



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

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We all have the power to prevent AIDS



**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

Prevention is the cure

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LOCAL AUTHORITY NOTICE

No. 18

LOCAL GOVERNMENT NOTICE

MUNICIPALITY OF INXUBA YETHEMBA

BY-LAW RELATING TO THE PREVENTION OF NUISANCES

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 [Act 32 of 2000], read with Section 162 of the Constitution of the Republic of South Africa Act [108 of 1996] By-law Relating to the Prevention of Nuisances, which come into operation on the date of publication.

PREAMBLE

The purpose of this By-law is to promote a safe, healthy and peaceful environment for the benefit of the public residing within the municipal boundaries and to provide for practices and procedures to regulate the prevention of nuisances.

CHAPTER 1

1. **Definitions** – In these By-laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and unless the context otherwise indicates-

'area' means any official of the municipality who has been authorised by it to administer, implement and enforce the provisions of this By-law;

'Council' means the Council of the Municipality of Inxuba Yethemba, established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and includes any political structure, political office bearer, Councillor, duly authorised agent thereof or any employee thereof acting in connection with this By-law by virtue of a power vested in the Municipality and delegated to such political office bearer, councillor, agent or employee;

'Municipality' means the Municipality of Inxuba Yethemba, established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and includes any political structure, political office bearer, Councillor, duly authorised agent thereof of any employees thereof acting in connection with this By-law by virtue of a power vested in the Municipality and delegated to such political structure, political office bearer, Councillor, agent or employee;

'Nuisance' means, without limiting the general of the term, an act, omission, condition or state of affairs that-

- Impedes, offends, endangers or inconveniences the public at large; or
- Causes material inconvenience in the ordinary and comfortable use or enjoyment of private property;

'Occupier' means and includes any person in actual occupation of any land or private property or having the charge or management thereof, without regard to the title under which he occupies it, and in the case of private

property subdivided and let to various lodgers or tenants, the person receiving the rent payable by lodger or tenant;

'owner' in relation to any private property means-

1. the person in whose name the title to that private property is registered in terms of the Deeds Registries Act, 1937 (Act No 47 of 1937), as amended, and included the holder of the stand licence;
2. the person in whose name the certificate of sectional title to that private property is registered in terms of the Sectional Title Act, 1986 (Act No 95 of 1986), and in addition includes the owner (as defined in the said Act), the body corporate and the developer in relation to such private property;
3. in such person or holder is dead, insolvent, mentally disordered or defective, a minor, or under any legal disability, the person in whom the administration of that person's or holder's estate is vested, whether as executor, trustee, liquidator, guardian of in any other capacity whatsoever;
4. if the private property is are under lease, the registration whereof being necessary for validity of such lease, the lessee; or,
5. when an owner, as herein defined, is absent from the Republic or his whereabouts are unknown an agent of such owner of any person receiving or entitled to receive rent in respect of the private property of any 'unit' (as defined in the Section Titles Act, 1986 (Act 95 of 1986)), of such private property;

'private property' shall include any public place and any land privately owned, all buildings, rooms, tenements, sheds, sheds or other structures or erections and also yards of lands in connection therewith and shall also include any "unit" (as defined in the Sectional Titles Act, 1986(Act No. 95 of 1986)), thereof;

'public facility' means any amenity provided by the Municipality for the utilisation by and convenience of the public at large;

'public place' means any public street or place, including a beach and any navigable river, to which the public usually has access but excludes any public amenity, as defined in the By-law relating to public amenities;

'public vehicle' shall include any motor car, cab, taxi, rickshaw, bus or other vehicle hired or let for the conveyance of passengers;

'refuse' without limiting the ordinary meaning of the word, means any unused vehicle of machinery or part thereof or any scrap metal, builder's rubble, garden refuse, debris, garbage, tyres or any other discarded or abandoned article or object;

'vehicle' means any conveyance which is capable of transporting one or more persons, except a wheelchair or similar devices used for the conveyance of a physically impaired person.

CHAPTER 2

PUBLIC PLACES

2. Breaches / Disturbances of the peace

A person commits an offence if in a public place he-

- 1) accosts, insults, interferes with, jostles, threatens or harasses another person;
- 2) associates or acts in concert with other persons in a manner which causes or is likely to cause a breach of the peace;
- 3) fights or incites or invites another person to fight.

3. Indecent behaviour

1. A person commits an offence if in a public place he-

- a) Is not decently clothed so that at least such person's genitalia are covered from view;
- b) Performs any indecent act, or incites any other person to commit any such offence.

2. A person commits an offence in a public place he-

- a) Defecates or urinates except within a public facility provided by or on behalf of the Municipality for the purpose;
- b) enter a toilet reserved or set aside for members of the opposite sex;
- c) spits;
- d) is under the influence of intoxicating liquor or imbibes or ingests such liquor in circumstances which, in the reasonable opinion of an authorised official, render it likely that such person will cause a nuisance to other persons;
- e) is under the influence of or administers a dependence producing substance, as defined in the Drug and Drug Trafficking Act, 1992 (Act No. 140 of 1992), to himself or another person, or
- f) commits or displays any indecent gesture or indecently exposes himself.

4. **Obscene or offensive language**

A person commits an offence if in a public place within the hearing of a person in a public place he uses any indecent or offensive language or sings an indecent or offensive song.

5. **Indecent or offensive literature and representations**

A person commits an offence if in a public place he-

- 1) displays, distributes, exposes to view or sells or offers for sale in a manner likely to cause offence any indecent or offensive picture or other representation or written or printed matter;
- 2) draws, prints, writes or otherwise produces any indecent or offensive figure, letter, picture, word or other representation or matter so that the same is in the public view.

6. **Loitering**

A person commits an offence if in a public place he loiters for the purpose of prostitution or solicits or importunes any other person for such purpose.

7. **Dangerous acts**

- 1) A person commits an offence if in a public place he-
 - a) Activates, handles or uses any material, object or thing which is likely to cause injury to a person or to intimidate him or to damage property or does so in a manner likely to result in such injury, intimidation or damage;
 - b) introduces or handles any material, object or thing or any liquid or solid substance which by its nature or by reason of the manner of its introduction or handling creates a new source of danger to persons or property or is likely to do so;
 - c) lights, uses or benefits from fire other than in or on a public facility provided by the Municipality for that purpose;
 - d) attaches any object to or suspends any object from a canopy, bridge, veranda or other projection or a pillar, pole or post, subjected to the provision of Section (5);
 - e) performs any other act which may cause injury to person or damage to property unless he is authorised or permitted by law to do so or does so with the permission of an authorised official and in accordance with any conditions imposed by him.
- 2) A person shall discharge fireworks from any private property or public place without the written consent of the Municipal Manager. Applications for the written

consent of the Municipal Manager shall be submitted in writing and shall be accompanied by the written consent of the immediate neighbours who occupy abutting properties and properties across the road from the private property or public place from which fireworks are to be discharged.

8. Littering

- 1) A person commits an offence if in a public place he-
 - a) abandons, discards, discharges or spills or cause or allows to be discharged or spilled any rubbish or other waste material or thing, whether liquid or solid, except in a receptacle provided for the purpose;
 - b) removes from a receptacle provided for the disposal of refuse any of its contents and cause the same to be discharged from such a receptacle

- 2) A person who causes or incites another person to perform any of the acts described in section 8(1) shall be guilty of an offence.

- 3) Any material or thing that a person drops or allows to fall without being immediately retrieved by him shall for the purposes of section 8(1) be deemed to have been discarded by him.

- 4) Any material or thing found in public place in circumstances giving rise to suspicion that an offence has been committed in terms of section 8(1) and which bears the name of a person or in respect of which there is a reasonable suspicion that it is or was the property or under the control of that person shall for the purposes of section 8(1) be deemed to have been abandoned or discarded by that person until the contrary is proved.

- 5) A person who sweeps or in any other way introduces any rubbish or waste material or thing into a public place shall be deemed to have discarded it there for the purpose of section 8(1).

- 6) A person who has been observed by an authorised official to contravene the provisions of section 8(1) may be directed by him to remove the rubbish, material or things or to place it in a receptacle provided by or on behalf of the municipality an failure to comply with such direction shall constitute an offence.

9. Cleaning of sidewalks and verges

- 1) An occupier of premises which constitutes a factory as defined in section 9(3) or on which there is carried on any business, occupation, trade or residence shall at all times while any activity is being carried on in the factory or while the premises are open for business or the occupation or trade is being carried on or during business hours, whichever is applicable, keep any sidewalk and verge abutting on or adjoining the premises, including the gutter and kerb, free of litter and keep the sidewalk and verge in a clean and satisfactory state and to this in a clean and satisfactory state and to this end remove all litter there from.

- 2) The occupier referred to on section 9(1) shall cause all litter removed in terms thereof to be placed in refuse receptacles provided by or on behalf of the

Municipality or, with the written consent of the authorised official, To be disposed of in a manner approved of him.

- 3) For the purpose of section 9(1) the expression 'factory' shall bear the meaning given to it by the Occupational Health and Safety Act, 1993, and the regulations thereunder.

10. Obstructions

A person commits an offence if in a public place he-

- 1) Leaves anything unattended, having introduced or placed it there, so as to cause or be likely to cause an obstruction to persons or vehicles as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- 2) Carries, deposits, handles or introduces anything so as to be likely to obstruct or interfere with the free movement of persons or vehicles or with the use of the public place by persons or vehicle or to cause injury to any person or damage to any property;
- 3) Deposit on its surface anything for the purpose of or in the course of loading or unloading a vehicles or of delivering the same to premises having access to such public place for a longer period than is reasonably necessary for that purpose;
- 4) Obscures a road traffic sign as defined in the national Road Traffic Act, 1996 (Act No. 93 of 1996);
- 5) Hangs or suspends anything from or above a public place or causes or allows anything to protrude above its surface or to encroach upon it, provided that prior written consent may be obtained from the Municipal Manager, which such consent may be given subject to conditions and restrictions deemed necessary;
- 6) Gathers with or causes a gathering of other persons in a place or manner as to or as to be likely to obstruct or restrict or interfere with the movement of persons or vehicles or the use or enjoyment of the public place by persons or vehicles;
- 7) Performs any other act which has or is likely to have a result described in section 10(2)

11. Disposal of property found in a public place

- 1) When anything has been left in a public place in contravention of section 10, an authorised official may remove it to a store established by the Municipality for this purpose, provided that if such a thing is in the reasonable opinion of the authorised official to be of no commercial value he may dispose of same in such deems fit and the person who has committed the offences shall be liable to the Municipality for the cost of such disposal as determined by such authorised official
- 2) Things which have been removed to a store in terms of section 11(1) shall be released to any person who, within seven days after such removal or within or within such longer period as may be allowed by the authorised official in charge

of such store, has demonstrated that he is its owner or entitled to its possession, after payment of the cost of removal and storage as determined by such authorised official in accordance with a prescribed tariff of charges.

- 3) Things which have not been released in terms of section 11(2) shall be sold or disposed of in such manner and after such notice as the authorised official in charge of the store deems fit, having regard for their nature
- 4) The proceeds of any sale in terms of section 11(3) shall be applied in payment of-
 - a) The cost of removal and storage as determined in terms of section 11(2)
 - b) Any cost which may have been incurred in attempting to trace the owner; and
 - c) The cost of sale, the remaining balance to be forfeited to the Municipality if not claimed, within one year from the date of sale, by person who demonstrates his legal right thereto.
- 5) If the Proceeds of the sale are not sufficient to meet the costs referred to in section 11(4) then the owner of the things sold and the person who committed any offence in terms of this By-law in relation thereto shall be jointly and severally liable to the Municipality for the payment of the unsatisfied balance;
- 6) If the things cannot be sold in terms of section 11(3) then the authorised official in charge of the store may dispose thereof in such manner as he deems fit and the provisions of section 11(5) shall, *mutatis mutandis*, apply in respect of any cost incurred in effecting such disposal.
- 7) The exercise of an powers conferred by this By-law shall not render the Municipality or any authorised official liable for any loss or theft of or any damage to anything removed in terms of section 11(1).

