

EXPLANATORY NOTE:

Words ~~struck through~~ indicate proposed **deletions** from existing by-laws.

Words underlined with a solid line indicate proposed **insertions** in existing by-laws

BY-LAWS RELATING TO CHILD CARE FACILITIES

To provide for the registration and grading of child care facilities, for the regulation and management of activities in respect of such facilities, and for matters in connection therewith

Preamble

WHEREAS the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

WHEREAS there is agreement on the fundamental importance of local government to democracy, development and nation-building in our country; and

WHEREAS there is fundamental agreement in our country on a vision of democratic, accountable and developmental local government, in which municipalities must strive within its financial and administrative capacity, to achieve their constitutional objectives by ensuring the provision of sustainable, effective and efficient municipal services to communities, by promoting social and economic development, by promoting a safe and healthy environment, and by encouraging the involvement of communities in the matters of local government; and

WHEREAS the Constitution authorizes and empowers municipalities to administer the local government matters listed in Part B of Schedules 4 and 5, which include child care facilities and any other matter assigned to it by national or provincial legislation, by making and administering by-laws for the effective administration of these matters;

BE IT THEREFORE ENACTED by the Municipal Council of the **Mangaung Local Metropolitan** Municipality as follows:-

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CHAPTER 1 INTERPRETATION

1. DEFINITIONS

(1) In these by-laws, unless the context otherwise indicates:

“Act” means the Child Care Act, 1983 (Act No 74 of 1983);

“child” means a child admitted to a child care facility in terms of these by-laws or the Act and **“children”** has a corresponding meaning;

“child care facility” means any building or premises or part thereof which is maintained and used, whether for profit or otherwise, to care for, look after or temporary accommodate two or more children of different parents or guardians apart from their parents or guardians, for a full day or part of a day or night, with the inclusion of creches; creches-cum-nursery schools; nursery schools; day care premises; playgroup premises; after school centra and private hostels but shall not include a boarding school, school hostel or other establishment which is maintained or used mainly for the tuition or training of children and which is controlled by, registered at or approved by the Free State Provincial Department of Education;

~~**“Council”** means the municipal council of the MANGAUNG Local Municipality in which the executive and legislative authority of the municipality is vested, and which is the decision making body of the municipality, and its delegates;~~

“Council” means the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under council's delegated or sub-delegated power;

“creche” means a building or premises or part thereof which is maintained or used for the custody and care of more than six children of pre-school going age during the whole or part of the day, on all or only some days of the week, but does not include a play group or day care premises.

“creche-cum-nursery school” means any building or premises where a nursery school programme applies and which is maintained or used for the custody, care and tuition of more than six children of pre-school going age during the whole or part of the day, on all or only some days of the week, but does not include a play group or day care premises;

“daycare premises” means any residential building or part thereof which is maintained and used, whether for profit or otherwise, to care for, look after or temporary accommodate two to a maximum of ten children of pre-school going age of different parents or guardians apart from their parents or guardians, for a full day or part of a day or night, but does not include a playgroup premises.

“holder” means the person who has applied for the registration of a child care facility in terms of the provisions of these by-laws or the Act, and to whom a registration certificate for the child care facility concerned has been issued;

~~“Executive Director: Community and Social Development Head: Social Services”~~ means the person appointed by the Council in this capacity or any person acting for him or who has been authorized by him to act on his behalf;

~~“municipality”~~ means the **MANGAUNG** Local Municipality, and when referred to as :

- ~~(a) an entity, means **MANGAUNG** Local Municipality and its delegates as described in section 2 of the Systems Act; and~~
- ~~(b) a geographic area, means the municipal area of **MANGAUNG** Local Municipality as determined in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No 27 of 1998);~~

“Municipality/City” means Mangaung Metropolitan Municipality established by the Provincial Notice No. 261 of 28 March 2011, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“play group premises” means any residential building or premises or part thereof which is maintained and used, whether for profit or otherwise, to care for, look after or temporary accommodate two to a maximum of twenty children of pre-school going age above the age of three years, of different parents or guardians apart from their parents or guardians, for not more than five days per week between the hours 07h30 and 13h30, but does not include a day care premises;

“registration” means :

- (a) in the event of a child care facility where a maximum of six children are to be accommodated, registration with the municipality;
 - (b) in the event of a child care facility where seven or more children are to be accommodated, registration in terms of the Act (No 74/1983).
- (2) In these by-laws, unless the context otherwise indicates, words and expressions denoting the singular shall include the plural and vice versa, words and expressions denoting the male sex shall include the female sex and vice versa and reference to a natural person shall include a legal person and vice versa.

