

The Council of Okhahlamba Local Municipality has in terms of section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with sections 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000), made the following By-laws:

OKHAHLAMBA LOCAL MUNICIPALITY

BY-LAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND POULTRY AND BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS POULTRY OR PETS

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CHAPTER I GENERAL

1. DEFINITIONS

- (1) In these By-laws, unless the context otherwise indicates—

"adequate" means adequate in the opinion of the Council;

"animal" means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, cat and dog;

"approved" means approved by the Health Officer regard being had to the reasonable public health requirements of the particular case;

"aviary" means a roofed or unroofed enclosure used for the keeping of birds, other than 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" means a feathered vertebrate other than poultry;

"cattery" means premises in or upon which boarding facilities for cats are provided or cats are kept and bred for commercial purposes;

"Council" means a municipal council referred to in section 157(1) of the Constitution;

"dwelling" means any building or part thereof used for human habitation;

"enclosure" in relation to animals, means any kraal, pen, paddock or other such fenced or enclosed area used for accommodating, keeping or exercising animals;

"Health Officer" means a medical officer of health appointed in terms of section 22 or 25 of the Health Act, 1977 (Act No. 63 of 1977), and includes a health inspector appointed by a local authority in terms of section 24 of that Act;

"kennels" means premises in or upon which—

- (a) boarding facilities for dogs are provided;
- (b) dogs are bred for commercial purposes; or
- (c) dogs are kept for the purposes of being trained or hired out with or without handlers;

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

"nuisance" means a nuisance as defined in the Health Act, 1977 (Act No. 63 of 1977);

"permit holder" means the person to whom a permit has been issued by the Health Officer in terms of these By-laws;

"person in control" means the person actually managing or actually in control of a premises or a business;

"pet" means any domestic or other animal which may be lawfully kept as a pet and includes any bird and non-poisonous reptile;

"pet salon" means any premises in or upon which beauty treatment is given to dogs or cats by washing, drying, brushing, clipping, trimming or by attending to their nails or teeth;

"pet shop" means the business of keeping and selling pets on premises;

"pigsty" means a building, structure or enclosure in which pigs are kept;

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

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

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

"premises" means any land, building or structure or any portion of land, building or structure on or in which any of the activities regulated by these By-laws are carried on;

"public place" means any road, street, pavement, side-walk, park or other place to which the public has authorised and unimpeded access;

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

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

"stable" means any building or structure or any part thereof used for accommodating or keeping any cattle, horses, mules or donkeys.

- (2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

2. APPLICATION OF BY-LAWS

- (1) The provisions of these By-laws shall not apply to—
- (a) the keeping of cows for commercial milk production;
 - (b) any agricultural show where animals, poultry or birds are kept on a temporary basis;
 - (c) any laboratory where animals, poultry or birds are kept for research purposes:

Provided that the Health Officer may, if he is satisfied that the application of one or more provisions of these By-laws is essential in the interest of public health, by notice to the person concerned require such provision be complied with.

- (2) The provisions of sections 4, 5, 10 and 11 shall not apply to the temporary keeping of a goat on any land for the provision of milk for medical reasons: Provided the prior approval of the Health Officer is obtained and no nuisance arises from the keeping of such goat.
- (3) The provisions of section 3, 4(a), 6, 8, 10, 12, 14, 16, 18, 19 and 21 shall apply only to premises newly constructed, reconstructed or converted after the commencement of these By-laws: Provided that the Health Officer may, if he is satisfied that the application of any one or more of the said requirements is essential in the interests of public health, give notice in writing to the owner or person in control of such premises, to comply with such requirements as he may specify and within a reasonable period stated in the notice.

3. PREMISES FOR THE KEEPING OF LIVESTOCK AND KENNELS

- (1) No person shall—
 - (a) keep any livestock, other than poultry, or maintain kennels within any area defined by the Council as unsuitable for the keeping of livestock and the maintenance of kennels: Provided that the foregoing shall not apply in respect of a veterinary clinic or veterinary hospital operating with the Council's consent;
 - (b) keep any livestock, other than poultry, on premises situated on land less than 1 ha in extent: Provided that in the case of a dealer or speculator in livestock the land shall not be less than 2,5 ha in extent.