12. Obstruction caused by plants

- 1) If a tree, shrub or other plant growing on any private property which abut on a public place or any portion of such plant-
 - a) Obstructs the views of the driver of any vehicle in such public place;
 - b) Obstructs or causes a nuisance to persons using such public place; or
 - c) Obstructs a road traffic sign, or if any part of such plant causes or is likely to cause a nuisance to such persons, an authorised official may serve a notice on the owner of the private property or, if the private property is occupied by a person other than the owner, on the occupier thereof, requiring him to cut down, remove or trim the plant from which the nuisance originates to an extent and within the period stated in the notice and any person who fails to comply with such notice within the period stated shall be guilty of an offence.
- 2) If a person on whom a notice has been served in terms of section 12(1) fails to comply with the terms thereof within the stated therein, an authorised official may cause the work specified in the notice to be carried out and such person shall be liable to the Municipality for the cost of the work as assessed by such authorised official.

13. Begging and gambling

A person who commits an offence if in a public place he-

- 1) Begs for money or goods or asks for or solicits anything, whether by gesture, word or otherwise;
- 2) Gambles or plays any game for gain, whether monetary or otherwise;
- 3) Causes or induces another to commit an offence in terms of section 13 (1) on his behalf

14. Vagrancy

No vagrant or homeless person shall remain in a public place such that his continued presence causes a nuisance to other persons.

15. Camping and sleeping

A person commits an offence if in a public place or property, owned by or under the control of the Municipality and not intended for such purposes, he-

- 1) Camps, sleeps or uses any portion thereof for the purpose of habitation, except with the express consent of the Municipality; and ,
- 2) Lies and sleeps on any bench or seats provided for the use of the public.

16. Gatherings, meetings and processions

- 1) No person shall in a public place convene, hold, organise or take part in any gathering, meeting or procession without the prior written permission of the Municipal Manager, which shall not unreasonably be withheld
- 2) Application for permission in terms of section 16(1) shall be made in writing to the Municipal Manager not less than fourteen days prior to the date of commencement of the event to which the application relates, provided that the Municipal manager may at his sole discretion accept a late application upon good cause shown.
- 3) In addition to such other information as the Municipal Manager may require, applications shall-
 - a) Specify the nature and purpose of the event and its date, time and duration as well as the place at or the route over which it is intended to take place;
 - b) Contains the full names, addresses, designations and telephone numbers of the convenors, holders, organisers and sponsors of the event,
 - c) Supply details of the participants and any speakers;

- d) Furnish details of equipment, machinery or vehicles to be used, as well as of any musical instruments, loudhailers, loudspeakers, radios or other devices which produce, reproduce or amplify sound.
- 4) The Municipal Manager may refuse an application made in terms of section 16(1) the Municipality has reasonable grounds for believing that the event is likely to cause a nuisance, as defined
- 5) In granting permission in terms of section 16(1) the Municipal Manger may impose such conditions and restrictions as he deems necessary to avoid the causing of a nuisance, including a prohibition on the use of any of the equipment, machinery or vehicles or any of the devices referred to in section 16(3)(d) and a requirement that there be furnished.
 - a) A deposit or guarantee to cover damage to property of the Municipality and the cost of the removal of litter caused by or deposited during the event; and
 - b) A public liability policy to protect the Municipality against third party claims.
6. Any person, who convenes, holds or organises an event in respect of which permission has been granted in terms of this section and who contravenes or fails to comply with a condition or restriction imposed in terms of section 16(5) shall be guilty of an offence.
7. Any person who, while present at or during an event in respect of which permission has been granted in terms of this By-law, in any manner causes a disturbance or commits an offence and who fail or refuses to leave after having been required to do so by an authorised official shall be guilty of an offence.
8. Any person who is present at or during an event in respect of which permission is required in terms of this By-law and who is warned by an authorised official that such permission has not been obtained or that conditions or restrictions imposed in terms of section 16(5) have been contravened and who thereafter fails to leave the scene of the event or to cease participation therein when required to do so, shall be guilty of an offence.

17. Amplified devices and equipment

- 1) No person shall, without the prior written consent of the Municipality, use or permit to be used any megaphone, loudspeaker or other device for the reproduction or amplification of sound in or upon any public place for the purpose of making announcements, advertising or doing anything of a like nature.
- 2) The Municipality may refuse to grant such consent if it has reasonable grounds for believing that the use of any such megaphone, loudspeaker or other device will or is likely to cause a nuisance, as defined.

- 3) The Municipality may withdraw its consent if it appears that a nuisance has been or is likely to be caused.

18. Games

A person commits an offence if in a public place he plays any game or indulges in any pastime, such as but not limited to the use of roller skates, Rollerblades or skateboards, in a manner that causes a nuisance.

19. General offences

- 1) A person commits an offence if in a public place, upon private property or property owned by or under the control of the Municipality, he acts or omits to act such that a nuisance is caused in circumstances that are under his control.
- 2) The provisions of section 19(1) shall not apply to the extent that a person acts lawfully in the exercise of a right or in the performance of a duty.

CHAPTER 3

PRIVATE PROPERTY

20. Use of private property

- 1) A person commits an offence if on any private property he-
 - a) Excavates or removes soil or other material from a position in relation to other premises or a public place so as to or to be likely to remove lateral support from those premises or that public place or to create source of danger to life or damage to property;
 - b) Being the owner or occupier of such private property allows any well, pond, reservoir, swimming pool, hole, excavation or earthwork or any tree or other vegetation on such private property to be in such a condition or to be so unprotected as to constitute a danger to the safety of persons or property;
 - c) Causes or allows anything to project from the private property over or into a public place, except in an area zoned for industrial purpose in terms of a zoning scheme and to an extent necessarily consistent with the lawful land use thereof;
 - d) Being the owner or occupier of such private property, deposits, stores or causes, allows or permits to be deposited or stored or to accumulate so as to be visible from a public place, abandoned, derelict or disused furniture, machinery, vehicles or other objects or parts thereof or scrap metal or other derelict or waste material;
 - e) Without the consent of the owner or occupier thereof, attaches or places anything to or on any private property or in any way defaces such private

property, whether by the use of chalk, ink, or paint or by any other means whatsoever, unless he is authorised by any law to do so.

- 2) An authorised official may order a person who has contravened or is contravening section 20(1)(c) or (e) to remove the thing to which the contravention relates from the private property concerned without a specified time, and if he fails to do so, then the provision of section 11 shall *mutatis mutandis*, apply.

21. Site development and other earthworks

- 1) For the purpose of this section the expression 'site development works' shall mean any earthworks upon private property the results of which would permanently change the level of any portion of the surface of the ground upon the private property.
- 2) No person shall carry out, or cause or permit to be carried out, any site development works in the following areas unless he has obtained the prior written approval of an authorised official and, in the case of section 21(2)(a), the Department of Water Affairs and Forestry,
 - a) Any area subject to inundation by floodwaters resulting from a watercourse with a known and defined channel and with a catchment area exceeding one square kilometre from a storm with a frequency of more than 1 in 50 years; and,
 - b) Any part of the area, other than the area referred to in section 21(2)(a) if the proposed permanent change in level at any point is to exceed 1 500 mm.
- 3) Site development work in the areas referred to in section 21(2)(b) will not require the prior written approval of the authorised official if:
 - a) The permanent change in level of any portion of the surface of the ground does not exceed 1 500 mm; and
 - b) All banks that are created as a result of such site development works, whether they be cut or fill, have their surfaces sloped at any angle of not more than 26° to horizontal.
- 4) No person shall raise or lower, or cause or permit to be raised or lowered, the ground level within an area that is subject to a sewer and drain servitude (or municipal services servitude) without the prior written approval of the Municipality.

- 5) Where the approval of the Municipality is required, the owner of the site shall, if the Municipality so requires, insure that all site development earthworks are designed and supervised by a professional engineer or other approved and competent person.
- 6) Every person requiring approval for the kinds of earthworks referred to in section 21(2) and (4) shall submit a written application therefore to an authorised official and furnish whatever information may be required for such approval to be considered.
- 7) In cases where it is proposed to execute site development works or earthworks referred to in section 21(4) in conjunction with building works, the proposals having been fully documented and described as part of a building application made in terms of the National Building Regulations and Building Standards Act (Act 103 of 1977), such fee paid in respect of the site development works, or earthworks as referred to in section 21(4), such building application having been approved, no separate application need to be made or fee paid in respect of the site development works, or earthworks as referred to in section 21(4) , as shown on the approved plan relating to the building application.
- 8) In all cases other than those referred to in section 21(7), application for approval shall be made in terms of section 21(6) and such applications shall be accompanied by the prescribed fee and the following statement.
 - a) Two complete sets of drawings showing full details of all proposed site development works or earthworks to a scale of 1:100 or to a larger scale that shall be 1:50, 1:20 or 1:10;
 - b) Four copies of a block plan, to a scale not smaller than 1:500, reflecting the applicable information required in terms of the National Building Regulations and Building Standards Act (Act No. 103 of 1977); and
 - c) Such other drawings or details as the authorised official may require, which in the case of applications in terms of section 21(2)(a) shall include details of the effect, if any, that the proposed works will have on the natural watercourse and the levels and extent of flooding on any other properties.
- 9) The fee in respect of any application in terms of this By-law shall be as prescribed by the Municipality from time to time.
- 10) Upon the approval of an application the authorised official shall, when conveying his decision to the applicant in writing, return one sets of each of the block plan and working drawings.
- 11) Should the applicant be refused, the authorised official shall, in conveying his decision to the applicant, state his reasons for such refusal.
- 12) The owner of any site, in respect of which written approval has been given for proposed site development works, shall be responsible for insuring that the works conform in all respects to the approval given and within 14 days of the completion

of such works he shall advise the authorised official that the works have been completed.

- 13) Any approval have lapsed in terms of this By-law shall lapse if the work has not started within 6 months of the date of approval or if the work is not completed within 12 months of the date of approval.
- 14) Should approval have lapsed in terms of section 21(13), the authorised official may at any time thereafter serve a written notice upon the owner requiring him to restore the site concerned to its former condition within a period to be specified in such notice which period shall be not less than 30 days from the date of such notice, and such owner shall thereupon comply with such notice.
- 15) Whenever any site development works contemplated by section 21(2) or any works contemplated by section 21(4) have been carried out without the necessary prior approval, having been obtained, it shall be presumed, until proved to the contrary, that the owner of the land upon which works have been carried out is the person who carried out such works.
- 16) In the event of a contravention of section 21, the authorised official may, after the person responsible for the contravention has failed to comply with the terms of a notice calling on him to rectify the contravention, do whatever may reasonably be necessary to terminate any nuisance caused by such contravention and the Municipality may recover the cost of doing so from such person.

22. Burglar alarms

- 1) The occupier of private premises in which a burglar alarm device has been installed shall be guilty of an offence if it continues to sound either continuously or intermittently for more than ten minutes after it has been activated by any cause whatsoever.
- 2) Such device shall be deemed to be sounding intermittently for the purposes of section 22 for so long as it continues to sound at any interval without the intervention of a new cause, provided that it shall be a defence to a charge of contravening section 22 to prove that an automatic cut-off mechanism fitted to such a device has failed to operate for reason beyond the control of the occupier and without negligence on his part.
- 3) When a burglar alarm device installed in any private property the occupier of the private property shall, unless a mechanism referred to in section 22(2) has been fitted, either erect and maintain at the main entrance to the private property a notice specifying the names and telephone numbers of persons who have access to the private property at all times for the purpose of deactivating the device or shall arrange for an automatic response to an alarm operate at all times.

23. Air-conditioning appliances

The owner or occupier of a portion of a building who has installed therein or who maintains and operates therein an air-conditioning appliance shall ensure that appliance is so installed, maintained and operated as to preclude-

- 1) The generation of noise, smell or vibration which causes a nuisance, as defined; and,
- 2) The discharge or generation of condensate onto a public place so as to cause a nuisance, as defined

24. Nuisance arising from the use of private property

- 1) No occupier of private property shall-
 - a) Use it for a purpose;
 - b) Cause, allow or permit use for a purpose
 - c) Organise or allow or permit an activity, event or function thereupon save for birthday, engagement, wedding or similar celebration;

This is contrary to the zoning scheme restrictions imposed by town planning legislation and which by its nature or otherwise or by reason of its consequences causes a nuisance.

