

Nelson Mandela Bay Municipality:

MUNICIPAL HEALTH BY-LAW

SCHEDULE OF OFFENCES AND CRIMES

By-law published in Extraordinary Provincial Gazette number 2322 dated 24 March 2010

Section Contravened	Description of offence	Proposed fine	Approved Fine	Offence Code
4 (1)(a) r/w 4(2) and 49	Creating a municipal health nuisance (MHN)	2500	2500	103256
4 (1)(b) r/w 4(2) and 49	Performing an act which may cause a MHN	2500	2500	103264
4 (1)(c) r/w 4(2) and 49	Organise, allow, or permit an activity, event or function in or on land or premises, or use cause, allow or permit to be used land or premises for a purpose which by its nature is likely to a MHN	2500	2500	103272
4 (1)(d)(i) r/w 4(2) and 49	Using any material which is likely to cause a MHN without the necessary permission or authorisation	500	500	103280
4 (1)(d)(ii) r/w 4(2) and 49	Introducing/handling in a public place of any item which by its introduction/handling creates a MHN	500	500	103298
4 (e) r/w 4(2) and 49	Omitting to cover any objectionable material in a public place which may create a MHN	500	500	103303
4 (f) r/w 4(2) and 49	Directly/indirectly cause a MHN to be created/continued	500	500	103311
5(1)(a)(i) r/w 5(4) and 49	Not ensuring that a MHN does not exist on their land/premises	500	500	103329
5 (1)(a)(ii) r/w 5(4) and 49	Not eliminating the MHN within 24 hours of becoming aware of it	500	500	103337
5(1)(a)(ii)(aa) r/w 5(4) and 49	Not taking steps to the satisfaction of the municipality to reduce the MHN	500	500	103345
5 (1)(a)(ii)(bb) r/w 5(4) and 49	Not reporting the existence of the MHN to the municipality	500	500	103353
5 (1)(b)(i) r/w 5(4) and 49	Not eliminating/reducing the number of flies with approved methods/devices	500	500	103361
5 (1)(b)(ii) r/w 5(4) and 49	Not removing animal excrement weekly from feedlots/animal feeding system property	500	500	103379
5(1)(b)(iii)(aa) to (ee) r/w 5(4) and 49	Not draining/cleaning/covering stagnant water to prevent mosquitoes	500	500	103387

5 (1)(b)(iv) r/w 5(4) and 49	Not eliminating/reducing the number of vermin with approved methods/devices	500	500	103395
5 (2) r/w 5(4) and 49	Not ensuring that every well/hole/pit/reservoir/pond/excavation is not filled in a way that may cause contamination	500	500	103400
5 (3) r/w 5(4) and 49	Not causing waste to be placed in refuse receptacles	500	500	103418
7 (1) r/w 7(3) and 49	Keeping of animals/birds/poultry/fish/ crustaceans in or on premises in a manner that constitutes a MHN	500	500	103426
7 (2) r/w 7(3) and 49	Undertaking traditional/cultural slaughtering outside of an abattoir in contravention of the municipality's policies	500	500	103434
8 (1) r/w 7(3) and 49	Not disposing of a carcass on property as soon as reasonably possible	500	500	103442
8 (2) r/w 7(3) and 49	Not disposing of the carcasses of marine fauna as soon as reasonably practical	500	500	103450
8 (3) r/w 8(7) and 49	Failing to dispose of a carcass which has to subsequently be removed according to the arrangements of the environmental health practitioner	500	500	103468
8 (4)(a) r/w 8(7) and 49	Not taking steps to have the carcass removed by an authorised person/body in terms of the authority's waste regulations.	500	500	103476
8 (4)(b) r/w 8(7) and 49	Not burying the carcass suitably on the property, or if high volume of carcasses, not burying the carcasses at an approved facility	500	500	103484
8 (4)(c) r/w 8(7) and 49	Not dealing suitably with a carcass that died of a disease	500	500	103492
8 (5) r/w 8(7) and 49	Carrying/conveying a carcass through/along a street creating a MHN	500	500	103507
10 (1)(a) r/w 10(3) and 49	Not discharging waste-/storm water into sewerage/approved system	500	500	103523
10 (1)(b) r/w 10(3) and 49	Not storing loose food in rodent-free receptacles with tight lids in a store room	500	500	103531

