

Winnie Madikizela-Mandela, South Africa

## Keeping of Animals By-law, 2009

Legislation as at 27 February 2009

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# Winnie Madikizela-Mandela South Africa

## Keeping of Animals By-law, 2009

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The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal System Act, 2000 ([Act 32 of 2000](#)), read with Section 162 of The [Constitution](#) of the Republic of South Africa, 1996 ([Act 108 of 1996](#)), publishes the Mbizana Local Municipality: By-laws Relating to Keeping of Animals, Birds and Poultry and Businesses involving the Keeping of Animals, Birds, Poultry or pets, which have been approved by the Local Municipality.

### Chapter I General

#### 1. Definitions

In these By-laws, unless the context otherwise indicates-

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

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

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

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

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

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

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

"**Municipality**" means Mbizana Local Municipality established in terms of section 13 of the Local Government: Municipal Structures Act, 1999 ([Act No 29 of 1999](#));

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

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

"**health officer**" means a medical officer of health appointed in terms of section 22 or 25 of the Health Act, 1977 ([Act 63 of 1977](#)), and includes a health inspector appointed by a local authority in terms of section 24 of that Act;

"**kennels**" means premises in or on which-

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

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

"**Local Municipality**" means Mbizana Local Municipality contemplated in section 59 read with section 81(2) of the Local Government Municipal Systems Act, 2000 ([Act No. 32 of 2000](#)), in terms of Section 157(1) of the [Constitution of the Republic of South Africa, 1996](#) ([Act 108 of 1996](#)), or person designated by any legislation or resolution of Municipality to represent it;

"**nuisance**" means a nuisance as defined in the Health Act, 1977 ([Act 63 of 1977](#));

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

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

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

"**pet salon**" means any premises in or on 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 licensed for that purpose under the Licenses Ordinance, 1974 ([Ordinance 19 of 1974](#));

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

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

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

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

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

"**public place**" means any road, street, pavement, 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 thereof used for accommodating or keeping any cattle, horses, mules or donkeys;

"**stray animals**" means animals found in the municipal area which were not approved by the municipality.

## 2. Application of By-laws

- (1) The provisions of these By-laws must not apply to-
  - (a) the keeping of cows for commercial milk production;
  - (b) any agricultural show where animals, poultry or birds are kept on a temporary basis;
  - (c) any laboratory where animals, poultry or birds are kept for research purposes, but the health officer 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, 5, 10 and 11 must not apply to the temporary keeping of a goat on any land for the provision of milk for medical reasons, provided the prior approval of the health officer is obtained and no nuisance arises from the keeping of such goat.
- (3) The provision of section 3, 4(a), 6, 8, 10, 12, 14, 16, 18, 19 and 21 must apply only to premises which are newly constructed, reconstructed or converted after the commencement of these By-laws, provided that the health officer may, if he is satisfied that the application of any one or more of the said requirements is essential in the interests of public health, give notice in writing to the owner or person in control of such premises, to comply with such requirements as he may specify and within a reasonable period stated in the notice.
- (4) The provisions of sections 12(d), (f) and (g) and 13(d) to (h) inclusive, must not apply to the keeping of poultry not in excess often in number.
- (5) The provisions of sections 14(c) and (e) and 15(d) to (h) inclusive, must not apply to the keeping of rabbits not in excess of ten in number.

### **3. Premises for the keeping of livestock and kennels**

No person must-

- (a) keep any livestock, other than poultry, or maintain kennels within any area defined by the Municipality as unsuitable for the keeping of livestock and the maintenance of kennels but the foregoing must 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 but in the case of a dealer or speculator in livestock the land must not be less than 2,5 ha in extent.

### **4. Keeping of animals, poultry and birds**

No person must keep any animal, poultry or bird in or on any premises-

- (a) which does not comply with the provisions of these By-laws;
- (b) which are so constructed, maintained or situated that the keeping of animals, poultry or birds thereon is, in the opinion of the health officer, likely to cause a nuisance or injury to health.

