

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

KGATLENG DISTRICT COUNCIL (FOOD-VENDING) BYE-LAWS, 2010
(Published on 27th August, 2010)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

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

IN EXERCISE of the powers conferred on the Kgatleng District Council by section 33 of the Local Government (District Councils) Act, and with the approval of the Minister of Local Government, the following Bye-Laws are hereby made —

1. These Bye-Laws may be cited as the Kgatleng District Council (Food-Vending) Bye-Laws, 2010. Citation
2. In these Bye-Laws, unless the context otherwise requires — Interpretation
 - “appliances” includes any utensil, machinery, instrument, apparatus, crockery, article or part thereof, used or intended for use in processing, preparation, handling and serving of food;
 - “authorised officer” means any person authorised by the Council Secretary in writing for purposes of giving effect to these Bye-Laws;
 - “Council” means the Kgatleng District Council;
 - “Council area” means the area within the jurisdiction of the Council;
 - “crockery” includes glasses, plates, dishes, cups, saucers, spoons, forks, ladles, chopsticks, and 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, gadgets, 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 a person registered as a medical practitioner in terms of section 9 of the Botswana Health Professions Act, entitling him to practice as such in Botswana;
- “micro-organism” includes 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 consist 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 animals 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” includes 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” includes appliances, containers, gadgets and equipment, including traditional ones, used in the processing, preparation, handling and serving of food; and
- “waste water” means sullage water arising as a result of the activities of food-vending business.

Qualification for carrying on food-vending business

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

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

Application for licence

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

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

(2) The Council may, if it is satisfied that the conditions of these Bye-Laws are met, and on the payment of a fee of P50, issue a food-vendor’s licence in the form set out in the Second Schedule.

(3) A licence issued under subbye-law (2) shall be valid for (12) months from the date of issue.

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

5. On application for renewal made in the form set out in the Third Schedule and on payment of a fee of P50 the Council may endorse a renewal of the licence, and may attach such conditions to the renewal as it may deem necessary.

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

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

8. The food-vendor shall not transfer a licence issued under these Bye-Laws without the authorisation of the Council.

9. The Council may revoke a licence where —

- (a) the food-vendor transfers the licence without the authorisation 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.

10. (1) Any food-vendor, or food handler, whether suspected or suffering, from a communicable 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.

(2) Any food-vendor, helper, or food handler who suffers from diarrhea 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 commits an offence.

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

- (a) wear an identification tag or card issued by the Council;
- (b) wear clean light coloured overalls, aprons and other appropriate outer wear, head gear and shoes;
- (c) wash hands thoroughly with soap and clean water before and after handling food and after visiting the toilet, handling insanitary articles or handling toxic and dangerous materials;
- (d) keep nails short and clean at all times;
- (e) keep hair clean and tidy and covered during business hours;
- (f) cover sores, wounds and other skin eruptions with a water proof dressing which is firmly secured and routinely changed;
- (g) not eat, drink, smoke or chew tobacco, gum or other materials while preparing or serving food;

Renewal of licence

Inspection of premises

Licence to be produced for inspection

Licence not transferable

Revocation of licence

Health status of food-vendors

Personal hygiene of food-vendors

Location of
business

- (h) refrain from any unhygienic practices such as spitting, picking or cleaning nose, ears or any bodily orifice;
- (i) not sneeze or cough on to the food or blow into food bags;
- (j) not allow visitors or customers into the food preparation and serving areas to avoid food contamination;
- (k) not use the stall or business premises for anything other than food-vending and;
- (l) not lick fingers during the preparation, handling and the serving of food.

12. (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 water disposal areas, rubbish dumps, sewage treatment or oxidation lagoons, animals' 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 of
business
premises

13. (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, aluminum, 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

14. (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 sterilized utensils are kept separate from those which have not been washed, disinfected or sterilized;
- (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 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 soakway, as the Council may direct;

- (f) avoid contamination of food and water by waste;
- (g) remove and dispose of 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 secured with tight fitting lids or placed in rubbish bins or a pit which is covered after disposal to avoid attracting flies;
- (i) ensure clean waste receptacles after disposal of waste; and
- (j) ensure that adequate toilet facilities, hygienically maintained, are available for food-vendors, handlers and patrons.

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

Appliances used in business

- (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 potable water; and
- (g) be kept clean and separate from unwashed ones during storage and 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 is disposed of after a single use.

16. (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 contaminates.

Pest control

(2) On becoming aware of pest infestation in the stall or business premise, the food-vendor shall, as soon as is 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 or any food which is ready for consumption has been contaminated, take the perishable or contaminated food for examination, together with the food-vendor; and if the food is found to be contaminated or decayed, it shall be destroyed and the licence of such vendor may be suspended by the Council.

17. 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

18. Where in the opinion of the Council, stalls or business premises licenced under these Bye-Laws 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

19. (1) A food-vendor shall ensure that vegetables and fruits are thoroughly washed with clean water before being served to customers.

Cooking and serving of food

(2) All ingredients, including meat, poultry, fish, eggs, fruit or 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 licensed 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.

Transportation
of food

20. (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.

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

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

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

Food advisory
services

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

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

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

Offences and
penalties

22. Any person who contravenes the provisions of these Bye-Laws commits an offence and is liable to a fine not exceeding P500, or in default of payment, to imprisonment for a term not exceeding nine months, or to both.

FIRST SCHEDULE

APPLICATION FOR A FOOD-VENDOR'S LICENCE
(bye-law 4)

(Attach two passport size photographs)

1. Full name of applicant:

.....
(Surname first in block letters)

2. Residential Address:

.....

3. Postal Address:

.....

4. Nationality

Identity Number

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

Location of premises:

.....

Number of food-vendors (if any) and their qualifications (or experience):

.....

Type of food to be traded in:

.....

Date

.....

Signature of applicant.

FOR OFFICIAL USE ONLY

Date on which the application was received by Licensing Officer

Date of hearing

Date of approval/rejection of application

.....

Licensing Officer.

SECOND SCHEDULE

FOOD-VENDING LICENCE

(bye-law 4 (2) and 5)

NOT TRANSFERABLE

Licence No.

Name is hereby licensed in accordance with the Kgatlang 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 on which application was received by Licensing Officer.....

Date of issue: Fee paid..... O/R No.

.....
Licensing Officer.

THIRD SCHEDULE

RENEWAL OF APPLICATION
(bye-law 5)

1. Full name of applicant:
(Surname first in block letters)

2. Residential Address:.....

3. Postal Address:

I wish to apply for a renewal of food-vendor's licence number:

Location of premises:.....

Number of food-vendors (if any) and their qualifications (or experience):
.....

Type of food traded in:.....

Date
Signature of applicant.

FOR OFFICIAL USE ONLY

Date on which the application was received by Licensing Officer

Date of hearing

Date of approval/rejection of application

.....
Licensing Officer.

MADE this 5th day of August, 2010.

STEPHEN SAMUEL MAKHURA,
Council Chairperson,
Kgatleng District Council.

APPROVED this 13th day of August, 2010.

L.T. MOKALAKE,
Minister of Local Government.