10 (1)(c) r/w 10(3) and 49	Not providing isolation facilities; facilities not made of durable material and not kept clean and disinfected	500	500	103549
10 (1)(d) r/w 10(3) and 49	Not storing/removing/disposing of animal waste in an approved manner	500	500	103557
10 (1)(e) r/w 10(3) and 49	Not cleaning cages/holding enclosures on a daily basis; not keeping them in a hygienic and odour-free condition	500	500	103565
10 (2) r/w 10(3) and 49	Conducting the business of a dog kennel/cattery too close to a habitable room or a room in which clothing is stored/food for human consumption is stored/processed/sold	500	500	103573
11 (1)(a)(i) r/w 11(3) and 49	Cages not made of non-corrosive material fitted with duplicate impervious movable trays and tubular fittings not closed at the ends	500	500	103581
11 (1)(a)(ii) r/w 11(3) and 49	Cages arranged in a way that they are less than 450mm above floor/yard level	500	500	103599
11 (1)(b) r/w 11(3) and 49	Storage space is not rodent-proofed, nor is it provided for animal bedding	500	500	103604
11(r/w 11(3) and 491) (c)	Not refrigerating meat/fish/perishable foodstuffs	500	500	103612
11(1)(d) r/w 11(3) and 49	Not providing clean and appropriate toilet facilities for employees	500	500	103620
11(1)(e) r/w 11(3) and 49	More than 70% of the floor area covered with cages or business supplies	500	500	103638

11(1)(f) r/w 11(3) and 49	Not storing/removing/disposing of animal waste in approved manner	500	500	103646
11(1) (g) r/w 11(3) and 49	Not cleaning/maintaining animal and bird cages	500	500	103654
11(2) r/w 11(3) and 49	Conducting the business of a pet shop/pet parlour too close to a habitable room or a room in which clothing is stored/food for human consumption is stored/processed/sold	500	500	103662
17 (1)(a) r/w 17 (2) and 49	Premises not kept in a safe/clean/sanitary condition	500	500	103696
17 (1)(b) r/w 17 (2) and 49	Water is not at all times purified/treated/maintained to standard	500	500	103701
18 (1) r/w 18(3) and 49	Water not used from an approved source for the purpose of filling/cleaning/maintaining	500	500	103719
19 (1)(a) r/w 19(2) and 49	Water not free from floating, suspended or settled debris/organisms	500	500	103727
19 (1)(b) r/w 19(2) and 49	Walls/floor/access ladders/steps/gutters not free from slime/algae	500	500	103735
19 (1)(c) r/w 19(2) and 49	Coli form bacteria count exceeds 100 organisms per ml of water	500	500	103743
19 (1)(d) r/w 19(2) and 49	Escherichia coli bacteria present in 100ml of water	500	500	103751
19 (1)(e) r/w 19(2) and 49	Enterococci bacteria present in 100ml of water	500	500	103769
21 (1) r/w 21(3) and 49	Salon used for purpose other than stipulated	500	500	103785

21 (2)(a) r/w 21(3) and 49	Not keeping a first aid kit on the premises/not treating a wound	500	500	103793
21 (2)(b) r/w 21(3) and 49	Not installing/having available a sterilizing/disinfecting appliance	500	500	103808
21 (2)(c) r/w 21(3) and 49	Not ensuring that professional, specifically designed machines are used and not following the standards for storage of accessories	500	500	103816
21 (2)(d) r/w 21(3) and 49	Not ensuring that triggers and grasp areas are present and protected by plastic covering which must be disposed of.	500	500	103824
21 (2)(e) r/w 21(3) and 49	Not disinfecting the instruments by applying a suitable disinfectant	500	500	103832
21 (2)(f) r/w 21(3) and 49	Not wearing disposable latex gloves for duration of procedures	500	500	103840
21 (2)(g) r/w 21(3) and 49	Not disinfecting hands before and after rendering service	500	500	103858
21 (2)(h) r/w 21(3) and 49	Not cleaning and disinfecting area after treatment	500	500	103866
21 (2)(i) r/w 21(3) and 49	Not disposing of disposable material after each use	500	500	103874
21 (2)(j) r/w 21(3) and 49	Not cleaning and disinfecting clothing and surfaces at least once a day	500	500	103882
21 (2)(k) r/w 21(3) and 49	Not disposing of waste water/sharp instruments and other items in an approved manner	500	500	103890
21 (2)(l) r/w 21(3) and 49	Not storing sharp instruments in a separate container	500	500	103905

