

4. Entry and Inspection

The council through its duly authorised officers shall be entitled, upon production of a duly attested municipal identity document, to enter into and upon any premises, at reasonable times, to carry out any inspections necessary for the proper administration and enforcement of the provisions of these bylaws.

5. Service of Notices

Where any notice or other document is required by these bylaws to be served on any person, such notice or document shall be deemed to have been properly served if personally served on the person concerned or on any member of the person's household apparently over the age of sixteen years, or at the person's place of residence, or on any person employed by him or her at the person's place of residence, or if it is posted by registered mail to such person's residential or business address as it appears in the records of the municipality, or if such person is a company, close corporation or trust, if served on any person apparently employed by such company, close corporation or trust at the registered office thereof, or sent by registered mail to such office.

6. Offences

- 6.1 Any person who contravenes or fails to comply with any provisions of these bylaws; contravenes or fails to comply with any requirement set out in a notice served on him or her in terms of these bylaws; contravenes or fails to comply with any conditions imposed in terms of these bylaws; knowingly makes any false statement in respect of any application in terms of these bylaws shall be guilty of an offence and upon conviction liable to a fine or imprisonment as set out below.
- 6.2 The fines and penalties applicable to offences in terms of these bylaws are:
 - 6.2.1 Upon conviction of a first offence, the guilty party shall be liable to a fine not exceeding R5000 (five thousand rand) as adjusted from time to time in terms of the Adjustment of Fines Act 1991, (Act No. 101 of 1991); or in default of payment to imprisonment for a period not exceeding one month;
 - 6.2.2 In the case of a continuing offence, the guilty party shall be liable to a fine not exceeding R500 (five hundred rand) as adjusted from time to time in terms of the Adjustment of Fines Act 1991, (Act No. 101 of 1991);
 - 6.2.3 Upon conviction of a second or subsequent offence, the guilty party shall be liable to a fine not exceeding R10 000 (ten thousand rand) as adjusted from time to time in terms of the Adjustment of Fines Act 1991, (Act No. 101 of 1991); or in default of payment to imprisonment for a period not exceeding three months.
 - 6.2.4 The Court convicting a person of an offence in terms of these bylaws may impose an alternative sentence in lieu of a fine or imprisonment.

CHAPTER 7: FOODSTUFFS BYLAWS**1. General**

- 1.1 No person shall use, cause or permit to be used in the manufacture or preparation of any article intended for human consumption as food or drink any matter, substance or ingredient which is diseased, unsound, unwholesome or injurious to health.
- 1.2 No person shall keep, store, sell or expose for sale or introduce into the municipality for the purposes of sale any article of food or drink which is not clean, wholesome, sound and free from any disease, infection or contamination.
- 1.3 No person shall manufacture, prepare, store, keep, handle, sell or expose for sale any article of food or drink in any room or portion of any premises used as a sleeping apartment or living room; or which has any direct communication with any sleeping apartment or living room or with any sanitary convenience; or which is so situated or so constructed that any sanitary convenience, sewer or drain ventilates into it; or so used or kept as to be liable to render any such article contaminated, unwholesome, injurious or dangerous for human consumption.
- 1.4 No person shall use, cause or permit to be used as a sleeping apartment or living room any room or portion of any premises in which any article of food or drink is manufactured, prepared, stored, kept, handled, sold or exposed for sale.
- 1.5 The owner of any premises or portion of any premises on which any article of food or drink is manufactured, prepared, stored, kept, handled, sold or exposed for sale shall at all times cause such premises to be provided with a supply of clean water sufficient for the requirements of the business; shall provide on such premises suitable and sufficient sanitary accommodation for the use of all persons resident or employed thereon; shall provide on such premises sufficient wash-hand basins for the use of all persons resident or employed thereon; shall render and maintain such premises rodent-proof and take the necessary measures to keep the premises free of rodents, cockroaches, bugs or other vermin.
- 1.6 The occupier or person in charge of any premises on which any article of food or drink is manufactured, prepared, stored, kept, handled, sold or exposed for sale shall at all times keep such premises and all the pertinences thereto in a clean and sanitary condition and free from any dust, dirt, filth or other noxious matter or thing; shall provide on such premises and maintain in good order and repair sufficient refuse receptacles for the reception of all refuse products accumulated on the premises and shall cause all such refuse to be deposited in such refuse receptacles; shall cause every utensil, receptacle, machine, implement, vehicle or other appliance or thing used in the manufacture, preparation, storage, handling, sale, despatch or delivery of any article of food or drink to be constructed of such material and in such manner as to be easily cleaned and kept clean; and shall at all times cause such to be kept clean and free from any matter or substance which might contaminate or infect such food or drink; shall not cause or permit to be subjected to unnecessary handling any article of food or drink which may be liable to contamination thereby and shall provide and ensure the use of suitable implements for the handling thereof; shall cause every article of food or drink and any ingredient used in its manufacture or preparation, which is of such a nature as to be liable to contamination by contact with flies, vermin, dust, dirt, filth or other noxious material or thing, to be at all times effectively and sufficiently protected from such contamination; shall, where practical, provide refrigeration for the purposes of preserving any perishable food stored, kept or exposed for sale on any such premises; shall ensure that every person while engaged in the manufacture, preparation, storage, handling, sale, despatch or delivery of any article of food or drink is scrupulously clean and clothed in suitable clean clothing provided for such purpose.
- 1.7 No person shall use for the packing or wrapping of any article of food or drink any bottle, jar, tin or other container or any paper, cardboard or other material which is not clean and free of any matter or substance which might contaminate or infect such article.

