

PROVINCIAL NOTICE

[NO. 195 OF 2011]

**NOTICE IN TERMS OF SECTION 14(2)(a)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000:
PUBLICATION: STANDARD KEEPING OF ANIMALS, POULTRY AND BEES BY-LAW**

I, M.G Qabathe, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State Province, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association: Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), make standard by-laws as set out in the Schedule.

SCHEDULE

KEEPING OF ANIMALS, POULTRY AND BEES BY-LAW

Purpose of By-Law

The purpose of these by-laws is to promote the interests of residents by exercising control over the numbers and kinds of animals or poultry that may be kept as well as the conditions under which such animals or poultry may be kept, sheltered and cared for and to provide for the prevention of nuisances through the keeping of such animals or poultry, and to provide for a system to regulate the keeping of bees in the municipal area; and to provide for matters incidental thereto.

Table of Contents

1. Definitions
2. Application of by-laws
- Keeping of Livestock and Kennels**
3. Premises for the Keeping of Livestock and Kennels
4. Duties of persons responsible for the keeping of Animals Poultry and Bees
5. Permits for keeping of Cattle, Horses, Mules, Donkeys Pigs Goat or Sheep
- Keeping of Cattle Horses Mules and Donkeys**
6. Requirements for Premises
7. Duties of persons responsible for the keeping of Cattle, Horses, Mule and Donkeys
- Keeping of Pigs**
8. Requirements for Premises
9. Duties of persons responsible for the keeping of Pigs
- Keeping of Goat, Sheep or Ostrich**
10. Requirements for Premises
11. Duties of persons responsible for the keeping of Goat, Sheep or Ostrich
- Keeping of Poultry**
12. Requirements for Premises
13. Duties of persons responsible for the keeping of Poultry
- Keeping of Birds**
14. Requirements for Premises
15. Duties of persons responsible for the keeping of Birds
- Dealer in Livestock and Other Businesses Involving the Keeping of Animals or Poultry**
16. Requirements for Conducting Business
- Dog Kennels and Catteries**
17. Requirements for Premises
18. Duties of persons responsible for the Control of Kennels or Catteries
- Pet Shops and Pet Salons**
19. Requirements for Premises
20. Duties of Trader

Bees

21. Keeping of Bees
22. Duration of Permit
23. Conditions of Permit
24. Removal or destruction of bees
25. Services and Notices

Hawking

26. Prohibition on Hawking

Miscellaneous

27. Draining
28. Discharge of Taps
29. Nuisance
30. Stray Animals and Pets
31. Illness Attributable to Animals
32. Inspection
33. Offences
34. Penalty
35. Repeal of By-laws
36. Date of Commencement
37. Short Title

Definitions

1. In these by-laws, unless the context otherwise indicates –
 - "**animal**" means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, cat, dog and ostrich or the hybrid of such animal; and
 - "**animals**" will have a corresponding meaning
 - "**approved**" means approved by the Municipal Manager after regard being had to the reasonable public health requirements of the particular case;
 - "**aviary**" means an enclosure used for the keeping of birds, other than a portable cage;
 - "**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;
 - "**dwelling**" means any building or part thereof used for human habitation;
 - "**enclosure**" means, in relation to animals, any kraal, pen, paddock or other such fenced or enclosed area used for accommodating, keeping or exercising animals;
 - "**kennels**" means premises in or upon which -
 - (a) boarding facilities for dogs are provided
 - (b) dogs are bred for commercial purposes, kept for the purposes of being trained or hired out with or without handlers;
 - "**livestock**" means horses, cattle, sheep goats, pigs, mules, donkeys, poultry and ostriches;
 - "**municipality**" means the Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
 - "**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 Municipal Manager in terms of these by-laws;
 - "**person in control**" means the person managing or in control of a premises or a business;
 - "**pet**" means any domesticated 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, geese, turkeys and domestic guinea-fowls,

"poultry house" means any roofed 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 unimpeded access;

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

Application of By-laws

2. (1) The provisions of these by-laws do not apply to -
 - (a) any bona fide farm;
 - (b) 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 Municipal Manager may, if he or she 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(a), 10(b) and 11(5) and (6) do 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 Municipal Manager is obtained and no nuisance arises from the keeping of such goat.
- (3) The provisions of sections 3, 4(a), 6, 8, 10, 12, 14, 16, 17 and 19 do apply only to premises which are newly constructed, re-constructed or converted after the commencement of these by-laws: Provided that the Municipal Manager may, if he or she 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 or she may specify and within a reasonable period stated in the notice.
- (4) The provisions of sections 12(5), 12(7)(a) and 12(7)(b) and 13(e)(ii), (g) and (i) do not apply to the keeping of poultry fewer than twenty (20) in number.