- 2) Notwithstanding the a foregoing, nothing herein stated shall prevent the owner or legal occupier of any private property from engaging in the following activities:
 - a) Any authorised building or contract work undertaken by himself or on his behalf; and;
 - b) Participating in any hobby or activity involving any item owned or used by him which may require the use of electrical appliances such as an angle grinder, sanding machine and the like, provided that:
 - (i) The use of such appliance does not cause interference to television reception in the neighbourhood, that every precaution possible is taken to minimise noise there from and the duration of use thereof and that such activity is not for or related to any business conducted from the private property or elsewhere; and
 - (ii) Such building or contract work and the use of electrical appliances for such hobby or activity is confined to the hours of 07h00 to 19h00.

- 3) Whenever an authorised official is of the reasonable opinion that a person engaged in a hobby or activity is contravening section 24(1), he may instruct the occupier of the private property or any person responsible for or participating in the use, activity, event or function to take such steps as he specifies to abate the nuisance or to avoid the creation of a nuisance or, if this can only be achieved by the cessation of the use, activity, event or function, to bring it to an end forthwith or within a time prescribed by him.
- 4) If the owner, occupier or person responsible for or participating in the use, activity, event or function fails to abide by any notice or instruction given by an authorised official, then such official may, provided he has personally witnessed the nuisance and failure to abide, issue a notification in terms of section 341 of the Criminal procedures Act, 1977 (Act No. 51 of 1977), upon the owner, occupier or person responsible.

25. Lighting of fires

- 1) No person shall, on any private property, light a fire or burn or attempt to burn any rubbish or refuse or any grass or other vegetation without taking adequate precautions to prevent the uncontrolled spread of fire or the creation of a nuisance, whether as a result of the production of ash, flames, fumes, heat, smoke or otherwise.
- 2) Should any person persist with the burning of any matter without taking affective precautionary measures as described in section 25(1) where such burning is the subject of a reasonable complaint lodged with the Municipality, the Municipality, through its authorised official shall be entitled to enter upon the private property on which the burning is taking place in order to extinguish the fire and to charge the person concerned with an offence.

26. Disposal of carcasses

- 1) No person shall bury or place any car case of a carcass, or permit any carcass, dead thing or any decomposable or offensive material or thing which is his property or is thereon so as to cause a nuisance.
- 2) In the event of any person not being able to dispose of any offensive matter or thing, or bury any carcass, he shall arrange with the Municipality to do so at the prescribed fee.

27. Removal of weeds, undergrowth and bush

- 1) No person shall permit any rank grass, undergrowth, declared weeds or invader plants as listed in the Conservation of Agricultural Resources Act, 1983 (Act 43 of

1983), to grow upon any private property or vacant land occupied or owned by him.

- 2) A person shall comply with a notice signed by the Municipal Manager or other authorised official, requiring him to destroy or cut down and remove or cause to be removed any such rank grass, undergrowth, declared weeds or invader plants, within a time to be stated in such notice and in a method as stated in the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).
- 3) If such owner or occupier fails to comply with such written notice then he shall be guilty of contravention of this By-law and the Municipality may take such steps as may deem necessary to carry out, on behalf of the said owner or occupier, the requirements of the said notice and may recover the cost thereof from the said owner or occupier in accordance with the Municipality's tariff of charges.

28. Control of mosquitoes, flies, rodents and other vermin

- 1) It shall be the duty of every occupier or the owner, in the case of private property used in common by a number of occupier, to prevent mosquitoes, flies, rodents or other vermin from developing or being harboured thereon, and any such occupier or owner who fails to comply with the provisions hereof shall be deemed to have contravened this By-law.
- 2) The occupier or owner of private property shall, on being served with a notice signed by the Municipal Manager, carry out such measures as may be specified therein for the removal of conditions favourable to the development or harbouring of mosquitoes, flies, rodents or other vermin, within the time specified in the notice.
- 3) If the occupier or owner refuses to carry out the measures specified in a notice under this By-law or fails to do so within the time specified, then the Municipal Manager may arrange for such measure to be carried out and the cost incurred in so doing shall be recoverable by the Municipality from the person upon whom the notice is served at a charge specified in the Municipality's tariff of charges.

29. Keeping or management of a brothel

- 1) No person shall keep or manage or act or assist in the keeping or management of brothel upon any private property.
- 2) No person, being the owner, lessee or occupier of any private property, shall knowingly permit such private property, or any portion thereof, or any room therein, to be used as a brothel or for the purpose of prostitution, or to be a party to continued use thereof for such purpose.
- 3) No person, being the owner of any private property or the agent of such owner shall let such private property, or any portion thereof, or any room therein, with

the knowledge that such private property or any room therein, is to be used as a brothel or for the purpose of prostitution.

CHAPTER 4

MUNICIPAL PROPERTY AND PROPERTY UNDER THE CONTROL OF THE MUNICIPALITY

30. GENERAL OFFENCES

- 1) A person commits an offence if in relation to any property in the ownership or possession of or under the control of the Municipality, whether movable or immovable, and including any public place, he-
 - a) Permits, or causes to be done any act which may, in the reasonable opinion of the Municipality, cause soil or sand erosion;
 - b) Permits, or causes to be done any act which may, in the reasonable opinion of the Municipality, result in the spreading of drift sand on a beach;
 - c) Permits, or causes to be done, any cutting, removing or interfering with the natural vegetation, which may, in the reasonable opinion of the Municipality, results in damage to, or destruction of, the natural vegetation;
 - d) He discards any bait or baited hooks, refuse, or any unsightly material on such property;
 - e) Wilfully or negligently damages or destroys such property or any part thereof;
 - f) Removes any earth, sand, shale, stone, turf or any other material or part thereof;
 - g) Breaks, cuts, destroys or removes any bush, shrub, tree or other plant or removes any branch, flower, leaf or other part thereof;
 - h) Attaches to or places on or next to such property anything, including any advertisement, flyer, pamphlet, placard or poster or other illustrative, written or printed matter, or hangs or suspends anything on or from it;
 - i) Defaces any such property whether by the use of chalk, ink or paint or by any other means whatsoever;
 - j) Extinguishes any lamp or light or displaces or removes any barricade, enclosure, fence, lamp, light, notice or signs;

- k) Makes any excavation in or disturbs the surface of such property;
 - l) Climbs or sits upon, hangs onto or mounts any such property;
 - m) Enters such property or remains there;
 - n) Introduces any object or material or erects any structure on such property;
 - o) Allows, causes or permits any other person to commit any of the aforesaid acts, unless he does so in the performance of a lawful right or duty or with the prior consent of an authorised official or in accordance with the provision of any law.
- 2) Notwithstanding the a foregoing, nothing shall prevent the owner or occupier of private property from planting and maintaining grass and plants on that portion of the verge of a street which abuts on such municipal property under the control of the Municipality, provided that the lawful passage of vehicular and pedestrian traffic and the lawful parking of the vehicles is not thereby obstructed and the grass and plants are properly maintained and do not cause a nuisance.
- 3) Any person who is convicted of an offence in terms of section 30(1) shall pay to the Municipality the cost of remedying any loss or damage suffered by the Municipality as a result of the commission of that offence and cost of the removal and disposal of any material, objected or structure involved in the commission of the offence and for this purpose the provisions of section 11 shall apply

CHAPTER 5

PRESUMPTIONS, OFFENCES AND PENALTIES

31. Presumptions

When an employee in the course of his employment performs any act or is guilty of an omission which constitutes an offence in terms of this By-law, the employer shall also be deemed to have performed the act or to be guilty of the omission and he shall be liable on a conviction for the penalties mentioned in terms of section 32, unless he proves to the satisfaction of the Court that;

1. In performing the act or permitting the omission, the employee was acting without his employer's knowledge or consent;
2. All reasonable steps were taken by the employer to prevent the act or omission in question;

3. It was not without the scope of the authority or the course of the employment of the employee to perform the act or permit the omission in question.

32. Offences and penalties

- 1) Any person who-
 - a) Contravenes any provision of this By-law, which contravention is not expressly stated to be an offense;
 - b) Contravenes any condition or restriction imposed upon the granting of any application, approval, authority, consent or permission in terms of this By-law;
 - c) Fails to comply with the terms of any notice served upon him or instruction to him in terms of this By-law shall be guilty of an offence.
- 2) Any person who contravenes any of these provisions shall be guilty of an offence and liable, upon conviction, to a fine not exceeding R10 000.00 (Ten thousand rand) or imprisonment, provided that in the case of a continuing offence, a fine not exceeding R 100.00 (One hundred rand) for each day on which the contravention continues, may be imposed.

33. Non-discrimination

- 1) Subject to the provision of section 33(2), no provisions of this By-law shall be applied so as to discriminate between persons on the grounds of race, religion or gender nor shall it be so construed as to have the effect of authorising such discrimination.
- 2) Notwithstanding the provisions of section 33(1), discrimination on the grounds of gender may expressly be authorised in terms of any provision of this By-law which prescribes the wearing of appropriate clothing in a public place or imposes a restriction upon the entry of a person into any public facility.

LOCAL GOVERNMENT NOTICE**MUNICIPALITY OF INXUBA YETHEMBA****BY-LAW RELATING TO REFUSE REMOVAL AND DISPOSAL**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000[Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-laws Relating to Refuse Removal and Disposal which shall come into operation on the date of publication thereof.

Purpose of By-laws

The purpose of these By-laws is to promote the achievement of a safe and healthy environment for the benefit of the residents in the area of jurisdiction of the municipality and to provide for procedures, methods and practices to regulate the dumping of refuse and the removal thereof.

1. Definitions

In these By-laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and unless the context otherwise indicates:-

“**Bin-liner**” means a plastic bag, as prescribed by the municipality, for placement inside a container;

“**Builder’s-refuse**” means any waste or refuse from or generated by the construction, renovation or demolition of a building or other structure or works;

“**Bulky refuse**” means any refuse, other than industrial refuse, which emanates from any premises and which by virtue of its mass, shape, size or quantity cannot be conveniently accumulated in or removed from a container with a bin liner;

“**Charge**” means the charge prescribed by the municipality by resolution;

“**Container**” means a standard type of refuse container as approved by the municipality.

“**Domestic refuse**” means any refuse or waste normally emanating from or incidentally to the normal occupation of a dwelling, flat, hotel, boarding-house, restaurant, guesthouse, hospital, school, cafe, shop, old age home or office but shall not include stones, soil, gravel, bricks, waste liquids, night soil, or industrial, builder’s or trade refuse;

“**Garden refuse**” means any refuse which is generated as a result of normal gardening activities such as grass cutting, leaves, trees, plants, flowers, weeds and other similar light matter;

“**Industrial refuse**” means any refuse generated as a result of manufacturing, maintenance, production and dismantling activities;

“**Municipality**” means the Municipality of Inxuba Yethemba established in terms of Section 12 of the Municipal Structures Act, 117 of 1998 and includes any political structure, political

office bearer, councillor, duly authorised agent or any employee thereof acting in connection with these By-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“Municipal service” means, unless otherwise stated, the provision or supply of water, sewerage or electricity services;

“Occupier” for the purpose hereof means the person who controls and resides in or who controls and otherwise uses immovable property and includes joint occupiers;

“Owner” means and includes:

- a) The person or persons in whom the registered title in immovable property is vested;
- b) The person administering an estate as curator, executor, proxy, trustee or administrator of a person in whom the legal title in immovable property is vested and who is insolvent, dead or of unsound mind;
- c) The agent or persons receiving the rental of immovable property in cases where the owner as described above is away or absent;
- d) The beneficiary of a usufruct over immovable property, or
- e) The fiduciaries of municipal property; and

where the text so requires, includes the occupier of a property.

“Trade refuse” means any trade material or trade waste as determined by the municipality and agreed to by the owner or occupier.

2. Domestic refuse removal

The municipality shall provide a service for the removal and disposal of domestic refuse subject to such conditions as it may determine.

3. Use of service compulsory

Every owner or occupier of immovable property shall make use of the service for the removal and disposal of domestic refuse provided by the municipality in respect of all domestic refuse which emanates from such property.

4. Municipality to remove refuse

No person other than the municipality or person authorised thereto in writing by the municipality shall remove domestic refuse from any property or dispose of it in any manner whatsoever.