### **5. Permits for keeping of animals and poultry**

(1) No person must keep any animal, poultry or bird in or on any premises-

- (a) which does not comply with the provisions of these By-laws;
- (b) which are so constructed, maintained or situated that the keeping of animals, poultry or birds is, in the opinion of the authorised official, likely to cause a nuisance or injury to health.

### **6. Permits for keeping animals and poultry**

(1) No person must-

- (a) keep any animal or poultry in excess of the number specified in such permit, provided that progeny of any mammal still suckling, must not be taken into account;
- (b) keep or allow to be kept, more than 100 poultry in number on an agricultural holding but-
  - (i) the authorised official may if he or she is of the opinion that a nuisance or danger is not likely to be caused to public health, on written application by the owner, grant such an owner a permit to keep more than the maximum poultry in number;

- (ii) and the provisions of this section are not applicable to a bona fide poultry farmer.
- (2) Application for such a permit must be made to the environmental health officer in the prescribed form.
- (3) A permit is not transferable and expires on the date on which the permit holder ceases to keep the animals or poultry for which the permit was issued.
- (4) A permit holder must in writing notify the health officer, if he or she ceases to keep the animals or poultry in respect of which a permit was issued or of any increase in the number of animals or poultry kept in excess of the number specified in the permit concerned, within ten days of any such occurrence.
- (5) The Municipality may cancel a permit issued in terms of subsection (1)(a), if-
- (a) the construction or maintenance of the premises concerned at any time does not comply with any provision of these By-laws; or
  - (b) the permit holder contravenes, or fails to comply with any such provision; and
  - (c) the permit holder fails to comply with a written notice from the health officer requiring him or her to make such premises comply with these By-laws or to stop such contravention or failure within a period specified in such notice;
  - (d) any disease, which in the opinion of the health officer or a veterinarian, is of such a nature that it is likely to constitute a danger to public health, to other animals or poultry, breaks out amongst the animals or poultry kept under such permit;
  - (e) the permit holder or person in control of the premises at the time personally or through his or her employee obstructs the health officer in his or her execution of his or her duties under these By-laws;
  - (f) the permit holder has been found guilty by a competent court of a contravention of these By-laws;
  - (g) in the opinion of the environmental health officer, a public nuisance exists due to the keeping of the animals.
- (6) The health officer must, as soon as a permit has been cancelled, notify the permit holder of that fact in writing.
- (7) The health officer may, subject to the foregoing provisions of this section, issue a new permit if he 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.

## **7. Duties of keeper of animals, birds or poultry**

- (1) Every person keeping animals must-
- (a) maintain the premises, any equipment, apparatus, container and receptacles used in connection with such keeping in a clean and sanitary condition and in good repair;
  - (b) take effective measures for the prevention of harbouring and breeding of and for the destruction of flies, cockroaches, rodents and other vermin;
  - (c) remove all manure from the stable, pigsty and the enclosure at least once every 7 days from the enclosure, building or shed for goats and sheep; and
  - (d) ensure that the manure is disposed of in a manner which will not create a nuisance.
- (2) Every person keeping birds and poultry must-
- (a) comply with the necessary changes with the provisions of 6(1)(a), (b), and (c);

- (b) maintain the premises free from offensive odours arising from the keeping of birds and poultry; and
- (c) ensure that poultry or birds do not disturb or hinder the comfort, convenience, peace or quiet of the public.

## **Chapter II**

### **Keeping of cattle, horses, mules and donkeys**

#### **8. Requirements for premises**

For the keeping of any cattle, horse, mule or donkey a stable or enclosure complying with the following requirements, must be provided-

- (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) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish, graded to a channel and drained in terms of [section 25](#);
- (d) any enclosure must have an area of at least 10 m<sup>2</sup> for each head of cattle, horse, mule or donkey to be accommodated therein and the fencing must be of such substantial material so constructed as to prevent such animals from breaking out;
- (e) no enclosure must be situated within 100 m and no stable must be situated less than 15 m of any boundary of any land, dwelling or other building or structure used for human habitation or within 50 m of any well, water course or other source of water supply intended or used for human consumption;
- (g) a portable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to every stable or enclosure.

