the recipient failing to comply with the requirements of a notice served on him in terms of section 3(1) within the time specified in such notice, the Council may, at the expense of the recipient, together with any assistants and advisors it may require, forthwith enter upon such premises and clear from such premises any such trees, bushes, weeds, grass, stones and rubble or objectionable matter. The cost of such work shall be recoverable by the Council in any court of competent jurisdiction from the person in default.
4. No person shall occupy or cause or suffer to be occupied any premises for habitable purposes so as to be a health nuisance, whether by overcrowding or otherwise.
  5. The owner of any premises which is let or sublet to more than one tenant, shall maintain at all times in a clean and sanitary condition every part of such premises as may be used in common by more than one tenant.
  6. No person shall keep, cause or suffer to be kept any factory or trade premises so as to cause or give rise to smells or effluvia that constitute a health nuisance.
  7. Every person who is the occupier or in charge of any premises or the owner of any vacant land in the area of jurisdiction of the Council, shall take all possible precaution to prevent conditions favouring the multiplication and prevalence of, and shall take steps for the eradication of mosquitoes, flies, fleas, bugs, cockroaches or other vermin or pests. An authorised person employed by council may serve upon such owner, occupier or person in charge a notice in regard to the prevention or eradication of any such vermin or pest and specify a time period within which such vermin and/or pest must be eradicated.
  8. No person shall keep, cause or suffer to be kept on any premises any accumulation or deposit of filth, rubbish, refuse, manure, other offensive matter, or objectionable material or thing so as to be a health nuisance.
  9. No person shall, without the written permission of the Council, occupy or permit to be occupied for human habitation a caravan, tent or other similar shelter of any description on unserviced land except on an authorised camping or caravan site.
  10. Any person who contravenes or fails to comply with any provisions of this Part or fails to comply with any notice lawfully given thereunder shall be guilty of an offence.

## PART 2

### KEEPING OF ANIMALS AND POULTRY

- 11 In order to promote public health no person shall keep or permit to be kept on any premises or property any animal or poultry without the permission of the Council.
- 12 (1) For the purpose of promoting public health and restricting public nuisances, the Council may from time to time determine the number, kinds and sex of animals or poultry that may be kept per unit area and the areas within which such animals or poultry shall be prohibited.
- (2) The Council may from time to time, determine the kinds of animals and poultry for which a permit is required and the relevant application fee and annual fee for such permit. Applications for such permits must be made on the prescribed form made available by the Council for such purposes.
- (3) Permits issued in terms hereof are not transferable and shall only be valid for the specific property in respect of which the application was made.
- 13 (1) The Council may require an application in terms of section 12(2) to be accompanied by a detailed site plan indicating all existing or proposed structures and fences on the property for which the permit is required.
- (2) The Council may require detailed plans and specifications of structures wherein it is proposed to keep animals and poultry, in order to evaluate whether or not to grant a permit applied for in terms of section 12(2).

- (3) Notwithstanding anything to the contrary contained in this by-law, the Council may refuse to approve an application or grant approval subject to specific conditions if, in its opinion, the property owing to its location, siting or geographical features or size, is unsuitable for the keeping of animals or poultry.
- (4) No structure that accommodates animals shall be sited:
- within 15m of any boundary of the erf which abuts another residential erf; and
  - within 6m of any boundary of the erf which abuts any road or public open space.
  - within 4,5m from any dwelling, servants quarters, inhabited outbuilding and shop or building where food is processed.
- (5) Where a structure in which animals will be kept forms part of an outbuilding used for human habitation, such structure must be sited at least 4,5m from such habitable room and must not be under the same roof space as the habitable room.
- (6) No structure in which poultry is kept shall be sited :
- within 1,5m from any boundary of a residential erf; and
  - within 1,5m from any dwelling, servants quarters, inhabited outbuilding and shop or building where food is processed, sold or stored.
- (7) All structures in which animals or poultry are kept shall be suitably screened from any street to the satisfaction of the Council.
- (8) No structure in which poultry is kept shall have a height in excess of 3,5m.
- (9) Notwithstanding the aforementioned provisions, the Council may after considering conditions particular to the property and on condition that no objection is received from adjoining neighbours, waive any or all of the requirements of this part and impose other conditions if appropriate.
- 14 (1) All manure resulting from the keeping of animals and poultry shall, pending removal from the premises, be stored under shelter in sealed fly-proof containers and disposed of on a regular basis so as to prevent any nuisance from being created, provided that such disposal may not include composting on the premises.
- (2) All feed shall be stored in a rodent proof place, container or storeroom for the keeping of animals and poultry.
- (3) The premises for keeping of animals and poultry shall be kept in such condition as not to attract or provide harbourage for rodents.
- (4) Carcasses are to be disposed of at the owner's expense and in a manner approved by the Council.
- 15 The Council may from time to time determine that a fly and rodent proof manure store and feedstore of adequate size and constructed of permanent material, is required on premises where animals are kept.
- 16 No person shall keep a kennel or cattery unless the following requirements are complied with:
- (1) Dogs and cats shall be kept in a separate enclosures:
- constructed of durable materials and with adequate access for cleaning, disinfecting and devermination purposes.
  - with a floor constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100mm wide, extending over the full width of the floor and situated within the enclosure, which channel shall drain into a gully connected to the Council sewer system by means of a pipe of approved material with a minimum diameter of 100mm or to another approved disposal system.
  - with a kerb 150mm high along the entire length of the channel referred to in subparagraph (ii), to prevent stormwater from such area from entering the channel.
- (2) Every enclosure referred to in section 16(1) shall contain a roofed shelter for the accommodation of dogs and cats of which:
- every wall shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface without cracks or open joints.
  - the floor shall be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints and the surface between the floor and the walls of a permanent structure shall be coved.
- (3) In the case of dogs, a dog kennel of moulded fibre cement or other similar material which is movable and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter contemplated in section 16(2) and if the base of such kennel is not rendered waterproof, a raised sleeping board which will enable the dog to keep dry shall be provided in every such kennel.
- (4) A concrete apron at least 1m wide shall be provided at the entrance of the enclosure over its full width, the apron to be graded to allow for the drainage of water away from the enclosure.
- (5) A supply of potable water, adequate for drinking and cleaning purposes, shall be provided in or adjacent to every enclosure.
- (6) Separate isolation facilities for sick dogs and cats shall be provided to the satisfaction of the Council.
- (7) If cages are provided for the keeping of cats, such cages shall be of durable, impervious material and constructed so as to be easily cleaned.

- 17 All structures shall at all times be kept in a proper state of repair by the owner or occupier of the premises.
- 18 (1) If, in the opinion of the Council, any animals kept on any property in terms of which a permit has been issued by the Council under this By-law cause a health nuisance, danger to health or endanger the safety of the public or where more animals are kept than authorised in the permit issued, the Council may serve written notice on the holder of the permit, or in his absence the person in charge, to remove or cause to be removed such nuisance or danger or excess number of animals within a specified period.
- (2) The holder of a permit or the person in charge, on receiving a notice in terms of section 18(1), shall comply with the requirements as specified by the Council in such notice, failing which the Council may at its discretion —
- (a) cancel the permit to keep animals on such property, or
  - (b) amend the permit
- 19 The holder of a permit shall, when requested by Council to do so, return the permit issued to him for amendment or cancellation, as the case may be.
- 20 No person shall alter or use a structure for the keeping of animals or poultry for purposes other than those specified in the permit.
- 21 (1) Any premises on which animals or poultry are already being kept shall be exempted from complying with requirements in respect of accommodation for animals for a period of 12 months from date of coming into operation of this By-law.
- (2) All permits, authorisations and concessions to keep animals or poultry granted in terms of any By-law or regulation repealed by section 42 shall be deemed to have been granted in terms of this By-law.
- 22 Any person who contravenes any of the provisions of this Part or fails to comply with any notice lawfully given thereunder shall be guilty of an offence.

### PART 3

#### MEDICAL WASTE MANAGEMENT

- 23 (1) Generators must handle and store medical waste in a safe manner that poses no threat to human health or to the environment and are under a duty to ensure that medical waste is removed from their premises, transported and disposed of in accordance with this By-law.
- (2) Without limiting the generality of the duty in subsection (1), generators must comply with the following requirements:
- (a) separate medical waste from other waste at the point at which it is generated;
  - (b) store medical waste in leak-proof, sealable containers and ensure that containers which are used for the storage of sharps and other clinical items which can cause cuts or punctures or injections are, in addition, rigid and puncture-resistant;
  - (c) label each medical waste container indelibly and in large, legible lettering with —
    - (i) the name and address of the generator;
    - (ii) the words “Danger: Medical Waste” , “Gevaar: Mediese Afval” and “Ingozi: Inkunkuma Yezamayeza”; and the international bio-hazard logo; and
    - (iii) the date on which the medical waste container is removed from the generator’s premises;
  - (d) prevent public access to medical waste containers which are in use;
  - (e) store filled medical waste containers in controlled, secure areas which are reserved for the storage of medical waste;
  - (f) make arrangements for the removal of medical waste from their premises and for the transportation of medical waste to a disposal site by a person who transports medical waste in terms of this By-law and who is registered as a transporter as contemplated in section 26 of this By-law;
  - (g) make arrangements for the disposal of medical waste by a person permitted to dispose of medical waste in terms of this By-law.
- (3) Generators may apply in writing to the Council for permission to handle, store and otherwise deal with their medical waste in a manner which does not comply with the requirements set out in subsection (2).
- (4) The Council may in writing grant the permission referred to in subsection (3); provided that it may grant such permission subject to conditions.
- (5) Generators may transport and dispose of medical waste, provided that they do so in terms of this By-law.
- (6) Generators must —
- (a) maintain an up-to-date written record of medical waste removed from their premises in the format as prescribed from time to time by the Council.
  - (b) acquire from the disposer of the medical waste written notification that the medical waste has been disposed of and, on receiving such notification, indicate in their written records that the medical waste has been thus disposed of;
  - (c) keep the written record referred to in (a) and the notification referred to in (b) for a period of one year after the removal from their premises of the medical waste.

- 24 (1) Transporters must remove medical waste from the premises of a generator, transport, store and deliver such medical waste to the site at which it will be disposed of in a safe manner which poses no threat to human health or the environment.
- (2) Without limiting the generality of the duty in subsection (1), transporters must comply with the following requirements:
- (a) not remove medical waste from the containers in which the generator has stored the medical waste;
  - (b) transport and store medical waste in such a way that no member of the public can gain access to the medical waste or the containers in which it is stored;
  - (c) transport medical waste in vehicles which are —
    - (i) capable of containing the medical waste;
    - (ii) designed to prevent spillage;
    - (iii) constructed of materials which are easy to clean and to disinfect;
    - (iv) capable of being secured in order to prevent unauthorised access;
  - (d) deliver medical waste only to a person and site permitted to dispose of medical waste in terms of section 25.
- (3) Transporters may apply in writing to the Council for permission to remove, transport, store and deliver medical waste in a manner which does not comply with the requirements set out in subsection (2).
- (4) The Council may in writing grant the permission referred to in subsection (3); provided that it may grant such permission subject to conditions.
- (5) Transporters may dispose of medical waste, provided that they do so in terms of this By-law.
- (6) Transporters must maintain a written record in respect of each collection and delivery of medical waste, which they must update simultaneously with each collection and delivery, and such record must be in the format as prescribed from time to time by the Council and must keep such record for a period of one year from the date on which the medical waste is delivered. Transporters must keep a copy of the relevant record in the vehicles used for the transportation of the medical waste.
- 25 (1) Medical waste may only be disposed of by a person—
- (a) who holds a permit to operate a hazardous waste site in terms of section 20 of the Environment Conservation Act, 73 of 1989, or who is authorised to incinerate medical waste by means of equipment which has been approved in terms of the Atmospheric Pollution Prevention Act, 45 of 1965, or both; and
  - (b) who complies with all terms and conditions attached to such permit and authorisation.
- (2) A person permitted in terms of subsection (1) to dispose of medical waste must do so at the site at which the permit or authorisation, or both, permits him or her to dispose of medical waste and may not dispose of medical waste at any other place.
- (3) Persons who dispose of medical waste must—
- (a) maintain an up-to-date written record of each delivery of medical waste to the disposal site in the format as prescribed from time to time by the Council.
  - (b) keep such record for a period of one year from the date on which the medical waste is disposed of.
- 26 (1) Every generator must register with the Council within 6 months of the coming into operation of this By-law by completing and submitting a written notification to the Council in the format prescribed from time to time.
- (2) Every transporter must register with the Council within 6 months of the coming into operation of this By-law by completing and submitting a written notification to the Council in the format prescribed from time to time.
- (3) Generators and transporters must advise the Council of any changes to the information provided in terms of subsections (1) and (2) as soon as such change takes place.
- 27 Any person who contravenes any provision of this Part or fails to comply with any notice lawfully given thereunder commits an offence.

#### **PART 4**

#### **TRADES**

#### **28 Accommodation Establishments**

- (1) Every accommodation establishment shall comply with the following requirements:
- (a) The premises intended to be used or already in use as an accommodation establishment shall be in good structural order and repair, both internally and externally.
  - (b) All furniture, linen, utensils, fittings and equipment provided by the proprietor shall be clean and in good order and sufficient for the purpose thereof.
  - (c) Every room shall be provided with adequate means of lighting and ventilation so as to enable such room to be used at all times without detriment to health or safety or causing a nuisance.

