

LOCAL GOVERNMENT NOTICE

EMALAHLENI LOCAL MUNICIPALITY

The Municipal Manager hereby publishes, in terms of section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000] read with section 162 of the Constitution of the Republic of South Africa Act, 1996 [Act No. 108 of 1996] the By-Laws relating to the Keeping of Animals which comes into operation on the date of publication thereof in the Provincial Gazette.

BY-LAWS RELATING TO THE KEEPING OF ANIMALS

PREAMBLE

WHEREAS the Council of the Municipality is vested with legislative authority in terms of the Constitution;

AND WHEREAS the Council of the Municipality in the exercise of its functions has the right to regulate and manage the keeping of animals in its municipal area;

NOW THEREFORE be it enacted by the Council as follows:

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[1] DEFINITIONS

In these by-laws, any words used in the masculine include the feminine, the singular includes the plural and, unless the context indicates otherwise –

"administrative unit" means a former municipality as contemplated in section 14[3] of the Local Government: Municipal Structures Act, 1998 [Act No. 117 of 1998];

"animal" means any horse, mule, donkey, cattle, sheep, goat, pig, poultry, ostrich, dog, cat, rabbit, any other domesticated animal, bird, fish, bees and includes any wild animal, wild bird or reptile which is in captivity or under the control of any person;

"authorized official" means –

- [a] an official who has been authorized by the Council to administer, implement and enforce the provisions of these by-laws;
- [b] a traffic officer appointed in terms of section 3A of the National Road Traffic Act, 1996;
- [c] a member of the police service, as defined in terms of section 1 of the South African Police Service Act, 1995; or
- [d] a peace officer contemplated in section 334 of the Criminal Procedure Act, 1977;

"agricultural holding" means the same as defined in the Town Planning Scheme of or made applicable to the Municipality;

"aviary" means an enclosure used for the keeping of birds but does not include a portable cage;

"battery system" means the method of keeping poultry or rabbits in cages, in either single rows or tier formation, within a building or structure;

"bird" includes any wild bird, but does not include any poultry;

"cattery" means premises in or upon which –

- [a] boarding facilities for cats are provided; or
- [b] cats are bred for commercial purposes;

"Council" means the Council of the Emalahleni Municipality and includes any duly authorized political structure or officer bearer as defined in the Local Government: Municipal Structures Act, 1998 or an official thereof and any authorized official;

"dangerous animal" means any animal which is a threat or potential threat to the safety of any person or animal or property or which has attacked any person or animal without provocation and includes spiders and scorpions;

"domesticated wild animal" means a tame wild animal;

"enclosure" in relation to an animal, means any kraal, pen, paddock, cage or any other fenced or enclosed area erected to confine the animal or to prevent it from escaping or roaming freely on the remainder of or outside the premises;

"environmental health practitioner" means an environmental health practitioner appointed by the Municipality or a municipality or another organ of state having jurisdiction in the municipal area with regard to any matter regulated by these by-laws;

"keeper" –

[a] in relation to any animal, means the owner thereof or any other person responsible for the control over or feeding and/or caring thereof;

[b] in relation to a kennels, pet parlour or pet shop, means the person who operates the business or the person in charge of the premises on which the business is operated;

"kennels" means premises in or upon which –

[a] boarding facilities for dogs are provided;

[b] dogs are bred for commercial purposes;

[c] dogs are kept for the purpose of being trained or hired out, with or without handlers; or

[d] dogs are kept for commercial security purposes;

"large animal" includes any horse, donkey, mule, cattle, antelope, sheep, pig, goat, or ostrich;

"livestock" means horses, mules, donkeys, cattle, sheep, goats, pigs and poultry;

"municipal area" means the demarcated area of jurisdiction of the Municipality;

"Municipality" means the Emahljeni Municipality and, where the context so requires, includes the Council;

"nuisance" means any condition or conduct which is injurious or offensive to any person or which is dangerous to or compromises the health or safety of any person or which causes an annoyance or disturbance to any person or to the residents of any area or which constitutes a threat or a potential threat to the environment or which causes harm or damage to the environment or which may potentially harm or damage the environment;

"person" means a natural or a juristic person and includes an organ of state;

"pet" means any animal that is kept on any premises or within any enclosure principally for the purposes of companionship or amusement or security;

"pet parlour" means any premises where beauty treatment is given to pets by washing, drying, brushing, clipping, and trimming or by attending to their nails or teeth;

"pet shop" means the premises on which the business of keeping and selling of pets is carried out;

"poultry" means fowls, ducks, muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea fowls;

"poultry house" means any roofed-over building or structure in which poultry is kept, other than one in which a battery system is operated;

"poultry run" means any unroofed wire mesh or other enclosure in which poultry is kept, whether or not it is attached to a poultry house;

"premises" means –

- [a] any piece of land registered in a deeds registry as an erf, plot or stand or lot as part of a township and includes a stand or lot forming part of a piece of land laid out as a township, but not yet registered; or
- [b] a portion of such erf, plot or stand or lot and includes any residential site outside the townships provided by government departments, parastatal institutions or industries; and
- [c] where the text so requires, buildings on such erf, stand or lot.

