

## Sekhukhune District Municipality

### SEKHUKHUNE DISTRICT MUNICIPALITY CHEMICAL SAFETY BY- LAWS

The Municipal Manager of the 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 **Chemical Safety by-laws for the Sekhukhune District Municipality**, to be approved by the Council, as set out hereunder.

#### Preamble

Chemical Safety refers to ensuring safe practise with regard to all chemical. The importance of regulating Chemicals and hazardous substances is for the purpose of ensuring safety and protecting human health and the environment.

#### 1. Repeal

Any previous by-law adopted by the municipality or the council of a municipality now comprising an administrative unit of the municipality and relating to chemical safety is, from the date of promulgation of this by-law, hereby repealed.

#### 2. Definitions

In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur.

**“Good Vehicle”** has the same meaning as in the National Road Traffic Act;

**“Internal transport”** means the transport within a confined area not open to the public;

**“Transport”** means the transport carried out in all areas accessible to the public and includes restricted areas such as the harbour, the aerodrome and the premises of larger companies with mixed traffic.

**“Safe transport of dangerous chemicals”** shall be based on the information given in the safety data sheets in section 12.

**Sekhukhune District Municipality****3. Premises**

If- (a) the Council reasonably believes that any premises have been, or are likely to be used for a purpose or in a manner that has caused, or likely to cause, a public Health Hazard to create a public health nuisance; and

(b) Reasonable measures have or are not taken to avoid the risk or to reduce it to an acceptable level, the Council must-

- i) List the activity concerned in Annexure B; and
- ii) Prescribe measures that must be taken to avoid the risk or to reduce it to a level acceptable to the Council

**4. Scheduled trades**

Any person who uses premises in a manner or for a purpose listed in Annexure B must

- a) Comply with every provision specified in the Chapter of these Bylaws relating to that use, unless that person has been granted an exemption in terms of section 5 from complying with any such provision; and
- b) Obtain a permit in terms of section 6 new below commencing that use and must comply with the terms and conditions of that permit.

**5. Exemption certificates**

(1) Any person who wants to undertake a scheduled trade listed in Annexure B on any premises but wishes to be exempted from complying with any requirement of these Bylaws relating to the use concerned may apply to the Council for an exemption certificate, in accordance with the procedure set out in section 7

(2) The Council may grant an exemption certificate, subject to such conditions as it may impose, if any environmental health practitioner is satisfied that-

- a) The measures taken to avoid or reduce the risk to public health arising from the scheduled trade are equivalent to or better than the measures required by the relevant requirement of these Bylaws; and
- c) The scheduled trade in respect of which the exemption is required, is not likely to cause a public health hazard or a public health nuisance.

**Sekhukhune District Municipality****6. Public health permits**

(1) Any person who wants to undertake a scheduled trade that is listed in Annexure B, must apply to the Council in accordance with section 7 for a public health permit.

(2) The Council may issue a public health permit to the owner or occupier of any premises, if an environmental health practitioner is satisfied that the use for which the permit is required is not likely to cause a public health hazard or a public health nuisance.

(3) A public health permit-

- a) Must be issued subject to condition aimed reducing the risk to public health created by the scheduled trade, to a level acceptable to the Council; and
- b) May exempt the permit holder from complying with any relevant provision of these Bylaws, if the Council reasonably believes that the permit requires the permit holder to take measures to avoid or reduce the risk to public health required by the relevant provision of these Bylaws.

**7. Application procedures**

(1) Any person who wants to obtain a permit in terms of section 6 or an exemption certificate in terms of section 6 must apply to the Council in writing in a format determined by the Council, prior to undertaking the scheduled trade concerned.

(2) The following information must be submitted together with the application –

- a) A location plan, drawn to a scale of 1:5 000 showing the position of the proposed premises and of all roads, dwellings, factories and works in the neighbourhood, within 1000 meters of such premises;
- b) Approved plans, sections and elevations, drawn to a scale of at least 1: 100, of the buildings and premises proposed to be erected or used;
- c) Full particulars as to the nature of the proposed trade or business, of the raw materials to be used, of the processes to be carried on and the products, by-products and waste materials thereof;

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(d) Full particulars of the plant to be installed, including the number, capacity and type or description of all boilers, digesters, driers and other apparatus;

(e) Full particulars, with any necessary explanatory drawings, of the measures proposed to be adopted for the disposal and/or prevention of –

- i) Vapours, odours and effluvia;
- ii) Fluids and liquid waste matters, and
- iii) Solid waste matters;

(f) The number of persons to be employed on the premises;

(g) Particulars of latrine and change-room accommodation for employees; and

(h) Any further particulars, plans or drawing which the Council may require.

