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WITZENBERG MUNICIPALITY
BY-LAW RELATING TO FISHMONGERS

(12-2004)

Purpose of By-Law

- To promote the achievement of a safe and clean environment for the benefit of all residents in the area of jurisdiction of the municipality;
- To provide for procedures, methods and practices to regulate the business of fishmongers.

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:—

“fishmonger” means any person who on any premises—

- (a) sells fish to the public for consumption off such premises, or
- (b) keeps, stores, prepares or exposes fish intended for sale to the public for consumption off such premises;

“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;

Premises

2. No premises shall be used for the trade or business of a fishmonger without the written permission of the council and unless:

- (a) such premises are provided with an outside yard which abuts thereon and measures at least 19 m² in extent which yard shall be paved with cement or concrete brought to a smooth finish, graded to a fall of 1 in 60, drained for the complete run-off of all storm water and access from the premises to such yard is provided by means of one or more doors;
- (b) the floors of such premises are of cement, concrete or other impervious material brought to a smooth finish, graded to a fall of 1 in 50, with concave cement or tiled skirtings drained for the complete run-off of all liquids therefrom to an outside trapped gully which shall—
 - (i) be connected to a sewerage system, and
 - (ii) be provided with trap openings covered with removable 6,30 mm wire mesh strainers as to fitted as to prevent fish scales of a larger size from entering such gully;
- (c) the internal surfaces of the walls are tiled to a height at least 1,80 m with white or light coloured glazed tiles and the remaining surfaces of such walls are plastered with cement, brought to a smooth finish and painted with a light coloured, water-resisting paint and maintained in good repair;
- (d) such premises are provided with window space of not less than 10% of the floor area and ventilated by two or more ventilation openings having an area of not less than 5% of the floor area and so placed as to secure cross ventilation, unless a mechanical ventilating system is installed in terms of the National Building Regulations and Building Standards Act, 1977;

WITZENBERG MUNISIPALITEIT
VERORDENING INSAKE VISHANDELAARS

(12-2004)

Doel van Verordening

- Om die verwesenliking van 'n skoon en gesonde 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 besigheid van vishandelaars te reguleer.

Woordbepaling

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:—

“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 ampsbekleder, 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 ampsbekleder, raadslid, agent of werknemer;

“vishandelaar” enige persoon wat op enige perseel

- (a) vis aan die publiek verkoop vir verbruik elders as op sodanige perseel, of
- (b) vis wat vir verkoop aan die publiek vir verbruik elders as op sodanige perseel bedoel is, hou, opberg, berei of uitstal;

Perseel

2. Geen perseel mag vir die bedryf of besigheid van 'n vis handelaar gebruik word sonder die skriftelike toestemming van die raad nie en tensy—

- (a) sodanige perseel voorsien is van 'n agterplaas wat daaraan grens en minstens 18 m² groot is en 'n oppervlakte het van sement of beton wat glad afgewerk moet wees, 'n helling van 1 in 60 moet hê en gedreineer moet wees sodat alle stormwater geheel en al kan afloop, en toegang tot sodanige agterplaas uit die perseel verleen word deur middel van een of meer deure;
- (b) die vloere van sodanige perseel van sement, beton of ander ondeurdringbare materiaal is wat glad afgewerk moet wees, 'n helling van 1 in 50 moet hê met holronde sement- of geteëde vloerlyste en gedreineer moet wees sodat alle vloestowwe daaruit geheel en al kan afloop na 'n buite rioolput met sperder wat—
 - (i) aangesluit moet wees by 'n rioleringsstelsel, en
 - (ii) voorsien moet wees van sperderopening wat oordek is met verwyderbare 6,30 mm draadmaassiwwe wat so aangesit is dat die groter visskubbe nie in sodanige rioolput kan ingaan nie;
- (c) die binne-oppervlakte van die mure tot op 'n hoogte van minstens 1,80 m met wit of ligkleurige glasuurteëls geteël is en die oorblywende oppervlakte van sodanige mure met sement gepleister is wat glad afgewerk en met ligkleurige waterbestande verf gevef is en in 'n goeie toestand onderhou word;
- (d) sodanige perseel voorsien is van 'n venster van minstens 10% van die vloerruimte en geventileer word deur twee of meer ventilasie-openinge met 'n oppervlakte van minstens 5% van die vloerruimte en so geplaas is dat kruisventilasie verseker word, tensy 'n meganiese ventilasiestelsel ooreenkomstig die bepalings van die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 geïnstalleer is;