2. Manufacture, Storage, Sale And Delivery Of Bread And Bakery Products Including Confectionary

- 2.1 No person shall carry on the trade or business of a bakery in any premises which do not comply with sections 1.1 – 1.7 above.
- 2.2 The owner of any premises used or intended to be used as a bakery shall provide on such premises, in any bake house or mixing room, if so required by the council, an even floor constructed of concrete or other hard impermeable material with a smooth surface capable of being easily cleaned and shall cause the inner surfaces of the walls in the bake house, if so required by the council, to be plastered and brought to a smooth surface; shall cause every table used in connection with the bakery to be made of non-absorbent material and covered with marble, galvanised sheet iron or other impervious and washable material, shall cause the floor of the bake house and mixing room and every table to be cleaned of all scraps and to be thoroughly washed each time after use; shall not cause or permit any dough, batter, paste or other ingredients used in the making of confectionary to be mixed by hand but shall cause all such mixing to be done by means of proper and suitable

mixing machines and shall cause such mixing machines to be thoroughly cleaned after every operation.

- 2.3 Every person who exposes for sale on any premises any bakery products shall provide sufficient protection of all such bakery products from contamination by flies, dust and dirt by means of properly constructed fly-proof and dust-proof show cases, cabinets or receptacles; and if such products are to be exposed for sale in any window of such premises, to be provided with properly constructed fly-proof and dust-proof screening to be erected between such windows and any other part of the premises.
 - 2.4 Every person who conveys or delivers any bakery products shall cause them to be conveyed or delivered in a properly constructed van or vehicle which will effectively and completely protect them from contamination by dust, dirt or other noxious material.
3. **Sale And Delivery Of Meat, Fish And Poultry**
- 3.1 No person shall carry on the trade or business of a butcher, fishmonger or poulterer on any terms which do not comply with the requirements set on in sections 1.1 – 1.7 above.
 - 3.2 The owner of any premises used or intended to be used for the purposes of carrying on the trade or business of butcher, fishmonger or poulterer shall provide on such premises in any room or place in which any meat, fish or poultry is prepared for sale, stored, kept, handled, sold or exposed for sale an even floor constructed of concrete or other hard impermeable material with a smooth surface capable of being easily cleaned and shall cause the inner surfaces of the walls, if so required by the council, to be plastered and brought to a smooth surface.
 - 3.3 Any person in charge of any premises in which meat, fish or poultry is prepared for sale, stored, kept, handled, sold or exposed for sale shall cause every table or counter used in connection with such trade or business to be made of non-absorbent material and covered with marble, galvanised sheet iron or other impervious and washable material, shall cause the floors in every room or place in the premises in which any meat, fish or poultry is prepared for sale, handled, stored, sold or exposed for sale to be thoroughly washed and cleansed from time to time and shall keep all tables, counters and blocks thoroughly cleaned and washed as often as may be necessary to maintain them in a clean and sanitary condition.
 - 3.4 No person shall prepare for sale, store, keep or expose for sale or sell for human consumption the flesh of any animal or the carcass of any bird which has died as a result of an accident or disease unless in the case of an accident such flesh or carcass has been examined and passed by a health officer in an abattoir as fit for human consumption.
 - 3.5 Every person who conveys or delivers any meat, fish or poultry shall cause it to be conveyed or delivered in a properly constructed van with closed sides, ends and top which will effectively and completely protect the meat, fish or poultry from contamination by dust, dirt or other noxious material; provided that any meat so conveyed in any van or vehicle not otherwise protected from contamination shall be hung or suspended from rails and hooks or other suitable appliances provided for such purposes; and provided further that this requirement shall not apply to the delivery by hand of suitably wrapped parcels.