(3) The applicant must publish a notice prescribed in Annexure A twice in a newspaper which, in the opinion of the Council, has a sufficient circulation in the district, stating in general terms the nature and the purpose of the application and calling upon interested parties to lodge written objections.

If any, to such application with the Council on or before a date specified in such notice, which may not be earlier than 14 days after the second publication of the notice, as provided hereinafter. The first insertion in the newspaper must be made within one week of lodging the application and the second insertion must be made on the seventh or eighth day following the date of the first insertion. The applicant must forward a copy of each issue of the newspapers containing the notices to the Council.

(4) the Council may, after considering any objection lodged and if satisfied that the buildings, plant and works and the arrangements in connection therewith are in accordance with these Bylaws and that no nuisance or a danger or potential danger to the public health is likely to arise, give permission for the erection or use of such buildings, plant or works for the purposes set forth in the application.

(5) When the Council receives an application contemplated in subsection (1), it must ensure that the relevant premises concerned are inspected by an environmental health practitioner as soon as reasonably possible.

(6) Before deciding whether or not to approve an application contemplated in subsection (1), the Council –

- (a) Must ensure that any persons in the vicinity of the premises whose health or well-being may be affected if the premises are used for the scheduled trade concerned, have been consulted and had an opportunity to make representations; and

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- (b) May require the applicant to provide any further information which the Council considers relevant to enable it to make an informed decision.

### **8. General terms applicable to permits and certificates**

(1) A permit or an exemption certificate-

- (a) Is not transferable from one person to another; and
- (b) Applies only to the premises specified in that certificate or permit.

(2) Every permit or exemption certificate must

- (a) Specify the address and other relevant details regarding the location of the premises concerned;
- (b) Describe the premises concerned
- (c) Describe the activity concerned
- (d) Describe particulars of the plant, including the number, the capacity and the type or description of the boilers, digesters, driers and other apparatus or plant approved for use therein;
- (e) Specify the raw materials to be used; the processes to be carried on and the products and waste materials thereof.
- (f) Specify the measures to be taken for abating or preventing any nuisance or any danger or potential danger to the public health from vapours, effluvia, and solid and liquid waste matters;
- (g) Specify terms and conditions imposed, if any; and
- (h) Indicated when it expires

(3) An applicant must pay a prescribed fee, as determined by the Council, in respect of an application for a permit or exemption certificate and such fee must accompany the application.

(4) the Council may refuse to consider an application until it has been provided with the information required to make an informed decision and until the prescribed fee (if any ) has been paid.

**Sekhukhune District Municipality****(9) Suspension, cancellation and amendment of permits and exemption certificates**

- 1) An environmental health practitioner may, by written notice to the holder of an exemption certificate or permit, suspend, amend or cancel that certificate or permit in accordance with subsection (2), (3) or (4), as the case may be.
  - 2) An environmental health practitioner may suspend or cancel an exemption certificate or permit with immediate effect, if-
  - 3)
    - (a) The environmental health practitioner reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health posed by a public health hazard or a public health nuisance; or
    - (b) The holder of the permit or certificate has failed to comply with a compliance notice issued in terms of section 11 which states that the permit or certificate may be suspended or cancelled without further notice if the holder fails to comply with the compliance notice.
  - 4) An environmental health practitioner may suspend or cancel an exemption certificate or permit after having given the holder thereof, by written notice, a
    - (a) The environmental health practitioner reasonably believes that it is desirable to do so to eliminate or reduce the risk to public health posed by a public health hazard or a public health nuisance; or
    - (b) The holder of such certificate or permit contravenes or fails to comply with any relevant provision of these Bylaws.
- (4) an environmental health practitioner may amend an exemption certificate or permit by endorsing such certificate or permit or by written notice to the holder thereof, if the environmental health practitioner reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the exemption certificate or permit concerned was issued.

**(10) Appointment and Identification of Environmental Health Practitioner**

(1) The Council must issue an identity card to each environmental health practitioner

(2) The identity card must-

- a) Contain a recent photograph of the environmental health practitioner
- b)
- c) Be signed by the environmental health practitioner
- d) Identify the person as an environmental health practitioner

(3) The environmental health practitioner must display his or her identity card so that is clearly visible or produce it at the request of any person in relation to whom the environmental health practitioner is exercising a power under these Bylaws.

