



GA-SEGONYANA LOCAL MUNICIPALITY

KEEPING OF WILD ANIMALS, POULTRY AND BEES BY-LAWS

Preamble

Ga - Segonyane Local Municipality, by virtue of the powers vested in it by section 156(2) of the Constitution of the Republic, of South Africa as amended, read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended, has made the By-Law set out in the schedule below:

Purpose of the by-law

To provide for the hygienic way of keeping animals in the area of jurisdiction of the Ga - Segonyane Local Municipality and any matters incidental thereto.

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CHAPTER 1

1. Definitions

In this By-laws, unless the context indicates otherwise –

“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;

(j) dogs;

“adequate” when used to describe a standard or manner in which anything required by these B-laws must be done, means the standard or manner that, in the opinion of an Environmental Health practitioner, is sufficient to safeguard public health, and to achieve the purpose and apply the principle of these By-laws and “adequately” has a corresponding meaning;

“approved” means approved by the Environmental Health Practitioner, 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 approved by the municipality for agricultural industry;

“bird” means a feathered vertebrate other than poultry but including pigeons;

“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 subject to the approval of such premises as animals boarding place by the municipality;

“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 as such by the Municipality and who is duly registered as an Environmental Health Practitioner by the Health Professions Council of South Africa in terms of section 33(1) of the Medical Dental and Supplementary Health Services Professions Act, 1974 (Act No. 56 of 1974);

“hawk” means the activity of hawking licensed in terms of item 3(1) of Schedule 1 to the Business 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 of the Business Act, 1991;

“kennels” means any premises in or in which –

- (a) boarding facilities for dogs are provided;
- (b) dogs are bred for commercial purposes;
- (c) dogs are kept for the purpose of being trained or hired out with or without handlers, subject to the approval by the municipality as an animal boarding place.

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

“Municipality” means the GaSegonyane Local Municipality, established in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) as amended and where appropriate shall include the official or delegated agent entrusted to execute any one or more of the powers provided for in this By-law;

“nuisance” means a situation or state of affairs that endangers life or health or adversely affects the well-being of a person or community;

“owner”, in relation to an animal, means any person having possession, is in 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;

“pet shop” means a shop approved by the Municipality for the keeping of pets for the purpose of sale;

“pigsty” means a building, structure or enclosure in which pigs are kept on land which may be subject to an approval as agricultural industry;

“poultry” means fowls, ducks, Muscovy ducks, geese, turkeys, 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 on land which may be subject to an approval as agricultural industry;

“poultry run” means any unroofed wire mesh or other enclosure in which poultry is kept.

“pound fees” means fees payable for impounding animals, 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 these by-laws are carried on;

“public place” means any road, street, sidewalk, park or other place to which the public has authorised and unimpeded access;

“rabbit hutch” means any roofed-over building or structure, in which rabbits are kept; and excludes a building or structure in which a battery system is operated.

“rabbit run” means any unroofed wire mesh or other enclosure in which rabbits are kept; including standalone enclosures that are in addition to a rabbit hutch.

“residential premises” means any land or building used for human habitation only;

“stable” means any building or structure or any part of a building or structure used for accommodating or keeping cattle, horses, mules or donkeys;

“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).

“veterinary clinic” means land and building used for the treatment, care and operations on animals and may include the sale of veterinary medicines and specialised animal food and ancillary animal products and a Caretaker’s Flat but does not include overnight facilities;

“veterinary hospital” means a veterinary clinic with overnight facilities for animals.

CHAPTER 2

2. Application of by-laws

(1) The provisions of these by-laws 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 Environmental Health Practitioner may, if he or she is satisfied that the application of one of the provisions of these by-laws 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.

CHAPTER 3

3. Kennels and Premises for the Keeping of Livestock

- (1) No person may:-
 - (a) keep any livestock, other than poultry, or maintain 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 1ha 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 4(1)(a) do not apply in respect of a veterinary clinic or veterinary hospital operating with the approval of a land development application obtained from the Municipality.

