

## SENQU MUNICIPALITY MUNICIPAL NOTICE

LOCAL AUTHORITY NOTICE NO...

2017

### BY-LAW ON THE KEEPING OF ANIMALS, BIRDS AND POULTRY AND BUSINESSES RELATING THERETO

The Municipal Council of Senqu Local Municipality in the Schedule hereto publishes, in terms of section 13 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) read with section 162 of the Constitution of the Republic of South Africa Act 1996 (Act 108 of 1996) the By-law on the Keeping of Animals, Birds and Poultry and Businesses Relating Thereto.

## SCHEDULE

### TABLE OF CONTENTS

CHAPTER 1 .....	3
DEFINITIONS AND APPLICABILITY.....	3
1 Definitions.....	3
2 Application of by-laws .....	6
CHAPTER 2 .....	6
KENNELS AND PREMISESIN GENERAL.....	6
3 Kennels and premises for the keeping of livestock .....	6
4 Premises for the keeping of animals, poultry and birds .....	7
CHAPTER 3 .....	7
KEEPING OF CATTLE, HORSES, MULES AND DONKEYS .....	7
5 Requirements for premises.....	7
6 Duties of keepers of cattle, horses, mules and donkeys .....	8
CHAPTER 4 .....	9
KEEPING OF PIGS .....	9
7 Requirements for premises.....	9
8 Duties of keepers of pigs .....	10
CHAPTER 5 .....	11
KEEPING OF GOATS AND SHEEP .....	11
9 Requirements for premises.....	11
10 Duties of keepers of goats and sheep .....	12
CHAPTER 6 .....	12
KEEPING OF POULTRY .....	12
11 Requirements for premises .....	12
12 Duties of keepers of poultry.....	15
CHAPTER 7 .....	16
KEEPING OF RABBITS .....	16
13 Requirements for premises .....	16

14	Duties of keepers of rabbits.....	18
CHAPTER 8 .....		19
KEEPING OF BIRDS.....		19
15	Requirements for premises .....	19
16	Duties of keepers of birds .....	19
CHAPTER 9 .....		20
DEALERS IN LIVESTOCK AND OTHER BUSINESSES INVOLVING THE KEEPING OF ANIMALS AND POULTRY.....		20
17	Requirements for conducting a business.....	20
CHAPTER 10 .....		21
DOG KENNELS AND CATTERIES .....		21
18	Requirements for premises .....	21
19	Duties of persons in control of kennels and catteries.....	24
CHAPTER 11 .....		25
PET SHOPS AND PET SALONS .....		25
20	Requirements for premises .....	25
21	Duties of pet shop and pet salon owners.....	27
CHAPTER 12 .....		28
HAWKING OF POULTRY AND RABBITS .....		28
22	Requirements for hawking.....	28
23	Duties of hawkers .....	29
CHAPTER 13 .....		29
NUISANCE.....		29
24	Nuisance.....	29
CHAPTER 14 .....		30
DOGS.....		30
25	Vicious dogs and bitches on heat.....	30
26	Dogs causing a nuisance .....	30
27	Dogs to be led.....	31
28	Dogs not to be incited .....	31
CHAPTER 15 .....		31
POUNDS .....		31
29	Pound master.....	31
30	Pound procedure .....	32
31	Impounding of animals .....	32
32	Pound master may recover expenses .....	33
33	Unclaimed animals may be sold or destroyed .....	33
CHAPTER 16 .....		33
LAW ENFORCEMENT .....		33
34	Appointment of compliance officer .....	33
35	Compliance officer may destroy an animal.....	33

36	Powers of compliance officers concerned with prevention of cruelty to animals .....	34
37	Owner may be summoned to produce an animal for inspection by court.....	36
38	Animal fights .....	36
39	Offences and penalties .....	37
40	Costs may be awarded against vexatious complainant .....	38
41	Prosecution of corporate body and partnership .....	39
CHAPTER 17 .....		39
GENERAL PROVISIONS .....		39
42	Illnesses attributable to animals .....	39
43	Drainage .....	39
44	Discharge of taps .....	39
45	Repeal of by-laws .....	39
46	Short title and commencement.....	39

## CHAPTER 1

### DEFINITIONS AND APPLICABILITY

#### 1 Definitions

In this By-law any word or expression to which a meaning has been assigned in this By-law has the meaning so assigned to it and, unless the context otherwise indicates:

**"adequate"** means adequate in the opinion of the Municipality;

**"animal"** means any of the following animals:

- (a) Cattle;
- (b) sheep;
- (c) goats;
- (d) horses;
- (e) mules;
- (f) donkeys;
- (g) pigs;
- (h) rabbits;
- (i) cats; or
- (j) dogs;

**"approved"** means approved by the health officer, regard being had to the reasonable public health requirements that may apply to each particular case;

**"aviary"** means a roofed or unroofed enclosure, other than a portable cage, used for the keeping of birds;

**battery system"** means a system of keeping birds or poultry in cages either in single rows or in tier formation within a building or structure;

**"bird"** means a feathered vertebrate other than poultry;

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

**"compliance officer"** means a person who is authorised to implement and enforce the provisions of this By-law by virtue of his or her –

- (a) declaration as a peace officer as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977);
- (b) appointment as a police officer as contemplated in the South African Police Service Act, 1995 (Act 68 of 1995);
- (c) a traffic officer appointed in terms of section 3 of the Road Traffic Act, No. 29 of 1989 or section 3A of the National Road Traffic Act No. 93 of 1996 as the case may be;
- (d) appointment as a law enforcement officer or traffic officer by the Municipality and declaration as peace officer as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977); or
- (e) appointment by the Municipality as a compliance officer or an inspector;

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

**"dwelling"** means any building or part of a building used for human habitation;

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

**"environmental health practitioner"** means an environmental health practitioner appointed by the Municipality in terms of section 24 of the Health Act, 1977 (Act 63 of 1977);

**"hawk"** means the activity of hawking licensed in terms of item 3(1) of Schedule 1 to the Businesses Act, 1991 (Act 71 of 1991);

**"hawker"** means any person carrying on the activity of hawking in terms of item 3(1) of Schedule 1 to the Businesses Act, 1991;

**"health officer"** means a medical officer of health appointed in terms of section 22 or 25 of the Health Act, 1977;

**"kennels"** means any premises in or on which –

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

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

**"Municipality"** means the Senqu Municipality and includes the Council, any executive councillor, or committee established by the Municipality, or any employee thereof, or duly authorised agent thereof acting in connection with this By-law by virtue of a power vested in the Municipality and delegated to such employee or agent;

**"nuisance"** means a nuisance as defined in the Health Act, 1977;

**"owner"**, in relation to an animal, means any person having possession, charge, custody or control of the animal;

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

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

**"pet salon"** means the business of providing a beauty treatment service for pets by washing, drying, brushing, clipping or trimming them or by attending to their nails or teeth;

**"pet shop"** means the business of keeping pets for the purpose of sale; "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 fowl;

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

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

**"pound fees"** means fees payable for impounding animals determined for the purposes of this By-law, by the Municipality in terms of the Senqu Municipality: Tariff By-law, 2017, and includes fees for the removal and destruction of carcasses;

**"pound master"** means a person in control of a pound;

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

**"public place"** means any road, street, pavement, sidewalk, 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 of a building or structure used for accommodating or keeping cattle, horses, mules or donkeys; and

**"veterinarian"** means a person registered as a veterinarian in terms of section 1 of the Veterinary and Para-Veterinary Professions Act, 1982 (Act 19 of 1982).

## **2 Application of By-laws**

- (1) The provisions of this By-law do not apply to -
  - (a) the keeping of cows for commercial milk production;
  - (b) an agricultural show where animals, poultry or birds are kept on a temporary basis; and
  - (c) a laboratory where animals, poultry or birds are kept for research purposes,provided that the health officer may, if he or she is satisfied that the application of one of the provisions of this By-law or more is essential in the interest of public health, by notice to the person in control require such provision or provisions to be complied with.
- (2) The provisions of sections 4, 9 and 10 do not apply to the temporary keeping of a goat on any premises for the purpose of providing 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 sections 3, 4, 5, 7, 9, 11, 13, 15, 17, 18 and 20 apply only to premises that are newly constructed or have been reconstructed or converted after the commencement of this By-law, provided that the health officer may, if he or she is satisfied that the application of any one of the provisions in question or more is essential in the interest of public health, give notice in writing to the owner or person in control of such premises to, within a reasonable period stated in the notice, comply with the provisions the health officer may specify.
- (4) The provisions of section 11(5), (8) and (10) and section 12(d) to (i) do not apply to the keeping of poultry numbering not more than 20.
- (5) The provisions of section 13(5) and (8) and section 14(d) to (h) do not apply to the keeping of ten rabbits or less.