- (d) It shall be provided with a sufficient number of refuse receptacles with close-fitting lids.
  - (e) An adequate number of bathrooms and toilets, suitably equipped, shall be provided on the premises.
  - (f) Separate bathrooms and toilets shall be provided for male and female boarders and for employees, and shall be so located that they are easily accessible to those persons they are intended to serve; provided, however, that where the number of boarders does not exceed twelve (12), separate facilities for the different sexes need not be supplied.
  - (g) Baths, showers and washbasins on the premises shall be served at all times with running hot and cold water.
  - (h) It shall be provided with a suitable yard, paved and drained to the satisfaction of the Council.
  - (i) If ten (10) or more boarders can at any one time be lodged on the premises, it shall have —
    - (i) a suitable sitting room or sitting rooms so furnished and of such capacity as to meet the reasonable requirements of the boarders, and
    - (ii) where meals are provided, a suitable dining room or dining rooms which shall provide seating accommodation on the basis of not less than one (1) square meter for each boarder.
  - (j) where meals are provided or cooking takes place, an adequately equipped kitchen to be provided.
- (2) The proprietor of an accommodation establishment shall be responsible for the due compliance with and observation of the provisions of this By-law, and further he shall be responsible for the acts, omissions and defaults of his employees or agents in such regard, and any breach of this by-law by himself, by any member of his family or by any of his employees or agents shall be deemed to be a breach by the proprietor personally of this By-law.
- (3) The proprietor of an accommodation establishment shall, to the satisfaction of the Council, at all times—
- (a) maintain the whole of the accommodation establishment in a clean and sanitary condition;
  - (b) keep the furniture, utensils, linen and equipment in a sound condition and clean state;
  - (c) supply only wholesome food to the boarders and other persons on the premises, and
  - (d) not knowingly cause or permit any person suffering from a communicable disease to be employed in or on the premises unless he is in possession of a medical certificate to the effect that such person is fit to continue his employment.
- (4) The proprietor of an accommodation establishment shall not—
- (a) allow any portion of the premises other than an approved bedroom to be used by any person for sleeping purposes; provided that the aforesaid prohibition shall not apply to any boarder occupying a bedroom in so far as it consists of a stoep or porch which has been suitably converted;
  - (b) accommodate any boarder in the same bedroom with another person unless such persons are of the same family or both of them have given their consent thereto, and
  - (c) conduct the business of the said accommodation establishment in such a manner so as to cause any nuisance or annoyance to residents of neighbouring properties.
  - (d) permit cooking in a living room or an area designated as a living room.
  - (e) permit the premises to become overcrowded.
- (5) Notwithstanding compliance with all of the proceeding provisions, no person may operate an accommodation establishment unless the property is appropriately zoned in accordance with the zoning scheme applicable thereto, and in compliance with all applicable laws.

## 29 *Hairdresser and barbers*

- (1) No person shall conduct the business of hairdresser or barber in any premises within the municipal area unless—
- (a) all parts of the premises are effectively lit and ventilated;
  - (b) washbasins with hot and cold running water and fitted with a trapped wastepipe have been provided in the proportion of at least one basin for every two persons engaged at the same time in cutting, dressing or shampooing hair or shaving any person or in any operation pertaining to the business of hairdresser or barber;
  - (c) all tables and shelves on which instruments are laid are constructed of or covered with glass, marble, glazed tiles or other similar smooth, impervious, durable and non-corroding material;
  - (d) the floor is even and suitably covered with impervious material or constructed with a smooth, impervious surface, maintained so that it may be easily swept and thoroughly cleansed, and
  - (e) he has provided a sufficient number of readily portable refuse receptacles with close-fitting lids made of impervious material in such a manner that they can be readily washed and cleaned.
- (2) Every person carrying on the business of barber or hairdresser shall ensure that —
- (a) the premises in which such business is conducted and all instruments, appliances, implements, utensils and other articles belonging or pertaining thereto or used or intended to be used in connection therewith, are maintained in a clean condition and a good state of repair at all times;

- (b) all cut hair is immediately swept up and placed in a covered refuse receptacle provided for the purpose;
- (c) every hairbrush used or intended to be used in the business is kept in a clean condition at all times and washed and thoroughly cleansed at least once a day;
- (d) every towel which has been used upon any person is adequately laundered before being used upon any other person;
- (e) precautionary steps are taken to prevent direct contact between the head or neck of any client and the chair in which he sits;
- (f) every brush, comb, razor, scissors, clippers or other instruments, appliance or implement which has or have been used upon any person in such a way as to have come into contact with some exposed portion of such person's body has, or have, before being used upon any other person, been disinfected in one of the following ways
  - (i) immersion in boiling water; or
  - (ii) immersion in a disinfectant solution
  - (iii) treatment in an approved disinfecting apparatus in an approved manner;
- (g) a sufficient number of each kind of instrument, appliance or implement has been provided.
- (h) no person is subjected to shaving, haircutting or any other operation connected with such business in that part of the premises in which the business of hairdresser or barber is ordinarily conducted, if such person appears to be verminous or to be suffering from any disease of the skin or hair and, should any such person have been subjected to any such operation, that all towels, instruments and other things used in connection with such operation have, notwithstanding anything to the contrary herein contained, immediately thereafter been sterilised by immersion in boiling water for at least fifteen minutes;
- (i) no soap other than liquid, powder or tubed soap or shaving cream is used when any person is shampooed or shaved or is subjected to any other operation connected with the business of hairdresser or barber;
- (j) no styptic substance other than in liquid or powder form and applied as a spray or by means of a clean, new piece of cotton-wool is used on any person;
- (k) no person whose person or clothing is in a dirty condition engages in cutting, dressing or shampooing the hair of any other person or in shaving any such other person, or engages in any other operation connected with the business of hairdresser or barber to which such latter person is subjected;
- (l) no person engages in cutting, dressing or shampooing the hair of any other person or in shaving any such other person, or engages in any other operation connected with the business of hairdresser or barber to which such latter person is subjected without washing his hands immediately before doing so;
- (m) no person suffering from any communicable disease takes part in or is permitted or suffered to take any part in any operation connected with the conducting of the business of hairdresser or barber unless such person has produced a medical certificate to the effect that he is fit so to take part.
- (n) where waxing is practiced, the wax used in such a procedure may only be used for one application.

(3) The provisions of this By-law shall apply *mutatis mutandis* to any beauty treatment, manicuring or similar treatment.

### 30 *Tattooing and Body Piercing of Humans*

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

### 31 *Childcare facilities*

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

- (4) Notwithstanding subsection (1) all child care facilities legally in operation at the time of promulgation of this By-law shall be exempted from requiring written approval for a period of 1 year from such promulgation.
- 32 Any person who contravenes any of the provisions of this Part shall be guilty of an offence.

#### **PART 5:**

#### **THE CONVEYING AND HANDLING FOR SALE OF MEAT INTENDED FOR HUMAN CONSUMPTION**

- 33 No person shall convey or cause or suffer to be conveyed any meat for sale and intended for human consumption, save in accordance with the following requirements:
- (a) If the conveyance is a vehicle of 1 ton or over:
- (i) Its internal walls, floor and roof shall be continuously lined with corrosion resistant metal or other approved impervious suitable material. Such lining shall be rounded at all corners, junctions and intersections, and all joints shall be seamless. The vehicle shall be maintained externally, internally and mechanically in good order and repair.
  - (ii) Its body shall be insulated in such a way that the temperature of the meat shall not rise more than 5° Centigrade per hour.
  - (iii) The rear end or sides of its body shall be fitted with a closely fitting metal door or doors, the interior of which shall also be of non-corrodible metal and be as far as possible free of projections and ledges.
  - (iv) A fixed observation panel of glass in the partition between the driver's cab and the body of the vehicle is permissible.
  - (v) A non-corrodible metal bar or bars with fixed or movable non-corrodible metal hooks, shall be fitted to the roof of the vehicle, and all carcasses, or portions of carcasses shall be hung therefrom during transit. Such bar or bars shall be fixed high enough to ensure that carcasses hang clear of the floor.
  - (vi) All chains or bars used for stabilising the load shall be of non-corrodible metal and so installed that they can be easily removed for cleaning.
  - (vii) A loose non-corrodible container, approved by the Director: City Health or his authorised representative, and easily removable for cleaning, shall be provided inside the vehicle for conveying offal, and no offal shall be conveyed in such vehicle except in such container. Such container may be carried on the outside of the vehicle, provided it is fitted into another container that will protect its contents from contamination, and it can be easily removed for cleaning.
- (b) If the conveyance is a trailer, it shall comply with the provisions of sub-section (a)(i), (ii), (iii), (v), (vi) and (vii).
- (c) If the conveyance is a vehicle of under 1 ton:
- (i) It shall comply with the requirements of subsection (a) (i) and (iii).
  - (ii) It shall be permissible for retail butchers to convey therein meat from an abattoir to their trading premises without hanging such meat, provided that it is conveyed in non-corrodible containers of adequate size, approved by the Director: City Health or his authorized representative, and easily removable for cleaning and that no offal is conveyed in any container used for conveying meat, but is conveyed in a separate container complying with the requirements of (a) (vii) above.
- (d) If the conveyance is a vehicle, conveying meat to a retail customer, the provisions of sub-section (a) (i) and (iii) shall be complied with.
- (e) Cooked or prepared meats shall be conveyed in non-corrodible containers approved by the Director: City Health or his authorized representative and shall be wrapped or covered so as to prevent contamination.
- (f) Save as provided in sub-section (c) (ii) and (e), no meat shall be conveyed on the floor of any vehicle.
- (g) No person, animal or article liable to contaminate meat shall be carried in any vehicle used for conveying for sale any meat intended for human consumption.
- (h) The name and address of the owner and the trade name, if any, of his business shall be printed in clear letters and figures, so as to be easily seen and legible, on both sides of every vehicle used for conveying meat for sale for human consumption.
- 34 (1) All persons engaged in the bulk handling for sale of meat intended for human consumption shall wear clean protective covers of a material approved by the Director: City Health or his authorized representative over their heads, necks and shoulders, so as to prevent contact between the meat and any part of their bodies, except their hands.
- (2) All employers of such persons shall provide them with such covers and shall insure that the provisions of sub-section (1) are complied with.
- 35 For a period of four years after the date of promulgation of this By law, the provisions of sections 33(a) (i), (ii), (iii), (v) and (vi), 33(b), except the provision that the trailer should comply with section 33(a) (vii) and 33(d) of this regulation, shall not apply to any vehicle already lawfully in use at such date for conveying meat for sale intended for human consumption.
- 36 The provisions of this Part shall be in addition to, and not in substitution for, the provisions of any other regulations of the Council relating to food intended for sale, except in so far as such regulations may be repugnant to or inconsistent with this regulation, in which case the provisions of this regulation shall prevail.
- 37 Any person who contravenes or fails to comply with any of the provisions of this Part shall be guilty of an offence.

**PART 6:**  
**GENERAL PROVISIONS**

38 *Right of entry and inspection*

- (1) Any duly authorised employee of the Council is authorised to inspect any premises within the municipal area in order to determine whether there is compliance with the provisions of this By-law.
- (2) When entering a premises in terms of sub-section (1), the authorised employee must on request by any person, identify him-/herself by producing written proof of authorisation.
- (3) The authorised employee may be accompanied by a person reasonably required to assist in conducting the inspection.

39 *Service of documents and process*

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

40 *Penalties*

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

41 *Exemptions*

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

42 *Repeal*

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

43 *Interpretation*

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

44 *Short title and commencement*

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

## SCHEDULE 1

PN NO.	BY-LAW
65/1962	Bellville Municipality: Regulations relating to the prevention of Fires
1022/1977	Durbanville Municipality: By-law Relating to Nuisances
131/1961	Bellville Municipality: Regulations relating to the Removal of Vegetation from Land
483/1961	Goodwood Municipality: Regulations relating to the Removal of Vegetation from Land
133/1949	Regulations relating to the Compelling of Residents to keep their premises free from offensive, infectious or unwholesome matter, the suppression of Nuisances and the Preservation of the Public Health.
34/1941	Municipality of Goodwood: Standard Regulations dealing with Public Health
100/1993	Goodwood Municipality: By-law Relating to Nuisances
297/1982	Goodwood Municipality: By-law Relating to Smoking in certain premises or vehicles
607/1991	Bellville Municipality: Amendment to the Standard By-law relating to the Keeping of Animals
831/1989	Bellville Municipality: Standard By-law relating to the Keeping of Animals
517/1986	Bellville Municipality: Standard By-law Relating to the Keeping of Poultry
541/1953	Goodwood Municipality: Standard Regulations relating to the Keeping of Poultry
42/1947	Municipality of Durbanville: Regulations relating to the Slaughterhouse and the Inspection of meat
133/1949	Goodwood Municipality: Regulations relating to Hairdressers
	Goodwood Municipality: Regulations relating to Tenement Houses
	Goodwood Municipality: Regulations relating to Boarding Houses and similar premises
	Goodwood Municipality: Regulations relating to Tea-rooms, Coffee-rooms, Restaurants and Eating-houses
	Goodwood Municipality: Regulations relating to the Sale, preparation and Storage of foodstuffs
774/1954	Goodwood Municipality: Standard Regulations relating to Restaurants, Refreshment or tea-rooms and eating-houses
775/1954	Goodwood Municipality: Additional Regulations relating to Restaurants, Refreshment or tea-rooms and eating-houses
330/1957	Goodwood Municipality: Standard Butchery Regulations
547/1969	Goodwood Municipality: Amendment to the Regulations relating to the sale, preparation and storage of foodstuffs
314/1990	Cape Town Municipality: Environmental Health By-law
PG5642/2000	South Peninsula Municipality: By-law Relating to the Keeping of Animals and Poultry
760/1951	Amendments to the Standard Regulations to the Keeping of Poultry
453/1962	Local Authorities: Amendment to the Standard Regulations to the Keeping of Poultry
531/1962	Amendments to the Standard Regulations to the Keeping of Poultry
742/1963	Local Authorities: Amendment to the Standard Regulations to the Keeping of Poultry
365/1984	Cape Provincial Council: By-law Relating to the Keeping of Poultry on Premises within Local Areas: Correction Notice
593/1992	Standard By-laws Relating to Barbers & Hairdressers
630/1990	Somerset West Municipality: Standard By-law relating to Accommodation Establishments
784/1988	Somerset West Municipality: By-law relating to the accumulation, Dumping, Storage or Depositing of material
870/1989	Somerset West Municipality: By-law relating to the removal of vegetation from land
563/1961	Amendment to the Standard Regulations relating to Barbers and Hairdressers
348/1954	Standard: Standard Regulations relating to Restaurants, refreshments or tea-rooms and eating-houses
509/1962	Standard Regulations relating to Fishmongers
705/1953	Amendment to Standard Boarding-house regulations
830/1954	Standard Boarding-house regulations
602/1950	Standard Bakery By-laws
875/1988	Standard By-law relating to Butcheries
210/1947	Municipality of Fish Hoek: Regulations relating to Boarding Houses
193/1983	Brackenfell Municipality: Health By-law relating to crèches and crèches-cum-nursery schools.
451/1988	Kuils River Municipality: Standard By-law relating to accommodation establishments
232/1991	Milnerton Municipality: Repeal and adoption of Standard By-law relating to the Keeping of Animals