"public health" means the mental and physical well-being of people in the municipal area;

"rabbit hutch" means any roofed-over building or structure in which rabbits are kept, other than one in which a battery system is operated;

"rabbit run" means any unroofed wire mesh or other enclosure in which rabbits are kept, whether or not it is attached to a rabbit hutch;

"residential area" means any area within the municipality, which in terms of the Town Planning Scheme, comprises the whole or a portion of an area zoned for residential purposes;

"stable" means any building or structure used to accommodate livestock other than poultry;

"Town Planning Scheme" means the Town Planning Scheme(s) of or made applicable to the Municipality in terms of the Land Use Planning Ordinance, 1985 [Ordinance No. 15 of 1985] [Cape];

"valid license" means a license issued by the Municipality in terms of these by-laws;

"wild animal" means any animal of a species that is not generally domesticated and includes any wild indigenous and exotic animal.

[2] APPLICATION OF BY-LAWS

[1] The provisions of these by-laws do not apply to –

- [a] any agricultural show or bona fide circus where animals are kept on a temporary basis; or
- [b] any laboratory where animals are kept for research purposes.

[2] All buildings constructed in terms of these by-laws must comply with the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977].

[3] KEEPING OF DOGS

[1] No person may keep –

- [a] any dog that is ferocious, vicious, or has a propensity to chase after or charge at other animals, pedestrians, vehicles or pedal cyclists;
 - [b] any dog in or on any premises unless the dog is confined to the premises by way of a wall, fence, enclosure, kennel or by any other means;
 - [c] any dog older than six months unless the person holds a license for such dog;
 - [d] more than two dogs on any premises unless otherwise authorised by the Municipality in writing;
 - [e] any dog on any premises on which a fenced unobstructed enclosure of at least forty square meters per dog cannot be provided.
- [2] A person who keeps a bitch in heat must ensure that the bitch is kept under proper control so as to ensure that she does not cause a nuisance to any other person.
 - [3] The Municipality may by notice in writing require the person keeping the bitch to remove her, at his expense, to a place of suitable accommodation until she is out of season.
 - [4] For the purpose of this subsection, a dog that has bitten or attempted to bite a person or an animal, other than in defence of itself or its custodian, in any place other than upon the premises where it is habitually kept, will be deemed to be vicious.

[4] DOG LICENSES

- [1] Any person who keeps a dog that is older than six months must apply to the Municipality for a license in respect of every such dog in compliance with Dog Tax Ordinance Cape, 1978 [Ordinance No. 19 of 1978].
- [2] The application must be accompanied by the prescribed license fee as set out in the Municipality's tariff of charges.
- [3] On receipt of the prescribed application form and the license fee, the Municipality may, at a place determined by Municipality from time to time, issue a license in respect of the dog concerned.
- [4] A license issued in accordance with subsection [3] is valid for a period of twelve months.
- [5] This section does not derogate from the provisions of the Municipality's by-laws relating to licensing and control over dogs or any other applicable law.

[5] DOG KENNELS AND CATTERIES - REQUIREMENTS FOR PREMISES

- [1] No person may keep dog kennels or a cattery in an area zoned for residential use unless so authorised by the Municipality in writing.
- [2] A person may not keep dog kennels or a cattery in any other area unless written permission had been granted by the Municipality to that person for that purpose.
- [3] A person may not use any premises as kennels or a cattery unless the premises comply with the following requirements:
 - [a] Every dog or cat must be kept in an enclosure that complies with the following requirements:

- [i]** the enclosure must be constructed of impervious materials and must provide adequate access for cleaning purposes;
 - [ii]** the floor must be constructed of concrete or other impervious material brought to a smooth finish and graded to a channel 100mm wide, extending the full width of the floor, which channel must be graded and drained into a gully connected to the Municipality's sewer by means of a pipe 100mm in diameter; and
 - [iii]** a curb 150mm high must be provided along the edge of the channel, referred to in subsection [3][a][ii], to prevent any storm water runoff entering the channel;
- [b]** Subject to subsection [3] every enclosure referred to in subsection [3][a], must be situated in a roofed shelter that complies with the following requirements:
 - [i]** every wall must be made of brick, stone, concrete or other impervious material;
 - [ii]** the internal surface of every wall must have a smooth internal surface;
 - [iii]** the floor must be made of concrete or other impervious material brought to a smooth finish; and
 - [iv]** every shelter must have adequate access for cleaning and eliminating pests;
- [c]** A dog kennel that complies with the following requirements may be provided for a dog instead of the shelter contemplated in subsection [3][a]:
 - [i]** the kennel must be movable;
 - [ii]** the kennel must be placed on a base constructed of concrete or other impervious material with an easily cleanable finish; and
 - [iii]** a sleeping board, which will enable the dog to keep dry, must be provided in any kennel that does not have a waterproof base;
 - [iv]** a concrete apron extending at least one metre wide around the edges of the enclosure must be provided;
 - [v]** the apron must be graded and drained in a way that drains storm water away from the enclosure; and
 - [vi]** a potable water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the enclosure.
- [d]** Any shelter, enclosure or kennel may not be situated within five meters of any –
 - [i]** dwelling or other building or structure used for human habitation;
 - [ii]** place where food is stored and prepared for human consumption; or
 - [iii]** the boundary of the premises.

