

**NOTICE 131 OF 2017**

ACCOMMODATION ESTABLISHMENT, 2012

By-law No.8, 2012

**BY-LAW****As Amended by the Accommodation Establishment Amendment By-Law 2017**

To provide for the provision of an accommodation establishment in the Dawid Kruiper Municipality; and for matters connected therewith.

**WHEREAS** Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

**WHEREAS** section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

**WHEREAS** in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

**WHEREAS** the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

**WHEREAS** the Dawid Kruiper Municipality intends to regulate and control accommodation establishments in a responsible and sustainable manner;

**AND NOW THEREFORE BE IT ENACTED** by the Council of the Dawid Kruiper Municipality as follows:

**1. Definitions**

**"accommodation establishment"** means a place in which accommodation is provided for gain, with or without meals;

**"person"** means a natural and legal person, including but not limited to an association of persons, a partnership, and a company;

**"potable water"** means the water that complies with the South African National Standard for Drinking Water (SANS 241);

**"premises"** means any building, structure, or tent together with the land on which it is situated and the adjoining land used in connection with it and includes any land without any building, structure or tent and any vehicle, conveyance or ship;

**"proprietor"** means the person who owns or operates an accommodation establishment;

**2. Application of Chapter**

This Chapter applies to a person who owns or carries on the business of providing accommodation for gain in an accommodation establishment on premises within the municipal area.

### **3. Requirements relating to buildings, water, sanitation and refuse removal**

- 3.1 No person shall use any building as an accommodation establishment unless-
- (a) it is in good structural condition outside and inside and in a proper state of repair;
  - (b) not less than one bathroom is provided for the first eight lodgers, with one additional bathroom for every additional twelve lodgers or part thereof;
  - (c) every bathroom-
    - (i) is provided with a hand wash-basin;
    - (ii) is provided with a bath or shower; and
    - (iii) is provided with an adequate supply of cold and or hot running water.
  - (d) sanitary conveniences are provided on the basis of one convenience for the first eight lodgers and thereafter one convenience for every additional twelve lodgers or part thereof: provided that a sanitary convenience shall not be installed in the same room as a bath or shower, en-suite bathrooms excluded.
  - (e) the faecal matter arising in respect of the accommodation is properly stored and, except where pit latrines or a method for the adequate treatment of such matter by means of an enzymatic or chemical process is provided, is properly removed and disposed of;
  - (f) a receptacle with a close-fitting lid is provided in a latrine.
  - (g) the household refuse arising in respect of the accommodation is properly removed and disposed of at least once a week;
  - (h) all water supply fittings and fittings that relate to sanitation and ablution are in a working order.

### **4. Preparation and serving of food**

A proprietor who prepares or serves food on the premises for consumption by a guest, must comply with the Requirements for Food Premises and the Transport of Food, published under Government Notice No. R918 of 30 July 1999.

### **5. Premises**

A proprietor must ensure that his premises has access to safe and adequate potable water, sanitation and refuse removal, and those household facilities, eating utensils, linen and bedding is kept in a dean and hygienic condition.

### **6. Penalty Clause**

Any person who contravenes or fails to comply with any provision of this By-law shall be guilty of an offence and liable on conviction to a fine or, in default of payment, to imprisonment not exceeding 6 months, or to both a fine and such imprisonment.

### **7. Short title**

This By-Law shall be called the Accommodation Establishment By-Law, 2012.

## DAWID KRUIPER MUNICIPALITY

## ACCOMMODATION ESTABLISHMENT AMENDMENT BY-LAW, 2017

**GENERAL EXPLANATORY NOTE**

[ ] Words in bold type and square brackets indicate omissions from existing enactments.

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Accommodation Establishment By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kruiper Municipality, as follows: -

**Insertion of a preamble of the Dawid Kruiper Municipality Accommodation Establishment By-law, 2012:**

1. The Dawid Kruiper Municipality: Accommodation Establishment By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control accommodation establishments in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:"

**Amendment of section 1 of the Dawid Kruiper Municipality: Accommodation Establishments By-Law, 2012.**

2. Section 1 of the principal By-Law is hereby amended:
  - (a) by the substitution for the definition of "potable water" of the following definition:
 

"potable water" means the water that complies with the South African National Standard for Drinking Water (SANS 241);"

**Amendment of section 7 of the Dawid Kruiper Municipality: Accommodation Establishment By-Law, 2012:**

3. The following section is hereby substituted for section 7 of the principal By-Law:

"7. This By-Law is called Dawid Kruiper Municipality: Accommodation Establishment Amendment By-Law, [2012] 2017 "