<b>PN NO.</b>	<b>BY-LAW</b>
603/1989	Standard By-law relating the keeping of Animals
348/1973	Divisional Council of the Cape: Regulations relating to the keeping of certain animals
340/1958	Amendment to the Standard Regulations relating to the keeping of animals
577/1950	Standard Regulations relating to the keeping of animals
454/1983	Provincial Council: By-law relating to the keeping of poultry on premises within local areas
117/1988	Standard By-law relating to the keeping of poultry
591/1955	Milnerton Municipality: Additional regulations relating to the Keeping of animals.
520/1983	Divisional Council of the Cape: By-law relating to the keeping of Pigeons and Doves on premises within local areas
956/1989	Somerset West Municipality: Standard By-law relating to the Keeping of Animals
603/1989	Standard By-law relating to the keeping of animals
822/1989	Gordon's Bay Municipality: Standard By-law relating to the keeping of animals
705/1958	Gordon's Bay Village Management Board: Standard Regulations relating to the keeping of poultry
372/1976	Stellenbosch Divisional Council: Regulations relating to the keeping of animals in local areas
956/1977	Strand Municipality: By-law Relating to the cleanliness of premises
703/1976	Strand Municipality: By-law relating to the Dumping and accumulation of refuse
664/1988	Kraaifontein Municipality: By-law relating to the prevention of nuisances
321/1957	Divisional Council: Regulations for the prevention and suppression of nuisances as amended
503/1977	Divisional Council of the Cape: Amendment to the By-law for the prevention and suppression of nuisances
13/1998	Malmesbury Transitional Local Council: By-law relating to the prevention and suppression of nuisances
792/1972	Gordon's Bay Municipality: By-law Relating to the cleanliness of premises
773/1989	Gordon's Bay Municipality: Amendment to the Standard By-law relating to Barbers and Hairdressers
668/1950	Standard Regulations relating to Barbers and Hairdressers
115/1956	Amendment to the Standard Regulations relating to Barbers and Hairdressers
167/1988	Standard By-laws relating to accommodation establishments
428/1989	Gordon's Bay Municipality: By-law relating to nuisances
114/1969	Strand Municipality: Amendment to the General Series of Regulations—Transportation of foodstuff
997/1964	Strand Municipality: Amendment to the Regulations relating to the Pasteurisation of Milk
426/1980	Strand Municipality: Amendment to the General By-law
545/1972	Divisional Council of the Cape: Regulations Relating to the Sale and Preparation of Foodstuffs.
395/1939	Divisional Council of the Cape: Regulations Relating to the Sale and Preparation of foodstuffs.
41/1945	Municipality of Cape Town: Regulation No 1933 as regards the compelling of Residents to keep their Premises Free from offensive, infectious or unwholesome matter, the suppression of Nuisances and the preservation of the Public Health
441/1938	Simon's Town Municipality: Fish Market Regulations as amended 479/1957; 51/1959; 432/1963.

## NOTICE BY LOCAL AUTHORITY

## ISIXEKO SASEKAPA:

## UMTHETHO KA MASIPALA WEZEMPILO KOKUSINGQONGILEYO

## INKCAZELO

Ngokwalo mthetho, ngaphandle kokuba umxholo ubonisa enye into:

**“Indawo eqheshisa ngendawo yokuhlala”** (*Accommodation establishment*) ichaza okokuba, nayiphina indawo eqhuba ushishino lokuqheshisa ngendawo yokuhlala, libe nesidlo esinye okanye ngaphezulu okanye lingabinaso kwaphela, kananjalo lube ushishino olo luqutyelwa inzuzo okanye ingeniso, nangona kunjalo ayibandakanyi iindawo ezibhaliswe ngokwasemthethweni, njengeehotele okanye ezibhaliswe phantsi kwawo nawuphina umthetho onxulumene nobhaliso olu loluhlobo okanye eziqheshisa ngendawo yokuhlala linike isidlo esinye nangaphezulu ngemini, ize ibe nebhedi ezimalunga nesihlanu ezinokuqeshwa, okanye ise nokungabinaso isidlo esinikayo kwaphela, ize ibe namagumbi amalunga nesithathu ekunokuthi kuqeshiswe ngawo, okanye kukho iinjongo zokuqeshisa ngawo.

**“I-Arhente Agent”** ichaza umntu oqheshelwe umsebenzi wokujongana nqo okanye jikelele, nemicimbi yomnye;

**“Isilwanyana”** sichaza ihashe, ihashe elincinane, imeyile, idonki, iinkomo, ihagu, iigusha, iinkamela, izilwanyana ezi rhubuluzayo, izilwanyana zemveli kunye nezinye izilwanyana zasendle nezingaqhelekanga, kodwa ayizibandakanyi izinja kunye nekati ezigcinwe njenge zilwanyana zase khaya;

**“Ibhoda”** kuchazwa nawuphi na umntu oqheshiselwa indawo yokuhlala okanye zombini, indawo yokuhlala kunye nokutya, ngumnikazi wendawo leyo, kwindawo eqheshisa ngendawo yokuhlala, eyiqeshisa inzuzo okanye imbuyekezo;

**“Umzimba wesilwanyana esixheliweyo”** intsalela yaso nasiphi na isilwanyana okanye inkukhu;

**“Indawo ehlahisa ikati”** Ichaza nayiphina indawo apho ikati zifuywa okanye zihlala khona;

**“Indawo yokugcina abantwana”** ichaza nasiphi na isakhiwo okanye indawo egcinelwe okanye esetyenziselwa, okwethutyana okanye ngamaxesha athile, ukugcina abantwana abangaphantsi kweminyaka eli-18 ubudala, bengekho abazali babo, nokuba oko kwenzelwa inzuzo/ingeniso okanye nantoni na, kodwa ayibandakanyi nasiphi na isikolo esinendawo yokuhlala abantwana abafundayo, ihostele yesikolo okanye nayiphi na indawo egcinwe okanye esetyenziselwa ikakhulu ukufundisa okanye ukuqeqesha abantwana kananjalo ephantsi kolawulo okanye ithe yabhaliswa ngokusemthethweni okanye yaphunyenywa nguRhulumente;

**“Isifo esosulelayo”** ichaza nasiphi na isifo esinokuthi sosulele omnye umntu, nqo okanye ngenye indlela, sisuka kumntu ogula siso okanye umntu ongumthwali waso/osisasazayo;

**“Indleko”** ichaza ixabiso elimiselwe ngumsebenzi oqeshwe liBhunga onikwe igunya lokwenza oko;

**“IBhunga”** Kuchazwa iBhunga leSixeko saseKapa okanye umqeshwa waso, uCeba, ikomiti okanye I-Arhente o(e)nikwe igunya loko.

**“Umvelisi”** kuchazwa umntu ovelisa/odala inkunkuma yamayeza/izinto zonyango lwezigulo;

**“Umntu owenza inwele okanye ozichebayo”** kuchazwa umntu wendalo oqhuba ishishini lokuceba, sheva, hlamba, ukolula, ukuphotha okanye ukunyanga okanye ukususa iinwele zabantu okanye indevu okanye ukunika unyango lobuhle konke oko ekwenzela inzuzo okanye ingeniso;

**“Inkathazo empilweni”** oku kuchaza nasiphi na isenzo, imeko, indawo okanye into ethi, ngenxa yomjelo ohambisa amanzi amdaka, umphunga, ukungcola okuvela kwimveliso yekhemikhali, amavumba amabi, ingxolo, ukushukukuma, ukusasaza imitha, inkunkuma, imveliso eyinkunkuma, ukungcola, ikhemikhali okanye izinto zamachiza ezinto eziphilayo, ukusulelwa ngeentsholongwane, izilwanyana ezikhathazayo ezinjenge ncukuthu neentakumba, uhlaza, ingxinano, ukungabikho komgangatho onguwo wempilo jikelele, ukungabikho komoya ongenayo, ukukhanya, uhlobo loyilo lwesakhiwo, imeko okanye ngenxa yawo nawuphina unobangela okanye inkqubo nokuba injani, ithi/zithi, ngokwembono zoMlawuli; weNkonzo zeMpilo okanye umsebenzi weBhunga onegunya lalo msebenzi, bonakale ngathi zingadala umenzakalo okanye ingozi kwimpilo okanye ezimbi, kubandakanywa, ngokungaphandle kokuchaphazela kobu banzi kwezi meko zikhankanywe ngaphambili, naliphi na ijelo/iziko lokugcina, ukuhambisa izinto okanye indlela yokuphatha amanzi anokuthi asetyenziswe ngabantu bewasebenzisela ikhaya okanye ukutya, kubandakanywa amanzi alolu hlobo ngokwawo, angcolileyo/angasulungekanga okanye amdaka;

**“Kennel”** kuchazwa nayiphi na indawo eshishini layo ikukufuya, ukuqeqesha okanye ukuqeshisa ngendawo yokuhlala izinja kwaye kubandakanywa indawo yokuhlalisa izinja nokuba siqhutywa nguRhulumente okanye ngubani na;

**“Iphepha-mvume lokugula”** lichaza iphepha-mvume eliqinisekisa ukugula elithe lasayinwa/latyikitywa nguqirha.

**“Ugqirha”** kuchazwa umntu obhaliswe ngokusemthethweni phantsi komthetho onxulumene nokubhaliswa ngokusemthethweni kwabantu njengoogqirha;

**“Inkunkuma yonyango”** ibandakanya—

- (1) nayiphi na inkunkuma, nokuba inazo okanye ayinazo na iintsholongwane, evela kunyango ngamayeza, unyango ngotyando, unyango lwezilwanyana okanye inkqubo yaseLaboratri enxulumene nabantu nezilwanyana enjengegazi, amanzi aphuma emzimbeni, izihlunu, amalungu omzimba, indawo ezithile zomzimba, amazinyo akhutshweyo, izidumbu (ngokungaphandle kwezidumbu ekukho injongo zokuzingcwaba ngoko Mthetho wama-51 ka1992, ngokoMthetho wokubhaliswa ngokusemthethweni kwabantu abazalwayo kunye nabafayo);
- (2) izixhobo ezisetyenzisiweyo kunyango lwamayeza kunye naziphi na izinto zonyango lwamayeza ezingathi okanye enokuthi ngokufanelekileyo ibe inganako ukubangela okanye ukusasaza isifo okanye ukubanga okanye ukusasaza ukosuleleka yintsholongwane, ezi zizinto ezinje ngamalaphu asetyenziswe kunyango ngotyando, amalaphu okosula amanxeba, izingxobo zegazi, ubumdaka obusuka kwilaboratri, imibhobho yokuqokelela igazi, ingxowa zokukhonzela amanzi/ukungcola okuphuma emathunjini kunye nasesinyini, izikhuseli-zandla, izingxobo zedrip, amajelo okufaka amanzi emzimbeni kunye namakhunana okucinezela ulwimi xa kuxilongwa.
- (3) Izinto ezibukhali ezimdaka kunye nezo zingekasetyenziswa, kubandakanywa nezinto ezisetyenziswa kumaziko anika unyango ezinokuthi zisike okanye zihlabane okanye zincuntse, ezinje ngeenaliti, izarinji, ibhleyidi, kunye namacwecwe eglasi asetyenziselwa ukuvavanya unobangela wesifo;

- (4) Imveliso yamayeza aphelelwe lixesha okanye athe onakala okanye athe agcinwa ngendlela engeyiyo okanye angasafunekiyo anje ngamayeza asetyenziselwa ukugonya abantu kunye nezilwanyana, amayeza kunye namachiza;
- (5) Inkunkuma yekhemikhali enetyhefu ebulalayo kunye nemitha ye-Isotope evela kumsebenzi wophando okanye kuvavanyo lwendlela yokuqhuba unyango okanye nawuphi na umthombo woko;

**“Ilindle lasebusuku”** kuchaza ilindle lomntu elingalahlwa ngendlela eyamkelekileyo kwezempilo

**“Izinto ezingamkelekanga”** kuchazwa inkunkuma yesitiya, inkunkuma, izinto ezimdaka, inkunkuma yokwakha, amacangci amadala angafunwayo, impahla okanye into, oomatshini abangasetyenziswayo, iimoto ezindala kwakunye namalungu azo, inkunkuma evela nakuwuphi na umsebenzi wokwakha, okanye nayiphi na inkunkuma engathi ibenokulahlwa kuwo nawuphi na umhlaba okanye indawo, kubandakanywa izinto ezivela kwizakhiwo ezitsha okanye ezo zisetyenziswayo nezingeyo mfuneko ngokubhekiselele kumsebenzi wokwakha osaqhutywayo kuwo nawuphi na umhlaba, kwaye kubandakanywa nayiphi na into eqinileyo, engamanzi kunye neyigesii eyinkathazo okanye enokuthi ibe yinkathazo okanye ngokobunjani bayo ingathi iphazamisane nokuhlala okanye namalungelo oluntu ngokubanzi;

**“Umhlali”** ngokuphathelele kuyo nayiphi na indawo yokuhlala kuthetha kwaye kuquka —

- (1) Nawuphi na umntu onguyena mhlali kwezo zakhiwo
- (2) Nawuphi na umntu onelungelo elisemthethweni lokuhlala kwezo zakhiwo
- (3) Okanye, nawuphi na umntu ophetheyo okanye olawulayo kwezo zakhiwo kwaye kuquka neArhente yakhe nawuphi na umntu ololu hlobo xa yena engekho apha eMzantsi Afrika okanye ingaziwa indawo akuyo.

**“Imbi”** kuchaza imeko yobume bezinto enobungozu kwezempilo okanye enokuba neziphumo ezinokuba yingozi kwezempilo..

**“Ukuxinana”** kuchaza

- (a) Indawo yokuhlala abantu apho abantu abangaphezulu kwe —12 basebenzisa indlu yangasese enye kuphela kunye/okanye
- (b) Ukuhlala kumagumbi ahlalekayo (lawo ingamagumbi kwindawo yokuhlala, ngokungaphandle kwamakhitshi, indlu zokuhlambela kunye nelungelo lezindlu zangasese) alungiselelwe ukuba kulalwe kuwo apho abantu abahlala kuwo bengaphezulu komntu omnye (1) omdala kwindawo nganye ezi 4 m<sup>2</sup>, kunye/okanye umntwana omnye ongaphantsi kweminyaka eli-10 kwindawo ezi-2 m<sup>2</sup>.