CHAPTER 4

Keeping of animals, poultry and birds

4. Subject to the allocated zoning and land uses in terms of the Ga - Segonyane Local Municipality Town Planning Scheme and specific title deed provisions; no person shall;
 - (1) keep any animal, unit of poultry or bird in or on premises that do not comply with the provisions of these by-laws;
 - (2) 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 bird on the premises is, in the opinion of the Environmental Health Practitioner, likely to cause a nuisance;
 - (3) keep more than ten (10) units of poultry or ten (10) rabbits or birds on residential premises, provided more than ten (10) units of poultry may be kept on an agricultural holding and that the owner, occupier or keeper ensures that no health nuisance is constituted;
 - (4) keep more than three (3) dogs or three (3) cats older than six (6) months on property zoned residential;
 - (5) keep dogs and/or cats on premises zoned for industrial or business purposes unless the prior written approval of an environmental health practitioner has been obtained.

CHAPTER 5

Permits for keeping of animals and poultry

5. (1) No person may keep any animal other than a cat, dog, rabbit, or poultry unless he or she is the holder of a permit issued by an Environmental Health Practitioner in the form prescribed by these by-laws. Such permit is not required for the keeping of any animal or poultry in connection with the business of a pet shop.
- (2) A permit may not be transferable and expires on the date on which the permit holder ceases to keep the animals or poultry in respect of which the permit was issued.
- (3) A permit holder may notify the Environmental Health Practitioner in writing if he or she ceases to keep the animals or poultry in respect of which a permit was issued within ten days of any such occurrence.
- (4) The Municipality may cancel a permit if: -
- (a) the construction or maintenance of the premises concerned at any time does not comply with any provision of these by-laws, or the permit holder contravenes, or fails to comply with any such provision, and the permit holder fails to comply with a written notice from the Environmental Health Practitioner requiring him or her to make such premises comply with the by-laws or to cease such contravention or failure within a period specified in such notice;
 - (b) any disease which in the opinion of the Environmental Health Practitioner or a Veterinarian, is of such a nature that it is likely to constitute a danger to public health or to other animals or poultry kept under such permit;

- (c) the permit holder or person in control of the premises at the time, personally or through his or her employee obstructs the Environmental Health Practitioner in the execution of his or her duties under these by-laws;
 - (d) the permit holder has been found guilty in a competent court of a contravention of these by-laws.
- (5) The Environmental Health Practitioner must as soon as a permit has been cancelled, notify the permit holder of that fact in writing.
- (6) The Environmental Health Practitioner may 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.

CHAPTER 6

KEEPING OF CATTLE, HORSES, MULES AND DONKEYS

6. Requirements for Premises

- (1) For the keeping of a herd 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 6.1 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 surface of the stable must be of smooth brick or other durable surface brought to a smooth finish;

- (c) the height of the walls to the wall plates of the stable must be:
 - (i) 2,4m in the case of pitched roof;
 - (ii) 2,7m in the case of a flat roof;
 - (iii) a mean height of 3m within a minimum of 2,4m on the side, in the case of a lean-to roof;
 - (iv) 2m in the case of a stable which has an opening along entire length of one of its long sides.
- (d) the stable must have a floor area of at least 9m² for each head of cattle, horse, mule or donkey to be accommodated in it;
- (e) (i) except in the case of a stable open along the entire length of one of its long sides, lighting and ventilation must be provided by openings or glazed opening windows or louvers totalling at least 0,3m² for each animal to be accommodated in it;
 - (ii) the lowest point of every such opening, window or louvre must be 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, graded to a channel and drained in terms of section 27;
- (g) any enclosure must have an area of at least 10m² for each head of cattle, horse, mule or donkey to be accommodated in it and fencing must be of such substantial material so constructed as to prevent the animals from breaking out;
- (h) no stable or enclosure must be situated within 10m of the boundary of any land or of any dwelling or other building or

structure used for human habitation or within 30m of any well, water course or other source of water supply intended or used for human consumption;

- (i) adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to every stable or enclosure.