- (e) the doors and windows of such premises are provided with fly-screens and the premises are otherwise so constructed that all fish stored or exhibited therein is wholly protected from contamination by access of dust, filth or flies or through any other cause;
- (f) there is installed over any fish-frying or fish-boiling apparatus an extraction fan in terms of the National Building Regulations and Building Standards Act, 1977, to dispose of gases, vapours, fumes or dust created during any process of boiling or frying fish;
- (g) a refrigerator, refrigeration counter or cooling room made of non-toxic and non-corrosive material is provided for the storage of fish at a temperature of lower than 7°C;
- (h) tables, working surfaces, counters or parts thereof including refrigeration counters, are constructed of non-toxic, non-corrodible impervious material;
- (i) a separate room for the scaling, gutting, filleting or cleaning of fish is provided;
- (j) non-absorbant, non-corrosive refuse bins are provided in the room referred to in paragraph (i) and maintained in a hygienic condition;
- (k) there are provided and maintained in a hygienic condition sufficient portable vessels or receptacles constructed of non-absorbant, material with closely fitting lids to accommodate all refuse accumulating on such premises between the times of refuse removal;
- (l) there is provided on such premises a supply of purified hot water from a geiser and cold running water free from harmful substances and made available by means of at least one tap installed over a wash-basin fitted with a waste pipe in accordance with the National Building Regulations and Building Standards Act, 1977;
- (m) there is provided on such premises a double sink with draining boards of stainless steel and purified running hot water from a geiser and cold water laid on or which the waste water pipe is connected to a sewerage system in accordance with the National Building Regulations and Building Standards Act, 1977;
- (n) there is provided at all times a supply of soap, nail brushes and at least one clean towel per day per person employed on such premises.

Duties of fishmonger

3. (1) Every person who in or upon any premises carries on the trade or business of a fishmonger shall—
- (a) maintain such premises at all times in a clean and sanitary condition;
 - (b) maintain such premises, including all internal wall surfaces, floors and the yard referred to in Regulation 2 (a) in such good order and repair as to prevent the absorption therein of any liquid filth or refuse;
 - (c) maintain all machinery, plant, apparatus, utensils, implements, vessels, containers, receptacles, furniture, fittings and vehicles used in connection with the trade or business of a fishmonger in a clean and sanitary condition and in good repair, and ensure that no equipment, object or thing is placed in any space between the underside of a table top or counter, other than an enclosed refrigeration counter, and the floor;
 - (d) ensure that no fish is scaled, gutted, filleted or cleaned