## **CHAPTER 2**

### **KENNELS AND PREMISES IN GENERAL**

## **3 Kennels and premises for the keeping of livestock**

- (1) No person may –
  - (a) keep any livestock, other than poultry, or maintain a kennels in any area defined by the Municipality as unsuitable for the keeping of livestock and the maintenance of kennels; and
  - (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 is not less than 2,5 ha in extent.
- (2) The provisions of subsection 1(a) do not apply in respect of a veterinary clinic or veterinary hospital operating with the Municipality's consent.

#### **4 Premises for the keeping of animals, poultry and birds**

No person may –

- (a) keep any animal, unit of poultry or bird in or on premises that do not comply with the provisions of this By-law;
- (b) keep any animal, unit of poultry or bird in or on premises that are so constructed, maintained or situated that the keeping of animals, poultry or birds on the premises is, in the opinion of the health officer, likely to cause a nuisance;
- (c) keep more than 20 units of poultry or 10 rabbits on special residential premises, provided that more than 20 units of poultry may be kept on an agricultural holding and that the owner, occupier or keeper ensures that no health nuisance is constituted;
- (d) keep more than three dogs or three cats older than six months on premises zoned for special residential purposes;
- (e) keep dogs and cats on premises zoned for general residential purposes or industrial or business purposes unless the prior approval of a compliance officer has been obtained, provided that in giving his or her approval the compliance officer may impose any conditions he or she deems necessary; and
- (f) operate a battery system for poultry or rabbits before written approval has been obtained from the Municipality.

### **CHAPTER 3**

#### **KEEPING OF CATTLE, HORSES, MULES AND DONKEYS**

#### **5 Requirements for premises**

- (1) For the keeping of a head of cattle, horse, mule or donkey on any premises, a stable or enclosure must be provided on the premises:
- (2) A stable contemplated in subsection (1) must meet the following requirements:
  - (a) Every wall and partition 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 brought to a smooth finish;
  - (c) if the stable has –
    - (i) a pitched roof, the walls of the stable must have a height of 2,4m;
    - (ii) a flat roof, the walls of the stable must have a height of 2,7m;
    - (iii) a lean-to roof, the walls of the stable must have a mean height of 3m with a minimum height of 2,4m on the one side; and

- (iv) an opening along the entire length of one of its long sides, the height of the wall may not be less than 2m;
- (d) the stable must have a floor area of at least 9m<sup>2</sup> for each head of cattle, horse, mule or donkey accommodated in the stable;
- (e) except in the case of a stable that is open along the entire length of one of its long sides, lighting and ventilation must be provided in the stable by means of one or more than one opening or glazed window or louvre that can be opened, provided that –
  - (i) the area of the opening, window or louvre totals at least 0,3m<sup>2</sup> for each head of cattle, horse, mule or donkey accommodated in the stable; and
  - (ii) the lowest point of every opening, window or louvre is at least 1,8m above floor level;
- (f) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish, be graded to a channel and be drained in accordance with section 43.

(3) An enclosure contemplated in subsection (1) must have an area of at least 10m<sup>2</sup> for each head of cattle, horse, mule or donkey accommodated in the enclosure, and the fencing of the enclosure must be of a substantial material and be so constructed as to prevent the animals from breaking out.

(4) No enclosure contemplated in subsection (1) may be situated within 30 m and no stable contemplated in subsection (1) may be situated less than 5 m of any boundary of any land, dwelling or other building or structure used for human habitation and no enclosure and no stable may be situated within 50 m of any well, watercourse or other source of water supply intended or used for human consumption.

(5) A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to a stable or enclosure contemplated in subsection (1) for the animals accommodated in the stable or enclosure.

## **6 Duties of keepers of cattle, horses, mules and donkeys**

A person keeping any head of cattle, horse, mule or donkey on any premises must –

- (a) ensure that the head of cattle, horse, mule or donkey is kept in a stable or an enclosure on the premises;
- (b) maintain in a clean and sanitary condition and in good repair –
  - (i) the premises; and
  - (ii) any equipment, apparatus, container and receptacle used in connection with the keeping of the head of cattle, horse, mule or donkey;



- (c) provide portable manure storage receptacles on the premises, which receptacles must –
  - (i) be of an impervious material and have close-fitting lids; and
  - (ii) be kept on a platform that is constructed of concrete or other durable and impervious material and that is situated adjacent to the stable or enclosure, provided that the provisions of section 5(4) are ,with the necessary changes, complied with;
- (d) if the nature of the manure and the bedding in the stable or enclosure are of such quantity that the storage receptacles contemplated in paragraph (c) are inadequate or impractical, provide a manure midden that –
  - (i) is enclosed on three sides by walls constructed of brick, concrete or other durable material plastered to a smooth finish and coved at the junction of the walls with the floor; and
  - (ii) has a floor that is of concrete brought to a smooth finish, is graded and is drained to a water channel at least 150 mm in diameter along the full length of the open side, which channel must be kept filled with water;
- (e) remove all the manure from the stable or enclosure at least once every 24 hours and dispose of the manure in a manner that will not create a nuisance;
- (f) store all saddles, bridles, harnesses and other equipment or articles used in the keeping of cattle, horses, mules and donkeys in a storeroom or other approved storage facilities;
- (g) store concentrates in a number of rodent-proof receptacles with close-fitting lids in a rodent-proof storeroom on the premises; and
- (h) take effective measures to destroy or prevent the harbouring or breeding of flies, cockroaches, rodents and other vermin on the premises.

## **CHAPTER 4**

### **KEEPING OF PIGS**

#### **7 Requirements for premises**

- (1) For the keeping of a pig on any premises, a pigsty, meeting all of the requirements contained in this section, must be provided on the premises:
- (2) Every wall of the pigsty must –
  - (a) be constructed of brick, stone, concrete or other durable material;
  - (b) have a height of not less than 1,5 m; and
  - (c) have a smooth internal surface.
- (3) The pigsty must have a floor area of at least 3 m<sup>2</sup> for each pig accommodated in the pigsty, with an overall minimum floor area of 6 m<sup>2</sup>.

(4) A roof over any part of the pigsty must, at its lowest point in the pigsty, be at a height of not less than 1,5 m from ground level and, except in the case of a roofed structure having one of its long sides completely open, the pigsty must have –

- (a) lighting and ventilation openings of at least 0,15 m<sup>2</sup> for every pig that is accommodated in the pigsty, which openings are situated in opposite external walls; or
- (b) adequate means of ventilation and lighting other than that provided for in subparagraph (i).

(5) The junction of the pigsty's walls with its floor must be coved.

(6) The floor of the pigsty must be –

- (a) at least 150 mm above the surrounding ground level;
- (b) constructed of concrete or other durable and impervious material brought to a smooth finish; and
- (c) graded to allow for the run-off of liquids into an open channel outside the pigsty, which channel must be not less than 100 mm in diameter, be constructed of concrete, glazed earthenware or other durable and impervious material and be drained in accordance with section 43.

(7) The pigsty must be so constructed as to prevent any pig in the pigsty from breaking out.

(8) No pigsty may be situated within 100 m of –

- (a) any dwelling or other building or structure used for human habitation;
- (b) the boundary of any land; or
- (c) any well, watercourse or other source of water supply intended or used for human consumption.

(9) A roofed-over concrete platform must be provided for the storage of all swill in containers and for the preparation of pig feed, which platform must –

- (a) have curbing of a height of at least 100 mm on all of its sides; and
- (b) a surface brought to a smooth impervious finish, graded to a channel and drained in accordance with section 43.

(10) A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the pigsty for the pigs accommodated in the pigsty.

## **8 Duties of keepers of pigs**

A person keeping a pig on any premises must –

- (a) ensure that the pig is kept in a pigsty on the premises;
- (b) maintain in a clean and sanitary condition and in good repair –
  - (i) the premises; and
  - (ii) any equipment, apparatus, container and receptacle used in connection with the keeping of pigs;

- (c) provide portable manure storage receptacles on the premises, which receptacles must –
  - (i) be of an impervious material and have close-fitting lids; and
  - (ii) be kept on a platform that is constructed of concrete or other durable and impervious material and that is situated adjacent to the pigsty, provided that the provisions of section 9, with the necessary changes, are complied with;
- (d) remove all manure from the pigsty at least once every 24 hours and dispose of the manure in a manner that will not create a nuisance;
- (e) provide –
  - (i) a rodent-proof storeroom on the premises in which storeroom all feed, other than swill, must be stored; and
  - (ii) a number of rodent-proof receptacles with close-fitting lids for the storeroom, in which receptacles must be stored all loose feed; and
- (f) take effective measures to destroy or prevent the harbouring or breeding of flies, cockroaches, rodents and other vermin on the premises.