CHAPTER 2 REGISTRATION, GRADING AND RELAXATION

2. REGISTRATION

- (1) No child may be received or accommodated in a child care facility unless such facility has been registered in terms of these by-laws or the Act.
- (2) Application for registration of a child care facility in terms of these by-laws, shall be made to the municipality in writing by completing and submitting an application form as determined from time to time.
- (3) The Council may, before considering such application, require that it be furnished with any information in connection with the application concerned which it may deem necessary.
- (4) If the Council is satisfied that the child care facility comply with the prescribed requirements and that it will be managed and conducted in such a manner that it will be suitable for the purpose applied for, it may grant the application either unconditionally or on such conditions that the Council may deem necessary, and issue to the applicant a registration certificate.
- (5) Subject to the provisions of section 21, a registration certificate issued in terms of this section, may at any time be cancelled by the Council after at least one month's written notice of the intention to cancel the certificate has been given to the holder concerned, and after consideration by the municipality of any representations which may be submitted in pursuance of such notice. The cancellation of a registration certificate shall take effect on the date specified in the cancellation notice issued by the Council, which date shall not be earlier than 90 days after the date upon which the notice of cancellation was given.
- (6) A registration certificate shall not be transferable and shall be valid for a period of two years from the date that it was issued.
- (7) Application for renewal of a registration certificate for a child care facility registered in terms of these by-laws, shall be made to municipality in writing by completing and submitting an application form not later than one month before the registration certificate expires.
- (8) Any child care facility which immediately before the commencement of these by-laws, was registered and graded in terms of the Health Regulations for Creches and Creches-cum-Nursery Schools of the former Bloemfontein Municipal Council, shall as from the commencement of these by-laws be deemed to be registered and graded in terms of these by-laws.

3. GRADING SYSTEM

- (1) In considering a new application for the registration of a child care facility or the renewal of a registration certificate as contemplated in section 3, a decision on the appropriate grading level of the child care facility concerned shall be made :
 - (a) in accordance with the minimum standards as contained in the Schedule of Guidelines set out in Annexure A;
 - (b) by evaluating the conditions and circumstances that prevail during an inspection of the child care facility concerned; and
 - (c) consultation with the relevant officials of the Free State Department of Welfare.
- (2) The municipality's decision on the appropriate grading of the child care facility concerned shall be contained in a grading certificate, issued to the holder, which certificate shall be valid for a period of two years.
- (3) The grading of a child care facility may for appropriate and valid reasons be withdrawn or altered by the ~~Executive Director: Community and Social Development~~ Head: Social Services after consultation with the relevant officials of the Free State Department of Welfare and after discussion with the holder.
- (4) The holder must submit the grading certificate of a child care facility or which the grading has been withdrawn or altered as contemplated in sub-section (3), to the ~~Executive Director: Community and Social Development~~ Head: Social Services within seven days, failing which :
 - (a) in the event of a child care facility registered with the municipality, the grading as well as the registration shall terminate forthwith;
 - (b) in the event of a child care facility registered in terms of the Act, the Department of Welfare, shall be advised to withdraw its registration.

4. RELAXATION OF REQUIREMENTS

- (1) To ensure that as many child care facilities as possible operated legally and properly and to give guidance in the process of upgrading the quality of their facility and services, the ~~Executive Director: Community and Social Development~~ Head: Social Services, subject to the provisions of subsection (2):
 - (a) may on his own initiative grant a relaxation on any requirement as stipulated in these by-laws to a standard that is acceptable to the municipality;
 - (b) must on written request by a holder grant a relaxation as contemplated in subsection (1)(a).

- (2) A relaxation shall only be granted :
- (a) if it does not pose an immediate health danger or a substantial safety risk to anyone;
 - (b) if it is in line with the prevailing policy of the Free State Provincial Departments of Health, Welfare and Education, if applicable; and
 - (c) provided that :
 - (i) the child care facility concerned shall once again be subjected to a process of grading as contemplated in section 3; and
 - (ii) a certificate indicating the applicable grading received by the child care facility shall be displayed on a conspicuous position on the relevant premises for the notice of the general public; and
 - (iii) every parent or guardian concerned shall be informed by the holder of the outcome of the grading-process.

CHAPTER 3 FACILITIES AND REQUIREMENTS

5. PRESCRIBED FACILITIES FOR CHILDREN AGED 3 YEARS AND OLDER

Subject to the provisions of sections 12 and 13, the following facilities shall be provided in respect of child care facilities for pre-school children aged three years and older

(1) Office and Staff-room

- (a) An office;
- (b) A staff-room: Provided that one room may, subject to the approval of the ~~Executive Director: Community and Social Development~~ Head: Social Services, be used as an office and staff-room combined.

(2) Play and isolation rooms

- (a) A playroom for play activities, serving of meals and sleeping purposes, with a minimum free-playing area of 1,8m² for every child.
- (b) An isolation room with a minimum floor area of 2m x 3m, fitted with a built-in hand wash basin with hot and cold running water, and equipped with a first-aid cupboard and equipment and bed or stretcher. Provided that one room may be used as an office and isolation-room combined, subject to

the prior written approval of the ~~Executive Director: Community and Social Development~~ Head: Social Services.

