

CHAPTER 17

Manufacture, storage and sale of foodstuffs

KWADUKUZA



KWADUKUZA MUNICIPALITY

BYLAWS RELATING TO THE MANUFACTURE, STORAGE AND SALE OF FOODSTUFFS

The Kwadukuza Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government Municipal Systems Act (Act 32 of 2000) hereby publishes the bylaws as set forth hereafter as bylaws made by the Municipality which bylaws will come into effect on the first day of the month following the date of publication hereof.

1. Definitions

For the purpose of these bylaws, unless the context otherwise indicates:

“authorised officer” means any of the undermentioned persons:

The Municipal Manager

The Environmental Health Officer.

Any Health Inspector in the employ of the Municipality

Any other person specially authorised by resolution of the Municipality to perform the functions of a duly authorised officer under these bylaws;

“area” means the are of jurisdiction of the Kwadukuza Municipality

“food” and “article of food” shall include any animal products, poultry, fish, fruit, vegetables, condiments, spices, bread, confectionery, beverages and any other article, product or thing other than a drug or water, but including ice, in any state, form or stage of preparation and however packed; which is intended or ordinarily used for human consumptions;

“handling” means the manufacture, preparation, conveyance, sale, delivery, storage, serving or any other contact;

“Municipality” means the Kwadukuza Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any Official who has delegated powers in terms of Section 59 of the Local Government Municipal Systems Act (Act 32 of 2000);

“Municipal Manager” means the person appointed in terms of Section 82 of the Local Government Municipal Structures Act 1998, (Act 117 of 1998);

“premises” means premises used for the carrying on of any business involving the handling of food.

2. Requirements of premises

No person shall carry on any business or occupation within the area involving the handling of food unless the following requirements are complied with:

- (1) The premises shall be constructed in accordance with and ventilated and lighted in the manner prescribed by the Municipality's Building Bylaws.
- (2) The walls of every kitchen, scullery and preparation room shall be glazed, tiled or otherwise treated to provide a light-coloured washable and impervious surface to a height of not less than 2m from floor level.
- (3) The floor of every kitchen, scullery and preparation room having an internal area in excess of 14 m² shall be graded to an outside gully.
- (4) The walls of every room shall be constructed of brick, cement, concrete or other permanent substantial and impervious material approved by the Municipality.
- (5) The walls of every room shall be plastered and brought to a smooth finish and painted with a light-coloured washable paint or plastic finish or otherwise treated so that they have a smooth, light-coloured surface.
- (6) The minimum ceiling height of every room shall be 3m from floor level.
- (7) The floor of every room shall be constructed of concrete or other impervious material and rendered to a smooth finish.
- (8) Every room and storeroom shall have a ceiling or other approved means of preventing or, in the case of a warehouse, of adequately limiting the entry of dust from above.
- (9) There shall be provided on the same lot or stand as the premises and with adequate access thereto, a properly ventilated and rodent-proof storeroom having a floor area of not less than 9m² and a ceiling height of not less than 2,6m.
- (10) Every kitchen, scullery, preparation room or other room in which any food cleansing or washing-up operation is carried out shall be provided with an adequate and wholesome supply of hot and cold water laid over a double sink having an adequate draining surface or draining rack made of stainless steel.

