

SEKHUKHUNE DISTRICT MUNICIPALITY

SEKHUKHUNE DISTRICT MUNICIPALITY FOOD SELLING, CAFES, RESTAURANT AND EATING HOUSE BY- LAWS

The Municipal Manager of the Greater Sekhukhune District Municipality hereby, in terms of section 13(a) in conjunction with section 75(1) of the Municipal Systems Act, 2000 (Act 32 of 2000), publishes the **Cafes, Restaurants, Eating house and Food By-laws for the Greater Sekhukhune District Municipality**, to be approved by the Council, as set out hereunder.

Definitions

(1) For the purpose of these by-laws, unless the context otherwise indicates:- **“Adequate”, “approved”, “council”, “food”, “handling” and “medical officer of health”** shall bear the respective meanings assigned to them in the Council’s Food-Handling By-laws;

“Café”, “restaurant” and “eating-house” meant premises at or in which the business of a café, restaurant or eating-house referred to in items 20, 37 and 8 respectively of schedule 1 of the Licenses ordinance, 1974 (Ordinance 19 of 1974), is conducted;

“Dining area” means an area referred to in section 2(8);

“Preparation room” means a room or area referred to in section 2(2);

“Premises” means premises used for the carrying on of a business of a café, restaurant or eating-house and includes every part of premises so used and also any premises used in connection with the carrying on of the said business, but, where the first-mentioned premises are part of a building, shall not include any other part of the building which is not used for or in connection with the said business;

“Road-house” means a café where meals or refreshments are provided and/or served for consumption in a vehicle for which parking facilities are provided on the premises but shall not include a drive-in cinema.

Requirements of Premises

(2) (1) No person shall carry on the business of a café, restaurant or eating-house in or upon any premises unless the requirements prescribed by the succeeding paragraphs of this section are, in so far as applicable thereto, complied with.

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(2) (a) Save as otherwise provided in these By-laws, a room or area for the preparation of food or drink shall be provided in every café, restaurant and eating-house and such preparation room shall have a minimum floor area of

25m² and a width of not less than 3m plus an additional floor area of:-

(i) 0,4m² for every 1m² that the floor area of the dining area exceeds 40m² up to and including 200m², and thereafter;

(ii) 0,3m² for every 1m² that the dining area exceeds 20m².

Provided that in every road-house the minimum floor area of the preparation room shall be 55m², plus an additional floor area of 0,75m² for every 20m² that area of the parking facilities forming part of such road-house, including drive-ways and passage-ways, exceeds 800m².

Provided further that where the medical officer of health is satisfied that, having regard to the preparation room of dimensions less than the minimum dimensions required in terms of these By-laws, is adequate, he may permit such smaller preparation room as he deems fit.

(b) Where the cooking and serving of food, but not the preparation thereof or the cleaning of utensils, is undertaken in an area of the preparation room open to the view of the patrons, the floor area of that part not open to the view of the patrons shall be at least 75% of the total minimum floor area prescribed for the preparation room.

(c) At least 50% of the floor area required for the preparation room shall be unobstructed floor space.

(3) In addition to the requirements prescribed under subsection (2), a room or area with a minimum width of 2,5m and a minimum floor area of 7m² shall be provided for the washing up of utensils and equipment. Provided that such minimum floor area in every road-house shall be 14m².

(4) The room or area referred to in subsection (3) shall be equipped with:-

(a) washing-up facilities for utensils as required in terms of section 2(8), (9) or (10) of the council's Food-Handling By-laws and where the medical officer of health deems necessary, an approved pot washing sink.

