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## PROVINCIAL NOTICES

[NO. 167 OF 2010]

**NOTICE IN TERMS OF SECTION 14(2)(b)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD INDIGENT SUPPORT BY-LAW**

- [1.] I, MJ Zwane, Member of the Executive Council responsible for Cooperative Governance Traditional Affairs and Human Settlements in the Free State Province in terms of Section 14(2)(b) of the Local Government: Municipal Structures Act, 2000 (Act No. 32 of 2000) hereby publish standard draft by-laws as set out in the Schedule hereto for public comment.
- [2.] The public and interested parties are invited to submit comments in writing on these proposed standard draft by-laws by not later than 30 days from the date of publication of this notice, to:-

The Chief Director  
Systems And Capacity Building  
Department of Cooperative Governance  
and Traditional Affairs  
Local Government Branch  
PO Box 211  
BLOEMFONTEIN  
9301

Comments may also be submitted by facsimile to number 086 698 8906 or by e-mail to

chohne@lgh.f.sgov.za

**SCHEDULE****INDIGENT SUPPORT BY-LAW****PREAMBLE**

**WHEREAS** National Government has a constitutional duty to provide an equitable share of nationally raised revenue to municipalities.

**AND WHEREAS** the aforesaid equitable share enables municipalities to provide basic services to poorer communities in an affordable manner and improve administrative capacity to ensure democratic governance at the local level.

**AND WHEREAS** Section 74 of the Local Government: Municipal Systems Act 2000, (Act No 32 of 2000) requires a Municipal Council to adopt and implement a Tariff Policy which must, inter alia, take into consideration the extent of subsidisation of tariffs for poor households.

The Council hereby publishes the following draft by-laws:

**DEFINITIONS**

1. In the interpretation of these by-laws, the singular includes the plural and vice versa and the following words and expressions must have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

**"Council"** means the Council of the Municipality of ..... and includes any duly authorised political structure or office bearer as defined in the Local Government: Municipal Finance Management Act 56 of 2003 and/or any duly authorised official of the Council;

**"Household Income"** means all sources of income being formal and/ or informal of nature including, but not restricted to, salaries, revenue generated, pensions, fixed deposits, investments, state subsidies and or grants, private financial support/contributions from outside the indigent household;

**"Indigent"** means an indigent household whose total household income is as determined by Council annually during the budget process.

**"Indigent debtor"** means the head of an indigent household, inclusive of destitute indigents and indigents, being old age pensioners, the unemployed and households with a total monthly income as determined in the Indigent Support Policy:

- (a) who applies for the provision of services from the municipality; and
- (b) who makes application for indigent support in terms of these by-laws; and
- (c) who is regarded as the representative of all members of his or her household

**"Indigent Households"** include all individual residing at the residential premises of the indigent debtor, inclusive of destitute indigent and indigents, by whom and for which application is made, which premises has access to municipal services;

**"Indigent and Free Basic Services Subsidy Policy"** means the policy for the provision of indigent subsidies to qualifying indigent debtors in terms of the Council's policy relating to the following:

- (a) Free basic electricity
- (b) Free basic water
- (c) Subsidised sewerage rates and refuse
- (d) Assisted arrear debt recovery programme as determined by Council annually during the budget process, in line with National norm and guidelines;

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

**"Municipal Manager"** means the Municipal Manager of the ..... Municipality or his or her nominee acting in terms of power delegated to him or her by the said Municipal Manager with the concurrence of the Council;

**"Poverty"** is defined with reference to poverty line i.e. if a household earns gross income lower than a set amount that household and its members are deemed to be living in poverty.

#### INDIGENT SUPPORT POLICY

2. (1) The Council must adopt an Indigent and Free Basic Services Subsidy Policy, which must embody and provide procedures and guidelines for the subsidisation of basic services and tariff charges to indigent households in its municipal area.
- (2) The object of the Indigent and Free Basic Services Subsidy Policy referred to in Section 2 must be to ensure:
  - (a) The provision of basic services to the community in a sustainable manner within the financial and administrative capacity of the Council; and
  - (b) The provision of procedures and guidelines for the subsidisation of basic service charges to indigent households.

#### GUIDING PRINCIPLES

3. (1) The following guiding principles must be contained in the Indigent and Free Basic Services Subsidy Policy referred to in Section 2:
  - (a) Relief will be provided by the Council to registered residential consumers of services who are declared indigent by the Council.
  - (b) The Council must, wherever possible, ensure that any relief provided in terms of this bylaw and its policy is constitutional, practical, fair, equitable and justifiable in order to avoid the alienation of any group of households.
  - (c) Differentiation between residential consumers must, in accordance with the Bylaws, Policies and resolutions of the Council and legislation, be permitted.
  - (d) Differentiation must also be permitted in respect of the level of service provided to or to be provided to indigent households.
  - (e) The application of the indigent support subsidy for minimum service levels should not result in the creation of a massive bureaucratic administration that would not be cost effective to implement.
  - (f) A differentiation must be made between those households who cannot afford to pay for basic services and those households who refuse to pay for such services.
  - (g) The payment for services rendered should be affordable for the indigent.
  - (h) The Indigent and Free Basic Services Subsidy Policy will apply during each financial year of Council.
  - (i) Financial support to the indigent will be dependent upon the availability of funds to enable the Council to provide such support.
  - (j) The Council must, annually, review and amend the qualification criteria for indigent support provided by it if and when necessary.
  - (k) The collective or joint gross income of members of indigent households will always be taken into account to determine the level of financial support to be granted to indigent households.
  - (l) Indigent households must formally apply on the prescribed application form for indigent support and will qualify for such support according to prescribed criteria or principles to be laid down by the Council.
  - (m) The household income must be correctly reflected on the application form requesting indigent support.
  - (n) The applicant who signs the prescribed application form is regarded as the indigent debtor and the representative of the indigent household.
  - (o) After the application form for indigent support has been completed by an indigent debtor it must be assessed in terms of the policy.
  - (p) All approved indigent debtors should be registered on a municipal database system.
  - (q) The onus will be on the approved indigent debtor to inform the Council of any change in his or her status or personal household circumstances.

- (r) All indigent households should be re-evaluated after a period of six months or such period as the Council may determine to assess the provision of continued basic services and indigent support to them.
- (s) Disciplinary measures decided by the Council, should be imposed on indigent debtors who misuse the indigent support policy of the Council and/or provide incorrect information to the Municipality.
- (t) An approved community communications programme, embodying the principles of transparency and fairness, must be implemented in respect of the indigent support policy.
- (u) Skills Training and other education related programmes should be supported to develop the indigent to become self - sufficient and thereby reduce the rate of indigence.

#### **QUALIFICATION, ACCEPTANCE AND REGISTRATION CRITERIA**

4. The qualification, acceptance and registration criteria for indigent support and the services qualifying for such support must be determined by Council Policy as reviewed annually during the budget process.

#### **PROVISION OF INDIGENT SUPPORT SUBSIDIES**

5. Indigent Support Subsidies will be provided by the Council on the following basis:
- (a) Relief will only be provided to those indigent households who apply and qualify therefore.
  - (b) The relief must be significant so as to relieve the recipient of an indigent subsidy from the financial hardship of paying fully for services received from the Municipality for a specific period.
  - (c) All registered indigents will be charged the determined subsidised tariff or charge for a service.
  - (d) The indigent will receive a monthly account, which will reflect the amount due and payable.
  - (e) The subsidised amount will be reflected against the indigent subsidy vote.
  - (f) Subject to annual resubmission by the applicant of the application to Council on the date as determined by Council.

#### **BALANCE ON SERVICE CHARGES, TARIFFS AND FEES**

6. Council must implement a procedure to assess and recover any arrear debt due by an indigent, after deduction of the indigent support subsidy, from him or her in accordance with the Credit Control Policy of the Council.

#### **INDIGENT STATUS**

7. The Council must not amend, alter, withdraw, or suspend in terms of these bylaws and its policy the indigent households status without first having forwarded notification thereof to the said indigent household.

#### **SPECIAL TARIFF FOR SERVICES**

8. The Council may determine special tariffs for indigent households, subject to the availability of funds and compliance with prescribed criteria for municipal services and amenities

#### **RESPONSIBILITIES OF MUNICIPAL MANAGER**

9. It is the responsibility of the Municipal Manager :
- (a) To create, maintain and update a register of all debtors receiving indigent support subsidies from the Council in terms of these by-laws;
  - (b) To reflect the indigent status of debtors in the accounting records of the Municipality;
  - (c) To advise and keep indigent debtors informed of the approval, amendment, suspension or withdrawal of an application for indigent support in terms of these bylaws and the conditions under which such support will be granted, including the renewal of indigent support applications;
  - (d) To report any instances of misuse of the Council's Indigent and Free Basic Services Subsidy Policy to the Council;
  - (e) To report at regular intervals as may be required by Council on the progress or otherwise of the implementation of the Council's Indigent and Free Basic Services Subsidy Support Programme.
  - (f) To publish a copy of these by-laws, policy and any amendments thereto on the official website of the Municipality.