KEEPING OF LIVESTOCK AND KENNELS

Premises for the Keeping of Livestock and Kennels

3. A person must not-

- (a) keep any livestock, other than poultry and birds, or maintain kennels within any area defined by the council as unsuitable for the keeping of livestock and the maintenance of kennels: Provided that this section do not apply in respect of a veterinary clinic or veterinary hospital operating with the municipality'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 must not be less than 2,5 ha in extent; and
- (c) keep more than twenty head of poultry on any premises situated in a residential area.

Duties of Persons Responsible for the Keeping of Animals, Poultry, Birds and Bees

4. A person must not –

- (a) keep any animal, poultry, birds or bees in or upon any premises:-
 - (i) which does not comply with the provisions of these by-laws;
 - (ii) which are so constructed, maintained or situated that the keeping of animals, poultry or birds thereon is, in the opinion of the Municipal Manager, is likely to cause a nuisance or a threat to health.
- (b) keep any livestock, other than poultry and birds, 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 do not apply in respect of a veterinary clinic or veterinary hospital operating with the council's consent;
- (c) 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 must not be less than 2,5 ha in extent; or
- (d) keep more than twenty head of poultry on any premises situated in a proclaimed township.

Permits for Keeping of Cattle, Horses, Mules, Donkeys, Pigs, Goat or Sheep

5. (1) A person must not-
 - (a) keep any animal unless he or she is the holder of a permit issued by the Municipal Manager in the form determined by the municipality: Provided that such a permit is not required for the keeping of rabbits in connection with the business of a pet shop.
 - (b) keep any animal in excess of the number specified in such permit: Provided that progeny of any mammal still suckling, must not be taken into account.
- (2) Application for such a permit must be made to the Municipal Manager in the form determined by the municipality.
- (3) A permit is not transferable and expires on the date on which the validity thereof is stopped or when the permit holder ceases to keep the animal or the hybrid of such animal for which the permit was issued.
- (4) A permit holder must in writing notify the Municipal Manager if he or she ceases to keep the animal in respect of which a permit was issued or of any increase in the number of animal kept in excess of the number specified in the permit concerned, within ten days of any such occurrence.
- (5) The Municipal Manager may after giving notice to a permit holder to give reasons why his or her permit must not be cancelled and consider those reasons, 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 Municipal Manager requiring him or her 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 Municipal Manager or a veterinarian, is of such a nature that it is likely to constitute a threat 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 or her employee obstructs the Municipal Manager in the execution of his or her 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 Municipal Manager, a public nuisance exists due to the keeping of the animals.
- (6) The Municipal Manager, as soon as a permit has been cancelled, must notify the permit holder thereof in writing.
- (7) The Municipal Manager may, subject to the provisions of this section, issue a new permit if he or she 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.

KEEPING OF CATTLE, HORSES, MULES AND DONKEYS

Requirements for Premises

6. A stable or enclosure complying with the following requirements for the keeping of any cattle, horse, mule or donkey, must be provided -
 - (a) All walls and partitions of the stable must be constructed of brick, stone, concrete or other durable material.
 - (b) The internal wall surfaces of the stable must be of smooth brick or other durable surface worked to a smooth finish.
 - (c) The height of the walls to the wall plates of the stable must be -
 - (i) 2,4 metre in the case of pitched roof;
 - (ii) 2,7 metre in the case of a flat roof;
 - (iii) a mean height of 3 metre with a minimum of 2,4 square metre on the one side, in the case of a lean-to roof;
 - (iv) not less than 2 metre in the case of a stable which has an opening along the entire length of one of its long sides;
 - (d) The stable must have a floor area of at least 9 square metre for each head of cattle, horse, mule or donkey to be accommodated therein.
 - (e) (i) Except in the case of a stable open along the entire length of one of its long sides, lighting and ventilation must be provided by openings or glazed opening windows or louvres totalling at least 0.3 square metre for each animal to be accommodated therein.

- (ii) The lowest point of every such opening, window or louvre must be at least 1,8 metre above floor level.
- (f) The floor of the stable must be constructed of concrete or other durable and impervious material worked to a smooth finish, graded to a channel and drained in terms of section 27.
- (g) Any enclosure must have an area of at least 10 square metre for each head of cattle, horse, mule or donkey to be accommodated therein and the fencing must be of such substantial material and constructed as preventing such animals from escaping.
- (h) No enclosure must be situated within 100 metre and no stable must be situated less than 15 metre of any boundary of any land, dwelling or other building or structure used for human habitation or within 50 metre of any well, water course or other source of water supply intended or used for human consumption, provided that the Municipal Manager, may allow a shorter distance.
- (i) A potable water supply adequate for drinking and cleaning purposes, must be provided in or adjacent to every stable or enclosure.

