



ZF Mgcawu District Municipality

DRAFT MUNICIPAL HEALTH SERVICES BY-LAW 2026

ZFM DRAFT MUNICIPAL HEALTH SERVICES BY-LAW

DRAFT MUNICIPAL HEALTH SERVICES BY-LAW

(Revenue Enhancement through the Rendering of Municipal Health Services in the ZF Mgcawu District Municipality)

PREAMBLE

WHEREAS the ZF Mgcawu District Municipality is responsible for providing Municipal Health services as outlined in the National Health Act, 2003 (Act No. 61 of 2003), Foodstuffs Cosmetics and Disinfectants Act, 1972 (Act No 54 of 1972) and Regulations made in terms of the aforementioned Acts;

AND WHEREAS the ZF Mgcawu District Municipality seeks to enhance revenue generation through the efficient provision of municipal health services while ensuring compliance with environmental health standards;

NOW THEREFORE, the ZF Mgcawu District Municipality enacts this By-law to regulate and control Municipal Health services.

ZFM DRAFT MUNICIPAL HEALTH SERVICES BY-LAW

TABLE OF CONTENTS

CHAPTER 1: DEFINITIONS AND APPLICATION		3
1.	Definitions	3
2.	Application of the By-law	4
CHAPTER 2: MUNICIPAL HEALTH SERVICES		4
3.	Provision of Municipal Health Services	4
4.	Compliance with Environmental Health Standards	5
CHAPTER 3: REVENUE ENHANCEMENT MECHANISMS		5
5.	Tariff Structure for Municipal Health Services	5
6.	Payment and Collection of Fees	5
CHAPTER 4: ENFORCEMENT AND PENALTIES		6
7.	Enforcement Powers	6
8.	Certificates and Expiration of Certificates	7
9.	Offences and Penalties	7
CHAPTER 5: GENERAL PROVISIONS		8
10.	Administrative Appeals	8
11.	Administrative fines	9
12.	Restriction of liability	10
13.	Short Title and Commencement	11

ZFM DRAFT MUNICIPAL HEALTH SERVICES BY-LAW

CHAPTER 1: DEFINITIONS AND APPLICATION

1. Definitions

In this By-law, unless the context indicates otherwise—

“Compliance notice” means a notice issued by an Environmental Health Practitioner to the person in charge of premises where a provision of the National Health Act, 2003 (Act No. 61 of 2003), as amended, or any regulations made thereunder, has not been complied with, and which remains in force until the relevant provision of the Act has been complied with.

“Environmental Health Practitioner (EHP)” means, subject to the provisions of the Health Professions Act, 1974 (Act No. 56 of 1974), as amended, a person registered with the Health Professions Council of South Africa, including Environmental Health Practitioners performing compulsory community service as health officers in terms of the Act.

“Municipal Health Services” means services relating to environmental health, including waste management monitoring, water quality monitoring, food safety, and air pollution control.

“Municipality” means the ZF Mgcawu District Municipality.

“Person” includes natural and juristic persons.

“Premises” includes buildings, land, and facilities where Municipal Health Services are applicable.

“Prescribed fees” has the same meaning as **“Tariff”**.

“Prohibition notice” means a notice issued by an Environmental Health Practitioner in terms of Regulation R638 published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), where, after conducting an inspection of a food premises or facility, the practitioner is of the opinion that the premises, facility, or any activity conducted thereon constitutes a health hazard.

ZFM DRAFT MUNICIPAL HEALTH SERVICES BY-LAW

“Tariff” means a charge imposed for Municipal Health Services as determined by the Municipality’s Tariff Policy.

2. Application of the By-law

This By-law shall be applicable within the jurisdiction of the ZF Mgcawu District Municipality.

CHAPTER 2: MUNICIPAL HEALTH SERVICES

3. Provision of Municipal Health Services

- (1) The Municipality shall provide Municipal Health services within its jurisdiction in accordance with national and provincial health regulations.
- (2) Municipal health services shall include, but are not limited to:
 - (a) Water quality monitoring;
 - (b) Food control;
 - (c) Waste –and General Hygiene Monitoring
 - (d) Health Surveillance of premises
 - (e) Surveillance and prevention of communicable diseases
 - (f) Vector control monitoring;
 - (g) Air quality and Environmental Pollution control
 - (h) Disposal of the dead
 - (i) Control and monitoring of hazardous substances and chemical safetybut excludes port health, malaria control and control of hazardous substances.

