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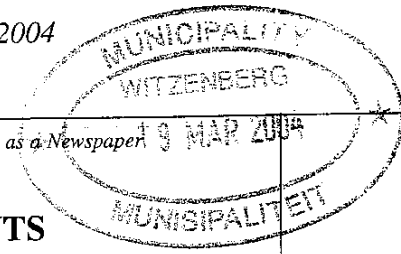
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WITZENBERG MUNICIPALITY
BY-LAW RELATING TO BARBERS, HAIRDRESSERS AND
BEAUTICIANS

(4-2004)

Purpose of By-Law

- To promote the achievement of a safe and clean environment for the benefit of all residents within the area of jurisdiction of the municipality;
- To provide for procedures, methods and practices for the regulation of the business of barbers, hairdressers and beauticians;

Definitions

1. In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the Afrikaans text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates:—

“barber” or “hairdresser” means a person who carries on or assists in carrying on the business of cutting, shaving or dressing the hair and beard of human beings;

“beautician” means a person who carries on or assists in carrying on the business of manicure, pedicure, massage and beauty treatment;

“dwelling” means any place the whole or part of which is used as a sleeping place or is habitually occupied by any person;

“municipality” means the Municipality of Witzenberg established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

Hygiene on premises

2. No person shall carry on the business of a barber, hairdresser or beautician unless—
 - (a) all parts of such premises are effectively illuminated and ventilated;
 - (b) there is provided on such premises for employees of each sex separately at least one closet for every twenty or part of twenty employees of that sex; provided that where the majority of employees is of one sex and not more than two are of the other sex, separate closet accommodation need not be provided for the latter.
 - (c) there is fixed on the premises at least one wash-basin with running hot and cold water laid on and fitted with a trap waste pipe, for every two or part of two persons engaged at the same time on the premises in any operation in connection with the business of a barber, hairdresser or beautician;
 - (d) the wall at the rear of each such wash-basin or sink on the premises is lined to a height of not less than 450mm above the tap and for the full width of such wash-basin or sink with glass, marble, glazed tiles or other similar glazed, durable or non-corroding material approved by the council;
 - (e) all tables and shelves on such premises on which instruments are usually laid, are constructed of or covered with glass, marble, glazed tiles or other similar glazed, durable or non-corroding material approved by the council;
 - (f) such premises have an even floor suitably covered with linoleum or impervious material, or constructed with a

WITZENBERG MUNISIPALITEIT
VERORDENING INSAKE BARBIERS, HAARSNYERS EN
SKOONHEIDSKUNDIGES

(4-2004)

Doel van Verordening

- Om die verwesenliking van 'n veilige en skoon omgewing te bevorder tot voordeel van alle inwoners binne die regsgebied van die munisipaliteit;
- Om voorsiening te maak vir prosedures, metodes en praktyke om die besighede van barbiers, haarsnyers en skoonheidskundiges te reguleer.

Woordomskrywing

1. In hierdie verordening sluit woorde wat die manlike geslag aandui, ook die vroulike geslag in, sluit die enkelvoud die meervoud in en omgekeerd, geniet die Afrikaanse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste, en tensy dit uit die samehang anders blyk, beteken:—

“barbier” of haarsnyer” iedereen wat die bedryf uitoefen of behulpsaam is by die uitoefening van die bedryf van die knip, skeer of versorging van die hare en baard van mense;

“munisipaliteit” die munisipaliteit van Witzenberg gestig in terme van Artikel 12 van die Munisipale Strukturewet, 117 van 1998, Provinsiale Kennisgewing 487 gedateer 22 September 2000 en sluit in enige politieke struktuur, politieke ampsbekleeder, raadslid, behoorlik gevolmagtigde agent daarvan of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van 'n bevoegdheid van die munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde politieke struktuur, politieke ampsbekleeder, raadslid, agent of werknemer;

“skoonheidskundige” iedereen wat die bedryf uitoefen of behulpsaam is by die uitoefening van die bedryf van manikuur, pedikuur, massering of skoonheidsbehandeling van mense; en

“woning” enige plek waarvan die geheel of 'n gedeelte deur 'n persoon as 'n slaapplek gebruik of gereeld bewoon word.