[6] DOG KENNELS AND CATTERIES - FOOD PREPARATION AREA

- [1]** Any person who keeps dog kennels or a cattery must provide a separate room or roofed area for the preparation of food if required by the Municipality to do so.
- [2]** The food preparation area must comply with the following requirements:
- [a]** the floor of the room or roofed area must be constructed of concrete or other impervious material brought to a smooth finish;
 - [b]** the internal wall surfaces of the room or roofed area must be smooth and easily cleanable;
 - [c]** adequate washing facilities for food bowls and utensils must be provided; and
 - [d]** a rodent-proof storeroom must be provided for the storage of food.

[7] DUTIES OF KEEPER OF DOG KENNELS OR CATTERY

Any person who keeps a kennel or cattery must –

- [a]** maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennel or cattery in a clean, sanitary condition and in good repair at all times;
- [b]** store all loose food in receptacles, with close fitting lids, in a food store;
- [c]** provide adequate refrigeration facilities to store perishable foods on the premises;
- [d]** provide adequate separate refuse receptacles, with close fitting lids, on the premises for refuse other than faeces;
- [e]** keep any sick dog or cat isolated from any other; and
- [f]** maintain the premises free from offensive odours and every enclosure, shelter, kennel, cage or food store clean and free from pests.

[8] PET SHOPS AND PET PARLOURS - REQUIREMENTS FOR PREMISES

- [1]** No person may operate a pet shop or pet parlour in or on any premises unless the premises comply with the following requirements:
- [a]** all walls, including any partition, must –
 - [i]** be constructed of brick, concrete or other impervious material;
 - [ii]** have a smooth and easily cleanable internal surface; and
 - [iii]** be painted with a washable paint or other adequate finish;
 - [b]** all floor surfaces must be constructed of concrete or other impervious material brought to a smooth finish;
 - [c]** all ceilings must be dust proof and easily cleanable;
 - [d]** at least one wash hand basin, with a supply of running hot and cold potable water and one water closet must be provided for employees at the ratio of 1:15 persons employed on the premises;

- [e]** the wash hand basins referred to in subsection [1][d] must be drained in terms of section 28;
- [f]** adequate storage facilities must be provided;
- [g]** facilities for the washing of cages, trays and other equipment must be provided in the form of either –
 - [i]** a curbed and roofed over platform with a minimum surface area of 1,5m², raised at least 100mm above the floor and constructed of concrete or other impervious material brought to a smooth finish, which platform must be provided with a supply of running potable water; or
 - [ii]** a stainless steel sink or trough of adequate size with a drainage board and provided with a supply of running potable water;
- [h]** the platform, sink or trough referred to in subsection [7][a] must be drained in terms of section 28;
- [i]** any wall surface must be smooth and impervious;
- [j]** for the purposes of washing, clipping or grooming of pets –
 - [i]** a bathroom fitted with a bath, or similar fitting, and a wash hand basin supplied with running potable water must be provided;
 - [ii]** a clipping and grooming room fitted with impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids, for the storage of cut hair pending removal, must be provided;
 - [iii]** the floors of the rooms referred to in subsection [j][i] and subsection [j][ii] must be graded to a channel drained in terms of section 28;
- [k]** all buildings, including storage areas, must be rodent-proof; and
- [l]** the premises may not have direct internal access with any room or place –
 - [i]** used for human habitation;
 - [ii]** where clothing is stored or sold; or
 - [iii]** where food is prepared, stored or sold for human consumption.
- [m]** No person may operate a pet shop or pet parlour without written consent from Municipality.

[9] DUTIES OF KEEPER OF PET SHOP OR PET PARLOUR

The keeper of a pet shop or pet parlour must –

- [a]** provide cages for housing the pets and such cages must comply with the following requirements:
 - [i]** the cages must be constructed of metal or other impervious material and fitted with a removable metal floor-tray to facilitate cleaning;

- [iii] the cages must be capable of being moved easily;
 - [iii] the cages must be fitted with a drinking vessel that is filled with water; and
 - [iv] the space below every cage must be unobstructed.
- [b] provide rodent-proof receptacles of an impervious material and with close fitting lids for the storage of all loose food in the store room;
 - [c] provide adequate refrigeration facilities to store all perishable pet food on the premises;
 - [d] maintain the premises and every cage, tray, container, receptacle, basket, all apparatus, equipment or appliances used in connection with the pet shop , in a clean and sanitary condition, free from pests and in good repair;
 - [e] provide overalls or other protective clothing for employees and ensure that the employees wear them when on duty;
 - [f] provide isolation facilities in which every pet which is, or appears to be, sick must be kept while on the premises;
 - [g] provide an adequate supply of potable water for drinking and cleaning purposes;
 - [h] provide adequate ventilation to ensure the comfort and survival of the pets; and
 - [i] ensure that the number of pets contained in each cage does not impede their free movement.