#### **BUDGETING FOR INDIGENT SUPPORT**

10. (1) The Council must annually budget for the total indigent subsidy to be granted to indigent debtors in terms of these by-laws. Such amount must, upon approval of the budget of the Council, be reflected against a separate vote in the name of indigent subsidy.
- (2) The total value of indigent subsidies for all subsidised services must be reflected against such indigent subsidy vote on a monthly basis.

#### **REVIEW AND AMENDMENT OF INDIGENT SUPPORT POLICY**

11. (1) The Council has the discretionary power to amend any clause, stipulation or tariff embodied in its Indigent and Free Basic Services Subsidy Policy in the interests of all the parties concerned at the annual budgetary review of Council policies in conjunction with the consideration of the annual budget of the Council.

- (2) Indigent and Free Basic Services Subsidy Policy adopted in terms of these bylaws must be regarded as a budget-related policy and must be reviewed on an annual basis by the Council during the annual budget review. Any amendment thereto must be considered and adopted in conjunction with the adoption of the annual budget of the Council.

#### OFFENCES

12. Any indigent household who
- a) Obstructs or hinders the Council in the exercise of its powers or performance of functions or duties under these by-laws;
  - (b) Uses or interferes with Council equipment or consumption of services supplied;
  - (c) Tamperes or breaks any seal on any meter installed, or with the water restrictor system installed or on any equipment belonging to the Council, or for any reason as determined by the Chief Financial Officer causes interference with the service provision and the service used;
  - (d) Furnishes misleading information knowing it to be false or misleading;
  - (e) Contravenes or fails to comply with a provision of these by-laws;
- Is guilty of an offence and be liable upon conviction to a fine not exceeding R1000 or to imprisonment for a period not exceeding three months or both such a fine and imprisonment and, in addition, may be charged for usage, as estimated by the Chief Financial Officer based on average usage during the previous six months or as may be determined by resolution of the Council from time to time;

#### NOTICES AND DOCUMENTS

13. (1) A notice or document issued by the Council in terms of these by-law is deemed to be duly issued if signed by an employee duly authorized by the Council.
- (2) If a notice is to be served on a person in terms of these by-laws, such service must be effected by:
- (i) Delivering the notice to him or her personally
  - (ii) By delivering the notice at his or her residence or to a person apparently not less than sixteen years of age and apparently residing or employed there;
  - (iii) If he or she has nominated an address for legal purposes, by delivering the notice to such an address; or
  - (iv) By registered or certified post addressed to his or her last known address.
  - (v) If service cannot be effected in terms of the aforesaid subsections by affixing it to the principal door of entry to the premises, or displaying it on a conspicuous place on the land

#### AUTHENTICATION OF DOCUMENTS

14. (1) Every order, notice or other document requiring authentication by the Council is sufficiently authenticated, if signed by the Municipal Manager or by a duly authorized employee of the Council;
- (2) Delivery of a copy of the document must be deemed to be delivery of the original.

#### RESPONSIBILITY OF COMPLIANCE WITH THESE BY-LAWS

15. The indigent debtor is responsible for ensuring compliance with these by-laws in respect of all or any matters relating to the indigent support granted. The indigent debtor is responsible for compliance with these by-laws and policy in respect of matter relating to the use of any water, electricity, sanitation installation and other services provided by Council.

#### AVAILABILITY OF BY-LAWS

16. (1) A copy of these by-laws must be included in the municipalities Municipal Code as required in terms of section 15 of the Municipal Systems Act, 2000 ( Act No 32 of 2000) and shall be displayed on the official website of the municipality
- (2) A copy of these by-laws must be available for inspection at the municipal offices at all reasonable times.
- (3) A copy of the by-laws may be obtained against payment of a prescribed fee from the Council.

#### APPEALS AGAINST DECISIONS OF THE COUNCIL

17. An indigent household application, which has been declined may appeal against such decision which appeal procedure must be laid down within the policy.

#### SHORT TITLE AND COMMENCEMENT

18. This By - Law is called the Indigent Support By-Laws, 201....

#### CONFLICT OF BY- LAWS

19. If there is any conflict between these by-laws and any. The Credit Control and Debt Collection by-law will prevail if applicable failing which these by-laws will prevail. These by-laws must be read in conjunction with the Credit Control and Debt Collection by-law.

[NO. 168 OF 2010]

**NOTICE IN TERMS OF SECTION 14(2)(b)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD INFORMAL SETTLEMENTS BY-LAW**

- [1.] I, MJ Zwane, Member of the Executive Council responsible for Cooperative Governance Traditional Affairs and Human Settlements in the Free State Province in terms of Section 14(2)(b) of the Local Government: Municipal Structures Act, 2000 (Act No. 32 of 2000) hereby publish standard draft by-laws as set out in the Schedule hereto for public comment.
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PO Box 211  
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Comments may also be submitted by facsimile to number 086 698 8906 or by e-mail to

chohne@lgh.f.sgov.za

**SCHEDULE**

**INFORMAL SETTLEMENTS BY-LAW**

**DEFINITIONS**

1. In this By-law, unless the context otherwise indicates-
- "authorized informal settlement"** means any informal settlement which is recognized by the Municipality as an authorized informal settlement and which is regarded as a transit camp to house landless people who will be ultimately relocated to a formally established township;
- "consent"** means the express or implied consent of the owner or person in charge of the occupation of land by a resident of a shack irrespective of whether such consent was given in writing or otherwise;
- "court"** means any division of the High Court or the Magistrate's Court in whose area of jurisdiction the land is situated;
- "eviction"** means the permanent removal, in accordance with the provision of a court order, of a person and his or her property from occupation of a shack or the land on which the shack is constructed, and includes a demolition and removal from the land of any building materials used to construct the shack, and "evict" has a corresponding meaning;
- "head of the household"** means-
- the father in a household, where the father and mother of the household are legally married;
  - the single parent, where the household has only one parent with dependants living permanently with him or her in the household; or
  - any person in the household who has legal capacity to act and is recognized by the majority of the other persons in the household as the person responsible for the maintenance of the welfare and discipline within the household;
- "informal settlement"** means one shack or more constructed on land with or without the consent of the land owner or the person in charge of the land;
- "land"** means any land within the area of jurisdiction of the Municipality;
- "land invasion"** means the illegal occupation of land or any settlement or occupation of people on land without the express or tacit consent of the owner of the land or the person in charge of the land, or without any other right to settle on or occupy such land;
- "Land Invasion Reaction Unit"** means a group of officers or workers which may consist of any combination of one or more of the following components:
- Members of the South African Police;
  - members of the staff of the bailiff, sheriff or messenger of the court with jurisdiction in the area;
  - members of a private security company contractually engaged by the Municipality to perform certain duties on its behalf; and
  - employees of the Municipality designated by the Municipal Manager;

**"Manager: Informal Settlements"** means the official referred to in section 2;

**"Municipality"** means the ..... Local Municipality established in terms of Section 12 of the Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this By-law 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;

**"owner"** means the registered owner of land;

**"person in charge"**, in relation to land, means a person who has the legal authority to give permission to another person to enter or reside on that land;

**"shack"** means any temporary shelter, building, hut, tent, dwelling or similar structure which does not comply with the provisions of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and the regulations promulgated under that Act and which is primarily used for residential purposes; and

**"unauthorized informal settlement"** means any settlement which is not recognized by the Municipality as an authorized informal settlement.

#### **APPOINTMENT OF MANAGER: INFORMAL SETTLEMENTS**

2. (1) The Municipality may assign one of its officials as its Manager: Informal Settlements to manage and control all the informal settlements in accordance with the provisions of this By-law.
- (2) In the absence of a Manager: Informal Settlements, the powers and duties of the Manager: Informal Settlements in this By-law must be executed by the Municipal Manager or a delegatee.

#### **DUTIES OF THE MANAGER: INFORMAL SETTLEMENTS**

3. The Manager: Informal Settlements must ensure that all development is in accordance with the spatial development framework and integrated development plan, that the process of township establishment is followed in all cases and must and has the power to -
  - (1) determine whether an informal settlement is an authorised or unauthorised informal settlement
  - (2) conduct regular surveys to determine the location, origin and extent of and the conditions prevailing in each informal settlement;
  - (3) monitor and control all informal settlements and take the necessary steps to prevent land invasion within the area of jurisdiction of the Municipality;
  - (4) undertake and promote liaison and communication with local communities with a view to obtaining their understanding and cooperation regarding the prevention of land invasion in the area of jurisdiction of the Municipality;
  - (5) keep a register of all the residents who are entitled to reside in each authorized informal settlement, and in such register the following details must be entered in respect of each shack in each authorized informal settlement:
    - (a) an unique number allocated to the stand or site on which the shack is constructed;
    - (b) the names, and identity number of the head of the household who is entitled to occupy the shack;
    - (c) the names, identity numbers and relationships to the head of the household of each and every other person occupying the shack as a member of the household;
    - (d) the reference number of the file of the Manager: Informal Settlements that contains a copy of the contractual agreement in respect of the shack;
    - (e) the number of the shack's rental account;
    - (f) the number of the shack's municipal services account;
    - (g) the previous address of the household that is entitled to occupy the shack; and
    - (h) the names, addresses and telephone numbers, if any, of at least two family members of the head of the household who do not live at the same address as the household that is entitled to occupy the shack;
  - (6) ensure that all the residents living in an authorised informal settlement are registered in the Municipality's Housing Waiting List;
  - (7) submit written report on the control and management of any informal settlement, or the conditions prevailing in the informal settlement, if and when required to do so by the Municipality;
  - (8) for the purpose of informing residents of informal settlements and all other persons visiting informal settlements, ensure that-
    - (a) the contents of this By-law is communicated to all the residents of every informal settlement; and
    - (b) a copy of this By-law is posted and maintained in every informal settlement in a prominent place at the venue where the residents' committee contemplated in section 6 usually holds its meetings;
  - (9) allocate to each site or stand in an authorised informal settlement an individual number as the temporary address of the site or stand and must ensure that such number is legibly painted or inscribed in a prominent place on the site or stand;
  - (10) perform any other duty or function which may be necessary to ensure the proper management and control of an informal settlement.