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- (b) an approved table solely for the reception of soiled cutlery and crockery and the removal from such cutlery and crockery of unconsumed food.
- (5) (a) the floor surface of the preparation room and the room or area referred to in subsection (3), shall be of an approved impermeable finish.
- (b) the junctions between the walls and the floor of the preparation room and or area referred to in subsection (3), shall be covered.
- (c) where required by the Medical Officer of Health, the floor of the preparation room and of the room or area referred to in subsection (3), shall be graded to an outside gully drained in accordance with the Council's Drainage By-laws.
- (6) Where the storeroom, required in terms of section 2(7) of the Council's Food-Handling By-laws, is not in the opinion of the Medical Officer of Health, conveniently accessible from the preparation room, a further storeroom or area, for the storage of foodstuffs required for the normal day's usage, shall be provided to his satisfaction, which storeroom or area shall have a minimum floor area of 6,5m², a height, of not less than 2,6m and a width of not less than 2,2m.
- (7) Where, in addition to the storeroom required in terms of section 2(7) of these by-laws and the storeroom or area required in terms of section (6), the Medical Officer of Health deems it necessary, separate facilities shall be provided to his satisfaction for the storage, sorting and trimming of raw vegetables and fruit.
- (8) The unobstructed floor area of any area set aside on any premises for the consumption of food or drink by patrons on the premises, other than parking facilities in a road-house, shall allow for a minimum of 1,2m² for every intended patron. For the purpose of this section "unobstructed floor area" includes space occupied by tables and chairs, and, where food or drink is consumed at counters, includes the space occupied by such counters.
- (9) (a) Where on any premises an area is set aside for the consumption of food and drink by patrons on such premises, sanitary accommodation in accordance with the Council's Public Health By-laws shall be provided for the use of all patron of such café, restaurant or eating-house.
- (b) In addition to the requirements referred to in paragraph (a), the compartments of and approaches to such sanitary

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accommodation shall be provided with adequate artificial lighting and such sanitary accommodation shall:-

(i) be equipped with adequate and approved hand washing facilities.

(ii) be under the direct supervision of the person in control of such café, restaurant or eating-house, who shall be responsible for ensuring that such accommodation is maintained in a clean and sanitary condition and in good working order.

(iii) in the opinion of the Medical Officer of Health, be easily accessible to patrons from such café, restaurant or eating-house.

(10) The requirements of subsection (2), (3), (5), (6) and (7), shall only apply to premises which are newly constructed or reconstructed after the date of promulgation of these By-laws. Provided that the Medical Officer of Health may, if he is satisfied that the application of any one or more of the said requirements is essential in the interest of public health, give notice in writing to the owner or person in control of unreconstructed premises or premises in existence at the time of promulgation of these By-laws, to comply with such requirements as he may specify and within such reasonable period stated in the notice.

Protective Clothing

3. (1) All persons actually engaged in the cooking and preparation of food shall wear an approved head-dress or hair-net, which head-dress or hair-net shall be in a clean and sound condition.

(2) It shall be the duty of the person in control of any café, restaurant or eating-house to provide such head-dress or hair-net and ensure that such head-dress or hair-net is worn.

Laundry facilities

4. Approved laundry facilities shall be provided where the laundering of articles other than drying cloths is undertaken on the premises of any café, restaurant or eating-house and, where such laundering is not so undertaken such articles shall only be laundered at a licensed laundry.

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Approved utensils

5. Only approved pots, pans, crockery, cutlery and other equipment and utensils shall be used for the handling of food and drink.

Inspection

6. The Medical Officer of Health may, in order to satisfy himself that the provisions of these By-laws are being complied with:-
 - (a) Enter the premises at all reasonable times.
 - (b) Examine the premises and anything thereon.
 - (c) Examine and question any person on the premises, or who has recently been on the premises, and
 - (d) Make tests and take any samples which in his opinion are required in connection with the performance of his duties in terms of this section

Obstruction

7. Any person who fails to give or refuses access to any officer of the Council duly authorized by these By-laws or by the Council to enter upon and inspect premises, if he requests entrance to such premises, or obstructs or hinders such officer in the execution of his duties in terms of these By-laws, or who fails or refuses to give information that he may lawfully be required to give to such officer, or who gives to such officer false or misleading information knowing it to be false or misleading information knowing it to be false or misleading, or who unlawfully prevents any other person from entering upon such premises, shall be guilty of an offence.

General

8. The provision of these By-laws shall be interpreted as being supplementary to and not derogating from those of the Council's Food-By-laws.

Offences and Penalties

9. Notwithstanding anything contained in section 17 of the Council's Food-By-laws, any person who contravenes or fails to comply with any provision

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of these By-laws, shall be guilty of an offence and shall be liable, on conviction, to a penalty not exceeding R300 or, in default of payment, to imprisonment for a period not exceeding 12 months, or to both such fine and such imprisonment, and in the event of a continuing offence to a fine not exceeding R10 for each day on which such offence continues.