5. Accumulation and removal of domestic refuse

- a) Subject to the provisions of subsection [6], the municipality may require every occupier of a property to provide on such property a container with a capacity of not less than 85 litres, constructed of a material approved by the accumulation of domestic refuse.

- b) If the municipality is of the opinion that more than one container for the accumulation of domestic refuse is essential on a particular property, it may, according to the quantity of domestic refuse normally accumulated on such property, require the occupier thereof to provide as many containers as it may determine on such property.
- c) If the container used by an owner or occupier does not comply with the requirements of the municipality, it may instruct such owner or occupier to obtain and use some other suitable container complying with the requirements.
- d) The municipality may, where it considers it necessary or desirable of its own accord supply containers to particular classes of owners or occupiers, or to particular classes of properties or in particular areas, in which event the cost of such containers shall be recovered from the owners or occupiers of the properties concerned.
- e) All containers shall be equipped with bin liners, unless the municipality determines otherwise.
- f) The municipality may, generally or in particular, issue instructions to the owner and occupiers on the manner in which or the arrangements according to which refuse or refuse bags shall be placed in containers, be removed there from, be tied and thereafter be placed or deposited for removal, and any disregard of such instructions shall constitute a contravention of these By-laws.
- g) No material, including any liquid which, by reason of its mass or other property is likely to render such bin liners or containers difficult for the municipality's employees to handle or carry, shall be placed in such bin liners or containers.
- h) The containers or bin liners, or both, shall be removed by the municipality at such intervals as the municipality may deem necessary but only if such containers or bin liners, or both, have been placed or deposited at the prescribed places as determined by the municipality.
- i) The municipality shall not be liable for the loss or for any damage to the container or bin liner.
- j) In any case where the occupier of a property is not also the owner, the municipality may hold the owner himself, instead of the occupier, liable for compliance with the provisions of these By-laws.
- k) The municipality may, in specific cases, impose different requirements other than the use of an 85 litre container, for the removal and disposal of refuse and the owner or occupier of immovable property, as the case may be, to which such requirements relate shall be obliged to comply with the aforesaid directions of the council.
- l) The municipality may prescribe policy with regard to the reclamation of refuse in which case directions may be issued in terms of which certain types of refuse shall be separated and disposed of.

6. Accumulation of domestic refuse

The owner or occupier of any property shall ensure that all domestic refuse generated on such property shall be accumulated only in a container, as determined by section 5, and in no other manner.

7. Littering

No person shall –

1. Throw, drop, deposit or spill any refuse into or onto a public place, street, vacant stand, vacant erf, stream or water-course, or
2. Sweep any refuse into a gutter on a public place or into any public street.

8. Pavements

It shall be the duty of every owner or occupier of a shop or trade premises to ensure that the pavement in front of or abutting such shop or premises is kept clean and free of refuse or waste material emanating from such shop or premises or resulting from the delivery of goods to such shop or premises or from the supply or sale of goods to the public by the occupier of such shop or premises.

9. Garden refuse

- 1) Garden refuse may be removed from property where it accumulates according to any arrangements which the owner or occupier of such property desires to make, provided that, should any accumulation of garden refuse not be removed and should such accumulation in the opinion of the municipality constitute a nuisance or danger to public health or an necessary fire hazard to nearby property, the municipality may order such owner or occupier by written notice to cause such accumulation to be removed within a specified period. If it has sufficient facilities available, the municipality may in its discretion and on application from the owner or occupier of property remove garden refuse from such property at the cost of the owner or occupier and subject to such terms and conditions as the municipality determines
- 2) No garden refuse may be dumped, kept or stored in or on any sidewalk or vacant ground.

10. Removal of bulky and industrial refuse

- 1) The occupier or, in the case of premises occupied by more than one person, the occupiers of premises in which bulky or industrial refuse is generated, shall ensure that such refuse is disposed of in terms of these By-laws within a reasonable period after the generation thereof.

- 2) Bulky and industrial refuse shall, once it has been removed from the premises on which it was generated, be deposited on a site designated by the municipality as a disposal site for such refuse.
- 3) The municipality does not accept any responsibility for the removal of bulky or industrial refuse.

11. Builder's refuse

Builder's refuse which may have accumulated in the course of the construction, alteration, renovation or demolition of any structure or works shall be removed from the property concerned according to suitable arrangements to be made by the owner of such property with the municipality. If there is any undue delay in the removal of such refuse after the completion of the works involved, the municipality may direct, by written notice to such owner, that the refuse be removed within a specified time to an approved site.

12. Trade refuse

The municipality may enter into an agreement with the owner or occupier of any premises for the removal of trade refuse by the municipality at a charge fixed by the municipality.

13. Disposal sites for domestic, garden and builder's refuse

- 1) The municipality shall set aside and maintain a place or places where domestic, garden and builder's refuse shall be deposited or dumped. Any person dumping domestic, garden and builder's refuse in any other place shall be guilty of an offence
- 2) The municipality may, from time to time, determine tariffs for the dumping of refuse at a dumping or disposal site.

14. Ownership of refuse

All refuse removed by the municipality and all refuse on disposal sites controlled by the municipality shall be the property of the municipality to do so, shall remove or in any manner interfere with such refuse.

15. Abandoned objects

Any object other than a vehicle deemed to have been left abandoned anywhere in terms of the National Road Traffic Act, 1996 [Act 93 of 1996], which is, in the light of such factors as the place where it is found, the period it has been lying at such place and the nature and condition thereof, be reasonably regarded by the municipality as having been abandoned, may be removed and disposed of by the municipality in a manner as it may deem fit.

16. Liability

- 1) Where any object has been removed and disposed of by the municipality in terms of section 15, the owner or person responsible for such object shall be liable to pay the municipality charge fixed by it for its removal, disposal or custody.

- 2) For the purpose of subsection[1], the person responsible shall be:
 - a) The owner of the object, including any person who is entitled to be in possession of the object by virtue of a hire-purpose agreement or an agreement of lease at the time when it was abandoned or deposited in the place from which it was so removed, unless he can prove that he was not concerned in and did not know it had been deposited in such place, or
 - b) Any person who deposits the object in the place aforesaid, or
 - c) Any person who knowingly permitted the object to be deposited in the aforesaid place

17. Charges and deposit

The charges payable to the municipality for the establishment, provision and maintenance of a refuse removal service and the amount a person making use of such service shall deposit with the municipality shall be determined by resolution adopted by the municipality.

18. Penalty

Any person who contravenes or fails to comply with any provision of this By-law shall be guilty of an offence and liable upon conviction to-

- 1) A fine or imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
- 2) In the case of a continuing offence, to and additional fine or an additional period of imprisonment of 10 days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
- 3) A further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

19. Repeal of By-laws

Any By-law relating to refuse removal and disposal adopted by the municipality or any municipality now comprising and administrative unit of the municipality is repealed from the date of promulgation of these By-laws.

LOCAL AUTHORITY NOTICE
MUNICIPALITY OF INXUBA YETHEMBA
BY-LAWS REGARDING THE PREPARATION OF FOOD AT REGISTERED PRIVATE
KITCHENS

The Municipal Manager hereby publishes, in terms of section 13 of the Local Government Municipal Systems Act, 2000[Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the by By-laws regarding the preparation of food at registered private kitchens which shall come into operation on the date of publication thereof.

1. Definitions

In these By-laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and, unless the context otherwise indicates-

“authorised official” means

- a) An official of the Council; or
- b) An official of another municipality; or
- c) An official of another organ of state; or
- d) A person contracted by the Council; and

With which or whom the Council has concluded an agreement for the rendering of services in terms of these By-laws and to which or whom the Council has delegated a duty, function or power under these By-laws, provided that the official or person concerned shall be a duly registered environmental health officer or health practitioner;

“Council” means the Council of the municipality or any Committee, Political Office Bearer or official thereof acting by the virtue of any power entrusted or delegated to it or him in terms of legislation with regard to the application and implementation of these By-laws;

“municipality” means the municipality of Inxuba Yethemba and includes the Council thereof and should the context so require also the authorised official;

“registration certificate” means a certificate issued by the authorised official in respect of any registration in terms of these By-laws;

“require” means as required by the authorised official with due regard to the reasonable public health and other requirements in the particular context;

“foodstuffs”, “approved”, “premises”, “handling”, “inspector”, “dwelling” shall have the meanings assigned thereto in the Health Act 1977, the Foodstuffs, Cosmetics Disinfectants Act, 1972, any other national legislation applicable to the handling of food at private kitchens, any regulations framed there under, the applicable Town Planning Scheme and the National Regulations and Building Standards Act, 1977 [Act No. 103 of 1977], as amended from time to time provided that, for purposes of these By-laws, “premises” and “dwelling” shall have the same meaning;

Any other word or expression used in these By-laws, has the same meaning as that assigned to it in the health Act 1977 [Act No. 63 of 1977], the Foodstuffs, cosmetics and Disinfectants Act, 1972 [Act No. 54 of 1972], any other national legislation applicable to the handling of food and any regulations framed there under unless it is apparent from the context that another meaning is intended.

2. Registration

- a) No person shall use any part of a private dwelling within the jurisdiction of the Council for the preparation, storage or keeping of foodstuffs for the purpose of sale unless the dwelling is first registered with the Council.
- b) Any application to register a private dwelling for the purpose of these By-laws shall be made and a registration certificate shall thus be issued by the authorised official before any part of the dwelling is used for the preparation, keeping or storage of foodstuffs for the purpose of sale and such application shall be refused unless the premises concerned complies in all respects with the requirements of these By-laws.
- c) An application for registration of a private dwelling shall be submitted to the Council in writing on the prescribed form and such application shall provide a description of the dwelling and supply particulars regarding the location thereof, as well as any other information that the authorised official deems necessary for the consideration of the application.
- d) A registration certificate shall be renewed annually on or before the date of expiry thereof.
- e) The registration of a private dwelling may be revoked at any time after due notice to the owner or occupier of the premises concerned if the requirements of these By-laws, the applicable Town Planning scheme, the provisions of the Health Act 1977 [Act No. 63 of 1977], the Food-stuffs, Cosmetics and Disinfectants Act 1972 [Act No. 54 of 1972], as amended from time to time as well as any other application law, are not complied with.
- f) A registration fee determined by resolution by the Council shall be payable on submission of an application for registration in terms of these By-laws, and shall thereafter be payable annually before a registration certificate is issued or renewed.

3. Requirements for premises

Premises where foodstuffs are handled, processed, produced, manufactured, packaged, stored or prepared for the purpose of sale, shall comply with the following requirements:

- a) These premises shall comply with the minimum requirements as contained in the applicable Town Planning Scheme and the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977], as amended from time to time;
- b) A double washbasin with clean hot and cold running water shall be provided;
- c) All working surfaces and equipment which came into direct contact with foodstuffs, shall be manufactured from stainless steel or from other smooth, rustproof, non-toxic and non absorbent material which is free of any open seams, ridges and cracks and which is easily cleaned;

- d) Only appliances, bowls, containers and equipment approved by the authorised official, may be used;
- e) Only packaging-material approved by the authorised official may be used.

4. Requirements regarding foodstuffs

- a) Only confectionary, sausage rolls, meat pies, tarts, canned or dried fruits and vegetables, sweets, jam, preserved fruit, fruit jelly or any other foodstuffs approved by the authorised official may be prepared, packaged or processed for sale in a private dwelling, provided that such preparation, packaging or processing shall only be conducted in the kitchen of a private dwelling.
- b) No foodstuffs which are prepared, packaged or processed in a private dwelling, shall be sold on premises other than a licensed food premises or other premises approved by the Council.
- c) No milk shall be used as an ingredient in the preparation or processing of foodstuffs, unless it is pasteurised or sterilised beforehand in accordance with a method approved by the authorised official.
- d) Meat which is used as an ingredient in the preparation or processing of foodstuffs, shall only originate from a slaughter-animal which was slaughtered at an approved abattoir or from an approved retail butchery and for purposes of this subsection approved shall mean approved in terms of applicable legislation including compliance with any registration requirements.
- e) All foodstuffs which, according to the authorised official, require refrigeration or freezing in order to prevent spoilage, shall at all times during storage be maintained at a temperature of between 10 [degrees] C and -7 [degrees] C. Food which is kept in warm shall be kept at a temperature of at least 65 [degrees] C.
- f) All foodstuffs which are prepared, packaged or processed in the kitchen of a private dwelling, and are transported, or delivered to legal outlets, shall, as prescribed by the authorised official, be wrapped or otherwise packaged and the container shall be provided with a label on which the content, ingredients, date of manufacture and the name and address of the content, ingredients, date of manufacture and the name and address of the producer are clearly readable: Provided that the municipality may permit a suitable identification mark instead of the name and address of such producer.

