

**ULUNDI TRANSITIONAL LOCAL COUNCIL**  
**BY-LAWS RELATING TO OFFENSIVE TRADES**

**DEFINITIONS**

1. *In these bylaws, unless the context otherwise indicates –*
  - (a) *“Town Council” or “Council” shall mean the Ulundi Town Council;*
  - (b) *“Area” shall mean the area of Ulundi Transitional Local Council;*
  - (c) *“noxious”, “offensive” or a “danger or potential danger to public health” shall mean noxious, offensive, or a danger or potential danger to public health, in the opinion of the Chief of Health Services; and any other word or expression used in these bylaws to which no specific meaning has been assigned herein shall have the meaning assigned thereto in the Health Act 1977 (Act 63 of 1977).*

## **PERMISSION TO USE PREMISES TO CARRY ON AN OFFENSIVE TRADE**

2. (1) *No person shall without the prior permission in writing of the Chief of Health Services erect, extend, alter to, add to any building, plant or works used for, or intended to be used in connection with, or commence to carry on, any of the businesses, trades, works or establishments referred to in the Schedule A hereto: Provided that these requirements shall not apply to buildings, plant or works which prior to the promulgation of these bylaws were used for any such purpose and sanctioned by the Council or lawfully erected and to which no unauthorised extension, alteration or addition has been made.*

2.1 *Permission granted to use premises to carry on offensive trade will take cognisance of Ulundi Town Planning Scheme, the National Building Regulations and any other legal requirements by Council.*

(2) *Every person desiring such permission shall apply in writing to the Chief of Health Services and shall submit with such 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 metres of such premises;*

(b) *proper 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 of the products, by-products and waste materials thereof;*
  - (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 (sexes to be stated separately);*
  - (g) *particulars of latrine and change-room accommodation for employees, separate for sexes; and*
  - (h) *any further particulars, plans or drawings which the Chief of Health Services may require.*
- (3) *The Chief of Health Services and Town Engineer may, 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, plants or works*

*for the purposes set forth in the application. Such permission shall be granted for a specific period or may be renewed from time to time.*

- (4) *The granting of such permission shall in all cases be conditional on the proper construction, maintenance, and use of the buildings and works and the plant and apparatus therein, and on the effective prevention of any nuisance or any danger or potential danger to public health arising therefrom. At any time after the granting of such permission the Chief of Health Services may, by notice in writing, if satisfied that these conditions are not being properly observed or complied with, call upon the owner, manager or person in charge of the buildings, plant or works to observe or comply with the aforesaid conditions and, if specified in such notice, to remedy any defect or to carry out any repair or alteration, within a time limit stated in such notice, in order to prevent or abate any nuisance or any danger or potential danger to public health, and in the event of his failure to do so, or in the event of a recurrence of the nuisance, danger or potential to public health, or of other default, the Chief of Health Services may suspend or withdraw any permission granted in terms of these regulations for the carrying on of the business, trade or works.*
- (5) *If, in the case of any business, trade or works referred to in Schedule A hereto, which was established before the promulgation of these regulations, the Chief of Health Services is satisfied that a nuisance or a danger or potential danger to public health is being caused thereby, he may, by notice in writing, call upon the owner, manager or person in charge of the buildings, plant or works to take*

*measures to prevent or abate the nuisance, danger or potential danger to public health and, if specified in such notice, to remedy any defect or carry out any repair or alteration within the time limit stated to such owner, manager or person to do so, or in the event of a recurrence of the nuisance or the danger or potential danger to public health, as aforesaid, the Chief of Health Services may order the closing of the buildings, plant or works, and the taking of such precautions as regards the removal or disposal of raw material, products or waste matters as may be considered necessary, and may subsequently, on being satisfied that all causes of nuisance, or of danger or potential danger to public health in connection with the carrying on of the business, trade or works have been removed or remedied and are not likely to recur, cancel or withdraw such order.*

- (6) *The provisions of these bylaws shall not be so construed as to prevent the carrying on of any process or activity which, being a scheduled process or activity to which the provisions of the Atmospheric Pollution Act, 1965 (Act 45 of 1965), as amended, or any regulation made thereunder apply, is carried on in accordance with the terms and conditions of a registration certificate issued or permission granted in terms of the said Act or which is otherwise authorised or permitted in terms of the said Act or regulations: Provision that, subject to the provisions of the Atmospheric Pollution Prevention Act, 1965 (Act 45 of 1965), as amended, or any regulations made hereunder, these bylaws shall mutatis mutandis apply to any business, trade, works or establishment in which any process or activity mentioned above is carried on which gives rise to, causes or involves apart from the escape or discharge into the air of noxious or offensive gas, smoke or dust, any other*

*nuisance or danger or potential danger to public health, or noxious or offensive substance or conditions not specifically controlled, authorised or permitted by the said Act or any regulation made thereunder or any certificate issued or permission granted in terms thereof.*