4. **Inspection Of Food And/Or Persons Handling Food**

- 4.1 A Health Officer or other duly authorised officer of the council may demand, on tender of payment therefor from a person in charge of any premises on which any article of food or drink is manufactured, prepared, stored, kept, handled sold or exposed for sale, a sample or samples of such food or drink; and if after inspection and examination it appears to such officer of the council that such article of food or drink or sample thereof is diseased, unsound, unwholesome or otherwise unfit for human consumption, he may prohibit the occupier or person in charge of such article from disposing of any article of food or drink then upon the premises and of the same nature as that ceased for a reasonable time to allow the examination of such article by the Medical Officer of Health who, if satisfied that such article of food or drink is unfit for human consumption, may order such article to be destroyed and may order all articles of food or drink of the same nature found on such premises to be seized, examined and, if after examination such articles of food or drink are found to be unfit for human consumption such medical officer may, by a certificate under his hand, order them to be destroyed.

5. **Enforcement**

- 5.1 If the provisions of these bylaws are contravened, the council may order the person concerned to cease the contravention with a time specified in such order or to prevent a further contravention or continuation thereof and to take whatever steps the council considered necessary to rectify the situation; provided that in the event of a person failing to comply with directions given in such an order the council may itself take whatever steps it considered necessary to remedy the circumstances and to recover the costs from the person or persons concerned.
- 5.2 Any person who contravenes the provisions of these bylaws or who fails to comply with an order issued by the council is guilty of an offence and liable on conviction to a fine or imprisonment as set out below:
- 5.3 The fines and penalties applicable to offences in terms of these bylaws are:
- 5.4 Upon conviction of a first offence, the guilty party shall be liable to a fine not exceeding R5000 (five thousand rand) as adjusted from time to time in terms of the Adjustment of Fines Act No 101 of 1991; or in default of payment to imprisonment for a period not exceeding one month;
- 5.5 In the case of a continuing offence, the guilty party shall be liable to a fine not exceeding R500 (five hundred rand) as adjusted from time to time in terms of the Adjustment of Fines Act 1991, (Act No. 101 of 1991);
- 5.6 Upon conviction of a second or subsequent offence, the guilty party shall be liable to a fine not exceeding R10 000 (ten thousand rand) as adjusted from time to time in terms of the Adjustment of Fines Act 1991, (Act No. 101 of 1991); or in default of payment to imprisonment for a period not exceeding three months.
- 5.7 The Court convicting a person of an offence in terms of these bylaws may impose an alternative sentence in lieu of a fine or imprisonment.

CHAPTER 8: NUISANCES BYLAWS

1. **Nuisances From Premises**

- 1.1 Whenever the council is satisfied of the existence of a nuisance, as defined, within the municipal area, the council may serve or cause to be served —
 - 1.1.1 on the author of such nuisance; or
 - 1.1.2 if such author cannot be found, on the occupier of the property on which such a nuisance exists, or
 - 1.1.3 if there is no such occupier or if such occupier cannot be found, on the owner of such property;
 an order requiring such author, occupier or owner, as the case may be, to remove the cause of or to abate such nuisance to the satisfaction of the council within a reasonable period specified in such notice
- 1.2 If any building or wall or anything affixed thereto or any hole, well, swimming bath, pond, stack, tree or other thing on any premises is deemed by the council to constitute a potential source of danger to the public; or to the occupiers of such premises or of neighbouring property, it may cause an order to be served upon the owner and occupier (if any) of the premises, -requiring them within a stated period, which is a reasonable in the circumstances, to execute such work as it may deem necessary to ensure the removal of such potential source of dan-