ZFM DRAFT MUNICIPAL HEALTH SERVICES BY-LAW

4. Compliance with Environmental Health Standards

- (1) No person may conduct business or activities affecting public health without complying with Municipal Health regulations and obtain the necessary approvals or certifications.

CHAPTER 3: REVENUE ENHANCEMENT MECHANISMS

5. Tariff Structure for Municipal Health Services

- (1) The Municipality shall charge fees for Municipal Health services in accordance with a tariff structure approved by the Council.
- (2) The tariff structure shall consider operational costs, economic conditions, and affordability while ensuring cost recovery and revenue generation.
- (3) Fees shall be applicable for:
 - (a) Inspections, permits (air quality), and certifications for food premises and other regulated businesses;
 - (b) Lifting of prohibition notices
 - (c) Water and air quality testing and sampling;
 - (d) Health impact assessments for new developments;
 - (e) Waste disposal (unsound food);
 - (f) Training and health education programs provided by the District Municipality; and
 - (g) Exhumation and reburial applications and monitoring

6. Payment and Collection of Fees

- (1) All prescribed fees must be paid in full before a service is rendered unless otherwise agreed upon by the Municipality.
- (2) A request for lifting of a prohibition notice the applicable fee must be paid in full prior service; registered and updated payments on the District Municipality's database.

ZFM DRAFT MUNICIPAL HEALTH SERVICES BY-LAW

- (3) Failure to pay the prescribed fees may result in legal actions, penalties and interest charges and may result in a prohibition notice issued against the premises.
- (4) The District Municipality may initiate legal proceedings to recover unpaid fees

CHAPTER 4: ENFORCEMENT AND PENALTIES

7. Enforcement Powers

- (1) Environmental Health Practitioners may at all reasonable times, without a warrant, enter upon any premises and may subject to the provision of this By-law:
 - (a) demand that the person in charge or apparently in charge of such food premises, submit to him or her any book, document or thing that must be kept or displayed in terms of this By-law Act or that relates to any matter provided for by this By-law and that is or was in the possession or in the custody or under the control of such person, or that is on or in such food premises;
 - (b) make an extract from or a copy of a book or document referred to in paragraph (a);
 - (c) question the person referred to in paragraph (a) with regard to any matter provided for in this By-law and obtain information regarding any activity or process or entry in a book or document referred to in paragraph (a);
 - (d) for the purpose of preventing a food borne disease, demand any information from a person referred to in paragraph (a) or from any other person who has at any time been on or in such food premises;
 - (e) examine any foodstuff that is found in or on such food premises, and any appliance, product, material, object or substance that is so found and that is or is suspected to be used, or destined or intended for use, for, in or in connection

ZFM DRAFT MUNICIPAL HEALTH SERVICES BY-LAW

- with the handling of any food or any other operation or activity in connection with any foodstuff, and open any package or container of such foodstuff, product, material, object or substance.
- (f) take so much of the foodstuff contemplated in paragraph (e), in whatever kind of package or container it may be, as he or she may reasonably require as a sample for the purpose of testing or analyzing it-
 - (g) by offering payment to the person in charge, if the inspector is taking a sample to verify compliance to any of the requirements set in terms of this By-law; or
- (2) An EHP shall exhibit the written authority by virtue of which he is authorized as an EHP to any person affected by the exercise or performance of any power, duty or function of such EHP under this By-law.

8. Certificates and Expiration of Certificates

- (1) All certificates issued by the District Municipality in terms of this By-law shall expire after a period of two (2) years from the date of issuance.
- (2) Upon expiration, the certificate holder must apply on the prescribed form for renewal or reissuance in accordance with the procedures established by the District Municipality.
- (3) Failure to renew or reapply within 3 Months after the expiration date may result in the suspension of rights or privileges granted by the certificate until the renewal process is completed.