[10] KEEPING OF BIRDS - REQUIREMENTS FOR PREMISES

- [1] No person may keep any bird in an aviary unless the aviary complies with the following requirements:
 - [a] the aviary must be constructed of durable rodent-proof materials;
 - [b] adequate access must be provided for cleaning purposes;
 - [c] if the aviary is constructed above ground level, its base must be constructed of an impervious and durable material;
 - [d] the aviary may not be situated within 3m of any building or structure, boundary fence or boundary wall; and
 - [e] a water supply adequate for drinking and cleaning purposes must be situated in or next to every aviary.
- [2] No person may keep any bird other than a small bird in a cage inside a residential dwelling.

[11] DUTIES OF KEEPER OF AN AVIARY

Any person who keeps birds in an aviary must –

- [a] ensure that the aviary and the premises are kept in a clean condition and free from pests;

- [b]** provide and use rodent-proof facilities for the storage of bird food; and
- [c]** ensure that the birds do not disturb the comfort, convenience, peace or quiet of any other person.

[12] KEEPING OF POULTRY

- [1]** No person may keep more than 10 poultry birds on any premises situated within an area zoned for residential, commercial or industrial use in terms of the Town Planning Scheme or more than 100 poultry birds on premises zoned for agriculture in terms of the Town Planning Scheme, except in terms of a permit issued by the Municipality for that purpose.
- [2]** A person may not keep more than 5 pigeons on any premises zoned for residential, commercial or industrial use in terms of the Town Planning Scheme, unless the person is registered with the Pigeon Racing Federation of South Africa.
- [3]** The provisions of subsection [1] and subsection [2] do not apply to a person who keeps ten or less poultry birds or five or less pigeons.
- [4]** For the purposes of this subsection, poultry does not include pigeons.

[13] KEEPING OF POULTRY - REQUIREMENTS FOR PREMISES

No person may keep more than ten poultry birds or five pigeons in or on any premises unless the premises comply with the following requirements:

- [a]** in relation to a poultry house –
 - [i]** every wall must be constructed of brick, stone, concrete or other impervious material brought to a smooth internal surface;
 - [ii]** the floor must be constructed of concrete or other impervious material brought to a smooth finish;
 - [iii]** the upper floor of a two or more story structure must be constructed of an impervious and easily cleanable material;
- [b]** a poultry run, if provided, must be enclosed with wire mesh or other durable material;
- [c]** in relation to a building or a structure housing a battery system –
 - [i]** every wall, if provided, must be at least 2,4m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface;
 - [ii]** if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building;
 - [iii]** the floor must be constructed of concrete or other impervious material brought to a smooth finish and if required by the Municipality, the floor surface must be graded and drained by means of a channel drained in terms of section [28];

- [iv] if no walls are provided, or if the walls are made of metal, the floor must be provided with a curb at least 150mm high around its edges;
 - [v] the cages of the battery system must be made of an impervious material;
 - [vi] if required by the Municipality, a tray of an impervious material must be fitted under every cage for the collection of manure;
- [d] a water supply adequate for drinking and cleaning must be provided in or next to every poultry house or building or structure housing a battery system;
- [e] no poultry house, poultry run, or building, or structure housing a battery system, may be constructed within 3m of –
 - [i] any dwelling, other building or structure used for human habitation;
 - [ii] any place where foodstuffs are stored or prepared for human consumption; or
 - [iii] the nearest boundary of any land;
- [f] feed must be stored in an adequate rodent-proof storeroom;
- [g] adequate washing facilities must be provided for the cleaning of the cages; and
- [h] if required by the Municipality due to the amount of manure stored on the premises awaiting removal, a storage area that complies with the following requirements must be provided –
 - [i] a roofed platform constructed of concrete or other impervious material;
 - [ii] the platform's outside edges must have a minimum curb of 100mm high;
 - [iii] the platform must be graded and drained in terms of section 28; and
 - [iv] the roof of the platform must extend a minimum of 1m beyond the edges of the base of the platform.

[14] DUTIES OF KEEPER OF POULTRY

Any person who keeps more than five poultry birds or pigeons must –

- [a] ensure that all poultry is kept within a poultry house, poultry run or building or structure housing a battery system;
- [b] maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the poultry in a clean, sanitary condition and in good repair;
- [c] maintain the premises free from offensive odours and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from pests;
- [d] ensure that the poultry does not disturb or hinder the comfort, convenience, peace or quiet of any person;
- [e] all manure and waste generated by poultry must be stored and/or removed in a hygienic manner;

- [f] remove all manure and other waste from a poultry house or poultry run at least once every 48 hours and once every 4 days from a building or structure housing a battery system;
- [g] place the manure and other waste matter in manure storage receptacles;
- [h] remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way which will not create a nuisance; and
- [i] take adequate measures to keep the premises free of flies, cockroaches, fleas and rodents and prevent offensive odours arising from the keeping of poultry on the premises.

[15] KEEPING OF RABBITS

- [1] No person may keep more than 5 adult rabbits on premises situated within an area zoned for residential, commercial or industrial use in terms of the Town Planning Scheme, or more than 20 adult rabbits on premises zoned for agriculture, except in terms of a permit issued by the Municipality for that purpose.
- [2] The provisions of subsection [1] do not apply to a person who keeps 5 or less adult rabbits.

