

## ADMINISTRATOR'S NOTICE - 27 APRIL, 1977

### STANDARD BY-LAWS RELATING TO CAFES, RESTAURANTS AND EATING-HOUSES

The Administrator hereby, in terms of section 96bis(1) of the Local Government Ordinance, 1939, publishes the standard by-laws set forth hereinafter, which have been made by him in terms of the said section.

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##### 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 meaning assigned to them in the council’s Food-Handling By-laws;

“**café**”, “**restaurant**” and “**eating-house**” mean 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 Licences 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 is 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.
- (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 25 m<sup>2</sup> and a width of not less than 3m, of an additional floor area of: -
  - (i) 0,4 m<sup>2</sup> for every 1 m<sup>2</sup> that the floor area of the dining area exceeds 40 m<sup>2</sup> up to and including 200 m<sup>2</sup>, and thereafter;
  - (ii) 0,3 m<sup>2</sup> for every 1 m<sup>2</sup> that the dining area exceeds 2000 m<sup>2</sup>:

Provided that in every road-house the minimum floor area of the preparation room shall be 55 m<sup>2</sup>, plus an additional floor area of 0,75 m<sup>2</sup> for every 20 m<sup>2</sup> that the area of the parking facilities forming part of such road-house, including drive-ways and passage-ways, exceeds 800 m<sup>2</sup>: Provided further are where the medical officer of health is satisfied that, having regard to the extent to which food is handled on the premises, a 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 2.5 m and a minimum floor area of 7 m<sup>2</sup> shall be provided for the washing up of utensils and equipment: Provided that such minimum floor area in every road-house shall be 14 m<sup>2</sup>.
  - (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;
    - (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 of the room 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 6.5 m<sup>2</sup>, a height of not less than 2,6 m and a width of not less than 2,2 m.

- (7) Where, in addition to the storeroom required in terms of section 2(7) of the council's Food-Handling By-laws and the storeroom or area required in terms of subsection (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 1,2 m<sup>2</sup> 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 or drink by patrons on such premises, sanitary accommodation in accordance with section 22 (1) of Part IV of the council's Public Health by-laws shall be provided for the use of all patrons of each café, restaurant or eating-house.
  - (b) In addition to the requirements referred to in paragraph (a), the compartments of an approaches to such sanitary 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) clearly indicate the sex for which such accommodation is intended;
    - (iv) 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 subsections (2), (3), (5), (6) and (7) shall only apply to a premises which is 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.

#### **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 provision of these by-laws are being complied with: -

#### **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, or who unlawfully prevents any other person from entering upon such premises, shall be guilty of an offence.

#### **GENERAL**

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

#### **OFFENCES AND PENALTIES**

9. Notwithstanding anything contained in section 17 of the council's Food-Handling By-laws, any person who contravenes or fails to comply with any provision of these by-laws, shall be guilty of an offence and shall be liable, on conviction, to a penalty not exceeding R300-00 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 R10-00 for each day on which such offence continues.