- (11) Every sink or draining board shall be located at a distance of not less than 150mm from a wall and provided with a splash screen rising to a height of not less than 150mm above the top of the sink.
- (12) Every part of a wall within 600mm from any part of a sink or draining board shall be tiled with ceramic or other approved tiles to a height of not less than 1,4m from floor level.
- (13) Means shall be provided for the innocuous and effective disposal of waste water.
- (14) No room in which food is handled shall communicate with any water closet, or urinal otherwise than through a passageway, lobby or other compartment which shall be separated by a door both from the said room and from the said water closet or urinal and shall be provided with two approved airbricks and with a window to the open air which can be opened to give an unobstructed aperture at least 0,09m² in area.
- (15) Wash-hand basins provided with a wholesome supply of hot and cold water shall be installed at approved places in the ratio of one for every 15 persons or part thereof.
- (16) There shall be provided an adequate and wholesome supply of water effectively distributed.
- (17) All tables, other than tables at which persons consumes food or drink, and all other working surfaces or appliances with the exception of meat blocks, used in connection with the handling, preparation or conveying of food on the premises, shall be constructed of stainless steel or other approved material having similar non-absorbent properties and not table or other surface shall be used as aforesaid within 600mm of any wall, unless that wall is tiled to a height of at least 1,4m from the floor and for a distance extending at least 600mm beyond each end or other extremity of the table, surface or appliance.
- (18) The surface of every yard, shall be suitably graded to a stormwater drain and shall be paved with concrete or other durable and impervious material to an extent of at least 9m² outside each entrance to or exit from the premises and where the area of a yard is less than 9m² the whole surface thereof shall be paved as in this paragraph prescribed.
- (19) Where cooking is carried out on the premises there shall be provided immediately over every cooking stove, oven or similar apparatus a hood or canopy of adequate size having a flue at least 300mm in diameter, in addition to such mechanical device as the Municipality shall consider necessary in the circumstances, discharging to the

atmosphere at such a height and in such a position or manner as is necessary to prevent the discharge therefrom constituting a nuisance or annoyance to the neighbourhood, provided that where the Municipality is satisfied that the purpose of ventilation will be effectively achieved thereby, a mechanical device may be provided instead of a hood or canopy as aforesaid.

- (20) Premises on which perishable foodstuffs are handled shall be equipped with adequate cold-room or refrigeration accommodation capable of being maintained at a temperature not exceeding 7,2°C.
 - (21) There shall be provided a sufficient number of covered metal or other approved refuse receptacles which shall be kept in an enclosed and screened yard or area at the rear or side of the premises.
 - (22) No part of the premises shall be used as living quarters or for sleeping purposes.
3. Premises in existence at the time of promulgation of these bylaws will not be required to conform with the provisions of bylaw 2 if they are considered by the Environmental Health Officer or the Chief Health Inspector to be satisfactory.

4. Duties of persons carrying on or in control of a food handling business

No person carrying on or in control of a food handling business shall:

- (1) allow any part of such premises or any utensil, vessel, container, sack, basket or other receptacle; or any apparatus or machinery or other equipment and the appurtenances thereto or any table linen, towels, cloths or any vehicle used in such business to be otherwise than in a clean and sanitary condition and in good repair;
- (2) have, keep, sell or supply on such premises any food or drink which is not sound and wholesome;
- (3) use for or in connection with the containing, wrapping, covering or handling in any manner of food, and crockery, utensil, receptacle, container, paper, wrapping or other appliance or material which is, as the case may be, chipped, cracked or in any way damaged or not in a clean and sanitary condition;
- (4) handle any unwrapped, cooked or prepared food otherwise than by the use of approved clean apparatus, instruments or material or in such manner that it comes into contact with the human hand; provided that this paragraph shall not apply:



- (a) to the actual cooking or preparation of food, including all operations pertaining to the baking of bread so long as no individual operation is carried out by hand which could in the opinion of the Municipality equally well be carried out by means of some machine or appliance; or
 - (b) to the unloading of bread or any bakery product from the container in which it is placed for delivery or sale;
- (5) provide, for the consumption of drinks, straws or other similar devices, which are not adequately protected from contamination;
 - (6) provide for human consumption any ice which has not been made on the premises or which has been used for any other purpose;
 - (7) fail to provide and maintain effective measures for the prevention, harbouring or breeding, and for the destruction of flies, cockroaches and other insects, rodents and other vermin;
 - (8) fail to protect effectively all food from contamination or from contact with dirt, dust, insects, rodents or other vermin or dogs and cats;
 - (9) otherwise than for the purpose of handling or delivering it to a purchaser, allow any perishable food or any other food liable to deterioration to be outside a refrigerator or cold-room maintained at a temperature of not more than 7°C, unless the said food is itself in some other manner so maintained, or unless it is being kept heated at a temperature of at least 66°C for sale for immediate consumption; provided that the foregoing requirements of this paragraph shall not apply to:
 - (a) any food which, for the avoidance of spoilage or other deterioration, is kept at room temperature for an approved period to allow it to cool;
 - (b) fruit or vegetables; or
 - (c) any other food as to which the Municipality is satisfied that it is not so susceptible to early deterioration as to render necessary its being kept at all times in a refrigerator;
 - (10) keep any article of wearing apparel elsewhere than in a change room or locker;