## **CHAPTER 5**

### **KEEPING OF GOATS AND SHEEP**

#### **9 Requirements for premises**

(1) For the keeping of a goat or sheep on any premises, an enclosure or a building or shed must be provided on the premises.

(2) An enclosure contemplated in subsection (1) must have an area of at least 1,5m<sup>2</sup> for every goat or sheep accommodated in the enclosure, with an overall minimum floor area of 30m<sup>2</sup>.

(3) A building or shed contemplated in subsection (1) must meet the following requirements:

- (a) Every wall of the building or shed must –
  - (i) be constructed of brick, stone, concrete or other durable material;
  - (ii) have a height of not less than 2m; and
  - (iii) have a smooth internal finish.
- (b) The floor of the building or shed must be constructed of concrete or other durable and impervious material brought to a smooth finish, be graded to a channel and be drained in accordance with section 43.
- (c) The floor area of the building or shed must be at least 1,5m<sup>2</sup> for every goat or sheep accommodated in the building or shed, with an overall minimum floor area of 6m<sup>2</sup>.
- (d) The building or shed must have lighting and ventilation openings of at least 0,15m<sup>2</sup> per goat or sheep accommodated in the building or shed.

(4) No building or shed contemplated in subsection (1) may be situated within 5m and no enclosure contemplated in subsection (1) may be situated within 30m of any boundary of any land, dwelling or any other building or structure used for human habitation and no building or shed and no enclosure may be situated within 50m of any well, watercourse or other source of water supply intended or used for human consumption.

(5) A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to every enclosure, building or shed contemplated in subsection (1) for the goats or sheep accommodated therein.

## **10 Duties of keepers of goats and sheep**

A person keeping any goat or sheep on any premises must –

- (a) ensure that the goat or sheep is kept in an enclosure, building or shed on the premises;
- (b) maintain in a clean and sanitary condition and in good repair –
  - (i) the premises; and
  - (ii) any equipment, apparatus, container and receptacle used in connection with the keeping of goats and sheep;
- (c) provide portable manure storage receptacles on the premises, which receptacles must be of an impervious material and have close-fitting lids;
- (d) remove all manure from the enclosure, building or shed at least once every seven days and place the manure in the manure storage receptacles;
- (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 manner that will not create a nuisance;
- (f) provide –
  - (i) a rodent-proof storeroom on the premises to store concentrates; and
  - (ii) a number of rodent-proof receptacles with close-fitting lids for the storeroom, in which receptacles must be stored the concentrates; and
- (g) take effective measures to destroy or prevent the harbouring and breeding of flies, cockroaches, rodents and other vermin on the premises.

## **CHAPTER 6**

### **KEEPING OF POULTRY**

## **11 Requirements for premises**

(1) For the keeping of any unit of poultry on any premises, a poultry house, a poultry run or a building or structure housing a battery system must be provided on the premises.

(2) A poultry house contemplated in subsection (1) must meet the following requirements:

- (a) Every wall of the poultry house must –
  - (i) be constructed of brick, stone, concrete or other durable material;
  - (ii) have a height of not less than 2 m; and
  - (iii) have a smooth internal finish.
- (b) The floor of the poultry house must be constructed of concrete or other durable and impervious material brought to a smooth finish.
- (c) If the poultry house consists of a structure that has two tiers or more, the upper tiers of the structure must be of an impervious material that can be cleaned easily.
- (d) The poultry house must have an area of at least –
  - (i) 0,20m<sup>2</sup> for each mature fowl, duck, Muscovy duck or guinea fowl accommodated in the poultry house;
  - (ii) 0,5m<sup>2</sup> for each mature goose, turkey or peacock accommodated in the poultry house; and
  - (iii) 0,14m<sup>2</sup> for each mature pigeon accommodated in the poultry house, with an overall minimum area of 4m<sup>2</sup>.

(3) A poultry run contemplated in subsection (1) must be enclosed with wire mesh or similar durable material.

(4) A battery system contemplated in subsection (1) must be housed in a building or structure that is constructed and equipped to meet the following requirements:

- (a) If the building or structure has walls, every wall must –
  - (i) have a height of at least 2,4 m;
  - (ii) be constructed of concrete, stone, brick or other durable material; and
  - (iii) have a smooth internal surface.
- (b) If the building or structure has walls, the building or structure must be ventilated and illuminated either by means of mechanical ventilation and artificial lighting or by means of natural ventilation and light through openings or windows that can be opened, and the size of the openings or windows must be equal to at least 15% of the floor area of the building or structure.
- (c) The floor of the building or structure must be constructed of concrete or other durable and impervious material brought to a smooth finish and, if required by the health officer, the floor surface must be graded to a channel and be drained in accordance with section 43.

- (d) If the building or structure has no walls or if the walls are of metal, the floor must be provided with curbing of a height of at least 150 mm around the extremities of the building or structure.
- (e) In the building or structure, every junction of the floor with the walls and curbing must be coved.
- (f) The cages of the battery system must be constructed of an impervious material.
- (g) If required by the health officer, a tray of an impervious material and design must be fitted under every cage for the collection of manure.
- (h) A washbasin with a constant supply of water laid on must be provided in the building or structure and be drained in accordance with section 43.

(5) A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the poultry house, poultry run or building or structure contemplated in subsection (1) for the poultry accommodated therein.

(6) At least 1 m of clear unobstructed space must be maintained between any poultry house, poultry run or building or structure housing a battery system and –

- (a) the nearest point of any dwelling, other building or structure used for human habitation;
- (b) any place where foodstuffs are stored or prepared for human consumption; and
- (c) the nearest boundary of any land.

(7) No poultry may be kept on any business premises.

- (8) (a) A rodent-proof storeroom with a floor area of at least 7m<sup>2</sup>, a width of at least 2,2m and a height of at least 2,4m must be provided on premises referred to in subsection (1) for storing feed.
- (b) If the health officer is satisfied that, having regard to the number of units of poultry being kept on the premises, a storeroom of dimensions less than the minimum dimensions required in terms of paragraph (a) or other storage facilities are adequate, he or she may permit the smaller storeroom or other storage facilities.

(9) A curbed concrete washing platform or stainless steel trough with a draining board and a constant supply of water laid on must be provided inside or adjacent to a building or structure housing a battery system for the purpose of cleaning and disinfecting the cages and the washing platform or trough must be drained in accordance with section 43.

(10) If required by the health officer and with due regard to the quantity of manure to be stored on premises referred to in subsection (1) pending removal of the manure from the premises, a storage area must be provided on the premises for the manure.

(11) The storage area referred to in subsection (10) must comprise a roofed-over platform that –

- (a) is constructed of concrete or other durable and impervious material;
- (b) has curbing of a height of at least 100 mm around the extremities of the platform;
- (c) is graded and drained in accordance with section 43; and
- (d) has a roof extending 1m beyond the extremities of the platform.

## 12 Duties of keepers of poultry

A person keeping any unit of poultry on any premises must –

- (a) ensure that the unit of poultry is kept on the premises inside a poultry house, poultry run or building or structure housing a battery system;
- (b) maintain in a clean and sanitary condition and in good repair –
  - (i) the premises; and
  - (ii) any equipment, apparatus, container and receptacle used in connection with the keeping of poultry;
- (c) keep the premises free from offensive odours and keep every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from vermin;
- (d) ensure that the poultry do not disturb or hinder the comfort, convenience or peace and quiet of the public;
- (e) provide portable manure storage receptacles on the premises, which receptacles must –
  - (i) be of an impervious material and have close-fitting lids; and
  - (ii) be kept on a platform that is –
    - (aa) constructed of concrete or other durable and impervious material; and
    - (bb) situated adjacent to the poultry house, poultry run or building or structure housing a battery system,
 provided that the provisions of section 11(6) are *,with the necessary changes,* complied with;
- (f) having regard to the prevention of a public health nuisance caused by an offensive smell
  - (i) remove all manure and other waste from the poultry house or poultry run at least once every 48 hours; and
  - (ii) remove all manure and other waste from a building or structure housing a battery system once every four days or at longer intervals approved by the health officer;
- (g) place manure and other waste matter in the 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 contents in a manner that will not create a nuisance;
- (i) store no material or article in any poultry house, poultry run or building or structure housing a battery system, except material or an article that is required for use in the poultry house, poultry run or building or structure housing a battery system;
- (j) provide for the inside of the storeroom contemplated in section 11(8) a number of rodent- proof receptacles with close-fitting lids in which all loose feed must be stored; and
- (k) take effective measures to –
  - (i) destroy or prevent the harbouring or breeding of flies, cockroaches, rodents and other vermin on the premises; and
  - (ii) prevent offensive odours from arising from the keeping of poultry on the premises.