4. KEEPING OF ANIMALS, POULTRY AND BIRDS

- (1) No person shall keep any animal, poultry or bird in or upon any premises—
 - (a) which does not comply with the provisions of these By-laws;
 - (b) which are so constructed, maintained or situated that the keeping of animals, poultry or birds thereon is, in the opinion of the Health Officer, likely to cause a nuisance or injury to health.

5. PERMITS FOR KEEPING OF ANIMALS AND POULTRY

- (1) No person shall—
 - (a) keep any animal, other than a cat, dog or more than ten rabbits or poultry in excess of twenty, unless he is the holder of a permit issued by the Health Officer in the form set out in Schedule 1 hereto: Provided that such permit shall not be required for the keeping of any animal or poultry in connection with the business of a pet shop;
 - (b) keep any animal or poultry in excess of the number specified in such permit: Provided that progeny of any mammal still suckling, shall not be taken into account.
- (2) Application for such a permit shall be made to the Health Officer in the form set out in Schedule 2 hereto.
- (3) A permit shall not be transferable and shall expire on the date on which the permit holder ceases to keep the animals or poultry for which the permit was issued.
- (4) A permit holder shall in writing notify the Health Officer if he ceases to keep the animals or poultry in respect of which a permit was issued or of any increase in the number of animals or poultry kept in excess of the number specified in the permit concerned, within ten days of any such occurrence.
- (5) The Council may cancel a permit issued in terms of subsection (1)(a), if—
 - (a) the construction or maintenance of the premises concerned at any time does not comply with any provision of these By-laws, or the permit holder contravenes, or fails to comply with any such provision, and the permit holder fails to comply with a written notice from the Health Officer requiring him to make such premises

- comply with the By-laws or to cease such contravention or failure within a period specified in such notice;
- (b) any disease, which in the opinion of the Health Officer or a veterinarian, is of such a nature that it is likely to constitute a danger to the public health or to other animals or poultry, breaks out amongst the animals or poultry kept under such permit;
 - (c) the permit holder or person in control of the premises at the time, personally or through his employee obstructs the Health Officer in his execution of his duties under these By-laws;
 - (d) the permit holder has been found guilty in a competent court of a contravention of these By-laws;
 - (e) in the opinion of the Health Officer, a public nuisance exists due to the keeping of the animals.
- (6) The Health Officer shall as soon as a permit has been cancelled, notify the permit holder of that fact in writing.
- (7) The Health Officer may, subject to the foregoing provisions of this section, issue a new permit if he is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

CHAPTER II

KEEPING OF CATTLE, HORSES, MULES AND DONKEYS

6. REQUIREMENTS FOR PREMISES

- (1) For the keeping of any cattle, horse, mule or donkey a stable or enclosure complying with the following requirement shall be provided—
- (a) every wall and partition of the stable shall be constructed of brick, stone, concrete or other durable material.

7. DUTIES OF KEEPER OF CATTLE, HORSES, MULES AND DONKEYS

- (1) Every person keeping any cattle, horse, mule or donkey shall—
- (a) ensure that any such animal is kept within a stable or enclosure;
 - (b) maintain the premises, any equipment, apparatus, container and receptacle used in connection with such keeping in a clean and sanitary condition and in good repair;
 - (c) take effective measures for the prevention of harbouring or breeding of, and for the destruction of flies, cockroaches, rodents and other vermin.

CHAPTER III KEEPING OF PIGS

8. REQUIREMENTS FOR PREMISES

- (1) For the keeping of pigs, a pigsty complying with the following requirements shall be provided—
 - (a) every wall shall be constructed of brick, stone, concrete or other durable material not less than 1,5m in height and shall have a smooth internal surface;
 - (b) the pigsty shall have a floor area of at least 3m² for each pig to be accommodated therein, with an overall minimum floor area of 6m².