#### **9. Duties of keeper of cattle, horses, mules and donkeys**

Every person keeping any cattle, horse, mule or donkey must-

- (a) ensure that any such animal is kept within a stable or enclosure;
- (b) comply, read with the necessary changes, with the provisions of [section 6\(l\)\(a\),\(b\),\(c\)](#) and (d).

## **Chapter III**

### **Keeping of pigs**

#### **10. Requirements for premises**

- (1) For the keeping of pigs, a pigsty complying with the following requirements must be provided-
  - (a) Every wall must be constructed of brick, stone, concrete or other durable material not less than 1,5 m in height and must have a smooth internal surface;
  - (b) the pigsty must have a floor area of at least 3 m<sup>2</sup> for each pig to be accommodated therein, with an overall minimum floor area of 6 m<sup>2</sup>;
  - (c) the junction between the walls and the floor must be covered;



- (d) the floor must be at least 150 mm above the surrounding ground level, constructed of concrete or other durable and impervious material brought to a smooth finish, graded for the run-off of liquids into an open channel outside the pigsty;
  - (e) the pigsty must be so constructed as to prevent the pigs from breaking out;
  - (f) no pigsty must be situated within 100 m 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) No person must keep any pigs, 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.
- (3) No enclosure must be situated within 100m and no stable must be situated less than 15m of any boundary of any land dwelling or other building or structure used for human habitation or within 50m of any well, water course or other source of water supply intended or used for human consumption.
- (4) A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the pigsty.

### 11. Duties of a pig keeper

No person keeping any pigs in any premises must-

- (a) ensure that the pigs are kept in a pigsty;
- (b) comply, read with the necessary changes, with the provisions of [section 6\(1\)\(a\),\(b\),\(c\)](#) and (d).

## Chapter IV Keeping of goats and sheep

### 12. Requirements for premises

For the keeping of any goat or sheep, premises complying with the following requirements must be provided-

- (a) an enclosure with an area of at least 1,5 m<sup>2</sup> for every goat or sheep to be accommodated therein with an overall minimum floor area of 30 m<sup>2</sup>;
- (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 2 m in height and must have a smooth internal finish;
  - (ii) the floor must be constructed so as to prevent the forming of standing water and be of such a nature to be cleaned and graded to the lowest point of the premises;
- (c) no building or shed must be situated within 15 m and no enclosure within 100 m of any boundary of any land, dwelling or any other building or structure used for human habitation or within 50 m of any well, water course or other source of water supply intended or used for human consumption; and
- (d) a portable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to every stable or enclosure.

### 13. Duties of keeper of goats and sheep

Every person keeping any goat or sheep must-

- (a) ensure that every such animal is kept within an enclosure, building or shed;

- (b) comply, read with the necessary changes, with the provisions of [section 6\(l\)\(a\),\(b\),\(c\)](#) and (d).

## Chapter V Keeping of poultry

### 14. Requirements for premises

For the keeping of poultry, premises complying with the following requirements must be provided-

- (a) a poultry house complying with the following requirements-
- (i) every wall thereof must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface;
  - (ii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish;
  - (iii) the upper floors of the structure of two or more tiers must be of an impervious and easily cleaned material;
  - (iv) it must have an area of at least 0,20 m<sup>2</sup> for each grown fowl, duck, muscovy duck or guinea fowl, 0,5 m<sup>2</sup> for each grown goose, turkey, peacock and 0,14 m<sup>2</sup> for each grown pigeon to be accommodated therein, with a minimum aggregate area of 4 m<sup>2</sup>;
- (b) A poultry run, if provided, must be enclosed with wire mesh or other durable material;
- (c) if a battery system is to be operated, a building or structure in which such system must be housed, constructed and equipped in accordance with the following requirements, must be provided-
- (i) every wall, if provided, must be at least 2,4 m high, and must be constructed of concrete, stone, brick or other durable material and must have a smooth internal surface;
  - (ii) if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial 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;
  - (iii) the floor 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 and drained by means of a channel drained in terms of [section 25](#);
  - (iv) if no walls are provided, or the walls are of metal, the floor must be provided with a curb at least 250 mm high around its extremities;
  - (v) every junction between the floor and walls and curbing must be coved;
  - (vi) the cages of the battery system must be constructed of an impervious material;
  - (vii) 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;
  - (viii) a wash hand basin with a constant supply of water laid on must be provided and drained in terms of [section 25](#);
- (d) 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;
- (e) there must be at least 3 m of clear unobstructed space between any poultry house, poultry run, or building or structure housing a battery system and the nearest point of any dwelling, other building or structure used for human habitation or place where foodstuffs are stored or prepared for human consumption and the nearest boundary of any land;