## **CHAPTER 7**

### **KEEPING OF RABBITS**

#### **13 Requirements for premises**

(1) For the keeping of a rabbit on any premises, a rabbit hutch, a rabbit run or a building or structure housing a battery system must be provided on the premises.

(2) A rabbit hutch contemplated in subsection (1) must meet the following requirements:

- (a) Every wall of the rabbit hutch must be constructed of brick, stone, concrete or other durable material and have a smooth internal surface.
- (b) The floor surface of the rabbit hutch must –
  - (i) be at least 150mm above ground level;
  - (ii) be constructed of concrete or other durable and impervious material brought to a smooth finish; and
  - (iii) if required by the health officer, be graded to a channel and be drained in accordance with section 43.
- (c) Natural light and ventilation must be provided in the rabbit hutch.
- (d) The rabbit hutch must have a minimum area of at least 0,4m<sup>2</sup> for every rabbit accommodated in the rabbit hutch.

(3) A rabbit run contemplated in subsection (1) must be enclosed with wire mesh or similar durable material and be so constructed as to prevent the escape of rabbits from the rabbit run.

(4) A battery system contemplated in subsection (1) must be housed in a building or structure that is constructed and equipped to meet the following requirements:



- (a) If the building or structure has walls, every wall must –
  - (i) have a height of at least 2,4m;
  - (ii) be constructed of concrete, stone, brick or other durable material; and
  - (iii) have a smooth internal surface.
- (b) If the building or structure has walls, the building or structure must be ventilated and illuminated by means of natural openings or windows, and the size of the openings or windows must be equal to at least 15% of the floor area of the building or structure.
- (c) The floor of the building or structure must be constructed of concrete or other durable and impervious material brought to a smooth finish and, if required by the health officer, the floor surface must be graded to a channel and be drained in accordance with section 43.
- (d) If the building or structure has no walls or if the walls are of metal, the floor must be provided with curbing of a height of at least 150 mm around the extremities of the building or structure.
- (e) In the building or structure, every junction of the floor with the walls and curbing must be coved.
- (f) The cages of the battery system must be –
  - (i) constructed of an impervious material; and
  - (ii) fitted with trays of an impervious material under every cage to receive urine.
- (g) A washbasin with a constant supply of water laid on must be provided and be drained in accordance with section 43.

(5) A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the rabbit hutch, rabbit run or building or structure contemplated in subsection (1) for the rabbits accommodated therein.

(6) At least 1m of clear unobstructed space must be maintained between any rabbit hutch, rabbit run or building or structure housing a battery system and –

- (a) the nearest point of any dwelling, other building or structure used for human habitation;
- (b) any place where foodstuffs are stored or prepared for human consumption; and
- (c) the nearest boundary of any land.

(7) No rabbits may be kept on any business premises

- (8) (a) A rodent-proof storeroom with a floor area of at least 7m<sup>2</sup>, a width of at least 2,2m and a height of at least 2,4m must be provided on the premises referred to in subsection (1) for storing feed.

- (b) If the health officer is satisfied that, having regard to the number of rabbits being kept on the premises, a storeroom of dimensions less than the minimum dimensions required in terms of paragraph (a) or other storage facilities are suitable, he or she may permit the smaller storeroom or other storage facilities

(9) A curbed concrete washing platform or stainless steel trough with a draining board and a constant supply of water laid on must be provided inside or adjacent to a building or structure housing a battery system for the purpose of cleaning and disinfecting the cages.

(10) The washing platform or trough referred to in subsection (9) must be drained in accordance with section 43.

#### **14 Duties of keepers of rabbits**

A person keeping a rabbit on any premises must –

- (a) ensure that the rabbit is kept inside a rabbit hutch, rabbit run or building or structure housing a battery system;
- (b) maintain in a clean, sanitary condition and in good repair –
  - (i) the premises; and
  - (ii) any equipment, apparatus, container and receptacle used in connection with the keeping of rabbits;
- (c) keep the premises free from offensive odours and keep every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from vermin;
- (d) provide portable manure storage receptacles on the premises, which receptacles must –
  - (i) be of an impervious material and have close-fitting lids;
  - (ii) be kept on a platform that is –
    - (aa) constructed of concrete or other durable and impervious material;
    - (bb) situated adjacent to the rabbit hutch, rabbit run or building or structure housing the battery system,provided that the provisions of section 13(6) are *,with the necessary changes,* complied with;
- (e) at least once every 48 hours remove the droppings and other waste matter from the rabbit hutch, rabbit run or building or structure housing the battery system and place the droppings and other waste matter in the manure storage receptacles;
- (f) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a manner that will not create a nuisance;

- (g) store no material or article in any rabbit hutch, rabbit run or building or structure housing a battery system, except material or an article that is required for use in the rabbit hutch, rabbit run or building or structure housing the battery system;
- (h) provide for the inside of the storeroom contemplated in section 13(8) a number of rodent- proof receptacles with close-fitting lids in which all loose feed must be stored; and
- (i) take effective measures to –
  - (i) destroy or prevent the harbouring and breeding of flies, cockroaches, rodents and other vermin on the premises; and
  - (ii) prevent offensive odours from arising from the keeping of rabbits on the premises

## **CHAPTER 8**

### **KEEPING OF BIRDS**

#### **15 Requirements for premises**

For the keeping of birds in an aviary on any premises, the following requirements must be met:

- (a) The aviary must be –
  - (i) properly constructed of durable material;
  - (ii) rodent-proof; and
  - (iii) provided with an access that is adequate for cleaning purposes.
- (b) If the aviary is constructed above ground level, the base of the aviary must be –
  - (i) constructed of an impervious and durable material; and
  - (ii) not less than 300 mm above ground level.
- (c) No aviary may be situated within 1 m of any building or structure, boundary fence or boundary wall.
- (d) A potable water supply adequate for drinking and cleaning purposes must be provided for the birds accommodated in the aviary.

#### **16 Duties of keepers of birds**

Every person who keeps birds in an aviary on any premises 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 storing bird food and keep the bird food in the facilities;
- (c) take effective measures to destroy or prevent the harbouring and breeding of flies, cockroaches, rodents and other vermin on the premises; and

- (d) ensure that the birds do not disturb or hinder the comfort, convenience or peace and quiet of the public.

## **CHAPTER 9**

### **DEALERS IN LIVESTOCK AND OTHER BUSINESSES INVOLVING THE KEEPING OF ANIMALS AND POULTRY**

#### **17 Requirements for conducting a business**

Every person conducting the business of a dealer or speculator in livestock or conducting any other business involving the keeping of animals or poultry, other than a pet shop or pet salon, must meet the following requirements:

- (a) The provisions of sections 3 to 12 must be complied with in so far as those provisions are applicable to the livestock or the animals or poultry kept.
- (b) The premises on which the business is conducted must –
  - (i) if cattle, horses, mules or donkeys are dealt in, speculated in or kept, have an enclosure with an area of at least 10 m<sup>2</sup> per head of cattle, horse, mule or donkey to be accommodated in the enclosure at any time; or
  - (ii) if goats or sheep are dealt in, speculated in or kept, have an enclosure with an area of at least 1,5 m<sup>2</sup> per goat or sheep to be accommodated in the enclosure at any time,provided that such enclosure has an overall minimum area of 50m<sup>2</sup>.
- (c)
  - (i) A separate change-room for each sex, clearly designated, must be provided on the premises on which the business is conducted.
  - (ii) Every change-room must have a floor area of at least 0,5 m<sup>2</sup> per employee, with an overall minimum area of 6,5 m<sup>2</sup> and a minimum width of 2,1 m.
  - (iii) Every change-room must be equipped with a metal clothes locker for every employee for keeping personal clothing.
  - (iv) Every change-room must have one washbasin and one shower-bath for every 15 employees, which washbasin and shower-bath must –
    - (aa) be located within or adjacent to the change-rooms;
    - (bb) have a constant supply of hot and cold running water laid on;
    - (cc) be drained in accordance with section 43; and
    - (dd) be provided with soap and towelling.
- (d) Overalls or other protective clothing and, if required by the health officer, protective footwear must be provided for the use of persons employed by the business in the keeping of livestock, animals or poultry.