7. Duties of Keeper of Cattle, Horses, Mules and Donkeys

- (1) Every person keeping any cattle, horse, mule or donkey must:-
 - (a) ensure that any such animal is kept within a stable or enclosure;
 - (b) maintain the premises, any equipment, apparatus and container used in connection with such keeping in a clean and sanitary condition and in good working order;
 - (c)(i) provide portable manure storage containers of an impervious material and with close fitting lids;
 - (ii) every such container must be kept on a platform constructed of concrete or other durable and impervious material and situated adjacent to the stable or enclosure and so as to comply with the provisions of section 6(h) as the case may be.
 - (d) if the manure and bedding is of such quantity that storage containers are not adequate, provide a manure midden complying with the following requirements:
 - (i) the midden must be enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish and covered at the junctions with the floor;

- (ii) the floor must be of concrete brought to a smooth finish and graded and drained to a water channel at least 150mm 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 and enclosure at least once every 24 hours and place it in the manure storage containers or midden pending removal from the premises;
- (f) remove all the contents of the manure storage containers or midden from the premises at least once every second day and dispose them in a manner that will not create a nuisance;
- (g) remove all bedding from the stable at least once a week and store it in the manure containers or midden pending removal from the premises;
- (h) store all saddles, bridles, harnesses and other equipment or articles used in the keeping of such animals, in a storeroom or other storage facilities approved by Council;
- (i) store all feed in a rodent proof store-room and all loose feed in a number of rodent proof containers with close fitting lids in the storeroom;
- (j) take effective measures for the prevention of harbouring or breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

CHAPTER 7

KEEPING OF PIGS

8. 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 1,5m in height and must have a smooth internal surface;
 - (b) the pigsty must have a floor area of at least 3m² for each pig to be accommodated in it, with overall minimum floor area of 6m²;
 - (c) a roof provided over any portion of a pigsty must be at a height of not less than 1,5m from ground level at its lowest point in the pigsty and, except in the case of a roofed structure having one of its sides completely open, lighting and ventilation openings situated in opposite external walls of at least 0,15m² for each pig to be accommodated; or other adequate means of ventilation and lighting must be provided;
 - (d) the junction between the walls and floor must be covered;
 - (e) the floor must be at least 150mm 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, constructed of concrete, glazed earthenware, or other durable and impervious material, measuring not less

than 100mm in diameter and drained in terms of section 27;

- (f) the pigsty must be so constructed as to prevent the pigs from breaking out;
 - (g) no pigsty may be situated within 100m of any dwelling or other building or structure used for human habitation or of the boundary of any land or any well, water course or other source of water supply intended or used for human consumption.
- (2)(a) A roofed-over concrete platform must be provided for the storage of all swill in containers and for the preparation of the pigs' food and it must be so situated as to comply with the provisions of sub section 1(g) as the case may be.
- (b) Such platform must have a curbing of at least 100mm high on the all of its sides and the surface of the platform must be brought to a smooth impervious finish and graded to a channel drained in terms of section 27.
- (3) Adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to the pigsty.

9. Duties of Keeper of Pigs

- (1) Every person keeping pigs must:-
- (a) ensure that every pig is kept within a pigsty;
 - (b) maintain the premises and any equipment, apparatus and container used in connection with such keeping, in a clean and sanitary condition and in good working order;

- (c)(i) provide portable manure storage containers of impervious material and with close fitting lids;
- (ii) every container must be kept on a platform constructed of concrete or other durable and impervious material adjacent to the pigsty and so as to comply with section 9(1)(g).
- (d) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage containers;
- (e) remove the contents of the manure storage containers from the premises at least once every second day and dispose them in a manner which will not create a nuisance;
- (f) store all feed in a rodent proof storeroom and all loose feed in a number of rodent proof receptacles with close fitting lids in storeroom;
- (g) take effective measures for the prevention of harbouring or breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

CHAPTER 8

KEEPING OF GOATS AND SHEEP

10. Requirements for premises

- (1) 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 1,5m² for every goat or sheep to be accommodated in it with an overall minimum floor area of 30m²;

- (b) if a building or shed is provided for such keeping, it shall comply with the following requirements: -
- (i) every wall thereof must be constructed of brick, concrete, stone or other durable material not less than 2m in height and must have a smooth internal finish;
 - (ii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel drained in terms of section 27;
 - (iii) the floor must be at least 1,5m² for every goat or sheep to be accommodated in it with an overall minimum floor area of 6m²;
 - (iv) lighting and ventilation openings totalling at least 0,15m² per goat or sheep to be kept in the building shed.
- (c) no enclosure, building or shed may be situated within 10m of any boundary of any land or of any dwelling or other building or structure used for human habitation or within 30m of any well, water course or other source of water supply intended or used for human consumption.
- (d) adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to every enclosure, building or shed.