#### CONSIDERATIONS REGARDING DETERMINATION OF STATUS OF INFORMAL SETTLEMENTS

4. The Manager: Informal Settlements must take into account the following before making any determination on whether an informal settlement is authorised or not:
- (a) consider applicable legislation;
  - (b) obtain and consider representations of the owner of the relevant land, and
  - (c) obtain and consider representations of residents of the informal settlements.

#### INCIDENTS OF LAND INVASION

5. (1) The Manager: Informal Settlements must, within a period of 24 hours after he or she becomes aware of an incident of land invasion or the existence of a newly established informal settlement, irrespective of whether such informal settlement was established as a consequence of an incident of land invasion or not-
- (a) commence with the process regarding the determination of the status of the informal settlement as an authorized or an unauthorized informal settlement, and
  - (b) inform the residents of the informal settlement of the status of the informal settlement in accordance with section 6 or section 8, whichever is applicable in the circumstances.
- (2) In the event of the status of an informal settlement contemplated in subsection (1) being determined as an authorised informal settlement, the Manager: Informal Settlements must deal with the matter in accordance with the provisions of section 6.
- (3) In the event of the status of an unauthorised informal settlement being determined, the Manager: Informal Settlements must deal with the matter in accordance with the provisions of section 8.

#### PROCEDURES RELATING TO THE MANAGEMENT AND CONTROL OF AUTHORISED INFORMAL SETTLEMENTS

6. (1) As soon as a determination of the status of an authorised informal settlement has been made, the Manager: Informal Settlements must, personally or through any other official designated by the Municipal Manager to assist him or her for that purpose, visit the informal settlement and notify the residents of the status of the authorized informal settlement in the manner contemplated in section 7(2) or by means of a letter delivered in the circumstances, whichever way would be more effective in the relevant circumstances.
- (2) The Manager: Informal Settlements must implement measures to manage, monitor and control the occupancy of residents in the authorized informal settlement in order to prevent the construction of unauthorised shacks in the authorised informal settlement and the taking up of residence by unauthorised residents in the informal settlement.
- (3) Any unauthorised occupancy in an authorised informal settlement contemplated in subsection (2) must be dealt with in accordance with the provisions of section 7.
- (4) In respect of an authorised informal settlement contemplated in subsection (1), the Manager: Informal Settlements must inform the Manager: Finance of the Municipality of such settlement and make information contemplated in section 3(5) available to that Manager.
- (5) The Manager: Finance of the Municipality must –
- (a) institute, operate and maintain an appropriate account for services rendered by the Municipality to each registered shack in the authorised informal settlement and for any charges levied for the right of occupation of a particular site or stand in the authorised informal settlement, subject to relevant legislation; and
  - (b) ensure that such an account is supplied to the head of the household of each registered shack in the authorised informal settlement, subject to relevant legislation.

#### RESIDENTS' COMMITTEES

7. (1) A meeting of residents in each authorised informal settlement must be convened annually on a date and at a venue determined by the Manager: Informal Settlements to elect a residents' committee comprising a chairperson, deputy chairperson, secretary and six ordinary members to represent the views and interests of the residents of the authorised informal settlement in all consultative processes between the Municipality and the residents of the authorised informal settlement.
- (2) A residents' committee contemplated in subsection (1) and the Manager: Informal Settlements, or his or her designated representative, must meet on a monthly basis, and at such meetings the Municipality must consult the residents' committee on all matters relating to the authorised informal settlement and communicate matters of general concern to the residents of a collective basis.
- (3) After meetings contemplated in subsection (2), it is the responsibility of the residents' committee to inform the individual residents of matters discussed at the meetings.
- (4) Special meetings of residents may be convened from time to time by a residents' committee contemplated in subsection (1) to communicate with and inform the individual residents of matters relating to the authorised informal settlement.
- (5) A resident's committee contemplated in subsection (1) must give notice of a meeting of the residents of the authorised informal settlement by placing the notice prominently at a venue whose location has been determined by the residents' committee and communicated to the residents at an official meeting of the residents.
- (6) Notwithstanding the provisions of this section, the Manager: Informal Settlements may call a meeting of residents or attend a meeting called by the residents committee in terms of subsection (4).



**PROCEDURES RELATING TO THE TERMINATION OF UNAUTHORISED INFORMAL SETTLEMENTS**

8. (1) As soon as a determination of the status of an unauthorised informal settlement has been made, the Manager: Informal Settlements must, personally or through any official designated by the Municipal Manager to assist him or her for that purpose, visit the informal settlement and notify the residents of the status of the unauthorized informal settlement by means of a written notice hand-delivered to each shack in the informal settlement.
- (2) The written notice contemplated in subsection (1) must-
- (a) notify the residents of a shack in the unauthorised informal settlements that their occupation of the shack and the site or stand on which it is situated is illegal; and
  - (b) request the residents of the shack to vacate the shack and remove any building materials and other personal property from the unauthorized informal settlement within a period of 24 hours after receipt of the written notice.
- (3) If the informal settlement is on land that does not belong to the Municipality, a copy of the notice contemplated in subsection (1) must also be delivered to such owner.
- (4) If the residents notified in terms of subsection (1) cooperate and vacate their shacks and remove their building materials and other personal property from the site or stand in the unauthorized informal settlement, the Manager: Informal Settlements must take such steps as he or she may deem appropriate to prevent a recurrence of any incident of land invasion or illegal land occupation on that site, stand or unauthorised informal settlement and must regularly monitor the situation to ensure the non-recurrence of such land invasion or illegal land occupation.
- (5) If the residents notified in terms of subsection (1) fail to cooperate and vacate their shacks and remove their building materials and other personal property from the site or stand in the unauthorized informal settlement, the Manager: Informal Settlements must immediately institute the necessary legal procedures to obtain an eviction order contemplated in subsection (6).
- (6) Within a period of 24 hours after the expiry of the period stipulated in the written notice contemplated in subsection (1), the Manager: Informal Settlements must commence the process to obtain an Eviction Order contemplated in the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998), against any person or persons jointly or severally, occupying or residing in a shack or on a site or stand in the unauthorised informal settlement.
- (7) The Manager, Informal Settlements must, within a period of 24 hours after obtaining the eviction order referred to in subsection (6), deploy the Land Invasion Reaction Unit to execute the eviction order and to terminate the unauthorized informal settlement.
- (8) Any costs incurred by the Manager: Informal Settlements for the purposes of executing the provision of this By-law must be borne by the Municipality in accordance with its approved budget.

**DISPOSAL OF BUILDING MATERIALS AND PERSONAL PROPERTY**

9. (1) In the execution of the provisions of section 8(7), any building materials and other personal property belonging to a resident or occupier of a shack in an unauthorized informal settlement must be removed and stored in a safe place by the Manager: Informal Settlements.
- (2) If the building materials and other personal property contemplated in subsection (1) are not claimed by their owner within a period of three months after the date of the removal and storage, arrangements must be made to sell the building materials and personal property to the best advantage of the Municipality, subject to the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003): Provided that, subject to the laws governing the administration and distribution of estate, nothing in this subsection contained may deprive the heir of any deceased person of his or her right to the balance of the proceeds of the property;
- (3) The Manager: Informal Settlement must compile and maintain a register in which is recorded and appears -
- (a) particulars of all building materials or other personal property removed and stored in terms of this By-law;
  - (b) the date of the removal and storage of building materials or personal property in terms of subsection (1) and the name and site or stand number of the owner of the building materials or personal property; and
  - (c)
    - (i) the signature or right thumb print of the person who is claiming ownership and to whom delivery of building materials or other personal property has been made; or
    - (ii) full details of the amount realized on the sale of the building materials or other personal property in terms of subsection (2) and the date of the sale; and
    - (iii) if building materials or other personal property has been destroyed, abandoned, dumped or otherwise disposed of in terms of subsection (2), a certificate by the Manager: Informal Settlements to the effect that the building materials or personal property was valueless.
- (4) Neither the Municipality nor any of its officials acting within the reasonable scope of their authority are liable for any loss of or damage to property or injury to any resident or occupier of a shack in an unauthorized informal settlement or any other person for any reason whatsoever.