- (e) die deure en vensters van sodanige perseel van vlieëskerms voorsien is en die perseel andersins so gebou is dat alle vis wat daarin opgeberg of vertoon word geheel en al beskerm is teen besmetting deur stof, vullis of vlieë of weens enige ander oorsaak;
- (f) daar oor enige visbraai- of viskookapparaat 'n uitsuigkap met skoorsteen geïnstalleer is ooreenkomstig die Wet op Nasionale Bouregulasies en Boustandaarde, 1977, vir die wegvoer van gasse, dampe, rook of stof wat veroorsaak word wanneer vis gekook of gebraai word;
- (g) 'n yskas, koeltoonbank of koelkamer wat van 'n nie-giftige en nie-korroderende materiaal vervaardig is, voorsien word vir die opberging van vis teen 'n temperatuur van laer as 7°C;
- (h) tafels, werkoppervlakke, toonbanke of gedeeltes daarvan met inbegrip van koeltoonbanke, gemaak is van nie-giftige, nie-korroderende ondeurdringbare materiaal;
- (i) 'n afsonderlike vertrek vir die afkrap van skubbe, uithaal van ingewande, vlek of skoonmaak van vis voorsien is;
- (j) nie-absorberende, nie-korroderende vullishouers voorsien word in die vertrek vermeld in paragraaf (i), en in 'n higiëniese toestand gehou word;
- (k) daar voldoende draagbare houers van nie-absorberende, nie-korroderende materiaal verskaf en in 'n higiëniese toestand gehou word waarin alle vullis geplaas kan word wat op sodanige perseel ophoop tussen die tye van vullisverwydering;
- (l) daar op sodanige perseel 'n toevoer van gesuiwerde lopende warm water vanuit 'n geiser en koue water sonder skadelike bestanddele voorsien en beskikbaar gestel word deur middel van minstens een kraan wat oor 'n wasbak toegerus met 'n vuilwaterpyp geïnstalleer is ooreenkomstig die Wet op Nasionale Bouregulasies en Boustandaarde, 1977;
- (m) daar op sodanige perseel 'n dubbelopwasbak voorsien is met droogblaai van vlekvyr staal en gesuiwerde lopende warm water vanuit 'n geiser en koue water aangelê is waarvan die vuilwaterpyp ooreenkomstig die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 aan 'n rioleringstelsel gekoppel is;
- (n) daar te alle tye 'n voorraad seep, naelborsels en minstens een skoon handdoek per dag per persoon wat op sodanige perseel in diens is, voorsien word.

Pligte van vishandelaar

3. (1) Iedereen wat in of op enige perseel die bedryf of besigheid van 'n vishandelaar uitoefen, moet—
- (a) sodanige perseel te alle tye in 'n skoon en higiëniese toestand hou;
 - (b) sodanige perseel, insluitende alle binnemuur-oppervlakke, vloere en die agterplaas vermeld in regulasie 2 (a) in so 'n goeie toestand hou dat afvalvloeistof of vullis nie daarin geabsorbeer kan word nie;
 - (c) alle masjinerie, installasies, apparate, gereedskap, werktuie, houers, meubels, toebehore en voertuie wat in verband met die bedryf of besigheid van 'n vishandelaar gebruik word, in 'n skoon en higiëniese toestand en goeie orde hou, en toesien dat geen uitrusting, voorwerp of ding geplaas word in enige ruimte tussen die onderkant van 'n tafelblad of toonbank, uitgesonderd 'n toe koeltoonbank, en die vloer nie;
 - (d) toesien dat geen vis se skubbe afgekrap of ingewande

except on the slab prescribed in Regulation 2 (i) and that all scales, blood, entrails, offal and other refuse accumulating on such premises are deposited in the containers prescribed in Regulation 2 (k);

- (e) after the close of business on each day, leave the premises, including the yard referred to in Regulation 2 (a) and the entrance to such premises, in a hygienic manner;
- (f) store all fish, not being sold or exhibited for sale, in the ice box, refrigeration counter or cooling room provided in accordance with Regulation 2 (g);
- (g) ensure that when the containers referred to in Regulation 2(j) are full, the contents thereof are emptied into the portable vessels or receptacles referred to in Regulation 2 (k) and that the contents thereof is stored in frozen condition between refuse removals;
- (h) use only frying oil of wholesome quality, free from rancidity or any other impurities which may be injurious to health and of a standard conforming with the requirements of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (54 of 1972) and the regulations promulgated thereunder;
- (i) put into operation the extraction fans referred to in Regulation 2 (f) whenever gases, vapours, fumes or dust are created during any process of boiling or frying fish;
- (j) provide and maintain in good repair clean overalls and headgear of a light coloured washable material for his own use and the use of persons employed by him, and ensure that such overalls and headgear are worn by him and all persons while on duty at such premises; and
- (k) provide adequate measures against the presence and the breeding of flies, cockroaches or any other vermin on such premises;

(2) No fishmonger shall keep or permit to be kept on the premises on which he conducts his business any animal or bird in any box used for the purpose of transporting fish.