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- (11) fail to provide and maintain for the use of the employees engaged in the handling of foodstuffs and adequate supply of soap, nail brushes, disposable towels and a container for used towels;
- (12) fail to provide for the use of the persons mentioned in paragraph (11) cleaned and sound overalls of a light coloured material or some approved protective apparel; fail to ensure that the same be worn by such persons when on duty; fail to ensure that such overalls are kept in a change room or locker when not being worn, or to have them maintained in a clean and sound condition;
- (13) use any change room for any purpose other than of a change- or restroom for employees; provided that where more than 25 persons are employed on the premises, a change room may be used also as an eating room for employees if the area of unobstructed floor space is not less than $0,6\text{m}^2$ for every person using the room;
- (14) where more than 25 persons of either sex or race are employed on the premises fail to provide for such persons of the same race a separate eating room having not less than $0,4\text{m}^2$ of floor space for each such person;
- (15) sleep in any part of the premises where food is stored, prepared or consumed or to store any article of food in any bedroom or living room or elsewhere than in the approved part of the premises;
- (16) whether by way of sale or otherwise part with the possession of, or convey through the street any article of food including read sold or for sale by retail, unless it is wrapped in its entirety with a clean sheet of paper (not being newspaper or other similar printed paper) or other wrapping of such quality and size as will preclude its contamination by or contact with any other object; provided that this shall not apply:
 - (a) to a licensed bakery from which in the course of wholesale business is delivered or conveyed bread or confectionery in the manner prescribed by bylaw 13;
 - (b) to the conveyance of meat in the course of wholesale business through the street, carried out in accordance with bylaw 28;
 - (c) to the supply of food for consumption on the premises; or
 - (d) to fruit, eggs or vegetables or any canned, bottled or other factory wrapped food.



- (17) permit any person to stand, sit or recline:
 - (a) on a milk churn or can; or
 - (b) on any article of food;
- (18) keep any animal in, or permit any animal to be introduced into any part of the premises on which food is handled or stored; provided that this paragraph shall not apply to a guide-dog accompanying a blind person and attached to a leash;
- (19) display articles of food not individually wrapped excepting fruit or vegetables, in the window of a shop, unless an approved dustproof display case is provided for this purpose;
- (20) keep elsewhere than in a storeroom any food not on display for sale or any article or material not reasonably and immediately required or necessary for the conduct of business; provided that empty mineral water bottles and the cases therefore may be stored in any such other place and in such manner as may be approved;
- (21) stack or store bulk goods in such manner as to preclude the effective inspection thereof at all times;
- (22) keep, deposit, store, stack or display for sale outside any shop, storeroom or licensed premises any article of food;
- (23) store or display or expose for sale except in a dustproof case any unwrapped food.

5. Handling of food

The requirements prescribed in the succeeding paragraphs of the bylaw shall be observed by all persons engaged on the premises in work in, or in connection with any business or occupation involving the handling of food:

- (1) Clean personal clothing and clean sound overalls or other adequate protective apparel shall be worn by such persons whenever they are actually so engaged, and they shall maintain themselves at all times in a state of personal cleanliness.
- (2) All clothing, headgear and footwear shall be kept in a change room or locker when not in use.
- (3) The said persons shall immediately before beginning their work and immediately after any break therein liable to result in the



contamination of their hands, and after every visit to a closet, latrine or urinal, wash and scrub their hands and fingernails with a nailbrush, soap and water.

- (4) No person who has handled raw fruit or vegetables or any other material liable to contaminate his hands, shall handle any other unwrapped food without first washing and scrubbing his hands with a nail brush, soap and water.
- (5) No person shall smoke or use tobacco in any manner whatsoever in any part of the premises whilst actually engaged in the handling of food.