Perseelhygiëne

2. Niemand mag die bedryf van barbier, haarsnyer of skoonheidskundige op 'n perseel uitoefen nie, tensy
 - (a) alle dele van sodanige perseel doeltreffend verlig en geventileer is;
 - (b) daar op sodanige perseel vir die werknemers van elke geslag afsonderlik, minstens een toilet vir elke twintig of gedeelte van twintig werknemers van die geslag verskaf word; met dien verstande dat waar die meerderheid van die werknemers van een geslag is en daar nie meer as twee van die ander geslag is nie, 'n afsonderlike toilet nie vir laasgenoemde verskaf hoef te word nie.
 - (c) daar op die perseel minstens een wasbak aangebring is met lopende warm en koue water aangelê en toegerus met 'n afvoerpypp gekoppel aan die perseelrioleringsstelsel met afsluiter, vir elke twee of gedeelte van twee persone wat terselfdertyd op die perseel besig is met enige werksaamheid in verband met die bedryf van barbier, haarsnyer of skoonheidskundige;
 - (d) die muur agter elke sodanige wasbak of opwasbak op die perseel tot 'n hoogte van minstens 450mm bokant die kraan en vir die volle wydte van sodanige wasbak of opwasbak bedek is met glas, marmer, geglasuurde teëls of ander soortgelyke geglasuurde, duursame of nie korrosiewe materiaal wat die raad goedkeur;
 - (e) alle tafels en rakke op so 'n perseel waarop instrumente gewoonlik geplaas word, gemaak is van of bedek is met glas, marmer, geglasuurde teëls of ander dergelyks geglasuurde, duursame of nie-korrosiewe materiaal wat die raad goedkeur;
 - (f) sodanige perseel 'n gelyke vloer het wat behoorlik met linoleum of ondeurdringbare materiaal bedek is, of van 'n

smooth impervious surface and maintained so that it may be easily swept and thoroughly cleaned;

- (g) there is on such premises a sufficient number of readily portable refuse receptacles constructed of impervious material in such manner that they can be readily washed and cleaned and covered with close-fitting lids;
- (h) a minimum of 14 cubic metres of air space per chair is provided;
- (i) the premises on which such business is carried on and all instruments and other articles thereon which are used or intended to be used in connection with such business are at all times kept clean and in good repair;
- (j) there is on such premises a sufficient number of brushes, combs, razors, scissors, clippers or other instruments for the purpose of carrying on such business; and

General hygiene

3. No person carrying on the business of a barber, hairdresser or beautician, or assisting in any such business—
- (a) shall use or keep a hairbrush or equipment, instruments and articles for use in such business unless it is thoroughly clean and sterilised before use. Where articles or instruments are destined for non-recurrent use it shall not be used repeatedly;
 - (b) shall, in such business, use or allow the use of any towel upon a person unless it has been thoroughly washed and sterilised since having been used upon any other person; or
 - (c) shall, in such business, use or allow the use of a covering or garment upon any person so as to come into contact with the head, face or neck of such person unless it has been thoroughly washed and sterilised since having been used upon any other person; or
 - (d) shall attend to or allow any person to be attended to unless an un-used piece of clean paper, or linen which has been washed and sterilised since previous use, has been applied to such person so as effectively to prevent direct contact of the head or neck of such person with the chair occupied by him; or
 - (e) shall use or allow the use of any brush, comb, razor, scissor, clipper or other instrument which has been in contact with the exposed portion of a person's body upon any other person, unless—
 - (i) it has been thoroughly cleaned in boiling water; or
 - (ii) it has been immersed for at least ten minutes in a disinfectant solution of a germicidal strength not less than that of a five percent solution of carbolic acid and has thereafter, before use, been thoroughly rinsed in clean water; or
 - (iii) it has been treated in a special disinfecting apparatus and in a manner approved by the council; or
 - (f) shall, on that part of the premises where such business is ordinarily carried on, subject or allow any person who appears to be verminous or suffering from any hair or skin disease to be subjected to shaving, haircutting or any other operation connected with such business; or
 - (g) shall use or allow the use of any towel, instrument or other article which has been used on a person referred to in paragraph (f) unless it has been sterilized; or,
 - (h) shall, in such business, use or allow the use—
 - (i) of soap, shaving cream, wax or similar substance in any other than its liquid, powder or tube form; or

gladde ondeurdringbare oppervlakte gemaak is en op so 'n wyse onderhou word dat dit maklik gevee en deeg lik skoongemaak kan word;

