

Municipality of Bindura (Food Hygiene) By-laws, 2013

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IT is hereby notified that the Ministry of Local Government Urban and Rural Development has, in terms of section 229 of the Urban Councils Act [*Chapter 29:15*], approved the following by-laws made by the Bindura Municipality Council:—

Title

1. These by-laws may be cited as the Municipality of Bindura (Food Hygiene) By-laws, 2013.

Application

2. These by-laws shall apply to the area under the jurisdiction of the Bindura Municipality Council.

Interpretation

3. In these by-laws—

“aerated water,” means every kind of non-alcoholic, effervescent liquid intended for human consumption:

- “animal feed” means feed, including pet food which is intended for consumption by animals only;
- “approved” means approved by the Director of Health and Environmental Services or any Environmental Health Officer;
- “bakery product” means bread, biscuits, rolls, tarts, cakes, pies and confectionery;
- “container” includes any receptacle of any kind, whether open or closed;
- “cordial” includes every kind of non-alcoholic liquid, whether frozen or not, which is—
- (a) intended for human consumption; and
 - (b) ordinarily diluted before being consumed;
- “council” means the Bindura Municipality Council;
- “Director of Health and Environmental Services” means a person appointed by council as Director of Health and Environmental Services;
- “Environmental Health Officer” means a person appointed by council as an Environmental Health Officer and is registered as such by the Environmental Health Practitioners Council;
- “equipment” includes apparatus (mechanical or manual), furnishings, utensils and vehicles;
- “food” and “article of food” means any substance in any form, state or stage of preparation, which is intended or is ordinarily used for human consumption, including ice, but not drugs or water;
- “food-room” means any room or other place in which food is sold, prepared, manufactured, kept, stored, deposited, conveyed or handled and exposed for sale;
- “meat” means the flesh (including the offal and fat) of animals and birds which is intended for human consumption;
- “open food” means food other than that kept in a sealed container;

“premises” means a building or part of a building or any forecourt, yard or place of storage used in connection with any building;

“sanitary convenience” means a water closet, urinal or similar device approved by the Director of Health and Environmental Services and which is intended to be used for the disposal of human waste;

“soft drinks” includes every kind of non-alcoholic liquid, other than aerated water whether frozen or not, which is—

- (c) intended for human consumption; and
- (d) not ordinarily diluted before being consumed;

“risk contamination” means a potential hazard that may lead to pollution as determined by the Director of Health and Environmental Services or any Environmental Health Officer.

Prohibition against the sale or storage of food in unsuitable premises

4. (1) No food shall be sold, prepared, manufactured, stored, deposited or exposed for sale in or on any premises if the condition, situation or construction of the premises is in such as to expose such food to the risk of contamination.

(2) No person shall sell, prepare, manufacture, store or expose for sale any food on any premises other than premises approved for the purposes of selling, preparing, manufacturing, storing or exposing for sale any food.

Cleanliness of premises

5. Every person who sells, prepares, manufactures, keeps, stores, deposits, conveys or handles and exposes for sale any food in or on any premises shall—

- (a) cause the walls, floors, doors, windows, ceiling, woodwork and all other parts of every food-room to be kept clean and in good order, repair and condition, so as to—

- (i) enable them to be effectively cleaned; and
 - (ii) prevent any risk of contamination by rats, mice or insects;
- and
- (b) cause all containers or equipment with which food comes into contact, or is liable to come into contact, to be kept clean and in good repair and condition, so as to—
 - (i) enable them to be thoroughly cleaned; and
 - (ii) prevent any risk of contamination of food;and
 - (c) take all such steps as may be necessary to protect the food from risk of contamination, and, in particular—
 - (i) before offering any food for sale, ensure that any food which is unfit for human consumption is kept apart from any other food; and
 - (ii) not place any food lower than five hundred millimetres from the ground on any pavement or in or about any forecourt or yard; and
 - (iii) ensure that open food, while displayed or exposed for sale, or during delivery, is kept covered or is otherwise effectively screened so as to prevent any infection or contamination thereof; and
 - (iv) ensure that all food is stored in such a manner as to permit the thorough cleansing of the storage facilities and where appropriate, to prevent spoilage by being stored at approved temperatures;and
 - (d) take all practical measures to maintain his or her premises free from flies, rodents, cockroaches and other vermin; and
 - (e) ensure that insecticides and pesticides are stored and used in such a manner so as to avoid any possible contamination of any food; and
 - (f) cause every sanitary convenience situated on the premises—