6. Prohibition of employment of certain persons

- (1) No person shall be employed in any business or occupation or in any premises in which food is handled unless such person has been examined by a Medical Practitioner at the cost of the employer and has been certified to be free from any notifyable infectious or contagious disease. The Environmental Health Officer may require any person employed or engaged in the handling of food to be re-examined on such occasions, as he may deem necessary.
- (2) No person engaged or employed in the business of handling food may handle food while suffering from any illness or injury likely to contaminate it.
- (3) The provisions of this bylaw shall apply to any person engaged, whether as employer or employee, in the carrying on of the business or occupation of the handling of food.
- (4) The Environmental Health Officer shall be entitled, for the purpose of these bylaws, to take or order to be taken from any person as referred to herein such nasal, throat, or other swab, or such blood or other specimen or X-ray, as he may deem necessary.

7. General provisions

- (1) It shall be an offence to spit on the premises.
- (2) On every vehicle used in connection with the business or undertaking involving the handling of food, there shall appear in a conspicuous position the name and address of that undertaking.
- (3) It shall be an offence for any member of the general public or any person not connected with the business being carried on, on food



handling premises, to touch any unwrapped food except, food which he has purchased or selected for purchase or raw fruit and vegetables, provided this sub-bylaw shall not apply to the Environmental Health Officer or any Health Inspector examining the food in the course of his duty.

SPECIAL PROVISIONS IN REGARD TO SPECIFIED TRADES

8. Manufacture and preparation of mineral and aerated waters and other drinks

For the purpose of these bylaws the definitions in the preceding bylaws shall be operative so far as is practicable and, in addition, unless the context indicates otherwise:

“Mineral or aerated water manufacturer” means any person carrying on the business of manufacturing mineral or aerated waters or other drinks;

“mineral or aerated waters” means syrups, squashes, carbonate and other beverages, and shall include malt, spirituous liquors and wines; and

“premises” means the portion of the premises used in the manufacture of mineral or aerated waters and shall include all wash-up and sterilising rooms.

9. Requirements of premises

In respect of any premises to which these bylaws apply the requirements prescribed in the succeeding paragraphs shall be complied with in addition to the requirements of bylaw 2 to 8, both inclusive.

- (1) There shall be provided separate apartments to be used respectively as a syrup room, a fruit juice room and a bottling preparation room, a washing room and in addition thereto adequate store room and change room accommodation shall be provided.
- (2) There shall be provided to the satisfaction of the Environmental Health Officer, suitable apparatus for the automatic mechanical washing and sterilising of bottles.
- (3) Only stencilled or embossed or other approved bottles shall be used.
- (4) The provisions of bylaw 2(10) of these bylaws shall *mutatis mutandis* apply.



- (5) Bylaw 4 of these bylaws shall apply *mutatis mutandis* and such change room shall not communicate directly with the premises.

10. Bakeries

For the purpose of these bylaws the definitions in the preceding, bylaws shall be operative so far as applicable and, in addition, unless the context indicates otherwise:

“baker” shall mean any person who carries on the business of manufacturing bakery products as hereinafter defined;

“bakery products” shall include bread, rolls, pies, biscuits, cakes, fancy cakes, tarts, confectionery, sweets and similar products;

“bake house” shall mean the portion of a bakery which is used for the baking or manufacture of bakery products;

“premises” or “bakery” shall mean the premises or any part thereof on or in connection with which the business of a baker is carried on.

11. Requirements for premises

In respect of any premises to which these bylaws apply the requirements prescribed in the succeeding paragraphs of this bylaw shall be complied with:

- (1) There shall be provided separate apartments to be used respectively as a bake house and as a room for the washing up of utensils, and in addition thereto adequate store room and change room accommodation shall be provided.
- (2) Adequate ventilation shall be provided for the effective removal from the bake house of fumes and hot air and for their innocuous discharge into the atmosphere.
- (3) The furnace or ash pit doors or apertures of coal-fired or similar ovens shall be situated outside the bake house and at least 3m from the nearest part of any door or window serving the bake house or any store room.
- (4) The provisions of bylaw 2(10) of these bylaws shall apply *mutatis mutandis*.
- (5) Bylaw 4 of these bylaws shall apply *mutatis mutandis* and such change rooms may not directly communicate with the bake house.