- (e) In respect of employees resident on or at the premises on which the business is conducted –
  - (i) sleeping accommodation with a bed for each employee must be provided;
  - (ii) ablution facilities comprising one washbasin and one shower-bath or bath, separate for the sexes and clearly designated for each sex, must be provided for every ten employees, which washbasin, shower-bath or bath must have a constant supply of hot and cold running water laid on and be drained in accordance with section 43;
  - (iii) cooking facilities and a scullery for the cleaning of cooking and eating utensils must be provided, which scullery must have a refuse receptacle and 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 accordance with section 43, and every bowl of such double-bowled sink must –
    - (aa) have a minimum capacity of 55 l;
    - (bb) be fitted with a 150mm high splash screen on the side nearest the wall; and
    - (cc) be positioned at least 100 mm away from any wall surface;
  - (iv) laundry facilities consisting of –
    - (aa) a stainless steel laundry trough with a constant supply of hot and cold running water laid on and drained in accordance with section 43; and
    - (bb) storage receptacles for laundry, must be provided; and
  - (v) a locker or other approved facility must be provided for storing non-perishable food of every employee, which locker or facility must be situated in the room where the cooking facilities are situated.

## **CHAPTER 10**

### **DOG KENNELS AND CATTERIES**

#### **18 Requirements for premises**

No person may maintain a kennels or a cattery on any premises unless the following requirements are met:

- (a) Every dog in the kennels or every cat in the cattery, as the case may be, must be kept in an enclosure meeting the following requirements:
  - (i) The enclosure must be constructed of durable material and have adequate access for cleaning purposes.

- (ii) The floor of the enclosure must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel, 100 mm wide, that extends the full width of the floor and is situated within the enclosure, which channel must be graded and drained in accordance with section 43.
- (iii) Curbing of a height of 150 mm must be provided along the entire length of the channel referred to in subparagraph (ii) and on the side of the channel adjacent to the surrounding outside area so as to prevent stormwater from the outside from entering the channel.
- (iv) Every enclosure must have a roofed shelter for the accommodation of dogs or cats, as the case may be, and the roofed shelter must meet the following requirements:
  - (aa) Every wall of the shelter must be constructed of brick, stone, concrete or other durable material and have a smooth internal surface without cracks or open joints.
  - (bb) The floor area of the shelter must be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints.
  - (cc) If the shelter is a permanent structure, every junction of the floor with the walls must be coved.
  - (dd) The shelter must have adequate access for cleaning purposes.
- (v) In the case of dogs, a movable dog kennel of moulded asbestos or other similar material that is placed on a base constructed of concrete or other durable material with a finish that is easy to clean, without cracks or open joints, may be provided instead of a roofed shelter as contemplated in subparagraph (iv), and if the base of the kennel is not water-proof, a sleeping board that will enable the dog to keep dry must be provided in every such kennel.
- (vi) A concrete apron of a width of at least 1 m extending around the extremities of the enclosure must be provided, which apron must be graded so as to drain stormwater away from the enclosure.
- (vii) A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the enclosure.
- (b) If required by the health officer, a separate room or roofed area meeting the following requirements must be provided on the premises for the preparation of food for the dogs or cats, as the case may be:
  - (i) The room or roofed area must have a floor area of at least 6,5 m<sup>2</sup>, a width of at least 2,1 m and a height of at least 2,4 m.

- (ii) The floor of the room or roofed area must be of concrete or other durable and impervious material brought to a smooth finish.
  - (iii) The internal wall surfaces of the room or roofed area must be smoothly plastered and painted with light-coloured washable paint.
  - (iv) The room or roofed area must be equipped with metal preparation tables and a double-bowled stainless steel sink, which sink must –
    - (aa) have a constant supply of hot and cold water laid on;
    - (bb) be drained in accordance with section 43; and
    - (cc) have a minimum depth of 225 mm and a minimum capacity of 55 l.
- (c)
  - (i) A rodent-proof storeroom for the storage of food for the dogs or cats, as the case may be, must be provided on the premises. Such storeroom must have a floor area of at least 6,5 m<sup>2</sup> and a width of at least 2,1 m.
  - (ii) If the health officer is satisfied that, having regard to the number of dogs or cats being kept on the premises, a storeroom of smaller dimensions than the minimum dimensions required in terms of subparagraph (i) or other storage facilities are adequate, he or she may permit the smaller storeroom or other storage facilities.
- (d) At least 5 m of clear unobstructed space must be maintained between an enclosure referred to in paragraph (a) and the nearest point of any dwelling, building or structure used for human habitation or place where food is stored or prepared for human consumption, or the boundary of any land.
- (e) Isolation facilities for sick dogs or sick cats, as the case may be, must be provided on the premises.
- (f) If the washing, clipping or grooming of pets is done on the premises, the following facilities must be provided on the premises:
  - (i) A bathroom with –
    - (aa) a minimum floor area of 9m<sup>2</sup>;
    - (bb) a width of not less than 2,1m;
    - (cc) a bath or a similar approved fitting and a washbasin; and
    - (dd) a constant supply of hot and cold running water laid on; and
  - (ii) a clipping and grooming room with –
    - (aa) a minimum floor area of 10m<sup>2</sup>;
    - (bb) a width of at least 2,1 m;
    - (cc) approved tables with an impervious top; and
    - (dd) an adequate number of portable storage receptacles of an impervious and durable material with close-fitting lids for storing cut hair pending removal.

- (g) The bathroom and clipping and grooming room referred to in paragraph (f) must –
  - (i) be laid out so as to provide an unobstructed floor area of at least 30%;
  - (ii) have floors that are constructed of concrete or other durable and impervious material brought to a smooth finish, are graded to a channel and are drained in accordance with section 43;
  - (iii) have coving at every junction of the floor with the walls, and the coving must have a minimum radius of 75 mm; and
  - (iv) have walls with an internal wall surface smoothly plastered and painted in light- coloured washable paint.
- (h) If cages are provided for the keeping of cats on the premises, the cages must be of a durable impervious material and be constructed so that they are easy to clean

## **19 Duties of persons in control of kennels and catteries**

Any person in control of a kennels or a cattery on any premises must –

- (a) maintain the premises, equipment and every vessel, receptacle, 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 storing dog and cat faeces on the premises; and
  - (ii) keep the portable storage receptacles on a platform constructed of concrete or other durable and impervious material adjacent to the enclosure contemplated in section 18;
- (c) remove all faeces and other waste matter from the enclosure contemplated in section 18 at least once every 24 hours and place the faeces and other waste matter in the portable storage receptacles;
- (d) remove the contents of the portable storage receptacles from the premises at least twice every seven days and dispose of the contents in a manner that will not create a nuisance;
- (e) store all loose food in receptacles with close-fitting lids inside the storeroom referred to in section 18(c);
- (f) provide refrigeration facilities on the premises to store all perishable food at a temperature not higher than 10 °C;
- (g) take effective measures to –
  - (i) destroy or prevent the harbouring or breeding of flies, cockroaches, rodents and other vermin on the premises; and



- (ii) prevent offensive odours from arising from the keeping of dogs or cats on the premises;
- (h) provide refuse receptacles with close-fitting lids in the room or roofed area contemplated in section 18(b);
- (i) keep any sick dog or sick cat in the isolation facilities contemplated in section 18(e) while the sick dog or sick cat is on the premises; and
- (j) ensure that any dog or any cat kept on the premises does not disturb or hinder the comfort, convenience or peace and quiet of the public.

## **CHAPTER 11**

### **PET SHOPS AND PET SALONS**

#### **20 Requirements for premises**

- (1) No person may conduct the business of a pet shop or pet salon in or on any premises –
  - (a) in which there is direct internal access to any room or place –
    - (i) which is used for human habitation; or
    - (ii) in which clothing is stored or sold; or
    - (iii) in which food for human consumption is prepared, stored, sold or consumed; and
  - (b) unless the premises meet requirements of this section.
- (2) The premises on which the business of a pet shop or pet salon is conducted must meet the following requirements:
  - (a) Every wall of any building housing the pet shop or pet salon, including any partition of the building, must be constructed of brick, concrete or other durable material, have a smooth internal surface and be painted with light-coloured washable paint or given some other approved finish.
  - (b) The floor of a building contemplated in paragraph (a) must be constructed of concrete or other durable and impervious material brought to a smooth finish.
  - (c) The ceiling of a building contemplated in paragraph (a) must be constructed of a durable material, have a smooth finish, be dust-proof and be painted with light-coloured washable paint.
  - (d) One washbasin with a constant supply of hot and cold running water laid on must be provided on the premises for every 15 persons employed on the premises of the pet shop or pet salon, and the washbasin must be drained in accordance with section 43.
  - (e) (i) A rodent-proof storeroom with a floor area of at least 16 m<sup>2</sup> must be provided on the premises.