[16] KEEPING OF RABBITS - REQUIREMENTS FOR PREMISES

No person may keep more than five adult rabbits in or on any premises unless the premises comply with the following requirements:

- [a] in relation to a rabbit hutch –
 - [i] every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
 - [ii] the floor surface must be constructed of concrete or other impervious material brought to a smooth finish, situated at least 150mm above ground level graded to a channel drained in terms of section 28, if required by the Municipality;
 - [iii] it must be provided with adequate ventilation;
- [b] any rabbit run, if provided, must be enclosed with wire mesh or other durable material and constructed in a way that prevents the escape of rabbits from the run;
- [c] relative to a building or structure housing a battery system –
 - [i] every wall must be a minimum of at least 2.4m high, must be constructed of concrete, stone, brick or other durable material, and must have a smooth internal surface;
 - [ii] if walls are provided, the building must be ventilated and lighted by means of natural openings or windows of an area equal to not less than 15% of the floor area of the building;
 - [iii] the floor must be constructed of concrete or other impervious material brought to a smooth finish, and if required by the Municipality, the floor surface must be graded to a channel drained in terms of section 28;

- [iv] if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150mm high around its outside edges; and
- [v] every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure;
- [d] a water supply adequate for drinking and cleaning purposes must be provided in or next to every rabbit hutch or building or structure housing a battery system;
- [e] a person may not erect a rabbit hutch, rabbit run or building or structure housing a battery system within 5m of –
 - [i] any dwelling, building or other structure used for human habitation;
 - [ii] any place where foodstuffs are stored or prepared for human consumption; or
 - [iii] the nearest boundary of any land;
- [f] an adequate rodent-proof storeroom must be provided for the storage of feed; and
- [g] adequate washing facilities must be provided for the cleaning of the cages.

[17] DUTIES OF KEEPER OF RABBITS

Any person who keeps more than five adult rabbits must –

- [a] keep all rabbits within the rabbit hutch, rabbit run or building or structure housing a battery system;
- [b] maintain the premises and any equipment, apparatus, container or receptacles used in connection with the keeping of rabbits, in a clean, sanitary condition and in good repair;
- [c] maintain the premises free from offensive odours and every rabbit hutch, rabbit run, building or structure housing a battery system and all cages clean and free from pests;
- [d] all manure and waste generated by rabbits must be stored and/or removed in a hygienic manner;
- [e] remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a way that will not create a nuisance.

[18] KEEPING OF BEES

No person may keep bees in an area other than zoned for agricultural use and such person must comply with the Municipality's by-laws relating to the Keeping of Bees.

[19] KEEPING OF LARGE ANIMALS

- [1] No person may keep any large animal in an area that is zoned for residential use other than for the purpose and in accordance with section 21.
- [2] No person may not keep any large animal in or on any premises less than 4 hectares in extent and which is not zoned for residential use unless such animal is kept in a stable that complies with the following requirements –

- [a]** the internal wall surfaces of the stable must be constructed of smooth brick or other durable surface brought to a smooth finish;
- [b]** the stable must at any point be at least 50m from any dwelling or from any boundary of the property on which the stable is erected;
- [c]** the walls of the stable must be constructed of brick, concrete or other impermeable material;
- [d]** the floor must be of cement, stone or other impermeable material prepared and graded in such a manner as to prevent absorption of all liquids or other noxious matter and to enable proper cleaning and draining;
- [e]** if sewerage is available, the stable must be connected by drain to the sewerage system in such a manner as may be prescribed by the applicable by-laws;
- [f]** if a sewerage system is not available, the drainage from the stable must be to the satisfaction of the Municipality;
- [g]** the stable must be sufficiently lighted and ventilated by means of openings into the exterior in order to maintain a free circulation of air in the stable and keep it in a well-ventilated condition;
- [h]** there must be a water supply adequate for drinking and cleaning purposes situated in or adjacent to the stable; and
- [i]** approved places or receptacles for storing feed must be constructed and maintained as far as possible to prevent access to vermin.

[20] DUTIES OF KEEPER OF LARGE ANIMALS

- [1]** Any person who keeps any cattle, horse, mule, donkey, mule, pig, sheep or goat in an area that is not a residential area must –
 - [a]** maintain the premises and any equipment, apparatus, container or receptacle used in connection with the keeping of the cattle, horses, mules or donkeys in a clean and sanitary condition and in good repair;
 - [b]** store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids.
- [2]** Any person who keeps a large animal in a stable must –
 - [a]** maintain the stable and any equipment, apparatus, container or receptacle used in connection with the keeping of the large animal in a clean and sanitary condition and in good repair;
 - [b]** ensure that no enclosure or stable may be situated within –
 - [i]** 15m of the boundary of any land, property, dwelling or other structure used for human habitation; or
 - [ii]** 50m of any water resource or water supply intended or used for human consumption;

- [c]** ensure that there is an adequate water supply for drinking and cleaning purposes next to every stable or enclosure.
- [d]** remove and/or store all manure and waste generated by any animal in a hygienic manner;
- [e]** remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a way that will not create a nuisance.
- [f]** provide a manure midden constructed of an impervious material and with a close fitting cover not less than 50m from any dwelling or any boundary of the property on which the stable is erected;
- [g]** remove the contents of the manure midden on a daily basis or bury or otherwise dispose of the manure in such a manner as will prevent the manure from causing a nuisance; and
- [h]** store all feed in a rodent-proof storeroom or in receptacles with close fitting lids.