- (f) a store-room must be provided for the storage of feed, where a battery system is to be operated;
- (g) 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. The washing platform and trough must be drained in terms of [section 25](#).

## 15. Duties of keeper of poultry

Every 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) comply, read with the necessary changes, with the provisions of [section 6\(1\)\(a\),\(b\),\(c\) and\(d\)](#);
- (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) 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 health officer from a building or structure housing a battery system; place the manure and other waste matter 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; and
- (f) 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.

## Chapter VI Keeping of rabbits

### 16. Requirements for premises

For the keeping of rabbits premises complying with the following requirements must be provided-

- (a) a rabbit hutch complying with the following requirements-
  - (i) every wall thereof must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface;
  - (ii) the floor surface, which must be at least 150 mm above ground level, 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 must be graded to a channel drained in terms of [section 25](#);
  - (iii) natural light and ventilation must be provided;
  - (iv) it must have a minimum area of 0,4 m<sup>2</sup> for every rabbit to be accommodated;
  - (v) a rabbit run, if provided, must be enclosed with wire mesh or other durable material and constructed so as to prevent the escape of rabbits from the run.
- (b) if a battery system is to be operated, a building or structure in which such system must be housed, constructed and equipped in accordance with the following requirements must be provided-
  - (i) every wall, if provided, must be at least 2,4 m high, must be constructed of concrete, stone, brick or other durable material and must have a smooth internal surface;

- (ii) if walls are provided, the building must be ventilated and lighted by means of natural openings or windows of an area equal to not less than 15% of the floor area of the building;
  - (iii) the floor must be constructed of concrete or other 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 drained in terms of [section 25](#);
  - (iv) if no walls are provided, or the walls are of metal, the floor must be provided with a curb at least 150 mm high around its extremities;
  - (v) every junction between the floor and the walls and curbing must be covered;
  - (vi) the cages of the battery system must be constructed of impervious material and fitted with trays of an impervious material under every cage for the reception of urine; and
  - (vii) a wash hand basin with a constant supply of water laid on must be provided and drained in terms of [section 25](#);
- (c) a portable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the battery system building or structure or the rabbit hutch.
- (d) there must be at least be 5 m of clear unobstructed space between a rabbit hutch, rabbit run, or building or structure housing a battery system, and the nearest point of any dwelling, or other building or structure used for human habitation or place where foodstuffs are stored or prepared for human consumption and the nearest boundary of any land-
- (i) a rodent proof store-room must be provided for the storage of feed, the floor area of which must be not less than 7 m<sup>2</sup>, the width not less than 2,2 m and the height not less than 2,4 m;
  - (ii) if the health officer is satisfied that, having regard to the number of rabbits being kept, a store-room of dimensions less than the minimum dimensions required in terms of subparagraph (i) or other storage facilities are suitable. He may permit such smaller storeroom or other storage facilities;
  - (iii) a curbed concrete washing platform or a stainless steel trough with draining board and with a constant supply of water laid on, within or adjacent to such building or structure for the cleaning and disinfection of cages. The washing platform and trough must be drained in terms of [section 25](#).