- (g) daar op sodanige perseel 'n voldoende aantal maklik verplaasbare vullishouers is, van ondeurdringbare materiaal gemaak op so 'n wyse dat dit maklik gewas en skoongemaak kan word, en van noudluitende deksels voorsien;
- (h) 'n minimum van 14 kubieke meter lugruimte per stoel voorsien word;
- (i) die perseel waarop sodanige bedryf uitgeoefen word en alle instrumente en ander artikels daarop wat gebruik word of bedoel is om gebruik te word in verband met sodanige bedryf, te alle tye skoon en in 'n goeie skoon toestand gehou word;
- (j) daar op sodanige perseel 'n voldoende aantal borsels, kamme, skeermesse, skêre, knippers of ander instrumente is vir die uitoefening van sodanige bedryf nie;

Algemene higiëne

3. Niemand wat die bedryf van barbier, haarsnyer of skoonheidskundige uitoefen of by sodanige bedryf behulpsaam is—
- (a) mag 'n haarborsel of toerusting instrumente en artikels by sodanige bedryf gebruik of dit vir gebruik hou nie, tensy dit deeglik skoon en gesteriliseer is, voor elke gebruik. Waar artikels of toerusting vir eenmalige gebruik bestem is mag dit nie vir meermalige gebruik aangewend word nie.
 - (b) mag by sodanige bedryf 'n handdoek op iemand gebruik of laat gebruik nie, tensy dit deeglik gewas en gesteriliseer is nadat dit, op iemand anders gebruik is; of
 - (c) mag by sodanige bedryf 'n bedekking of kledingstuk op iemand gebruik of laat gebruik op so 'n wyse dat dit met die kop, gesig of nek van so iemand in aanraking kom nie, tensy dit deeglik gewas en gesteriliseer is nadat dit op iemand anders gebruik is; of
 - (d) mag iemand bedien of laat bedien nie, tensy 'n ongebruikte stuk skoon papier, of linne wat na vorige gebruik gewas en gesteriliseer is, op so 'n wyse op so iemand gebruik word dat dit doeltreffend verhoed dat die kop of nek van so iemand regstreeks in aanraking kom met die stoel waarin hy sit; of
 - (e) mag 'n borsel, kam, skeermes, skêr, knipper of ander instrument wat met die blootgestelde deel van iemand se liggaam in aanraking gekom het, op iemand anders ge bruik of laat gebruik nie, tensy
 - (i) dit behoorlik in kookwater skoongemaak is; of
 - (ii) dit minstens tien minute lank ondergedompel is in 'n ontmettingsoplossing—met 'n kiemdodende sterkte van minstens dié van 'n oplossing karbolsuur van vyf persent, en daarna, voordat dit gebruik word, deeglik met skoon water afgespoel is; of
 - (iii) dit in 'n spesiale ontsmettingsapparaat behandel is op 'n wyse wat die raad goedkeur; of
 - (f) mag op die gedeelte van die perseel waar sodanige bedryf gewoonlik uitgeoefen word, iemand wat blykbaar met luise besmet is of aan 'n haar- of huidsiekte ly, skeer of se hare knip of hom/haar enige ander behandeling in verband met sodanige bedryf laat ondergaan of toelaat dat dit gedoen word nie; of
 - (g) mag 'n handdoek, instrument of ander artikel wat gebruik is op 'n persoon in paragraaf (f) genoem, gebruik of laat gebruik nie, tensy dit gesteriliseer is.
 - (h) mag by sodanige bedryf—
 - (i) seep, skeerroom, waks of derglike middel wat nie in sy vloeibare of poeiervorm of in buisies is nie, gebruik of laat gebruik nie; of