**“Umnikazi”** kuquka—

- (a) Umntu okanye abantu abayakuthi amaxesha ngamaxesha banikwe ilungelo elisemthethweni layo nayiphi na ipropati engasheniyo
- (b) Kuyo nayiphi na imeko apho eso sakhiwo sithe sabhaliswa ngokusemthethweni njengesiqeshisayo, kumqheshi weso sakhiwo
- (c) Kwiimeko apho umntu ilungelo elisemthethweni letayitile leso sakhiwo *ilelakhe, athe watshona ngokwasezimalini, okanye wasweleka okanye wagula ngengqondo okanye ilifa lakhe lithe labelwa abantu ebenamatyala kubo, umntu lowo onikwe ulawulo lweso sakhiwo njengompathiswa (trustee) waso, umabi welifa, umgcini we maziya/galary yobugcisa okanye umntu ochongiweyo wokugcina isakhiwo okanye umlawuli.*
- (d) Kwimeko apho umnikazi, njengoko kuchaziwe ngentla, engekho, iarhente okanye umntu ekuhlawulwa kuye irente yeso sakhiwo kuthethwa ngaso
- (e) Kuyo nayiphi na imeko apho umhlaba abahlala kuwo kukho inzuzo abayifumanayo phantsi kwemo yokuba ingumhlaba obekelwe amajelo okunikeza iinkonzo okanye ilungelo elifana nelo, loo mntu uhla apho

**“iphepha-mvume”** lichaza ilungelo elibhaliweyo elikhutshwe liBhunga ngokwalo mmiselo kaMasipala.

**“Umntu”** kuquka nalo naliphi na ibakala likarhulumente; umntu ngokwendalo nangokwase zincwadini zomthetho

**“Udidi lweenkukhu”** kuchazwa nayiphi na inkukhu, irhanisi, inciniba, idada ihobe, ikarikuni, impangele, ipikoko kunye/okanye imazi yayo okanye intaka noba yeyasekhaya okanye yeyasendle na.

**“Umhlaba nezakhiwo”** kuchazwa nasiphi na isakhiwo, intente okanye nayiphi na into emileyo, kunye nomhlaba esime kuwo eso sakhiwo kunye nomhlaba omelene nawo osetyenziswa ngokunxulumene nalowo kwakunye nawuphi na umhlaba ongenazakhiwo okanye intente kwaye kuquka kunye nenqwelo-mafutha, izithuthi, inqanawa okanye isikhephe.

**“Umnikazi”** ngokubhekiselele kwindawo eqeshisa ngendawo yokuhlala, kuthethwa ngomntu wendalo onelungelo lokuqhuba okanye onikwe igunya lokuqhuba ishishini lokuqeshisa ngendawo yokuhlala okanye indawo yokuhlala nokutya ngokudibeneyo, loo nto eyenzela inzuzo okanye ingeniso kwaye kuquka umnikazi walo ndawo kuthethwa ngayo;

**“into emileyo emhlabeni”** kuchazwa nantoni na engagungqiyo, ishedhi, indlu yehagu, ubuhlanti, indlu yentaka, idlelo elincinane lamahashe, indawo enesigqumathelo, izindlu zeenkukhu, indawo evalekileyo, indawo yokubaleka iinkukhu, indawo ephantsi kophahla okanye isakhiwo esisetyenziselwa ukugcina izinto, indlu yokuhlala okanye yokuvalela izilwanyana kunye neenkukhu;

**“Isinqumamisi-gazi”** sithetha into esetyenziswayo ukunqumamisa igazi

**“Urhwebo”** ngokwenjongo zalo mthetho kamasipala kuchaza kuphela ezi zinto zilandelayo: indawo eziqeshisa ngendawo yokuhlala, ushishino ngokulungisa nokucheba inwele, ukwenza imivambo (*tattooing*) kunye nokugqobhoza imizimba yabantu kunye nendawo zokugcina abantwana.

**“Umthuthi”** kuchazwa nawuphi na umntu osusa inkunkuma yonyango ngamayeza kwizakhiwo kwindawo eveliswa kuzo okanye lowo uthutha loonkunkuma yonyango ngamayeza okanye ozenza zombini.

**“Izilwanyana ezinokuthazayo”** kuchaza indawo ezaliswe zizilwanyana ezikhathazayo ezibandakanya kodwa kungaphelelanga kwintwala, intakumba kunye naziphi na izinambuzane ezinokugcwala emntwini okanye ziphile ngokutya igazi lomntu.

## ICANDELO 1

## UKUTHINTELWA NOKUPHELISWA KWEZINTO EZIYINKATHATHAZO KWEZEMPILO

1. Akukho mnikazi okanye mntu ohlala kuyo nayiphina ivenkile okanye umhlaba nesakhiwo soshishino, oyakuthi asebenzise, abangele okanye avume okokuba sisetyenziswe, eso sakhiwo soshishino nomhlaba esime kuwo okanye loo venkile, umhlaba ongasetyenziswayo okanye isahlulo esithile sawo, ovulelekileyo kuluntu, sisetyenziselwe ukugcina ukufumba okanye ukubeka naluphina uhlobo lwezinto ezindala, ezingafunwayo, inkunkuma, ibhokisi zamaplanga, amakhamba ekhadibhodi, itoti okanye naziphina izinto ezi loluhlobo, ngendlela enokuthi ibe nokubangela inkathazo zempilo.
2. Nokuba igatya lawo nawuphi na omnye ummiselo kaMasipala okanye wesizwe lithetha ntoni akukho mntu uya:
  - (1) kuyeka nasiphi na isiza okokuba sene ngamatyholo, lukhula okanye yingca okanye olunye uhlaza ngokungaphandle kwemithi, imithana kunye nengca elinyiweyo, kwene kangakuba ngokwembono zeBhunga, kubonakale okokuba ingade isetyenziswe njengendawo yokuhlala oogobityholo, izilwanyana zasendle okanye izilwanyana eziyinkathazo okanye zibange inkxalabo kwezempilo yoluntu okanye ukhuseleko lalo naliphi na ilungu lasekuhlaleni.
  - (2) Kwenza imposiso yokugcina umjelo ophantsi komhlaba ohambisa amanzi elindle, imibhobho yamanzi, imijelo yamanzi amdaka, imibhobho yamanzi kwindlu yangasese kunye naleyo yokuhlambela nazo zonke izinto ezinxulumene nococeko eziinxalenye yesakhiwo okanye into efakelweyo/ncanyathiselweyo nokuba kukwesiphi na isakhiwo okanye nayiphi na into emileyo emhlabeni ekwimeko elungileyo neyamkelekileyo.
  - (3) Kugalela, kugcina, kwenza okanye avume kugalelwe okanye kugcinwe nawuphi na umphutha othuthwa ebusuku, nakwesiphi na isikhawo kunye nomhlaba esime kuwo, ngokungaphandle kwendawo yococeko olu lulo ephunyenzeze liBhunga.
  - (4) Kugcina, abangele okanye angcungcuthekise khonukuze kugcinwe kuzo naziphi na izakhiwo nomhlaba ezime kuwo naziphi na izinto eziya kuthoba/kumisa kwimeko engamkelekanga ucoceko olulolo hlobo okanye kwimeko ethi ibangele okokuba oko kube yinkathazo kwezempilo.
  - (5) Kuthwala, ahambise okanye avume ukuba kuthwalwe okanye uhanjiswe, ngokunqumla okanye kunqunyulwe nakwesiphi na isitalato okanye indawo kawonke-wonke, naziphi na izinto ezingamkelekanga okanye into, izinto ezingamanzi okanye eziqinileyo, ezinto eziyinkathazo okanye ezinokuthi zibe yinkathazo kwezempilo, ngaphandle kokuba nayiphi na loo nto ingamkelekanga okanye, igqunywe ngesigqumathelo esifanelekileyo ukuthintela ukudaleka kwenkathazo kwezempilo.
  - (6) Kudala okanye avumele nawuphi na umsinga, idanyana, umsele, igatara, umfula, isihlambelo, ibhafu, itanki, amanzi endlu yangasese, indlu ephandle yangasese okanye indawo yokuchama, ekuyo nawuphi na umhlaba okanye isakhiwo esisesakhe okanye ahlala kuso okanye esiphantsi kolawulo lwakhe, okokuba inuke ngendlela engathethekiyo okanye ide ibe kwimeko okanye ime okanye yakhiwe ngendlela eyakuba yinkathazo kwezempilo.
  - (7) Kudala okanye avumele nantoni na eyonyanyekayo okanye amanzi angcolisekileyo okanye nawuphi na amanzi awonyanyekayo okanye izinto ezingamkelekanga okokuba zibaleke okanye zinkcenkeze, zisuka nakwesiphi na isakhiwo kunye nomhlaba esime kuwo ziye kwezomnye umntu okanye kwezo zihlala omnye umntu, nokuba zisetyenziselwa ukurhweba, ukushishina, ukuvelisa, ukuhlala okanye ezinye izinto, kwanjalo ziye nakowuphi na umhlaba, zingene nakowuphi na umbhobho wamanzi, umlambo okanye kumjelokazi.
  - (8) Kwenza, abangele okanye avume kwenziwe nasiphi na isenzo esinokuthi singcolise nawuphi na amanzi, abanelungelo lokuwasebenzisa okanye lokuba bafikeleleke kuwo, abantu abahlala kulo mmandla uphantsi kweBhunga,
3. (1) Apho naziphi na izinto ezingamkelekanga, izinto ezizodwa okanye izinto noba zezaluphi na uhlobo zithe zaqokelelana okanye zagcinwa nakwesiphi na isiza, isitalato, indawo yokunqumla, indawo kawonke-wonke okanye ummandla womntu wonke ohlala apho okanye apho kukho amatyholwana, ukhula, ingca okanye uhlaza olwenileyo kuso nasiphi na isiza, oko kusophula iCandelo 1 nele 2(1), ibhunga lingakhupha isaziso esiphelisa loo nkathazo kwezempilo kulo:
  - (a) Mntu uchaphazeleka ngokuthe ngqo okanye ngenye indlela, neso senzo sokuqokelela okanye ukugcina; okanye
  - (b) Umnini wezo zinto, izinto ezi zodwa okanye nantoni na, nokuba uya okanye akachaphazeleki koko kuqokeleleka okanye ukugcinwa; okanye
  - (c) Umnikazi wesi siza ekuqolelwe kuso okanye ekugcinwe kuso nokuba uyachaphazeleka okanye akachaphazeleki kweso senzo; okanye
  - (d) Umnikazi weso siza apho imithana, ukhula, ingca okanye uhlaza lwenileyo
- (2) kwimeko apho umntu obhalelwe eso saziso athi angayithobeli imiqathango ekwisaziso athe wanikwa sona, ngokwe Candelo 3(1), lingekadluli ixesha elimisiweyo kweso saziso, iBhunga lingathi, ngenkcitho yomntu othunyelwe isaziso, ngokudibene nabo nabaphi na abancedisi kunye nabacebisi elinokuba funa, ukusukela ukuphela kwelo xesha limiselweyo, lingene kweso sakhiwo nomhlaba esime kuwo, ligece, licoce kulo mhlaba yonke imithi, imithana, ukhula, ingca, amatye, inkunkuma yokwakha okanye naziphi na izinto ezingamkelekanga ezilolo hlobo. Inkcitho yokwenza loo msebenzi iyakubuyekezelwa ibhunga nakweyiphi na inkundla yomthetho efanelekileyo, ihlawulwa nguloo mntu wonileyo/ungathobelanga umthetho.
4. Akukho mntu uyakuhlala okanye abangele ukuba kuhlalwe, kuso nasiphi na isakhiwo nomhlaba esime kuwo, esinjongo izezokuba sihlaleke, senziwe sibe yinkathazo kwezempilo, nokuba kungenxa yengxinano okanye enye into na.
5. Umnikazi wazo naziphi na izakhiwo nomhlaba ezime kuwo, ekuqheshiswe okanye umqashi waphinda waqeshisa naye kumqashi ongaphezulu komnye, uyakuthi ngamaxesha onke agcine zikumgangatho ococekileyo, nemeko yangasese eyamkelekileyo, onke amalungu ayinxalenye yeso sakhiwo nomhlaba, njengokuba zingasetyenziswa ngokufanayo ngabaqashi abangaphezulu kwesinye.
6. Akukho mntu uyakugcina, okanye abangele ukuba kugcinwe kuyo nayiphi na ifektri, okanye indawo yokurhweba, ukuze kwenzeke okanye kuvakale ivumba okanye ukungcola okuthi kube yinkathazo kwezempilo.
7. Wonke umntu ongumhlali okanye olawula nasiphi na isakhiwo nomhlaba esime kuwo okanye umnikazi wawo nawuphi na umhlaba ovulekileyo okwindawo ephantsi kolawulo lwebhunga, uyakuthabatha onke amanyathelo anako ukuwathatha ukuthintela imeko ezibangela ukwanda nokubakho kweengcongconi, iimpukane, iincukuthu, amaphela okanye nezinye izilwanyana ezikhathazayo okanye izilwanyana ezitshabalalisayo.

Umntu ogunyazisiweyo oqeshwe liBhunga angathi anike lomnikazi ulolo hlobo, umhlali okanye umntu ophetheyo, isaziso esimalunga nokuthintela okanye ukutshabalalisa ezo zilwanyana zikhathazayo, ezitshabalisayo kananjalo amisele ixesha ekufuneka ezo zilwanyana zikhathazayo zibe sele zitshatyalalisiwe ngalo.

8. Akukho mntu uyakugcina, okanye abangele ukugcinwa kuso nasiphi na isakhiwo nomhlaba esime kuwo, ukuqokelelana kokungcola, inkunkuma, izinto ezingafunwayo, umgquba, nezinye izinto ezingathandekiyo okanye izinto ezingamkelekanga okanye into enokuba yingozi nenkathazo kwzempilo.
9. Akukho mntu, uyakuthi ngaphandle kokuba nemvume ebhaliweyo liBhunga, ahlale okanye avumele okokuba kuhlalwe, njengakwindawo yokuhlala uluntu yemihla ngemihla, kwikaravani, kwintente okanye indawo yokufihla intloko efana nezi: kumhlaba ongenazinkozo zamanzi kunye nogutyulo lwelindle ngaphandle kokuba uhleli kumhlaba ogunyaziswe okokuba ube yinkampu okanye isiza sokuhlala ikaravani.
10. Nabani na othi awophule okanye aphose ukuthobela neliphi na igatya lenxalenye yalo mthetho okanye aphose ukuthobela naso nasiphi na isaziso asinikiweyo ngoku semthethweni, phantsi kwalo mthetho, uyakuba unetyala lokwaphula umthetho.