## 17. Duties of keeping rabbits

Every person keeping rabbits must-

- (a) ensure that all rabbits are kept within the rabbit hutch, rabbit run or building or structure housing a battery system;
- (b) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system at least one every 48 hours and place it in the manure storage receptacles;
- (c) comply, read with the necessary changes, with the provisions of [section 6\(l\)\(a\),\(b\) and\(d\)](#);
- (d) not store any material or article in any rabbit hutch, rabbit run or building or structure housing a battery system, except material or an article which is required for use in such house, run or building or structure.

## Chapter VII Keeping of birds

### 18. Requirements for premises

For the keeping of birds in an aviary, premises complying with the following requirements must be provided-

- (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 mm above ground level;
- (c) no aviary must be situated within 3 m of any building or structure, boundary fence or boundary wall; and
- (d) a portable supply of water must be provided adequate for drinking and cleaning purpose.

### 19. Duties of a keeper of birds

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) comply, read with the necessary changes, with the provisions of [section 6\(1\)\(a\),\(b\) and\(d\)](#).

## Chapter VIII Dealer in livestock and other businesses involving the keeping of animals or poultry

### 20. Requirements for premises

- (1) Every person conducting the business of a dealer or speculator in livestock or other business involving the keeping of animals or poultry, other than a pet shop, must comply with the requirements of subsection (2) and (3).
- (2)
  - (a) Subject to the provisions of [section 31](#), the requirements of [section 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 m<sup>2</sup> per head of cattle, horse, mule or donkey and 1,5 m<sup>2</sup> per goat or sheep to be accommodated therein at any time with an overall minimum area of 50 m<sup>2</sup> 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 sex are employed in the keeping of animals or poultry.
    - (ii) Every such change room must have a floor area of at least 0,5 m<sup>2</sup> per employee, subject to an overall minimum area of 6,5 m<sup>2</sup> and a minimum width of 2,1 m.
    - (iii) Every such 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 25](#).
  - (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 health officer, 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 the 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 25](#);
  - (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 25](#);
    - (iii) every bowl of the sink must have a minimum capacity of 55 l be fitted with a 150 mm high splash screen on the side nearest the wall and be positioned at least 100 mm 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 25](#), 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.

## Chapter IX Dog kennel and catteries

### 21. Requirements for premises

- (1) No person must maintain kennels or a cattery, unless the requirements of subsection (2) to (12), inclusive are complied with.
- (2) Every 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 brought to a smooth finish and graded to a channel 100 mm 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 Municipality's sewer by means of an earthenware pipe 100 mm in diameter.
  - (c) A curb 150 mm high must be provided along the entire length of the channel referred to in paragraph (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 and every junction between the floor and the walls of a permanent structure must be coved.
  - (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 1 m 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 portable water supply must be provided in or adjacent to the enclosure adequate for drinking and cleaning purposes.
- (7)
  - (a) If required by the health officer, a separate room or roofed area with a floor area of not less than 6,5 m<sup>2</sup>, a width of not less than 2,1 m and a height of not less than 2,4 m 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 25](#).
  - (e) Every bowl of the sink must have a minimum depth of 225 mm and a minimum capacity of 55 l.
- (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 m<sup>2</sup> and the width not less than 2,1 m: Provided that if the health officer 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 may permit a smaller store-room or other storage facilities as he deems fit.
- (9) At least 5 m 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 m<sup>2</sup>, a width of not less than 2,1 m 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 m<sup>2</sup>, a width of not less than 2,1 m 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 paragraphs (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 paragraphs (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 25](#).
  - (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.

## 22. Duties of person in control of kennels or catteries

Any person in control of kennels 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 19\(7\)](#);
- (i) keep any sick dog or cat in the isolation facilities required in terms of [section 19\(10\)](#), 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.