11. Duties of Keeper of Goats and Sheep

- (1) Every person keeping any goat or sheep must:-
- (a) ensure that every goat or sheep is kept within an enclosure, building or shed;

- (b) maintain the premises and any equipment, apparatus and container used in connection with such keeping in a clean and sanitary condition and in good working order;
- (c)(i) provide portable manure storage containers of an impervious material and with close fitting lids;
- (ii) every container must be kept on a platform constructed of concrete or other durable and impervious material and situated adjacent to the enclosure, building or shed so as to comply with the provisions of section 11(1)(c) as the case may be.
- (d) remove all manure from the enclosure, building or shed at least once every 7 days and place it in the manure storage containers;
- (e) remove the contents of the manure storage containers from the premises at least once every 7 days and dispose them in a manner which will not create a nuisance;
- (f) store all feed in a rodent proof storeroom and all loose feed in a number of rodent proof containers, with close fitting lids in the storeroom;
- (g) take effective measures for the prevention of harbouring and breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

CHAPTER 9

KEEPING POULTRY

12. Requirements for premises

- (1) 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 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 floor of the structure of two or more tiers must be of an impervious and easily cleaned material;
 - (iv) it must have a floor area of at least 0,2m² for each grown fowl, duck, Muscovy duck or guinea fowl, and 0,5m² for each grown goose, turkey or peacock to be accommodated in it, with an overall minimum floor area of 4m².
 - (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 roofed building or structure in which such system shall be housed, constructed and equipped in accordance with the following requirements must be provided:

- (i) every wall, if provided, must be at least 2,4m 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 Council, the floor surface must be graded to a channel drained in terms of section 27;
- (iv) if no walls are provided, or the walls are of metal, the floor must be provided with a kerb at least 150mm high around its extremities;
- (v) every junction between the floor and walls kerbing must be covered;
- (vi) the cages of the battery system must be constructed of an impervious material;
- (vii) if required by the Environmental Health Practitioner, a tray of an impervious material and design must be fitted under every cage for the collection of manure;
- (viii) a concrete washing platform with a kerb around extremities or stainless steel trough with draining board and with a constant supply of water laid on, drained in terms of section 27 must be provided within or adjacent to the building or structure for the cleaning of the cages;

- (ix) a wash hand basin with a constant supply of water laid on must be provided and drained in terms of section 27.
- (d) there must be at least 3m of clear space between any poultry house, poultry run, or building 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;
- (e)(i) if required by the Municipality, with due regard to the quantity of manure to be stored pending removal from premises, a storage area comprising a roofed over platform constructed of concrete or other durable and impervious material, with a kerb at least 100mm high around its extremities and graded and drained in terms of section 27;
- (ii) the roof over such platform must extend 1m beyond the extremities of the platform.
- (f) adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to the battery system building or structure or poultry house.

13. Duties of Keeper of Poultry

- (1) 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) maintain the premises or any equipment, apparatus and container used in connection with such keeping in a clean, sanitary condition and in good working order;

- (c) maintain the premises free from unpleasant smells and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from vermin;
- (d)(i) provide portable manure storage containers of an impervious material and with close fitting lids;
- (ii) every container must be kept on a platform constructed of concrete or other durable and impervious material and situated adjacent to the poultry house, poultry run or building or structure housing a battery system so as to comply with the provisions of section 12 as the case may be.
- (e)(i) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every 4 days or at such longer intervals as approved by the Environmental Health Practitioner from a building or structure housing a battery system, with due regard to the prevention of a public health nuisance caused by bad smell; and
- (ii) place the manure and other waste matter in the manure storage containers.
- (f) remove the contents of the manure storage containers from the premises at least once every 7 days and dispose them in a manner which will not create a nuisance;
- (g) 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;
- (h) store all feed in a rodent proof storeroom and all loose feed in a number of rodent proof containers with close fitting lids in the storeroom;

- (i) take effective measures for the prevention of harbouring or breeding of, and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of unpleasant smells arising from the keeping of poultry on the premises.