(3) Kitchen

A kitchen complying with the following requirements :

- (a) the kitchen, including the scullery area, shall have a minimum floor area of 12m² for a maximum of 50 children or part of such number of children accommodated, with an additional 0,2m² per child for 50 to 100 children and a further 0,1m² for every child in excess of 100.
- (b) the kitchen shall be provided with a double compartment sink, hand wash basin, vegetable washing sink, and where the ~~Executive Director: Community and Social Development~~ Head: Social Services deems it necessary, an approved pot-washing sink shall be installed on the premises.
- (c) in the discretion of the ~~Executive Director: Community and Social Development~~ Head: Social Services and after due consideration has been given to the manner, amount and nature of cooking undertaken on the premises, there shall be provided, immediately above every cooking stove, oven or similar apparatus, a hood or canopy of adequate size, having, a flue duct of at least 300mm in diameter, and in addition, such mechanical device as the ~~Executive Director: Community and Social Development~~ Head: Social Services shall deem necessary in the circumstances, exhausting to the atmosphere at such a height and in such a position or manner as is necessary to prevent that the discharge therefrom constitutes a nuisance or annoyance to the neighbourhood: Provided that where the ~~Executive Director: Community and Social Development~~ Head: Social Services is satisfied that the purposes of these by-laws will be effectively achieved thereby, a mechanical device may be provided instead of a hood or canopy as aforesaid.
- (d) the wash-basins mentioned in subsection (3)(b) shall be made of stainless steel or other approved impervious material and shall have an adequate supply of hot and cold running water effectively distributed and laid over the sinks and hand wash basins.
- (e) each bowl of the double compartment sink shall have a minimum depth of 225mm and minimum capacity of 55L.
- (f) the draining boards of the sinks shall be fitted with 150mm splash screens and installed 100mm from any wall surface, and every part of a wall surface within 600mm from any part of the sink or draining board so installed, shall be tiled or given some other approved finish having similar properties to a tiled surface, to a height of at least 1,5m from the floor.

- (g) the floor of the kitchen shall be of concrete or other similar impervious material.
- (h) natural light and ventilation shall be provided in accordance with the National Building Regulations.
- (i) wall surfaces shall be tiled or smooth-plastered and painted in light-coloured washable paint.
- (j) ceilings must be provided and shall be dust-proof and painted with a light coloured washable paint.
- (k) all cupboards, shelves and other equipment for the storage of kitchen utensils and equipment, shall be of metal and shall be so fitted or situated as to be easily cleaned and not to favour the harbourage of insects, rodents and other vermin.
- (l) all work tables shall be constructed of metal with a stainless steel top, or other approved impervious material.
- (m) the stove or other cooking units shall be so installed as to allow easy access between the stove or cooking unit and the adjoining wall surfaces to allow for cleaning.
- (n) facilities for the storage of vegetables shall be provided.
- (o) there shall be provided suitable refrigeration facilities for the storage of perishable foodstuffs.
- (p) there shall be provided a sufficient number of metal or other approved bins with covers for the temporary storage of refuse pending disposal.
- (q) nothing contained in these by-laws shall preclude the use of a domestic kitchen situated on the child care facility, provided such kitchen complies with the stipulations in these by-laws.

(4) Storage

- (a) A store-room or pantry, properly ventilated and rodent proof, having a minimum floor area of at least 6m² and minimum width of at least 2m.
- (b) Adequate storage for stretchers, bedding and linen.
- (c) Adequate separate storage for personal belongings of every child.
- (d) Adequate storage accommodation for indoor and outdoor play materials and equipment.

(5) Sanitary facilities for children

Sanitary and ablution facilities for the children complying with the following requirements:

- (a) easy access between ablution facilities, play rooms and outdoor play area.
- (b) one waterborne toilet for every 15 children or part of 15 children shall be provided. Seats should be of the tilt-up and front-cut-away type.
- (c) no division of toilets for the sexes is necessary.
- (d) one hand wash basin for 15 children or part of 15 children shall be provided and such basin shall be so fitted that the upper surface shall not be more than 500mm above floor level.
- (e) a constant supply of running cold water or thermostatic controlled water shall be provided to the hand wash basins set aside for use by the children.
- (f) the floors of the ablution block shall be of impervious material rendered to a smooth surface.
- (g) a sufficient number of impervious bins with covers for the temporary storage of paper, paper towels, tissues and other articles pending disposal shall be provided.

(6) Sanitary facilities for staff

- (a) Separate sanitary and ablution facilities for both sexes of staff, complying with the following requirements:
 - (i) Sanitary and ablution facilities for the staff shall be entirely separate from such facilities provided for the children, and shall have no direct communication with any apartment used in connection with the children.
 - (ii) One toilet and one hand-wash basin for every 15 persons or part of a number of 15 persons as well as one bath or shower for every 15 employees accommodated at nights on the premises shall be provided.
- (b) A constant supply of hot and cold water shall be provided to all washing facilities.
- (c) All hand wash basins shall be close fitting to walls and the walls at the rear of such basins shall be glazed tiled to a height of not less than 450mm

above the upper surface of such hand wash basins, or be finished in some other material similar to tiling.

- (d) Soap, nail brushes and clean towels shall be available at the ablution facilities at all times.
- (e) Where no overnight accommodation for staff is provided on the child care facility and there are more than four persons employed, a cloak room or lockers for personal effects shall be provided.

(7) Laundry Services

Laundry facilities or -services shall be provided to the satisfaction of the ~~Executive Director: Community and Social Development~~ Head: Social Services.

