

GREATER LETABA

MUNICIPALITY

BY-LAWS

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CHAPTER 1.

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FOODVENDING

BY-LAWS

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FOOD-VENDING BY-LAWS

It is hereby notified in accordance with **section 13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)** that the **Greater Letaba Municipal Council** hereby published the **Food-vending By-laws** as set out below:

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Schedule I

DEFINITIONS

1. For the purpose of these by-laws, unless the context indicates otherwise:-

“**adequate**” when used to describe a standard or manner in which anything required by these by-laws must be done, means the standard or manner that, in the opinion of a health officer, is sufficient to safeguard public health, and to achieve the purpose and apply the principles of these By-laws and “adequately” has a corresponding meaning;

“**approved**” when used to describe a particular object, measure or material, means an object, measure or material which has been approved in terms of section 12 as being adequate in specified circumstances to prevent, to reduce to a level acceptable to the Council, the risk of any public health hazard or public health nuisance occurring, continuing or recurring;

“**council**” means:

- (a) Greater Letaba Municipal Council established in terms of Section 12 of the Local Government Municipal Structures, 117 of 1998 as amended;
- (b) a structure or person exercising a delegated power or carrying out an instruction where any power in these By-laws has been delegated, or an instruction given as contemplated in Section 59 of the Local Government: Municipal Systems Act 2000 (Act No. 32 of 2000); or

- (c) a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of Section 81 (2) of the Local Government: Municipal Systems Act, or any other law, as the case may be;

“controller” means the person or group of persons who exercise the actual control over the supply of foodstuffs or refreshments from a food dispensing machine or a mechanical cooler;

“factory packed foodstuffs” means any foodstuff which was prepared, manufactured and packed on a premises licensed for the applicable commodity in terms of the Licence Ordinance No. 19 of 1974;

“food” means a foodstuff intended for human consumption as defined in Section 1 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), excluding food referred to in regulation 14;

“food dispensing machine” means any coin-operated or other automatic machine or device from which food is delivered or made available directly to the consumer;

“food vendor” means a person who is approved by the Council and is in possession of a token issued by the Council in terms of the Street Trading By-laws to sell or supply or offer or exposes for sale any article of food, as well as any hawker or pedlar or any other person who, whether as principal, agent or employee, sells or supplies or offer or exposes for sale any article of food elsewhere than on a fixed premises;

“frozen sugar confectionary” means and includes water ices, water suckers and any similar commodity mad of water, sweetening ingredients, stablisers, flavouring substances and colouring matter with or without the addition of fruit or fruit juices;

“health officer” means an official appointed by the Council, and who is duly registered as a health officer or environmental health practitioner with the Health Professions Council of South Africa in terms of Section 33 (1) of the Medical Dental and Supplementary Health Services Professions Act, 1974 (Act No. 56 of 1974)

“hot dog” means a sandwich consisting of a sausage in a split, sliced or pierced bread roll;

“ice cream” and “sherbet” shall bear the respective meanings assigned to them in the regulations made in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972);

“premises” means premises as defined in the Food-handling By-laws but shall not include a vehicle, structure, tray or receptacle or any other means by which a vendor may vend in terms of these by-laws;

“required” means required in the opinion of the health officer regard being had to the reasonable public health requirements of the particular case;

“sandwich” means one or more slices of bread or a split bread roll, whether toasted or otherwise, with a layer of other food placed on or between them;

“vehicle or movable structure” means any vehicle or conveyance, whether mechanically driven or not, on or in which foodstuffs are conveyed.

SCOPE OF BY-LAWS

2. Notwithstanding anything to the contrary in the Food-Handling By-laws, food may be stored and dispensed by a food-dispensing machine, and stored and sold by a vendor, as the case may be, as hereinafter provided. The provisions of these by-laws are to be considered as supplementary to

the Food-Handling By-laws and the Council's Public Health By-laws and without derogating any part thereof.

CHAPTER 1

FOOD VENDORS

CATEGORIES OF FOODSTUFFS

3. (1) For the purpose of this part, food vendor shall be divided into the following categories:

(a) Category A

Fruit and Vegetables

(b) Category B

Ice cream sorbet, frozen sugar confectionary, milk and milk products, fruit juices and other beverages that require refrigeration and are manufactured and packed on an approved premises.

