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<p><u>PLEASE TAKE NOTE:</u> THE LAST PUBLICATION OF THE PROVINCIAL GAZETTE FOR THE YEAR 2011 WILL BE ON <u>09 DECEMBER 2011</u>.</p> <p>THE NEXT PUBLICATION WILL BE ON <u>13 JANUARY 2012</u></p>					

PROVINCIAL NOTICES

[NO. 191 OF 2011]

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

I, M.G Qabathe, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State Province, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association: Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), make standard by-laws as set out in the Schedule.

SCHEDULE

GENERAL STREET BY-LAW

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Definitions

1. In this by-law, unless the context indicates otherwise -

"**animals**" means any horses, mules, donkeys, cattle, pigs, sheep, goats, ostriches indigenous mammals and other wild animals;

"**caravan**" means any vehicle permanently fitted out for use by persons for living and sleeping purposes, whether or not such vehicle is a trailer;

"**Council**" means -

(a) the Local Municipality of established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), exercising its legislative and executive authority through its municipal Council;

(b) its succession in title; or

(c) 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);

"**municipality**" has a similar meaning to "Council";

"**municipal area**" means the area of jurisdiction of Municipality as determined in terms of the Municipal Demarcation Act 1998 (Act No. 27 of 1998);

"**municipal manager**" means a person appointed in terms of section 82 of the Municipal Structures Act, 1998 (Act No. 117 of 1998);

"**motor vehicle**" means any self-propelled vehicle and includes-

(a) a trailer,

(b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include-

(i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or

(ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;

"**park**" means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle;

"**public place**" means any square, park, recreation ground, sports ground, sanitary lane or open space which has -

(a) in connection with any subdivision or layout of land into erven, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, whether or not it is shown on a general plan, plan of subdivision or diagram;

(b) at any time been dedicated to the public;

(c) been used by the public without interruption for a period of at least thirty years, or

(d) at any time been declared or rendered such by the municipality or other competent authority;

"**public street**" means-

(a) any street which has at any time been-

(i) dedicated to the public;

(ii) used without interruption by the public for a period of at least thirty years;

(iii) declared or rendered such by the municipality or other competent authority, or

(iv) constructed by a local authority, and

(b) any land, with or without buildings or structures thereon, which is shown as a street on-

(i) any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon, or

(ii) any general plan as defined in the Land Survey Act, 1927, registered or filed in a deeds registry or Surveyor General's office; unless such land is on such plan or diagram described as a private street;

"**semi-trailer**" means a trailer having no front axle and so designed that at least 15% of its tare is super-imposed on and borne by a vehicle drawing such trailer;

"**sidewalk**" means that portion of a street between the outer boundary of the roadway and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians;

"**street**" means any road, street or thoroughfare or any other place which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and except where inconsistent with the context includes -

(a) the verge of any such road, street or thoroughfare

(b) any footpath, sidewalk or similar pedestrian portion of a road reserve;

(c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;

(d) any other object belonging to such road, street or thoroughfare.

"**tare**", in relation to a motor vehicle, means the mass of such a vehicle ready to travel on a road and includes the mass of-

(a) any spare wheel and of all other accessories and equipment supplied by the manufacturer as standard for the particular model of motor vehicle concerned;

(b) anything which is a permanent part of the structure of such vehicle;

(c) anything attached to such vehicle so as to form a structural alteration of a permanent structure; and

(d) the accumulators, if such vehicle is self-propelled by electrical power, but does not include the mass of -

(i) fuel, and

(ii) anything attached to such vehicle which is not of the nature referred to in paragraph

(b) or (c);

"trailer" means a vehicle which is not self-propelled and designed or adapted to be drawn by a motor vehicle, but does not include a side-car fitted to a motor cycle;

"vehicle" means a device designed or adapted mainly to travel on wheels or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves solely on rails; and

"work" means work of any nature whatsoever undertaken on any land within the area of jurisdiction of the Municipality and, without in any way limiting the ordinary meaning of the word, includes the erection of a new building or alterations or additions to any existing building, the laying of cables and pipes, the dumping of building or other material anywhere in the street, or delivery to or removal from any site of any soil or material of any nature whatsoever.

Streets, sidewalks and encroachments on streets

2. No person must -
- (a) make, construct, reconstruct, or alter a street or sidewalk in a street -
 - (i) except with the written permission of the municipality,
 - (ii) otherwise than in accordance with the requirements prescribed by the municipality, or
 - (b) construct a veranda, stoep, steps or other projection or erect a post in a street except with the written permission of the municipality.