- (ii) of soap in cake or tablet form; or
- (iii) on any person of any styptic other than liquid or powder applied as a spray or by means of a clean and un-used piece of cotton wool; or
- (iv) on any person of any sponge, powder-puff or alum or other styptic in stick or block form; or
- (i) shall apply or allow any operation pertaining to the business of a barber, hairdresser or beautician to be applied to any person, unless the person so applying:
 - (i) wears clean clothes;
 - (ii) has immediately before commencing such operation washed his hands; and
 - (iii) if free from any infectious or contagious disease, any disruptive disorder or any discharging ulcer or sore, or, if he has attended to or been in contact with a person thus afflicted, has thoroughly disinfected himself before commencing such operation; or
- (j) shall, when engaged in any operation in such business—
 - (i) blow away with his own breath any hair or other matter which may have fallen upon a person in the course of such operation;
 - (ii) remove such hair or matter otherwise than by means of a soft brush or a compressed air blower.

Removal of refuse

4. Every person carrying on the business of a barber, hairdresser or beautician shall—
- (a) ensure that all hair, immediately after being cut, be swept up and placed in the covered refuse receptacles provided for the purpose;

Penalties

5. Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to—
- (a) a fine or imprisonment, or to both a fine and such imprisonment;
 - (b) in the case of a continuing offence, an additional fine or an additional period of imprisonment or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued; and
 - (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention of failure. 6288

- (ii) seep in die vorm van koekies of stene gebruik of laat gebruik nie; of
- (iii) op enigiemand 'n ander bloedstollende middel as vloeistof of poeier wat deur middel van 'n spuit of 'n skoon, ongebruikte stuk watte aangewend word, gebruik of laat gebruik nie; of
- (iv) op enigiemand 'n spons, poeierkwas of aluin of ander bloedstollende middel in stif- of tabletvorm gebruik of laat gebruik nie; of
- (i) mag enige werksaamheid in verband met die bedryf van barbier, haarsnyer of skoonheidskundige op iemand uitvoer of laat uitvoer nie, tensy die persoon wat dit uitvoer—
 - (i) skoon klere aan het;
 - (ii) onmiddellik voordat by met sodanige werksaamheid begin, sy hande gewas het; en
 - (iii) nie aan 'n aansteeklike of besmetlike siekte, 'n uit slaande kwaal of 'n etterende sweer of seer ly nie, of, as hy iemand wat daaraan ly, bedien het of met hom in aanraking gekom het, homself daarna deeglik ontsmet het voordat hy met sodanige werksaamheid begin; of
- (j) mag, wanneer hy enige werksaamheid in verband met sodanige bedryf uitvoer—
 - (i) hare of ander stof wat in die loop van sodanige werksaamheid op iemand geval het, met sy asem wegblaas nie;
 - (ii) sodanige hare of stof op 'n ander wyse verwyder as deur middel van 'n sagte borsel of 'n lugblaser nie.

Verwydering van Afval

4. Iedereen wat die bedryf van barbier, haarsnyer of skoonheidskundige uitoefen, moet—
- (a) sorg dat die perseel te alle tye in 'n sindelike en skoon toestand is deur alle afval hare of ander materiale na die behandeling van elke kliënt onmiddellik te verwyder en dit in die houers vir die doel te plaas.

Strafbepaling

5. Iedereen wat enige bepaling van hierdie verordening oortree of nalaat om daaraan te voldoen is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met—
- (a) 'n boete of gevangenisstraf, of beide 'n boete en sodanige gevangenisstraf;
 - (b) in die geval van 'n voortdurende misdryf met 'n addisionele boete of 'n addisionele tydperk van gevangenisstraf of sodanige addisionele boete of sodanige addisionele gevangenisstraf, of beide sodanige addisionele boete en gevangenisstraf vir elke dag wat sodanige misdryf voortduur; en
 - (c) 'n verdere bedrag gelyk aan enige koste en uitgawes wat na bevinding van die hof deur die plaaslike owerheid aangegaan is as gevolg van sodanige oortreding of versuim. 6288