Duties of Persons Responsible for the Keeping of Cattle, Horses, Mules and Donkeys

7. Every person keeping any cattle, horse, mule or donkey must -
- (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)
 - (i) provide portable manure storage receptacles of an impervious material and with close fitting lids;
 - (ii) every such receptacle must be kept on a platform constructed of concrete or other durable and impervious material and situated adjacent to the stable or enclosure and so as to comply *mutatis mutandis* with the provisions of section 6(b).
 - (iii) The floor must be of concrete worked to a smooth finish and graded and drained to a water channel at least 150 millimetre in diameter along the full length of the open side, which channel must be kept filled with water;
 - (d) remove all the manure from the stable and enclosure at least once every 24 hours and place it in manure storage receptacles pending removal from the premises.
 - (e) remove the contents of the manure storage receptacles from the premises at least once every second day and dispose thereof in a manner which will not create a nuisance;
 - (f) remove all bedding from the stable at least once a week and store it in the manure receptacles pending removal from the premises;
 - (g) store all saddles, bridles, harnesses and other equipment or articles used in the keeping of such animals, in a store-room or other storage facilities approved by the municipality;
 - (h) provide a rodent proof store-room in which all feed must be stored and a number of rodent proof receptacles with close fitting lids in such storeroom in which all loose feed must be stored;
 - (i) take effective measures for the prevention of harbouring or breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

KEEPING OF PIGS

Requirements for Premises

- 8 (1) A pigsty complying with the following requirements must be provided for the keeping of pigs -
- (a) Every wall must be constructed of brick, stone, concrete or other durable material not less than 1,5 metre in height and must have a smooth internal surface.
 - (b) The pigsty must have a floor area of at least 3 square metre for each pig to be accommodated therein, with an overall minimum floor area of 6 square metre.
 - (c) A roof provided over any portion of a pigsty must be of a height of not less than 1,5m from ground level at it's lowest point in the pigsty and, except in the case of a roofed structure having one of it's long sides completely open, lighting and ventilation openings situated in opposite external walls of at least 0,15 square metre for each pig accommodated or other adequate means of ventilation and lighting must be provided.
 - (d) The floor must be at least 150 millimetre above the surrounding ground level, constructed of concrete or other durable and impervious material worked to a smooth finish, graded for the run-off of liquids into an open channel outside the pigsty, constructed of concrete, glazed earthenware, or other durable and impervious material, measuring not less than 100 millimetre in diameter and drained in terms of section 27.

- (e) The pigsty must be constructed in such a manner as to prevent the pigs from escaping.
 - (f) A pigsty must not be situated within 100 metre of any dwelling or other building or structure used for human habitation or of the boundary of any land or of any well, water course or other source of water supply intended or used for human consumption.
- (2)
- (a) A roofed over concrete platform must be provided for the storage of all swill in containers and for the preparation of pig feed and it must be so situated as to comply with the provisions of subsection (1)(f).
 - (b) Such platform must have a curbing of at least 100 millimetre high on all of it's sides and the surface of the platform must be worked to a smooth impervious finish and graded to a channel drained in terms of section 27.
- (3) A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the pigsty.

Duties of Persons Responsible for the Keeping of Pigs

9. Every person keeping pigs must -

- (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)
 - (i) provide portable manure storage receptacles of impervious material and with close fitting lids;
 - (ii) every such receptacle must be kept on a platform constructed of concrete or other durable and impervious material adjacent to the pigsty and so as to comply with the provisions of section 8(1)(f);
- (d) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles;
- (e) remove the contents of the manure storage receptacles from the premises at least once every second day and dispose thereof in a manner which will not create a nuisance;
- (f) provide a rodent proof store-room in which all feed, other than swill, must be stored and a number of rodent proof receptacles with close fitting lids in such store-room in which all loose feed must be stored;
- (g) take effective measures, for the prevention of harbouring or breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

KEEPING OF GOAT, SHEEP OR OSTRICH

Requirements for Premises

10. Premises complying with the following requirements must be provided for the keeping of any goat, sheep or ostrich -

- (a) An enclosure with an area of at least 1,5 square metre for every goat, sheep or ostrich to be accommodated therein with an overall minimum floor area of 30 square metre.
- (b) If a building or shed is provided for such keeping, it must comply with the following requirements -
 - (i) Every wall thereof must be constructed of brick, stone, concrete or other durable material not less than 2m in height and must have a smooth internal finish.
 - (ii) The floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel drained in terms of section 27.
 - (iii) The floor area must be at least 1,5 square metre for every goat or sheep to be accommodated therein with an overall minimum floor area of 6 square metre.
 - (iv) Lighting and ventilation openings totalling at least 0,15 square metre per goat, sheep or ostrich to be kept in the building or shed.
- (c) A building or shed must not be situated within 15 metre and no enclosure within 100 meter of any boundary of any land, dwelling or any other building or structure used for human habitation or within 50 metre of any well, water course or other source of water supply intended or used for human consumption, provided that the Municipal Manager may allow a shorter distance.
- (d) A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to every stable or enclosure.

