MATATIELE LOCAL MUNICIPALITY

FUNERAL PARLOUR BUSINESSES POLICY

MATATIELE

LOCAL MUNICIPALITY

FUNERAL PARLOUR POLICY- FOR MATATIELE MUNICIPALITY

The Matatiele Local Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) read together with section 162 & section 156(2) of the Constitution of the Republic of South Africa, drafts Funeral Parlour Policy for Matatiele Local Municipality, as approved by its Council, as set out hereunder

1.PERMISSION TO OPERATE A FUNERAL PARLOUR

The undertaker shall obtain Municipal approval in writing prior operating any funeral parlour. The approval shall be for a period of 5years and renewable on sole discretion of the municipality.

2. REQUIREMENTS FOR OBTAINING A SPECIAL CONSENT

- an application is required to submit a special consent application to the Municipality (as per SPLUMA)

- area must be zoned/ be permitted for the proposed use (LUMS and SDF)

- proposed use must be compatible with the adjacent uses

- An advertisement of the proposed use must be put on the local newspaper (as per SPLUMA requirements) in two (2) of the following languages: English, Afrikaans, Sesotho and Xhosa and (circulation of the application to relevant Departments and Units will be undertaken by the Municipality).

- where applicable, a consent must be obtained from the neighbours

3. ISSUING OF SPECIAL CONSENT

When the Council is satisfied that the premises concerned –

(1) complies with all requirements laid down in these Policy and any other applicable legislation;

(2) are in all respects suitable for the operation of a funeral parlour; and

(3) will not be offensive to any staff members of the premise and in the immediate vicinity of such premises,

it shall, on conditions as it may determine in respect of the funeral undertaker's premises concerned, issue a Special Consent in the name of the applicant.

4. OPERATION ONLY AT FUNERAL UNDERTAKER'S PREMISES IN RESPECT OF WHICH A CERTIFICATE OF COMPETENCE HAS BEEN ISSUED

Unless otherwise provided for in these Policy, no person shall prepare and/or store any corpse except on a funeral undertaker's premises in respect of which a certificate of competence by the relevant Department has been issued and is in effect (valid).

5. EXEMPTIONS

(1) the Council may, in writing, exempt any person from compliance with all or any of the conditions of this Policy where, in the opinion of the Council, non- compliance does not or will not create a nuisance.

(2) Such exemption shall be subject to such conditions and valid for such period as the Council may stipulate in the certificate of exemption.

6. TRANSFER OF A SPECIAL CONSENT

(4) The Council shall not allow a transfer a a special consent (permit) unless there are circumstances beyond reasonable doubt allowing the Council to make such decision.

7. VALIDITY OF A SPECIAL CONSENT AND CONDITIONS OF ITS GRANTING

The validity is **ONLY** for the period of 5 years as per SLUMA requirements and may be terminated anytime if there is non-compliance or the municipality deems necessary. The applicant is required to renew or reapply for the consent before its expiry date.

A consent will be issued if the Council is satisfied that the use of such funeral undertaker's premises does not and will not create a nuisance and is compatible to the adjacent uses and is in proper zoning.

8. DUTIES OF FUNERAL PARLOR OPERATOR/UNDERTAKER

The funeral parlour operator shall

- comply with the conditions set out in the consent (permit)
- Inform the Council in writing if there are any changes in the operation permitted.

- not dispose of shall not dispose of a body in any place or premises other than a cemetery of crematoria registered in term of the Eastern Cape Cemeteries and Cremation Act.
- comply with the provisions of this policy, applicable legislation and any conditions imposed by the Council.

9. REQUIREMENTS RELATING TO FUNERAL UNDERTAKER'S PREMISES

(1) Provision for the following shall be made on a funeral undertaker's premises: a preparation room for the preparation of corpse; change-rooms, separate for each sex, for the use of the of the employees employed at such premises; refrigeration facilities for the refrigeration of corpses; facilities for washing and cleaning of utensils and equipment inside the building; facilities for cleaning of vehicles on the premises; and facilities for loading and unloading corpses as contemplated in clause 10(6).

(2) No room on a funeral undertaker's premises shall be used for any purpose other than the purpose for which it is intended.

(3) The preparation room

(a) shall be so designed as to be separate from all other rooms on the premises and so as not to be directly be separate from or in view of any office or salesroom: provided that, where a preparation room on existing funeral undertaker's premises is so situated, the entrance thereto must be so concealed that the interior preparation is completely our of sight of any person in any adjoining office or salesroom

Also, it should enable obnoxious odours and vapours to be adequately treated; and

(b) Shall have a floor -

constructed of concrete or similar waterproof material with a smooth non-slippery surface that is easy to clean, and sloped at an angle to ensure that any run-off will drain into a disposal system approved by the Council; and

(c) shall have walls the inner surfaces of which have a smooth finish and are covered with alight-coloured washable paint or other suitable, smooth, waterproof, light coloured and washable material;

(d) shall be provided with a ceiling not less than 2,4 m above the floor level, which ceiling shall be dust proof and painted with alight-coloured washable paint;

(e) shall contain not less than one table of stainless or glazed earthenware or other suitable material, equipped with a raised rim on the outside, a tap with cold running water to which a flexible pipe can be connected and a drainage opening connected to an approved disposal system;

(f) shall contain not less than one wash basin for each table, made of stainless steel or other suitable material, with a working surface of the same material, taps with hot and cold running

water and drainage opening permanently connected to an approved disposal system, and provided with disposable towels, a nailbrush and soap;

(g) shall have not less than one tap with running water to which a flexible pipe, long enough to reach all corners of such room, can be connected for cleaning the interior surfaces; and

(4) Each change-room shall contain at least the following:

(a) One hand –basin with hot and cold running water.