**APPLICATION OF BY-LAWS**

10. These by-laws apply to all informal settlements within the area of the Municipality.

**SHORT TITLE**

11. These by-laws shall be called the Municipal Informal Settlements By-law, 201....

[NO. 169 OF 2010]

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

- [1.] I, MJ Zwane, Member of the Executive Council responsible for Cooperative Governance Traditional Affairs and Human Settlements in the Free State Province in terms of Section 14(2)(b) of the Local Government: Municipal Structures Act, 2000 (Act 32 of 2000) hereby publish standard draft by-laws as set out in the Schedule hereto for public comment.
- [2.] The public and interested parties are invited to submit comments in writing on these proposed standard draft by-laws by not later than 30 days from the date of publication of this notice, to:-

The Chief Director  
Systems And Capacity Building  
Department of Cooperative Governance  
and Traditional Affairs  
Local Government Branch  
PO Box 211  
BLOEMFONTEIN  
9301

Comments may also be submitted by facsimile to number 086 698 8906 or by e-mail to

chohne@lgh.f.sgov.za

**SCHEDULE**

**KEEPING OF ANIMALS, POULTRY AND BEES BY-LAW**

**Purpose of By-Law**

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

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**Definitions**

1. In these by-laws, unless the context otherwise indicates –
  - "animal" means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, cat, dog and ostrich or the hybrid of such animal; and
  - "animals" will have a corresponding meaning
  - "approved" means approved by the Municipal Manager after regard being had to the reasonable public health requirements of the particular case;
  - "aviary" means an enclosure used for the keeping of birds, other than a portable cage;
  - "bird" means a feathered vertebrate other than poultry;
  - "cattery" means premises in or upon which boarding facilities for cats are provided or cats are kept and bred for commercial purposes;
  - "dwelling" means any building or part thereof used for human habitation;
  - "enclosure" means, in relation to animals, any kraal, pen, paddock or other such fenced or enclosed area used for accommodating, keeping or exercising animals;
  - "kennels" means premises in or upon which -
    - (a) boarding facilities for dogs are provided
    - (b) dogs are bred for commercial purposes, kept for the purposes of being trained or hired out with or without handlers;
  - "livestock" means horses, cattle, sheep goats, pigs, mules, donkeys, poultry and ostriches;
  - "municipality" means the ..... Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
  - "nuisance" means a nuisance as defined in the Health Act, 1977 (Act 63 of 1977),
  - "permit holder" means the person to whom a permit has been issued by the Municipal Manager in terms of these by-laws;
  - "person in control" means the person managing or in control of a premises or a business;
  - "pet" means any domesticated or other animal which may be lawfully kept as a pet and includes any bird and non-poisonous reptile;

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

"pet shop" means the business of keeping and selling pets on premises;

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

"poultry" means fowls, ducks, geese, turkeys and domestic guinea-fowls,

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

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

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

"public place" means any road, street, pavement, side-walk, park or other place to which the public has unimpeded access;

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

#### Application of By-laws

2. (1) The provisions of these by-laws do not apply to -
  - (a) any bona fide farm;
  - (b) the keeping of cows for commercial milk production;
  - (b) any agricultural show where animals, poultry or birds are kept on a temporary basis;
  - (c) any laboratory where animals, poultry or birds are kept for research purposes;

Provided that the Municipal Manager may, if he/she is satisfied that the application of one or more provisions of these by-laws is essential in the interest of public health, by notice to the person concerned require such provision be complied with.
- (2) The provisions of sections 4(a), 10(b) and 11(e) and (f) do not apply to the temporary keeping of a goat on any land for the provision of milk for medical reasons, provided the prior approval of the Municipal Manager is obtained and no nuisance arises from the keeping of such goat.
- (3) The provisions of sections 3, 4(a), 6, 8, 10, 12, 14, 16, 17 and 19 do apply only to premises which are newly constructed, re-constructed or converted after the commencement of these by-laws: Provided that the Municipal Manager may, if he is satisfied that the application of any one or more of the said requirements is essential in the interests of public health, give notice in writing to the owner or person in control of such premises, to comply with such requirements as he/she may specify and within a reasonable period stated in the notice.
- (4) The provisions of sections 12(e)(iii), f(i) and (ii) and 13(e)(ii), (g) and (i) do not apply to the keeping of poultry fewer than twenty (20) in number.

#### KEEPING OF LIVESTOCK AND KENNELS

##### Premises for the Keeping of Livestock and Kennels

3. A person must not-

- (a) keep any livestock, other than poultry and birds, or maintain kennels within any area defined by the council as unsuitable for the keeping of livestock and the maintenance of kennels: Providing that this section do not apply in respect of a veterinary clinic or veterinary hospital operating with the municipality's consent;
- (b) keep any livestock, other than poultry, on premises situated on land less than 1 ha in extent: Provided that in the case of a dealer or speculator in livestock the land must not be less than 2,5 ha in extent, and
- (c) keep more than twenty head of poultry on any premises situated in a residential area.

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

4. A person must not -

- (a) keep any animal, poultry, birds or bees in or upon any premises:-
  - (i) which does not comply with the provisions of these by-laws;
  - (ii) which are so constructed, maintained or situated that the keeping of animals, poultry or birds thereon is, in the opinion of the Municipal Manager, is likely to cause a nuisance or a threat to health.
- (b) keep any livestock, other than poultry and birds, or maintain kennels within any area defined by the council as unsuitable for the keeping of livestock and the maintenance of kennels: Providing that the foregoing do not apply in respect of a veterinary clinic or veterinary hospital operating with the council's consent;
- (c) keep any livestock, other than poultry, on premises situated on land less than 1 ha in extent: Provided that in the case of a dealer or speculator in livestock the land must not be less than 2,5 ha in extent, or
- (d) keep more than twenty head of poultry on any premises situated in a proclaimed township.

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

5. (1) A person must not-

- (a) keep any animal unless he is the holder of a permit issued by the Municipal Manager in the form determined by the municipality : Provided that such a permit is not required for the keeping of rabbits in connection with the business of a pet shop.
- (b) keep any animal in excess of the number specified in such permit: Provided that progeny of any mammal still suckling, must not be taken into account.

- (2) Application for such a permit must be made to the Municipal Manager in the form determined by the municipality,
- (3) A permit is not transferable and expires on the date on which the validity thereof is stopped or when the permit holder ceases to keep the animal or the hybrid of such animal for which the permit was issued.
- (4) A permit holder must in writing notify the Municipal Manager if he/she ceases to keep the animal in respect of which a permit was issued or of any increase in the number of animal kept in excess of the number specified in the permit concerned, within ten days of any such occurrence.
- (5) The Municipal Manager may after giving notice to a permit holder to give reasons why his or her permit must not be cancelled and consider those reasons, cancel a permit issued in terms of subsection (1)(a), if-
  - (a) the construction or maintenance of the premises concerned at any time does not comply with any provision of these by-laws, or the permit holder contravenes, or fails to comply with any such provision, and the permit holder fails to comply with a written notice from the Municipal Manager requiring him or her to make such premises comply with the by-laws or to cease such contravention or failure within a period specified in such notice;
  - (b) any disease, which in the opinion of the Municipal Manager or a veterinarian, is of such a nature that it is likely to constitute a threat to the public health or to other animals or poultry, breaks out amongst the animals or poultry kept under such permit;
  - (c) the permit holder or person in control of the premises at the time, personally or through his or her employee obstructs the Municipal Manager in the execution of his or her duties under these by-laws;
  - (d) the permit holder has been found guilty in a competent court of a contravention of these by-laws;
  - (e) in the opinion of the Municipal Manager, a public nuisance exists due to the keeping of the animals.
- (6) The Municipal Manager, as soon as a permit has been cancelled, must notify the permit holder thereof in writing.
- (7) The Municipal Manager may, subject to the provisions of this section, issue a new permit if he or she is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

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

##### **Requirements for Premises**

6. A stable or enclosure complying with the following requirements for the keeping of any cattle, horse, mule or donkey, must be provided:
  - (a) All walls and partitions of the stable must be constructed of brick, stone, concrete or other durable material.
  - (b) The internal wall surfaces of the stable must be of smooth brick or other durable surface worked to a smooth finish.
  - (c) The height of the walls to the wall plates of the stable must be -
    - (i) 2,4 metre in the case of pitched roof;
    - (ii) 2,7 metre in the case of a flat roof;
    - (iii) a mean height of 3 metre with a minimum of 2,4 square metre on the one side, in the case of a lean-to roof;
    - (iv) not less than 2 metre in the case of a stable which has an opening along the entire length of one of its long sides;
  - (d) The stable must have a floor area of at least 9 square metre for each head of cattle, horse, mule or donkey to be accommodated therein-
  - (e)
    - (i) Except in the case of a stable open along the entire length of one of its long sides, lighting and ventilation must be provided by openings or glazed opening windows or louvres totalling at least 0.3 square metre for each animal to be accommodated therein.
    - (ii) The lowest point of every such opening, window or louver must be at least 1,8 metre above floor level.
  - (f) The floor of the stable must be constructed of concrete or other durable and impervious material worked to a smooth finish, graded to a channel and drained in terms of section 27.
  - (g) Any enclosure must have an area of at least 10 square metre for each head of cattle, horse, mule or donkey to be accommodated therein and the fencing must be of such substantial material and constructed as preventing such animals from escaping.
  - (h) No enclosure must be situated within 100 metre and no stable must be situated less than 15 metre of any boundary of any land, dwelling or other building or structure used for human habitation or within 50 metre of any well, water course or other source of water supply intended or used for human consumption, provided that the Municipal Manager, may allow a shorter distance.
  - (i) A potable water supply adequate for drinking and cleaning purposes, must be provided in or adjacent to every stable or enclosure.