**(11) General Powers of an Environmental Health Practitioner**

- (1) Environmental health practitioner may, for the purpose of implementing or administering any power or duty under these Bylaws-
  - (a) Exercise any power afforded to such officer in terms of these Bylaws or any other applicable legislation;
  - (b) Issue a compliance notice requiring any person from conducting an activity;
  - (c) Issue a prohibition notice prohibiting any person from conducting an activity;
  - (d) Undertake measures to remove, reduce or minimise any public health nuisance;
  - (e) Cancel, suspend or amend any permit or exemption certificate in terms of section 9; and

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- (f) Enter and inspect any premises and for this purpose may-
  - (i) Question any person on the premises;
  - (ii) Take any sample that the environmental health practitioner considers necessary for examination or analysis;
  - (iii) Monitor and take readings or make measurements;
  - (iv) Take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises;
  - (v) Examine any book record or document relevant to the inspection or investigation
  - (vi) Seize anything that may be used as evidence in the prosecution of a person for an offence in terms of these Bylaws; and
  - vii) Be accompanied by an interpreter and any other person reasonably required to assist him /her in conducting the inspection
- (2) An environmental health practitioner who removes anything from any premises being inspected must-
  - a) Issues a receipt for it to the owner, occupier or person apparently in control of the premises; and
  - b) Return it as soon as practicable after achieving the purpose for which it was removed.



- (3) An inspection conducted or work undertaken in terms of this section, must be conducted with strict regard to decency and order, a person's right to respect for and protection of his or her dignity, and a person's right to freedom and security and personal privacy

## **12. Transport**

Every dangerous chemicals shall be transported in accordance with the following manner and comply with any regulations as may be made by Council from time to time

Goods vehicles used for the transport of dangerous goods shall be in compliance with the provisions of the Road Traffic Act or any regulations made under the Road Traffic Act.

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1. The vehicle shall have, attached to both its front and its rear and the rear of any trailer it is towing "DANGEROUS GOOD" plates, in such a way so as not to interfere with the registration number plates issued under the National Road Traffic Act and obstruct any light or visual warning of the vehicle, thus enabling reliable identification in case of road checks or emergency and indicate the presence in the vehicle of safety data sheets.
2. The driver shall be in possession of a valid driver's licence and relevant safety data sheets and shall be informed, and instructed with respect to the content of the safety data sheets, the use of fire-extinguishers, chokes and personal protective equipment.
3. The transport of extremely dangerous goods shall be restricted to limited periods of time.
4. Transport of dangerous chemical shall be the responsibility of –
  - (a) The manufacture, importer or supplier until the goods are handed over to a transporter or buyer, if he himself carries out the transports;
  - (b) The transporter during the entire transport until the goods have been delivered in good condition;
  - (c) The buyer or employer when he has received goods.
5. Internal transport and handling shall be the responsibility of the owner of the dangerous goods, normally the employer.

The control of transport of dangerous chemicals in public area shall be under the

responsibility of the police.

6. The control of internal transport shall be under the responsibility of the Ministry of Labour and Industrial Relations

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**19. Education**

The Council shall from time to time

- 1) Facilitating the chemical safety by providing advice, education and training to the community.
- 2) Presenting annual exhibitions n creating awareness of the misuse, dangers and storage methods of chemicals because of its wide spread use as source energy in communities.

General

**14. Offences and Penalties**

Any person who-

- (a) Contravenes or fails to comply with any provisions of these Bylaws;
- (b) Fails to comply with any notice issued in terms of or for the purposes of these Bylaws;
- (c) Fails to comply with any lawful instruction given in terms of or for the purpose of these by laws;
- (d) Knowingly gives false or misleading information to an environmental health practitioner;

- (e) Threatens, resists, interferes with or obstructs an authorised officer or an environmental health practitioner in the performance of his or her powers, duties or functions as contemplated in these Bylaws; or
- (f) Impersonates an environmental health practitioner, is guilty of an offence and, upon conviction, is liable to a fine or to imprisonment for a period not exceeding two years, or to both.

