

LOCAL AUTHORITY NOTICE 1353

CITY COUNCIL OF NELSPRUIT

PREPARATION OF FOOD AT REGISTERED PRIVATE KITCHENS BY- LAWS

The Municipal Manager hereby publishes in terms of The Municipal Systems Act, Act No. 32 of 2000, the by-laws as set forth hereafter, which have been approved by the Council in terms of Section 13 of the said Act. -

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DEFINITIONS

1. (1) In these by-laws, unless inconsistent with the context: -

“Chief: Health Services” means the Chief of Health Services of the Council or someone duly authorised by the Council to act on his behalf;

“Council” means the Town Council or Village Council concerned and includes the Council’s Management Committee, acting under the powers delegated to it in terms of the provisions of section 58 of the Local Government Ordinance (Administration and Elections), 1960 (Ordinance No. 40 of 1960), and any official to whom that Committee has been empowered by the Council, in terms of subsection (3) of that section to delegate, and has in fact delegated the powers, functions and duties vesting the Council in relation to these by-laws;

“registration certificate” means a certificate issued by the Chief of Health Services in respect of any registration in terms of these by-laws;

“require” means as required by the Chief of Health Services with due regard to the reasonable public health and other requirements in the particular context;

“foodstuffs”, “approved”, “premises”, “handling” and “inspector” shall have the meaning assigned thereto in the Council’s Food Handling By-laws.

- (2) 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) and the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), unless it is apparent from the context that another meaning is intended.

REGISTRATION

2. (1) No person shall use any part of a private dwelling with the jurisdiction of the Council for the preparation, storage or keeping of foodstuffs with the intention of selling it, unless the dwelling is registered beforehand 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 Chief of Health Services before any part of the dwelling is used for the preparation, keeping or storage of foodstuffs with the intention to sell it, 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 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 Chief of Health Services 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 if the requirements of these by-laws, the applicable town-planning scheme and the provisions of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), as amended from time to time, are not complied with.
- (6) A registration fee of R20-00 shall be payable on submission of an application for registration, and shall thereafter be payable annually before a registration certificate is issued or renewed.

REQUIREMENTS FOR PREMISES

3. Premises where foodstuffs are handled, processed, produced, manufactured, packaged, stored or prepared with the intention of selling it, 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 Chief of Health Services, may be used;
- (e) only packing-material approved by the Chief of Health Services, may be used.

REQUIREMENTS REGARDING FOODSTUFFS

- 4. (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 Chief of Health Services 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 Chief of Health Services.
- (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-animal which was slaughtered at an abattoir approved in terms of the Animal Slaughter, Meat and Animal Products Hygiene Act, 1967 (Act No. 87 of 1967), or from a retail butchery that is approved and licensed by a local government.
- (5) All foodstuffs which, according to the Chief of Health Services, require refrigeration or freezing in order to prevent spoilage, shall at all times during storage be maintained at a temperature of between 10°C and -7°C. Food which is kept warm, shall be kept at a temperature of at least 65°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 Chief of Health Services, 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 local government may permit a suitable identification mark instead of the name and address of such producer.

TRANSPORT OF FOODSTUFFS

- 5. All foodstuffs that are transported shall be protected against contamination by an effective method as prescribed from time to time by the Chief of Health Services.

INSPECTION OF PREMISES

6. Any Health Inspector in the service of the Council may examine premises where foodstuffs are manufactured, packaged, 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.

EXAMINATION OF FOODSTUFFS AND CONFISCATION

7. Any Health Inspector in the service of the Council 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.

DUTIES OF PERSON IN CONTROL OF KITCHEN

8. (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 is not used as packing material if it is to 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 dust-proof containers are provided in which to keep or store such utensils as intended in paragraph (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 °C. Provided that this requirement shall not be applicable to: -
 - (i) foodstuffs which are kept at a heated temperature of at least 65 °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°C at all times;
- (n) persons that handle foodstuffs do not smoke;
- (o) persons do not moisten fingers and blow bags open;
- (p) person with open wounds or skin infections do not handle foodstuffs;
- (q) the Council is informed immediately of any case of an actual or suspected contamination or contagious disease which may be present with any person involved with the handling of foodstuffs on the premises.

GENERAL

- 9. (1) 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 Chief of Health Services.
- (2) The provisions of these by-laws shall be supplementary to the Council's Food-Handling By-laws and do not derogate any part thereof.
- (3) The applicant shall still comply with the provisions of the Council's Town Planning Scheme.

OBSTRUCTION

- 10. Any person who, without reasonable or lawful cause, fails to give or refuses access to any official of the Council, duly authorized to enter and inspect a private residence or premises, or who obstructs or hinders such official in the execution of his duties in

terms of these by-laws, or who fails or refuses to give information, or who give incorrect or misleading information to such official knowing such information to be incorrect or misleading, or who unlawfully prevents any other person from entering upon such private residence or premises, commits an offence.

OFFENCE AND PENALTIES

11. Any person who contravenes or fails to comply with or who causes, permits or suffers any other person to contravene or 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 R500-00 or, in default of payment, to imprisonment for a period not exceeding 6 months, or to both such fine and imprisonment, and in the event of a continuing offence, to a fine not exceeding R100-00 for each day on which such offence continues.

COMMENCEMENT

12. These by-laws shall commence from the date of publication.

AREA WHERE BY-LAWS ARE APPLICABLE

13. These by-laws shall only be applicable within the area of jurisdiction of the Council.