- (7) *The Chief of Health Services shall, if so requested in writing by an applicant whose application has been refused forward the relevant documents, together with his report thereon, to the Town Clerk for consideration by the Council, which shall have the power to direct that the application be granted or refused, or that the notice be withdrawn, as the case may be. Such request shall reach the Chief of Health Services not later than 14 days after the date on which the applicant has been notified of the decision of the Chief of Health Services.*

### **PENALTIES**

3. *Any person who –*

- (a) *erects or uses any buildings, plant or works for the purpose of any business or trade referred to in regulation 2 without first having obtained the permission of the Chief of Health Services as herein required; or*
- (b) *extends, alters or adds to the existing buildings, plant or works used in connection with any business or trade as aforesaid or processes any form of raw material not previously used or carries out any new process without the permission of the Chief of Health Services; or*

- (c) *uses any buildings, plant or works for the purpose of any business or trade referred to in regulation 2 other than the business or trade in respect of which permission has been granted by the Chief of Health Services, or uses any raw material or carries out any process not covered by such permission granted by the Chief of Health Services; or*
- (d) *uses for the purpose of any business or trade referred to in regulation 2 any buildings, plant or works in respect of which the permission of the Chief of Health Services granted under the said regulation has expired or has been suspended or withdrawn, or in respect of which a closing order under the said regulation is in force.*

*Shall be guilty of an offence and liable on conviction to a fine not exceeding R100 or, in the case of a continuance of the offence, to a fine not exceeding R4 for every day during which the offence is continued after a date fixed in any written notice in respect thereof by the Chief of Health Services.*

#### **TRADES INVOLVING ANIMAL ORGANIC MATTER**

4. *Every person who carries on the business or trade, whensoever establishment, of bone boiler, fertilizer manufacturer or manufacturer of meal from crustacea, fish, meat, animal offal other animal organic matter, soap boiler, fat melter, tallow melter, or fat extractor, shall –*
- (a) *cause all untreated material, manufactured products, residues and waste, and all other material used on or in connection with the*

*premises where his trade is carried on, from which any offensive or noxious odours, vapours, gases or effluvia may be generated, to be*

- (b) placed or stored in a specially constructed store-room or place and, where necessary, placed in closed receptacles and so handled as to prevent any offensive odour, vapour, gas, effluvia refuse from boiling pans or residue or any other offensive material likely to produce therefrom, from escaping into the external air;*
- (c) cause every process of his trade in which any offensive odour, effluvia, vapour or gas is generated, to be carried on in such a manner as will prevent the escape into the external air of such offensive odour, effluvia, vapour or gas, and shall cause all such offensive odours, effluvia, vapours or gases to be effectively destroyed;*
- (d) cause the floors, walls and ceilings of the premises where his trade is carried on to be kept thoroughly clean and in good repair, and shall cause every internal wall or part of the wall which is not perfectly smooth and hard on the surface, and every ceiling, to be painted with a durable paint to the satisfaction of the Medical Officer of Health, and to be repainted as often as may be required by the Chief of Health Services, but in any event not less than once in every year;*
- (e) cause every vehicle, container, utensil or instrument provided or used in connection with his trade to be thoroughly clean and, in the case of a soap boiler, shall not store empty barrels unless they have been thoroughly cleaned with steam or otherwise;*

- (f) *ensure that the grinding of bones, manure or other material which may generate dust or other impurities is carried on in a special department of the premises, so constructed and provided with mechanical or other means of ventilation as to render harmless as far as practicable any such dust, vapour or other impurities;*
  
- (g) *arrange that all refuse matter is removed from the premises where his trade is carried on and disposed of at least once in every 24 hours, and shall cause such removal and disposal to be so effected as not to create a nuisance or a danger or potential danger to public health;*
  
- (h) *cause the walls of every building within which any part of his trade is carried on to be built of brick or other equally solid and impervious material, and shall cause every floor therein to be properly covered with asphalt, concrete or other suitable impervious and jointless material approved for this purpose by the Chief of Health Services which in the case of the ground floor shall be laid on a suitable bottom of a thickness of at least 150mm, and shall have a proper slope towards a channel or gully leading to the drainage system, and cause all the walls, except those in the packing room and offices, to be smooth plastered or faced inside to a height of at least 2m from the floor with tiles, glazed bricks or other equally hard, smooth and impervious material;*
  
- (i) *if so required by the Chief of Health Services, cause the yards, courts or areas or any part thereof within the premises to be properly bottomed to a depth of at least 150mm with concrete or*

*other solid and substantial material, and thereafter paved with jointless impervious material such as asphalt or concrete which shall have proper gradients and channels for draining the aforesaid yards, courts or areas or other parts of the premises;*

- (j) cause the premises where his trade is carried on to be provided with a chimney stack of such height and area in cross-section as the Chief of Health Services may require;*
- (k) cause every room, chamber or other place which may be used on or in connection with the premises where his trade is carried on for the purpose of receiving, processing or storing any material, manufactured products, residue or other matter from which any offensive steam, odour, effluvium, vapour or gas may be generated, to be furnished with suitable appliances for treating and effectively destroying such steam, odours, effluvia, vapours or gases;*
- (l) provide his boilers, digesters, condensers, pressers or other apparatus in which any offensive steam, odour, effluvium, vapour or gas may be generated, with suitable appliances for conveying such steam, odours, effluvia, vapours or gases to a furnace or to a condensing tower and then a furnace, or for treating it in such other way as to destroy it effectively;*
- (m) provide his premises with a plentiful supply of potable water at convenient places;*
- (n) cause all needful repairs to the premises where his trade is carried on, to be forthwith executed when they become necessary, and*