CHAPTER 10

KEEPING OF RABBITS

14. Requirements for Premises

- (1) For the keeping of rabbits premises complying with the following requirements must be provided:-
 - (a) a rabbit hatch complying with the following requirements:
 - (i) every wall must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface;
 - (ii) a floor surface which must be at least 150mm above ground level must be constructed of concrete or other durable and impervious material brought to a smooth finish and, if required by Council, the floor must be graded to a channel drained in terms of section 27;
 - (iii) natural light and ventilation must be provided;
 - (iv) it shall have a minimum floor area of 0,4m² for every rabbit to be accommodated in it.

- (b) 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;
- (c) if a battery system is to be operated, a roofed building or structure in which such system shall be housed, constructed and equipped in accordance with the following requirements must be provided:-
 - (i) every wall, if provided, must be at least 2,4m high, must be constructed of concrete, stone, brick or other durable material and must have a smooth internal surface;
 - (ii) if walls are provided, the building must be ventilated and lighted by means of natural openings or windows or 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 Council, the floor surface must be graded to a channel drained in terms of section 27;
 - (iv) if no walls are provided, or the walls are of metal, the floor must be provided with a kerb at least 150mm high around its extremities;
 - (v) every junction between the floor and the walls and kerbing must be covered;
 - (vi) the cages of the battery system must be constructed of impervious material and filled with trays of an impervious material under every cage for the reception of urine;
 - (vii) a wash hand basin with a constant supply of water laid on must be provided and drained in terms of section 27;

- (d) there must be at least 5m of clear unobstructed space between a rabbit hutch, rabbit run, or building or structure housing a battery 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;
- (e) adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to the battery system, building or structure or the rabbit hutch.

15. Duties of Keeper of Rabbits

- (1) Every person keeping rabbits must:-
 - (a) ensure that all rabbits are kept within the rabbit hatch, rabbit run, or building or structure housing a battery system;
 - (b) maintain the premises and any equipment, apparatus and container used in connection with such keeping, in a clean, sanitary condition and in good working order;
 - (c) maintain the premises free from unpleasant smells and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from vermin;
 - (d)(i) provide portable manure storage container of an impervious material with close fitting lids;
 - (ii) every container must be kept on a platform constructed of concrete or other durable and impervious material adjacent to the rabbit hutch, rabbit run or building or structure housing the battery

system and so as to comply with section 15 (d) as the case may be;

- (e) remove all manure and any other waste from the rabbit hutch, rabbit run or building or structure housing the battery system at least once every 48 hours and place them in the manure storage containers;
- (f) remove the contents of the manure storage containers from the premises at least once every 7 days and dispose them in a manner which will not create a nuisance;
- (g) not store any material or any article in a rabbit hutch, rabbit run or building or structure housing a battery system, except material or an article which is required for use in the house, run or building or structure;
- (h) store all feed in a rodent proof storeroom and all loose feed in a number of rodent proof containers with close fitting lids in such storeroom;
- (i) take effective measures for the prevention of harbouring or breeding of, and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of unpleasant smells arising from the keeping of rabbits on the premises.

CHAPTER 11

KEEPING OF BIRDS

16. Requirements for Premises

- (1) 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 must, for cleaning purposes, be adequately accessible;
- (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 300mm above ground level;
- (c) no aviary must be situated within 3m of any building or structure, boundary fence or boundary wall;
- (d) adequate supply of water for drinking and cleaning purposes must be supplied.

17. Duties of Keeper of Birds

- (1) Every person who keeps birds in an aviary must:-
 - (a) ensure that the aviary, pigeon loft or similar structure and the premises are kept in a clean condition and free of vermin;
 - (b) provide rodent proof facilities for the storage of food in those facilities;
 - (c) take effective measures for the prevention of harbouring and breeding of, and for the destruction of flies, cockroaches, rodents and other vermin;
 - (d) ensure that no nuisance arises from the keeping of birds.