(c) Category C

Food or article of food manufactured and pre-packed on an approved premises which can be stored at room temperature without deterioration, including factory packed sweets, nuts, biltong, sweet-and salty snacks, dainties, beverages which can be stored at room temperature, candy floss and pop corn.

(d) Category D

Precooked sausages, ready for consumption at the time of sale without further preparation: Provided that such sausages may be further prepared only by immersion in hot water.

Wrapped precooked meat pies, ready for immediate consumption.

Wrapped bread rolls, hot dogs and sandwiches, boiled eggs in their shells, tea, coffee and pre-packed beverages.

- (2) No person shall hawk any other food than specified in subsection (1) unless approved by the Council.

GENERAL REQUIREMENTS FOR VEHICLES AND MOVABLE STRUCTURES

4. (1) No person shall hawk food from any vehicle or movable structure unless such vehicle or movable structure is specifically approved for the hawking of such food.
- (2) A vehicle or movable structure shall not be used for any purpose other than for which it was approved, with the exception that category A type foodstuffs be excluded.
- (3) Each vehicle or movable structure shall be so constructed and maintained that no liquid can drain therefrom onto the road or ground surface.
- (4) All equipment, accessories, utensils and appliances used for or in connection with the hawking of food shall be of an approved type and construction.

- (5) Each vehicle or movable structure used for or in connection with the hawking of food shall be maintained in a clean and sanitary condition.
- (6) The trade name of the food hawker in whose name is hawked and the address of his licensed premises shall be displayed in clearly legible non-erasable letters in a conspicuous place on the vehicle, tray or other container.
- (7) The Council may require that the hawking of food from a vehicle, or movable structure shall only take place in an area where toilet facilities are freely available.

GENERAL REQUIREMENTS FOR PREMISES

5. (1) The Council may for the hawking of any category of food require the food vendor to provide fixed premises on which all utensils, equipment, food or related goods are prepared, kept or cleaned and in which event such premises shall comply with the provision of section 5 of the Council's Food Handling By-laws.
- (2) For each vehicle approved for the vending of food excluding cycles and containers which can be carried or pushed, the food vendor shall provide a fixed parking area where such vehicle can be parked.
- (3) Approved facilities for the storage and cleaning of trays or any other containers used in the vending of food shall be provided.
- (4) Every food vendor shall at all times have under his or her sole and absolute control an approved store room with a floor area of 7 square metres with a horizontal dimension of not less than 2

metres: Provided that the Council may require or permit a larger or smaller store room.

- (a) a wash hand basin with a potable supply of running water laid on thereto shall be provided in the store room.
- (b) the provision of section 4(7) shall apply *mutatis mutandis* to such store room.
- (c) in the case of category D the following additional facilities shall be provided:
 - (i) a wash hand basin with a potable supply of hot and cold running water laid on thereto shall be provided in the store room.
 - (ii) paper towels and germicidal liquid soap in approved dispensers shall be provided at such wash hand basins.
 - (iii) separate approved metal lockers shall be provided for each employee.

GENERAL REQUIREMENTS CONCERNING FOODSTUFFS

- 6. (1) A food vendor shall only vend food prepared on licensed or premises approved by the Council: Provided that this requirement shall not apply to the vending of eggs, fruits and vegetables or such other foodstuffs as may specifically be approved by the Council on application.
- (2) No food vendor shall vend food which is required to be packed or wrapped in terms of the provisions of Section 3(1) unless:-

- (a) such food is completely and separately wrapped by the manufacturer or preparer in the proportions in which it is to be sold.
 - (b) such wrapping is intact; and
 - (c) the name and address of the manufacturer or preparer thereof is stated clearly on such wrapping. The requirement shall not be applicable where food is prepared and wrapped in front of the consumer.
- (3) All perishable food that requires refrigeration shall be maintained at a temperature not exceeding 10 degrees Celsius, or such lower temperatures as may be required, and not less than 65 degrees Celsius in the case of food to be heated.
- (4) Every vendor and person engaged in the handling of foodstuffs shall at all times wear approved clean and sound protective clothing.
- (5) In addition to the foregoing requirements, every person vending food shall:
 - (a) at all times provide an approved refuse receptacle at any place where he or she conducts his or her business and including his storage facilities;
 - (b) maintain the area immediately surrounding and within a reasonable distance of his or her vehicle, clean and free from litter and ensure that such area is clean when he or she departs therefrom.