- (o) *shall cause such works and alterations to be made on the premises as may be required in order to comply with these bylaws.*
- (p) *in the case of a bone boiler, provide, as far as practicable, for the immediate treatment of bones or other materials before they become offensive through decomposition.*

#### **OFFENSIVE WASTE LIQUID OR WATER**

5. *Any person who conducts or carries on within the Council area any business, trade, industry, manufacture, occupation or process in the course of which trade, business, industry manufacture, occupation or process any offensive waste liquid or water is produced or to cause a nuisance or a danger or potential danger to public health, shall comply with the following provisions;*

- (a) *If the main sewerage scheme or system of the Council area is available or accessible for connection with the drainage system of the premises where such trade, business, industry, manufacture, occupation or process is conducted or carried on, such person shall carry out on the premises such drainage works as may be prescribed by the bylaws or the provisions of any other law, Act, or regulation in force in the Council area.*
- (b) *If the main sewerage scheme or system of the Council area is not available or accessible for connection with the drainage system of the premises where such trade, business, industry, manufacture, occupation or process is conducted or carried on, such person shall arrange for the disposal of such waste liquid or water to the satisfaction of the Chief of Health Services.*

**OTHER PENALTIES**

6. *Any person guilty of an offence under these bylaws for which a penalty is not otherwise provided shall be liable on conviction to a fine not exceeding R100 or, in the case of a continuance of the offence to a fine not exceeding R4 for every day during which the offence is continued after a date fixed in any written notice in respect thereof by the Chief of Health Services.*

**SCHEDULE A**

*Bacon factories and meat-processing factories.*

*Food-processing factories*

*Chemical works.*

*Dye works.*

*Breweries and distilleries.*

*Malt and yeast manufacturing works.*

*Sugar mills and sugar refineries.*

*Works or premises used for the storing or mixing of manure, superphosphate or fertilizers.*

*Fat-melting or tallow-melting works and any similar works or establishments for dealing with meat, bones, blood or offal, or with other organic matter derived from animals or poultry.*

*Works or premises used for the manufacture, storage or mixing of meal derived from fish, crustacea, poultry, meat offal from animals or poultry, or other organic matter derived from animals or poultry. Works or premises used for storing, drying, preserving, or otherwise processing bones, horns, hoofs or other waste matter or excretions from animals or poultry.*

*Premises used for storing, sorting or dealing with hides and skins, or for fishmonger.*

*Tanning and leather-dressing works.*

*Slaughter houses or abattoirs, knackers' yards.*

*Glue or size factories.*

*Gut-scraping works.*

*Tripe-cleaning or tripe boiling works.*

*Soap or candle works.*

*Hairdresser.*

*Wool-scouring or wool-washing works.*

*Fish-curing or fish-canning works.*

*Works for the excretion of fish oil from sharks or other fish.*

*Whaling stations, and premises or works used for storing or processing material derived from whales.*

*Paper mills or paper works.*

*Saw mills.*

*Wattle bark grinding or excretion work, destructors, depositing sites or other works for the disposal or treatment of house refuse, trade refuse, street refuse, sewerage or night-soil.*

*Crematoria.*

*Lead-smelting works.*

*Oil refineries and works concerned with the processing of products of petroleum refining.*

*Paint and varnish works.*

*Rubber works, including retreading of motor vehicle tyres.*

*Brick-burning and lime-burning works.*

*Stone-crushing and stone-dressing works.*

*Asbestos works – any processes where asbestos is used, milled or handled.*

*Cement works.*

*Metallurgical works.*

*Reduction works and ore-dressing works.*

*Depositing yards for scrap and derelict motor car parts, or any works or establishments to which the Minister may by notice in the Gazette apply the provisions of these bylaws. Works or premises where sand or shot blasting or similar dust or grit producing processes are applied.*

**ANNEXURE B**

**FORM OF NOTICE TO BE PUBLISHED BY APPLICANT FOR THE  
PREMISSION OF THE CHIEF OF HEALTH SERVICES TO USE PREMISES  
FOR THE CARRYING OF AN OFFENSIVE TRADE**

**ULUNDI TRANSITIONAL LOCAL COUNCIL**

**BYLAWS RELATING TO OFFENSIVE TRADES**

*Notice is hereby given that application will be made in terms of the above-mentioned bylaws to the Chief of Health Services, for permission to use premises at the following address –*

.....  
.....

*(insert site address)*

*for the following purpose .....*  
.....

*(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  
Town Clerk, Ulundi Transitional Local Council.*

*Name and address of applicant .....*  
*.....*  
*.....*

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**CHIEF OF HEALTH SERVICES**