- (ii) If the health officer is satisfied that, having regard to the extent of the business and the quantity of goods, equipment and pet food to be stored on the premises, a storeroom of smaller dimensions than the minimum dimensions in terms of subparagraph (i) is adequate, he or she may permit a smaller storeroom on the premises.
- (f) Facilities for the washing of cages, trays and other equipment must be provided on the premises in the form of either –
  - (i) a curbed and roofed-over platform with a surface area of at least 1,5 m<sup>2</sup>, raised at least 100 mm 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
  - (ii) a stainless steel sink or trough with a drainage board and a constant supply of water laid on.
- (g) The platform, sink or trough referred to in paragraph (f) must be drained in accordance with section 43, and any wall surface within 0,5 m of such platform, sink or trough must be covered permanently with durable waterproof material to a height of at least 1,4 m above the floor.
- (h)
  - (i) A separate change-room for each sex, clearly designated, must be provided on the premises if more than two persons of the opposite sex are employed on the premises of the pet shop or pet salon.
  - (ii) Every change-room must have a floor area of at least 0,5 m<sup>2</sup> for each employee, with a minimum overall floor area of 6,5 m<sup>2</sup> and a minimum width of 2,1 m, and the change-room must be equipped with a separate metal clothes locker for the keeping of personal clothing for each employee.
  - (iii) If separate change-rooms are not required in terms of subparagraph (i), a metal clothes locker must be provided for each employee.
- (i) No door, window or other opening in any wall of a building contemplated in paragraph (a) may be within 2 m of any door, window or opening to any building in which food is –
  - (i) prepared, stored or sold for human consumption; or
  - (ii) consumed by humans.
- (j) If the washing, clipping or grooming of pets is done on the premises, the provisions of section 18(f) must be complied with.

## **21 Duties of pet shop and pet salon owners**

(1) Every person who conducts the business of a pet shop or pet salon on any premises must –

- (a) provide cages for housing animals, poultry and birds on the premises;
- (b) provide rodent-proof receptacles for storing all loose pet food in the storeroom contemplated in section 20(2)(e), which receptacles must be of an impervious material and have close-fitting lids;
- (c) provide refrigeration facilities for storing all perishable pet food kept that is kept on the premises, which food 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 at least 30% of the floor area of such room and a distance of at least 800 mm between rows of cages;
- (e) maintain in a clean, sanitary condition, free from vermin and in good repair –
  - (i) the premises; and
  - (ii) every cage, tray, container, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop or pet salon;
- (f) take effective measures to –
  - (i) destroy or prevent the harbouring or breeding of flies, cockroaches, rodents and other vermin on the premises; and
  - (ii) prevent offensive odours from arising from the keeping of pets on the premises;
- (g) provide overalls or other protective clothing for use by persons employed in connection with the pet shop or pet salon and ensure that the overalls or other protective clothing is worn by such persons when on duty;
- (h) keep no pet in a yard or other open space on the premises unless the approval of the health officer has been obtained;
- (i) provide isolation facilities in which every pet that is or appears to be sick may be kept while on the premises;
- (j) ensure that there is a constant and potable supply of water for drinking and cleaning purposes for the pets in the pet shop or pet salon;
- (k) ensure that the premises are at all times so ventilated as to ensure sufficient movement of air for the comfort and survival of the pets; and
- (l) ensure that the number of pets per cage is not such that the free movement of the pets is impeded.

(2) The following requirements in respect of the cages referred to in subsection (1)(a) must be met:

- (a) The cages must be constructed entirely of metal or other durable impervious material, and each cage must be fitted with a removable metal tray below the floor of the cage to facilitate cleaning.
- (b) Every cage must be free from any recess or cavity that is not readily accessible for cleaning, and every tubular or hollow fitting used in connection with the cage must have its interior cavity sealed.
- (c) Every cage must be of such a size and mass and so placed that the cage can be readily moved.
- (d) If rabbits are kept in a cage, the metal tray referred to in paragraph (a) must be drained to a removable receptacle.
- (e) Every cage must be fitted with a drinking vessel filled with water and accessible to the pets kept in the cage.
- (f) The distance from any cage to the nearest wall must be at least 150 mm.
- (g) Every cage must be kept at least 450 mm above the floor level, and the space beneath the cage must be unobstructed.

## **CHAPTER 12**

### **HAWKING OF POULTRY AND RABBITS**

#### **22 Requirements for hawking**

No person may hawk poultry or rabbits unless the following requirements are met:

- (a) The business of a hawker must be conducted from premises on which poultry or rabbits are kept in compliance with the provisions of Chapters 5 and 6, and facilities must be provided for the parking after normal trading hours of the vehicle that is used for hawking.
- (b) Facilities for the washing and disinfecting of cages, crates and trays must be provided on the premises referred to in paragraph (a). Such facilities must be in the form of either –
  - (i) a curbed platform with a surface area of at least 1,5 m<sup>2</sup>, raised at least 100 mm above the floor and constructed of concrete or other durable and impervious material brought to a smooth finish, which platform must be drained in accordance with section 43; or
  - (ii) a stainless steel sink or trough with a drainage board and a constant supply of water laid on.
- (c) (i) A vehicle of sound construction, painted with an oil-based paint and bearing the name of the hawker, together with his or her residential address and the address of his or her business premises, in clear legible letters of a height of not less than 50 mm on both sides of the vehicle, must be used for hawking.

- (ii) The part of the vehicle in which poultry or rabbits are conveyed must be provided with a top or cover of heat-resistant material, other than metal, and provision must be made in such part of the vehicle for cross-ventilation.
- (d) (i) Cages or crates of an impervious and durable material must be provided for conveying poultry or rabbits on the vehicle contemplated in paragraph (c).
- (ii) The cages or crates or divisions of the cages or crates must be fitted with removable trays of impervious material for the reception of poultry manure or rabbit droppings, provided that in the case of rabbits, the trays are drained to a removable receptacle.
- (iii) Every cage or crate or division of a cage or crate must be provided with a drinking vessel with a depth of at least 100 mm, filled with water, and the vessel must be fixed to an inside corner of the cage, crate or division.
- (e) Suitable protection must be provided for the poultry against sun and heat.

## **23 Duties of hawkers**

Every person hawking poultry or rabbits must –

- (a) wash and thoroughly clean after each day's trading –
  - (i) every cage, crate and tray used on the vehicle contemplated in section 22(a); and
  - (ii) that part of the vehicle in which poultry or rabbits are conveyed;
- (b) remove from every cage or crate on the vehicle any unit of poultry or rabbit that appears to be sick and place such unit of poultry or rabbit in a separate cage;
- (c) maintain in a clean and sanitary condition, free from vermin and in good repair the premises, vehicle and every cage, crate, tray, vessel, container and receptacle used in connection with the hawking of poultry or rabbits; and
- (d) store all feed for the poultry or rabbits in rodent-proof receptacles.

## **CHAPTER 13**

### **NUISANCE**

## **24 Nuisance**

No person may –

- (a) keep any animal or pet in such a manner as to cause a nuisance; and
- (b) fail to duly dispose of dead animals in a manner prescribed by the health officer.

## CHAPTER 14

### DOGS

#### 25 Vicious dogs and bitches on heat

- (1) No person may permit any dog, particularly –
  - (a) a dog that is wild or vicious;
  - (b) a dog that has acquired the habit of running after vehicles, animals, poultry, pigeons or persons outside any premises where such a dog is kept;
  - (c) a dog that causes injury to persons or damage to property; or
  - (d) a bitch on heat;to be in a public place.
- (2) No person may bring a dog contemplated in subsection (1) to a public place.
- (3) Any compliance officer may impound a dog referred to in subsection (1) or (2) or have such dog impounded.
- (4) Any person claiming any dog impounded in terms of subsection (3) is not entitled to its return unless and until the pound fees have been paid.

#### 26 Dogs causing a nuisance

- (1) No person may keep a dog if –
  - (a) the dog creates a disturbance or a nuisance by constantly or excessively barking, howling or whirling;
  - (b) the dog suffers from a contagious disease, provided that the dog may be kept in a veterinary surgeon's clinic for treatment;
  - (c) the dog defecates when taken into a public place or road while under the control or supervision of a person and the person fails to dispose of the faeces in a refuse receptacle; and
  - (d) the stench of faeces of the dog kept on the person's property becomes a nuisance to the occupiers of adjacent properties.
- (2)
  - (a) If a compliance officer is of the opinion that a dog is creating a disturbance or a nuisance in terms of subsection (1)(a), he or she may order the owner of the dog by notice in writing to remove the dog from the place from which the dog is creating the disturbance or nuisance.
  - (b) An owner contemplated in subsection (1) must, within 96 hours, calculated from 12:00 on the day on which the notice was served, remove the dog from the place from which the dog is creating the disturbance or nuisance. If the owner fails to comply with the notice, the compliance officer may impound the dog and deal with it in terms of the provisions of Chapters 9 and 12.
- (3) The Municipality is not liable to pay any compensation to any person in respect of any action in terms of this section.

