

LOCAL GOVERNMENT (DISTRICT COUNCILS) ACT
(Cap. 40:01)

KGALAGADI DISTRICT COUNCIL (FOOD-VENDING) BYE-LAWS, 1998
(Published on 4th December, 1998)

ARRANGEMENTS OF BYE-LAWS

BYE-LAW

1. Citation
2. Interpretation
3. Application for licence
4. Licence required to carry on food-vending business
5. Renewal of licence
6. Inspection of premises
7. Licence to be produced for inspection
8. Licence not transferable
9. Health status of food-vendors
10. Personal hygiene of food-vendors
11. Location
12. Structure
13. Sanitary conditions
14. Appliances
15. Pest control
16. Powers of entry
17. Closure of stalls or business premises
18. Cooking and serving of food
19. Transportation of food
20. Food advisory services
21. Offences and penalties

IN EXERCISE of the powers conferred by section 29 as read with section 30 of the Local Government (District Councils) Act, and with the approval of the Minister of Local Government, Lands and Housing, the Kgalagadi District Council hereby makes the following Bye-Laws —

1. These Bye-Laws may be cited as the Kgalagadi District Council (Food-Vending) Bye-Laws, 1998. Citation
2. In these Bye-Laws, unless the context otherwise requires — Interpretation
 - “appliances” means any utensil, machinery, instrument, apparatus, crockery, article or part thereof, used or intended for use in processing, preparation, handling and serving of food;
 - “authorised official” means any person authorised by the Council Secretary in writing for purposes of giving effect to these Bye-Laws;
 - “Council” means the Kgalagadi District Council;
 - “Council area” means the area within the jurisdiction of the Council;
 - “crockery” means glasses, plates, dishes, cups, saucers, spoons, forks, ladles, chopsticks, and shall include any disposable articles used or intended for use in or for the making, preparing, keeping, selling, supplying or the serving of food;

“disposable articles” means any appliances, containers, gargets, implements, crockery, utensils or wrappers intended for a single use in the storage, preparation, display, sale or serving of food;

“food-vendor” means a person who prepares, packs, stores, displays and sells ready-to-eat-food or beverages either from a stall, business premises or from place to place;

“food-handler” means a person who assists in the, preparation, cooking, handling and the serving of food;

“medical practitioner” means any Government medical doctor;

“micro-organism” shall include any macroscopic living organisms that can cause disease or food spoilage;

“mobile food-vendor” means a food-vendor who moves from place to place for the purpose of processing, preparing, delivering, displaying and serving of ready to eat food;

“perishable food” means food that consists wholly or partly of milk, milk products, eggs, meat, poultry, fish or other ingredients capable of supporting progressive growth of micro-organisms that cause food spoilage, food-poisoning and food borne diseases;

“pests” means any animal or insect, domestic or otherwise, capable of directly or indirectly contaminating food, and shall include rodents, roaches, flies or other insects or vermin infestation;

“ready-to-eat-food” means any food (including beverages other than alcoholic beverages) which is normally consumed in its raw state, or any food handled, processed, mixed, cooked or otherwise prepared into a form in which it is normally consumed without further processing;

“stall” shall include a cart, caravan or motor-vehicle with or without wheels, or any fixed place equipped with chairs, tables, benches, baskets, or any other structure approved by the Council for food-vending business;

“utensils” shall include appliances, containers, gargets and equipment, including traditional ones, used in the processing, preparation, handling and serving of food;

“waste water” means sullage water arising as a result of the activities of food-vending business.

Application
for licence

3. (1) No person shall carry on the business of a food-vendor within the Council area, unless such a person —

- (a) has attained the age of 16 years;
- (b) is the holder of a food-vending licence; and
- (c) is free from any communicable or infectious disease.

Licence
required to
carry on
food-vending
business

4. (1) Any person wishing to carry on the business of a food-vendor shall make an application on the form set out in the First Schedule to the Council, supplying such information in relation thereto as the Council may require, in particular, specifying the following —

- (a) types of food to be traded;
- (b) the stall or premises upon which the business is to be carried;
- (c) the area within which business is to be carried on; and
- (d) the health status of every food vender and of any food handler to be employed.