CHAPTER 12

KEEPING OF BEES

18. Requirements of Premises

- (1) For the keeping of bees in a bee-hive, premises complying with the following requirements must be provided:-
 - (a) the bee-hive must be made of solid and impervious material and built in such a manner that honeycombs may be formed in frames that can be separated and removed from the bee-hive;
 - (b) the bee-hive must be kept at least 100m from any residence, business premises or place where animals or birds are kept; and
 - (c) the bee-hive must be surrounded by a wire fence, hedge or wall of at least 1,5m high and which is at least 5m from any part of the bee-hive.

19. Permits to keep bees

- (1) A person may not keep bees on premises within the area of jurisdiction of the Municipality, except in terms of a permit, on application issued by a responsible manager of the Municipality.
- (2) Application for a permit must be made in writing on the prescribed form, which must be signed by the applicant or his or her agent who has been duly authorised in writing to do so, and must be submitted to the responsible manager in the Municipality.
- (3) The responsible manager must on receipt of an application for a permit establish all the relevant facts, and may after reasonable notice to the applicant, inspect the premises where the bees will be kept.

- (4)(a) The responsible manager must within 14 days of receipt of an application for a permit:-
- (i) refuse to grant the permit, if there is evidence, which on request has not been rebutted by the applicant, that the keeping of bees on the premises will constitute a public nuisance or a danger to human or animal life or that a condition contemplated in section 20 will not be complied with; or
 - (ii) grant the permit if there is no such evidence.
- (5) if the application is refused, the responsible manager must inform the applicant accordingly, and must on request provide the applicant with written reasons for doing so.
- (6) (a) if the application is granted, the responsible manager must, on payment, subject to sub paragraph (b), by the applicant to the municipality of the prescribed fee, issue the permit to the applicant and include it in a record of permits issued;
- (b) no fee is payable if the bees are kept in observation bee-hives for experimental or educational purposes only.

20. Duration of permit

- (1) A permit issued under section 19 (4)(a) is valid for one (1) year from the date of its issue.
- (2) A permit holder may, at least one month before the expiry of the permit, apply in writing to the Person in Control for the renewal of the permit.
- (3) The Person in Control must renew the permit on a form similar to schedule 3 if he or she is satisfied that the permit holder complies with

section 18 (1) and has paid to Council the prescribed renewal fee, unless the bees are kept in terms of section 19 (6)(b).

- (4)(a) The Person in Control may at any time by notice served on a permit holder rescind the permit if there is convincing evidence, which on request has not been rebutted by the permit holder, that the permit holder does not comply with a provision of section 19 (1) or that the keeping of the bees constitutes a public nuisance or a danger to human and animal life.
- (b) A permit holder is not on account of the rescission of the permit under paragraph (a) entitled to a refund of any part of the fee paid in terms of section 19 (6)(a) or sub section 3 hereof.

21. Removal or destruction of bees

1. If a person keeps bees in premises without a permit or contrary to a condition contemplated in section 18 (1), the Person in Control may serve a notice on the owner or occupant of the premises, to the effect that the bees must within a period stated in the notice be destroyed or removed to premises where they may be kept legally, or they will be destroyed or removed by the Person in Control and the costs related thereto will be recovered from such owner or occupant.
- (2) If the owner or occupant fails to comply with a notice contemplated in subsection (1), the Person in Control may destroy or remove the bees and recover the costs related thereto from the owner or occupant concerned.
- (3) If the keeping of bees on premises constitute a danger to human life, the Person in Control may, on the authority of a warrant, destroy or remove the bees, without prior notice to the owner or occupant concerned, and recover the costs related thereto from such owner or occupant.

- (4) For the purpose of this section the owner or occupant of premises is also deemed to keep bees that have naturally settled on the premises.

CHAPTER 13

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

22. Requirements for Conducting Business

- (1) No person may conduct the business of a dealer or speculator in livestock or other business involving the keeping of animals or poultry, other than a pet shop, unless the requirements of sub section (2) and (3) are complied with.
- (2)(a) Subject to the provisions of section 31, the requirements of sections 2 to 16, 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 10m² per head of cattle, horse, mule or donkey and 1,5m² per goat or sheep to be accommodated therein at any time with an overall minimum area of 50m² 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 that sex are employed in the keeping of animals or poultry.
- (ii) Every change room must have a floor area of at least 0,5m² per employee, subject to an overall minimum area of 6,5m² and a minimum width of 2,1m.

