

NOTICE 120 OF 2017

BARBER, HAIRDRESSER, BEAUTICIAN, BODY PIERCER OR TATTOOIST

By-Law No. 23, 2012

BY-LAW**As Amended by the Barber, Hairdresser, Beautician, Body Piercer
or Tattooist Amendment By-Law 2017**

To provide for the establishment of barber, hairdresser, beautician, body piercer or tattooist 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 the provision of barber, hairdresser, beautician, body piercer and tattooist services in a responsible and sustainable manner;

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

1. Definition

"barber, hairdresser, beautician, body piercer or tattooist" means a person who carries on the business of barber, hairdresser, beautician, body piercer or tattooist in a salon or another place, which business comprises any one or more of the following or similar services or activities, or a combination thereof, which is applied to the male or female human body:

- (a) cutting, shaving, singeing, shaping, shampooing, cleansing, conditioning, treating, chemical reformation (such as but not limited to permanent waving) relaxing, straightening and colouring (such as but not limited to tinting, dyeing, colouring, whether by permanent or temporary or semi-permanent means, and including the use of colour rinses, shampoos, gels or mousses, and lightening by means of tints, bleaches, highlights or high lighting tinting or toning of the hair on the human head;
- (b) other than by a process contemplated in paragraph (a), removing hair by means of, but not limited to, waxing, chemical compounds (such as but not limited to depilatories), electrical or mechanical means, whether or not heat or an appliance or apparatus is used in any of these activities;
- (c) treating hair by means of a trophological process or method;

- (d) adding to hair of natural or artificial hair by means of, but not limited to an extension, beard work, or a wig;
- (e) shaping, shaving, plucking, treating or tinting an eyebrow or eyelashes or applying an artificial eyebrow or eyelashes;
- (f) skin care of the face, including but not limited to the application of cosmetics;
- (g) applying nail technology, such as but not limited to manicuring, pedicuring, or applying false nails or extensions;
- (h) piercing of the skin ("*body piercing*") or tattooing;
- (i) massaging;
- (j) bronzing such as by means of, but not limited to, ultraviolet radiation; and
- (k) contouring, such as but not limited to, slimming.

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

"**potable water**" means water that complies with 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;

"**salon**" means a place where anyone or more of the services or activities contemplated in the definition of "*barber, hairdresser, beautician, body piercer or tattooist*" are normally carried on;

"**waste**" means any matter or waste material arising from the use of any land or premises, excluding hazardous waste and health care waste;

2. Health requirements

- 2.1 No person may use the premises of a salon for a purpose other than for the carrying on of the business of barber, hairdresser, beautician, body piercer or tattooist.
- 2.2 A person who carries on the business of barber, hairdresser, beautician, body piercer or tattooist in a salon or any other premises, must-
 - (a) install or have available in the salon an appliance or other means whereby an instrument that has come into contact with human skin, hair or bodily fluid, such as, but not limited to, blood, must be sterilized or disinfected;
 - (b) ensure that only professional tattooing and body piercing machines designed and assembled in a manner which prevents contamination of sterilized needle sets may be used for applying permanent tattoos or body piercing, and all tubes and needles must be stored in single service, sterile, sealed autoclave bags which must be opened in the presence of the client;

- (c) after each use of a blade, razor, pair of scissors, comb, brush, roller, nail file, clippers, or other instrument which was applied to the human hair, nail or skin, dispose of disposable instruments or disinfect reusable instruments by applying a suitable disinfectant;
- (d) wear new disposable latex or nitrile examination gloves for the duration of a procedure where he or she implants hair, pierces or tattoos skin, or uses a chemical or chemical compound in an activity;
- (e) disinfect his or her hands before and after rendering *any* service to a client;
- (f) directly after treatment of the client, clean and disinfect a surface that has been contaminated by body fluid; and
- (g) dispose of any disposable glove or other disposable material after each use;
- (h) at least once a day wash, with a disinfectant, all clothing such as aprons and caps, all surfaces such as, but not limited to, walls, floors counters and chairs;
- (i) dispose of all sharp instruments, bloodied and otherwise contaminated disposable towels and paper in accordance with section 27;
- (j) store sharp instruments such as, but not limited to, a razor, blade or needle in a separate container in accordance with section 27;
- (k) after each use, wash and clean all surfaces and towels;
- (l) generally, keep the premises, tools, equipment and clothing in a hygienic condition at all times;
- (m) after every service, collect waste such as, but not limited to, hair clippings and towelling paper, and store or dispose of such waste in accordance with best practice methods;
- (n) ensure that no animal, excluding a guide dog accompanying a blind person, enters the premises; and
- (o) provide his or her employees with protective clothing, train any person working on the premises, and ensure that the employee complies with the provisions of this By-Law.

2.3 A person who contravenes a provision of subsection 2.1 or 2.2 commits an offence.

3. Requirements for premises

3.1 A person who carries on the business of barber, hairdresser, beautician, body piercer or tattooist in a salon or another place, must ensure that the premises comply with the following:

- (a) basins, with a supply of running hot and cold potable water, must be available for the washing of hair and hands;

- (b) lighting, ventilation, water and toilet facilities as prescribed in the National Building Regulations and Buildings Standards Act, 1977 (Act 103 of 1977) must be provided;
 - (c) shelves, counters, table tops or other fixtures on which instruments are placed must be constructed of impervious material that is easy to clean;
 - (d) adequate facilities for the storage of clothes, instruments and appliances must be provided;
 - (e) facilities for the disposal of waste water must be provided; and
 - (f) the walls and floors must be constructed of materials that are easy to clean
- 3.2 Should the owner, occupier or person in charge of the premises upon which the business is carried on fail to comply with a provision in subsection, an offence is committed.

4. Penalty Clause

- 4.1 Any person contravening the provisions of this By-Law shall be guilty of an offence and upon conviction liable to a fine or imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

5. Short title

This By-Law shall be called barber, hairdresser, beautician, body piercer or tattooist By-Law, 2012.

DAWID KRUIPER MUNICIPALITY

BARBER, HAIRDRESSER, BEAUTICIAN, BODY PIERCER OR TATTOOIST 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 Barber, Hairdresser, Beautician, Body Piercer or Tattooist 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 Barber, Hairdresser, Beautician, Body Piercer or Tattooist By-Law, 2012:

1. The Dawid Kruiper Municipality: Barber, Hairdresser, Beautician, Body Piercer or Tattooist 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 the provision of barber, hairdresser, beautician, body piercer and tattooist services 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 5 of the Dawid Kruiper Municipality: Barber, Hairdresser, Beautician, Body Piercer or Tattooist By-Law, 2012:

2. The following section is hereby substituted for section 5 of the principal By-Law:
 "5. This By-Law is called Dawid Kruiper Municipality: Barber, Hairdresser, Beautician, Body Piercer or Tattooist Amendment By-Law, [2012] 2017"