(2) The Council may, if it is satisfied that the conditions of these Bye-Laws are met, and on payment of a fee of P20, issue a food-vendor's licence on the form set out in the Second Schedule, valid until 31st December of the year of issue.

(3) The Council may attach such conditions to the licence issued under sub-by-law (2), as it may deem necessary.

5. On application made in terms of bye-law 4 and on payment of a fee of P15, the Council may endorse a renewal of the licence on the form set out in the Third Schedule, and may attach such conditions to the renewal as it may deem necessary.

Renewal of
licence

6. An authorised official shall inspect the stall or business premises before any licence can be issued under these Bye-Laws.

Inspection of
of Premises

7. A licenced food-vendor shall display a licence issued under these Bye-Laws within the stall or business premises and where not displayed shall be produced, on demand, by the food-vendor to any authorised official or to any member of the Police Force for inspection.

Licence to be
produced for
inspection

8. (1) The food-vendor shall not transfer a licence issued under these Bye-Laws without the consent of the Council, and the licence may be revoked by the Council if —

Licence not
transferable

- (a) the food-vendor transfers the licence without the consent of the Council;
- (b) the food-vendor refuses to submit his medical certificate or that of his food handlers from a medical practitioner;
- (c) the food-vendor suffers from a communicable or infectious disease; or
- (d) the food-vendor is convicted of an offence under these Bye-Laws.

9. (1) Any food-vendor, or food handler, whether suspected or suffering from an incurable or infectious disease, or is otherwise a carrier of such disease or organism, who is likely to transmit any disease producing organism to food or water, shall not conduct business until he furnishes a certificate from a medical practitioner that he is free from the infection.

Health Status
of
food-vendors

(2) Any food-vendor, helper, or food handler who suffers from diarrhoea or vomiting shall cease to handle food in any capacity and shall seek medical treatment.

(3) Any food-vendor, or handler who is, or has been a carrier of food or water borne disease or organism, shall not be involved in food handling activities until he furnishes a certificate from a medical practitioner that he is no longer a carrier of the organism or disease.

(4) Any person who fails to comply with the provisions of this bye-law, shall be guilty of an offence.

10. (1) Every food-vendor, or handler shall, during the conduct of the business, —

Personal
hygiene of
food-vendors

- (a) wear an identification tag or card issued by Council;
- (b) wear clean light coloured overalls, aprons and other appropriate outer wear, head gear and shoes;

- (d) wash hands thoroughly with soap and clean water before and after handling food, visiting the toilet, handling insanitary articles, toxic and dangerous materials and when necessary;
- (e) keep nails short and clean at all times;
- (f) keep hair clean and tidy and covered during business hours;
- (g) cover sores, wounds and other skin eruptions with a water proof dressing which is firmly secured and routinely changed;
- (h) not eat, drink, smoke or chew tobacco, gum or other materials while preparing or serving food;
- (i) refrain from any unhygienic practices such as spitting picking or cleaning nose, ears or any bodily orifice;
- (j) not sneeze or cough on to the food or blow into food bags;
- (k) not allow visitors or customers into the food preparation and serving areas to avoid food contamination;
- (l) not use the stall or business premises for anything other than food-vending; and
- (m) not lick fingers during the preparation, handling and the serving of food.

Location

11. (1) The stall or business premises shall be located in a place which will not encourage contamination of food during its preparation and serving.

(2) Stalls and business premises shall not be located in restricted areas such as solid waste disposal areas, rubbish dumps, sewage treatment or oxidation lagoons, animal habitats or husbandry centres.

(3) Mobile food-vendors shall operate in areas which are reasonably free from objectionable odours, smoke, dust or toxic fumes.

(4) Stalls and business premises shall be located in areas readily accessible to toilet facilities.