- (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 sub paragraph (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 thereof employed.
 - (ii) Every wash hand basin and shower-bath must be located within or adjacent to the change rooms; must have a constant supply of hot and cold running water laid on and be drained in terms of section 27.
 - (e) Soap and towelling must be provided at the wash hand basin and shower-bath.
 - (f) Overalls or other protective clothing and, if required by the Municipality, protective footwear must be provided for the use by persons employed in the keeping of animals or poultry.
- (3) In respect of employees resident on or at the premises-
- (a) sleeping accommodated equipped with a bed for each 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 thereof of a particular sex employed;
 - (ii) every wash hand basin, shower-bath or bath must have a constant supply of hot and cold running water laid on and be drained in terms of section 27.

- (c)(i) cooking facilities and a scullery for the cleaning of cooking and eating utensils must be provided;
- (ii) the scullery must be fitted with a double bowled sink of stainless steel with a constant supply of hot and cold running water laid on and drained in terms of section 27;
- (iii) every bowl of the sink must have a minimum capacity of 55 litres, be fitted with a 150mm 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 stainless-steel laundry trough with a constant supply of hot and cold running water laid on and drained in terms of section 27 must be provided;
- (e) a refuse container 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 14

DOG KENNELS AND CATTERIES

23. Requirements for Premises

- (1) No person may maintain a kennel or a cattery, unless the requirements of subsection (2) to (12) 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 be adequately accessible 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 100mm 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 Council's sewer by means of an earthenware pipe 100mm in diameter;
 - (c) a kerb 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 sub section (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 covered;
 - (c) every shelter must, for cleaning and deworminising purposes, be adequately accessible.
- (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 sub section (2) and if the base of such kennel is not rendered waterproof, a sleeping board which will enable the dog to keep dry, must be provided in every kennel.

- (5) A concrete apron extending at least 1 m around the extremities of the enclosure must be provided. The apron must be graded and drained for the draining of storm water away from the enclosure.
- (6) Adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to the enclosure.
- (7)(a) If required by the Municipality, a separate room or roofed area with a floor area of not less than 6,5m², a width of not less than 2,1m and a height of not less than 2,4m 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 surface of the room or roofed area must be smooth plastered and painted with a light coloured washable paint.
- (d) The room or roofed area must be equipped with preparation tables of metal manufacture and a double bowled stainless steel sink with a constant supply of hot and cold water laid on and drained in terms of section 27.
- (e) Every bowl of the sink must have a minimum depth of 225mm and a minimum capacity of 55 litres.
- (8) 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 to boundary of any land.

- (9) Isolation facilities must be provided for sick dogs or cats.
- (10) if washing, clipping or grooming of pets is done, the following facilities must be provided:
 - (a) a bathroom with a minimum floor are of 9m², a width of not less than 2,1m 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 10m², a width of not less than 2,1m and fitted with approved impervious topped tabled and an adequate number of portable storage containers of an impervious durable material with close fitting lids for the storage of cut hair pending removal;
 - (c) the room 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 27;
 - (e) every junction between the floor and walls of such rooms must be coved and the coving must have a minimum radius of 75mm
 - (f) every internal wall surface must be smooth plastered and painted in a light-coloured washable paint.
- (11) If cages are kept for the keeping of cats, such cages must be of durable impervious material and constructed so as to be easily cleaned.

24. Duties of person in Control of Kennels or Catteries

- (1) Any person in control of kennels or a cattery must:
 - (a) maintain the premises, equipment, every container and sleeping board used in connection with the kennel or cattery in a clean, sanitary condition and in good working order;
 - (b)(i) provide portable storage containers of an impervious material with close fitting lids for the storage of dog and cat faeces;
 - (ii) every container must be kept in 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 the shelter at least once every 24 hours and place it in the containers referred to in paragraph (b);
 - (d) Remove the contents of the storage containers from the premises at least twice every 7 days and dispose them in a manner which will not create a nuisance;
 - (e) store all food in a rodent proof store room and all loose food in rodent proof containers with close fitting lids within the store room;
 - (f) provide refrigeration facilities in which all perishable food must be stored at a temperature not higher than 10⁰ c;
 - (g) take effective measures for the prevention of harbouring or breeding of, and for the destruction of flies, cockroaches,

rodents and other vermin and for the prevention of unpleasant smells arising from the keeping of dogs or cats;

- (h) provide refuse containers with close fitting lids in the food preparation room or roofed area required in terms of section 23 (7);
- (i) keep any sick dog or cat in the isolation facilities required in terms of section 23 (10), whilst on the premises;
- (j) ensure that no nuisance arises from the keeping of dogs and cats.