- (6) Adequate apparatus shall be provided for the steam cleaning of metal racks, trays and utensils, and it shall be installed in a separate bay of the washing-up room or in some other equally suitable place.
- (7) Separate storerooms shall be provided respectively for raw materials for, and products of, baking.
- (8) The process of kneading shall only be carried out in readily moveable mechanical kneading troughs.

12. Delivery requirements

The requirements prescribed in the succeeding paragraphs of this bylaw shall be observed in respect of every bakery product when delivered or conveyed from a bakery.

- (1) The bakery product shall be placed in an approved dustproof container and covered with a clean cloth or other approved material in such a manner as will be effective to protect it from contamination unless in the case of bread each individual loaf is separately wrapped in paper or other suitable material.
- (2) No container as referred to in paragraph (1) or bakery products may be placed on the floor of any premises or vehicle or on the ground without the inter-position of a metal stand so constructed and arranged that no part of the said container is nearer than 100mm to the floor or ground.
- (3) No person shall be or remain in any part of a vehicle used for the delivery of bakery products save for the purpose of unloading, loading or cleaning it, and the door of such vehicle shall not be or remain open except so far as is absolutely necessary for loading, unloading or cleaning.
- (4) No container containing any bakery product shall be placed elsewhere in a vehicle other than in such approved part thereof as is intended and designed for that purpose, and no bakery product shall be conveyed in a vehicle for delivery unless it is in an approved container or unless, in the case of bread, each loaf is individually wrapped.
- (5) No bakery product shall be removed from the container in which it was placed in terms of paragraph (1) until it is delivered.



13. Caps

In addition to complying with the requirements prescribed in bylaw 5(12) of these bylaws, all persons engaged in the handling of raw materials for, or the products of, baking shall wear such a cap as completely covers the hair of the head and persons engaged in the handling of dough shall wear an apron of non-absorbent material.

14. Mixing machines

Every baker shall ensure that all dough, batter or paste is mixed in and by means of proper and suitable mixing machines; provided that this bylaw shall not apply to any person who mixes any batter or paste of a quantity not exceeding 4,536 kg in mass and prepared in a proper and suitable mixing utensil for confectionery purposes only.

15. Sale of bakery products in the area

- (1) No person shall knowingly introduce into, or sell or distribute within the area any bakery products which were not made or manufactured in a bakery or a provision factory which had been licensed or otherwise approved; provided that this paragraph shall not apply in respect of any bakery products made by a person in a private dwelling house for sale at a cake sale or fête for charitable purposes.
- (2) In a prosecution for an alleged contravention of paragraph (1) the onus shall lie on the defendant of proving that the articles in question were manufactured in a licensed provision factory, or if they were not, that he did not know, and could not by the exercise of reasonable diligence have discovered that fact.

16. Restaurants and tearooms

For the purpose of these bylaws the definitions in the preceding bylaws shall be operative so far as applicable and in addition, unless the context indicates otherwise:

“restaurants” shall mean premises on which any article of food or drink is served, sold or supplied for consumption whether on or off the premises and shall include Tearooms and Eating Houses;

“premises” shall mean the premises on which the business of a restaurant is carried on.



17. Requirements of premises

No person shall carry on in or upon any premises the business of a restaurant unless the requirements, prescribed by the succeeding paragraphs of this bylaw, so far as respectively applicable thereto are complied with:

- (1) There shall be provided for the preparation of food or drink in every restaurant a room or area of at least 14m² provided that the requirements of this paragraph may be applied to existing premises as to which the Municipality is satisfied that the application of the said requirements in whole or in part is essential in the interests of public health, after 12 months' written notice
- (2) The sink as required in terms of bylaw 2(10) of these bylaws shall be a double compartment sink of stainless steel, each compartment having a minimum depth of 200mm and a minimum capacity of 9l, and where the Municipality deems necessary, an approved pot-washing sink shall also be installed on the premises.
- (3) In the case of restaurants, toilet accommodation reasonably accessible, clearly marked for the separate sexes and provided with adequate natural and artificial lighting shall be made available for the use of customers.
- (4) The surface of every tabletop and counter shall be of an impermeable and washable material.
- (5) In addition to the provisions of bylaw 5(12) of these bylaws, all persons actually engaged in the cooking and preparation of food shall wear a cap which completely covers the hair, is in a clean and sound condition and is made of light-coloured material and it shall be the duty of the person in control of the business to provide the said caps.

