

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-



ger; and upon any failure to comply with such order or in any event in any case of emergency, the council may itself cause any work to be carried out which it considers necessary to achieve the same object.

- 1.3 If any building has been left in a state of incompleteness or partly demolished, the council may cause an order to be served up upon the owner or occupier requiring him or her to complete the building or to demolish the same and remove the materials from the site within a reasonable time to be stated in such order.
- 1.4 Whenever there has been a failure to comply with any order referred to in sections 1.1, 1.2 or 1.3 above the council may, in its discretion, cause the nuisance, incomplete building, partly demolished building or the dilapidated or unsightly building, to be removed, remedied, completed, renovated or demolished, as it may see fit, and any materials to be stacked or removed from the site.
- 1.5 Whenever any person fails or neglects to do any work or thing on or in connection with any property as required by any regulation or bylaw of the council, the council may order such person to do such work or thing and upon failure of that person to comply with such order, the council may itself cause such work or thing to be done.
- 1.6 Whenever any work has been executed at the instance or on behalf of the council in terms of bylaws 1.1, 1.2, 1.3, 1.4 or 1.5 above, the council may recover the cost thereof, by legal action if necessary, on the person or persons upon whom the order was served provided that any occupier of property shall have the right of recourse against the owner of that property for reimbursement of any cost to which he or she may be put in complying with any order or making any payment to the council, unless the matter upon which he or she was called upon to remedy was due to his own act or negligence.

## 2. Dumping And Littering

### 2.1 No person —

- 2.1.1 may litter or permit the littering of waste;
- 2.1.2 may dump or cause waste to be dumped;
- 2.1.3 shall distribute or cause, allow, permit or suffer to be distributed any brochures, handbills, notices, books or the like in any public place, except when authorised to do so by the Council;
- 2.1.4 shall in a public place remove from a refuse receptacle any of its contents or cause, allow, permit the same to be discharged from such a receptacle.

- 2.2 If the provisions of 2.1 are contravened the Council may order the person concerned to cease the contravention within a time specified in such order, or to prevent a further contravention or continuation thereof, and take whatever steps the Council considers necessary to clean, up or remove the waste and, or to rehabilitate the environment insofar as it may have been affected and to ensure that any material which cannot be cleaned or rehabilitated because of its contamination is lawfully disposed of.
- 2.3 If a person fails to comply with directions given in an order under section 2.2 the Council may itself take whatever steps it considers necessary to remedy the contravention and recover the costs from the person or persons concerned.
- 2.4 A person who owns land or premises or who is in control of or has a right to use the same may not use or permit the land or premises to be used for the unlawful dumping of waste and must take reasonable steps to prevent such dumping from taking place.
- 2.5 The Council may issue an order compelling persons to comply with their obligations under section 2.3 hereof.
- 2.6 Any person who contravenes the provisions of sections 2.1.1, 2.1.2, 2.4, or who fails to comply with an order issued under sections 2.2 or 2.5 is guilty of an offence and liable on conviction to a fine or imprisonment as set out below.

## 3. Public Nuisances

### 3.1 No person shall in a public place —

- 3.1.1 use abusive or threatening language;
- 3.1.2 cause a disturbance by shouting, screaming or making any other loud or persistent noise, including any amplified noise;
- 3.1.3 fight or act in a riotous or threatening manner;
- 3.1.4 urinate or defecate, except in a public toilet;
- 3.1.5 spit on any exposed surface;
- 3.1.6 perform any sexual act;
- 3.1.7 appear in the nude or expose his or her genitalia unless the area has been set aside by the Council for nude bathing;
- 3.1.8 consume any liquor or illicit drugs;
- 3.1.9 beat or shake any carpet, rug, or mat;
- 3.1.10 wash, clean or dry any object, including any motor vehicles or clothing, except in an area designated by the Council for that purpose;
- 3.1.11 skate on roller-skates, skate-boards or similar devices, except in an area designated by the Council for that purpose;
- 3.1.12 do anything, which may endanger the life or safety of any person or animal;
- 3.1.13 without the prior written authorisation of the Council use explosives, fireworks or discharge firearms;
- 3.1.14 shall by his or her conduct, words or gestures cause a reasonable person to fear loss of property or imminent bodily harm or to be intimidated into giving money or other things of value.

- 3.2 Any person causing a public nuisance is guilty of an offence and when directed by a law enforcement officer shall immediately cease such public nuisance.

## 4. Prohibited Behaviour

### 4.1 No person shall —

- 4.1.1 Intentionally block or interfere with the safe or free passage of a pedestrian or vehicle.
- 4.1.2 intentionally touch or cause physical contact with another person without that person's consent.
- 4.1.3 use aggressive, threatening or abusive gestures or language.
- 4.1.4 continue to beg from a person or closely follow a person after the person has given a negative response.
- 4.1.5 No person shall beg within three metres of any —
  - 4.1.5.1 automated teller machine or facility;
  - 4.1.5.2 within three metres of an entrance to a building;
  - 4.1.5.3 bus or rail stop or station;
  - 4.1.5.4 public telephone booth or facility;



- 1.2 Any person engaged in prohibited behaviour is guilty of an offence and when directed by a law enforcement officer shall immediately cease such behaviour.