[21] KEEPING AND SLAUGHTERING OF ANIMALS FOR RELIGIOUS AND CEREMONIAL PURPOSES

In an urban area, no person may slaughter any animal in any place other than in a recognised abattoir, except when the animal is slaughtered for religious or ceremonial purposes, in which event that person must –

- [a]** notify the Municipality in writing, 14 days prior to the event, but in the case of funerals at least 2 days prior to the slaughter;
- [b]** notify all his immediate neighbours in writing of such slaughter, 7 days prior to the event;
- [c]** screen the slaughtering process from members of the public;
- [d]** use the meat derived from the slaughtered animal solely for the purposes of the religious or ceremonial feast;
- [e]** handle the meat in a hygienic manner at all times;
- [f]** dispose of any portions of the animal that are not used or consumed, in the manner prescribed by the Municipality;
- [g]** not keep the slaughter animal on the premises for longer than 24 hours prior to being slaughtered;
- [h]** treat the animal humanely until such time as it is slaughtered; and
- [i]** slaughter the animal in a manner that minimizes suffering.

[22] KEEPING OF WILD ANIMALS

- [1]** No person may keep any wild animal on any premises unless he is in possession of written authority from the responsible authority to do so.
- [2]** No person may feed any wild animal that is not in captivity.

[23] KEEPING OF DANGEROUS ANIMALS

- [1]** Any person who keeps a dangerous animal must –
 - [a]** keep it in an adequate enclosure; and
 - [b]** take adequate measures to ensure that the animal –
 - [i]** does not escape from the premises where it is kept; and
 - [ii]** does not pose a danger, or cause harm, to a person, other animal or property.
- [2]** Any person keeping a dangerous animal must also comply with any requirements of a responsible authority to do so.

[24] NUISANCE

- [1]** No person may keep any animal that creates a nuisance, whether the health hazard or nuisance emanates from odour, sound or noise made by the animal, or from any other source relating to the animal and whether the health hazard or nuisance emanates from the animal itself or from the manner in which, or the conditions under which, the animal is kept or from the escaping or wandering of the animal, as the case may be.
- [2]** If the Municipality reasonably believes that an animal poses or creates a nuisance, the Municipality may –
 - [a]** by notice, order the owner or person in charge of the animal to abate the nuisance within a reasonable time to be stated in such notice which must also set out the measures to be taken, where possible and, if necessary, to remove the animal concerned; or
 - [b]** if it is reasonably and urgently necessary to eliminate or reduce a significant risk to public health, the Municipality may seize and impound the animal at the cost of the owner or the person in charge of the animal.
 - [c]** If the person has not abated the nuisance, or the animal has not been removed in terms of subsection [2][a], as the case may be, the person is guilty of an offence and liable, on conviction, to the penalty prescribed in section 30.
 - [d]** If the person referred to in subsection [3] is found guilty of a second contravention in terms of subsection [3] in respect of the same animal, the Court may, in addition to imposing a sentence in accordance with the provisions of section 30, order that the animal be seized and removed by the Municipality to an animal welfare organization referred to in subsection [1].
 - [e]** If the Municipality reasonably believes that any stable, enclosure or other building or structure in which an animal is kept causes or is likely to cause a nuisance, be it due to its construction or state of disrepair or lack of cleanliness or for any other reason, the Municipality may by notice order the owner or the person in charge of the premises upon which the stable, enclosure, building or structure concerned is situate, to execute and perform such work as may be necessary and which must be stated in such notice to abate the nuisance within a time specified in such notice.

- [f] If the nuisance referred to in subsection [5] has not abated after expiry of the period concerned, or the owner or person in charge of the premises has not executed and performed the work required in terms of the said notice to the satisfaction of the Municipality, the owner or person in charge of the premises is guilty of an offence, and is liable, on conviction, to the penalty prescribed in section 30.

[25] CONTROL OVER ANIMALS

- [1] Any person who keeps any animal must ensure that it is kept under proper and effective control when it leaves the premises where it is kept and that it does not endanger any person or animal or property when it leaves the premises.
- [2] The Municipality may seize and impound any apparently ownerless or diseased or dangerous or vicious animal found wandering or unattended on any public street or in any public place.
- [3] Any person who keeps an animal may not pasture or allow the animal to be pastured in or on any public street or any public property. Without in any way detracting from the provisions of section 6, the Municipality may seize and impound any such animal so found, whether tended or not.
- [4] Except for purposes of impounding any animal, No person may drive or cause any animal to be driven in any public street or upon any public road within the area of jurisdiction of the Municipality without the prior written consent of the Municipality, which approval may be granted subject to conditions.