## ICANDELO 2

### UKUGCINWA KWEZILWANYANA KUNYE NEENKUKHU

11. Ukuze kuphakame umgangatho wezempilo yoluntu akukho mntu uyakugcina okanye avume ukuba kugcinwe kuso nasiphina isakhiwo kunye nomhlaba esime kuwo okanye kwizakhiwo, nasiphina isilwanyana okanye uhlobo lwenkukhu ngaphandle kwemvume yebhunga.
12. (1) ngenjongo zokuphakamisa umgangatho wezempilo yoluntu kunye nokuthintela inkathazo kwezempilo, ibhunga kumaxesha ngamaxesha, limisele inani, uhlobo kunye nesini sezilwanyana okanye iinkukhu, ezinokuthi zigcinwe kwindawo nganye ebukhulu bungangomlinganiselo omnye kananjalo neendawo apho izilwanyana kunye neenkukhu ezilolo hlobo zingasayi kuvumeleka kuzo.
- (2) IBhunga lingathi kumaxesha ngamaxesha, limisele uhlobo lwezilwanyana kunye neenkukhu ekufuneka kufunyenwe iphepha mvume lokuzigcina kananjalo nentlawulo yokufaka isicelo kunye nentlawulo yonyaka yelo phepha-mvume. Izicelo zelo phepha-mvume kufuneka zenziwe kwifomu elungiselelwe oku, ekhutshwa liBhunga.
- (3) Amaphepha-mvume akhutshwe ngokwalo mqathango awanako ukudluliselwa komnye umntu kananjalo liyakusebenza kuphela kuloo ndlu/sakhiwo isicelo eso besenzelwe sona.
13. (1) IBhunga lifuna okokuba kwenziwe isicelo phantsi kweCandelo 12(2) silandelwe yiplani yesiza enenkukacha ezithe xhaxhe, ebonisa zonke izinto ezimiyi phezu kwalo mhlaba ezikhoyo kunye nezo zizeza kubakho, kunye nobiyo lwalo mhlaba elifunelwa zona iphepha-mvume.
- (2) IBhunga lingathi lifune iiplani ezinenkukacha ezithe xhaxhe kunye nengcombolo zezakhiwo ezime phezu kwalo mhlaba, ekucelwa okokuba kugcinwe kuzo ezo zilwanyana kunye neenkukhu, ukuze kube nako ukuphononongwa okokuba likhutshwe okanye lingakhutshwa elo phepha-mvume bekufakwe isicelo salo, phantsi kweCandelo 12(2).
- (3) Nokuba kukho enye into ephikisa oku, equlathwe kulo mmiselo, iBhunga lingathi lingavumi ukuphumeza isicelo okanye ukunika imvume yokuphumeza phantsi kwemiqathango eyodwa ukuba, kwimbono zalo, loo propati ayikufanelanga ukugcina izilwanyana kunye neenkukhu, ngenxa yendawo eme kuyo, ubume besiza, ubume ngokwejiyografi okanye ubungakanani, awukulungelanga ukugcina izilwanyana kunye neenkukhu.
- (4) Akukho sakhiwo esihlala izilwanyana esiya kumiselwa:
  - a) malunga ne-15m lawo nawuphi na umda wesiza esayamene nesinye isiza esiyindawo yokuhlala; kananjalo
  - b) malunga ne-6m lawo nawuphi na umda wesiza esoyamene nayiphina indlela okanye indawo evulekileyo kawonke wonke.
  - b) Malunga ne 4,5m ukusuka kuyo nayiphi na indawo yokuhlala abasebenzi, isakhiwo esingaphandle ekuhlalwa kuso kunye nevenkile okanye isakhiwo apho kusetyenzwa khona ngokutya.
- (5) Apho indawo ekuya kugcinwa kuyo izilwanyana; ithi ibe yinxalenye yesakhiwo esingaphandle esi setyenziselwa ukuhlala abantu, eso sakhiwo kufuneka simiselwe ubuncinane kumgama ongange 4,5m ukusuka kwigumbi ekuhlalwa kulo kwaye kufuneka lingabi phantsi kwendawo enye nophahla lwelo gumbi kuhlalwa kulo.
- (6) Akukho nto ime phezu komhlala ekugcinwe kuyo iinkukhu eyakumiliselwa:
  - a) malunga ne 1,5m ukusuka kuwo nawuphi na umda wesiza sendawo yokuhlala; kananjalo
  - b) malunga ne 1,5m ukusuka kuyo nayiphi na indawo yokuhlala, indawo yokuhlala abasebenzi, isakhiwo esingaphandle sokuhlala kunye nevenkile okanye isakhiwo apho kusetyenzwa, kuthengiswe okanye kugcinwe kuso ukutya.
- (7) Zonke izinto ekugcinwe kuzo izilwanyana okanye iinkukhu ziyakugcinwa zikumkhusane ofanelekileyo kuso nasiphi na isitalato ngendlela eyanelisayo kwiBhunga.
- (8) Akukho zinto ekugcinwa kuzo iinkukhu eziya kuba nomphakamo ongaphezulu kwe 3,5m.
- (9) Ngokungaphandle kweli gatya likhankanywe ngentla, ibhunga lingathi emva kokunika ingcamango kwimeko eziphathelele kwisiza eso kananjalo ngaphandle kokuba akukho sichasa sifumanekileyo sivela kubamelwane, lingarhoxisa nokuba zeziphina okanye zonke iimfuno zemiqathango yelicandelo lize limisele eminye imiqathango ukuba luyimfuneko oko.
14. (1) Wonke umgquba ovela emva kokugcinwa kwezilwanyana kunye neenkukhu, uyakuthi ngeli xesha usalindele ukususwa kweso siza, ugcinwe ngaphantsi kwendawo elihlusi kwiziphatho ezivalelekileyo, zakhuseleka ezimpukaneni ukuze zitshatyalalisiwe rhoqo ukuthintela ukudaleka kwazo naziphi na iinkathazo, ngaphandle kokuba oko kutshatyalalisiwa, kungaqakimi ukwenziwa kwesivundiso apho esizeni.
- (2) Wonke umgquba kufuneka okokuba ugcinwe kwindawo, iziphatho okanye igumbi lokugcina lezilwanyana kunye neenkukhu, elikhuselekileyo kiimpuku namabuzi.

- (3) Isiza esime kuso isakhiwo sokugcina izilwanyana kunye neenkukhu, siya kugcinwa ngendlela eyakuthi ingabangeli umtsalane okanye yenze indawo yekhusi kwiimpuku namabuzi.
- (4) Imizimba yezilwanyana ezixheliweyo nezifileyo kufuneka itshatyalaliswe ngendleko zomnikazi kananjalo ngendlela eyakuthi iphunyezwe liBhunga.
15. IBhunga lingathi kumaxesha ngamaxesha limisele okokuba kufuneka kubekho kweso siza sigcina izilwanyana, indawo yokugcina umgquba kunye neyokugcina ifidi enesikhuseli seempukane kunye neempuku/amabuzi, ebukhulu baneleyo kananjalo neyakhiwe ngezinto ezisisigxina.
16. Akukho mntu uyakugcina indlu yezinja okanye ubuhlanti ngaphandle kokuba le miqathango ilandelayo iyathotyelwa:
- (1) Izinga kunye nekatu ziyakugcinwa kwindawo ezohlukeneyo:
- i) ezakhiwe ngezinto ezomeleleyo ezifikelekayo xa kufuneka okokuba zicocwe, kutshatyalaliswe iintsholongwane kunye nezilwanyana eziyinkathazo.
  - ii) ezinomgangatho owenziwe ngekonkriti okanye naziphi na izinto ezingangenwa nto, wenziwa waguda kananjalo wenzelwa umjelo ongama 100mm ububanzi unabala ngaphezulu obubanzi obupheleleyo bomgangatho kananjalo umiliselwe kwalapho kulo ndawo, umjelo lowo uyakukhuphela kumfulana oqhagamshelwe kumjelo othutha amanzi amdaka eBhunga ngokusebenzisa imibhobho eyenziwe ngezinto eziphunyeziweyo, zinomthamo oli 100mm ubuncinane okanye omnye umjelo wokutshabalalisa ophunyeziweyo.
  - iii) zibe nomqokumbelo wendlela ongama 150mm ukuphakama kubude bonke bomjelo obuchazwe kumhlathi (ii), ukunqanda okokuba umsinga wamanzi ohamba kulo mmandla ungangeni kumjelo lowo.
- (2) Indawo zonke zokugcina ezikhankanywe kwicandelo 16(1) ziyakuba nesikhuseli esinophahla sokugcina izinga kunye neekatini apho:
- i) udonga ngalunye luyakwakhiwa ngezitena, amatye, ikonkriti okanye ezinye izinto eziluzilima kwaye ziya kuba nodonga lwangaphakathi olugudileyo olungenazintanda okanye ijoyini ezivulekileyo.
  - ii) umgangatho uyakwenziwa ngekonkriti okanye naziphi na izinto ezingena kungenwa nto, eziluzilima, zaza zagudiswa ukuze zingabi nazintanda okanye ijoyini ezivulekileyo kananjalo umphandle ophakathi komgangatho kunye neendonga ongasayi kuchithwa uyakuba litheku elincinane.
- (3) Ngokuphathelele kwizinja, indlu yenja eyenziwe ngembumba yentsinga zesamente okanye ezinye izinto ezifana nezinto, ezinokususwa kwaye ebekwe phezulu komphantsi wekonkriti eyakhiweyo okanye izinto ezomeleleyo ezinomphandle ekulula ukuba ucoce, ingabi nazintanda okanye ijoyini ezivulekileyo, zinokubakho endaweni yekhusi elicetywayo kwicandelo 16 (2) kwaye ukuba umgangatho wendlu yenja elolu hlobo awukhuselekanga ekungenweni ngamanzi, ibhodi yokulala ephakamileyo eyakwenza okokuba inja leyo ihlale yomile iyakuthi ibekhona kulo ndlu yenja ilolo hlobo.
- (4) Icala elinomphezulu wekonkriti ubuncinane oyi 1m ububanzi, liyakwenziwa emnyango walo ndlu, kububanzi bawo wonke, elibala liqinileyo liyakuthambeka ukwenzela okokuba amanzi angangeni kwindlu leyo yenja.
- (5) Kuya kuziswa amanzi, anele ukusela kunye nokucoca, abekwe phakathi okanye ecaleni lendlu nganye.
- (6) Indawo ezingadibenanga ezohlukileyo sokuhlala izinga kunye neekatini ezigulayo ziyakubakho ngendlela eyakuthi yanelise iBhunga.
- (7) Ukuba kukho iikhetshi zokugcina iikati, ezi khetshi kufuneka zenziwe ngezinto ezomeleleyo nezingangenwa nto kwaye zakhiwe ngendlela eyakwenza kube lula ukuzicoca nangaphakathi.
17. Zonke izinto ezime emhlabeni ziyakuthi ngamaxesha onke zigcinwe zikwimeko eyiyo yolungiseko ngumnikazi okanye umntu ohlala kwezo zakhiwo nomhlaba ezime kuwo.
18. (1) Ukuba ngokwengcinga zeBhunga nasiphi na isilwanyana esigcinwe kuso nasiphi na isiza apho iphepha-mvume lithe lakhutshwa liBhunga phantsi kwalo Mmiselo kaMasipala, sithi sibangele inkathazo kwezempilo, ubungozi empilweni okanye sibeke esichengeni ukhuseleko loluntu okanye apho kukho izilwanyana ezongezelekileyo, ezigciniweyo ngaphezulu kwenani eligunyazisiweyo kwiphepha-mvume elikhutshiweyo, iBhunga lingathi likhuphe isaziso esibhaliweyo esiya kumntu onelo phepha-mvume okanye xa engekho, umntu onikwe ulawulo, ukuba asuse okanye enze okokuba kusuke, lonto iyinkathazo okanye ingozi okanye inani elidlulisileyo lezilwanyana, kwisithuba sexesha elithile elimisiweyo.
- (2) Umnikazi phepha-mvume okanye umntu onikwe ulawulo, akufumana isaziso phantsi kweCandelo 18(1), uyakuthobela izinto ezifunekayo njengokuba zichaziwe liBhunga kweso saziso, ukuba akakwenzi oko iBhunga lingathi ngokubona kwalo:
- (a) Liphelise iphepha-mvume elivumela ukugcina izilwanyana kwipropati leyo
  - (a) lenze isilungiso kwiphepha-mvume elo
19. Umnikazi phepha-mvume uyakulibuyisela kwiBhunga iphepha-mvume alinikiweyo xa ethe wacelwa ukuba enze njalo, ukuze kufakwe isilungiso okanye lirhoxiswe, kuxhomekeke kwimeko leyo.
20. Akukho mntu uyakujika okanye asebenzise into emileyo ukugcina izilwanyana okanye iinkukhu eyisebenzisela ezinye iinjongo ngaphandle kwezo zikhankanywe kwiphepha-mvume elo.
21. (1) Naziphi na izakhiwo nomhlaba ezime kuwo, apho izilwanyana kunye neenkukhu sele zigcinwa, ziya kukhululeka kwimiqathango emalunga nendawo yokuhlalisa izilwanyana isithuba esingange nyanga ezi-12 ukusuka kumhla wokuqala ukusebenza kwalo Mmiselo kaMasipala.
- (2) Onke amaphepha-mvume, izigunyaziso kunye nezibonelelo zokugcina izilwanyana okanye neenkukhu ezinikezelwe phantsi kwawo nawuphi na uMmiselo kaMasipala okanye uMmiselo okhatywa liCandelo 42, uyakuthatyathwa njengokuba unikezwe phantsi kwalo Mmiselo kaMasipala.

22. Nawuphi na umntu owophula naliphi na igatyana leli candelo okanye aphose ukuthobela nasiphi na isaziso asinikwe ngokumthethweni ngaphantsi kwalo mmiselo uyakuba unetyala lokwaphula umthetho.