## Chapter X Pet shops and pet salon

### 23. Requirements for premises

No person must conduct a business of a pet shop or pet salon in or on 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 floor of any building must be constructed of concrete or other durable and impervious material brought to a smooth finish.
  - (iii) 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.
  - (iv) One wash hand 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 25](#).
  - (v)
    - (aa) A rodent proof store-room, with a floor area of not less than 16 m<sup>2</sup> must be provided.
    - (bb) If the health officer 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 may permit a smaller store-room.
  - (vi) 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 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
    - (bb) a stainless steel sink or trough not less than 304 mm deep with a drainage board and with a constant supply of water laid on;
  - (vii) The platform, sink or trough referred to in subparagraph (vi) must be drained in terms of [section 25](#) and any wall surface within 0,5 m of such platform, sink or trough must be permanently covered with durable water proof material to a height of at least 1,4 m above the floor.
  - (viii)
    - (aa) A separate change room, clearly designated, must be provided for any sex if more than two persons are employed on the premises.
    - (bb) Every such 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 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.

- (ix) No door, window or other opening in any wall or a building on the premises must be within 2 m of any door, window or opening to any building in which food is prepared, stored or sold for human consumption or consumed by humans.
- (x) If the washing, clipping or grooming of pets is done on the premises the requirements of [section 19\(11\)](#) must be complied with.

## 24. Duties of trader

Every 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) every 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 its interior cavity sealed;
  - (iii) every cage must be of such size and mass and so placed that it can be readily moved;
  - (iv) if rabbits are kept in a cage, the metal tray referred to in subparagraph (i) must be drained to a removable receptacle;
  - (v) every 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 every cage, tray, container, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop, in a clean, sanitary condition, free from vermin and in good repair;
- (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 health officer;
- (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;

- (l) ensure that the number of pets per cage are not such that the free movement of such pets is impeded.

## **Chapter XI**

### **Street trading in poultry and rabbits**

#### **25. Requirements for premises**

No person must sell in the street poultry or rabbits, unless the following requirements are complied with-

- (a) the business of a street trader must be conducted from premises on which poultry or rabbits must be kept in compliance with the provisions of Chapters V and VI and facilities must be provided for the parking of the vehicle used for street trading after normal trading hours;
- (b) a vehicle of sound construction, oil painted and bearing the name of the street trader, together with his residential address and the address of his business premises in clearly legible letters not less than 50 mm in height on both sides of the vehicle must be provided;
- (c) that 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 for through ventilation must be made;
- (d)
  - (i) cages or crates of an impervious and durable material must be provided for conveying poultry or rabbits on the vehicle;
  - (ii) such cages, crates or divisions thereof must be fitted with removable trays of impervious material for the reception of poultry or rabbit droppings;
- (f) every cage, crate or division must be provided with a drinking vessel, not less than 100 mm in depth filled with water, which must be fixed to an inside corner of the cage, crate or division.

#### **26. Duties of street trader**

Every person selling poultry or rabbits in the street must-

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

## **Chapter XII**

### **Miscellaneous**

#### **27. Draining**

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 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.

## 28. Nuisance

No person must-

- (a) keep any animal or pet in such a manner as to cause a nuisance;
- (b) fail to remove faeces deposited by a dog in a public place whilst under his control or supervision and dispose of such faeces in a refuse receptacle;
- (c) fail to duly dispose of dead animals in such a manner as prescribed by the health officer.

## 29. Illness attributable to animals

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

## 30. Inspections

The health officer and any officer authorised thereto by the Municipality may, in order to satisfy himself that the provisions of these By-laws are being complied with-

- (a) enter any premises on which animals, poultry, birds or pets are kept or on which kennels or a cattery is conducted or the business of a dealer or speculator in livestock or a pet shop, a hawkers of poultry or rabbits is being conducted or on which he reasonably suspects animals, poultry, birds or pets are kept or such business is being conducted, at all reasonable times;
- (b) inspect such premises or any vehicle used or reasonably suspected by him to be used for such business and anything thereon or therein; and
- (c) question any person on such premises or in such vehicle or who has recently been on such premises or in such vehicle.

## 31. Provisions of camps

The Municipality may reserve and fence off or conditionally allow to be fenced off such portions of land within its area of its jurisdiction, as may be deemed desirable, by the municipality, and establish a special camp or camps as it deems fit in order to ensure proper administration and to prevent soil erosion.