(8) Outdoor Play Areas

Outdoor play areas of at least 2m² per child shall be provided. This area shall provide for lawns and shade and for hard surfaces for wheel-toys. It shall be free of excavations and dangerous steps or levels, swimming pools or similar pools of water that are not fenced in accordance with the stipulations of the National Building Regulations and Building Standards Act, No. 103 of 1977, unprotected water pools, poisonous vegetation, unsafe, dangerous or unhygienic conditions, animals, substances or things.

6. PRESCRIBED FACILITIES FOR CHILDREN YOUNGER THAN 3 YEARS

The following minimum facilities shall be provided for the accommodation of children under three years of age.

(1) Office and Staff-room

- (a) An office;
- (b) A staff-room: Provided that one room may, subject to the approval of the ~~Executive Director: Community and Social Development~~ Head: Social Services, be used as an office and staff-room combined.

(2) Isolation Room

An isolation room with a minimum floor area of 2m x 3m, fitted with a built-in hand wash basin with hot and cold running water, and equipped with a first-aid cupboard and equipment and bed or stretcher. Provided that one room may, be used as an office and isolation-room combined, subject to the prior written approval of the ~~Executive Director: Community and Social Development~~ Head: Social Services.

(3) Nursery

A nursery which shall provide 3m² indoor area per child. Cots shall be arranged in such a way that there shall be a minimum of 750mm between the cots. A wash hand basin shall be provided in each nursery.

(4) General Kitchen

A kitchen as contemplated in section 5(3) and which comprises also of the following:

- (a) a sterilizing unit for sterilizing baby milk bottles; and
- (b) a refrigeration unit for the keeping of baby milk bottles.

(5) Storage

- (a) A storage room or pantry as contemplated in section 5(4) of these by-laws.
- (b) Storage for bedding and linen.
- (c) Storage for prams.
- (d) Storage for personal belongings of child.

(6) Sanitary and Ablution Facilities

Sanitary and ablution facilities for children complying with the following requirements:

- (a) A sluice sink, fitted with 150mm splash screen and installed 100mm from any wall surface. Every part of a wall surface within 600mm from a sink shall be tiled or given some other approved finish having similar properties to a tiled surface, to a height of at least 1,5m from the floor. A hand wash basin is to be provided.
- (b) A bathing unit, fitted with at least 2 baby bathing units for every 20 children, such units to be approved by the ~~Executive Director: Community and Social Development~~ Head: Social Services. The flow of water to be supplied to bathing units by side inlets or movable overhead fittings and the temperature of the water shall be thermostatically regulated. A hand wash basin shall be provided in the bathing unit and a constant supply of hot and cold running water shall be provided to sluice sinks and hand wash basins.
- (c) For children not using napkins, toilet equipment of such a nature as meets with the approval of the ~~Executive Director: Community and Social Development~~ Head: Social Services shall be provided and shall be suitably stored.

(7) Napkin and Laundry Services

Napkins by means of :

- (a) a recognized napkin service, in which case provision shall be made for separate storage facilities for clean and soiled napkins; or
- (b) a laundry service on the premises in an approved laundry which shall comprise of three units as follows:
 - (i) receiving and pre-cleaning unit;
 - (ii) washing, drying and ironing unit;
 - (iii) storage and despatch unit.
- (c) General washing and laundry facilities on or off the premises shall be provided to the satisfaction of the ~~Executive Director: Community and Social Development~~ Head: Social Services.

(8) Bins

A sufficient number of impervious bins with close fitting covers for temporary storage of soiled paper, tissues, paper towels and other articles pending disposal.

(9) Floors

Floors must be of impervious material.

(10) Staff Facilities

Sanitary and ablution facilities for the staff in terms of section 5(6) of these by-laws.

(11) Storage

Adequate storage for indoor and outdoor play materials and equipment.

(12) Outdoor Play Areas

A minimum outdoor area of 2m² per child shall be provided for the use of perambulators and play-pens and outdoor activities for the toddler group. This area shall provide for lawns and shade and shall further comply with the provisions of section 5(8) of these by-laws.

7. GENERAL REQUIREMENTS RELATING TO BUILDINGS

All child care facilities ~~shall~~ must comply with the following requirements :

- (1) The buildings ~~shall~~ must be constructed according to the provisions of the relevant legislation pertaining to buildings and in such a manner as to render the buildings safe and not injurious to health.
- (2) The window-area of all offices, playrooms, isolation rooms and other apartments for the accommodation of children, of storerooms, sanitary blocks, sculleries and laundries ~~shall~~ must be equal to not less than one-tenth of the floor area. At least half of the prescribed window area in any such room ~~shall~~ must be capable of being opened for ventilation purposes. Adequate artificial lighting ~~shall~~ must be available throughout any such buildings. Windows in play rooms, office and isolation rooms ~~shall~~ must not be more than 750mm from ground level and ~~shall~~ must be constructed in such a way as not to open at a level dangerous to the children.
- (3) All floors and skirting ~~shall~~ must be finished to a smooth surface, free of sharp edges or other dangerous defects.
- (4) Except as otherwise herein provided, the internal walls throughout ~~shall~~ must be smooth surfaced and ~~shall~~ must be covered with a light-coloured, durable washable finish.
- (5) All rooms ~~shall~~ must be dust proof and provided with ceilings and ceilings and cornices ~~shall~~ must be tight-joined and close-fitting and ~~shall~~ must be covered with a light-coloured, durable washable finish.
- (6) All internal woodwork ~~shall~~ must be of sound construction and so designed or fitted as not to favour the collection of dust or the harbourage of insects.
- (7) Every room ~~shall~~ must be so provided with windows, doors or other openings as to ensure the proper cross- ventilation of such room.
- (8) All external walls, pillars, roofs, roof-gutters and down-pipes and any other external part of the building or buildings ~~shall~~ must be of sound construction and in a clean state.