BY-LAWS OF FOOD

Definition

1 For the purpose of these-laws, unless the context indicated otherwise:-

“Adequate” and “effective” means adequate or effective, as the case may be, in the opinion of, and **“approved”** means approved by, the Medical Officer of Health, regarding being to the reasonable public health requirements of the particular case;

“Council” means the council of the Municipality or any political structure, political office bearer, councilor, or any staff member acting under council’s delegated or sub-delegated authority;

“Food” and **“article of food”** include any animal product, fish, fruit, vegetables, condiments, spices, bread, whatsoever (other than a drug or water but including ice) in any form, state or stage of preparation and however packed, which is intended or ordinarily used for human consumption;

“Handling” in relation to food means the manufacture, preparation, sale, conveyance, delivery, storage, serving or any other treatment or handling of food;

“Horsemeat” means the meat of horses, mules, donkeys or camels;

“Medical Officer of health” means the medical officer of health of the council or any person duly authorized to act on his behalf or any person appointed by the council to give effect to the provisions of these By-laws;

“Premises” means premises used for the carrying on of a business involving the handling of food and included every part of premises so used and also any premises used in connection with the carrying on the said business, but, where the first mentioned premises are part of a building, shall not include any other part of the building which is not used for or in connection with the said business;

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Requirements for premises

2 (1) Save as may be otherwise provided in these By-laws, no person shall carry on any business or occupation involving the handling of food unless the requirements prescribed in the succeeding subsections are at all times observed in respect of the premises on which it carried on.

(2) (a) each room shall be provided with natural light by means of windows or louvres which shall have an unobstructed glass area equal to at least 10% of the floor area. Where it is not possible or reasonably practicable to provide the required window area approved means of artificial lighting shall be provided. The illuminance at points of work in each room where food is prepared or stored shall be at least 250 lux. Provided that in the case of a warehouse the illuminance at the points of work shall be at least 150 lux.

(b) each room shall be ventilated by means of the windows required in subsection (2) (a) at least 50% of which shall be capable of being opened. Cross ventilation shall be obtained by siting the windows or louvres in opposite or adjacent walls by means of opening fanlights other approved ventilating devices equal to at least 1,5% of the floor area of each room with a minimum of 0,2m². Where it is not possible or not reasonably practicable to provide a room with natural ventilation as prescribed it shall be provided with approved means of mechanical ventilation or air-conditioning.

(3) The walls of every room shall be constructed of brick, cement-concrete or other approved substantial and impervious material.

(4) Where a wall is constructed of brick or cement-concrete, it shall, unless otherwise approved, be plastered and brought to a smooth finish and covered with a light-coloured washable paint or effective plastic finish or otherwise so treated that it has a smooth light-coloured and impervious surface not being a distempered or other similar surface. Provided that a distempered surface of a light colour shall be permitted for the walls of a warehouse.

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(5) Every floor shall be cement-concrete, steel or other approved material and shall have a smooth finish.

(6) Every room and store room shall have a smooth-surfaced ceiling or other approved means of preventing, or in the case of a warehouse, adequately limiting, and the entry into the room of dust from above.

(7) (a) there shall be provided on the same erf or stand as the premises, except in the case of a warehouse, and with adequate access thereto, an approved storeroom which shall be properly ventilated, rodent-proof and equipped with adequate lighting, the said lighting to be effected as far as possible by natural means unless the use of artificial light is approved. Such storeroom shall have a floor area of not less than 16m², a height of not less than 2.7m and a horizontal dimensions, height and floor area shall not be enforced in respect of any premises existing at the date of publication of these By-laws if the medical officer of health is satisfied that it is not reasonably practicable by reason of the difficulty of reconstruction or the expense involved thereby to make those premises comply with any one or more of those requirements.

(b) The storeroom shall be equipped with adequate and approved type dunnage boards, shelves or storage racks at least 250mm above floor level.