Duties of Persons Responsible for the Keeping of Goats. Sheep or Ostrich

11. Every person keeping any goat, sheep or ostrich must -

- (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) provide portable manure storage receptacles of an impervious material and with close fitting lids;
- (d) remove all manure from the enclosure, building or shed at least once every 7 days and place it in the manure storage receptacles;
- (e) remove the contents of the manure storage receptacles from the premises at least once every 7 days and dispose thereof in a manner which will not create a nuisance;
- (f) provide a rodent proof store-room in which all feed must be stored and a number of rodent proof receptacles, with close fitting lids in such storeroom in which all loose feed must be stored;
- (g) take effective measures for the prevention of harbouring and breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

KEEPING OF POULTRY

Requirements for Premises

12. Premises complying with the following requirements must be provided for the keeping of poultry:

- (1) A poultry house complying with the following requirements:
 - (a) every wall thereof must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface.
 - (b) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish.
 - (c) the upper floors of the structure of two or more tiers must be of an impervious and easily cleaned material.
 - (d) it must have an area of 0,20 square metre for each grown fowl, duck, or guinea fowl, 0,5 square metre for each grown goose, turkey, peacock to be accommodated therein, with a minimum aggregate area of 4 square metre.
- (2) A poultry run, if provided, must be enclosed with wire mesh or other durable material.
- (4) If a battery system is to be operated, a building or structure in which such system must be housed, constructed and equipped according to with the following requirements, must be provided:
 - (a) every wall, if provided, must be at least 2,4 metre high, and must be constructed of concrete, stone, brick or other durable material and must have a smooth internal surface.
 - (b) if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificially lighting or by obtaining natural ventilation and light through openings or opening windows of an area equal to not less than 15% of the floor area of the building.
 - (c) the floor must be constructed of concrete or other durable and impervious material worked to a smooth finish, and if required by the Municipal Manager , the floor surface must be graded and drained by means of a channel drained in terms of section 27.
 - (d) if no walls are provided, or the walls are of metal, the floor must be provided with a curb at least 150 millimetre high around it's extremities.
 - (e) the cages of the battery system must be constructed of an impervious material.
 - (f) If required by the Municipal Manager, a tray of an impervious material and design must be fitted under every cage.
 - (g) A wash hand basin with a constant supply of water laid on must be provided and drained in terms of section 27.
- (5) A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the battery system building or structure or poultry house.
- (6) There must be at least 3 metre of clear unobstructed space between a poultry house, poultry run or building or structure housing a battery system and the nearest point of any dwelling, outside buildings or other building or structure used for human habitation or any boundary of the stand, and 9 metre from any door or window of any dwelling or living room or other place where food for human consumption is prepared or stored: Provided that if such poultry house, poultry run or battery system is entirely roofed and so situated and constructed that rainwater must be prevented from falling therein, it may be situated not less than 4 metre from any such door or window.
- (7) (a) A rodent proof store-room must be provided for the storage of feed, the floor area of which must not be less than 7 square metre, the width not less than 2,2 metre and the height not less than 2,4 metre.

- (b) If the Municipal Manager is satisfied that, having regard to the number of poultry being kept, a store-room of dimensions less than the minimum dimensions required in terms of subsection (a) or that other storage facilities are suitable, he may permit such smaller store-room or other storage facilities.
- (c) A curbed concrete washing platform or stainless steel trough with draining board and with a constant supply of water laid on, must be provided within or adjacent to such building or structure for the cleaning and disinfection of cages if so required by the Municipal Manager . The washing platform and trough must be drained in terms of section 27.
- (8) (a) If required by the Municipal Manager , with due regard to the quantity of manure to be stored pending removal from the premises, a storage area comprising of roofed over platform constructed of concrete or other durable and impervious material, with a curb at least 100 millimetre high around it's extremities and graded and drained in terms of section 27 must be provided.
- (b) The roof over such platform must extend one metre beyond the extremities of the platform.

Duties of Persons Responsible for the Keeping of Poultry

13. Any person keeping poultry must -

- (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) (i) provide portable manure storage receptacles of an impervious material and with close fitting lids;
- (ii) keep such receptacle on a platform constructed of concrete or other durable and impervious material adjacent to the poultry house, poultry run or building or structure housing a battery system so as to comply with the provisions of section 12(e);
- (f) (i) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every 4 days or at such longer intervals approved by the Municipal Manager from a building or structure housing a battery system, regard being had to the prevention of a public health nuisance caused by offensive smell; and
- (ii) place the manure and other waste matter in the manure storage receptacles;
- (g) remove the contents of the manure storage receptacles from the premises at least once every 7 days and dispose thereof in a manner which will not create a nuisance;
- (h) not store any material or article in any poultry house, poultry run or building or structure housing a battery system, except material or an article which is required for use in such house, run, building or structure;
- (i) provide within the store-room required in terms of section 12(f), a number of rodent proof receptacles with close fitting lids in which all loose feed must be stored;
- (j) 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.