### ICANDELO 3

#### ULAWULO LWENKUNKUMA YONYANGO NGAMAYEZA

23. (1) Abadali kufuneka okokuba bayongamele kananjalo bayigcine le nkunkuma yonyango ngamayeza, ngendlela ekhuselekileyo, engenabungozi kwezempilo yabantu okanye kubume bemeko yendawo kwaye banoxanduva lokuqinisekisa okokuba inkunkuma yonyango ngamayeza iyasuswa kwizakhiwo nemihlaba ezime kuyo, ithuthwe ize itshatyalaliswe ngokwemigaqo yalo Mmiselo kaMasipala.
- (2) Ngaphandle kokunciphisa umthetho-jikelele womsebenzi kwigatyana (1), abadali benkunkuma kufuneka bathobele le migaqo ilandelayo:
- (a) ukohlukanisa inkunkuma yonyango ngamayeza kwenye inkunkuma, kulo ndawo ithi idaleke kuyo;
  - (b) ukugcina inkunkuma yonyango ngamayeza kwizingxobo ezingavuziyo ezivalekayo kananjalo kuqinisekise okokuba ezo zingxobo zisetyenziselwa ukugcina izinto ezibukhali, ezihlabayo kunye nezinye izinto zonyango ezinokuthi zibangele ukusikeka okanye ukuhlatywa okanye ukuncuntswa, ngaphezulu ziqinile kwaye azinakugqabhuka kwaphela;
  - (c) Yenza umbhalo ocacileyo ofundekayo kwisingxobo ngasinye senkunkuma yonyango lwamayeza, ngamagama amakhulu acacileyo ubhale —
    - (i) Igama kunye nedilesi yomdali walo nkunkuma
    - (ii) amagama “Danger: Medical Waste”, “Gevaar: Mediese Afval”, kunye “Ingozi: Inkunkuma Yezamayeza”; kunye nembasa yamazwe ngamazwe yengozi kwizinto eziphilayo; kunye
    - (iii) umhla esithe ngawo eso singxobo senkunkuma yezamayeza sasuswa ngawo kwizakhiwo zomdali wayo.
  - (d) thintela ukufikelela koluntu kwizingxobo ezinenkunkuma yezamayeza ezisetyenziswayo;
  - (e) gcina izingxobo zenkunkuma yezamayeza ezigcweleyo kwindawo ephantsi kolawulo, enokhuseleko oluluhlakileyo ezibekelwe bucala ukuba zisetyenziselwe ukugcina inkunkuma yezamayeza;
  - (f) yenza amalungiselelo okususwa kwalo nkunkuma yezamayeza kwindawo ephuma kuzo kwanalawo okokuba ithuthwe inkunkuma yezamayeza isive kwindawo apho iyakutshatyalaliswa khona, ngumntu othutha inkunkuma yezamayeza, phantsi kwalo Mmiselo kaMasipala, kwaye abe ubhalisiwe ngokumthethweni njengomthuthi njengoko kuchazwa kwiCandelo 26 lalo Mmiselo kaMasipala;
  - (g) yenza amalungiselelo okutshabalalisa inkunkuma yezamayeza ngumntu ovumelekileyo okokuba atshabalalise inkunkuma yezamayeza phantsi kwalo Mmiselo kaMasipala.
- (3) Abadali bale nkunkuma bangathi bafake isicelo esibhaliweyo kwiBhunga becela imvume yokuphatha, ukugcina kunye nezinye iindlela zokujongana nenkunkuma yabo yamayeza, ngendlela ethi ingahambelani nemiqathango ebekwe kwigatyana (2).
- (4) IBhunga linganika imvume ebhaliweyo echazwe kwigatyana (3); kodwa liyinika phantsi kwemiqathango..
- (5) Abadali bangayithutha baze bayitshabalalise inkunkuma yezamayeza, kuphela xa bekwenza oko ngokwalo Mmiselo kaMasipala.
- (6) Abadali kufuneka:
- (a) bagcine ingxelo echanekileyo yexesha elimiyo yenkunkuma yezamayeza ethe yasuswa kwizakhiwo zabo ngendlela echazwe kumaxesha ngamaxesha liBhunga.
  - (b) bafumane kumtshabalalisi wenkunkuma yezamayeza isaziso esibhaliweyo esichaza okokuba inkunkuma leyo yezamayeza ithe yatshatyalaliswa kananjalo xa befumana eso saziso, babonakalise kwingxelo zabo okokuba loo nkunkuma yezamayeza itshatyalalisiwe;
  - (c) bagcine ingxelo ebhaliweyo echazwe ku (a) kwakunye nesaziso sokutshatyalaliswa esichazwe ku (b), isithuba esingangonyaka omnye emva kokususwa kwalo nkunkuma kwizakhiwo zalo nkunkuma yezamayeza.
24. (1) Abathuthi kufuneka bayisuse inkunkuma yezamayeza kwezo zakhiwo idaleke kuzo, bayithuthe, bayigcine kananjalo loo nkunkuma yezamayeza bayise esizeni apho iyakuthi itshatyalaliswe khona ngendlela ekhuselekileyo neyakuthi ingabi nabungozi kwezempilo yoluntu kunye nokubume bemeko yendawo.
- (2) Ngaphandle kokuminyaka ububanzi begatyana (1), abathuthi kufuneka okokuba bathobele le miqathango ilandelayo:
- (a) akufuneki okokuba bayisuse/bayikhuphe loonkunkuma yezamayeza kwizingxobo ebe ifakwe yagcinwa kuzo ngabadali bayo;
  - (b) kufuneka bayithuthe baze bayigcine loo nkunkuma yamayeza ngendlela eyakuqinisekisa okokuba akukho mntu eluntwini ngokubanzi oyakuba nakho ukufikelela kuyo okanye kwezi zingxobo igcinwe kuzo.
  - (c) thutha inkunkuma yezamayeza ngezithuthi ezi:
    - (i) nalo ikhono lokuphatha inkunkuma yezamayeza
    - (ii) ezakhiwe ngendlela ethintela ukuhamba ichitheka
    - (iii) ezakhiwe ngezinto ekulula ukuba zicocwe kananjalo kubulawe intsholongwane
    - (iv) Enakho okokuba itshixeke/ikhuseleke ukuze kuthintelwe abantu abangagunyaziswanga ekubeni bafikelele kuyo

- (d) ukusa loo nkunkuma yezamayeza kuphela kumntu nakwindawo evumelekileyo ukutshabalalisa inkunkuma yamayeza phantsi kweCandelo 25.
- (3) Abathuthi bangafaka izicelo ezibhaliweyo kwiBhunga becela imvume yokususa, ukuthutha, ukugcina kunye nokusa/nokunikezela inkunkuma yezamayeza ngendlela engahambelaniyo nemiqathango echazwe kwigatyana (2).
- (4) IBhunga lingathi likhuphe iphepha-mvume ebhaliweyo ekubhekiswa kuyo kwigatyana (3); kodwa liyikhupha phantsi kwemiqathango ethile loo mvume
- (5) Abathuthi bangathi batshabalalise inkunkuma yezamayeza, kodwa oko bakwenze ngokwemiqathango yaloMmiselo.
- (6) Abathuthi kufuneka bagcine ingxelo ebhaliweyo malunga nomsebenzi ngamnye wokuqokelela kunye nowokusa inkunkuma yezamayeza, ekufuneka okokuba bahlale beyihambisa ngexesha elimiyo ngaxesha linye beqokelela kanaanjalo bethutha, kanaanjalo ingxelo elolo hlobo kufuneka ibhalwe ngendlela emiselwe liBhunga kumaxesha ngamaxesha kanaanjalo kufuneka okokuba loo ngxelo iginwe isithuba esingangonyaka omnye ukusuka kumhla inkunkuma yezamayeza ithi ihanjiswe isiwe. Abathuthi kufuneka bagcine ikopi yengxelo efanelekileyo kwizithuthi ezisetyenziselwa ukuthutha inkunkuma yezamayeza.
25. (1) Inkunkuma yezamayeza ingatshatyalaliswa kuphela ngumntu:
- (a) onephepha-mvume lokusebenza kwisiza senkunkuma ngokweCandelo 20 loMthetho 73 wonyaka ka 1989, woLondolozo loBume beMeko yeNdawo okanye ogunyazisiweyo okokuba atshise kwiziko elibushushu buphakame kakhulu inkunkuma yezamayeza ngokusebenzisa izixhobo ezithe zaphunyezwa phantsi koMthetho 45 wonyaka ka 1965 woThintelo loNgcoliseko loMoya okanye zombini; kanaanjalo
- (b) othobela yonke imigaqo kunye nemimiselo ebandakanywe kwelo phepha-mvume kunye nesigunyaziso.
- (2) Umntu onikwe imvume phantsi kwegatyana (1) lokutshabalalisa inkunkuma yezamayeza, kufuneka okokuba akwenze oko esizeni esinemvume okanye elinesigunyaziso okanye zombini, elimvumelayo okokuba atshabalalise inkunkuma yezamayeza kanaanjalo nokuba akasayi kubanako ukutshabalalisa inkunkuma yezamayeza nakweyiphina indawo.
- (3) Abantu abatshabalalisa inkunkuma yezamayeza kufuneka okokuba:
- (a) bagcine ingxelo ebhaliweyo ehamba nexesha elimiyo lomsebenzi ngamnye wokusa inkunkuma yezamayeza kwisiza sokutshabalalisa, ngendlela emiselwe liBhunga kumaxesha ngamaxesha.
- (b) ukuzigcina ezo ngxelo isithuba esingangonyaka omnye ukusukela kumhla loo nkunkuma yezamayeza yathi yatshatyalaliswa.
26. (1) Wonke umntu odala inkunkuma kufuneka okokuba abhalise kwiBhunga zingaphelanga inyanga ezi-6 emva kokusebenza kwaloMmiselo kaMasipala ngokuthi afilise emva koko angenise isaziso esibhaliweyo kwiBhunga ngendlela emiselwe liBhunga kumaxesha ngamaxesha.
- (2) Wonke umthuthi kufuneka azibhalise kwiBhunga zingaphelanga inyanga ezi-6 emva kokuba lo Mmiselo kaMasipala uqalile ukusebenza ngokuthi afilise emva koko angenise isaziso esibhaliweyo kwiBhunga ngendlela emiselwe liBhunga kumaxesha ngamaxesha.
- (3) Abadali kunye nabathuthi kufuneka okokuba bazise iBhunga ngazo zonke inguqulelo ezimalunga nenkcukacha ebezinikezelwe phantsi kwamagatyana (1) kunye (2) ngokukhawuleza emva kokwenzeka kwalo nguqulelo.
- 27 Nabani na owaphula nokuba lelaphi na igatya leli Candelo, okanye aphose ukuthobela naso nasiphi na isaziso asinikwe ngokusemthethweni, ngokweli candelo, wenza isenzo esichaseneyo nomthetho.

#### ISAHLUKO 4

#### AMASHISHINI

#### 28. Iindawo zokuhlala eziqeshisayo

- (1) Zonke iindawo zokuhlala eziqeshisayo zizakuthobela le miqathango ilandelayo:
- (a) Isakhiwo ekujongwe ukuba sisetyenziswe okanye esele sisetyenziswa njengendawo yokuhlala eqeshisayo sikwimo efanelekileyo kwaye silungisiwe ngaphakathi nangaphandle.
- (b) Yonke ifenishala, ilineni, izinto ezifakelweyo kwakunye nezixhobo ezisetyenziswayo ezikhutshwa ngumnikazi ndawo zicoceke, zibe kwimeko efanelekileyo kwaye zanele injongo ezenzelwe yona.
- (c) Onke amagumbi kufuneka akhanye ngokwaneleyo abe neentunja zokungena nokuphuma umoya ukulungiselela ukuba igumbi elo lisetyenziswe ngokungenabungozi empilweni okanye kukhuseleko okanye lingabangeli nkathazo.
- (d) Izakuba nemiqqomo yenkunkuma eyaneleyo eneziciko ezivaleka gingci.
- (e) Ukubonelela kwisakhiwo ngenani elaneleyo lamagumbi okuhlambela namagumbi angasese anazo zonke izixhobo ezifunekayo ngendlela efanelekileyo..
- (f) Ukubonelela ngamagumbi okuhlambela nawangasese awahlukeneyo ngokwesini abantu abaqeshe indawo yokuhlala nawabantu abaqeshiweyo, kwaye abe kwiindawo ekulula ukfikelela kuzo kwabo alungiselelwe bona, kodwa ke ukuba abekho ngaphezu kweshumi elinambini (12) abantu abaqeshe indawo akukho mfuneko yokuwahlula ngokwesini amagumbi okuhlambela nalawo angasese.
- (g) Iibhafu, iishawari kunye nezitya zokuhlambela kufuneka zinamanzi ashushu nabandayo ngalo lonke ixesha.
- (h) Kufuneka kubekho iyadi efanelekileyo, ifakwe ipavumente kwaye ibe needreyini ezanelisayo kwiKhansile.

- (i) Ukuba alishumi (10) nangaphezulu ngaxeshanye amabhoda aqeshiselwe indawo —
- (i) kufuneka kubekho igumbi/amagumbi okuhlala afakelwe ifenitshala kwaye ubukhulu bawo kufuneka buhambelane neemfuno zamabhoda, kwaye
  - (ii) apho kubonelelwa ngokutya, kufuneka kubekho igumbi/amagumbi okutyela azakuba nayo indawo yokuhlala engekho ngaphantsi kwesikwere esinye (1) semitha kwibhoda ngalinye.
- (j) Apho kubonelelwa ngokutya okanye kuphekwayo khona kufuneka kukho ikhitshi elifakelwe izinto ezifunekayo.
- (2) Umnikazi ndawo yokuqeshisa izakuba luxanduva lwakhe ukuba athobe le miqathango yalo mmiselo, ngaphezu koko izakuba luxanduva lwakhe oko kwenziwa okanye iimposiso zabaqeshwa okanye zeezarente zakhe, kwaye nayiphi na into eyaphula lo mmiselo nokuba yenziwa nguye, lilungu losapho lwakhe okanye ngabasebenzi okanye iiarhente zakhe izakuthathwa ukuba ngumnikazi ngokwakhe owaphula lo mmiselo.
- (3) Umnikazi ndawo yokuhlala eqeshisayo uza kwenza ezi zinto zilandelayo ngawo onke amaxesha ngokokwanelisayo kwiKhansile —
- (a) ukugcina kwimeko efanelekileyo yonke indawo yokuhlala eqeshisayo icocekile, kwaye isempilweni;
  - (b) ukugcina ifenitshala nezixhobo ezisetyenziswayo zikwimeko efanelekileyo kwaye zicocekile;
  - (c) abonelele ngokutya okusempilweni kuphela kumabhoda nakwabanye abantu abakwisakhiwo eso, kwaye
  - (d) akayi kubangela okanye kuvumela nawuphi na umntu ogula sisifo esosulelayo ukuba aqeshwe kweso sakhiwo ngaphandle kokuba unesatifikethi sikagqirha esichaza ukuba loo mntu unako ukuqhuba ngokuphangela.
- (4) Umnini ndawo yokuhlala eqeshisayo akayi—
- (a) kuvumela nayiphi na inxalenye yeso sakhiwo ngaphandle kwegumbi lokulala elivunyiweyo ukuba isetyenziswe nguye nabani na ngenjongo zokulala, ukuba loo ndawo ayibhekisi nakweliphi na ibhoda elisebenzisa igumbi lokulala ukuba linestuphu okanye indawana ethe yatshintshwa ngokufanelekileyo;
  - (b) kugcina neliphi na ibhoda kwigumbi lokulala elinye nomnye umntu ngaphandle kokuba abo bantu ngabentsapho enye okanye bobabini banike imvume yabokwaye;
  - (c) kuqhuba ishishini lakhe lokuqeshisa ngendawo yokuhlala ngendlela ezakubangela inkathazo kubahlali bezindlu ezikufutshane;
  - (d) kuvumela ukuba kuphekelwe kwigumbi lokuhlala okanye kwindawo elungiselelwe ukuba ibe ligumbi lokuhlala;
  - (e) kuvumela ukuba iasakhiwo eso sixinane.
- (5) Nokuba ungayithobela yonke le miqathango ingasentla, akukho mntu uvumelekileyo ukuba aqhube ishishini lokuqeshisa ngendawo yokuhlala ngaphandle kokuba ipropati leyo yakhiwe ngokokwesikimu solwakhiwo kwaye uthobele yonke imithetho ebandakanyekayo.