18. Hotels, boarding and lodging houses

For the purpose of these bylaws the definitions of the preceding bylaws shall be operative so far as applicable and, in addition, unless the context indicates otherwise, the word "hotel" means and includes hotels, private hotels, boarding houses, lodging houses and in every case any annexe thereto where board and lodging is provided for consideration.

19. Requirements for premises

No person shall carry on the business of a hotel unless the conditions prescribed by the succeeding paragraphs of this bylaw are complied with:



- (1) Where the number of guests which may be accommodated in a hotel in terms of any law does not exceed sixteen at least two bathrooms shall be provided for guests, one of which shall be reserved for women and children and one reserved for men. Where the number of guests as aforesaid exceeds sixteen, or part of that number, for each sex one bathroom or shower compartment; provided that not more than fifty percent of the total bathing accommodation so provided shall consist of separate shower compartments.
- (2) There shall be provided separately for male and female staff one toilet and one bathroom and shower cubicle for the first ten persons or part of that number of each sex and for every additional fifteen employees of each sex or part of that number, an additional toilet and bathroom and shower cubicle.
- (3) No two or more bathrooms, shower compartments or water closets shall be served by a common entrance unless they are all reserved for the same sex.
- (4) Every bathroom and shower compartment shall be kept at all times supplied with hot and cold water.
- (5) Where the number of guests which may be accommodated in an hotel in terms of any Act exceeds eight, there shall be provided in addition to the dining-room a lounge adequate in size and suitably furnished and equipped; provided that this paragraph shall not apply to a lodging house.
- (6) The premises and all furniture fittings, appliances, curtains, coverings, drapings and other soft furnishings, table linen, bed linen and other bedding, towels and cloths of any kind therein shall be kept at all times in a clean and sanitary condition and in good repair.
- (7) No article of bed linen and no towel or serviette may be provided for the use of a guest which has been used by any other person since it was last laundered.
- (8) No bed linen, table linen, towels, blankets or other articles and no overalls or other similar wearing apparel used in the hotel shall be washed or laundered elsewhere than in a licensed laundry or in a separate place on the hotel premises, reserved for that purpose, in which equivalent facilities are provided.



20. Meat

Definitions

For the purpose of these bylaws the definitions in the preceding bylaws shall be operative as far as applicable and unless the context indicates otherwise:

“animal” shall include every bull, ox, bullock, cow, heifer, steer, calf, sheep, lamb, goat, pig, rabbit or other quadruped commonly used for the food of man;

“butcher” shall mean a person carrying on the business of selling meat in wholesale quantities, offering or exposing meat for sale by retail in a shop or fixed place, or by offering meat for sale or delivery from some other place;

“butcher shop” shall mean any premises used for the purpose of such business;

“meat” shall include the flesh or offal of any bull, ox, bullock, cow, heifer, steer, calf, sheep, lamb, goat, pig, rabbit or other quadruped as well as poultry intended for human consumption, sausages and polony, but shall not include canned meats, potted meats or dried meat or biltong.

21. Import of meat for own consumption

The provisions of the succeeding bylaw shall not apply to any person introducing into the area meat, including game, which is personally conveyed by himself or his servant, for his own consumption and that of his household.

22. Requirements for premises

No person shall carry on in or upon any premises the business of a butcher's shop unless:

- (1) there is provided a room in which the meat is exposed for sale and sold;
- (2) the total area of windows and openings of the room referred to in paragraph (1) is equal to not less than one-fifth of the floor area of such room;
- (3) the inner walls are glazed or tiled with glass bricks or glazed tiles or other approved material to a height of 1,98m and all other wall surfaces are plastered with cement plaster and the surface brought to a smooth finish and painted with a light-coloured enamel paint;



- (4) the surfaces of all shelves, window sills and window cases are of a smooth, hard and impervious material;
- (5) excepting such as are portions of a cold storage apparatus, the tops of counters or tables on which meat is prepared or handled are made of stainless steel which are supported on solid impervious piers so constructed as to afford a clear view from back to front or which are of the pedestal type.