5. Transport of foodstuffs

All foodstuffs which are transported shall be protected against contamination by an effective method as prescribed from time to time by the authorised official.

6. Inspection of premises

Any unauthorised official may examine premises where foodstuffs are manufactured, packaged, prepared, stored, kept or dispatched, and may, if any transgression of these By-laws exists prohibit any or all of the following activities:

- a) Manufacturing;
- b) Packaging;
- c) Preparation
- d) Storage;
- e) Preserving;
- f) Dispatching; and
- g) Selling;

7. Examination of foodstuffs and confiscation

The authorised official may confiscate foodstuffs which he suspects to be contaminated or otherwise unsuitable for human consumption, in order to examine such foodstuffs or to have them examined and, if found that the foodstuffs are contaminated or otherwise unfit for human consumption, he may destroy such foodstuffs or have them destroyed without the Council being held liable for damages or expenses to anybody, because of such action.

8. Duties of person in control of kitchen

- 1) A person in control of a kitchen of a private dwelling where foodstuffs are handled, shall ensure that-
 - a) Measures are taken to exterminate flies, cockroaches and other insects and rodents;
 - b) Sufficient stock of liquid disinfectant soap, nailbrushes and clean disposable towels are provided at wash-hand basins;
 - c) Foodstuffs are not opened, kept or stored outside any approved area, facility or storeroom;
 - d) No room where foodstuffs are handled, processed, produced, manufactured, packaged, prepared or stored shall be used for any other purpose;
 - e) Any container in which foodstuffs are packaged, is clean and free of any poison or ingredient or constituent that may spoil or contaminate the foodstuffs;
 - f) Newspapers, magazines and other used paper or material are not used as packaging material if they come into direct contact with any foodstuffs other than fresh fruit and vegetables;
 - g) Articles which are intended to be used once only, such as plastic or paper cups, plates, straws, spoons, forks, containers or any similar utensils are not used more than once;

- h) Sufficient dustproof containers are provided in which to keep or store such utensils as intended in subsection [g];
- i) All food handlers wear clean overalls which will ensure that foodstuffs which are handled by them, do not come into contact with any part of the body other than the hands;
- j) Clothing or other laundry is not washed or ironed in that part of the building where foodstuffs are handled;
- k) No animal, reptile or bird is kept in any part of the premises where foodstuffs are prepared or handled, or allow that animals, reptiles or birds be brought therein;
- l) All base ingredients which are used in the production or preparation of foodstuffs, are clean and free of all foreign, toxic or unhygienic material;
- m) Perishable foodstuffs are kept at a temperature below 10 [degrees] C.

Provided that this requirement shall not be applicable to-

- 1) Foodstuffs which are kept at a heated temperature of at least 65 [degrees] C;
 - 2) Foodstuffs which are cooled for a period at room temperature in order to prevent spoilage;
 - 3) Fresh fruit and vegetables;
 - 4) All foodstuffs that are resistant to spoilage to such an extent that they need not be kept at a temperature of at least 10 [degrees] C at all times;
- n) Persons that handle foodstuffs do not make smoke;
 - o) Persons do not moisten fingers and blow bags open;
 - p) Persons with open wounds or skin infections do not handle foodstuffs;
 - q) The Council is informed immediately of any case of an actual or suspected contaminatory or contagious disease which may be present with any person involved with the handling of foodstuffs on the premises.

9. Medical Certificate for handlers

Medical certificates for handlers of foodstuffs shall be submitted simultaneously with an application for registration of a private residence or the renewal of such registration, and at any time on his request, to the Authorised official.

10. Obstruction

Any person who, without reasonable or lawful cause, fails to give or refuse access to an authorised official who wishes to enter and inspect a private residence or premises for the purpose of ascertaining whether or not the provisions of these By-laws are being complied or who obstructs or hinders such an official in the execution of his duties in terms of these By-laws, or who fails or refuses to give information to such official, or who gives incorrect or misleading information to such official knowing such information to be incorrect or misleading shall be guilty of an offence.

11. Conflict of laws

These By-laws are supplementary to the provisions of the Health Act, 1977, the Foodstuffs, Cosmetics and Disinfectants Act 1972 and the regulations promulgated there under, herein referred to as national legislations. In the event of conflict between the aforesaid national legislation and any provision of these By-laws, the national legislation shall prevail.

12. Offence and penalties

Any person who contravenes or fails to comply with any provision of these By-laws shall be guilty of an offence and upon conviction be liable to a fine or imprisonment for a period not exceeding six months or to both the fine and the imprisonment.

13. Repeal of By-laws

Any By-laws adopted by the Council or the Council of a Municipality now comprising an administrative unit of the Council and relating to the preparation of food at registered private kitchen are hereby repealed.

LOCAL AUTHORITY NOTICE

MUNICIPALITY OF INXUBA YETHEMBA

STREET TRADING BY-LAW

The Municipal Manager hereby publishes in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-law Relating to Street Trading which shall come into operation on the date of publication thereof.

1. **Definitions** – in this By-law, words used in the masculine gender includes the feminine, the singular includes the plural and vice versa and unless the context otherwise indicates-

“**approval**” means approval by the municipality and “**approved**” has a corresponding meaning;

“**authorised official**” means any official of the municipality who has been authorised by it to administer, implement and enforce the provisions of this By-law;

“**municipal services**” means any system conducted by or on behalf of a local authority for the collection, conveyance, treatment or disposal of refuse, sewage or storm water, or for the generation, impounding, storage, purification, or supply of water, gas, electricity, or other services;

“**municipal service works**” means all property or works of whatever nature necessary for or incidental to any municipal services;

“**foodstuff**” means foodstuffs as defined in Section 1 of the Foodstuff Cosmetics and Disinfectants Act, 1972 [Act No. 54 of 1972];

“**garden or park**” means a garden or park to which the public has a right of access;
“**goods**” means any movable property and includes a living thing;

“**intersections**” means an intersection as defined in the regulations promulgated in terms of the National Road Traffic Act, 1996 [Act 93 of 1996];

“**kerb line**” means any kerb line as defined in Section 1 of the National Road Act, 1996;

“**litter**” includes any receptacle, container or other matter, which has been discarded, abandoned or left behind by street trader or by his or her customers;

“**municipality**” means the Municipality of Inxuba Yethemba, established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), (Act 117 of 1998) and includes any political structure, political office bearer, councillor, duly authorized agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated to such political structure, political office bearer, councillor, agent or employee;

“motor vehicle” means a motor vehicle as defined in Section 1 of the National Road Traffic Act, 1996;

“prescribed” means determined by resolution of the municipal from time to time;

“property” in relation to a street trader, means any article, container, vehicle or structure used or intended to be used in connection with such business, and includes goods in which he or she trades;

“public building” means a building belonging to or occupied solely by any sphere of the government, including the municipality;

“public place” means any square, park, recreation or open space which is vested in the municipality or to which the public has the right to use or is shown on a general plan of a township filed in the deeds registry or a Surveyor-General’s office and has been provided for the use of the public or the owners of even in such townships;

“public monument” means any of the **“public monuments and memorials”** as defined in terms of Section 2 of the National Heritage Resources Act, 1999 (Act No 25 of 1999);

“public road” means a public road as defined in Section 1 of the National Road Traffic Act, 1996,

“roadway” means a roadway as defined in Section 1 of the National Road Traffic Act, 1996,

“sell” includes –

- a) Barter, exchange or hire out;
- b) Display, expose, offer or prepare for sale;
- c) Store on a public road or public place with a view to sell, or
- d) Provide a service for reward;

And selling or sale has a corresponding meaning

“sidewalk” means a sidewalk as defined in Section 1 of the National Road Traffic Act, 1996,

“street furniture” means any furniture installed by the municipality on the street for public use;

“street trader” means a person who carries on the business of street trading and includes any employee of such person;

“street trading” means the selling of any goods or the supplying or offering to supply any service for reward, in public road, or public place, by a street trader;

“the Act” means the Businesses Act, 1991 (Act No. 71 of 1991) and includes the regulations promulgated there under; and

“verge” means a verge as defined in Section 1 of the National Road Traffic Act, 1996;

2. **Meaning of words and expressions in Businesses act incorporated in these By-laws** – in this by-law, unless the context otherwise indicates, any words or expressions to which a meaning has been assigned in the Businesses Act, 1991 (Act No. 71 of 1991), shall have a corresponding meaning in this by-laws.
3. **Single act constitutes street trading** – for the purpose of this by-law a single act of selling or offering or rendering of services in a public road or public place shall constitute street trading.
4. **Reference to legislation includes regulations made there under** – for the purpose of this by-law a reference to any legislation shall be a reference to that legislation and the regulations promulgated there under.
5. **Assigning responsibilities of a municipal employee of a service provider, where a service provider has been appointed** – if any provision in this by-law imposes any responsibility of the municipality in or on an employee of the municipality and such responsibility has, in terms of Section 81(2) of the Local Government: Municipal Systems Act 2000, or any other law, been assigned to a service provider, then the reference in such a provision to such employee must be read as a reference to the service provider or, as duly authorised by the service provider,
6. **Prohibited conduct**
 1. No person shall carry on the business of a street trader-
 - a) At a place or in an area declared by the municipality in terms of section 6A(2)(a) of the Act as a place or area in which street trading is prohibited;
 - b) In a garden or park to which the public has a right or access;
 - c) On verge to-
 - i. A building belonging to, or occupied solely by, any sphere of the government or the municipality;
 - ii. A church, mosque, synagogue or other place of township;
 - iii. A building declare to be a public monument;
 - iv. An auto teller bank machine;
 - d) At a place where it causes an obstruction in respect –

- i. A fire hydrant; or
 - ii. Any entrance to or exit from a building
 - e) At a place where it is likely to obstruct vehicular traffic;
 - f) At a place where it could substantially obstruct a pedestrian in his or her use of the sidewalk;
 - g) On the half of a public road, contiguous to a building used for residential purposes, if the owner or person in control, or any occupier of that building objects thereto and such objection is made known to the street trader by an authorised official;
 - h) On a stand or in any area demarcated by the municipality in terms of section 6A(3)(b) of the Act, if he or she is not in possession of written proof that he or she has hired such stand or area from the municipality or that such stand has otherwise been allocated to him or her by the municipality;
 - i) Within 5 (five) meters of any intersection, and
 - j) On a sidewalk contiguous to a building in which business is being carried on by any person who sells goods of the same or of a similar nature to the goods being sold on such sidewalk by the street trader, if the goods are sold by the street trader without the prior consent of such person and an authorised official has informed the street trader that such consent does not exist.
- 2) A person who has hired a stand from or who has been allocated a stand by the municipality in terms or subsection (1)(h) may not trade in contravention of the terms and conditions of such lease or allocation.
7. **Restricted conduct** – a person carrying on the business of a street trader-
- a) May not sleep overnight at the place of such business
 - b) May not place his or her property on a public road or public place, with the exception of his or her motor vehicle or trailer from which trade is conducted provided that such vehicle or trailer does not obstruct pedestrian or vehicular traffic movement and complies with the provisions of the National Road Traffic Act 1996;
 - c) May not erect any structure for the purpose of providing shelter, other than a device approved by the council.
 - d) Must ensure that his or her property or area of activity –
 - i. Does not cover an area of a public road or a public place which is greater than 6(six) meters (with a maximum of 3 meters) in extent, unless otherwise approved by the municipality; and,