(3) No fishmonger shall clean or permit to be cleaned any fish in any sink or washbasin or at any standpipe not specially provided for that purpose;

Penalties

4. 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—

- (1) a fine or imprisonment, or either such fine or such imprisonment or both such fine and such imprisonment;
- (2) 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
- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention.

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uitgehaal word of dat geen vis geveik of skoongemaak word behalwe in die vertrek voorgeskryf in regulasie 2 (i) vermeld nie, en dat alle skubbe, bloed, ingewande, afval en ander vullis wat op sodanige perseel ophoop, geplaas word in die houers in regulasie 2 (k) voorgeskryf;

- (e) elke dag nadat die besigheid gesluit is, die totale perseel, met inbegrip van die agterplaas, vermeld in regulasie 2 (a) en die ingang na sodanige perseel in 'n higiëniese toestand agterlaat;
- (f) alle vis wat nie verkoop of vir verkoop uitgestal is nie, opberg in die yskas, koeltoonbank of koelkamer wat ooreenkomstig regulasie 2 (g) voorsien is;
- (g) toesien dat, wanneer die houers vermeld in regulasie 2 (j) vol is, die inhoud daarvan uitgegooi word in die draagbare houers of vergaarbakke vermeld in regulasie 2 (k) en dat die inhoud van sodanige houers in 'n bevrore toestand geberg word tussen vullisverwyderingstye;
- (h) net olie van goeie gehalte gebruik wat vry is van galsterigheid of enige ander onsuiverheid wat skadelik vir die gesondheid kan wees, en van 'n standaard wat voldoen aan die vereistes van die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972, (54 van 1972) en die regulasies wat daarkragtens uitgevaardig is;
- (i) die uitsuigwaaiers vermeld in regulasie 2 (f) in werking stel sodra gasse, dampe, rook of stof veroorsaak word wanneer vis gekook of gebraai word;
- (j) skoon oorklere en hoofbedekkings van 'n ligkleurige wasbare materiaal vir sy eie gebruik en die gebruik van persone wat by hom in diens is, verskaf en in 'n goeie toestand hou en toesien dat sodanige oorklere en hoofbedekkings deur hom en alle persone gedra word terwyl hulle in sodanige perseel werksaam is; en
- (k) doeltreffende maatreëls tref teen die voorkoms of uitbroei van vlieë, kakkerlakke of enige ander ongediertes op sodanige perseel;

(2) Geen vishandelaar mag op die perseel waarop hy sy besigheid uitoefen, enige dier of voël in enige kas wat vir die vervoer van vis gebruik word, aanhou of laat aanhou nie.

(3) Geen vishandelaar mag enige vis in 'n opwasbak of handewasbak of by 'n staanpyp wat nie spesiaal vir die doel verskaf is nie, skoonmaak of laat skoonmaak nie.

Strafbepaling

4. Iedereen wat enige bepaling van hierdie verordening oortree of nalaat om daaraan te voldoen is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met—

- (1) 'n boete of gevangenisstraf, óf sodanige boete of sodanige gevangenisstraf óf beide sodanige boete en sodanige gevangenisstraf;
- (2) in die geval van 'n voortdurende misdryf, met 'n addisionele boete of 'n addisionele tydperk van gevangenisstraf, óf sodanige addisionele boete of sodanige addisionele gevangenisstraf, óf beide sodanige addisionele boete en gevangenisstraf vir elke dag wat sodanige misdryf voortduur; en
- (3) 'n verdere bedrag gelyk aan enige koste en uitgawes wat na bevinding van die hof deur die munisipaliteit aangegaan is as gevolg van sodanige oortreding of versuim.

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