KEEPING OF BIRDS

Requirements for Premises

14. Premises complying with the following requirements must be provided for the keeping of birds in an aviary-
- (a) The aviary must be properly constructed of durable materials, rodent proof and provided with access thereto adequate for cleaning purposes.
 - (b) If the aviary is constructed above ground level, the base thereof must be constructed of an impervious and durable material and must not be less than 300 millimetre above ground level.
 - (c) An aviary must not be situated within 3 metre of any building or structure, boundary fence or boundary wall.
 - (d) A potable supply of water must be provided adequate for drinking and cleaning purposes.

Duties of Persons Responsible for the Keeping of Birds

15. Every 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 vermin;
- (b) provide rodent proof facilities for the storage of bird food and keep such food therein;

- (c) take effective measures for the prevention of harbouring and breeding and for the destruction of flies, cockroaches, rodents and other vermin;
- (d) ensure that such birds do not disturb or hinder the comfort, convenience, peace or quiet of the public.

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

Requirements for Conducting Business

16. (1) Every person conducting the business of a dealer or speculator in livestock or other business involving the keeping of animals or poultry and birds, other than a pet shop, must comply with the requirements of subsections (2) and (3).
- (2) (a) The requirements of sections 2 to 15 inclusive, must be complied with in so far as those provisions are applicable to the animals or poultry kept.
- (b) An enclosure with an area of at least 10 square metre per head of cattle, horse, mule or donkey and 1,5 square metre per goat or sheep to be accommodated therein at any time with an overall minimum area of 50 square metre must be provided.
- (c) (i) a separate change room, clearly designated, must be provided for every sex if more than three non-resident persons of the same sex are employed in the keeping of animals or poultry.
- (ii) each change room must have a floor area of at least 0,5 square metre per employee, subject to an overall minimum area of 6,5 square metre and a minimum width of 2,1 metre.
- (iii) each change room must be equipped with a metal clothes locker for the keeping of personal clothing of each employee.
- (iv) for each employee for whom no change room is required in terms of subparagraph (i), a metal clothes locker must be provided.
- (d) (i) one wash hand basin and one shower-bath must be provided for every 15 persons, or part of that number, employed.
- (ii) every wash hand basin and shower-bath must be located within or adjacent to the change rooms, must have a constant supply of hot and cold running water laid on and be drained in terms of section 27.
- (e) Soap and towelling must be provided at the wash hand basin and shower-bath.
- (f) Overalls or other protective clothing and, if required by the Municipal Manager, protective footwear must be provided for the use of persons employed in the keeping of animals or poultry.
- (3) In respect of employees resident on or at the premises -
- (a) sleeping accommodation equipped with a bed for each such employee must be provided,
- (b) (i) ablution facilities comprising one wash hand basin and one shower-bath or bath, separate for different sexes and clearly designated, must be provided for every 10 persons or part of that number of a particular sex employed;
- (ii) every wash hand basin, shower-bath or bath must have a constant supply of hot and cold running water laid on and be drained in terms of section 27.
- (c) (i) cooking facilities and a scullery for the cleaning of cooking and eating utensils must be provided;
- (ii) the scullery must be fitted with a double bowled sink of stainless steel with a constant supply of hot and cold running water laid on and drained in terms of section 27.
- (iii) every bowl of the sink must have a minimum capacity of 55 litre and be fitted with a 150 millimetre high splash screen on the side nearest the wall and be positioned at least 100 millimetre away from any wall surface;
- (d) laundry facilities consisting of a stainless steel laundry trough with a constant supply of hot and cold running water laid on and drained in terms of section 27 must be provided;
- (e) a refuse receptacle must be provided in the scullery;
- (f) a locker or other approved facilities must be provided in the room where the cooking facilities are situated for the storage of non-perishable food of each employee.

DOG KENNELS AND CATTERIES

Requirements for Premises

17. (1) A person must not maintain kennels or a cattery, unless the requirements of subsections (2) to (12), are complied with.