- ii. In respect of any sidewalk, leaves an unobstructed space for pedestrian traffic, being not less than 1.5 (one and a half) meters wide when measured from any contiguous building to the property or area of activity and not less than 0.5 (one half) metres wide when measured from the kerb line to the property or area of activity
- e) May not trade on a sidewalk where the width of such sidewalk is less than four metres;
- f) May not place or stack his or her property in such a manner that it constitutes a danger to any person or property, or is likely to injure any person or cause damage to any property;
- g) May not display his or her goods or other property on or in building, without the consent of the owner, lawful occupier, or person in control of such building or property;
- h) Must, on request by an authorised official or supplier of telecommunication or electricity or other municipal services, move his or her property so as to permit the carrying out of any work in relation to a public road, public place or an such service;
- i) May not attach any of his or her property by any means to any building, structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;
- j) May not carry on such business in such a manner as to –
 - i. Create a nuisance,
 - ii. Damage or deface the surface of any public road or public place, or any public or private property; or
 - iii. Create a traffic or health hazard, or health risk or both
- k) May not make an open fire on a public road or public place;
- l) May not interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop display window or obscure such goods from view;
- m) May not obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic
- n) May not obstruct access to, or the use of, street furniture and any other facility designed for the use of the general public
- o) May not obscure any road traffic sign displayed in terms of the National Road Traffic Act, 1996, or any marking, notice or sign displayed or made in terms of this by-law

- p) May not carry on business, or take up a position, or place his or her property on a portion of a sidewalk or public place, in contravention of a notice or sign erected or displayed by the municipality for the purpose of this by-law
- q) May not, other than in a refuse receptacle approved or supplied by the municipality, accumulate, dump, store, or deposit, or cause or permit to be accumulated, dumped, stored, or deposited, any litter on any land or premises or any public road or public place or on any public property;
- r) May not place, on a public road or public place, such of his or her property that is not capable of being easily removed to a storage place away from such public road or public place, at the end of the day's business
- s) Must on concluding business for the day, remove his or her property, except any structure permitted by the municipality, to a place which is not part of a public road or public place
- t) May not store his or her property in a manhole, storm water drain, public toilet, bus shelter or in a tree; and
- u) May not carry on such business in a place or area in contravention of any prohibition or restriction approved by the Council in terms of section 6A(2)(a) of the Act

8. A street trader must –

- a) Keep the area or site occupied by him or her for the purpose of such business in a clean and sanitary condition;
- b) Keep his or her property in a clean and sanitary and well maintained condition;
- c) Dispose of litter generated by his or her business in whatever refuse receptacle is provided by the municipality for the public or at a dumping site or the municipality;
- d) Not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
- e) Ensure that on completion of business for the day, the area or site occupied by him or her for the purpose of trade is free of litter
- f) Take such precautions in the course of conducting his or her business as may be necessary to prevent the spoiling onto a public road, or public place, or into a storm water drain, or any fat oil or grease
- g) Ensure that no smoke, fumes or other substances, odours, or noise emanating from his or her activities causes pollution of any kind
- h) On request by an authorised official, move his or her property so as to permit the cleansing of the space of the area or site where he or she is trading, or the effecting of municipal services.

9. Signs indication restriction and prohibited are

- a) The municipality may, by resolution and in terms of Section 6A(2) of the Act, declare any place in its area jurisdiction to be an area in which street trading is restricted or prohibited, and must to enable compliance therewith, prescribe or make signs, markings or other devices indicating-
 - i. Specified hours, places, goods, or services in respect of which street trading is restricted or prohibited;
 - ii. The location of boundaries in respect of restricted or prohibited area
 - iii. The boundaries of a stand or area set apart for the purposes of the carrying on of the business of street trading
 - iv. The fact that any such stand or area has been let or otherwise allocated and;
 - v. Any restriction or prohibition against street trading in terms of this by-law.
- b) The municipality may display any such sign, marking or device in such a position and manner as will indicate any restriction or prohibition and or the location or boundaries or the area or stand concerned
- c) Any sign erected in terms of this by-law or any other law shall serve as sufficient notice to a street trader of the prohibition or restriction of the area concerned, and
- d) Any sign may be amended from time to time and displayed by the municipality for the purpose of the by-law, and shall have the same effect as a road sign in terms or the National Road Traffic Act, 1996.

10. Removal and impoundment

- 1) An authorised official may remove and impound any property of a street trade which-
 - a) He or she reasonable suspects is being used or which is intended to be used or has been used for or in connection with street trading
 - b) Is found at a place where street trading is restricted or prohibited;
- 2) The removal and impoundment of property in terms of subsection 1) may be effected irrespective of whether or not such property is in the possession or under the control of any third party at the time

- 3) Any authorised official acting in terms of subsection 1) above must, except where goods have been left or abandoned, issue, to the person carrying on the business of a street trader, a receipt for any property so removed and impounded, which receipt must-
 - a) Itemise the property to be removed and impounded
 - b) Provide the address where the impounded property will be kept and the period of such impoundment
 - c) State the terms and conditions for the release of the impounded property;
 - d) State the terms and conditions relating to the sale of unclaimed property by public auction and;
 - e) Provide the name and address of a municipal official to whom any representation regarding the impoundment may be made and the date and time by which this must take place
- 4) If any property about to be impounded is attached to any immovable property or a structure and such property or structure is under the apparent control of a person present thereat, then any authorised official may order such person to remove the property and if such person refuses or fails to comply the he or she shall be guilty of an offence.
- 5) When any person fails to comply with an order to remove the property referred to in subsection 3) any authorised official of the Council may take such steps as may be necessary to remove the property

11. Various responsibility of persons carrying on business

- 1) When an employee or agent of a street trader contravenes a provision of this by-law the street trader shall be deemed to have committed such contravention him- or herself unless such street trader satisfies the court that he or she took reasonable steps to prevent such contraventions
- 2) The fact that the street trader issued instructions to the employee or agent, prohibiting such contravention, shall not in itself constitute sufficient proof of such reasonable steps.

12. Offense and penalties

- a) Contravention or fails to comply with any provision of this by-law
- b) Fails to comply with any notice issued in terms of this by law
- c) Fails to comply with any lawful instruction given in terms of this by-law

d) Who obstructs or hinders any authorised representative of the council in the execution of his or her duties under this by-law

13. **Repeal of by-laws-** any by-laws promulgated by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality and pertaining to any matter regulated in this by-law shall be repealed from the date of promulgation of this by-law

LOCAL GOVERNMENT NOTICE**MUNICIPALITY OF INXUBA YETHEMBA****BY-LAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND POULTRY AND
BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS, POULTRY AND OR
PETS**

The Municipal Manager hereby publishes, in terms of Section 13 of the local government Municipal Systems Act, 2000 (Act 32 of 2000) read with Section 162 of the Constitution of the Republic of South Africa Act 1996 (Act 108 of 1996) the By-law Relating to the Keeping of Animals, Birds and poultry and businesses involving the Keeping of Animals, Birds and Poultry, which shall come into operation on the date of publication thereof.

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“**Livestock**” Means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;

“**municipality**” Means the Municipality of Inxuba Yethemba, established in terms of Section 12 of the Local Government: Municipal Structure Act, 1998 (Act 117 of 1998) and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated to such political structure, political office bearer, councillor, agent or employee;

“**nuisance**” means a nuisance as defined in the Health Act, 1977 (Act 63 of 1977); i.e. any act, omission or condition which is in the opinion of the municipality, detrimental to health or offensive or injurious or which materially interferes with the ordinary comfort or convenience of the public or adversely affects the safety of the public or which disturbs the quiet of the neighbourhood;

“**owner**” in relation to an animal, means any person who keeps an animal and includes any person to whom an animal has been entrusted or who has control over an animal on any premises within the area of jurisdiction of the municipality;

“**permit holder**” means the person to whom a permit has been issued by the environmental 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 not kept for breeding or business purposes and which may be lawfully kept as a pet and includes any bird and non poisonous reptile;

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

“**pet shop**” means the business of keeping and selling pets on the approved premises;

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

“**poultry**” means fowls, ducks, Muscovy ducks, geese, turkey, pea fowls 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 piece of land registered in a deeds registry as an erf, lot, plot, or stand as part of a township, and includes a stand or a lot forming part of a piece of land laid out as a township, but not yet registered, or a portion of such erf, stand or lot and includes any residential site outside townships provided by the government departments, parastatal institutions or industries and, where the text so requires, buildings on such erf, stand or lot;

“**public place**” means any square, park, recreation ground, sports ground, lane, open space or enclosed place vested in the municipality or other sphere of government or indicated as such on the Surveyor General’s records or utilised by the public or zoned as such in terms of

the applicable zoning scheme or at any time declared or rendered such by the municipality or any other competent;

“public road” means any toad, street or thoroughfare or any other place which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes-

- a) The verge of any such road, street or thoroughfare;
- b) Any footpath, pavement or similar pedestrian portion of a road reserve;
- c) Any other work or object belonging to such road, street or thoroughfare footpath or pavement;
- d) Any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- e) Any premises with or without structures thereon, used or set aside as a public parking area or public parking place for the parking of motor vehicles, whether or not access to such a parking area or place is free of charge.

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

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

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

2. Application of By-laws

1) The provisions of these By-laws shall not apply to-

(A) The keeping of cows for commercial milk production;

(B) Any agricultural show where animals, poultry or birds are kept on a temporary basis

(C) Any laboratory where animals, poultry or birds are kept for research purposes

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

2) The provisions of section 4, 5, 10 and 11 shall not comply to the temporary keeping of a goat on any land for the provision of milk for medical reasons, provided the prior approval of the environmental health officer is obtained and no nuisance arises from the keeping of such goats.

3) The provisions of Section 3, 4(a), 6, 8, 10, 12, 14, 16, 18, 19 and 21 shall apply only to premises which are newly constructed, re-constructed or converted after the commencement of these by-laws: Provided that the environmental health officer may, if he is satisfied that the application of any one or more of the said requirements is essential in the interest 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 provision of sections 12(d), (f) and (g) and 13 (d) inclusive, shall not apply to the keeping of poultry.
- 5) The provisions of the section referring to written permission of this by-law shall not apply to premises which are zoned for agricultural purposes, provided that a person keeping dogs on premises so zoned shall not be exempted from compliance with any other provision of this by-law or any other legislation which may be applicable to such premises.
- 6) The provisions of the sections referring to animals on premises where food are sold shall not apply to a guide dog which is bona fide utilised to accompany a blind person.

3. Premises for the keeping of livestock and kennels

No person shall-

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

4. Keeping animals, poultry and birds

- 1) No person shall keep animals, poultry or bird in or upon any premises-
 - a) Which does not comply with the provisions of these by-laws;
 - b) Which are so constructed, maintained or situated that the keeping of animals, poultry or birds thereon is, in the opinion of the environmental health officer, likely to cause a nuisance or injury to health.
- 2) For the purpose of controlling and restricting the keeping of animals within townships, the municipality may from time to time determine the number, kind and sex of animals that may be kept and the area within which such animals shall be prohibited.

5. Permits for keeping animals and poultry

- 1) No person shall
 - a) Keep any animal, other than a cat, dog or more than ten rabbits or poultry in excess of twenty, unless he is the holder of written permission by way of a permit issued by the environmental health officer in the form set out in schedule 1 hereto: Provided

that such permit shall not be required for the keeping of any animal or poultry in connection with the business of a pet shop;

- b) Keep any animal or poultry in excess of the number specified in such permit: provided that progeny of any mammal still suckling, shall not be taken into account;
 - c) Keep, or allow to kept, more than 100 poultry in number on an agricultural holding: Provided that the environmental health officer may, if he is of the opinion that a nuisance or danger is not likely to be constituted to the public health, on written application by the owner, grant such an owner a permit to keep more than the maximum poultry in number: provided further that the provisions of this section shall not be applicable to a bona fide poultry farmer.
- 2) Application for such a permit shall be made to the environmental health officer in the form set out in schedule 2 hereto;
 - 3) A permit shall not be transferable and shall expire on the date on which the permit holder ceases to keep the animals or poultry for which the permit was issue;
 - 4) A permit holder shall in writing notify the environmental health officer if he ceases to keep the animals or poultry in respect of which a permit was issued or of any increase in the number of animals or poultry kept in excess of the number specified in the permit concerned, within ten days of such an occurrence.
 - 5) The Council may cancel a permit issued in terms of subsection(1)(a), if
 - a) The construction or maintenance of the premises concerned at any time does not comply with any such provision, and 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 officer requiring him to make such premises comply with the by-laws or to cease such contravention or failure within a period specified in such notice;
 - b) Any disease, which in the opinion of the environmental health officer or a veterinarian is of such a nature that it is likely to constitute a danger to the public health or to other animals or poultry, breaks out amongst the animals or poultry kept under such a permit.
 - c) The permit holder or person in control of the premises at the time, personally or through his employee obstructs the environmental health officer in his execution of his duties under these by-laws;
 - d) The permit holder has been found guilty in a competent court of a contravention of these by-laws;
 - e) In the opinion of the environmental health officer, a public nuisance exists due to the keeping of animals

- 6) The environmental health office shall as soon as the permit has been cancelled notify the permit holder of the fact in writing.
- 7) The environmental health officer may, subject to the foregoing provisions of this section, issue a new permit if he is satisfied that the reason for the cancellation exists or that there is no reason why a new permit should not be issued.
- 8) An application for permission to keep animals shall be accompanied by a detailed site plan indicating all structures and fences, existing and proposed, on the premises.
- 9) Notwithstanding anything to the contrary contained in this by-law the municipality may refuse to approve the application and plans if the premises owing to its location, sitting or geographical features are unsuitable for the keeping of animals thereto.