8. EQUIPMENT

Equipment for children in a child care facility ~~shall~~ should comply with the following requirements:

- (1) Chairs ~~shall~~ should be of such weight that they can be lifted by the child. They ~~shall~~ should be free of splinters or other rough or dangerous surfaces and ~~shall~~ should be of such a height as to permit the child to sit on with both feet on the floor. They ~~shall~~ should not exceed 300mm in height for the age-group three years and older, and 200mm for the age-group under three years.

- (2) Tables ~~shall~~ should be movable and ~~shall~~ should be of strong solid construction. They ~~shall~~ should be free of splinters or other rough or dangerous surfaces, and ~~shall~~ should not exceed 450mm in height for the age-group three years and older and 350mm for the age-group under three years;
- (3) All beds, cots, stretchers, mats or other furniture for resting or sleeping purposes ~~shall~~ should be designed to the satisfaction of the ~~Executive Director: Community and Social Development~~ Head: Social Services and ~~shall~~ should be used by only one child whose name or symbol ~~shall~~ should be clearly affixed thereto. An adequate number of sheets, waterproof sheets, blankets or other bedding ~~shall~~ should be readily available for use.
- (4) Indoor and outdoor playing equipment ~~shall~~ should be provided and such equipment ~~shall~~ should be of such a nature as not likely to enable a child to injure himself or cause injury to others.

9. MEDICAL CARE OF CHILDREN

Every registration holder of a child care facility and any person in charge of the children at a child care facility ~~shall~~ must :

- (1) strictly observe all children for any signs of illness, indisposition or other abnormal conditions;
- (2) immediately after identifying any illness, indisposition or abnormal condition, notify the parent or guardian of the child concerned of the child's condition;
- (3) if necessary and subject to the prior consent of the parent or guardian, summon the private medical practitioner of any child suffering or suspected to be so suffering, or in the event of the unavailability of such medical practitioner, summon a medical practitioner appointed by the child care facility management;
- (4) immediately isolate the child or children concerned in the isolation room or area provided for the purpose, and devote all care necessary to the comfort and treatment of the child whilst on the premises;
- (5) carry out all instructions issued by the medical practitioner and in the event of a communicable disease or signs of child-abuse, ~~shall~~ should immediately notify the ~~Executive Director: Community and Social Development~~ Head: Social Services by telephone followed up by a written notification; and
- (6) keep a record of all injuries and illnesses which occurred whilst the child was on the premises.

10. PERSONAL TOILET EQUIPMENT

- (1) The following minimum personal toilet equipment ~~shall~~ should be available for the use of each child in the child care facility :

- (a) Face cloth
 - (b) Towel
 - (c) Handkerchief or disposable tissues
 - (d) Comb
 - (e) Soap
- (2) Provisions ~~shall~~ should be made in the ablution block or in and adjacent apartment by means of safe hooks, lockers or other means approved by the ~~Executive Director: Community and Social Development~~ Head: Social Services for the separate storage of the personal toilet equipment of each child in a child care facility.
- (3) Such storage accommodation and the personal toilet equipment stored ~~shall~~ should be clearly marked in such a manner as to be easily recognized by each child.
- (4) Provisions ~~shall~~ should be made for the boiling, washing or disinfecting of children's toilet equipment on a regular basis.

11. SAFETY MEASURES

The following measures ~~shall~~ must be taken by a holder to ensure the safety of the children in a child care facility :

- (1) Adequate measures ~~shall~~ must be taken for the protection of the children against fires, hot water installations, electrical fittings and appliances and electrical shock, heating appliances and any other article or thing which may be dangerous or cause injury to any child.
- (2) Any slats or rails used in enclosures, play-pens, beds, cots or for any other purpose whatsoever, ~~shall~~ must be not more than 75mm apart and ~~shall~~ must be firmly fixed and free from splinters or other rough or dangerous surfaces.
- (3) The premises ~~shall~~ must be entirely enclosed by means of a suitable fence, wall or other means so constructed as to completely preclude children from leaving the confines of the premises of their own accord and prevent the entrance of domestic or any other animals. All gates or doors in such boundaries ~~shall~~ must be close-fitting and securely locked or otherwise closed, so as to prevent them being opened by the children.
- (4) A first-aid box with the necessary materials and equipment as specified by the ~~Executive Director: Community and Social Development~~ Head: Social Services,

~~shall must~~ be provided on the premises and ~~shall must~~ be readily available for use and kept out of the children's reach at all times.