(8) Any room in which any food-cleansing or washing-up operation is carried out shall have an adequate and wholesome supply of hot and cold running water effectively distributed and laid over an approved double bowl sink or sinks with a minimum depth of 230mm and a capacity of at least 55 liter, drained in a approved manner and which shall have an adequate drain board or drainage rack made of stainless steel or other approved impervious materials. Separate sinks shall be provided for the cleaning of food.

(9) Where any new sink or drain board is installed or any old sink or drain board is reinstalled or replaced, such sink or drain board shall be fixed in to the wall or alternatively located at a distance of at least 100mm from any wall and be provided on the side nearest to the wall with a splash screen rising to a height of 150mm above the top of the sink. Such sink shall be firmly secured and the space below it shall be enclosed. Every part of any wall within 0,6m from any part of such sink or drain board shall be tiled or given some other approved finish to a height of at least 1.4m from the floor.

(10) Where a dishwashing machine is installed it shall be of an approved type and adequate provision shall be made for removal of solids from and pre-rising of articles to be washed by such machine. The temperature of the wash water shall not be less than 60°C.

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(11) (a) No door, window or other opening in any wall of any room in which food is handled shall be situated within 9m of any pit closet, stable, cowshed or other place where animals or birds are kept.

(b) No door, window or other opening in any wall of any room in which food is handled shall be situated less than 3m from any door, window or other opening in any wall of any pail closet or pail urinal, or less than 1m from any door, window or other opening in any wall of any water closet flushed urinal.

(c) No pail closet or pit shall be constructed or placed or allowed to be inside any building or part of any building in which food is handled.

(12) (a) Notwithstanding the provision of subsection (11) (b), water closet or urinal may be situated within a building containing a room or rooms in which food is handled so long as it only communicates with any such room by means of a passage or lobby which has a floor area of not less than 3m² and is separated by an effective door both such room and from such water close to urinal.

(b) The passage or lobby prescribed in terms of paragraph (a) shall have an aperture, opening to the external air, of at least 0,4m² in area, containing fixed louvres or a fixed grid or such other fixed device as will ensure that the passage or lobby is adequately ventilated and lit.

(13) Unless otherwise approved, no part of the premises shall be used as or communicate, otherwise than by means of an area open to the air, with any room or space used for living or sleeping.

(14) (a) Wash-hand basins provided with a wholesome supply of running hot and cold water shall be installed and such basins shall be located in an approved position.

(b) The wall surface above and adjacent to such wash-hand basin shall be tiled with glazed tiled or given some other approved finish to a minimum height of 500mm measured vertically from the upper edge of the wash-hand basin. The said area shall extend to a minimum of 200mm on either side of the wash-hand basin to a point 200mm below the edge of such basin.

(b) (i) The closets or urinals and the approaches thereto shall be properly screened, separated for each category, appropriately and clearly designated and properly lit at night when the premises are in use.

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(ii) A bin with a self-closing lid or other approved disposal unit shall be installed in each closet intended to be used by females.

(iii) Where urinals are provided, the requisite number of other sanitary conveniences may be reduced by the number of urinals provided but the number of such other sanitary conveniences shall at no time be less than 75% of the total required by paragraph (a) (i).

(15) There shall be provided an adequate number of refuse receptacles of approved material and design which shall be kept at an approved place.

(16) The premises shall be provided with an adequate and wholesome supply of water effectively distributed and free from liability to pollution and derived from the council's mains. Provided that if no such is available, the water supply may be derived from an approved source of long as the water remains suitable for human consumption, and the onus remains suitable for human consumption, and the onus shall be upon the license or person in control of the premises to ensure this to the satisfaction of the Medical Office of Health.

(17) All tables, other than tables at which persons consume food or drink, and all other working surfaces or appliances used in connection with the handling or transportation on the premises, of food shall be constructed of stainless steel or other approved material having similar non-absorbent properties, and all such surfaces shall be smooth and free from open joint. Where more than one table or appliance forms a working surface, such tables or appliances shall in no way be secured unless the joint is suitably welded and brought to a smooth level surface.

(18)
Unless otherwise approved by the Medical Officer of Health, there shall be adequate access between the interior and the yard of the premises.

(19) The surface of every yard shall be suitably graded and shall be paved with concrete or other durable and impervious material to an extent of at least 9m² outside each door leading to or from the interior of the premises, and where the area of a yard is less than 9m² the whole surface thereof shall be so graded and paved.