- (2) A dog or cat must be kept in an enclosure complying with the following requirements -
- (a) it must be constructed of durable materials and must have access thereto adequate for cleaning purposes.
 - (b) the floor must be constructed of concrete or other durable and impervious material worked to a smooth finish and graded to a channel 100 millimetre wide, extending the full width of the floor and situated within the enclosure, which channel must be graded and drained into a gully connected to the council's sewer by means of an earthenware pipe 100 millimetre in diameter.
 - (c) a curb 150 millimetre high must be provided along the entire length of the channel referred to in subsection (b) and on the side thereof adjacent to the surrounding outside area to prevent storm water from such area from entering the channel.
- (3) Every enclosure referred to in subsection (2), must contain a roofed shelter for the accommodation of dogs or cats complying with the following requirements -
- (a) every wall must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface without cracks or open joints.
 - (b) the floor must be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints.
 - (c) every shelter must have adequate access thereto for cleaning and de-verminising.
- (4) In the case of dogs, a dog kennel of moulded asbestos or other similar material, which is movable, and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter contemplated in subsection (2) and if the base of such kennel is not rendered water-proof, a sleeping board which will enable the dog to keep dry, must be provided in every such kennel.
- (5) A concrete apron extending at least 1m wide around the extremities of the enclosure must be provided, which apron must be graded and drained for the draining of storm water away from the enclosure.
- (6) A potable water supply must be provided in or adjacent to the enclosure adequate for drinking and cleaning purposes.
- (7) (a) If required by the Municipal Manager, a separate room or roofed area with a floor area of not less than 6,5 square metre, a width of not less than 2.1 metre and a height of not less than 2.4 metre must be provided for the preparation of food.
- (b) The floor of the room or roofed area must be of concrete or other durable and impervious material brought to a smooth finish.
- (c) The internal wall surfaces of the room or roofed area must be smooth plastered and painted with a light coloured washable paint.
- (d) The room or roofed area must be equipped with preparation tables of metal manufacture and a double bowled stainless steel sink with a constant supply of hot and cold water laid on and drained in terms of section 27.
- (e) Every bowl of the sink must have a minimum depth of 225 mm and a minimum capacity of 55 litres.
- (8) A rodent proof store-room must be provided for the storage of food, the floor area of which must not be less than 6,5 m² and the width not less than 2.1 m: Provided that if the Municipal Manager is satisfied that, having regard to the number of dogs or cats being kept on the premises, a store-room of smaller dimensions than the minimum dimensions required or other storage facilities would be adequate, he/she may permit a smaller store-room or other storage facilities as he deems fit.
- (9) At least 5 metre of clear unobstructed space must be provided between any shelter or enclosure and the nearest point of any dwelling, other building or structure used for human habitation or place where food is stored or prepared for human consumption, or the boundary of any land.
- (10) Isolation facilities must be provided for sick dogs or cats.
- (11) If washing, clipping or grooming of pets is done, the following facilities must be provided -
- (a) A bathroom with a minimum floor area of 9 square metre, a width of not less than 2,1 metre fitted with a bath or similar approved fitting and wash hand basin with a constant supply of hot and cold running water laid on.
 - (b) A clipping and grooming room with a minimum floor area of 10 square metre, a width of not less than 2,1 metre and fitted with approved impervious topped tables and an adequate number of portable storage receptacle of an impervious durable material with close fitting lids for the storage of cut hair pending removal.
 - (c) The rooms referred to in sections (a) and (b) must be laid out in such a manner so as to provide an unobstructed floor area of at least 30 %.

- (d) The floors of the rooms referred to in sections (a) and (b) must be constructed of concrete or other durable and impervious material, brought to a smooth finish, graded to a channel drained in terms of section 27.
 - (e) Every junction between the floor and walls of such room must be coved and the coving must have a minimum radius of 75 mm.
 - (f) Every internal wall surface must be smooth plastered and painted in a light coloured washable paint.
- (12) If cages are provided for the keeping of cats, such cages must be of durable impervious material and constructed so as to be easily cleaned.

Duties of Persons Responsible for the Control of Kennels or Catteries

18. Any person in control of a kennel or a cattery must -
- (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)
 - (i) provide portable storage receptacles of an impervious material with close fitting lids for the storage of dog and cat faeces;
 - (ii) every such receptacle must be kept on a platform constructed of concrete or other durable and impervious material adjacent to the enclosures;
 - (c) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in paragraph (b);
 - (d) remove the contents of the storage receptacles from the premises at least twice every 7 days and dispose thereof in a manner which will not create a nuisance;
 - (e) store all loose food in receptacles with close fitting lids within the food store;
 - (f) provide refrigeration facilities in which all perishable food must be stored at a temperature not higher than 10°C;
 - (g) 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 dogs or cats;
 - (h) provide refuse receptacles with close fitting lids in the food preparation room or roofed area required in terms of section 17(7);
 - (i) keep any sick dog or cat in the isolation facilities required in terms of section 17(10), whilst on the premises;
 - (j) ensure that dogs and cats kept on the premises do not disturb or hinder the comfort, convenience, peace or quiet of the public.

PET SHOPS AND PET SALONS

Requirements for Premises

19. A person must not 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;
 - (b) unless the premises are constructed and equipped in accordance with the following requirements:
 - (i) every wall including any partition of any building must be constructed of brick, concrete or other durable material, must have a smooth internal surface and painted with a light coloured washable paint or given some other approved finish.
 - (ii) the ceiling of any building must be constructed of durable material, have a smooth finish, be dust proof and painted with a light coloured washable paint.
 - (iii) one hand wash basin with a constant supply of hot and cold running water laid on, must be provided for every 15 or part of that number of persons employed on the premises which must be drained in terms of section 27.
 - (iv)
 - (aa) A rodent proof store-room, with a floor area of not less than 10 square metre must be provided.
 - (bb) If the Municipal Manager is satisfied that, having regard to the extent of the business and the quantity of goods and equipment and pets food to be stored on the premises, a store-room of smaller dimensions than the minimum dimensions in terms of subparagraph (aa) is adequate, he or she may permit a smaller store-room.
 - (v) Facilities for the washing of cages, trays and other equipment must be provided in the form of either -