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

7. Every person keeping any cattle, horse, mule or donkey must -
  - (a) ensure that any such animal is kept within a stable or enclosure;
  - (b) maintain the premises, any equipment, apparatus, container and receptacle used in connection with such keeping in a clean and sanitary condition and in good repair;
  - (c)
    - (i) provide portable manure storage receptacles of an impervious material and with close fitting lids;

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

## KEEPING OF PIGS

### Requirements for Premises

- 8 (l) A pigsty complying with the following requirements must be provided for the keeping of pigs:
- (a) Every wall must be constructed of brick, stone, concrete or other durable material not less than 1,5 metre in height and must have a smooth internal surface.
  - (b) The pigsty must have a floor area of at least 3 square metre for each pig to be accommodated therein, with an overall minimum floor area of 6 square metre.
  - (c) A roof provided over any portion of a pigsty must be of a height of not less than 1,5m from ground level at it's lowest point in the pigsty and, except in the case of a roofed structure having one of it's long sides completely open, lighting and ventilation openings situated in opposite external walls of at least 0,15 square metre for each pig accommodated or other adequate means of ventilation and lighting must be provided.
  - (d) The floor must be at least 150 millimetre above the surrounding ground level, constructed of concrete or other durable and impervious material worked to a smooth finish, graded for the run-off of liquids into an open channel outside the pigsty, constructed of concrete, glazed earthenware, or other durable and impervious material, measuring not less than 100 millimetre in diameter and drained in terms of section 27.
  - (e) The pigsty must be constructed in such a manner as to prevent the pigs from escaping.
  - (f) A pigsty must not be situated within 100 metre of any dwelling or other building or structure used for human habitation or of the boundary of any land or of any well, water course or other source of water supply intended or used for human consumption.
- (2) (a) A roofed over concrete platform must be provided for the storage of all swill in containers and for the preparation of pig feed and it must be so situated as to comply with the provisions of subsection (1)(f).
- (b) Such platform must have a curbing of at least 100 millimetre high on all of it's sides and the surface of the platform must be worked to a smooth impervious finish and graded to a channel drained in terms of section 27.
- (3) A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the pigsty.

### Duties of Persons Responsible for the Keeping of Pigs

9. Every person keeping pigs must-;
- (a) ensure that every pig is kept within a pigsty;
  - (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping, in a clean and sanitary condition and in good repair;
  - (c) (i) provide portable manure storage receptacles of impervious material and with close fitting lids;
  - (ii) every such receptacle must be kept on a platform constructed of concrete or other durable and impervious material adjacent to the pigsty and so as to comply with the provisions of section 8(1)(f);
  - (d) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles;
  - (e) remove the contents of the manure storage receptacles from the premises at least once every second day and dispose thereof in a manner which will not create a nuisance;
  - (f) provide a rodent proof store-room in which all feed, other than swill, must be stored and a number of rodent proof receptacles with close fitting lids in such store-room in which all loose feed must be stored;
  - (g) take effective measures, for the prevention of harbouring or breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

**KEEPING OF GOAT, SHEEP OR OSTRICH****Requirements for Premises**

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

**Duties of Persons Responsible for the Keeping of Goats, Sheep or Ostrich**

11. Every person keeping any goat, sheep or ostrich must -
- (1) ensure that every such animal is kept within an enclosure, building or shed;
  - (2) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping in a clean and sanitary condition and in good repair;
  - (3) provide portable manure storage receptacles of an impervious material and with close fitting lids;
  - (4) remove all manure from the enclosure, building or shed at least once every 7 days and place it in the manure storage receptacles;
  - (5) remove the contents of the manure storage receptacles from the premises at least once every 7 days and dispose thereof in a manner which will not create a nuisance;
  - (6) provide a rodent proof store-room in which all feed must be stored and a number of rodent proof receptacles, with close fitting lids in such storeroom in which all loose feed must be stored;
  - (7) take effective measures for the prevention of harbouring and breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

**KEEPING OF POULTRY****Requirements for Premises**

12. Premises complying with the following requirements must be provided for the keeping of poultry:
- (1) A poultry house complying with the following requirements:
    - (a) every wall thereof must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface.
    - (b) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish.
    - (c) the upper floors of the structure of two or more tiers must be of an impervious and easily cleaned material.
    - (d) it must have an area of 0,20 square metre for each grown fowl, duck, or guinea fowl, 0,5 square metre for each grown goose, turkey, peacock to be accommodated therein, with a minimum aggregate area of 4 square metre.
  - (2) A poultry run, if provided, must be enclosed with wire mesh or other durable material.
  - (4) If a battery system is to be operated, a building or structure in which such system must be housed, constructed and equipped according to with the following requirements, must be provided:
    - (a) every wall, if provided, must be at least 2,4 metre high, and must be constructed of concrete, stone, brick or other durable material and must have a smooth internal surface.
    - (b) if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificially lighting or by obtaining natural ventilation and light through openings or opening windows of an area equal to not less than 15% of the floor area of the building.
    - (c) the floor must be constructed of concrete or other durable and impervious material worked to a smooth finish, and if required by the Municipal Manager, the floor surface must be graded and drained by means of a channel drained in terms of section 27.

- (d) if no walls are provided, or the walls are of metal, the floor must be provided with a curb at least 150 millimetre high around it's extremities.
- (e) the cages of the battery system must be constructed of an impervious material.
- (f) If required by the Municipal Manager, a tray of an impervious material and design must be fitted under every cage.
- (g) A wash hand basin with a constant supply of water laid on must be provided and drained in terms of section 27.
- (5) A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the battery system building or structure or poultry house.
- (6) There must be at least 3 metre of clear unobstructed space between a poultry house, poultry run or building or structure housing a battery system and the nearest point of any dwelling, outside buildings or other building or structure used for human habitation or any boundary of the stand, and 9 metre from any door or window of any dwelling or living room or other place where food for human consumption is prepared or stored: Provided that if such poultry house, poultry run or battery system is entirely roofed and so situated and constructed that rainwater must be prevented from falling therein, it may be situated not less than 4 metre from any such door or window.
- (7) (a) A rodent proof store-room must be provided for the storage of feed, the floor area of which must not be less than 9 square metre, the width not less than 2,2 metre and the height not less than 2,4 metre.
- (b) If the Municipal Manager is satisfied that, having regard to the number of poultry being kept, a store-room of dimensions less than the minimum dimensions required in terms of subsection (a) or that other storage facilities are suitable, he may permit such smaller store-room or other storage facilities.
- (c) A curbed concrete washing platform or stainless steel trough with draining board and with a constant supply of water laid on, must be provided within or adjacent to such building or structure for the cleaning and disinfection of cages if so required by the Municipal Manager. The washing platform and trough must be drained in terms of section 27.
- (8) (a) If required by the Municipal Manager, with due regard to the quantity of manure to be stored pending removal from the premises, a storage area comprising of roofed over platform constructed of concrete or other durable and impervious material, with a curb at least 100 millimetre high around it's extremities and graded and drained in terms of section 27 must be provided.
- (b) The roof over such platform must extend one metre beyond the extremities of the platform.

#### Duties of Persons Responsible for the Keeping of Poultry

13. Any person keeping poultry must -
- (a) ensure that all poultry is kept within the poultry house, poultry run or building or structure housing a battery system;
  - (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping in a clean, sanitary condition and in good repair;
  - (c) maintain the premises free from offensive odours and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from vermin;
  - (d) ensure that such poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;
  - (e) (a) provide portable manure storage receptacles of an impervious material and with close fitting lids;
  - (b) keep such receptacle on a platform constructed of concrete or other durable and impervious material adjacent to the poultry house, poultry run or building or structure housing a battery system so as to comply with the provisions of section 12(e);
  - (f) (a) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every 4 days or at such longer intervals approved by the Municipal Manager from a building or structure housing a battery system, regard being had to the prevention of a public health nuisance caused by offensive smell; and
  - (b) place the manure and other waste matter in the manure storage receptacles;
  - (g) remove the contents of the manure storage receptacles from the premises at least once every 7 days and dispose thereof in a manner which will not create a nuisance;
  - (h) not store any material or article in any poultry house, poultry run or building or structure housing a battery system, except material or an article which is required for use in such house, run, building or structure;
  - (i) provide within the store-room required in terms of section 12(f), a number of rodent proof receptacles with close fitting lids in which all loose feed must be stored;
  - (j) take effective measures for the prevention of harbouring and breeding, and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the. keeping of poultry on the premises.