(20) Where cooking is carried out on the premises there shall be provided immediately over every cooking stove, oven or similar apparatus and approved hood or canopy of adequate size having a flue at least 300mm in diameter, and where required by the Medical Officer of Health such canopy and flue shall be fitted with an approved extraction fan and filters. The flue shall exhaust to the atmosphere at such a height and in such a position or manner as is necessary to prevent the discharge therefrom from constituting a nuisance to the neighbourhood. Provided that an

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approved mechanical device may be installed instead of a hood or canopy.

(21) Fixtures and fittings shall be so installed or arranged as to allow adequate access for cleaning.

(22) Approved facilities for the storage of unsound foods and damaged containers containing food pending disposal of such unsound foods or damaged containers, shall be provided on the premises.

Duties of Person Carrying on or in Control of a Food-Handling Business

3 No person carrying on or for the time being in charge or control of any business or occupation involving the handling of food, shall do or cause, permit or suffer to be done any of the following:-

- (a) Allow any part of the premises or any utensil, vessel, container, sack, basket or any other receptacle, or any apparatus, machinery or other equipment of any kind or any table linen, towels or washing or drying cloths or any vehicle to be otherwise than in a clean and sanitary condition and in good repair.
- (b) Have, keep, sell or supply on the premises any food or drink which is not sound, wholesome and fit for human consumption or which does not comply with the provisions of the municipality health bylaws and the regulations made thereunder.
- (c) Use for or in connection with the containing, wrapping, covering or handling of food, any crockery, utensil, receptacle, container, paper wrapping or other appliance or material which is, as the case may be, chipped, cracked or in an way damaged or not in a clean or sanitary condition.
- (d) Handle any unwrapped cooked or prepared food otherwise than by the use of approved clean apparatus, instruments or material or in such a way that it comes into contact with the human hand.
Provided that this paragraph shall not apply:-
 - (i) to the actual cooking 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 Medical Officer of Health equally well be carried out by means of some machine or appliance, or
 - (ii) to the removing of bread or any bakery product from the container in which it is placed for delivery in the course of its sale by wholesale.

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(e) For the consumption of drinks, provide straws or other similar devices which are not separately wrapped in paper or other approved material.

(f) Profile for human consumption any ice which has not been made on the premises or which has been used for any other purpose. Where crushed ice is served such ice shall be crushed in an approved appliance.

(g) Not take effective measures for the prevention of harbouring or breeding, or for the destruction of flies, cockroaches and other insects and rodents.

(h) Not protect effective all food from contamination or contact with dirt, dust, insects or rodents or handling by the public.

(i) Allow any perishable food to be stored at a temperature exceeding 10oC. Provided that the foregoing shall not apply to:-

(i) food kept heated at a temperature of at least 65oC;

(ii) any food which, for the avoidance of spoilage or other deterioration, is kept at room temperature for an approved period allow it to cool;

(iii) unfrozen fruit or vegetables; or

(iv) any other food which the Medical Officer of Health is satisfied is not so susceptible to deterioration that it should be kept at all times at a temperature not exceeding 10oC.

(j) Allow any wearing apparel of any person working on the premises to be kept elsewhere than in a change-room or locker.

(k) Not provide and maintain for the use of all persons engaged in the handling of foodstuffs an adequate supply of soap and nail brushes and, in the absence of mechanical hand drying equipment, an adequate supply of continuous or other towelling at each wash-hand basin.

(l) Not provide for the use of the persons mentioned in paragraph (k) clean and sound overalls of a light coloured material with sleeves of at least elbow length or the approved protective apparel, or not cause such overalls or apparel to be worn by such persons when on duty and kept in change-room or locker when not being worn, or not have them maintained in a clean and sound conditions.

(m) Use any change-room for any purpose other than that of a change or rest-room for employees. Provided that where not more than 25 persons are employed on the premises, a change-room may be

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used also as an eating-room for employees if the area of unobstructed floor space is not less than 0,5m² for every person using the room.

(n) Sleep in any part of the premises where food is handled or consumed or store food in any bedroom or living-room or elsewhere than in an approved part of the premises.

