



## LOCAL GOVERNMENT NOTICE

### LESEDI LOCAL MUNICIPALITY

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Laws Relating to Keeping of Food at Registered Kitchens which shall come into operation on the date of publication thereof.

#### **[1] Definitions**

In these by-laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and, unless the context otherwise indicates -

**"authorised official"** means:

- [a] an official of the Council; or
- [b] an official of another municipality; or
- [c] an official of another organ of state; or
- [d] a person contracted by the Council; and

with which or whom the Council has concluded an agreement for the rendering of services in terms of these by-laws and to which or whom the Council has delegated a duty, function or power under these by-laws, provided that the official or person concerned shall be a duly registered environmental health officer or health practitioner;

**"municipality"** means-

- [a] the Lesedi Local Municipality or its successor-in-title; or

[b] the municipal manager of the Lesedi Local Municipality in respect of the performance of any action, exercise of any right, duty, obligation or function in terms of these by-laws;

[c] an authorized agent of the Lesedi Local Municipality;

**“municipal council”** means the municipal council as referred to in section 157(1) of the Constitution , 1996, Act No. 108 of 1996;

**“municipal manager”** means the person appointed by the municipal council as the municipal manager of the municipality in terms of section 82 of the Local Government: Municipal Structures Act, Act No. 117 of 1998, and includes any person

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[a] acting in such position; and

[b] to whom the municipal manager has delegated a power, function or duty in respect of such delegated power, function or duty;

**"registration certificate"** means a certificate issued by the authorised official in respect of any registration in terms of these by-laws;

**"require"** means as required by the authorised official with due regard to the reasonable public health and other requirements in the particular context;

**"foodstuffs", "approved", "premises", "handling", "Inspector", "dwelling" and "premises"** shall have the meanings assigned thereto in the Health Act 1977, the Foodstuffs, Cosmetics and Disinfectants Act, 1972, any other national legislation applicable to the handling of food at private kitchens, any regulations framed thereunder, the applicable Town Planning Scheme and the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977], as amended from time to time provided that, for purposes of these by-laws, “premises” and “dwelling” shall have the same meaning;

Any other word or expression used in these by-laws, has the same meaning as that assigned to it in the Health Act 1977 [Act No. 63 of 1977], the Foodstuffs, Cosmetics and Disinfectants Act, 1972 [Act No. 54 of 1972], any other national legislation applicable to the handling of food and any regulations framed thereunder unless it is apparent from the context that another meaning is intended.

## [2] Registration

[1] No person shall use any part of a private dwelling within the jurisdiction of the Council for the preparation, storage or keeping of foodstuffs for the purpose of sale unless the dwelling is first registered with the Council.

[2] An application to register a private dwelling for the purposes of these by-laws shall be made and a registration certificate shall thus be issued by the authorised official before any part of the dwelling is used for the preparation, keeping or storage of foodstuffs for the purpose of sale and such application shall be refused unless the premises concerned complies in all respects with the requirements of these by-laws.

[3] An application for registration of a private dwelling shall be submitted to the Council in writing on the prescribed form and such application shall provide a

description of the dwelling and supply particulars regarding the location thereof, as well as any other information that the authorised official deems necessary for the consideration of the application.

- [4] A registration certificate shall be renewed annually on or before the date of expiry thereof.
- [5] The registration of a private dwelling may be revoked at any time after due notice to the owner or occupier of the premises concerned if the requirements of these by-laws, the applicable town-planning scheme, the provisions of the Health Act 1977 [Act 63 of 1997], the Food-stuffs, Cosmetics and Disinfectants Act, 1972 [Act No. 54 of 1972], as amended from time to time as well as any other applicable law, are not complied with.
- [6] A registration fee determined by resolution by the Council shall be payable on submission of an application for registration in terms of these by-laws, and shall thereafter be payable annually before a registration certificate is issued or renewed.

### [3] Requirements for premises

Premises where foodstuffs are handled, processed, produced, manufactured, packaged, stored or prepared for the purpose of sale, shall comply with the following requirements:

- [a] the premises shall comply with the minimum requirements as contained in the applicable Town Planning Scheme and the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977], as amended from time to time;
- [b] a double washbasin with clean hot and cold running water shall be provided;
- [c] all working surfaces and equipment which come into direct contact with foodstuffs, shall be manufactured from stainless steel or from other smooth, rustproof, non-toxic and non absorbent material which is free of any open seams, ridges and cracks and which is easily cleaned;
- [d] only appliances, bowls, containers and equipment approved by the authorised official, may be used;
- [e] only packing-material approved by the authorised official, may be used.

### [4] Requirements regarding foodstuffs

- [1] Only confectionery, sausage rolls, meat pies, tarts, canned or dried fruits and vegetables, sweets, jam, preserved fruit, fruit jelly or any other foodstuffs approved by the authorised official may be prepared, packaged or processed for sale in a private dwelling, provided that such preparation, packaging or processing shall only be conducted in the kitchen of a private dwelling.

- [2] No foodstuffs which are prepared, packaged or processed in a private dwelling, shall be sold on premises other than a licensed food premises or other premises approved by the Council.
- [3] No milk shall be used as an ingredient in the preparation or processing of foodstuffs, unless it is pasteurised or sterilised beforehand in accordance with a method approved by the authorised official.
- [4] Meat which is used as an ingredient in the preparation or processing of foodstuffs, shall only originate from a slaughter-animal which was slaughtered at an approved abattoir or from an approved retail butchery and for purposes of this subsection approved shall mean approved in terms of applicable legislation including compliance with any registration requirements.
- [5] All foodstuffs which, according to the authorised official, require refrigeration or freezing in order to prevent spoilage, shall at all times during storage be maintained at a temperature of between 10 [degrees] C and -7 [degrees] C. Food which is kept warm shall be kept at a temperature of at least 65 [degrees] C.
- [6] All foodstuffs which are prepared, packaged or processed in the kitchen of a private dwelling, and are transported, or delivered to legal outlets, shall, as prescribed by the authorised official, be wrapped or otherwise packaged and the container shall be provided with a label on which the content, ingredients, date of manufacture and the name and address of the producer are clearly readable: Provided that the municipality may permit a suitable identification mark instead of the name and address of such producer.