#### KEEPING OF BIRDS

##### Requirements for Premises

14. Premises complying with the following requirements must be provided for the keeping of birds in an aviary-
- (a) The aviary must be properly constructed of durable materials, rodent proof and provided with access thereto adequate for cleaning purposes.



- (b) If the aviary is constructed above ground level, the base thereof must be constructed of an impervious and durable material and must not be less than 300 millimetre above ground level.
- (c) An aviary must not be situated within 3 metre of any building or structure, boundary fence or boundary wall.
- (d) A potable supply of water must be provided adequate for drinking and cleaning purposes.

#### **Duties of Persons Responsible for the Keeping of Birds**

15. Every person who keeps birds in an aviary must -
- (a) ensure that the aviary and the premises are kept in a clean condition and free from vermin;
  - (b) provide rodent proof facilities for the storage of bird food and keep such food therein;
  - (c) take effective measures for the prevention of harbouring and breeding and for the destruction of flies, cockroaches, rodents and other vermin;
  - (d) ensure that such birds do not disturb or hinder the comfort, convenience, peace or quiet of the public.

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

##### **Requirements for Conducting Business**

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

**DOG KENNELS AND CATTERIES****Requirements for Premises**

- 17 (1) A person must not maintain kennels or a cattery, unless the requirements of subsections (2) to (12), are complied with.
- (2) A dog or cat must be kept in an enclosure complying with the following requirements:
- (a) it must be constructed of durable materials and must have access thereto adequate for cleaning purposes.
  - (b) the floor must be constructed of concrete or other durable and impervious material worked to a smooth finish and graded to a channel 100 millimetre wide, extending the full width of the floor and situated within the enclosure, which channel must be graded and drained into a gully connected to the council's sewer by means of an earthenware pipe 100 millimetre in diameter.
  - (c) a curb 150 millimetre high must be provided along the entire length of the channel referred to in subsection (b) and on the side thereof adjacent to the surrounding outside area to prevent storm water from such area from entering the channel.
- (3) Every enclosure referred to in subsection (2), must contain a roofed shelter for the accommodation of dogs or cats complying with the following requirements:
- (a) every wall must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface without cracks or open joints.
  - (b) the floor must be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints.
  - (c) every shelter must have adequate access thereto for cleaning and de-verminising.
- (4) In the case of dogs, a dog kennel of moulded asbestos or other similar material, which is movable, and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter contemplated in subsection (2) and if the base of such kennel is not rendered water-proof, a sleeping board which will enable the dog to keep dry, must be provided in every such kennel.
- (5) A concrete apron extending at least 1m wide around the extremities of the enclosure must be provided, which apron must be graded and drained for the draining of storm water away from the enclosure.
- (6) A potable water supply must be provided in or adjacent to the enclosure adequate for drinking and cleaning purposes.
- (7) (a) If required by the Municipal Manager, a separate room or roofed area with a floor area of not less than 6,5 square metre, a width of not less than 2.1 metre and a height of not less than 2.4 metre must be provided for the preparation of food.
- (b) The floor of the room or roofed area must be of concrete or other durable and impervious material brought to a smooth finish.
  - (c) The internal wall surfaces of the room or roofed area must be smooth plastered and painted with a light coloured washable paint.
  - (d) The room or roofed area must be equipped with preparation tables of metal manufacture and a double bowled stainless steel sink with a constant supply of hot and cold water laid on and drained in terms of section 27.
  - (e) Every bowl of the sink must have a minimum depth of 225 mm and a minimum capacity of 55 litres.
- (8) A rodent proof store-room must be provided for the storage of food, the floor area of which must not be less than 6,5 m<sup>2</sup> and the width not less than 2.1 m: Provided that if the Municipal Manager is satisfied that, having regard to the number of dogs or cats being kept on the premises, a store-room of smaller dimensions than the minimum dimensions required or other storage facilities would be adequate, he/she may permit a smaller store-room or other storage facilities as he deems fit.
- (9) At least 5 metre of clear unobstructed space must be provided between any shelter or enclosure and the nearest point of any dwelling, other building or structure used for human habitation or place where food is stored or prepared for human consumption, or the boundary of any land.
- (10) Isolation facilities must be provided for sick dogs or cats.
- (11) If washing, clipping or grooming of pets is done, the following facilities must be provided:
- (a) A bathroom with a minimum floor area of 9 square metre, a width of not less than 2,1 metre fitted with a bath or similar approved fitting and wash hand basin with a constant supply of hot and cold running water laid on.
  - (b) A clipping and grooming room with a minimum floor area of 10 square metre, a width of not less than 2,1 metre and fitted with approved impervious topped tables and an adequate number of portable storage receptacle of an impervious durable material with close fitting lids for the storage of cut hair pending removal.
  - (c) The rooms referred to in sections (a) and (b) must be laid out in such a manner so as to provide an unobstructed floor area of at least 30 %.
  - (d) The floors of the rooms referred to in sections (a) and (b) must be constructed of concrete or other durable and impervious material, brought to a smooth finish, graded to a channel drained in terms of section 27.
  - (e) Every junction between the floor and walls of such room must be coved and the coving must have a minimum radius of 75 mm.
  - (f) Every internal wall surface must be smooth plastered and painted in a light coloured washable paint.

- (12) If cages are provided for the keeping of cats, such cages must be of durable impervious material and constructed so as to be easily cleaned.

#### **Duties of Persons Responsible for the Control of Kennels or Catteries**

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

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

##### **Requirements for Premises**

19. A person must not conduct a business of a pet shop or pet salon in or upon any premises -
- (a) in which there is direct internal access with any room or place used for human habitation or in which clothing is stored or sold or food for human consumption is prepared, stored, sold or consumed;
  - (b) unless the premises are constructed and equipped in accordance with the following requirements:
    - (i) every wall including any partition of any building must be constructed of brick, concrete or other durable material, must have a smooth internal surface and painted with a light coloured washable paint or given some other approved finish.
    - (ii) the ceiling of any building must be constructed of durable material, have a smooth finish, be dust proof and painted with a light coloured washable paint.
    - (iii) one hand wash basin with a constant supply of hot and cold running water laid on, must be provided for every 15 or part of that number of persons employed on the premises which must be drained in terms of section 27.
    - (iv)
      - (aa) A rodent proof store-room, with a floor area of not less than 10 square metre must be provided.
      - (bb) If the Municipal Manager is satisfied that, having regard to the extent of the business and the quantity of goods and equipment and pets food to be stored on the premises, a store-room of smaller dimensions than the minimum dimensions in terms of subparagraph (aa) is adequate, he or she may permit a smaller store-room.
    - (v) Facilities for the washing of cages, trays and other equipment must be provided in the form of either -
      - (aa) a curbed and roofed over platform with a surface of at least 1,5 square metre raised at least 100 millimetre above the floor and constructed of concrete or other durable and impervious material brought to a smooth finish, which platform must be provided with a constant supply of water laid on; or
      - (bb) a stainless steel sink or trough not less than 304 millimetre deep with a drainage board and with a constant supply of water laid on;
    - (vi) The platform, sink or trough referred to in subparagraph (v) must be drained in terms of section 27 and any wall surface within 0,5 metre of such platform, sink or trough must be permanently covered with durable waterproof material to a height of at least 1,4 metre above the floor.
    - (vii)
      - (aa) If required by the Municipal Manager, a separate change room, clearly designated, must be provided for any sex if more than two persons are employed on the premises.
      - (bb) A change room must have a floor area of at least 0,5 m<sup>2</sup> for each employee with a minimum overall floor area of 6,5 m<sup>2</sup> and a minimum width of 2,1 metre and must be equipped with a separate metal clothes locker for the keeping of personal clothing of each employee.
      - (cc) For each employee for which no change room is required in terms of subparagraph (aa), a metal clothes locker must be provided.

- (viii) No door, window or other opening in any wall of a building on the premises must be within 2 metre of any door, window or opening to any building in which food is prepared, stored or sold for human consumption or consumed by humans.
- (ix) If the washing, clipping or grooming of pets is done on the premises the requirements of section 17(11) must be complied with.