(o) Whether by way of said or otherwise part with the possession of, or convey through the street, any food sold for sale by retail, unless it is wrapped in its entirety in clean unprinted paper or other approved wrapping. Provided that:-

(i) this paragraph shall not apply to a bakery from which in the course of wholesale business is delivered or conveyed bread or confectionery in the manner prescribed in the council's by-laws, to the conveyance of meat in the course of wholesale business through the street carried out in accordance with such by-laws, to the supply of food for consumption on the premises, or to fruit, eggs or vegetables or any canned, bottled or other factory wrapped food, and

(ii) bread sold by a retailer shall be adequately wrapped in clean unprinted paper or other approved wrapping.

(p) Keep any animal or bird in, or permit any animal or bird to be introduced into, any part of the premises on which food is handled. Provided that this shall not apply to guide-dog accompanying a blind person and attached to a leash.

(q) Unless otherwise approved, display on premises any article of food otherwise than inside a shop.

(r) 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 the business. Provided that empty mineral water bottles and cases may be stored in any such other place and in such a manner as may be approved, regard being had in particular to the maintenance of cleanliness and the prevention of infestation by rodents or insects.

(s) Stack or store bulk goods in such a manner as to preclude effective inspection thereof and to ensure effective cleansing as well as insect and rodent control.

(t) Use a food storeroom for any purpose other than the storing of food: Provided that clothes-locker of employees, for whom no change-room is required in terms of section 2(14), may be stored therein.

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Handling of Food

4. All persons engaged on the premises in work, in or in connection with any business or occupation involving the handling of food shall:-
- (a) Wear clean clothing and clean and sound overalls of a light-coloured material or other approved protective apparel at all times while so engaged and shall maintain themselves at all such times in a state of personal cleanliness;
 - (b) Keep all clothing, headgear and footwear in a change-room or locker when not in use;
 - (c) Immediately before beginning their work and immediately after any break therein liable to result in the contamination of their hands, and in particular after every visit to a closet, latrine or urinal, wash and scrub their hands and fingernails with a nailbrush, soap and water;
 - (d) After handling unwrapped raw fruit or vegetables or any other material liable to contaminate their hands, first wash and scrub their hands with a nailbrush, soap and water before handling any other unwrapped food as permitted in terms of section 3(d);
 - (e) Not smoke or use tobacco in any manner whatsoever in any part of the premises in which unwrapped food is handled.

Milk Sold for Consumption on Premises

5. Where milk is sold as a refreshment or beverage, or is sold or supplied for consumption on the premises either by itself as refreshment or as part of a beverage, such milk shall be taken only from milk bottles or heat sealed containers as obtained from the licensed milk supplier.

Sale of Horsemeat

6. No horsemeat shall be sold, offered or displayed for sale or kept on any premises on which any other food is handled.

Public Halls

7. No owner or person in charge of a public hall shall handle or allow any other person to handle perishable foodstuff in such hall unless it complies with the following requirements:-

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- (a) It shall be provided with a kitchen or preparation room having a floor area of at least 45m² if the floor area of the hall, room or other part of the premises in which the foodstuffs are to be consumed does not exceed 250m², and the size of such kitchen or preparation room shall be increased by 9m² for every 90m² or part thereof by which the floor area of such hall, room or other part of the premises exceeds 250m².
- (b) At least, 0,7m² of floor space shall be provided for each person whom food is to be served.
- (c) It shall be provided with the following refrigeration space:-
 - (i) Where the number of persons, calculated on the basis of 0,7m² for each person, who can be served with the foodstuffs does not exceeds 300. 0,2m³ in addition 0,028m³ for every 10 persons;
 - (ii) Where the number of persons as aforesaid exceeds 300 but does not exceed 500. 0.5m³ and in addition of 0,028m³ for every 15 persons;
 - (iii) Where the number of persons as aforesaid exceeds 500. 0.84m³ and in addition 0,028m³ for every 20 person;

Public Gatherings

- 8. Perishable foodstuffs intended for sale to the public at a public gathering other than in a public hall, shall be kept in adequate refrigeration accommodation at a temperature not exceeding 10oC on the premises upon which such gathering is held, prepared foodstuffs intended to be sold and served hot at such a gathering shall be maintained at a temperature of not less than 65oC.