## **27 Dogs to be led**

(1) No person may permit any dog to be at large in a street or public place unless the dog is kept on a leash or a chain and under the control of such person.

(2) Any compliance officer may impound a dog that is in a street or public place and is not kept on a leash or a chain, and such dog must be dealt with in accordance with Chapters 9 and 12.

## **28 Dogs not to be incited**

No person, except a person training a dog at a dog training school, may, without reasonable grounds –

- (a) incite a dog against a person, animal or bird; or
- (b) permit a dog in his or her custody or under his or her control to attack or frighten any person, animal or bird.

# **CHAPTER 15**

## **POUNDS**

## **29 Pound master**

(1) The pound master must –

- (a) keep the pound open between 08:00 and 16:30 on every weekday and between 08:00 and 12:00 on Saturdays;
- (b) keep a register in which the following particulars in respect of every impounded animal are recorded:
  - (i) The name, residential address and telephone number, if any, of the person who impounded the animal;
  - (ii) the time at which and date on which the animal was impounded;
  - (iii) the place where the animal was found immediately before it was seized;
  - (iv) the date on which and the time at which the animal was seized;
  - (v) the reason for impounding the animal;
  - (vi) a description of the animal, which description must include the estimated age, breed, sex, colour, markings and any injury found on the animal when the pound master accepted it;
  - (vii) whether the animal was released, sold or destroyed and the date and time of such release, sale or destruction;
  - (viii) the amount of money realised in respect of the animal's release or sale; and
  - (ix) the amount of the veterinary expenses incurred, if any, in respect of the animal;

- (c) ensure that the pound and all instruments and appliances used in connection with impounded animals are at all times kept in a clean condition and free from flies and other vermin to the satisfaction of the environmental health practitioner; and
- (d) take all necessary steps to have an animal destroyed as contemplated in paragraph (b)(vii) and to recover any expenses incurred in this regard from the person referred to in paragraph (b)(ix).

(2) A person claiming an impounded animal must satisfy the pound master that he or she is the owner of the animal.

(3) The person claiming an impounded animal must pay to the pound master the pound fees determined by the Municipality from time to time in terms of section 80B of the Local Government Ordinance, 1939 (Ordinance 17 of 1939).

(4) The pound master must ensure that the provisions of subsection (2) are complied with.

### **30 Pound procedure**

(1) A compliance officer contemplated in paragraph (a), (b) and (c) of the definition of compliance officer defined in section 1 of this By-law may seize and impound any animal that he or she suspects is ownerless.

(2) If an owner or occupier of land finds on such land an animal that is not his or her property, the owner or occupier may seize and impound such animal or cause such animal to be seized and impounded.

(3) Notwithstanding the provisions of subsections (1) and (2), no person may seize and impound any animal if there are reasonable grounds to believe that –

- (a) the animal is a bitch with unwanted young, unless such bitch and unwanted young are impounded together; and
- (b) the animal is sick, except a dog suffering from an infectious disease or in respect of which the provisions of section 10 of the Animal Diseases Act, 1984 (Act 35 of 1984), apply.

(4) A person who has seized and impounded an animal in terms of this section must ensure that such animal is not ill-treated and may, if the pound is closed, keep such animal in his or her custody for a period not exceeding 16 hours.

(5) Subject to the provisions of subsections (1) and (2), no person may rescue or steal any animal that has been seized or is kept in custody or has been impounded in terms of this section.

### **31 Impounding of animals**

(1) Any compliance officer may impound any animal that –

- (a) is at large and apparently ownerless; or
- (b) has no metal name tag for identification on its collar; or



(c) is being kept in contravention of any part of this By-law.

(2) An animal referred to in subsection (1) must be detained at the pound until the person claiming the animal has paid to the pound master the pound fees.

(3) If the name and address of a person appear on the collar of an impounded dog, the pound master must immediately communicate with that person and for the purpose of this section a written communication posted to the address on the collar, micro-chip or tattoo is deemed sufficient communication.

(4) No person may remove or attempt to remove from the custody of the person in charge of the pound any animal lawfully impounded.

(5) For the purpose of this section "pound" means a place designated by the Municipality for the detention and destruction of dogs in terms of this By-law.

### **32 Pound master may recover expenses**

The pound master is entitled to recover from the owner of any impounded animal the cost of any reasonable expenses incurred by the pound master in rendering or providing necessary veterinary or medical attention for the animal.

### **33 Unclaimed animals may be sold or destroyed**

(1) If an impounded animal is not claimed by a person entitled to the animal in terms of section 31(2) within seven days after the day on which the animal was impounded, the pound master may sell or destroy the animal or cause the animal to be sold or destroyed in the manner prescribed in section 5 of the Animals Protection Act, 1962 (Act 71 of 1962).

(2) The Municipality is not liable for any compensation to any person entitled to an animal contemplated in subsection (1) in respect of any action taken in terms of this section.

## **CHAPTER 16**

### **LAW ENFORCEMENT**

### **34 Appointment of compliance officer**

(1) The Municipality may appoint or designate a person or employee to serve as a compliance officer for purposes of compliance and enforcement monitoring of this By-law.

(2) A compliance officer shall take all lawful, necessary and practicable measures to enforce the provisions of this By-law.

(3) The Municipality shall issue each compliance officer with a written appointment stating that he or she has been appointed for purposes of this By-law or with an identification card that contains the municipal logo, department and name of the officer.

### **35 Compliance officer may destroy an animal**

(1) Whenever a compliance officer is of the opinion that an animal is so diseased or severely injured or in such a physical condition that it ought to be destroyed, he or she may, if the owner of the animal is absent or refuses to consent to the destruction of the animal, summon a

veterinarian immediately or, if there is no veterinarian within a reasonable distance, two adult persons whom he or she considers to be reliable and of sound judgement. If such veterinarian or adult persons, after having duly examined the animal, certify that the animal is so diseased or severely injured or in such a physical condition that it would be cruel to keep it alive, the compliance officer may without the consent of the owner destroy the animal or cause it to be destroyed with such instruments or appliances and with such precautions and in such manner as to inflict as little suffering as practicable.

(2) Any compliance officer who in the absence of the owner of an animal destroys the animal or causes it to be destroyed must, if the owner's name and address are known, advise the owner of the destruction. If the destruction of the animal takes place in a public place or on a public road, the compliance officer must, subject to the provisions of the Animal Diseases Act, 1984, remove the carcass or cause it to be removed from the public place or public road.

(3) A veterinarian may in respect of any animal exercise the powers conferred by subsection (1) on a compliance officer on the compliance officer's behalf without summoning another veterinarian or compliance officer or any other person and, in respect of the exercising of those powers, the provisions of subsection (2) apply.

(4) Any expenses which may reasonably be incurred by a compliance officer or veterinarian in carrying out the provisions of this section may be recovered from the owner of the animal in question as a civil debt.

(5) It is a defence to an action brought against any person arising from the destruction of an animal by him or her or with his or her authority to prove that such animal was so severely injured or so diseased or in such a physical condition that it would have been cruel to have kept it alive, and that to summon a compliance officer or follow the procedure prescribed in this section would have occasioned unreasonable delay and unnecessary suffering to such animal.

### **36 Powers of compliance officers concerned with prevention of cruelty to animals**

(1) If authorised thereto in writing under the hand of the magistrate of a district, any compliance officer concerned with the prevention of cruelty to animals may in that district –

- (a) without a warrant and at any time with the consent of the owner or occupier or, failing such consent, on obtaining an order from a magistrate, enter any premises where an animal is kept, for the purpose of examining the conditions under which the animal is kept;
- (b) without a warrant arrest any person who is on reasonable grounds suspected of having committed an offence under this By-law, if there is reason to believe that the ends of justice would be defeated by the delay in obtaining a warrant;
- (c) on the arrest of a person on a charge of an offence under this By-law, seize any animal or thing in the possession or custody of that person at the time of the arrest and immediately take it to a police officer, who must deal with

the animal or thing in accordance with the provisions of the Criminal Procedure Act, 1977 (Act 51 of 1977); and

- (d) exercise in respect of any animal the powers conferred by section 35(1) on a compliance officer and in respect of the exercising of those powers, the provisions of section 35(1) apply with the necessary changes.

(2) Any authority granted under subsection (1) may at any time for good cause be revoked by the magistrate of the district.

(3) A compliance officer shall show proof of his or her written appointment or identification card contemplated in section 34(3) when required to do so by any person affected by the exercising of a power or show proof that he or she is a law enforcement officer.

(4) A compliance officer may not investigate a matter in which he or she has a direct or indirect personal interest.