9. DUTIES OF KEEPER OF PIGS

- (1) Every person keeping pigs shall—
 - (a) ensure that every pig is kept within a pigsty;
 - (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping, in a clean and sanitary condition and in good repair;
 - (c) take effective measures for the prevention of harbouring or breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

CHAPTER IV KEEPING OF GOATS AND SHEEP

10. REQUIREMENTS FOR PREMISES

- (1) For the keeping of any goat or sheep, premises complying with the following requirement shall be provided—
 - (a) an enclosure with an area of at least 1,5m² for every goat or sheep to be accommodated therein with an overall minimum floor area of 30m².

11. DUTIES OF KEEPER OF GOATS AND SHEEP

- (1) Every person keeping any goat or sheep shall—
 - (a) ensure that every such animal is kept within an enclosure, building or shed;
 - (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping in a clean and sanitary condition and in good repair;
 - (c) take effective measures for the prevention of harbouring and breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

**CHAPTER V
KEEPING OF POULTRY**

12. REQUIREMENTS FOR PREMISES

- (1) For the keeping of poultry, premises complying with the following requirements shall be provided—
 - (a) a poultry house complying with the following requirements—
 - (i) every wall thereof shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface;
 - (ii) the floor shall be constructed of concrete or other durable and impervious material brought to a smooth finish.

13. DUTIES OF KEEPER OF POULTRY

- (1) Every person keeping poultry shall—
 - (a) ensure that all poultry is kept within the poultry house, poultry run or building or structure housing a battery system;
 - (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping 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 vermin;
 - (d) ensure that such poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;
 - (e) take effective measures for the prevention of harbouring and breeding, and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of poultry on the premises.

**CHAPTER VI
KEEPING OF RABBITS**

14. REQUIREMENTS FOR PREMISES

- (1) For the keeping of rabbits premises complying with the following requirements shall be provided—
 - (a) a rabbit hutch complying with the following requirement—
 - (i) every wall thereof shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface.

15. DUTIES OF KEEPER OF RABBITS

- (1) Every person keeping rabbits shall—
 - (a) ensure that all rabbits are kept within the rabbit hutch, rabbit run or building or structure housing a battery system;
 - (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping, in a clean, sanitary condition and in good repair;
 - (c) maintain the premises free from offensive odours and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from vermin;
 - (d) take effective measures for the prevention of harbouring and breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of rabbits on the premises.

CHAPTER VII KEEPING OF BIRDS

16. REQUIREMENTS FOR PREMISES

- (1) For the keeping of birds in an aviary, premises complying with the following requirement shall be provided—
 - (a) the aviary shall be properly constructed of durable materials, rodent proof and provided with access thereto adequate for cleaning purposes.

17. DUTIES OF KEEPER OF BIRDS

- (1) Every person who keeps birds in an aviary shall—
 - (a) ensure that the aviary and the premises are kept in a clean condition and free from vermin;
 - (b) take effective measures for the prevention of harbouring and breeding and for the destruction of flies, cockroaches, rodents and other vermin;
 - (c) ensure that such birds do not disturb or hinder the comfort, convenience, peace or quiet of the public.

CHAPTER VIII DEALER IN LIVESTOCK AND OTHER BUSINESSES INVOLVING THE KEEPING OF ANIMALS OR POULTRY

18. REQUIREMENTS FOR CONDUCTING BUSINESS

- (1) Every person conducting the business of a dealer or speculator in livestock or other business involving the keeping of animals or poultry, other than a pet shop, shall comply with the requirements of subsection (2).

- (2) Subject to the provisions of section 31, the requirements of sections 2 to 15 inclusive, shall be complied with in so far as those provisions are applicable to the animals or poultry kept.