29 *Umntu owenza iinwele kunye nozichebayo*

- (1) Akukho mntu ozakuqhuba ishishini lokwenza okanye lokucheba iinwele nakweyiphi na indawo kumhlaba kamasipala ngaphandle kokuba —
- (a) zonke iindawo zesakhiwo eso zikhanyiswe ngokufanelekileyo kwaye zineentunja zokungena nokuphuma umoya;
  - (b) kufakelwe izitya zokuhlambela ezibaleka amanzi ashushu nabandayo ezinombhobo wokubamba ukungcola ngokomlinganiselo wesitya esinye ubuncinane kubantu ababini abaxakeke kukucheba, ukulungisa iinwele okanye ukuhlamba iinwele okanye kukutsheva omnye umntu okanye nanguwuphi na umsebenzi onxulumene nokulungisa iinwele okanye ukucheba;
  - (c) zonke iitafle neeshelufa ekubekwe kuzo izixhobo zokusebenza zenziwe ngegulasi okanye zigqunywe ngegulasi, zenziwe ngelitye elibubhastile, iithayile ezimenyezelayo okanye ngematiriyeli egudileyo engenakungenwa nto kwaye engadlekiyo;
  - (d) umgangatho ogudileyo uze ugqunywe ngematiriyeli engenakungenwa nto okanye umphezulu wenziwe ngematiriyeli egudileyo engenakungenwa nto ukuze kube lula ukuwutshayela ucocisiswe, kwaye
  - (e) kubekho inani elaneleyo lemigqomo yenkunkuma elula ukuthwaleka eneziciko ezivaleka gingci ezenzwe ngematiriyeli engenakungenwa nto neyenziwe ngendlela yokuba kube lula ukuyihlamba nokuyicoca.
- (2) Wonke umntu oqhuba ishishini lokucheba okanye ukwenza iinwele kufuneka aqinisekise ukuba —
- (a) indawo eliqhubeka kuyo eli shishini kunye nazo zonke izixhobo ezisetyenziswayo apho okanye ekujongwe ukuba zisetyenziswe zigcinwa zikwimeko ecocekileyo kwaye zisoloko zikwimeko yokulunga ngawo onke amaxesha;
  - (b) zonke iinwele ezichetyiweyo zitshayelwe ngoko nangoko zifakwe kumgqomo ovaliweyo olungiselelwe oko;
  - (c) yonke ibhrashi yeenwele esetyenzisiweyo okanye ezakusetyenziswa kufuneka kweli shishini ihlale ikwimeko ecocekileyo ngawo onke amaxesha kwaye ihlanjisiswe ubuncinane kanye ngemini;
  - (d) yonke itawuli esetyenziswe nakubani na iyahlanjisiswa ngaphambi kokuba isetyenziswe nakubani na ongomnye;
  - (e) kuthathwa amanyathelo ngenx'engaphambili ukuthintela ukuhlangana nqo kwentloko okanye kwentamo yomntu osetyenzwayo kunye nesitulo ahleli kuso
  - (f) yonke ibhrashi, inkcaza (ikama), ireyiza, isikere umatshini wokucheba okanye ezinye izixhobo ezisetyenziswe komnye umntu ngendlela ezinokudibana nendawo esikekileyo yomzimba womntu lowo kufuneka ukuba phambi kokuba isetyenziswe komnye umntu ibulawe iintsholongwane ngenye yezi ndlela zilandelayo:

- (i) ifakwe emanzini abilayo
  - (ii) ifakwe kwiyeza elisisibulali zintsholongwane
  - (iii) icocwe ngezinto ezamkelweyo zokubulala iintsholongwane
- (g) kukho inani elaneleyo lohlobo lwesixhobo ngasinye
- (h) ukuba umntu ubonakala eneentwala okanye enesifo sesikhumba akafanelanga ukuba atsheve, okanye achebe okanye enze nantoni na enxulumene neli shishini kule ndawo liqhuba kuyo ishishini, ukuba umntu onjalo uthe wenziwa ezinye zezo zinto kufuneka zonke iitawuli, izixhobo zokusebenza kunye nazo zonke izinto ezithe zasetyenziswa kuloo msebenzi zifakwe emanzini abilayo isithuba semizuzu elishumi elinesihlanu ubuncinane;
- (i) akunakusetyenziswa enye isepha ngaphandle kwaleyo ilulwelo, ingumgubo okanye ekwityhubhu xa kuhlanjwa iinwele okanye kutshevwa umntu okanye kusenziwa nawuphi na umsebenzi onxulumene neshishini lokwenza nokucheba iinwele;
- (j) akukho nto inqumamisa igazi enokusetyenziswa nakubani na ngaphandle kwaleyo ikwimo yolwelo okanye ingumgubo kwaye isetyenziswa ngokutshizwa kusetyenziswa isiqwengana soboya bomqhaphu esicocekileyo esitsha;
- (k) akukho mntu umdaka okanye unxibe impahla emdaka uyakucheba, okanye enze iinwele okanye ahlambe iinwele okanye atsheve omnye umntu okanye enze nawuphi na umsebenzi onxulumene neshishini leenwele;
- (l) akukho mntu uyakucheba, okanye enze iinwele okanye ahlambe iinwele okanye atsheve omnye umntu okanye enze nawuphi na umsebenzi onxulumene neshishini leenwele engakhange aqale ahlambe izandla zakhe nje phambi kokuba enze lo msebenzi komnye umntu;
- (m) akukho mntu unesifo esosulelayo uthatha inxaxheba okanye uvunyelwe ukuba athathe inxaxheba nakuwuphi na umsebenzi onxulumene neshishini leenwele ngaphandle kokuba aveze isatifikethi sikagqirha esichaza ukuba ufanelekile ukuba angathatha inxaxheba;
- (n) ukuba kuthanjiswa amafutha, amafutha asetyenziswayo kufuneka enzelwe injongo enye kuphela;
- (3) Le miqathango yalo mmiselo iza kusetyenziswa ngokuguqukayo ukulungiselela imeko yawo nawuphi na umsebenzi wokwenziwa mhle, wokugcina izandla zizihle nokulungisa iinzopho okanye omnye umsebenzi okwunjalo.

### 30 *Imivambo kunye nokugqozwa komzimba womntu*

- (1) Xa kusenziwa imivambo yanaphakade emzimbeni okanye kogqozwa umzimba womntu kufuneka kusetyenziswe oomatshini abavunye ngokusesikweni kuphela nabenziwe ngendlela ethintela ukuba iiseti zenaliti zingosuleleki zintsholongwane.
- (2) Zonke iintambo zokubamba neebhotile zokutshiza kufuneka zibe nendawo yokubamba yokuzichukumisa kananjalo zikhuselwe ngokugqunywa ngeplastiki ekufuneka ilahlwe emva kokusetyenziswa kumntu ngamnye.
- (3) Imphezulu yeendawo ekusetyenzelwa kuzo kufuneka igude kwaye kungabikho nto inokungena kuyo ize ifakwe izibulala ntsholongwane emva kokusetyenziswa kumntu ngamnye.
- (4) Izixhobo ezisetyenziswayo kufuneka zigcinwe zicocekile kwiikhabhineti ezilungiselelwe oko.
- (5) Izixhobo ezisetyenziswayo kulo msebenzi kufuneka zibulawe iintsholongwane emva kokusetyenziswa kumntu ngamnye.
- (6) Zonke iityhubhu neenaliti kufuneka zigcinwe kwinkonzo enye, engenazintsholongwane, kwiingxowa ezitywiniweyo zesibulali ntsholongwane ekufuneka zivulwe phambi komntu oza kusetyenzwa.
- (7) Umntu oza kwenza imivambo okanye oza kugqobhoza kufuneka ahlambe izandla ngesepha namanzi ashushu ngaphambi kokuba asebenze kwaye kufuneka anxibe iiglavu zokukuxilonga ze-latex okanye ze-nitrile ngethuba esebenza kumntu ngamnye.

### 31 *Iindawo zokugcina abantwana*

- (1) Akufuneki kubekho indawo yokugcina abantwana esebenza ngaphandle kwemvume ebhaliweyo yoMlawuli wezeMpilo wesiXeko, okanye ummeli ogunyaziswe nguye, mvume leyo eyakuxhomekeka kwimiqathango.
- (2) Izicelo zemvume kufuneka zenziwe kwifomu elungiselelwe oko kwaye ziyakuqwalaselwa kuphela emva kokuhlululwa komrhumo wesicelo oyakuthi umiselwe yiKhansile kumaxesha ngamaxesha.
- (3) Imvume ebhaliweyo ngokwecandelwana (1) ayikhululeli nawuphi umntu ukuba angathobeli naziphi na iimfuno zomthetho ongomnye onxulumene nokugcinwa kwabantwana kunye/okanye nokusetyenziswa kwendawo echaphazelekayo.
- (4) Nangona lichaza icandelwana (1) zonke iindawo zokugcina abantwana ezisebenza ngokusemthethweni ngethuba lokubhengezwa kwalo mmiselo ziyakukhululwa ekufuneni imvume ebhaliweyo kangangesithuba sonyaka emva kokuba ubhengeziwe.

- 32 Nawuphi na umntu owaphule naliphi na igatya leli candelo uyakuba netyala lokwaphula umthetho.

## ISAHLUKO 5:

### UKUTHUTHA NOKUSEBENZA NGOKUTHENGISA INYAMA EJONGE UKUTYIWA NGABANTU

- 33 Akukho mntu oza kuhambisa okanye ozakubangela ukuhanjiswa kwenyama ezakuthengiswa ukuba ityiwe ngabantu ngaphandle kokuba ulandela ezi mfuno zilandelayo:
- (a) Ukuba ithuthwa ngesithuthi esiyitoni enye (1) okanye ngaphezulu:

- (i) Iindonga zaso zangaphakathi, umgangatho nophahla zizakuqunjelwa ngesinyithi esingadlekiyo okanye enye imatiriyeli efanelekileyo engangenwa nto. Lo mqokumbelo uzakufakwa kuzo zonke iikona, iindawo ezidibanayo kunye nezinqamланayo, kwaye zonke izihlanganisi azizikuba namthungo. Eso sithuthi sizakugcinwa sikwimeko efanelekileyo ngaphandle nangaphakathi nenjini yaso noomatshini bayo ngokunjalo.
- (ii) Umzimba waso uzakugqunywa ngerabha ukuze bungadluli ubushushu ngendlela yokuba iqondo lobushushu lenyama lingadluli kwi-5° Sentigredi ngeyure.
- (iii) Umva kunye namacala omzimba wayo kufuneka ufakelwe ucango/amacango esinyithi athe nca, umphakathi wawo kufuneka usisinyithi esingadlekiyo kwaye abe kude kwizinto ezithe phuhlu kwanakwiminqameko .
- (iv) Ivumelekile iglasi yokubona phakathi kwendawo yokuhlala umqhubi kunye nomzimba wesithuthi eso.
- (v) Kufuneka kufakelwe intonga/iintonga zentsimbi ezinamahaki ezizinzileyo okanye ezinokushenxiswa zesinyithi esingadlekiyo kuphahla lweso sithuthi, kwaye imizimba yezilwanyana ezixheliweyo okanye inxalenye yayo izakuxhonywa kuwo xa ihanjiswa. Ezo ntonga zentsimbi zizakufakelwa phezulu ngokwaneleyo ukuqinisekisa ukuba imizimba yenyama ixhonywe kude nomgangatho.
- (vi) Onke amatyathanga okanye iintonga zesinyithi ezisetyenziswa ukubamba umthwalo kufuneka abe ngawesinyithi esingadlekiyo, kwaye afakelwe ngendlela yokuba kube lula ukuwashenxisa ukulungiselela ukuwacoca.
- (vii) Kufuneka kubekho ikhonteyina engabophelekanga engadlekiyo ngaphakathi kwesithuthi ukulungiselela ukuthutha izibilini, evunywe nguMlawuli weeNkonzo zezeMpilo okanye ummeli wakhe ogunyazisiweyo kwaye ekufuneka kube lula ukuyishenxisa ukulungiselela ukuyicoca. Ikhonteyina elolo hlobo isenokuba ngaphandle kwisithuthu eso, kodwa ke kufuneka ibe ifakelwe kwenye ikhonteyina ezakukhusela izinto ezingaphakathi kuyo ukuba zingosulelwa zintsholongwane kwaye kube lula ukuyishenxisa ukulungiselela ukuyicoca.
- (b) Ukuba isithuthi eso yinqwelo erhuqwayo kufuneka kulandelwe amatyathanga eandawana (a) (i), (ii), (iii), (v), kunye nele (vii).
- (c) Ukuba isithuthi yinqwelo engaphantsi kwetoni enye (1):
- (i) Kufuneka kulandelwe imiqathango yecandelwana (a) (i) nele (iii)
- (ii) Kuvumelekile ukuba oonosilarha abathengisa ngemiyinge emincinci bathuthe inyama ukuyisusa kwisilarha sokuxhela bayise kwiindawo zabo zokushishina bengayixhomanga inyama, kowa ke bakwenze oko beyithutha ngeekhonteyina ezingadlekiyo ezibukhulu obufanelekileyo, ezivunywe nguMlawuli weeNkonzo zezeMpilo okanye ummeli wakhe ogunyazisiweyo kwaye ekufuneka kube lula ukuyishenxisa ukulungiselela ukuyicoca, kwaye izibilini azinako ukuthuthwa yikhonteyina esetyenziselwa ukuthutha inyama, koko zithuthwa ngeekhonteyina eyodwa ukulandela umqathango (i) ongasentla.
- (d) Ukuba isithuthi yinqwelo ethuthela inyama kumthengi othengisa ngemiyinge emincinci, kuza kufuneka kulandelwe amatyathanga eandawana (a) (i) nele (iii).
- (e) Inyama evuthiweyo okanye esele yenziwe kufuneka ithuthwe ngeekhonteyina ezivunywe nguMlawuli weeNkonzo zezeMpilo okanye ummeli wakhe ogunyazisiweyo kwaye kufuneka ukuba ibe isongelwe okanye igqunywe ukuthintela ukosuleleka zintsholongwane.
- (f) Ngaphandle kwanjengoko kuchazwe kwicandelwana (c) (ii), (d) naku (e) akuvumelekanga ukubeka inyama kumgangatho wesithuthi.
- (g) Akukho mntu, silwanyana okanye into enokosulela inyama ngeentsholongwane ezakuthwalwa sisithuthi esihambisa inyama eza kuthengiswa ukuba ityiwe ngabantu.
- (h) Igama nedilesi yomnikazi kunye negama lokurweba, ukuba likhona, kufuneka zishicilelwe ngoonobumba abacacileyo, ukuze kube lula ukubabona nokubafunda, kumacala omabini aso nasiphi na isithuthi esisetyenziswa ukuthutha inyama ezakuthengiselwa ukutyiwa ngabantu.
- 34 (1) Bonke abantu abasebenza ngenyama esisixa esikhulu eyenzelwe ukuthengisewa ukuba ityiwe ngabantu kufuneka bathwale izinto zokugquma intloko, intamo kunye namagxa ezivunywe nguMlawuli weeNkonzo zezeMpilo okanye ummeli wakhe ogunyazisiweyo, ukuthintela ukuba amalungu omzimba wabo angadibani nenyama ngaphandle kwezandla.
- (2) Bonke abaqeshi baba bantu kufuneka babanike ezi zigqumathelo zikhankanyiweyo kwaye kufuneka baqinisekise ukuba imiqathango yamatyathanga akwicandelwana (i) iyalandelwa.
- 35 Kwisithuba seminyaka emine ukusukela kumhla wokubhengezwa kwalo mmiselo, amatyathanga eandawo 33 (a) (i), (ii), (iii), (v) nele(vi), 33 (b), awazukusetyenziswa nakwesiphi na isithuthi esele sisebenza ngokusemthethweni ngaloo mhla, sithutha inyama ethengiselwa ukuba ityiwe ngabantu, ngaphandle komqathango wokuba inqwelo erhuqwayo kufuneka ilandele icandawo 33 (a) (vii) nelama (33) (d).
- 36 Amatyathanga esi Sahluko aza kongeza, awazukuthatha indawo yamatyathanga eminye imimiselo yeKhansile enxulumene nokutya okuthengiswayo, ngaphandle kokuba loo mmiselo iphikisana nalo mmiselo, kwimeko enjalo ke lo mmiselo iyakuba nguwo olandelwayo.
- 37 Nawuphi na umntu owaphula okanye ongathobeli la matyathanga esi Sahluko uzakuba netyala.