[26] SEIZURE AND REMOVAL OF AN ANIMAL

- [1] The Municipality must remove any animal seized and/or impounded in accordance with the provisions of section 25[2] or if so ordered by any court in terms of section 24[4] to an animal welfare organization where the animal can be accommodated.
- [2] An apparently ownerless animal seized and impounded in terms of section 25[2] or an animal seized and impounded in terms of section 25[3], must be kept at the animal welfare organization for at least seven days to enable the owner or person in charge of the animal to claim it.
- [3] If the owner or person in charge of such animal has not claimed same within the period of seven days, the animal welfare organization may sell or donate it and retain and apply the proceeds of the sale, if any, for its own benefit, or it may otherwise dispose of the animal.
- [4] The person who claims the animal seized must pay to the animal welfare organization where it is accommodated the reasonable costs of the Municipality for the seizure and removal of the animal as certified by the Municipal Manager, plus the reasonable costs of the organization for accommodating the animal, before the animal may be released to the person.
- [5] If an animal seized and impounded in terms of section 25[3], and notwithstanding the provisions of subsections 26[2], 26[3] and 26[4], where applicable, is so diseased or injured or in such a poor physical condition that it would be cruel or that it would bring unnecessary suffering to the animal to keep it alive and that it ought therefore to be destroyed without unreasonable delay, the animal welfare organization may summon a veterinarian to examine the animal and if, after such examination, the veterinarian certifies that the animal is so diseased or injured or in such a poor physical condition that

it would be cruel or that it would bring unnecessary suffering to the animal to keep it alive and that it ought, therefore, to be destroyed, the animal welfare organization may instruct a veterinarian to immediately destroy the animal in such a manner as to inflict as little suffering as possible.

- [6]** The animal welfare organization may recover the reasonable veterinarian and other costs in carrying out the provisions of subsection [26][5] from the owner or the person in charge of keeping the animal in question.

[27] PERMITS

- [1]** A person who wishes to undertake an activity listed in sections 5, 8, 10, 12, 15, 19, or 22 and for which a permit is required, must apply to the Municipality in writing prior to undertaking the relevant activity.

- [2]** When the Municipality receives an application for a permit, and before deciding whether or not to approve the application, the Municipality may request the applicant to provide any further information which it considers relevant to enable it to make an informed decision and must ensure that the relevant premises are inspected by an environmental health practitioner as soon as reasonably possible.

- [3]** An environmental health practitioner referred to in subsection [2] must submit a report, as soon as reasonably possible, as to –

[a] the likelihood of the intended activity causing a nuisance;

[b] any measures that may reasonably be taken to eliminate or reduce the risk of a public health hazard or a nuisance, if any;

[c] any other relevant consideration,

[d] any persons in the vicinity of the premises whose health or wellbeing may be affected, have been consulted and have had an opportunity to make representations; and

[e] all relevant information, including the report from the environmental health practitioner and the representation from persons affected has been considered.

- [4]** Subject to subsection [2], the Municipality may –

[a] issue a permit to the applicant without any conditions;

[b] issue a permit to the applicant, subject to such terms and conditions that are reasonably aimed at eliminating or reducing the risk to a nuisance caused or likely to be caused by the relevant activity, if any; or

[c] refuse the application for a permit.

- [5]** A permit issued in terms of subsection [4][a] or subsection [3][b] –

[a] is not transferable from one person to another;

[b] applies only to the premises specified in the permit;

- [c] must specify the address and other relevant details regarding the location of the premises concerned;
 - [d] must describe the premises concerned;
 - [e] must describe the activity concerned;
 - [f] must, in the case of a permit issued in terms of subsection [3][b], specify the terms and conditions; and
 - [g] must specify when it expires.
- [6] The Municipality may charge the applicant a prescribed fee for considering and for granting a permit.
- [7] The Municipality may refuse to consider an application for a permit until the prescribed fee has been paid and until it has been provided with the information that it reasonably requires to make an informed decision.
- [8] The Municipality may by written notice to the holder of a permit, suspend or cancel the permit –
- [a] with immediate effect, if an environmental health practitioner reasonably believes that it is urgently necessary to do so to eliminate or reduce a significant risk to public health posed by a nuisance; or
 - [b] after expiry of the period stipulated in a notice affording the holder of a permit a reasonable opportunity to comply with the notice and the holder of the permit having failed to comply with the notice.
- [9] The Municipality may amend a permit by written notice to the holder, if the environmental health practitioner reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the permit was issued.

[28] DRAINAGE

A person who keeps animals must ensure that all sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, channels and washing platforms required to be drained in terms of these by-laws are drained in accordance with the provisions of the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977].

[29] WAIVER OF PROVISIONS

- [1] The Municipality may, if it deems it desirable to do so in the public interest, waive compliance with or relax the provisions of these by-laws: Provided that any person whose rights are adversely affected by such waiver or relaxation will not be bound thereby.
- [2] In each case in which such waiver or relaxation has been granted to any person, the Municipality must serve a written notice upon such person citing the relevant provision waived or relaxed and the extent to which such provision has been waived and, in addition, the Municipality must keep a record containing an identical copy of each such notice, which record must be available for inspection by members of the public at the offices of the Municipality.