- (5) All medicines, corrosive and other harmful substances ~~shall must~~ be stored in a safe manner, and ~~shall must~~ not be accessible to children.
- (6) No dog or cat or any noxious or poisonous plant or shrub ~~shall must~~ be permitted on the premises or ~~shall must~~ be accessible to the children.
- (7) No person suffering from any infectious or communicable disease and no person who has been in contact with any person so suffering, and who has not cleaned his person and clothing so effectively as to render him incapable of spreading such disease and no person whose body is not in a clean and healthy condition, ~~shall must~~ be allowed on the premises of a child care facility.
- (8) The provisions of the regulations regarding the exclusion from school on account of infectious disease made in terms of the Health Act No 63 of 1977, as amended, ~~shall apply~~ are applicable to all child care facilities.
- (9) The sand-pit, when not used, must at all times be covered to the satisfaction of the ~~Executive Director: Community and Social Development~~ Head: Social Services.

CHAPTER 4 PLAY GROUPS AND DAYCARE

12. PLAY GROUP PREMISES

Subject to the provisions of the relevant Town Planning Scheme, it ~~shall be~~ is permissible to utilize a residential building or premises or part thereof as a play group premises for which the necessary registration has been obtained, subject to compliance with the following conditions :

- (1) Only the holder may conduct play group activities on such premises.
- (2) A play group may consist of only pre-school going children above the age of three years and ~~shall~~ should not exceed 20 in number including such children which form part of the play group leader's household.
- (3) Play group activities may only be conducted during normal weekdays and ~~must~~ may take place between the hours 07:30 and 13:30.
- (4) Whenever a play group is present on such premises, no child under the age of three years may be taken care of or looked after on the same premises: Provided that the provisions of this subparagraph shall not apply to a child under the age of three years who is a member of the household of the holder: Provided further, that whenever a child under the age of three years is found on such premises

when a play group is also present, it shall be deemed to be taken care of or looked after there.

- (5) Indoor free-playing area of at least 1,8m² per child ~~must~~ should be available and ~~shall may~~ not include areas such as bathrooms, toilets, passages, bedrooms, servants rooms, kitchens, sculleries, washing rooms, garages and/or any other room or space so used or be in such a condition that it is according to the opinion of the ~~Executive Director: Community and Social Development~~ Head: Social Services, not suitable to be included as part of the required area.
- (6) Only the following sections are mutatis mutandis applicable to play group premises :

1; 2; 3; 4; 5(4) and 5(5); 5(8); 7(1); 7(3) to and including 7(8); 8(4); 9 ; 10 ; 11(1) and 11(3), 14 and 22.

13. DAY CARE PREMISES

- (1) Subject to the provisions of the relevant Town Planning Scheme, it shall be permissible to utilize a residential building or premises or part thereof as a day care premises for which the necessary registration has been obtained.
- (2) The following section are mutatis mutandis applicable to a day care premises :
 - (a) all the sections as mentioned in 12(6) except 5(4); 5(8); and
 - (b) 6(4); 6(8) up to and including 6(12); 12(3).

CHAPTER 5 INSPECTIONS, DUTIES AND REGISTERS

14. INSPECTION OF CHILD CARE FACILITIES

- (1) A social worker, a nurse or any other person, authorized thereto by the ~~Executive Director: Community and Social Development~~ Head: Social Services, may enter any child care facility in order to :
 - (a) inspect such facility and the books and documents appertaining thereto;
 - (b) observe and interview any child therein, or cause such child to be examined by a medical officer, psychologist or psychiatrist.
- (2) Any social worker, nurse or other person so authorized ~~shall~~ should be furnished with a certificate to that effect, signed by the ~~Executive Director: Community and Social Development~~ Head: Social Services, which he or she, when acting in terms of subsection (1), shall produce at the request of the holder or staff member of the child care facility concerned.

- (3) Any person who obstructs or hinders any social worker, nurse or other person so authorized in the performance of any function contemplated in subsection (1), or who fails to produce any child, book or document whose production a social worker, nurse or other person so authorized has demanded, ~~shall~~ is be guilty of an offence.
- (4) The social worker, nurse or other person so authorized, shall submit a report the ~~Executive Director: Community and Social Development~~ Head: Social Services after the performance of a function referred to in subsection (1). The ~~Executive Director: Community and Social Development~~ Head: Social Services shall on receipt of the report, act as he may deem necessary and appropriate.

15. DUTIES OF THE REGISTRATION HOLDER

Every holder ~~shall~~ should at all times :

- (1) maintain every part of the child care facility, including outdoor areas and all things belonging thereto, in good repair and in a tidy condition and free from dirt, filth or other noxious matters or things
- (2) keep all cutlery, crockery, utensils, vessels, containers, receptacles, appliances and equipment, used for the storage, preparation and serving of foodstuffs in a clean and hygienic condition and free of any defects;
- (3) provide and maintain efficient measures for the prevention and destruction of flies, cockroaches, rodents and other vermin in such child care facility, and provide and maintain in sound condition sufficient mosquito nets for the protection of children against flies or mosquitoes;
- (4) provide and maintain at all times suitable means for protecting all foodstuffs from contamination by dust, dirt, flies or any other cause;
- (5) provide at all times an adequate supply of soap, clean towels and nailbrushes at hand wash basins;
- (6) ensure that all persons engaged in the child care facility are clean in person and clothing;
- (7) provide clean and sound overalls or coats of light-coloured washable material and suitable head-coverings for the use of persons engaged in the handling, preparation and serving of food, and ensure that such overalls or coats are worn at all such times;
- (8) provide adequate storage space to the satisfaction of the ~~Executive Director: Community and Social Development~~ Head: Social Services for toys, books and other indoor and outdoor toy materials and ensure that such storage space shall be within the easy reach of children from floor level;