6. Duties of keeper of animals, birds or poultry

- 1) Every person keeping animals shall
 - a) Maintain the premises, any equipment, apparatus, container and receptacle used in connection with such keeping in a clean and sanitary condition and in good repair;
 - b) Take effective measures for the prevention of the harbouring and breeding of and for the destruction of flies, cockroaches, rodents and other vermin
 - c) Remove all the manure from the stable, pigsty and the enclosure at least once every 24 hours and every 7 days from the enclosure, building or shed of goats and sheep.
 - d) Ensure that the manure is disposed of in a manner which will not create a nuisance
- 2) Every person keeping birds or poultry shall
 - a) Comply mutatis mutandis to section 6(1)(a), (b) and (c) ;
 - b) Maintain the premises free from offensive odours arising from the keeping of birds or poultry;
 - c) Ensure that such poultry or birds do not disturb or hinder the comfort, convenience, peace or quiet of the public.

CHAPTER 2

KEEPING OF CATTLE, HORSES, MULES AND DONKEYS

7. Requirements for premises

For the keeping of cattle, horses, mules or donkey a stable or enclosed complying with the following requirements shall be provided.

- a) Every wall and partition of the stable shall be constructed of brick, stone, concrete or any durable material
- b) The internal wall surface of the stable shall be smooth brick or durable surface brought to a smooth brush
- c) The floor of the stable shall be so constructed as to prevent the forming of standing water and grades to a channel for drainage as in terms of section 23;
- d) Any enclosure shall have an area of at least 10 m² for each head of cattle, horse, mule or donkey to be accommodated therein and the fencing shall be of such substantial material so constructed as to prevent such animals from breaking out and shall comply mutatis mutandis with the provision of section 3
- e) No enclosure shall be situated within 100m and no stable shall 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,
- f) A portable water supply adequate for drinking and cleaning purpose shall be provided in or adjacent to every stable or enclosure.

8. Duties of keeper of cattle, horses, mules, and donkeys

Every person keeping cattle, horses, mules and donkeys shall

- a) Ensure that such animal is kept within a stable or enclosure;
- b) Comply mutatis mutandis with section 6(1)(a), (b),(c) and (d)

CHAPTER 3

KEEPING OF PIGS

9. Requirements for premises

- 1) For the keeping of pigs a pigsty complying with the following requirements shall be provided
 - a) Every wall shall be constructed of brick, stone, concrete or any durable material not less than 1.5m in height and shall have a smooth internal surface

- b) The pigsty shall have a floor area of at least 3m² for each pig to be accommodated therein, with a overall minimum floor area of 6m²
 - c) The junction between the walls and the floor shall be coved
 - d) The floor shall 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
 - e) The pigsty shall be so constructed as to prevent the pigs therein from breaking out.
- 2) No person shall 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 shall not be less than 2.5 ha in extent.
 - 3) Potable water supply adequate for drinking and cleaning purposes shall be provided in or adjacent to the pigsty.

10. Duties of keeper of pigs

Every person keeping pigs shall

- a) Ensure that every pig is kept within a pigsty;
- b) Comply mutatis mutandis with section 6(1)(a),(b),(c) and (d).

CHAPTER 4

KEEPING OF GOATS AND SHEEP

11. Requirements for premises

- 1) For the keeping of any goat or sheep, premises comply with the following requirements shall be provided:
 - a) An enclosure with an area of at least 1,5m² for every goat or sheep to be accommodated therein with an overall minimum floor area of 30m²
 - b) If a building or shed is provided for such keeping, it shall comply with the following requirements:
 - i) Every wall shall constructed of brick, stone, concrete or any durable material not less than 2 m in height.

- ii) The floor shall be 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 shall be situated within 15m and no enclosure within 100m 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.

- d) A potable water supply adequate for drinking and cleaning purposes shall be provided in or adjacent to every stable or enclosure.

12. Duties of keeper of goats and sheep

Every person keeping goats and sheep shall

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

- b) Comply mutatis mutandis with section 6(1)(a),(b),(c) and (d).

CHAPTER 5

KEEPING OF POULTRY

13. Requirements for premises

- 1) For the keeping of poultry, premises comply with the following requirements shall be provided
 - a) A poultry house comply with the following requirements
 - Every wall shall be constructed of brick, stone, concrete or any durable material and shall have a smooth internal surface.

 - The floor shall be constructed of concrete or other durable and impervious material brought to a smooth finish.

 - The upper floors of the structure of two or more tiers shall be of an impervious and easily cleaned material.

 - It shall have an area of at least 0,2m² for every grown fowl, duck, Muscovy duck or guinea fowl, 0.5m² for each grown goose or turkey to be accommodated therein with a minimum aggregate of 4m².

 - b) A poultry run, if provided, shall be enclosed with wire mesh or other durable material.

- c) If a battery system is to be operated, a building in which such system shall be housed, constructed and equipped in accordance with the following requirements, shall be provided:
- Every wall, if provided shall at least be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or windows of an area equal to no less than 15% of the floor area of the building.
 - Every wall, if provided, shall at least be 2.4m high, and shall be constructed of brick, stone, concrete or any durable material and shall have a smooth internal surface.

 - The floor shall be constructed of concrete or other durable and impervious material brought to a smooth finish and if required by the environmental health officer the floor surface shall be graded and drained by means of a channel drained in terms of Section 23.
 - If no walls are provided then walls should be of metal the floor shall be provided with a curb at least 150mm high round it extremities;
 - Every junction between the floor and walls and curbing shall be coved;
 - The cages of the battery system shall be constructed of an impervious material;
 - If required by the environmental health officer, a tray of an impervious material and design shall be fitted under every cage for the collection of manure;
 - A wash hand basin with a constant supply of water laid on shall be provided and drained in terms of section 31.
- d) A potable water supply adequate for drinking and cleaning purposes shall be provided in or adjacent to the battery system building or structure or poultry house.
- e) There shall be at least 3m 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 storeroom shall 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, shall be provided if required by the environmental health officer within or adjacent to such a building or structure for the cleaning and disinfection of cages. The washing platform and trough shall be drained in terms of section 31.

14. Duties of keeper of poultry

Every person keeping poultry shall

- a) Ensure that all poultry is kept within the poultry house, poultry run or building or structure housing a battery system;
- b) Comply mutatis mutandis with section 6(2)(a), (b) and (c).
- c) Remove all manure and other waste from a poultry house and poultry run at least every 48 hours or at such intervals approved by the environmental health officer from a building or structure housing a battery system;
- d) Not store any material or article in any poultry house, poultry run or building or structure housing a battery system, except material which is required for use in such house, run, building or structure.

CHAPTER 6

KEEPING OF RABBITS

15. Requirements for premises

- 1) For keeping of rabbits, premises complying with the following requirements shall be provided:
 - a) A rabbit hutch complying with the following requirements-
 - Every wall shall be constructed of brick, stone, concrete or any durable material and shall have a smooth internal surface..
 - The floor surface which shall at least be 150 mm above ground level shall be constructed of concrete or other durable and impervious material brought to a smooth finish, and if required by the health officer, the floor shall be graded to a channel drained in terms of section 31.
 - Natural light and ventilation shall be provided.
 - It shall have a minimum area of at least 0.4m² for every rabbit to be accommodated therein.
 - A rabbit run, if provided, shall 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 shall be housed, constructed and equipped in accordance with the following requirements, shall be provided:
 - Every wall, if provided, shall be at least 2.4 m high and shall be constructed of brick, stone, concrete or any durable material and shall have a smooth internal surface.

- The floors shall be constructed of concrete or other durable and impervious material brought to a smooth finish, and if required by the environmental health officer, the floor surface shall be graded and drained by means of a channel drained in terms of section 23.
 - The cages of the battery system shall be constructed of an impervious material and fitted with trays of an impervious material under every cage for the reception of urine.
 - A wash and basin with a constant supply of water laid on shall be provided and drained in terms of section 31.
- c) A potable water supply adequate for drinking and cleaning purpose shall be provided in or adjacent to the battery system building or structure or rabbit hutch
- d) There shall be at least 5m of clear unobstructed space between the rabbit hutch, rabbit 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.
- e) A curbed concrete washing platform or stainless steel trough with draining board and with a constant supply of water laid on, shall be provided if required by the environmental health officer within or adjacent to such a building or structure for the cleaning and disinfection of cages. The washing platform and trough shall be drained in terms of section 31.

16. Duties of keeper of rabbits

Every person keeping rabbits shall-

- a) Ensure that all rabbits are kept within the rabbit hutch, rabbit run or building or structure housing a battery system,
- b) Comply mutatis mutandis with section 6(2)(a), (b) and (c).
- c) Remove all manure and other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system at least every 48 hours or at such intervals approved by the environmental health officer.
- d) Not store any material or article in any rabbit hutch, rabbit run or building or structure housing a battery system, except material which is required for use in such house, run, building or structure

CHAPTER 7**KEEPING OF BIRDS****17. Requirements for premises**

- 1) For the keeping of birds in an aviary, premises complying with the following requirements shall be provided-
 - a) The aviary shall 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 use thereof shall be constructed of an impervious and durable material;
 - c) No aviary shall situated within 3 m of any building structure, boundary fence or boundary wall.
 - d) A potable supply of water shall be provided adequate for drinking and cleaning purposes.

18. Duties of keeper of birds

- a) Ensure that every that every birds are kept within the aviary;
- b) Comply mutatis mutandis with section 6(2)(a), (b) and (c).

CHAPTER 8**PET SHOPS AND SALONS****19. Requirements for premises**

No person shall conduct a business of a pet shop or pet salon in or upon any premises-

- a) In which there is direct internal access with any room or place for human habitation or in which clothing is stored or sold or food for human consumption is prepared, stored or consumed
- b) Unless the premises are constructed and equipped in accordance with the following requirements:
 - Every wall, including any partition of any building, shall be constructed of brick, stone, concrete or any durable material and shall have a smooth internal surface and painted with a white washable paint or given some other approved finish.

-
- The ceiling of any building shall be constructed of durable material, have a smooth finish, be dust proof and painted with a washable paint.
 - One wash hand basin with a constant supply of hot and cold running water laid on, shall be provided for every 15 or part of that number of persons employed on the premises, which shall be drained in terms of section 31.
 - The floor of any building shall be constructed of concrete or other durable and impervious material brought to a smooth finish.
 - A rodent proof store-room, with an adequate floor space shall be provided.
 - Facilities for the washing of cages, trays and other equipment shall be provided in such a manner that no nuisance is created.
 - A stainless steel sink or trough not less than 304mm deep with a drainage board and with a constant supply of water laid on, which shall be drained in terms of section 31.
 - For each employee for which no change-room is required a metal clothes locker shall be provided.
 - No door, window or other opening in any wall of a building on the premises shall be within 2m of any door, window or opening to any building in which food is prepared, stored or sold for human consumption or consumed by humans.
 - If the washing, clipping or grooming of pets is done on the premises the following facilities shall be provided:
 - a) A bathroom with a minimum floor area of 9m², a width 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.
 - b) Clipping and grooming room with a minimum floor area of 10m², a width not less than 2,1m and fitted with a approved impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids for the storage of cutting hair pending removal.
 - c) The floors of the rooms referred to in paragraphs (a) and (b) shall be constructed of concrete or other durable and impervious material, brought to a smooth finish, graded to a channel drained in terms of section 31.
 - d) Every junction between the floor and walls of such rooms shall be coved and the coving shall have a minimum radius of 75mm.