## ISIAHLUKO 6

### AMAGATYA NGOKUBANZI

#### 38 *Ilungelo lokungena kwenziwe uhlolo*

- (1) Nabani na umqeshwa weKhansile ofanelekileyo ungunya lokuhlola nayiphi na indawo ephantsi kwalo masipala ukufumanisa ukuba amatyathanga alo mmiselo ayalandelwa kusini na.
- (2) Ngokwecandelwana (1), xa engena endaweni loo mqeshwa ugunyazisiweyo kufuneka azazise ngokubonisa ubungqina obubhaliweyo bokugunyaziswa xa ecelwa nokuba ngubani na.

- (3) Umqeshwa lowo ugunyazisiweyo unokukhatshwa ngumntu oza kumncedisa ukwenza uhlobo olo.
- 39 (1) Xa kugunyaziswe isaziso, umyalelo, isinyanzeliso okanye olunye uxwebhu okanye kufuneka linikwe umntu ngokwalo mmiselo, kuza kuthathwa ukuba ulunikwe ngendlela efanelekileyo nangokwanelisayo.
- xa lusiwe kuye ngumntu buqu;
  - xa lushiywe kwindawo ahlala kuyo okanye asebenza kuyo kweli le Riphabliki lanikwa umntu oneminyaka eli-16 nangaphezulu;
  - xa lithunyelwe kuye ngeposi yerejista okanye iposi eqinisekisiweyo kwidilesi yakhe yokugqibela eyaziwayo yendawo yokuhlala elapha yeli leRiphabliki kuze kuboniswe isiqinisekiso seposi;
  - ukuba idilesi yakhe yeli leRiphabliki ayaziwa, xa luthe lwanikwa iarhente yakhe okanye ummeli wakhe wakweli le Riphabliki ngendlela echazwe kumhlathi (a), (b) okanye (c), okanye
  - ukuba idilesi kunye nearhente yakhe yeli leRiphabliki azaziwa, xa luthe lwaxhonywa kwindawo esekuhleni kwipropati engasheniyo (ukuba ikhona) olunxumene nayo.
- (2) Xa kugunyaziswe isaziso, umyalelo, isinyanzeliso okanye olunye uxwebhu njengoko selichaziwe ngaphambili okanye kufuneka lunikwe umntu ngenxa yokuba engumnikazi okanye ebengumnikazi okanye inguye ohlala/obehlala kuloo propati ingenakushenxiswa, akukho mfuneko yokuba kude kukhankanywe igama lakhe koko kwanele ukuba achazwe njengomnikazi, umhlali okanye umphathi waloo propati ingasheniyo okanye elinye ilungelo lakhe kwipropati leyo, kuxhomekeke kwimeko.
- 40 *Izohlwayo*
- Nawuphi na umntu ofunyenwe enetyala lokwaphula lo mmiselo uzakufumana isohlwayo kwaye/okanye agwetywe entolongweni isithuba esingadlulanga kwiminyaka emibini.
  - Xa eqhuba ngolo lwaphulo-mthetho uzakufumana isohlwayo esongeziweyo kwaye/okanye avalelwe entolongweni iintsuku ezingadlulanga kwiintsuku ezilishumi ngosuku ngalunye athe waqhubeka ngalo olu lwaphulo-mthetho.
  - Ngaphezu kwesohlwayo asifumeneyo ngokwamacandelwana (1) no (2) angasentla loo mntu uthe wagwetywa uzakuhlawula iindleko zokulungisa nawuphi na umonakalo okanye iindleko ezithe zakho ngenxa yokulungisa umonakalo obangelwe lolo lwaphulo-mthetho.
- 41 Ukhlululo Nangona kukho olu lungiselelo lwalo mmiselo, iKhansile inako ukukhulula nawuphi na umntu ukuba kunye/okanye nodidi oluthile lwabantu kuyo yonke le miqathango kwaye inako ukubeka eminye emiqathango eyibona ifanelekile.
- 42 *Urhoxiso*
- Lo mthetho ubonakala kwiShedyuli 1 uyarhoxiswa ukuba usetyenziswe kwisiXeko saseKapa.
- Inkcazo Xa kunokuthi kubekho impikiswano kwindlela ochazwe ngayo lo mmiselo phakathi kwesiNgesi, isiBhulu nesiXhosa kuyakwamkelwa oko kuthethwa sisiNgesi.
  - Isihloko esifutshane kwanokuqalisa ukusebenza Lo mmiselo uzakwaziwa ngokuba nguMmiselo wezeMpilo kwezoBume beMeko yeNdawo (Environmental Health By-law) kwaye uzakuqalisa ukusebenza ngomhla wobhengezo lwawo kwiGazeti yePhondo

**SCHEDULE 1**

<b>PN NO.</b>	<b>BY-LAW</b>
65/1962	Bellville Municipality: Regulations relating to the prevention of Fires
1022/1977	Durbanville Municipality: By-law Relating to Nuisances
131/1961	Bellville Municipality: Regulations relating to the Removal of Vegetation from Land
483/1961	Goodwood Municipality: Regulations relating to the Removal of Vegetation from Land
133/1949	Regulations relating to the Compelling of Residents to keep their premises free from offensive, infectious or unwholesome matter, the suppression of Nuisances and the Preservation of the Public Health.
34/1941	Municipality of Goodwood: Standard Regulations dealing with Public Health
100/1993	Goodwood Municipality: By-law Relating to Nuisances
297/1982	Goodwood Municipality: By-law Relating to Smoking in certain premises or vehicles
607/1991	Bellville Municipality: Amendment to the Standard By-law relating to the Keeping of Animals
831/1989	Bellville Municipality: Standard By-law relating to the Keeping of Animals
517/1986	Bellville Municipality: Standard By-law Relating to the Keeping of Poultry
541/1953	Goodwood Municipality: Standard Regulations relating to the Keeping of Poultry
42/1947	Municipality of Durbanville: Regulations relating to the Slaughterhouse and the Inspection of meat
133/1949	Goodwood Municipality: Regulations relating to Hairdressers
	Goodwood Municipality: Regulations relating to Tenement Houses
	Goodwood Municipality: Regulations relating to Boarding Houses and similar premises
	Goodwood Municipality: Regulations relating to Tea-rooms, Coffee-rooms, Restaurants and Eating-houses
	Goodwood Municipality: Regulations relating to the Sale, preparation and Storage of foodstuffs
774/1954	Goodwood Municipality: Standard Regulations relating to Restaurants, Refreshment or tea-rooms and eating-houses
775/1954	Goodwood Municipality: Additional Regulations relating to Restaurants, Refreshment or tea-rooms and eating-houses
330/1957	Goodwood Municipality: Standard Butchery Regulations
547/1969	Goodwood Municipality: Amendment to the Regulations relating to the sale, preparation and storage of foodstuffs
314/1990	Cape Town Municipality: Environmental Health By-law
PG5642/2000	South Peninsula Municipality: By-law Relating to the Keeping of Animals and Poultry
760/1951	Amendments to the Standard Regulations to the Keeping of Poultry
453/1962	Local Authorities: Amendment to the Standard Regulations to the Keeping of Poultry
531/1962	Amendments to the Standard Regulations to the Keeping of Poultry
742/1963	Local Authorities: Amendment to the Standard Regulations to the Keeping of Poultry
365/1984	Cape Provincial Council: By-law Relating to the Keeping of Poultry on Premises within Local Areas: Correction Notice
593/1992	Standard By-laws Relating to Barbers & Hairdressers
630/1990	Somerset West Municipality: Standard By-law relating to Accommodation Establishments
784/1988	Somerset West Municipality: By-law relating to the Accumulation, Dumping, Storage or Depositing of material
870/1989	Somerset West Municipality: By-law relating to the removal of vegetation from land
563/1961	Amendment to the Standard Regulations relating to Barbers and Hairdressers
348/1954	Standard: Standard Regulations relating to Restaurants, refreshments or tea-rooms and eating-houses
509/1962	Standard Regulations relating to Fishmongers
705/1953	Amendment to Standard Boarding-house regulations
830/1954	Standard Boarding-house regulations
602/1950	Standard Bakery By-laws
875/1988	Standard By-law relating to Butcheries
210/1947	Municipality of Fish Hoek: Regulations relating to Boarding Houses
193/1983	Brakenfell Municipality: Health By-law relating to crèches and crèches-cum-nursery schools.
451/1988	Kuils River Municipality: Standard By-law relating to accommodation establishments
232/1991	Milnerton Municipality: Repeal and adoption of Standard By-law relating to the Keeping of Animals

<b>PN NO.</b>	<b>BY-LAW</b>
603/1989	Standard By-law relating the keeping of Animals
348/1973	Divisional Council of the Cape: Regulations relating to the keeping of certain animals
340/1958	Amendment to the Standard Regulations relating to the keeping of animals
577/1950	Standard Regulations relating to the keeping of animals
454/1983	Provincial Council: By-law relating to the keeping of poultry on premises within local areas
117/1988	Standard By-law relating to the keeping of poultry
591/1955	Milnerton Municipality: Additional regulations relating to the Keeping of animals
520/1983	Divisional Council of the Cape: By-law relating to the keeping of Pigeons and Doves on premises within local areas
956/1989	Somerset West Municipality: Standard By-law relating to the Keeping of Animals
603/1989	Standard By-law relating to the keeping of animals
822/1989	Gordon's Bay Municipality: Standard By-law relating to the keeping of animals
705/1958	Gordon's Bay Village Management Board: Standard Regulations relating to the keeping of poultry
372/1976	Stellenbosch Divisional Council: Regulations relating to the keeping of animals in local areas
956/1977	Strand Municipality: By-law Relating to the cleanliness of premises
703/1976	Strand Municipality: By-law relating to the Dumping and accumulation of refuse
664/1988	Kraaifontein Municipality: By-law relating to the prevention of nuisances
321/1957	Cape Divisional Council: Regulations for the prevention and suppression of nuisances as amended
503/1977	Divisional Council of the Cape: Amendment to the By-law for the prevention and suppression of nuisances
13/1998	Malmesbury Transitional Local Council: By-law relating to the prevention and suppression of nuisances
792/1972	Gordon's Bay Municipality: By-law Relating to the cleanliness of premises
773/1989	Gordon's Bay Municipality: Amendment to the Standard By-law relating to Barbers and Hairdressers
668/1950	Standard Regulations relating to Barbers and Hairdressers
115/1956	Amendment to the Standard Regulations relating to Barbers and Hairdressers
167/1988	Standard By-laws relating to accommodation establishments
428/1989	Gordon's Bay Municipality: By-law relating to nuisances
114/1969	Strand Municipality: Amendment to the General Series of Regulations—Transportation of foodstuff
997/1964	Strand Municipality: Amendment to the Regulations relating to the Pasteurisation of Milk
426/1980	Strand Municipality: Amendment to the General By-law
545/1972	Divisional Council of the Cape: Regulations Relating to the Sale and Preparation of Foodstuffs.
395/1939	Divisional Council of the Cape: Regulations Relating to the Sale and Preparation of foodstuffs.
41/1945	Municipality of Cape Town: Regulation No 1933 as regards the compelling of Residents to keep their Premises Free from offensive, infectious or unwholesome matter, the suppression of Nuisances and the preservation of the Public Health
441/1938	Simon's Town Municipality: Fish Market Regulations as amended 479/1957; 51/1959; 432/1963.

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