ADDITIONAL REQUIREMENTS: FOOD CATEGORY A

7. (1) Notwithstanding any other provision contained in these by-laws no person shall vend food as described in subsection 3 (1) (a) Food Category A, other than from an approved vehicle and shall further comply with the following additional requirements:
 - (a) the loading area shall be manufactured from metal or other approved durable material; and
 - (b) all display shelves shall be manufactured of metal or other approved impermeable material and shall be so installed or arranged as to allow adequate access thereto for cleaning purposes.
- (2) No product shall be displayed elsewhere than in the loading area of the vehicle: Provided that door to door sales from a vehicle may, with approval, be exempted from this requirement.

ADDITIONAL REQUIREMENTS: FOOD CATEGORY B

8. (1) Notwithstanding any other provisions contained in these by-laws, no person shall vend food as described in subsection 3 (1) (b) Food Category B, other than from an approved vehicle and shall further comply with the following additional requirements:
 - (a) Vehicle.

The internal walls, floor and roof of the loading area shall be of approved impervious, washable and durable material.
 - (b) Containers and Equipment

- (i) all containers shall be manufactured of a dustproof impervious material and shall be of an approved type and construction; and
 - (ii) the internal surfaces of each container shall have a smooth and durable finish. All joints shall be properly sealed and smoothly finished.
- (2) Only factory wrapped and packed food in the intact wrapping, or container in which it was enclosed by the manufacturer shall be offered for sale.
- (3) All ice cream, sherbet, frozen sugar confectionary and similar food stuffs shall, once it has defrosted, be destroyed and shall not be refrozen or offered for sale.
- (4) Each food vendor vending food in category B at all times have an approved business premises which complies with the following:
 - (a) section 5 of the Council's Food Handling By-laws and Regulation R723 dated 30 July 2002 promulgated in terms of the Health Act, 1977 (Act 63 of 1977).
 - (b) adequate approved refrigeration and freezing facilities shall be provided.
 - (c) Should the Council so require, a separate approved workshop and storage facility for bicycles and spares shall be provided.

ADDITIONAL REQUIREMENTS: FOOD CATEGORY C

- 9. (1) Notwithstanding any other provision contained in these By-laws, no

person shall vend food as described in section 3 (1) (c) Food Category C other than from an approved vehicle or an approved structure.

- (2) Only food in the intact wrapping or container in which it was packed by the manufacturer, shall be supplied, offered for sale or sold to the consumer.
- (3) The vending of pop corn and candy floss shall be subject to the approval of the Council.

ADDITIONAL REQUIREMENTS: FOOD CATEGORY D

10. (1) Notwithstanding any other provisions contained in these by-laws, no person shall vend food as described in section 3(1) (d) Food Category D, other than from an approved vehicle and shall further comply with the following additional requirements:
 - (a) the driver's cab shall be separated from the loading area in an approved manner;
 - (b) the internal walls, floors and ceiling of the loading area shall be of an approved impervious, smoothly finished and washable material;
 - (c) all surfaces with which food, whether wrapped or unwrapped, may come in contact with, shall be of stainless steel or other similar approved durable material.
 - (d) all seams and joints shall be properly sealed and smoothly finished; and

- (e) the interior of the loading area shall be so designed and all equipment so installed that all surfaces may be easily cleaned.

CHAPTER 2

FOOD DISPENSING MACHINES: APPROVAL

- 11. No person shall operate a food dispensing machine unless:
 - (a) It is approved and dustproof; and
 - (b) it is positioned in an approved location.

STORAGE AND HANDLING OF FOODSTUFFS

- 12. The controller of a food dispensing machine shall ensure that:
 - (a) all containers provided for the consumption of foodstuffs shall prior to their use be:
 - (i) stored inside the machine and automatically discharged therefrom on demand or
 - (ii) stored inside a dust-and vermin proof dispensing container to which only the controller has access.
 - (b) only clean unused containers are inserted in the food dispensing machine or dispensing container;
 - (c) an approved refuse receptacle is provided next to each food dispensing machine;