#### Duties of Trader

20. A person who conducts the business of a pet shop must -
- (a) provide cages for housing animals, poultry or birds, and the following requirements must be complied with:
    - (i) The cages must be constructed entirely of metal or other durable impervious material and must be fitted with a removable metal tray below the floor thereof to facilitate cleaning.
    - (ii) A cage must be free from any recess or cavity not readily accessible for cleaning and every tubular or hollow fitting used in connection therewith must have its interior cavity sealed.
    - (iii) A cage must be of such size and mass and so plated that it can be readily moved.
    - (iv) If rabbits are kept in a cage, the metal tray referred to in sub paragraph (i) must be drained to a removable receptacle.
    - (v) A cage must be fitted with a drinking vessel filled with water and accessible to the pets kept in the cage.
    - (vi) The distance from any cage to the nearest wall must at all times be not less than 150 mm.
    - (vii) The cages must be kept not less than 450 mm above floor level and the space beneath the cages must be unobstructed.
  - (b) provide rodent proof receptacles of an impervious material with close fitting lids in the store-room in which all loose pet food must be stored;
  - (c) provide refrigeration facilities in which all perishable pet food kept on the premises must be stored at a temperature not higher than 10°C;
  - (d) maintain in every room in which pets are kept, an unobstructed floor space of not less than 30% of the floor area of such room and a distance of not less than 800 mm between rows of cages;
  - (e) maintain the premises and a cage, tray, container, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop, in a clean, sanitary condition, free from vermin and in good repair;
  - (f) take effective measures for the prevention of harbouring or breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of pets on the premises;
  - (g) provide overalls or other protective clothing for the use of persons employed in connection with the pet shop and ensure that such apparel is worn by the employee when on duty;
  - (h) not keep any pet in the yard or other open space on the premises, unless otherwise approved by the Municipal Manager ;
  - (i) provide isolation facilities, in which every pet which is or appears to be sick must be kept whilst on the premises;
  - (j) ensure that there is a constant and potable water supply for drinking and cleaning purposes;
  - (k) ensure that the premises are at all times so ventilated so as to ensure sufficient movement of air for the comfort and survival of the pets;
  - (l) ensure that the number of pets per cage are not such that the free movement of such pets is impeded.

#### BEES

##### Keeping of bees

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

##### Duration of permit

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

**Conditions of permit**

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

**Removal or destruction of bees**

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

**Service of notices**

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

**HAWKING****Prohibition on Hawking**

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

**MISCELLANEOUS****Draining**

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

**Discharge of Taps**

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

**Nuisance**

29. A person must not-
- (a) keep any animal or pet in such a manner as to cause a nuisance;
  - (b) fail to remove faeces deposited by a dog in a public place whilst under his or her control or supervision and dispose of such faeces in a refuse receptacle;
  - (c) fail to duly dispose of dead animals in such a manner as prescribed by the Municipal Manager .

**Stray animals and pets**

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

**Illness Attributable to Animals**

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

**Inspection**

32. The Municipal Manager and any officer authorized thereto by the municipality, in order to satisfy himself or herself that the provisions of these by-laws are being complied with may -
- (a) at any reasonable time enter any premises on which animals, poultry, birds or pets are kept or on which kennels or a cattery is conducted or the business of a dealer or speculator in livestock or a pet shop, a hawker of poultry or rabbits is being conducted or on which he or she reasonably suspects animals, poultry, birds or pets are kept or such business is being conducted;
  - (b) inspect such premises or any vehicle used or reasonably suspected by him or her to be used for such business and anything thereon or therein; and
  - (c) question any person on such premises or in such vehicle or who has recently been on such premises or in such vehicle.

**Offences**

- 33 (1) Any person -
- (a) who contravenes or fails to comply with any provisions of these by-laws; or
  - (b) who keeps animals, birds, poultry or bees or who is the person in control of or who conducts the business of a dealer or speculates in livestock, a pet shop, dog kennels or cattery or a hawker of poultry on any premises fails to ensure that all the provisions of these by-laws applicable to such premises or business are complied with;
  - (c) who fails or refuses to give access to premises to the Municipal Manager or any officer when requested to give such access;
  - (d) who obstructs or hinders the Municipal Manager or other duly authorised officer;
  - (e) who fails or refuses to give information to the Municipal Manager or such other officer which is lawfully required, or knowingly furnishes false or misleading information;
  - (f) who fails or refuses to comply with a notice in terms of these by-laws,
- is guilty of an offence.
- (2) It shall be a competent defence if a person referred to subsection (1)(b) proves that he or she did not know of, could not reasonably have foreseen and could not have prevented the commission of the offence contemplated in subsection (1).

**Penalty**

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

**Repeal of by-laws**

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

**Short Title**

36. These by-laws shall be called the Keeping of Animals By -laws, 20....

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[NO. 170 OF 2010]

**NOTICE IN TERMS OF SECTION 14(2)(b)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD LIBRARIES BY-LAW**

- [1.] I, MJ Zwane, Member of the Executive Council responsible for Cooperative Governance Traditional Affairs and Human Settlements in the Free State Province in terms of Section 14(2)(b) of the Local Government: Municipal Structures Act, 2000 (Act 32 of 2000) hereby publish standard draft by-laws as set out in the Schedule hereto for public comment.

- [2.] The public and interested parties are invited to submit comments in writing on these proposed standard draft by-laws by not later than 30 days from the date of publication of this notice, to:-

The Chief Director  
Systems And Capacity Building  
Department of Cooperative Governance  
and Traditional Affairs  
Local Government Branch  
PO Box 211  
BLOEMFONTEIN  
9301

Comments may also be submitted by facsimile to number 086 698 8906 or by e-mail to

chohne@lgh.f.sgov.za

## SCHEDULE

### LIBRARIES BY-LAW

#### Definitions

1. In these by-laws, unless the context otherwise indicates -
  - "charges" means any fine or miscellaneous charges in respect of the library as determined from time to time by the municipality;
  - "municipality" means -
    - (a) the ..... municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) as amended, exercising its legislative and executive authority through its municipal municipality; or its succession in title; or
    - (b) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws, has been delegated or sub-delegated or an instruction given as contemplated in, section 59 of the Local Government: Municipal System Act, 2000 (Act No. 32 of 2000);
  - "lending period" means the period which the municipality determines for the lending out of different types of library material;
  - "librarian" means the officer, or his or her representative, appointed by the municipality to exercise control over and to manage the library;
  - "library material" means any material of whatever nature or form which is kept in a library and made available to the public; "member" means any person or organisation registered as a member of the library,

#### Use of the library

2. Any person admitted to the library by the municipality may use the library facilities during official hours of opening. However, if a person wishes to borrow library material, he or she shall first register as a member of the library.

#### Membership

3. (1)
  - (a) Subject to the provisions of paragraph (b) and subsection (2), the municipality may grant to any person residing or employed within the area of jurisdiction of the municipality or who is a taxpayer of the municipality, membership of the library, subject to the provisions determined by the municipality and provided such person undertakes to subject himself or herself to the provisions of these by-laws and the rules for conducting the business of the library, adopted by the municipality.
  - (b) the municipality may, subject to the conditions it may determine, grant membership of the library to a pre-school or school-going child, should its parent or guardian consent, in writing, thereto and undertake to stand surety for the observance by such child of the provisions of these by-laws and the rules for conducting the business of the library adopted by the municipality.
  - (c) application for membership must be made on a form prescribed by the Free State provincial library service and the municipality.
  - (d) the municipality must issue a membership card to a member authorizing him or her to borrow from the library such quantity of library material as may be determined by the municipality from time to time.
  - (e) a membership card must be valid from the date of issue thereof for a period as determined by the municipality from time to time. The membership of a person to whom such a membership card has been issued, lapses after such period, unless it be renewed. '
  - (f) to register as a member patrons must produce a letter of approval from their respective councillors, an identification book and /or birth certificate proof of municipal services accounts.

- (g) the users must produce membership cards when entering libraries from time to time.
- (2) the municipality may grant membership of the library to a person residing outside its area of jurisdiction on conditions determined by the municipality from time to time.
- (3) a member desirous of terminating his or her membership of the library, must return his or her membership card to the librarian without delay, failing which he/she may be held responsible in terms of section 7 of all library material borrowed against such membership card.
- (4) when a member changes his address, he or she shall notify the librarian, in writing, within seven days of such change of address.
- (5)
  - (a) when a member's membership card gets lost, he or she shall forthwith notify the librarian, in writing, and the librarian may, on payment of the prescribed charges, issue a duplicate of such membership card.
  - (b) should a lost membership card be found, the duplicate membership card issued in place thereof, must forthwith be returned to the librarian: provided that any charges paid for such duplicate is not refundable to the member.
  - (c) if a member gives notice in terms of paragraph (a), such member must, notwithstanding the provisions of section 8 (1), not be liable in terms of the said section in respect of any library material borrowed against the lost membership card after the date of such notice.
- (6) a person residing for a period of less than three months in the area of jurisdiction of the municipality, may register as a visitor if-
  - (a) he or she applies for such registration on the form prescribed by the municipality: Provided that the required proof of identification and particulars as determined by the municipality, are submitted;
  - (b) he or she deposits with the librarian the prescribed deposit; and
  - (c) the municipality approves such application.
- (7) the deposit contemplated by subsection (6) (b) must be refunded to a member on application by him or her provided that if any member does not renew his or her membership card as within a period of three months after the expiry of the period of validity, such deposit is forfeited to the municipality: provided further that upon any such refunding or forfeiture, the registration of the member must be cancelled.
- (8) any person may, on behalf of any organisation or similar body, if duly authorised thereto by such organisation or body, apply on the form prescribed by the municipality for registration of such organisation or body as a member of the library.

#### **Loan of library material**

- 4.
  - (1) Library material is deemed to be on loan from the library to the member against whose membership card it was lent.
  - (2) No person must be in possession of any library material not lent against a membership card.
  - (3) Library material bearing the mark of the library or the Free State Provincial Library Service, and on which there is no official indication that it has been withdrawn, written off or sold, is the property of the municipality or the Free State provincial library service.
  - (4)
    - (a) a member borrowing library material from the library must ascertain whether such material is damaged and, if damaged, he or she must draw the librarian's attention to the fact
    - (b) the librarian must not make damaged library material available for borrowing purposes: provided that where such damaged library material is nevertheless made available for borrowing purposes, particulars of such damage must be affixed thereto.