CHAPTER IX DOG KENNELS AND CATTERIES

19. REQUIREMENTS FOR PREMISES

- (1) No person shall maintain kennels or a cattery, unless the requirements of subsection (2), inclusive are complied with.
- (2) Every dog or cat shall be kept in an enclosure complying with the following requirement—
 - (a) it shall be constructed of durable materials and shall have access thereto adequate for cleaning purposes.

20. DUTIES OF PERSON IN CONTROL OF KENNELS OR CATTERIES

- (1) Any person in control of kennels or a cattery shall—
 - (a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
 - (b) keep any sick dog or cat in the isolation facilities required in terms of section 19(10);
 - (c) ensure that dogs and cats kept on the premises do not disturb or hinder the comfort, convenience, peace or quiet of the public.

CHAPTER X PET SHOPS AND PET SALONS

21. REQUIREMENTS FOR PREMISES

- (1) No person shall conduct a business of a pet shop or pet salon in or upon any premises—
 - (a) in which there is direct internal access with any room or place used for human habitation or in which clothing is stored or sold or food for human consumption is prepared, stored, sold or consumed.

22. DUTIES OF TRADER

- (1) Every person who conducts the business of a pet shop shall—
 - (a) provide cages for housing animals, poultry or birds, and the following requirements shall be complied with—

- (i) the cages shall be constructed entirely of metal or other durable impervious material and shall be fitted with a removable metal tray below the floor thereof to facilitate cleaning;
- (b) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop, in a clean, sanitary condition, free from vermin and in good repair;
- (c) take effective measures for the prevention of harbouring or breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of pets on the premises.

CHAPTER XI HAWKING OF POULTRY AND RABBITS

23. REQUIREMENTS FOR HAWKING

- (1) No person shall hawk poultry or rabbits, unless the following requirements are complied with—
 - (a) the business of a hawker shall be conducted from premises on which poultry or rabbits shall be kept in compliance with the provisions of Chapters V and VI and facilities shall be provided for the parking of the vehicle used for hawking after normal trading hours.

24. DUTIES OF HAWKER

- (1) Every person hawking poultry or rabbits shall—
 - (a) wash and thoroughly cleanse that part of the vehicle in which poultry or rabbits are conveyed and every cage, crate and tray used on the vehicle, after each day's trading;
 - (b) remove from every cage or crate on the vehicle any poultry or rabbits which appear to be sick and place such poultry or rabbits in a separate cage;
 - (c) maintain the premises, vehicle and every cage, crate, tray, vessel, container and receptacle used in connection with such hawking in a clean and sanitary condition, free from vermin and in good repair;
 - (d) store all feed in rodent proof receptacles.

CHAPTER XII MISCELLANEOUS

25. DRAINING

All sinks, wash and hand basins, baths, shower-baths, troughs, floor surfaces, including channels and washing platforms, required to be drained in terms of these By-laws, shall be drained to an external gully, connected to the Council's sewer or, where no sewer is available or readily accessible, to other means of drainage approved by the Council.

26. DISCHARGE OF TAPS

The taps at all water supply points required in terms of these By-laws, other than those within a building or structure the floors of which are graded and drained, shall be placed so as to discharge directly over and into a dished top fitted to an external gully connected to the Council's sewer or, where no sewer is available or readily accessible, to other means of drainage approved by the Council.

27. NUISANCE

- (1) No person shall—
 - (a) keep any animal or pet in such a manner as to cause a nuisance;
 - (b) fail to remove faeces deposited by a dog in a public place whilst under his control or supervision and dispose of such faeces in a refuse receptacle;
 - (c) fail to duly dispose of dead animals in such a manner as prescribed by the Health Officer.

28. ILLNESS ATTRIBUTABLE TO ANIMALS

The illness of any person which is attributable to the keeping of any animal, poultry, bird or pet as contemplated in Chapters VII to X inclusive, shall be reported to the Health Officer within 24 hours of diagnosis by the person making the diagnosis.