(5) The space in and around the stalls and business premises shall be free from unnecessary stored goods or articles, discarded articles and obstruction in order to enable the food vendor and handlers to carry out their duties efficiently and to allow easy access during cleaning and other business activities.

(6) The location of stalls and business premises shall allow easy disposal of waste.

Structure

12. (1) A food-vendor's stall and business premises shall not be approved by the Council unless —

- (a) constructed from easily cleanable material such as stainless steel, aluminium, glazed tiles or any other material as may be approved by the Council;
- (b) maintained in a state of good repair at all times;
- (c) it has preparation areas and working surfaces made of smooth and impermeable food grade materials;
- (d) all cooking areas, washing equipment, working tables, shelves and food cupboards are placed at least 45 c. m., above ground; and
- (e) it has sufficient light at all times.

(2) A food vendor's stall and business premises shall be approved in writing by an authorised official before a licence can be issued under these Bye-Laws.

Sanitary conditions

13. (1) A food-vendor shall —

- (a) ensure that all appliances, crockery and other articles used in the conduct of the business are kept in clean and sanitary conditions by washing them with clean water and detergent, and the use of approved means of disinfection or sterilisation, where necessary;

- (b) take all reasonable steps to ensure that clean, disinfected or sterilised utensils are kept separate from those which have not been washed, disinfected or sterilised;
- (c) ensure that towels and dish cloths used for the purpose of wiping appliances and crockery are kept clean and handled in a sanitary manner, and are not be used for any other purpose;
- (d) ensure, at all times, that there is sufficient wholesome water available for use including drinking water;
- (e) ensure that there is an efficient waste water disposal system in the form of a soakaway, as the Council may direct;
- (f) avoid contamination of food and water by waste;
- (g) remove and dispose off any food left overs, waste, discarded articles from working surfaces, tables, floors and the surrounding area as often as necessary and at the close of each day;
- (h) ensure that solid waste is disposed into suitable containers which are then secured with tight fitting lids or placed in rubbish bins or a pit which is then covered after disposal to avoid attracting flies;
- (i) clean waste receptacles after disposal of waste; and
- (j) ensure that adequate toilet facilities, hygienically maintained, are available for the food vendor, handlers and patrons.

14. (1) All appliances used in the conduct of the food-vending business shall —

Appliances

- (a) be made of non-absorbent and non-toxic material;
- (b) not be capable of producing any odour or taste;
- (c) be free from cracks, crevices, chips, except as a result of reasonable wear and tear;
- (d) have cleanable surfaces on all sides;
- (e) be maintained in a state of good repair at all times;
- (f) be cleaned thoroughly and regularly with clean water and detergent and approved means of disinfection where necessary, and in the case of a mobile food-vendor, with clean portable water;
- (g) be kept clean and washed separate from unwashed ones; and
- (h) be kept clean and washed separate from unwashed ones during transportation.

(2) It shall be the duty of any food-vendor to remove any cracked, chipped and any unsuitable appliance and crockery from use in the serving of food, and ensure that where disposable crockery is used in the conduct of the business, it shall be disposed off after a single use.

15. (1) A food-vendor shall, at all times, ensure that his stall or business premises are free from roaches and other pests, as well as other food contaminants.

Pest control

(2) On becoming aware of pest infestation in the stall or business premises, the food-vendor shall, as soon as reasonably practicable, take steps to eliminate pests and to prevent re-infestation.

(3) An authorised official shall, at any reasonable time, inspect any stall or business premises, and upon being aware that perishable food and any food which is ready for consumption has been contaminated, take the perishable food or any contaminated food for examination, together with the food-vendor, and if food is found to be contaminated or decayed, it shall be destroyed and the licence of such vendor may be suspended by the Council.

16. An authorised official or a police officer may at any reasonable time enter and inspect the stall or business premises of a food-vendor for the purpose of ensuring that the conditions of the stall or business premises, and the operation of the business complies with the provisions of these Bye-Laws, and the conditions of the licence in respect thereof, if any.