21 (2)(m) r/w 21(3) and 49	Not cleaning plastic and cloth towels after each use	500	500	103913
21 (2)(n) r/w 21(3) and 49	Not keeping the premises/tools/equipment/clothing in a hygienic condition at all times	500	500	103921
21 (2)(o) r/w 21(3) and 49	Not collecting/disposing waste in accordance with section 27	500	500	103939
21 (2)(p) r/w 21(3) and 49	Animal, other than a guide dog accompanying a blind person, enters the premises	500	500	103947
21 (2)(q) r/w 21(3) and 49	Not providing employees with protective clothing/training	500	500	103955
23 (1)(a) r/w 23(2) and 49	Endangering human health during recovery and disposal of human waste	500	500	103963
23 (1)(b) r/w 21(3) and 49	Using processes/methods likely to harm the environment	500	500	103971
23 (1)(c) r/w 21(3) and 49	Manner used that creates a MHN	500	500	103989
25 (1)(a)(i) r/w 25(2) and 49	Empty container in which hazardous waste was stored and treated as waste stored in a manner that pollution of the environment may occur	500	500	103997
25 (1)(a)(ii) r/w 25(2) and 49	Empty container in which hazardous waste was stored and treated as waste stored in a manner that a MHN is created at any time	500	500	104008
25 (1)(b) r/w 25(2) and 49	Date of storage is not clearly marked on the container and is not visible for inspection	500	500	104016

25 (1)(c) r/w 25(2) and 49	Container not marked or labelled "Hazardous Waste" while stored on site	500	500	104024
25 (1)(d) r/w 25(2) and 49	Storage area not fenced off to prevent unauthorised access	500	500	104032
27 (1) r/w 27(10) and 49	Health care waste(HCW) not sorted/packed/contained/handled/stored/transported/disposed of in accordance with Part 3	500	500	104040
27 (2) r/w 27(10) and 49	HCW dealt with in such a way that it causes a MHN	500	500	104058
27 (4)(a) r/w 27(10) and 49	Notice does not contain composition and nature of the HCW	500	500	104066
27 (4)(b) r/w 27(10) and 49	Notice does not contain a description of the industrial process or trade giving rise to the HCW	500	500	104074
27 (4)(c) r/w 27(10) and 49	Notice does not contain the estimated quantity of HCW to be generated	500	500	104082
27 (4)(d) r/w 27(10) and 49	Notice does not contain the method of storage of the HCW	500	500	104090
27 (4)(e) r/w 27(10) and 49	Notice does not contain the proposed duration of storage of the HCW	500	500	104105
27 (4)(f) r/w 27(10) and 49	Notice does not contain the manner in which the HCW will be collected	500	500	104113
27 (4)(g) r/w 27(10) and 49	Notice does not contain the manner in which and the disposal site at which the HCW will be disposed of	500	500	104121
27 (4)(h) r/w 27(10) and 49	Notice does not contain the identity of the licensee removing the HCW	500	500	104139

27 (4)(i) r/w 27(10) and 49	Notice does not contain the number of persons employed on the premises	500	500	104147
27 (6)(a) r/w 27(10) and 49	HCW not disposed of in same manner as solid waste	500	500	104155
27 (6)(b) r/w 27(10) and 49	HCW not stored/disposed of in refuse receptacles/special containers and labelling not used	500	500	104163
27 (6)(c) r/w 27(10) and 49	Not transporting the HCW to a municipal disposal/processing facility as directed and not following municipal guidelines	500	500	104171
27 (6)(d) r/w 27(10) and 49	Not causing the HCW to be processed on the plot/premises of generation, thereby rendering it hazardous	500	500	104189
27 (6)(e) r/w 27(10) and 49	Not taking any other measures relative to transportation and disposal of the HCW	500	500	104197
27 (6)(f) r/w 27(10) and 49	Not paying an additional tariff for collection and disposal of the HCW	500	500	104202
27 (7) r/w 27(10) and 49	Not notifying the municipality in writing of any changes of matters stipulated in sub sect (4)	500	500	104210
27 (8) r/w 27(10) and 49	Not notifying the municipality within 6 months of the commencement of the by-law of waste being generated prior to commencement of the by-law	500	500	104228
27 (9) r/w 27(10) and 49	Training not provided to employees	500	500	104236
28 (1) r/w 28(8) and 49	HCW not kept and stored until collected	500	500	104244
28 (2)(a) r/w 28(8) and 49	Perishable HCW not stored below 4°C and not frozen	500	500	104252