**[5] Transport of foodstuffs**

All foodstuffs which are transported shall be protected against contamination by an effective method as prescribed from time to time by the authorised official.

**[6] Inspection of premises**

Any authorised official may examine premises where foodstuffs are manufactured, packed, prepared, stored, kept or dispatched, and may, if any transgression of these by-laws exists prohibit any or all of the following activities:

- [a] manufacturing;
- [b] packaging;
- [c] preparation;
- [d] storage;
- [e] preserving;
- [f] dispatching; and
- [g] selling.

**[7] Examination of foodstuffs and confiscation**

The authorised official may confiscate foodstuffs which he suspects to be contaminated or otherwise unsuitable for human consumption, in order to examine such foodstuffs or to have them examined and, if found that the foodstuffs are contaminated or otherwise unfit for human consumption, he may destroy such foodstuffs or have them destroyed without the Council being held liable for damages or expenses to anybody, because of such action.

**[8] Duties of person in control of kitchen**

**[1]** A person in control of a kitchen of a private dwelling where foodstuffs are handled, shall ensure that -

- [a]** measures are taken to exterminate flies, cockroaches and other insects and rodents;
- [b]** sufficient stock of liquid disinfectant soap, nailbrushes and clean disposable towels are provided at wash-hand basins;
- [c]** foodstuffs are not opened, kept or stored outside any approved area, facility or storeroom;
- [d]** no room where foodstuffs are handled, processed, produced, manufactured, packaged, prepared or stored shall be used for any other purpose;
- [e]** any container in which foodstuffs are packed, is clean and free of any poison or ingredient or constituent that may spoil or contaminate the foodstuffs;
- [f]** newspapers, magazines and other used paper or material are not used as packing material if they come into direct contact with any foodstuffs other than fresh fruit and vegetables;
- [g]** articles which are intended to be used once only, such as plastic or paper cups, plates, straws, spoons, forks, containers or any similar utensils are not used more than once;
- [h]** sufficient dustproof containers are provided in which to keep or store such utensils as intended in subsection [g];
- [i]** all food-handlers wear clean overalls which will ensure that foodstuffs which are handled by them, do not come into contact with any part of the body other than the hands;
- [j]** clothing or other laundry is not washed or ironed in that part of the building where foodstuffs are handled;
- [k]** no animal, reptile or bird is kept in any part of the premises where foodstuffs are prepared or handled, or allow that animals, reptiles or birds be brought therein;
- [l]** all base ingredients which are used in the production or preparation of foodstuffs, are clean and free of all foreign, toxic or unhygienic material;

**[m]** perishable foodstuffs are kept at a temperature below 10 [degrees] C.

Provided that this requirement shall not be applicable to-

**[i]** foodstuffs which are kept at a heated temperature of at least 65 [degrees] C;

**[ii]** foodstuffs which are cooled for a period at room temperature in order to prevent spoilage;

**[iii]** fresh fruit and vegetables;

**[iv]** all foodstuffs that are resistant to spoilage to such an extent that they need not be kept at a temperature of at least 10 [degrees] C at all times;

**[n]** persons that handle foodstuffs do not smoke;

**[o]** persons do not moisten fingers and blow bags open;

**[p]** persons with open wounds or skin infections do not handle foodstuffs;

**[q]** the Council is informed immediately of any case of an actual or suspected contaminatory or contagious disease which may be present with any person involved with the handling of foodstuffs on the premises.

**[9] Medical Certificate for handlers**

Medical certificates for handlers of foodstuffs shall be submitted simultaneously with an application for registration of a private residence or the renewal of such registration, and at any time on his request, to the Authorised official.

**[10] Obstruction**

Any person who, without reasonable or lawful cause, fails to give or refuses access to an authorised official who wishes to enter and inspect a private residence or premises for the purpose of ascertaining whether or not the provisions of these by-laws are being complied or who obstructs or hinders such an official in the execution of his duties in terms of these by-laws, or who fails or refuses to give information to such official, or who gives incorrect or misleading information to such official knowing such information to be incorrect or misleading shall be guilty of an offence.

**[11] Conflict of laws**

These by-laws are supplementary to the provisions of the Health Act, 1977, the Foodstuffs, Cosmetics and Disinfectants Act 1972 and the regulations promulgated thereunder, herein referred to as national legislation. In the event of conflict between the aforesaid national legislation and any provision of these by-laws, the national legislation shall prevail.

**[12] Offence and penalties**

Any person who contravenes or fails to comply with any provision of these by-laws shall be guilty of an offence and upon conviction be liable to a fine or imprisonment for a period not exceeding six months or to both the fine and the imprisonment.

**[13] Repeal of By-Laws**

Any by-laws adopted by the Council or the Council of a Municipality now comprising an administrative unit of the Council and relating to the preparation of food at registered private kitchens are hereby repealed.

**[14] Short Title**

Bylaws regarding the preparation of food at registered private kitchens.

**[15]** These bylaws shall come into operation on the date of promulgation in the government gazette

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