- (aa) a curbed and roofed over platform with a surface of at least 1,5 square metre raised at least 100 millimetre above the floor and constructed of concrete or other durable and impervious material brought to a smooth finish, which platform must be provided with a constant supply of water laid on; or
- (bb) a stainless steel sink or trough not less than 304 millimetre deep with a drainage board and with a constant supply of water laid on;
- (vi) The platform, sink or trough referred to in subparagraph (vi) must be drained in terms of section 27 and any wall surface within 0,5 metre of such platform, sink or trough must be permanently covered with durable waterproof material to a height of at least 1,4 metre above the floor.
- (vii) (aa) If required by the Municipal Manager , a separate change room, clearly designated, must be provided for any sex if more than two persons are employed on the premises.
- (bb) A change room must have a floor area of at least 0,5 m2 for each employee with a minimum overall floor area of 6,5 m2 and a minimum width of 2,1 metre and must be equipped with a separate metal clothes locker for the keeping of personal clothing of each employee.
- (cc) For each employee for which no change room is required in terms of subparagraph (aa), a metal clothes locker must be provided.
- (viii) No door, window or other opening in any wall of a building on the premises must be within 2 metre of any door, window or opening to any building in which food is prepared, stored or sold for human consumption or consumed by humans.
- (ix) If the washing, clipping or grooming of pets is done on the premises the requirements of section 17(11) must be complied with.

Duties of Trader

20. A person who conducts the business of a pet shop must -
- (a) provide cages for housing animals, poultry or birds, and the following requirements must be complied with:
 - (i) The cages must be constructed entirely of metal or other durable impervious material and must be fitted with a removable metal tray below the floor thereof to facilitate cleaning.
 - (ii) A cage must be free from any recess or cavity not readily accessible for cleaning and every tubular or hollow fitting used in connection therewith must have it's interior cavity sealed.
 - (iii) A cage must be of such size and mass and so plated that it can be readily moved.
 - (iv) If rabbits are kept in a cage, the metal tray referred to in sub paragraph (i) must be drained to a removable receptacle.
 - (v) A cage must be fitted with a drinking vessel filled with water and accessible to the pets kept in the cage.
 - (vi) The distance from any cage to the nearest wall must at all times be not less than 150 mm.
 - (vii) The cages must be kept not less than 450 mm above floor level and the space beneath the cages must be unobstructed.
 - (b) provide rodent proof receptacles of an impervious material with close fitting lids in the store-room in which all loose pet food must be stored;
 - (c) provide refrigeration facilities in which all perishable pet food kept on the premises must be stored at a temperature not higher than 10°C;
 - (d) maintain in every room in which pets are kept, an unobstructed floor space of not less than 30% of the floor area of such room and a distance of not less than 800 mm between rows of cages;
 - (e) maintain the premises and a 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;
 - (f) 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;
 - (g) provide overalls or other protective clothing for the use of persons employed in connection with the pet shop and ensure that such apparel is worn by the employee when on duty;
 - (h) not keep any pet in the yard or other open space on the premises. unless otherwise approved by the Municipal Manager ;
 - (i) provide isolation facilities, in which every pet which is or appears to be sick must be kept whilst on the premises;

- (j) ensure that there is a constant and potable water supply for drinking and cleaning purposes;
- (k) ensure that the premises are at all times so ventilated so as to ensure sufficient movement of air for the comfort and survival of the pets;
- (1) ensure that the number of pets per cage are not such that the free movement of such pets is impeded.

BEES

Keeping of bees

21. (1) A person must not keep bees unless he or she is the holder of a permit issued by the Municipal Manager in the form and payment of the fee as determined by the municipality.
- (2) A permit is not transferable and expires on the date on which the permit holder ceases to keep bees or the period for which a permit was issued.
- (3) A fee is not payable if the bees are kept in observation beehives for experimental or educational purposes only.

Duration of permit

22. (1) A permit issued under subsection 21 (1) is valid up to the first ensuing 30th of June following the date of its issue.
- (2) A permit holder may, at least one month before the expiry of the permit, apply in writing to the Municipal Manager for the renewal of the permit.
- (3) The Municipal Manager must renew the permit on a form determined by the municipality if he or she is satisfied that the permit holder complies with section 23(1) and paid the fee as determined in section 21 (1).
- (4) (a) The Municipal Manager may at any time by notice served on a permit holder rescind the permit if there is convincing evidence, which on request has not been rebutted by the permit holder, that the permit holder does not comply with a provision of section 23(1) or that the keeping of the bees constitute a public nuisance or a threat to human or animal life.
- (b) A permit holder is not on account of the rescission of the permit under paragraph (a) entitled to a refund of any part of the fee paid in terms of section 21 (1).