## **15. Serving of notices**

- (1) A notice, order or other document is regarded as having been properly served if-
  - (a) It has been delivered to the person concerned personally
  - (b) It has been sent by registered post or speed post of the person to whom it is addressed at his or her last known address.
  - (c) It is served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address;
  - (d) If the address of the person concerned in the Republic of South Africa is known, it has been served on that person's agent or representative in the Republic of South Africa in the manner provided for in paragraph (a),(b) or (c); or
  - (e) If the address of the person concerned and of his or her agent or representative in the Republic of South Africa is unknown, if it has been posted in a conspicuous place on the premises to which it relates.
- 2) A notice, order or other document which may in terms of these Bylaws be served on the owner or occupier of premises may be addressed to "the owner" or "the occupier" of the specified premises and need not bear the name of the owner or occupier.

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**ANNEXURE A**

**NOTICE TO BE PUBLISHED BY APPLICANT FOR PERMISSION OF THE COUNCIL TO USE PREMISES FOR THE CARRYING ON OF A SCHEDULED TRADE SEKHUKHUNE DISTRICT: ENVIRONMENTAL HEALTH BY LAWS**

Notice is hereby given that an applicant will be made in terms of the above-mentioned Bylaws to the Council of the Sekhukhune District, for permission to use premises at the following address

.....  
..... (Insert site address)

For the following purposes

.....  
..... (description of purposes and nature of trade or proposed to be carried on)

any person desiring to object to the use of the above-mentioned premises for such purposes may do so by lodging on or before .....a written notice, in duplicate, setting out the grounds of his objection, with the Municipal Manager Sekhukhune District

Name and address of applicant.....

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**Sekhukhune District Municipality****LIST OF SCHEDULED TRADES**

1. Panel beating or spray painting
2. Operating a waste recycling plant including oil and petroleum product recycling
3. Scrap yard or scrap metal dealing
4. Parchment making;
5. Sintering of sulphurous materials
6. Viscose works;
7. Ore or mineral smelting, calcining, puddling or rolling or iron or other metal, conversion of pig iron into cast iron, reheating, tempering, hardening, forging, conversion or compounding of carbon with iron or other metals;
8. Works for the production of carbon bisulphide, cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverised fuel, peridine, liquid or gaseous sulphur dioxide or sulphur chlorides;
9. Works or the production of amyl acetate, aromatic ethers, butyric acid, caramel, enamelled wire, glass, hexamine, lampblack, B-naphthol, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride or zinc oxide
10. Bacon factories and meat-processing factories;
11. Food-processing factories;
12. Chemical works;
13. Dye works;

14. Breweries and distilleries;
15. Malt and yeast manufacturing works;
16. Sugar mills and sugar refineries;
17. Works or premises used for the storing or mixing of manure, super phosphate or fertiliser;
18. Fat-melting or tallow-melting works and any similar works or establishments for dealing with bones, meat, blood or offal, or with other organic matter derived from animals or poultry;
19. Works or premises used for the manufacture, storage or mixing of meal derived from fish crustacean, poultry, meat offal from animals or poultry, or other organic matter derived from animals or poultry;
20. Works or premises used for storing, drying, preserving, or otherwise processing bones, horns, or other waste matter or excretions from animals or poultry

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21. Premises used for storing, sorting or dealing with hides and skins, or for fellmonger;
22. Tanning and leather-dressing works;
23. Slaughter houses or abattoirs and knackers yards;
24. Glue or size factories
25. gut-scraping works;
26. tripe-cleaning or tripe-boiling works;
27. Soap or candle works
28. wool-scouring or wool-washing works;
29. Processing of fish products;
30. Whaling stations, and premises or works used for storing or processing material derived from whales;
31. Paper mills or paper works;
32. Sawmills, wood bark grinding, chipping or extracting work, and destructors;
33. Landfill sites, sewage treatment and water purification plants and activities
34. crematoria;
35. lead-smelting works
36. Oil refineries and works concerned with the processing of products of petroleum refining;

37. Paint and varnish works
38. Rubber works, including retreating or motor vehicle tyres;
- 39 brick-burning and lime-burning works
40. stone-crushing and stone-dressing works
41. Asbestos works- any processes where asbestos is used, milled or handled;
42. Cement works;
43. Metallurgical works
44. Reduction works and ore-dressing works
45. Charcoal burning and brick burning
46. Works or premises where sand or shot blasting or similar dust or grit producing processes is applied
47. Dry cleaning establishments; and
48. The handling or storage of any substance or material which can lead to a public health hazard.