(b) Disposable towels, soap nailbrushes and disinfectants.

(c) A toilet for male employees and urinary system and another for female employees at the funeral undertaker's premises concerned, provided that, where a separate urinal for men forms part of such facilities,

(5) Refrigeration facilities such as refrigeration or cold chambers for the keeping of corpses, shall be installed in or close proximity of such preparation room and -

(a) where refrigerators are used, it shall be constructed of a material that does not absorb moisture, shall be provided with removable trays and shall be so designed as to drain into an approved drainage system and be easy to clean;

(b) and shall be provided with shelves manufactured from a material that does not absorb moisture and that is easy to clean; and

(c) Corpses are not be to be stored on top of each other and must be stored individually on the trays or shelves.

(6) The cleansing, loading and unloading facilities shall consist of a paved area, screened form public view, with drainage system connected to a sewer system approved by the Municipality/relevant Department.

7) facility must be conducted onsite unless permission is obtained to lease the Municipal land or space.

(7) The loading and unloading of corpses and the cleansing of vehicles shall not take place anywhere except in the area contemplated in section 10(6).

10. HYGIENE

(1) All solid refuse on the premises of a funeral undertaking shall be kept in corrosion-resistance containers with tight-fitting lids and shall be dealt with in accordance with the requirements of the Council.

(2) Every holder of a special consent relating to funeral undertaker's premises shall :

(a) provide clean protective clothing consisting of surgical gloves, gumboots, plastic aprons so designed that the front hangs over the top of the gumboots, face masks and overcoats/overalls to all employees and all other persons involved in the preparation of corpses or post-mortems, and each such employee or other person shall, at all times when so involved, wear such clothing;

(b) keep such premises free of pests and insects at all times

(c) clean immediately after the preparation of any corpse, all working areas or surfaces at such premises where corpses are prepared;

(d) wash and disinfect all equipment used for the preparation of corpses immediately after use;

(e) wash, clean and disinfect all protective clothing that has been used on the premises on a daily basis;

(f) keep such premises clean and tidy at all times; and

(g) if a corpse has been transported without a moisture-proof covering, wash and disinfect the loading space of the vehicle concerned after such corpse has been removed.

11. PENALTIES

Any person who –

(1) contravenes or fails to comply with any provisions of these Policy;

(2) contravenes or fails to comply with any notice given or condition imposed in terms of these Policy;

(3) for the purpose of these Policy, makes a false statement knowing it to be false or deliberately furnishes false or misleading information to an authorized official or officer;

(4) threatens, resists, interferes with or obstructs an authorized officer or employee for the Council in the performance of his powers, duties or functions under these Policy, shall be guilty of an offence and upon conviction be liable to a fine of R1 000.00 or imprisonment for a period not exceeding twelve months or to both the fine and the imprisonment.

12. ADDITIONAL PENALTIES

Any person who contravenes or fails to comply with any provisions of this Policy shall be guilty of an offence and liable upon convicting to-

(1) A maximum fine of R2000.00 or maximum imprisonment of 6 months, or either such fine or imprisonment or to both such fine and such imprisonment and,

(2) in the case of a continuing offence, to an additional maximum fine of R100.00 or an additional maximum period of imprisonment of one day or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on such offence is continued and,

(3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention of failure.

13. NOTICE TO COMPLY

13.1 (a) The Municipality shall serve a written notice (First and Final) on the responsible person that the property has been declared a problem property, it is not at the correct zoning or it is operating without permission (special consent), requiring such responsible person within a specified period to comply with the provisions of these policy and any other relevant legislation or By-laws and the responsible person shall forthwith comply with the notice.

13.1(b) Legal action will be undertaken upon serving Final Notice on non-compliance. A letter of demand will be served instructing the perpetrator to comply within 7-14 days,) if not complying, then a matter will be taken to court as per legal processes.

14. CONFLICT OF LAWS

If there is any conflict between this policy and any other policy of the Council, this policy will prevail.

Policy number

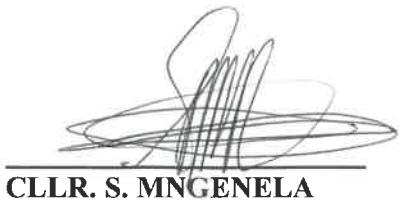
Council Resolution (CR) Number **CR**

Mr. L. Matiwane	Cllr. S. Mngenela	Cllr. N. Ngwanya
Municipal Manager	***Mayor***	***Speaker***

28/07/2022

MR. L. MATIWANE
MUNICIPAL MANAGER

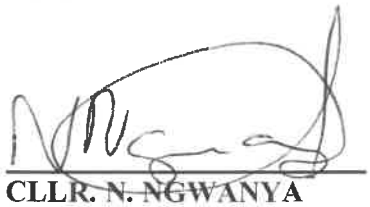
DATE



28/07/2022

CLLR. S. MNGENELA
MAYOR

DATE



28/07/2022

CLLR. N. NGWANYA
SPEAKER OF COUNCIL

DATE