Conditions of permit

23. (1) A permit to keep bees is subject to the following conditions -
- (a) that the bees must be kept in a bee-hive made of solid and weatherproof material and built in such a manner that honeycombs may be formed in frames that can be separated and removed from the bee-hive;
 - (b) that the bee-hive must be kept at least 100 metres from any residence, business premises or place where animals or birds are kept; and
 - (c) that the bee-hive must be surrounded by a wire fence, hedge or wall of at least 1,5 metres high and which is at least 5 metres from any part of the bee-hive.
- (2) The Municipal Manager may at any time, after reasonable notice to a permit holder, inspect the premises concerned to ascertain whether the conditions of the permit are complied with.

Removal or destruction of bees

24. (1) If a person keeps bees on premises without a permit or contrary to a condition contemplated in section 23(1), the Municipal Manager may serve a notice on the owner or occupant of the premises, to the effect that the bees must within the period stated in the notice be destroyed or removed to premises where they may be kept legally, otherwise they will be destroyed or removed by the Municipal Manager and the costs related thereto will be recovered from such owner or occupant.
- (2) If the owner or occupant fails to comply with a notice contemplated in subsection (1), the Municipal Manager may destroy or remove the bees and recover the costs related thereto from the owner or occupant concerned.
- (3) If the keeping of bees on premises constitute a threat to human life, the Municipal Manager may, on the authority of a warrant, destroy or remove the bees, without prior notice to the owner or occupant concerned, and recover the costs related thereto from such owner or occupant.
- (4) For the purposes of this section the owner or occupant of premises is also deemed to keep bees that have naturally settled on the premises concerned.

Service of notices

25. A notice contemplated in section 22(4)(a) or 24(1) is regarded to have been duly served if it has been handed over by the Municipal Manager to the permit holder or the owner or occupant concerned or to a member of his or her household, or to a person at his or her residence or place of employment, who is ostensibly over the age of 16 years.

Prohibition on Hawking

26. No person must hawk livestock or any other animal.

MISCELLANEOUS

Draining

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

Discharge of Taps

28. 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, must be placed so as to discharge directly over and into a dished top fitted to an external gully connected to the municipality's sewer or, where no sewer is available or readily accessible, to other means of drainage approved by the municipality.

Nuisance

29. A person must not-
- (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 or her 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 Municipal Manager .

Stray animals and pets

- 30 (1) The municipality may seize animals or pets found on any premises, land or a public road and which are not under supervision or control of any person and which are causing a nuisance or danger to the safety and health of persons.
- (2) Animals or pets seized in terms of sub-section (1) may be destroyed or caused to be destroyed by the municipality with such instruments or appliances and with such precautions and in such a manner as to inflict as little suffering as possible.

Illness Attributable to Animals

31. The illness of any person which is attributable to the keeping of any animal, poultry, bird or pet as contemplated in these by-laws, must be reported to the Municipal Manager within 24 hours of diagnosis by the person making the diagnosis.

Inspection

32. The Municipal Manager and any officer authorized thereto by the municipality, in order to satisfy himself or herself that the provisions of these by-laws are being complied with may -
- (a) at any reasonable time 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 or she reasonably suspects animals, poultry, birds or pets are kept or such business is being conducted;
 - (b) inspect such premises or any vehicle used or reasonably suspected by him or her 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.

Offences

33. (1) Any person -
- (a) who contravenes or fails to comply with any provisions of these by-laws; or
 - (b) who keeps animals, birds, poultry or bees or who is the person in control of or who conducts the business of a dealer or speculates in livestock, a pet shop, dog kennels or cattery or a hawker of

- poultry 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 Municipal Manager or any officer when requested to give such access;
 - (d) who obstructs or hinders the Municipal Manager or other duly authorised officer;
 - (e) who fails or refuses to give information to the Municipal Manager or such other officer which is lawfully required, or knowingly furnishes false or misleading information;
 - (f) who fails or refuses to comply with a notice in terms of these by-laws,
- is guilty of an offence.
- (2) It shall be a competent defence if a person referred to subsection (1)(b) proves that he or she did not know of, could not reasonably have foreseen and could not have prevented the commission of the offence contemplated in subsection (1).

Penalty

34. Any person who contravenes or fails to comply with any provision of this by-law is guilty of an offence and liable upon conviction to; -
- (1) a fine not exceeding R2000 or imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment;
 - (2) in the case of a continuing offence, to an additional fine or an additional period of imprisonment of 10 days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which 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 result of such contravention or failure.

Repeal of by-laws

35. Any by-laws relating to the keeping of animals adopted by the municipality or any municipality now comprising an administrative unit of the municipality is repealed from the date of promulgation of these by-laws.

Short Title

36. These by-laws shall be called the Keeping of Animals, Poultry and Bees By -laws, 2011.