Powers
of entry

17. Where in the opinion of the Council, stalls or business premises licenced under these Bye-Laws are such as are likely to constitute a threat or pose a danger to public health, the Council may direct the closure of such stall or business premises until it is satisfied that the threat or danger has been remedied.

Closure
of stalls or
business
premises

18. (1) A food-vendor shall ensure that vegetables and fruits shall be thoroughly washed with clean water before being served to clients.

Cooking
and serving
of food

(2) All ingredients, including meat, poultry, fish, eggs, fruit or an perishable ingredients used during the processing, preparation and cooking of food, shall be fresh and wholesome.

(3) Ready-to-eat-food shall be bought from a licenced reliable source.

(4) Ready-to-eat food shall be served with clean tongs, forks, spoons or gloved hands.

(5) A food-vendor shall ensure that ready-to-eat food, where not served in disposable crockery, shall be served in proper disposable material meant for serving food, which shall include —

(a) grade aluminium foil;

(b) waxed paper;

(c) food grade plastic; or

(d) any other suitable material as may be approved by the Council.

19. (1) It shall be the duty of the food-vendor to ensure that food is kept clean and free from toxic material, pests and other contaminants at all times, and shall be stored at proper temperatures during transportation.

Transportation
of food

(2) Non-perishable food shall be kept in clean containers with tight fitting lids, and shall be kept separate from perishable and raw food to prevent contamination.

(3) Perishable food shall be stored in clean refrigerated or frozen containers which shall not be overloaded to prevent spoilage.

(4) Any motor-vehicle or other means of transport used for the transportation of food shall be in a clean and good condition.

20. (1) The Council shall take all necessary steps to make the provisions of these Bye-Laws known to food-vendors and patrons.

Food
advisory
services

(2) The Council may, offer basic training in food hygiene to food-vendors and may, through an authorised official, offer on-site advise and guidance on food hygiene, either before the issuance of a licence under these Bye-Laws or as the Council may deem necessary.

(3) An authorised official shall educate consumers through publicity campaigns, or any suitable method on food hygiene.

21. Any person who contravenes the provisions of these Bye-Laws commits an offence and shall be liable, on conviction, to a fine not exceeding P200.00, or in default of payment to imprisonment for a term not exceeding three months or to both.

Offences
and penalties

FIRST SCHEDULE
(bye-law 4))

APPLICATION FOR A FOOD-VENDOR'S LICENCE

(Attach two copies of a passport size photograph, approximately 5 cm x 4 cm)

Full name of applicant
(Surname first (in block letters))

Place of abode and postal
address
.....

Nationality National Identity No.

I wish to apply for a food-vendor's licence as follows ;

(1) Location of premises;

(2) Number of food-vender's (if any) and their qualifications (or experience);

Date
.....
Signature of applicant

FOR OFFICIAL USE ONLY

Date on which application was received by Licensing officer

Proposed hearing of application

Date of approval/rejection of application

.....
Licencing officer

SECOND SCHEDULE
(bye-law 4(2))

FOOD-VENDING LICENCE

NOT TRANSFERABLE

Licence No.

Name is hereby
licenced in accordance with the Kgalagadi District Council (Food-vending) Bye-Laws to carry
on the business of a food-vendor in the following area/s:

.....

.....

Conditions if any applicable:

.....

.....
Signature of holder
or

.....
Right thumb print of holder

Date of issue: Fee paid O/R No.

Date on which application was received by licencing officer

.....
Licencing Officer.

THIRD SCHEDULE
(bye-law 5)

RENEWAL OF APPLICATION

- (1) Applicant for renewal to complete the following;
 - (a) location of premises;
 - (b) number of food-handlers;
- (2) Conditions (if any) applicable:

Date

.....
Licensing Officer.

MADE this 23rd day of November, 1998.

.....
*Chairman,
Kgalagadi District Council.*

APPROVED this 23rd day of November, 1998.

D.K. KWELAGOBÉ,
*Minister of Local Government,
Lands and Housing.*

L2/8/20 IV.