CHAPTER 15

HAWKING OF POULTRY AND RABBITS

25. Requirements for Hawking

- (1) No person may hawk poultry or rabbits, unless the following requirements are complied with:
 - (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 4 and 5 and facilities must be provided for the parking of the vehicle used for hawking after normal trading hours;
 - (b) facilities must be provided on the premises for the washing and disinfection of cages, crates and trays in the form of either:
 - (i) a kerbed platform with a surface area of at least 1,5m², raised at least 100mm above the floor and constructed of

concrete or other durable and impervious material brought to a smooth finish and drained in terms of section 27;

- (ii) a stainless-steel sink or trough not less than 204mm deep and 0,6m² in area with a drainage board, and with a constant supply of water laid on at the washing platform, sink or trough.
- (c)(i) a vehicle of sound construction, oil painted and bearing the name of the hawker, together with his or her residential address and the address of his or her business premises in clearly legible letters not less than 50mm in height on both sides of the vehicle must be provided;
- (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 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) the cages, crates or divisions thereof must be fitted with removable trays of impervious material for the reception of poultry or rabbit droppings;
- (iii) in the case of rabbits, the trays must be drained to a removable receptible.
- (e) every cage, crate or division must be provided with a drinking vessel, not less than 100mm in depth filled with water, which must be fixed to an inside corner of the cage, crate or division.

26. Duties of Hawkers

- (1) Every person hawking poultry or rabbits must: -
 - (a) wash and thoroughly cleanse the 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 them in a separate cage;
 - (c) maintain the premises, vehicle and every cage, crate, tray, vessel and container used in connection with the hawking in a clean and sanitary condition, free from vermin and in good working order;
 - (d) store all feed in rodent proof containers.

CHAPTER 16

MISCELLANEOUS

27. Drainage

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 Council's sewer or where no sewer is available or readily accessible, to other means of drainage approved by Council.

28. Discharge of Taps

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

29. Nuisance

(1) No person may:

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

30. 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 7 to 10, must be reported to the Environmental Health Practitioner within 24 hours of diagnosis by the person making the diagnosis.

31. Inspection

(1) The Environmental Health Practitioner and any officer authorised by Council may, in order to satisfy himself or herself 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 pet salon or a hawker of poultry or rabbits is being conducted or on which he reasonably suspects animals, poultry, birds or pets are kept or such business is being conducted, at all reasonable times;

- (b) inspect such premises or any vehicle used or reasonably suspected by him or her to be used for such business and anything on and in it; and
- (c) question any person on the premises or in the vehicle or who has recently been on the premises or in the vehicle.

32. 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 hawker of poultry or rabbits on any premises and 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 contemplated in section 30 when requested to give such access;
- (d) who obstructs or hinders the Environmental Health Practitioner or other officer in the execution his or her duties under these by-laws;

- (e) Fails or refuses to give information to the Environmental Health Practitioner or other officer which is lawfully required, or knowingly furnishes false or misleading information;
- (f) Fails to confine their livestock in an area the area demarcated for such in terms of this by-law shall be fined an amount of R 18-70 per small stock and R 39-00 per big stock revised annually in line with the Consumer Price Index;
- (g) fails or refuses to comply with a notice in terms of section 2, is guilty of an offence and may be liable on conviction to a fine not exceeding R100 000 - 00 or, in default of payment, to imprisonment for a period not exceeding six months, or both the fine and imprisonment.

33. Repeal of by-laws

Any By-Laws which was previously applicable and related to Parking and Loading Management and are hereby repealed.

Short Title

34. Repeal of by-laws

This by-law shall be known as the Ga - Segonyana Local Municipality: Keeping of Animals, Birds, Poultry or Bees By-Laws and takes effect on the date of publication in the *Provincial Gazette*.