[30] COMPLIANCE NOTICE

- [1]** If an authorized official, after inspecting premises on which any animal as contemplated in these by-laws is kept, reasonably believes that a provision of these by-laws is being contravened, he may serve a compliance notice on one or more of the following persons:
 - [a]** the owner of the premises;
 - [b]** the occupier of the premises;
 - [c]** any person apparently in charge of undertaking the aforesaid use on the premises.
- [2]** A compliance notice must state –
 - [a]** why the authorized official believes that these by-laws are being contravened;
 - [b]** the measures that must be taken to ensure compliance with these by-laws;
 - [c]** the time period within which the measures must be taken;
 - [d]** the possible consequences of failing to comply with the notice; and
 - [e]** how to appeal against the notice.
- [3]** If a person fails to comply with a Compliance Notice that requires a particular action to be taken, the Municipality may –
 - [a]** take the required action specified in the compliance notice; and
 - [b]** recover, as a debt, from the person to whom the notice was given, the costs and expenses reasonably incurred in taking the required action; or
 - [c]** direct that a prohibition notice be served on such person in terms of section 31 of these by-laws.

[31] PROHIBITION NOTICE

- [1]** An authorized official may, after inspecting premises where an animal is kept in contravention of these by-laws, serve a prohibition notice on the owner, occupier or user of such premises prohibiting the sign from being so displayed and requiring measures to be taken to ensure that this occurs.
- [2]** The authorized official must give the person on whom he intends serving a prohibition notice a reasonable opportunity to make representations before serving the notice.
- [3]** A prohibition notice must state –
 - [a]** the reasons for serving the notice;
 - [b]** whether or not the Municipality will withdraw the notice if certain measures are taken, and if so, the measures that must be taken;
 - [c]** the possible consequences of failing to comply with the notice; and

[d] how to appeal against the notice.

[4] Unless a prohibition notice provides otherwise, it comes into effect when it is served under subsection [1] and remains in force until it is withdrawn.

[5] The authorized official must as soon as possible affix a copy of the notice in a conspicuous position on the premises.

[6] It is a defence for anyone charged with failing to comply with a prohibition notice to prove that –

[a] he did not know of the existence of the prohibition order and could not reasonably be expected to have known of its existence; and

[b] he had complied with the prohibition notice within 48 hours of the time that the notice was affixed to the premises in terms of subsection [5].

[32] WITHDRAWAL OF PROHIBITION NOTICE

[1] The authorized official must, within 48 hours of receiving a written request for the withdrawal of a prohibition contained in a prohibition notice, carry out an investigation of the premises.

[2] After completing the investigation, the authorized official must inform the person on whom the prohibition notice was served or that person's agent in writing, whether or not the prohibition has been removed or withdrawn.

[3] The Municipality may charge the owner or occupier of any premises where an investigation is carried out in terms of subsection [1], a fee as prescribed in the applicable tariff policy for undertaking the investigation.

[33] DELIVERY OF NOTICES

[1] A notice, order or other document is to be regarded as having been properly served if –

[a] it has been delivered to that person personally;

[b] sent by registered post to the person to whom it is addressed at his or their last known address;

[c] it is served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address;

[d] if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided for in subsections [1][a], [b] or [c]; or

[e] if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the premises to which it relates.

[2] A notice, order or other document that may in terms of these by-laws be served on the owner or occupier of premises –

- [a]** may be addressed to the owner or occupier of the specified premises and need not name the owner or occupier; and
- [b]** if the Municipality does not know the address of the owner or occupier of the premises and cannot easily obtain it, the notice, order or other document is to be regarded as having been properly served if it is affixed to a conspicuous place on the premises.

[34] APPEALS

- [1]** A person whose rights are affected by a decision taken by any authorized official under these by-laws may appeal against the decision by giving written notice of the appeal and reasons to the Municipal Manager of the Municipality within 21 days of the date of the notification of the decision.
- [2]** The Municipal Manager must promptly submit the appeal to the appropriate appeal authority referred to in section 62 of the Municipal Systems Act, 2000 [Act No. 32 of 2000].
- [3]** The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- [4]** An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

[35] OFFENCES AND PENALTIES

Any person who –

- [a]** contravenes or fails to comply with a provision of these by-laws or a direction issued by the Municipality in terms of these by-laws, or a condition imposed under these by-laws;
- [b]** obstructs or hinders any person in the execution of any power or the performance of any duty or function in terms of any provision of these by-laws; or
- [c]** furnishes false, incorrect or misleading information when applying for permission from the Municipality in terms of a provision of these by-laws-is guilty of an offence and liable, on conviction, to a fine or in default of payment to imprisonment for a period not exceeding six months.

[36] REPEAL OF BY-LAWS

- [1]** Any by-law adopted by the Municipality or a municipality now forming an administrative unit of the Municipality and relating to any matter regulated by these by-laws are, from date of promulgation of these by-laws, hereby repealed.
- [2]** Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, is deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision [if any] of these by-laws, as the case may be.

[37] SHORT TITLE

This by-law shall be called the Keeping of Animals by-law.