(5) In ascertaining compliance with this By-law, a compliance officer may:

- (a) be accompanied by an interpreter, a police officer or any other person who may be able to assist with the inspection;
- (b) question any person who is or was on that property, who in the opinion of the compliance officer, may be able to furnish information on a matter to which this By-law relates;
- (c) question any person about any act or omission in respect of which there is a reasonable suspicion that it might constitute:
  - (i) an offence in terms of this By-law; or
  - (ii) a breach of an approval or a term or condition of such approval
- (d) question a person about any structure, object, document, book or record or inspect any written or electronic information or object which may be relevant for the purpose of investigating any matter in connection with this By-law;
- (e) examine any book, record or other written or electronic information and make a copy thereof or an extract therefrom and remove such document, book, record or written or electronic information in order to make copies or extracts;
- (f) require a person to produce or to deliver to a place specified by him or her, any document, book, record, or any written or electronic information referred to in paragraph (e) for inspection;
- (g) require from such person an explanation of any entry in such document, book, record or written or electronic information;
- (h) inspect any article, substance, plant or machinery which is or was on the property, or any work performed on the property or any condition prevalent on the property, or remove for examination or analysis any article, substance, plant or machinery or a part or sample;
- (i) seize any book, record or other document, details or any article, substance, plant or machinery or a part or sample thereof which in his or her opinion may serve as

evidence at the trial of any person charged with an offence under this By-law, provided that the user of the article, substance, plant or machinery concerned, as the case may be, may make copies of such book, record or document before such seizure;

- (j) direct any person to appear before him or her at such time and place as may be determined by him or her and question such person either alone or in the presence of any other person on any matter to which this By-law relates; and
- (k) take photographs or make audio visual recordings or tape recordings of any person or anything for the purposes of his or her investigation.

(6) When a compliance officer removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated above, he or she shall issue a receipt to the owner or person in control thereof and return it as soon as practicable after achieving the purpose for which it was removed or seized.

(7) Where a compliance officer enters any land in terms of subsection (1), a person who controls or manages the land shall at all times provide such facilities as are reasonably required by the compliance officer to enable him or her to perform his or her functions effectively and safely under this By-law.

(8) A compliance officer who enters and searches any property or private dwelling under this section, shall conduct such search with strict regard for decency and order and with regard for each person's right to dignity, freedom, security and privacy.

### **37 Owner may be summoned to produce an animal for inspection by court**

(1) A court trying any person for an alleged offence under this By-law may summon the owner of an animal in respect of which such offence is alleged to have been committed to produce that animal for inspection by the court at the time and place stated in the summons.

(2) Any person who without a satisfactory excuse fails to comply with a summons issued in terms of subsection (1) is guilty of an offence and liable on conviction to a fine or imprisonment or both such fine and imprisonment.

### **38 Animal fights**

(1) Any person who –

- (a) possesses, keeps, imports, buys, sells, trains, breeds or has under his or her control an animal for the purpose of fighting any other animal;
- (b) baits, provokes or incites any animal to attack another animal or to proceed with the fighting of another animal;
- (c) for financial gain or as a form of amusement promotes animal fights;
- (d) allows any of the acts referred to in paragraphs (a) to (c) to take place on any premises or place in his or her possession or under his or her charge or control;

- (e) owns, uses or controls any premises or place for the purpose or partly for the purpose of presenting animal fights on such premises or place or who acts or assists in the management of such premises or place, or who receives any consideration for the admission of any person to such premises or place; or
- (f) is present as a spectator at any premises or place where any of the acts referred to in paragraphs (b) to (e) is taking place or where preparations are being made for such acts,

is guilty of an offence and liable on conviction to a fine of R20 000,00 (twenty thousand rand) or to imprisonment for a period not exceeding two years.

(2) In any prosecution it is presumed, unless the contrary is proved, that an animal that is found at any premises or place is the property or under the control of the owner of those premises or that place, or is the property or under the control of the person who uses or is in control of the premises or place.

### **39 Offences and penalties**

(1) A person is guilty of an offence and liable on conviction to a fine or to imprisonment or both such fine or imprisonment if he or she –

- (a) overloads, overdrives, overrides, ill-treats, neglects, infuriates, tortures, maims, beats, kicks, goads or terrifies any animal;
- (b) confines, chains, tethers or secures any animal unnecessarily or under such conditions or in such manner or position as to cause that animal unnecessary suffering, or keeps any animal in a place that has inadequate space, ventilation, light, protection or shelter from heat, cold or extreme weather conditions;
- (c) unnecessarily starves or insufficiently feeds any animal or deprives any animal of water or food;
- (d) liberates any bird in such manner as to expose the bird to immediate attack or danger of attack by any animal, wild animal or wild bird;
- (e) drives or works an animal that is so diseased or so injured or in such a physical condition that the animal is unfit to be driven or to do any work;
- (f) lays any trap or device for the purpose of capturing or destroying an animal, wild animal or wild bird, the capturing or destruction of which is not proved to be necessary for the protection of property or for the prevention of the spread of disease;
- (g) having laid a trap or device referred to in paragraph (f), fails to inspect and clear such trap or device at least once a day, whether in person or through a competent person;

- (h) except under the authority of a permit issued by the magistrate of the district in question, sells a trap or device intended for the capture of an animal, including a wild animal (not being a rodent) or wild bird, to any person who is not a bona fide farmer;
- (i) conveys, carries, confines, secures, restrains or tethers an animal –
  - (i) in conditions in which the animal has inadequate shelter, light or ventilation or in conditions in which the animal is unduly exposed to heat, cold, weather, sun, rain, dust, exhaust gases or noxious fumes;
  - (ii) without making adequate provision for suitable food, potable water and rest for the animal in circumstances where it is deemed necessary; or
  - (iii) in such conditions or in such manner or position or for such period of time or over such distance as to cause the animal unnecessary suffering;
- (j) without reasonable cause administers to an animal any poisonous or injurious drug or substance;
- (k) being the owner of an animal, deliberately or without reasonable cause or excuse abandons the animal, whether permanently or not, in circumstances likely to cause that animal unnecessary suffering;
- (l) causes, procures or assists in the commission or omission of any of the acts contemplated in paragraphs (a) to (k) or, being the owner of an animal, permits the commission or omission of any such act;
- (m) by wantonly or unreasonably or negligently doing or omitting to do any act or causing or procuring the commission or omission of any act, causes unnecessary suffering to an animal; or
- (n) slaughters an animal for any reason whatsoever, excluding slaughtering for own use and ritual slaughtering, in a residential area without the prior consent of a compliance officer or environmental health practitioner.

(2) Notwithstanding anything to the contrary contained in any law, a magistrate's court has jurisdiction to impose any penalty provided for in this section.

#### **40 Costs may be awarded against vexatious complainant**

If at the trial of any person on a charge of an offence under this By-law the court is satisfied that a person or body has without reasonable cause and vexatiously lodged or caused to be lodged the complaint which led to the trial, the court may award costs, including attorney and client costs, on the magistrate's court scale, against such person or body as if the proceedings were civil proceedings between the accused and such person or body.

#### **41 Prosecution of corporate body and partnership**

A partner in a partnership, a member of the board, executive committee or other managing body or a corporate body is personally guilty of an offence contemplated in terms of this By-law if such offence was committed by:

- (a) a corporate body established in terms of any law; or
- (b) a partnership; and

such person failed to take reasonable steps to prevent the offence.

### **CHAPTER 17**

#### **GENERAL PROVISIONS**

#### **42 Illnesses 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 7 to 10, must be reported to the health officer within 24 hours of diagnosis by the person making the diagnosis.

#### **43 Drainage**

All sinks, washbasins, baths, shower-baths, troughs, floor surfaces, including channels and washing platforms, required to be drained in terms of this By-law must be drained to an external gully that is connected to the Municipality's sewer or, where no sewer is available or readily accessible, to other means of approved drainage.

#### **44 Discharge of taps**

The taps at all water supply points required in terms of this By-law, other than those within a building or structure of which the floors are graded and drained, must be placed in such a way 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 approved drainage.

#### **45 Repeal of by-laws**

The By-laws set out in the schedule to this By-law are hereby repealed as specified and to the extent as set out in the schedule.

#### **46 Short title and commencement**

This By-law shall be known as the Senqu Municipality: Keeping of Animals, Birds and Poultry and Businesses Relating Thereto By-law, 2017 and shall come into operation on the date of publication thereof in the *Provincial Gazette*.

**SCHEDULE**  
**BY-LAWS REPEALED**

Notice Number and Year	Title	Extent of repeal
190 of 2005	By-Laws relating to the Keeping of Dogs	The whole
210 of 2005	By-Laws relating to Animals Birds and Domestic Pets	The whole