23. Duties of trader

No person carrying on the business of a butcher's shop shall:

- (1) keep or cause or permit to be kept in or on his butcher's shop any uncleansed offal, except in a fly proof structure not forming part of the shop or storeroom;
- (2) store, handle or prepare or cause or permit to be stored, handled or prepared any meat or meat products elsewhere than in the shop or cool chamber;
- (3) store, keep or accumulate or cause or permit to be stored, kept or accumulated in the shop any article, thing or matter not required or necessary for the proper conduct of the business.

24. Overall for person employed in conveyance of meat

No butcher's employee or other person employed in the conveyance of meat to a butcher's shop shall fail to wear a clean, properly hooded, washable overall when conveying meat and no butcher shall permit his employee to convey meat unless so clad.

25. Wrapping of meat

No butcher or butcher's employee or other person engaged in the retail conveyance or purveying of meat products shall fail to convey or purvey such meat products in a double wrapping, the internal wrapping of which shall be of such quality or size as will preclude possible contamination of the meat or meat products so conveyed or purveyed and no butcher shall permit his employees to convey or purvey meat or meat products unless wrapped in such a manner.



26. Transport of meat

No person shall in the process of loading, unloading or transporting meat cause or permit any liquids or dripping therefrom to escape on to any road, pavement or yard adjoining the pavement, or any other approaches to a butcher's premises.

27. No contact between offal and other meat

- (1) No person shall convey any offal in any vehicle containing any other meat, unless such offal be placed in a separate clean box or a separate clean compartment of such vehicle so as effectively to prevent any contact between such offal and such other meat.
- (2) For the purposes of this bylaw the term "meat" shall not include offal and the term "offal" shall not include heads and feet which have been skinned and cleaned and dressed as tripe.

28. Fish friers and fishmongers

No person shall carry on in any premises the trade or business of a fishfrier or fishmonger unless the following requirements are complied with:

- (1) There shall be provided and maintained solely for the purpose a kitchen, scullery or preparation room for the cleaning and scaling of fish.
 - (2) An ice box, refrigerator or cooling room lined with an impervious material shall be provided for the storage of fish.
 - (3) The tops of tables or counters shall be constructed of marble slab, or other impervious and washable material.
 - (4) There shall be provided a suitable and sufficient metal fish scaling box placed so as to catch all refuse and drippings produced during the cleaning and dressing of fish.
 - (5) All trade refuse shall be placed at once in a covered metal receptacle and removed from premises at least once every twenty-four hours.
- 29. Every fish frier shall provide and use suitable means for preventing offensive smells by effectively controlling the oil temperature or the provision of adequate means for the innocuous disposal of fumes given off from the frying apparatus.**



30. No person shall store on the premises any boxes used for the transporting of fish.
31. No person shall carry on the business of a fishmonger in or upon any premises upon which any other business or occupation is carried on except in a section having a minimum floor area of not less than 9m² reasonably separated by a partition of impervious material from the remainder thereof and maintained solely for the purpose.

32. Seizure and condemnation of foodstuffs

The Environmental Health Officer or any Health Inspector or any other duly authorised officer of the Municipality may, at any reasonable time as often as he may deem necessary, enter any premises on which any article of food or drink is manufactured, prepared, stored, kept, handled, exposed for sale or sold, for the purpose of inspecting and examining:

- (a) any article of food or drink on such premises;
 - (b) any ingredient used on such premises in the manufacture or preparation of any article of food or drink;
 - (c) any machinery, utensil, vessel, receptacle, implement, appliance or other thing by means of or in which any food or drink intended for sale for human consumption is manufactured, prepared, stored or kept or any vehicle or the like which any food is conveyed or delivered in;
 - (d) subject to the provisions of section 101 of the Local Government Municipal Systems Act 2000 (Act 32 of 2000) the premises.
33. The Environmental Health Officer or any Health Inspector or any other duly authorised officer of the Municipality may demand, on tender of payment therefore, from 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, a sample or samples of any such articles of food or drink.
34. The Environmental Health Officer or any Health Inspector or any other duly authorised officer of the Municipality may, on making an inspection or examination of any article of food or drink on any premises cut into or open any article, container or package of food or drink.
35. If, after inspection and examination, it appears to any such Environmental Health Officer or other duly authorised officer of the Municipality that such article of food or drink or sample thereof is diseased, unsound, unwholesome or otherwise unfit for human consumption, he may seize and take possession



of such article and may prohibit the occupier or person in possession or in charge of such article from selling or disposing of any article of food or drink, then upon his premises and of the same nature as that seized, for a reasonable time to allow of the examination of such article by the Environmental Health Officer.

36. If, after examination, the Environmental Health Officer is satisfied that any such article of food or drink is so diseased or unsound or unwholesome that it is unfit for human consumption he 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 and examined and if, after examination, all or any of such articles of food or drink are found to be unfit for human consumption he may, by a certificate under his hand, order them to be destroyed; provided that the Environmental Health Officer, may in place of ordering any article of food or drink to be destroyed under this bylaw, permit such treatment, at the owner's risk, as may render such article fit for human consumption.

37. Sale of food from a vehicle

No person shall use any vehicle (other than a bicycle) for the sale of food therefrom except under the written permission of the Environmental Health Officer or Health Inspector, which permission the Environmental Health Officer or Health Inspector may grant (subject to such conditions or restrictions as they may determine) or refuse.

38. Every vehicle intended for the conveyance of perishable food for sale shall:

- (i) be designed for the purpose for which it is to be used;
- (ii) be constructed of non-absorbent material;
- (iii) have the name and address of the owner of the vehicle and the name of the perishable food contained therein and the address of the premises at which the perishable food conveyed in such a vehicle is stored or prepared marked on the vehicle;
- (iv) be so constructed that it can be easily cleaned;
- (v) be provided to the satisfaction of the Environmental Health Officer or Health Inspector with protection from contamination by dust, vermin or other cause. For the purpose of this bylaw perishable food shall be packed in a sealed wrapping or container at the premises referred to in bylaw 42.



39. The owner of any vehicle intended for the conveyance of perishable food shall specify in writing to the Environmental Health Officer or Health Inspector:
- (i) the place at which such vehicle is to be kept when not in use; and
 - (ii) the premises at which the perishable food conveyed in and sold from such vehicle is being prepared.

No vehicle shall, when not in use, be kept at a place other than the place so specified and no perishable food shall be conveyed in or sold from the vehicle unless it is prepared at the premises so specified.

40. Whenever, in the opinion of the Environmental Health Officer or Health inspector, any vehicle in respect of which permission has been granted, ceases to conform to the requirements of this bylaw, or whenever the owner of any vehicle intended for the conveyance of perishable food fails to comply with the requirements of these bylaws, or any conditions or restrictions imposed by the Environmental Health Officer or Health inspector in regard to such vehicle or the sale of food therefrom the Environmental Health Officer or Health inspector may, after notice to the owner of the vehicle, revoke such permission.

41. Offences and penalties

Any person who contravenes any provision of these bylaws or who fails to comply with the requirements thereof shall be guilty of an offence and upon conviction shall be liable to the fines determined by a Chief Magistrate of the Magistrate's Court with jurisdiction in the area in which the offence has been committed or imprisonment as determined by a competent court.

42. Repeal of bylaws

All Municipal Bylaws, and amendments thereto, relating to Manufacture, storage and sale of foodstuffs made by the local authorities of Nkwazi/Zinkwazi Beach Transitional Local Council, KwaDukuza/ Stanger Transitional Local Council and Dolphin Coast Transitional Local Council, disestablished in terms of Provincial Notice No. 345 of 2000 in terms of section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities 9DC 29, KZ 291, KZ 292, KZ 293, KZ 294) as published on 19 September 2000, are hereby repealed.