- (9) ensure that the children are under the direct supervision of at least one responsible adult;
- (10) ensure that each child uses his own personal toilet equipment;
- (11) ensure that all meals provided to the children meet with the requirements of the ~~Executive Director: Community and Social Development~~ Head: Social Services. Records of menus of all meals ~~shall~~ should be kept, and ~~shall~~ be open to inspection. All menus ~~shall~~ should be approved by the ~~Executive Director: Community and Social Development~~ Head: Social Services.

16. APPLICATION FOR ADMISSION

- (1) Application for admission of a child to a registered child care facility, ~~shall~~ can be made to the holder concerned by the parent or guardian in writing by completing and submitting an application form.
- (2) A child ~~shall~~ may only be admitted to a registered child care facility after formal approval of the application by the holder.

17. REGISTERS

- (1) The holder ~~shall~~ should keep an admission and discharged register of all the children admitted to an discharged from the child care facility concerned.
- (2) The holder ~~shall~~ should keep a register of attendance in which the daily presence or absence of children at the child care facility shall be ~~noted~~ recorded.
- (3) A diet register ~~shall~~ should be kept in which the nature of and times when all foodstuffs are served, shall be ~~noted~~ recorded daily.

18. MEDICAL REPORT

A medical report in respect of each child, containing the following information, ~~shall~~ must be obtained and kept by each holder :

- (1) Information concerning the child's general state of health.
- (2) The ailments and other communicable diseases from which the child has suffered and the dates on which the child had such ailments.
- (3) Details of immunization against smallpox, poliomyelitis, tetanus, measles, whooping cough, diphtheria and tuberculosis or any other communicable disease.
- (4) Possible allergies and diseases such as epilepsy and food sensitivities.

19. JOURNAL

Each holder ~~shall~~ should keep a journal in which important information such as accidents requiring hospitalization, medication to be taken and the programme of daily activities are ~~noted~~ recorded in respect of each child.

CHAPTER 6 MISCELLANEOUS

20. TERMINATION OF OPERATIONS

A holder ~~shall~~ must notify the ~~Council~~ municipality in writing within in seven days of the temporary or permanent termination of the operations of the child care facility to which the registration relates and ~~shall~~ should at the same time provide the existing registration and grading certificates.

21. TERMINATION OF REGISTRATION

Subject to the provisions of section 2(5), the municipality may suspend or withdraw a registration issued in terms of these by-laws, should the registration holder be found to harass or abuse, or to endanger the health or safety of, any child in a child care facility, or to misuse any drugs or alcohol or other habit forming substance or become mentally or physically disabled to act as a holder or be convicted of a breach of any of the provisions of these by-laws, provided that such holder must be given adequate opportunity to furnish reasons why such suspension or withdrawal should not be done: provided further that the ~~Executive Director: Community and Social Development~~ Head: Social Services may notify all relevant parents or guardians of such pending suspension or withdrawal, the reasons thereof and the final outcome thereof.

22. OFFENCES AND PENALTIES

- (1) A person who has committed an offence in terms of these By-laws is, on conviction liable to a fine not exceeding R 60 000, or imprisonment for a period not exceeding three years, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.
- (2) Any expense incurred by the municipality as a result of any such contravention or in the doing of anything, which any person was directed to do by or under any of these by-laws and which he failed to do, may be recovered by the municipality from the person committing the contravention or failing to do such thing.
- (3) Subject to an order as to costs by a competent court, the municipality may recover from any person the costs incurred by the municipality to collect or attempt to collect from such person, any amount due by him to the municipality in terms of these by-laws.

23. **REPEAL AMENDMENT**

The following regulations are hereby repealed :

- (1) ~~The Health Regulations for Creches and Creches-cum-Nursery Schools of the former Bloemfontein Municipal Council, promulgated by Administrator's Notice No 97 of 7 May 1976;~~
- (2) ~~The By-Laws relating to the Control over Places of Care within the Area of Jurisdiction of Local Authorities of the former Mangaung City Council, promulgated by Government Notice R.2608 of 1983.~~

The by-laws relating to the Child Care Facilities, as promulgated in the Local Government Notice No. 62 of 26 September 2008, are hereby further amended.

24. **SHORT TITLE AND COMMENCEMENT**

This by-law is called ~~the By-laws relating to~~ **Mangaung, Child Care Facilities By-law** and the amendments effected come into operation on the date of publication in the *Provincial Gazette*.