- e) Every internal wall surface shall be smooth plastered and painted with a light washable paint.
- if cages are provided for the keeping of cats, such cages shall be durable, impervious material and constructed so as to be easily cleaned.

20. Duties of trader

Every person who conducts the business of a pet shop shall-

- a) Provide cages for housing animals. Poultry or birds, and the following requirements shall be complied with
 - The cages shall be constructed entirely of metal or durable impervious material and shall be fitted with a removable metal tray below the floor thereof to facilitate cleaning.
 - Every cage shall be free from any recess or cavity not readily accessible for cleaning and every tubular or hollow fitting used in connection therewith shall have its interior cavity sealed.
 - Every cage shall be of such size and so placed that it can be readily moved.
 - Every cage shall be fitted with a drinking vessel filled with water and accessible to the pets kept in the cage.
 - The distance from any cage to the nearest wall shall at all times be not less than 150mm.
 - The cage shall be kept no less than 150mm above the floor level and the space beneath the cages shall be unobstructed.
- b) Provide refrigeration facilities in which all perishable pet food is kept on the premises shall be stored at a temperature not higher than 10°C.
- c) Maintain in every room in which pets are kept an unobstructed floor space of no less than 30% of the floor area of such room and a distance of not less than 800mm between rows of cages.
- d) 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.
- e) Take effective measures for the prevention of harbouring of 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.

- f) Provide overall 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.
- g) Not keep any pet in the yard or other open space on the premises, unless otherwise approved by the environmental health officer.
- h) Provide isolation facilities in which every pet is or appears to be sick shall be kept whilst on the premises.
- i) Ensure that there is a constant and potable cold and hot water supply for drinking and cleaning purposes.
- j) 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.
- k) Ensure that the numbers of pets per cage are not such that free movement of such pets is impeded.

CHAPTER 9

HAWKING OF POULTRY AND RABBITS

21. Requirements of hawking

No person shall hawk poultry or rabbits, unless the following requirements are complied with:

- a) The business of a hawker shall be conducted from the premises on which poultry or rabbits shall be kept in compliance with the provision of chapter V and VI and facilities shall be provided for the parking of the vehicle used for hawking after normal trading hours.
- b) (i) a vehicle of sound construction bearing the name of the hawker, together with his residential address and the address of his business premises in clearly legible letters on both sides of the vehicle shall be provided.

(ii) That part of the vehicle in which poultry or rabbits are conveyed shall be provided with a top or cover of heat resistant material, other than metal, and provision for through ventilation shall be made.
- c) i) Cages or crates of an impervious and durable material shall be provided for conveying poultry or rabbits on the vehicle.

ii) Such cages, crates or divisions thereof shall be fitted with removable trays of impervious material for the reception of poultry or rabbits droppings.

- d) Every cage, crate or division shall be provided with a drinking vessel, not less than 100 mm in depth filled with water, which shall be fixed to an inside corner of the cage, crate or division.

22. Duties of hawker

Every person hawking poultry or rabbits shall-

- a) Wash and thoroughly cleanse that part of the vehicle in which poultry or rabbits are conveyed and every cage, crate and tray used on the vehicle, after the day's trading.
- b) Remove from every cage or crate in 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 in rodent-proof receptacles or storeroom.

CHAPTER 10

KEEPING OF DOGS

23. Number of dogs

- 1) No person shall keep more than two dogs on any premises without the prior consent of the municipality.
- 2) A licensed breeder of dogs who wishes to keep more dogs on
- Premises zoned for agricultural purposes, shall be entitled to do so without any restrictions and;
 - Premises zoned for any purpose other than agricultural purposes, must obtain the prior written consent of the municipality.
- 3) An application for the municipality's consent in terms of section 23(1) shall not be considered by the municipality unless it is satisfied that the size of the premises on which the dogs are to be kept not less than 5 000m².
- 4) The municipality's consent to keep more than two dogs on a premises shall be granted subject to such conditions and restrictions as the municipality may deem fit to impose.
- 5) The municipality may at any time revoke a consent granted in terms of section 23.

24. Control of dogs

1) No person shall-

- Permit any bitch on heat owned or kept by him to be in any public road or public place without supervision.
- Urge or incite any dog to attack. Worry or frighten any person or animal except where reasonable necessary for the defence of such first –mentioned person or his property or the property of any other person;
- Keep any dog which by-
 - 1) Barking, yelling, howling or whining
 - 2) Having acquired the habit of charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept or;
 - 3) Behaving in any other manner-

Interferes materially with the ordinary comfort, convenience, peace or quiet of neighbours; or

- Permit any dog owned or kept by such person
 - 1) To be in any public road or public place while suffering from mace or any other infectious or contagious diseases,
 - 2) Which is ferocious, vicious or dangerous to be in any public road or public place, unless it is muzzled and held on a leash and under control of himself or some responsible person,
 - 3) To trespass on private property,
 - 4) To constitute a hazard to traffic using any public road,
 - 5) To constitute or to his knowledge be likely to constitute a source of danger or injury to any person outside the premises on which such dog is kept or,
 - 6) To be in public road or public place except on a leash and under control of some responsible person.

25. Fencing of property

No person shall keep a dog if the premise, where such a dog is kept, is not properly and adequately fenced to keep such dog inside the confines of such premises when it is not on a leash.

26. Dogs shall not be source of danger

Any person who keeps a dog on any premises shall keep such dog in such manner so as to be a source of danger to employees of the municipality entering upon such premises for the purpose of carrying out their duties. A notice to the effect that a dog is being kept on such premises shall be displayed in a conspicuous place.

27. Removal of offensive matter

If any dog defecates in any public road or public place, then any person in charge of such dog shall forthwith remove the excrement by placing it in a plastic or paper bag or wrapper and disposing of it in receptacle provided for the deposit of litter or refuse.

28. Dogs on premises where food is sold

Any person being the owner or person in control of any shop or other place where food is prepared, sold or exposed for sale, shall not permit any dog to be or remain in or at such shop or place.

29. Seizure, impounding and destruction of dogs

- 1) Any dog which is suffering from mange or any other infectious or contagious diseases, or which is ferocious, vicious or dangerous, or which is badly injured and which is found in any public road or public place, may be seized and destroyed by the municipality, provided that this is done with such precautions and in such a manner so as to inflict as little suffering as possible.
- 2) The municipality may seize and impound at a place designated by it any dog which is found in any public road or public place in contravention of the provisions of this by-law
- 3) A impounded in terms of section 29(2) may be released to the owner of such dog upon payment of a fee determined by the municipality in addition to any costs, fines or taxes which may be outstanding in respect of such dog.

DOG KENNELS AND CATTERIES

30. Requirements for premises

No person shall keep a kennel or cattery unless the requirements listed hereunder are complied with-

- 1) Every dog or cat shall be kept in a enclosure complying with the following requirements-
 - a) It shall be constructed of durable materials and the access thereto shall be adequate for cleaning purposes;
 - b) The floor shall be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100mm wide, extending over the full width of the floor and situated within the enclosure, which channel shall be graded and shall drain into a gully connected to the municipalities sewer system by means of an earthenware pipe of any other approved material with a minimum diameter of 100 mm, or to another approved disposal system and
 - c) A kerb 150 mm high shall be provided along the entire length of the channel referred to in sub-section (b) and on the side thereof adjacent to the surrounding outside area, to prevent storm water from such area from entering the channel.
- 2) Every enclosure referred to in sub-section (1) shall contain a roofed shelter for the accommodation of dogs and cats and such shelter shall comply with the following requirements-
 - a) Every wall shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface without cracks or open joints;
 - b) The floor shall be concrete or other impervious and durable material brought to a smooth finish without cracks or open joints and the surface between the floor and the walls of a permanent structure shall be covered, and;
 - c) Every shelter shall have adequate access thereto for the cleaning thereof and for the extermination of vermin.
- 3) 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 there base of such kennel is not rendered waterproof, then a sleeping board which will enable the dog to keep dry shall be provided in every such kennel.
- 4) A concrete apron at least 1 m shall be provided at the entrance of the enclosure over its full width and the apron shall be graded for the drainage of water away from the enclosure.
- 5) A supply of potable water, adequate for drinking and cleaning purposes, shall be provided in or adjacent to the enclosure.
- 6) All food shall be stored in a rodent-proof store-room, and all loose food shall be stored in rodent-proof receptacles with close-fitting lids in such store-room.

- 7) At least 5 metres of clear, unobstructed space shall be provided between any shelter or enclosure and the nearest point of any dwelling, other building or structure used for human habitation or any place where food is stored or prepared for human consumption.
- 8) Isolation facilities for sick dogs and cats shall be provided to the sanitation of the municipality.
- 9) If cages are provided for the keeping of cats, such cages shall be of durable, impervious material and constructed so as to be easily cleaned.

CHAPTER 11

MISCELLANEOUS

31. 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, shall be drained to an external gully, connected to the council's sewer or, where no sewer is available or readily accessible, to other means of drainage approved by council.

32. Nuisance

No person shall

- a) Keep any animals 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 officer.

33. Illness attributed to animals

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

34. Inspection

The environmental health officer and any other officer authorised thereto by the council may, in order to satisfy himself/herself that the provision of these by-laws are being complied with-

- a) Enter any premises on which animals, poultry, birds or pets are kept or on which kennels or a cattery is conducted or the business of a dealer or speculator in livestock or a pet shop, a hawker or poultry or rabbit 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/her to be used for such business and anything thereon or therein, and;
- c) Question any person on such premises or in such vehicle or who has recently been on such premises or in such vehicle.

35. Stray animals and pets

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

36. Liability

The municipality shall not be liable for any injury suffered or disease contracted by or damaged caused to any dog, pet or other animals as a result of during or as a result of its seizure, impoundment, detention or destruction in terms of this by-law.

37. Offences and penalties

- 1) Any person-
 - a) Who contravenes or fails to comply with any provision of these by-laws; or
 - b) Who keeps animals, birds or poultry or who is the person in control of or who conducts the business of a dealer or speculator in livestock, a pet shop, dog kennels or cattery or hawker of poultry or rabbits on any such premises fails to ensure that all the provisions of these by-laws applicable to such premises are complied with;
 - c) Who fails or refuses to give access to premises to the environmental health officer or any officer contemplated in section 26 when requested to give such access;
 - d) Who obstructs or hinders the environmental health officer in the in the execution of his/her duties under these by-laws;
 - e) Fails or refuse to give information to the environmental health officer or such other officer which is lawfully required, or knowingly furnishes false or misleading information;

- f) Fails or refuses to comply with a notice in terms of section 2; shall, subject to the provisions of section (2), be guilty of an offence and shall be liable on conviction to a fine, or in default of payment, to imprisonment for a period of not exceeding six months or to such imprisonment without the option of a fine and such imprisonment and,
- 2) In the case of a continuing offence, to an additional fine or an additional period of imprisonment of ten days or to such additional imprisonment without the option of a fine or to both such additions fine and imprisonment, for each day on which such offence is continued; and
- 3) A further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

38. Repeal of by-laws

Any by-laws relation to the keeping of animals and dogs adopted by the municipality or/ and erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

APPLICATION FOR KEEPING OF ANIMALS

*BY-LAWS RELATION TO THE KEEPING OF ANIMALS, BIRDS AND POULTRY AND
BUSINESS INVOLVING THE KEEPING OF ANIMALS, BIRDS POULTRY OR PETS*

APPLICATION	
NAME	
ID NO	
TEL NO(S)	
FAX NO	
POSTAL ADDRESS	
PHYSICAL ADDRESS	
PREMISES	
ERF NO	
ERF SIZE	
STREET ADDRESS	
REGISTERED OWNER OF ERF	
ZONING	
ANIMALS	
TYPE OF ANIMAL	
NUMBER TO BE KEPT	
FEED LOT SYSTEM	

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