29. INSPECTION

- (1) The Health Officer and any officer authorised thereto by the Council may, in order to satisfy himself that the provisions of these By-laws are being complied with—
 - (a) enter any premises on which animals, poultry, birds or pets are kept or on which kennels or a cattery is conducted or the business of a dealer or speculator in livestock or a pet shop, a hawker of poultry or rabbits is being conducted or on which he reasonably suspects animals, poultry, birds or pets are kept or such business is being conducted, at all reasonable times;
 - (b) inspect such premises or any vehicle used or reasonably suspected by him to be used for such business and anything thereon or therein; and
 - (c) question any person on such premises or in such vehicle or who has recently been on such premises or in such vehicle.

30. OFFENCES AND PENALTIES

- (1) Any person—
 - (a) who contravenes or fails to comply with any provision of these By-laws; or
 - (b) who keeps animals, birds or poultry or who is the person in control of or who conducts the business of a dealer or speculator in livestock, a pet shop, dog kennels or cattery or a hawker of poultry or rabbits on any premises fails to ensure that all the provisions of these By-laws applicable to such premises or business are complied with;

- (c) who fails or refuses to give access to premises to the Health Officer of any officer contemplated in section 29 when requested to give such access;
 - (d) who obstructs or hinders the Health Officer or other officer in the execution on his duties under these By-laws;
 - (e) fails or refuses to give information to the Health Officer or such other officer which is lawfully required, or knowingly furnishes false or misleading information;
 - (f) fails or refuses to comply with a notice in terms of section 2, shall subject to the provisions of subsection (2), be guilty of an offence and shall be liable on conviction to a fine not exceeding R500.00 (Five Hundred Rand) or, in default of payment, to imprisonment for a period not exceeding six months, or in the case of a continuous offence, to a fine not exceeding R20.00 (Twenty Rand) or, in default of payment, to imprisonment for a period not exceeding ten days for every period of 24 hours during which such offence continues.
- (2) It shall be competent defence If a person referred to in subsection (1)(b) proves that he did not know could not reasonably have foreseen and could not have prevented the commission of the offence contemplated in subsection (1).

31. REPEAL

The By-laws relating to the Keeping of Animals, Birds and Poultry and Businesses involving the keeping of Animals, Birds, Poultry or Pets for the Okhahlamba Local Municipality, are hereby repealed and replaced by these By-laws, which are to become effective on promulgation hereof.

32. APPLICATION

The Council may by notice determine that the provision of these By-laws do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

SCHEDULE 1

Local Municipality:.....

Permit No.:

.....

Date:.....

.....

.....

**PERMIT: BY-LAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND
POULTRY AND BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS,
POULTRY OR PETS**

With reference to your application dated a permit to keep the animals/
poultry as specified hereunder at address so specified is hereby granted.

*Animals/Poultry:

Address:

.....

.....

The granting of the permit is subject to your complying with the provisions of the aforementioned
By-laws.

Your attention is invited to the provisions of section 5(4) of the said By-laws requiring a permit
holder to notify the Council's Health Officer of any increase in the number of animals or poultry in
excess of the number authorised by the permit and section 5(5) regarding the cancellation of a
permit.

Yours faithfully
For Health Officer

* Specify number and kind of animals or poultry.

SCHEDULE 2

APPLICATION FOR A PERMIT: BY-LAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND POULTRY AND BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS, POULTRY OR PETS

I/We.....
(full name of applicant/s)

Hereby apply for a permit to keep * animals/poultry/rabbits on premises situated at Stand
Street Township, in terms of the
aforementioned By-laws of the
(name of Local Municipality)

Details of the * animals/poultry/rabbits to be kept are as follows—

SPECIES	NUMBER
.....
.....
.....
.....

I/We accept the responsibility for the keeping of * animals/poultry/rabbits, in accordance with the provisions of the said By-laws and acknowledge that in the event of my/our failure to effect such compliance this permit may be cancelled in terms of section 5 of the said By-laws.

Signature of Applicant/s:

Capacity:

Date:

***Delete whichever is not applicable.**