9. Offences and Penalties

- (1) Any person who –
 - (a) obstructs or hinders and EHP in the performance of his/her functions or duties or the exercise of his/her powers under this By-law; or

ZFM DRAFT MUNICIPAL HEALTH SERVICES BY-LAW

- (b) refuses to provide an EHP with such information as that person is required to provide under this By-law;
 - (c) knowingly gives false or misleading information to an EHP;
 - (d) impersonates an EHP;
 - (e) fails to comply with a compliance or prohibition notice issued to him or her by an EHP;
 - (f) contravenes section 3 of this By-law shall be guilty of an offence.
- (2) Any person convicted of an offence under this By-law shall be liable to a fine not exceeding R5 000, 00 or to imprisonment for a period not exceeding 24 months or to both such fine and imprisonment.
- (3) A magistrate's court shall have jurisdiction to impose any penalty provided for in this By-law.
- (4) Any fines recovered pursuant to a prosecution in terms of this By-law shall be paid to the Municipality.

CHAPTER 5: GENERAL PROVISIONS

10. Administrative Appeals

- (1) Any person aggrieved by a decision made under this By-law may lodge an appeal within 30 days of such a decision being taken, by submitting an appeal on the prescribed form to the Municipal Manager of the District Municipality.
- (2) The Municipal Manager shall within 14 days of receipt of the appeal, provide the petitioner with a written outcome of the appeal.
- (3) The decision of the Municipal Manager shall be final.

ZFM DRAFT MUNICIPAL HEALTH SERVICES BY-LAW

11. Administrative fines

- (1) If a person is alleged to have committed an offence contemplated in section 9 for which that person may be sentenced to a fine or imprisonment for a period not exceeding 24 months, an EHP may cause to be delivered by hand to that person (hereinafter referred to as the infringer) an infringement notice which must contain the particulars contemplated in subsection (2).
- (2) A notice referred to in subsection (1) must—
 - (a) specify the name and address of the infringer;
 - (b) specify the particulars of the alleged offence;
 - (c) specify the amount of the administrative fine payable, which—
 - (i) if the period contemplated in subsection (1) does not exceed 24 months, may, in respect of a first infringement, not exceed R3 000 and, in respect of a second or subsequent infringement, not exceed R5 000;
 - (d) inform the infringer that, not later than 30 days after the date of service of the infringement notice, the infringer may—
 - (i) pay the administrative fine;
 - (ii) make arrangements with the District Municipality to pay the administrative fine in instalments; or
 - (iii) elect to be tried in court on a charge of having committed the alleged offence; and
 - (e) state that a failure to comply with the requirements of the notice within the time permitted, will result in the administrative fine becoming recoverable as contemplated in subsection (5).
- (3) If an infringer elects to be tried in court on a charge of having committed the alleged contravention or failure, the EHP must

ZFM DRAFT MUNICIPAL HEALTH SERVICES BY-LAW

hand the matter over to the prosecuting authority and inform the infringer accordingly.

- (4) If an infringer fails to comply with the requirements of a notice, the EHP may file with the clerk or registrar of any competent court a statement certified by him or her as correct, setting forth the amount of the administrative fine payable by the infringer, and such statement there upon has all the effects of a civil judgment lawfully given in that court in favour of the EHP for a liquid debt in the amount specified in the statement.
- (5) The EHP may not impose an administrative fine contemplated in this section if the person concerned has been charged with a criminal offence in respect of the same set of facts.
- (6) No prosecution may be instituted against a person if the person concerned has paid an administrative fine in terms of this section in respect of the same set of facts.
- (7) An administrative fine imposed in terms of this section does not constitute a previous conviction as contemplated in Chapter 27 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

12. Restriction of liability

- (1) No person, including the State, shall be liable in respect of anything done in good faith in the exercise or performance of power or duty conferred or imposed by or under this By-law.
- (2) No person shall perform the duties of an EHP unless such a person has been duly appointed as an EHP and registered with the HPCSA in terms of the Health Professions Act as amended from time to time.

ZFM DRAFT MUNICIPAL HEALTH SERVICES BY-LAW

13. Short Title and Commencement

- (1) This By-law shall be known as the ZF Mgcawu District Municipal Health Services By-law and shall come into effect on 1 August 2026.