- (i) to be kept clean and in efficient order; and
 - (ii) be so placed that no offensive odour there from can penetrate into any food-room;
- and
- (g) cause every wash-hand basin provided for the use of persons engaged in the handling of food in or about the premises—
 - (i) to be kept clean and in good working condition; and
 - (ii) to be provided with an adequate supply of soap or other suitable detergent, nailbrushes and disposable hot-air and hand-drying appliances or other approved hand-drying facilities; and
 - (iii) to be used for securing personal cleanliness, and not for any other purpose;
- and
- (h) cause every room containing a sanitary convenience—
 - (i) to be kept clean; and
 - (ii) to be provided with a legible notice requesting any person who uses such convenience to wash his or her hands after using the convenience;
- and
- (i) cause all refuse to be placed in approved impervious bins with lids, and not to be deposited or allowed to accumulate in a food-room; and
 - (j) cause all persons engaged in the handling of food to be clean and dressed in clean overclothing while so employed; and
 - (k) keep articles or wearing-apparel only in such place as shall be approved for that purpose; and
 - (l) provide an adequate supply of suitable bandages, dressings (including waterproof dressings) and anti-septic for first-aid treatment of persons engaged in the handling of food in or about those premises, and such supply shall be kept in a place readily accessible to those persons.

Storage of food

6. No person who sells, prepares, manufactures, keeps, stores, deposits, conveys or handles and exposes for sale any food shall—

- (a) use for wrapping or containing any open food, any paper or other wrapping-material which is not clean or which is able to contaminate such food; or
- (b) use any printed material designed exclusively for wrapping or containing food, to come into contact with any food other than uncooked vegetables or unskinned rabbits or unplucked poultry; or
- (c) use, or cause or permit to be used, any crockery, utensil or vessel which is either cracked or chipped; or
- (d) use any vehicle or receptacle for conveying or delivering food, unless such vehicle or receptacle—
 - (i) is so constructed as to protect the food conveyed or delivered therein from contamination or any risk of contamination; and
 - (ii) is in a clean and sanitary condition; and
 - (iii) bears the name and address of the owner legibly painted on it or affixed to it in a conspicuous position;or
- (e) permit any food to be carried in a vehicle or container with any live animal or live poultry, unless adequate precautions are taken to prevent such live animal or live poultry from coming into contact with such food; or
- (f) permit any food-room to be used as a sleeping-place or to communicate directly with a sleeping-place; or
- (g) keep in any food-room any animal feed unless it is in a sealed container; or
- (h) permit any room which contains a sanitary convenience to be used as a food-room or to communicate directly with a room used for the handling of food; or

- (i) permit any live animal or bird to enter or remain in a food-room, unless the consent of the environmental health officer has been obtained; or
- (j) use any milk bottle, aerated-water-bottle, cordial-bottle or soft-drink bottle for any purpose other than that of containing milk, aerated water, cordial or soft drink, respectively; or
- (k) sell any food which, in the opinion of the environmental health officer is unwholesome, adulterated or diseased.

Cleanliness of food handlers

7. Every person who is employed in the handling of open food shall be registered by the Council Health Department and Environmental Services and while so engaged shall—

- (a) need environmental health examinations before taking up employment and every six months thereafter or after having suffered enteric disorders; and
- (b) keep clean all parts of his or her person which are liable to come into contact with the food; and
- (c) keep clean all parts of his or her clothing or over-clothing which are liable to come into contact with the food; and
- (d) keep any open cut or abrasion on any exposed part of his or her person covered with a suitable waterproof dressing; and
- (e) refrain from spitting, smoking or using tobacco to snuff while on the premises; and
- (f) use only an approved apparatus or instrument for handling cooked meats and confectionery; and
- (g) wear clean and washable over-clothing and if employed in carrying unwrapped meat which is liable to come into contact with the head or neck, wear an approved form of clean head-and-neck covering; and
- (h) take all steps as may be necessary to protect the food from the risk of contamination.

Notification of infectious disease in food handlers

8. Immediately upon a person engaged in the handling of food becoming aware that he or she is suffering from, or is a carrier of, typhoid, paratyphoid, or any other salmonella infection, amoebic or bacillary dysentery, infectious hepatitis or any staphylococcal infection likely to cause food poisoning, he or she shall inform his or her employer, who shall immediately notify the Director of Health and Environmental Services:

Provided that where the person required to give such information is either the employer or is self-employed, he or she shall give the information immediately to the Director of Health and Environmental Services.

Powers of entry

9. (1) The Director of Health and Environmental Services or any Environmental Health Officer may, at all reasonable times, and at any time when business is in progress, enter and inspect any premises to which these by-laws apply, and may examine, for the purpose of ascertaining whether these by-laws are being complied with, any equipment or any process being carried on therein.

(2) No person shall hinder, obstruct or resist any such official in the exercise of his or her powers of inspection.

Offences and penalties

10. Any person who—

- (a) contravenes any provisions of these by-laws; or
- (b) fails to comply with a lawful requirement made by any designated officer in terms of these by-laws; or
- (c) obstructs the Director of Health and Environmental Services or any Environmental Health Officer in the execution of his or her duties in terms of these by-laws;

shall be guilty of an offence and be liable to a fine not exceeding level three or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Repeal

11. The Bindura (Food Hygiene) By-laws, 1997, published in Statutory Instrument 254 of 1997, are hereby repealed.