ANNEXURE A

SCHEDULE OF GUIDELINES FOR MINIMUM STANDARDS FOR LEVELS OF REGISTRATION OF CHILD CARE FACILITIES (SECTION 3)

| STANDARD | LEVEL 1 | LEVEL 2 | LEVEL 3 | LEVEL 4 |
|--|--|---|--|---|
| | STARTING GRADE - PROVISORY REGISTRATION | DEVELOPING GRADE - INTERIM REGISTRATION | STANDARD GRADE - FULL REGISTRATION | TOP GRADE - FULL REGISTRATION |
| <u>A : ENVIRONMENTAL HEALTH ASPECTS</u> | | | | |
| 1. Structure of accommodation facilities | May be informal. Must be safe, adequately ventilated and lighted, impenetrable by rainwater, have a covered floor. | Must be of formal construction - complying with National Building Regulations | As per Level 2 - interior wall surfaces painted with washable paint | As per Level 3 |
| 2. Walls, floors, ceilings, windows | Openable openings (doors and windows) and covered floor | Solid, impervious floors, doors, walls, windows with glass. Painted walls and ceilings | Ceiling required. Safety glass (if applicable) to windows. Floors covered. Rest as per Level 2 | As per Level 3 |
| 3. Premises safety and hygiene | May be unfenced - water pools must be fenced off. No dangerous conditions. No access to dangerous articles or animals, poisonous plants or substances (like paraffin, cleaning agents, etc.) | Must be fenced off and with lockable gates. Must have lockable cupboard for dangerous/poisonous articles/substances. Further as per Level 1 | As per Level 2 | As per Level 3 and no access to garden equipment and dangerous tools/apparatus |
| 4. Water availability | Pure drinking water to be available: sealed watertank (screw top) plus tap or nozzle - alternatively a tap within 50 meters on same premises | As per Level 1 | On tap within 50 meters on same premises | On tap inside |
| 5. Toilet facilities | Screened-off area under roof cover with commodes, (1/20 children) plus potties (1/5 children). Disposal of contents: safe and hygienic - washing of potties/buckets not at tap | Pit (VIP) or bucket toilets plus step-ups and also potties for smaller children. Ratio: 1/20 children | As per Level 2 and potties for small children | Flush toilets (1:15 children) plus potties for small children. Separate staff toilets |
| 6. Wash basins with clean water | Plastic or similar basins and soap and clean towels or cloths - 1:30 children. Waste water sprayed (no pooling) on premises | As per Level 1 and step-ups for smaller children if basins are fixed. Ration: 1/20 children | Basins on trolley, further as per Level 2 | Fixed with on tap running hot and cold water. Ratio: 1/15 children |

| STANDARD | LEVEL 1 | LEVEL 2 | LEVEL 3 | LEVEL 4 |
|--|--|--|--|---|
| | STARTING GRADE - PROVISORY REGISTRATION | DEVELOPING GRADE - INTERIM REGISTRATION | STANDARD GRADE - FULL REGISTRATION | TOP GRADE - FULL REGISTRATION |
| 7. Kitchen/cooking/food preparation facilities | A cooking area - to be out of reach of children. Table/work surface to be easily cleanable. Basin or bucket for washing-up + cleaning material. Food to be protected against contamination | Separate kitchen with shelves and covered floor and rest as per Level 1 | Separate kitchen with shelves and wash-up facilities (sink) plus hot water and fridge and cupboards, washable floor, enamel-painted walls and generally well equipped for food preparation. Cleansing agents and dust bins must be available | As per Level 3 and double bowl sink and running hot and cold water and pantry and freezer and flyscreening if necessary |
| 8. Refuse accommodation | Bin or plastic bags + safe means of disposal | As per Level 1 | Plastic bag system - at least weekly removals | As per Level 3 and kitchen refuse bin with automatic lid provided in kitchen |
| 9. Cleansing equipment | Water, mops, brooms, bucket/bin, cloths and soap | As per Level 1 | Running hot water and as per Level 2 + detergents and disinfectants | As per Level 3 + vacuum cleaner |
| 10. Storage facilities | Boxes for toys and equipment. Boxes on stone base to prevent damp. Children's belongings to be stored separately | As per Level 1 + shelves | Separate store room with shelves and lockers or hooks for children's belongings/clothes | Level 3 + 1 locker per child |
| 11. Indoor space | 1 m ² per child | 1m ² per child (2m ² if no outdoor space is available on premises) | 1,8m ² per child (3m ² if no outdoor space is available) | 1,8m ² per child over 3 years and 3m ² per child less than 3 years |
| 12. Outdoor space | Nearby open space of 2m ² per child | As per Level 1 | 1m ² per child must be provided on premises | 2m ² per child must be provided on premises |
| 13. Office facility | None required | Office area required | Separate office area required | Separate office required |
| 14. Sick-bay | Separate space with mattress and blanket + <u>first aid kit</u> | May be part of office + <u>first aid kit</u> | May be part of office area + <u>first aid kit</u> | Separate or part of office + <u>first aid kit</u> |
| 15. Fire fighting equipment | Bucket(s) with sand | As per Level 1 | Fire buckets (sand) and CO2 extinguisher(s) | As per Level 3 |

The relaxation of the requirements is applicable with regard to the above-listed aspects only and does not also imply an exemption from compliance with the rest of the requirements and standards.