## 5. Offences

- 5.1 Any person who —
- 5.1.1 contravenes or fails to comply with any provisions of these bylaws;
  - 5.1.2 fails to comply any lawful direction of a law enforcement officer given to him or her in terms of these bylaws;
- shall be guilty of an offence and on conviction liable to a fine or imprisonment as set out below.
- 5.2 The fines and penalties applicable to offences in terms of these bylaws are;
- 5.2.1 Upon conviction of a first offence, the guilty party shall be liable to a fine not exceeding R500, 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 14 days.
  - 5.2.2 In the case of a continuing offence, the guilty party shall be liable to a further fine not exceeding R100 as adjusted from time to time in terms of the Adjustment of Fines Act 1991, (Act No. 101 of 1991);
  - 5.2.3 Upon conviction of a second or subsequent offence, the guilty party shall be liable to a fine not exceeding R1000, 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 30 days.
  - 5.2.4 A 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 9: REFUSE REMOVAL BYLAWS

### 1. Collection And Removal Of Refuse

- 1.1 The occupier of every premises upon which refuse is generated or, in the case of premises which are occupied by more than one person, the owner of such premises, shall in compliance with these bylaws make provisions for the temporary storage of such refuse and for its collection and removal therefrom, either by the Council or, subject to sections 1.2, 1.8 and 1.11, by a refuse removal contractor approved in terms of section 1.3, and failure to do so shall be a contravention of these bylaws.
- 1.2 The service provided by the Council for the collection and removal of refuse shall be used in respect of premises on which domestic refuse or both domestic and trade refuse is generated and such service may be used in respect of premises on which trade refuse or industrial refuse is generated; provided that the Council shall not be obliged to collect and remove industrial refuse and the Officer-in-Charge may by written notice to the occupier of premises give directions as to its disposal.
- 1.3 Subject to the provisions of section 1.2, trade refuse and industrial refuse may be collected and removed from premises by a contractor approved in writing by the Officer-in-Charge for the purpose, which approval may be withdrawn by the Officer-in-Charge at any time. Application for approval as a refuse removal contractor shall be made to the Officer-in-Charge on the form prescribed by him.
- 1.4 Approval contemplated by section 1.3 may be granted or refused at the discretion of the Officer-in-Charge and shall be subject to such conditions, whether as to period of validity, the type of refuse which may be dealt with thereunder, or otherwise, as the Officer-in-Charge may impose.
- 1.5 No person shall hold himself out to be, or acts as a refuse removal contractor who has not been approved as such in terms of section 1.3 or whose approval has expired or been withdrawn and no refuse removal contractor shall contravene any condition imposed in terms of section 1.4.
- 1.6 No person shall employ as a refuse removal contractor a person who has not been approved as such in terms of section 1.3.
- 1.7 A person who intends to engage the services of an approved refuse removal contractor shall notify the Officer-in-Charge in writing of that fact and shall likewise notify the Officer-in-Charge whenever such engagement is terminated.
- 1.8 The Officer-in-Charge may, if refuse is not being collected and removed to his satisfaction from any premises by an approved refuse removal contractor, by written notice to the owner or occupier of those premises require him to terminate the services of such contractor and to use the service provided by the Council for the collection and removal of refuse with effect from a date specified in such notice.
- 1.9 In the event of the occupier or owner of premises having notified the Officer-in-Charge in terms of section 1.7, such occupier or owner shall ensure that such refuse is collected and removed in terms of the provisions of these bylaws within a reasonable time after the generation thereof.
- 1.10 A person approved in terms of section 1.3 may not remove refuse from premises unless the occupier or owner of such premises has notified the Officer-in-Charge in writing that he has entered into a contract with such person for the removal of such refuse and that the Council should not provide a service to the premises for its removal.
- 1.11 Notwithstanding anything in these bylaws to the contrary, the occupier of premises may himself remove or cause to be removed by his employees industrial refuse generated thereon to a disposal site.
- 1.12 Whenever there is a change in the occupation or ownership of premises, the new occupier or owner, as the case may be, who will be liable, in terms of section 1.1, to comply with the requirements of that subsection, shall forthwith notify the Officer-in-Charge in writing of such change and furnish him with such particulars as he may require.
- 1.13 The occupier or owner of premises, as the case may be, who is liable to comply with the requirements of section 1.1 shall notify the Officer-in-Charge in writing of any change in the nature of the use to which such premises are put or any change in the nature, mass or volume of refuse generated thereon which in any way affects the application of these bylaws or the tariffs for any service rendered by the Council in terms thereof.
- 1.14 The occupier or owner of premises, as the case may be, who is liable to comply with the requirements of section 1.1 shall be liable to the Council for the tariff charge for any service rendered by it in respect of the collection and removal of refuse in terms of these bylaws.
- 1.15 Every occupier of new premises or premises on which the generation of domestic or trade refuse is about to be commenced, or in the case of premises being occupied by more than one person, the owner of such premises, shall prior to the commencement of the generation of such refuse notify the Council in writing —
  - 1.15.1 that the premises are being occupied; and
  - 1.15.2 whether trade refuse or domestic refuse or both is or are to be generated on the premises.
- 1.16 Any person who is aggrieved by a decision of the Officer-in-Charge under section 1.3 or 1.4 may appeal to the Council or the committee of the Council to which this function has been lawfully delegated and the decision of the Council or such committee shall be final and binding.