## 32. Grazing fees

Any grazing fees prescribed by the municipality must be payable by every person in whose name animals are registered or should on terms of these By-law be registered.

## 33. Register of animals

The Municipality must cause all information furnished in support of an application for permission in terms of [section 3](#) to be entered in a register of animals in a suitable form if such application is approved. Any animals reflected in the register of animals must be deemed to be registered.

## 34. Duties of a keeper of animals

Anyone who keeps an animal within the jurisdiction of the Municipality must-

- (a) keep animals identified by a mark in terms of the Agriculture Act;
- (b) keep a register of all animals;
- (c) provide a copy of register of all animals to the Municipality;

- (d) keep kraals in a clean and hygienic condition at all times;
- (e) cause all animals to be tested for tuberculosis and brucellosis in accordance with the Animal Health Act 2002, or as often as required by the authorised official;
- (f) cause an animal to be vaccinated as required in terms of the Animal Health Act 2002 ([Act No. 7 of 2002](#));
- (g) cause all manure from animals to be stored and disposed of in an approved manner;
- (h) cause all feed to be stored in a rodent proof place;
- (i) cause the premises to be kept in such a condition as not to attract or provide shelter for rodents.

### 35. Animals kept in an unsatisfactory manner

Whenever, in the opinion of the authorised official, any animals kept on any premises are causing a nuisance or danger to health, the authorised official may by written notice require the owner or occupier of such premises within a period to be stated in such notice but not less than 24 hours after the date of such notice to remove the cause of and to abate such nuisance or danger to health and carry out such steps as the authorised official may deem necessary for the said purpose.

### 36. Offences and penalties

- (1) Any person-
  - (a) who contravenes or fails to comply with any provision of these By-laws;
  - (b) who keeps animals, birds or poultry or who is the person in control of or who conducts the business of a dealer or speculator in livestock, a pet shop, dog kennels or cattery or a hawker of poultry or rabbits on any premises fails to ensure that all the provisions of these By-laws applicable to such premises or business are complied with;
  - (c) who fails or refuses to give access to premises to the health officer or any officer contemplated in [section 29](#) when requested to give such access;
  - (e) who obstructs or hinders the health officer or other officer in the execution of this duties under these By-laws;
  - (f) fails or refuses to give information to the health officer or such other officer which is lawfully required, or knowingly furnishes false or misleading information; or
  - (g) fails or refuses to comply with a notice in terms of [section 2](#), is, subject to the provisions of subsection (2), guilty of an offence and must be liable on conviction to a fine or, in default of payment, to imprisonment for a period not exceeding six months, or in the case of a continuous offence, to a prescribed fine or, in default of payment, to imprisonment for a period not exceeding ten days for every period of 24 hours during which such offence continues.
- (2) It must be competent defence if a person referred to in 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).

### 37. Repeal of By-laws

The provisions of any By-laws relating keeping of animals by the Municipality are repealed insofar as they relate to matters provided for in these By-laws.

### 38. Short title

These By-laws are called the By-laws for Keeping of Animals.

### Schedule 1

Local Authority .....	Permit No: .....
	Date: .....

**Permit: By-laws relating to the keeping of animals, birds and poultry and business involving the keeping of animals, birds, poultry or pets**

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

\*Animals/Poultry: .....

Address: .....

.....  
 .....

The granting of the permit is subject to your employing with the provision of the aforementioned By-laws.

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

Yours faithfully

For Health Officer

\*Specify number and kind of animals or poultry

### Schedule 2

Local Authority

For office use

Application No: .....

Date received: .....

Application granted/refused: .....

Permit No: .....

Date: .....

**Application for a permit: By-laws relating to the keeping of animals, birds and poultry and business involving the keeping of animals, birds, poultry or pets**

i/We .....

(full name of applicant/s)

Hereby apply for a permit to keep \* animals/poultry/rabbits on premises situated at

Stand .....

Street .....

Township, in terms of the aforementioned By-laws of the .....

.....  
(name of Local Authority)

Details of the \* animals/poultry-rabbits to be kept as follows:

Species	Number