Prohibition of Employment of Certain Persons

- 9. (1) No person engaged in the business of the handling of food, whether as employer or employee, shall handle food while suffering from any illness or injury liable to contaminate it.
- (2) No person shall be engaged in the handling of food, whether as employer or employee, who after being called upon to do so by the medical officer of health, fails to submit himself to examination by the medical officer of health within the time specified by him.
- (3) The medical officer of health shall be entitled to take from any person referred to in subsection (1) and (2) such nasal, throat or

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other swab, or such blood or other sample or specimen, as he may deem necessary.

Vehicles

10. All meat products, fresh fish and sea-foods delivered to premises shall be conveyed in a vehicle in which a temperature not higher than 5oC shall be maintained
11. On every vehicle used in connection with a business or undertaking involving the handling of food, there shall appear in a conspicuous position in official languages, the name and address of that business or undertaking.

General

12. It shall be an offence to spit on the premises.
13. It shall be an offence for any person not connected with the business being carried on food-handling premises to touch any unwrapped food except food which he has purchased or selected for purchase or raw fruit and vegetables.

Bacteriological Samples

14. The medical officer of health shall be entitled for the purposes of bacteriological examination to inspect and take bacteriological samples from any knife, fork, spoon, plate, dish, cup, saucer, glass or other utensils or implement, or any container, receptacle or other equipment for the serving, storage or preparation of or in connection with the handling of food, or from any part of a food vending machine in or from which food is stored, kept or dispensed.
15. The average plate count for every utensil or any surface thereof shall not exceed 100 bacteria and where such count is exceeded, the licensee or the person in control of the premises from which the article sampled was taken, or both, shall be guilty of an offence.

Offences of Penalties

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17. Any person who contravenes or fails to comply with or who causes, permits or suffers any other person to contravene or to fail to comply with any provision of these by-laws, shall be guilty of an offence and liable on conviction to a penalty not exceeding R800, or in default of payment, to imprisonment for a period not exceeding three months, or to both such fine and such imprisonment, and in the event of continuing offence, shall be deemed to be guilty of a separate offence for every 24 hours or part of such period during which the offence continues and shall be liable as aforesaid in respect of each such separate offence.

CODE OF PRACTICE FOR TAKING BACTERIOLOGICAL SAMPLES

1. Samples shall be taken by means of swabbing from a group of four articles or components of the same kind, and shall not include samples taken from any article or components of any other kind. Provided that if the number on the premises of an article or component of one kind sampled is less than four, the sample be taken from such lesser number.
2. Swabs used in the taking of bacteriological samples shall be prepared on wooden sticks from absorbent cotton wool and sterilized and maintained in a sterile condition until used.
3. For the purpose of sampling, two bottles of solution, prepared in terms of paragraph 3, shall be used for each article or group of articles or component or group of components.
4. In taking samples the following procedure shall be followed:-
 - (1) Area to be swabbed.
 - (a) In the case of cups, glasses and other drinking utensils the sample shall be taken from the exterior and interior surface to a depth of at least 12mm from the top of the rim.
 - (b) In the case of spoons and ice-cream scoops the sample shall be taken from the entire inner and outer surface of the bowl.
 - (c) In the case of plates, saucers, bowls and the like, over and area of as nearly as possible 100mm² of the surface which comes in contact with food.
 - (d) In the case of all other articles or components, from all part of the surface likely to come into contact with food.

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5. In each case the bottles shall be suitably marked so as to identify the article or component from which the sample was taken and to distinguish the wet from the dry swab.
7. The person taking such sample shall at the time of taking the sample record in duplicate the name and address of the premises, the number of articles or components in the group sampled, the time of taking the sample and the identification mark on each bottle as required by the paragraph 6.
8. As soon as possible after taking the sample the bottles containing the swabs together with the duplicate copy of the particulars recorded under paragraph 7, shall be delivered to a bacteriological laboratory for examination within three hours after taking such sample. Where this is not possible, such sample shall be dispatched forthwith to such laboratory and at all times be kept at a temperature not higher than 5oC.
9. After completion of the test, the number of viable bacteria per article or component shall be determined for each sample, and reported.