#### **Return of library material**

- 5. A member must return the library material borrowed by him or her to the librarian not later than the last day of the borrowing period: provided that-
  - (a) the municipality may extend the borrowing period of any library material not in demand by any other member after consideration of an application to that effect by the member who borrowed the library material, for not more than two further borrowing periods;
  - (b) a member is responsible for the return of library material borrowed by him or her, and should such member find it impossible to personally return such library material, he or she may return it in any other way;
  - (c) a member who has borrowed library material must not keep it for more than three days after receipt of a written notice from the librarian that such library material is to be returned.

#### **Overdue library material**

- 6.
  - (1) Should a member not return library material borrowed against his or her membership card within the period stated in section 5 (a) or any period determined by the municipality, such member is liable for payment to the municipality of the prescribed fine for every week or portion thereof during which such member fails to return such library material.
  - (2) the municipality may exempt any person from the payment of such fine if he or she is satisfied that failure to return library material is due to circumstances beyond the borrower's control.
  - (3) in order to obtain overdue library material, a municipality may determine a fine free period for a time in which such library material may be returned.
  - (4) the municipality may add the current replacement cost of any outstanding library material to the monthly services account of the member or his or her legal guardian should all other efforts in terms of these by-laws fail to effect return of the library material.



**Reservation of library material**

7. A member is allowed to reserve library material.

**Lost and damaged library material**

8. (1) Should library material be lost or become damaged or deemed to be lost in terms of subsection (2), the member against whose membership card such library material was borrowed must, in addition to any fine or other charges for which he or she is liable for in respect of the said library material, be liable for payment to the Municipality of the purchase price thereof or an amount to make good the damage as may be determined by the Municipality, unless he or she replaces it with a copy of equal value or a copy acceptable to the Municipality.
- (2) Library material retained by a borrower for more than three months calculated from the expiry date allocated to such material at the time of issuing or after granting any extension of the borrowing period, on receipt of a request to do so by registered post, fails to return library material within seven days, is deemed to be lost.
- (3) Lost or damaged library material must remain the property of the Municipality or the Free State Provincial Library Service.
- (4) No further library material must be lent to a member who, in terms of subsection (1), is responsible for the loss of library material.

**Handling of library material**

9. No person having library material in his or her possession, must either wilfully or negligently-
- (a) fail to keep such material in a clean condition;
- (b) expose or permit such material to be exposed to or be damaged by water, heat, fire, animals or any other thing;
- (c) mutilate, deface, mark, crease or in any way damage such material or permit such material to be mutilated, defaced, marked, creased or damaged;
- (d) remove or damage or permit to be removed or damaged any protective coverings of such material; or
- (e) lend any such material to any unauthorised person.

**Exposure of library material to contagious diseases**

10. (1) No person suffering from a contagious disease must borrow or handle any library material from the library and no person must allow another person suffering from a contagious disease, to handle such library material lent to him or her.
- (2) Any person being in possession of such library material from the library which was exposed to a contagious disease, must immediately advise the librarian that such library material was so exposed.
- (3) The Municipality must at least once a year fumigate the library and all associated buildings to prevent damage to books and furniture and the possible spreading of any contagious disease.

**Library material for special purposes**

11. Library material of a specialised nature must only be used in such parts of the library as are set aside by the Municipality for special purposes and must not be removed from the library or to any other part of the library without the permission of the librarian.

**Use of the group activities hall**

12. (1) Approval for the use of the group activities hall vests in the Municipality subject to any conditions laid down by the Municipality.
- (2) Any person who wishes to make use of the Activities Hall must pay to the Municipality the prescribed fee as may be determined by the Municipality from time to time.

**Library hours**

13. A notice by the Municipality, setting forth the days and hours during which the library must be open to the public, must be displayed in a prominent place at or near the entrance thereto.

**Posting of by-laws in the library**

14. The librarian must place a copy of these by-laws in a prominent place in the library and direct the attention of a user of the library thereto.

**Offences**

15. No person must -
- (a) smoke in the library or any of its associate buildings;
- (b) make use of a cell phone in a library to conduct a conversation or for any other reason, or shall fail to switch off any cell phone in his or her possession upon entering the library;
- (c) conduct or participate in a conversation, read aloud, sing or whistle in the library in a manner which is disturbing to other persons present in the library building;

- (d) impede, obstruct, disturb or in any other way annoy any other person in the legitimate use of the library;
- (e) refuse to deliver any library material to the librarian within a reasonable time after being requested thereto verbally or telephonically;
- (f) allow any child under his or her supervision to create a disturbance in the library;
  - (i) act in an uncouth or disorderly fashion;
  - (ii) use unseemly, abusive or blasphemous language; or
  - (iii) lay a bet or gamble in any part of the library,
- (f) recline, sleep, loiter or partake of refreshments in the library;
- (g) cause or permit any animal under his or her supervision to enter or remain in the library;
- (h) while using the library, refuse to comply with any lawful request of the librarian;
- (i) bring any vehicle, carrier or container into the library without the permission of the librarian;
- (j) distribute or deposit in the library for distribution, material for advertisement, publicity or any other purpose without the permission of the librarian;
- (k) damage or deface any part of the library or any fitting, furniture equipment or contents thereof,
- (l) supply a false name and address for the purpose of entering any part of the library or to benefit from any service rendered by the library;
- (m) enter or remain in any part of the library if he or she is –
  - (i) unclean on body or dress,
  - (ii) suffering from a contagious or infectious disease notifiable in terms of any law, or
  - (iii) under the influence of intoxicating liquor or drugs;
- (n) enter or remain in any part of the library during the hours that such a library or part thereof is not officially open for service to the public;
- (o) enter or leave the library by an entrance or exit not officially provided for the use of the public;
- (p) enter or remain in any part of the library which is reserved for the use of the library staff,
- (q) obstruct or block any entrance to or exit from the library;
- (r) remove from the library or be in the possession of library material the loan whereof has not been registered by the librarian in terms of these by-laws;
- (s) retain in his or her possession any library material for more than 24 hours after the delivery to his or her registered address of a written demand from the librarian for the return of such material. or
- (t) bring his or her bags, food and refreshments in to the library.

**Penalties**

- 16. (1) Any person not bona fide using the library for the purpose for which it is intended or is guilty of misbehaviour in the library, may be removed from the library by the librarian or by a person called upon thereto by the librarian.
- (2) Any person contravening any of the provisions of these by-laws, is guilty of an offence and must, on conviction, be liable to a fine not exceeding R500 or, in default of payment, to imprisonment for a period not exceeding 6 months.

**Library advisory committee**

- 17. The Municipal libraries must appoint the functional Library Advisory Committee constituted by the community residing in the jurisdiction of the Municipality.

**Repeal**

- 18. Any by -laws relating to Libraries adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these bylaws.

**Short title**

- 19. These by -laws are called the Libraries By -laws, 20...

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**NOTICES**

PLEASE TAKE NOTE THAT AS FROM 1 NOVEMBER 2010 THE BANKING DETAILS OF THE DEPARTMENT OF THE PREMIER WILL BE AS FOLLOWS:

**BANKING DETAILS FOR DEPARTMENT OF THE PREMIER**

NEW BANK:	STANDARD BANK
ACCOUNT NAME:	FSPG: DEPARTMENT OF THE PREMIER
ACCOUNT NUMBER:	240 322 029
BRANCH NAME:	BRANDWAG BRANCH
BRANCH CODE:	05 5534 00
REFERENCE NO.:	AS DISCUSSED UNDERNEATH
ACCOUNT HOLDER:	FSPG: DEPT PREMIER
FAX NO.	(051) 405 4396

- NB: FOR CHEQUES PURPOSE (PAY) PLEASE WRITE FSPG: DEPT. PREMIER.
- YOU ONLY USE REFERENCE NUMBER WHEN YOU PHYSICALLY GO TO BANK AND FILL IN DEPOSIT SLIP. AFTER DEPOSITING, YOU FAX ME BACK YOUR DEPOSIT SLIP AND SUBSCRIPTION FORM PLEASE.
- WHEN DEPOSIT MONEY ELECTRONICALLY YOU WILL USE COMPANY NAME AS A REFERENCE NUMBER AND FAX ME BACK YOUR PROOF OF PAYMENT AND SUBSCRIPTION FORM PLEASE.

<b><u>ENQUIRIES CONTACT:</u></b>	<b><u>TEL NO.</u></b>
MS C TSHABALALA	(051) 403 3139
MRS M.E. MATILE	(051) 403 3590

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**NOTICE**

**PLEASE TAKE NOTE:** THAT THE LAST PUBLICATION OF THE PROVINCIAL GAZETTE FOR THE YEAR 2010 WILL BE ON 10 DECEMBER 2010.

THE NEXT PUBLICATION WILL BE ON 14 JANUARY 2011.

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