Advertisements visible from streets

- 3
- (1) No person must display any advertisement, placard, poster or bill in a street -
 - (a) except with the written permission of the municipality, and
 - (b) otherwise than in accordance with such conditions as may be determined by the municipality.
 - (2) This section is not applicable to signs which have been exempted under the provisions of the municipality's by-law relating to Outdoor Advertising.

Animals or objects causing an obstruction

4. No person must -
- (a) deposit or leave any goods or articles in a street, other than for a reasonable period during the course of the loading, offloading or removal thereof;
 - (b) in any way obstruct the pedestrian traffic on a sidewalk by bringing or allowing to be brought thereon any animal, object or vehicle (other than a perambulator or wheelchair which is being used for the conveyance of children or the disabled); or
 - (c) cause or allow any blind, awning, cord or other object to project or to be stretched over or onto a street -
 - (i) except with the written permission of the municipality, or
 - (ii) otherwise than in accordance with such conditions as may be determined by the municipality.

Trees in streets

- 5.
- (1) No person must -
 - (a) plant a tree or shrub in a street, or in any way cut down a tree or a shrub in a street or remove it there from, except with the written permission of the municipality;
 - (b) climb, break or damage a tree growing in a street; or
 - (c) in any way mark or paint any tree growing in a street or attach any advertisement thereto.
 - (2) Any tree or shrub planted in a street becomes the property of the municipality.

Trees or growth causing an interference or obstruction

- 6.
- (1) Whenever there is upon any property any tree or other growth which interferes with overhead wires or is a source of annoyance, danger or inconvenience to persons using a street, the municipality may by notice in writing order the owner or occupier of such property to prune or remove such tree or growth to the extent and within the period specified in such notice.
 - (2) Any person failing to comply with a notice issued in terms of subsection (1) is guilty of an offence.
 - (3) If any person fails to comply with a notice in terms of this section, the municipality may itself prune or remove the tree or growth at the expense of the person on whom the notice was served.

Refuse, motor vehicle wrecks, waste material

7. No person must -
- (a) dump, leave or accumulate any garden refuse, motor vehicle wrecks, spare parts of vehicles, building or waste materials, rubbish or any other waste products in any street or public place; or
 - (b) permit any such objects or substances to be dumped or placed in a street or public place from premises owned or occupied by him or her, except with the written permission of the municipality and otherwise than in accordance with such conditions as may be determined by the municipality.

Prohibition upon certain activities in connection with objects in streets

8. No person must, in a street -
- (a) effect any repairs or service to a vehicle, except where necessary for the purpose of removing such vehicle from the place where it was involved in an accident, or
 - (b) clean or wash a vehicle.

Prohibition upon games and other acts in streets

9. No person must -
- (a) roll a hoop, fly a kite, shoot with a bow and arrow or catapult, discharge fireworks or throw a stone, stick or other projectile in, onto or across a street; or
 - (b) do anything in a street which may endanger the life or safety of any person, animal or thing or may be a nuisance, obstruction or annoyance to the public unless such street is provided with clear signs and identifiable paving and equipment which distinguishes it as residential erf or street park.

Use of explosives

10. No person must in or upon a street use explosives or undertake blasting operations -
- (a) except with the written permission of the municipality; and
 - (b) otherwise than in accordance with such conditions as may be determined by the municipality.

Conveyance of animal carcasses or other waste products through streets.

11. No person must carry or convey through a street the carcass of an animal or any garbage, night soil, refuse, litter, rubbish, manure, gravel or sand -
- (a) unless it is properly covered; and
 - (b) unless it is conveyed in such type of container as will not allow any offensive liquids or parts of the load to be spilt in the street.

Fences on street boundaries

12. No person must erect a barbed-wire fence or other dangerous fence on the boundary of a street except with the written permission of the municipality.

Building materials in streets

13. No person must bore or cut stone or bricks, slake or sift lime, or mix building materials, or store or place building materials in a street except with the written permission of the municipality, and then only in accordance with the requirements prescribed by the municipality.

Balconies and verandas

14. No person must, except with the written permission of the municipality -
- (a) use a balcony or veranda erected beyond the boundary line of a street for purposes of trading or the storage of goods, or for the washing or drying of clothes thereon; or
 - (b) enclose or partition a balcony or veranda erected beyond the boundary line of a street or portion thereof as a living or bedroom.

Drying of washing on fences on boundaries of streets

15. No person must dry or spread washing on a fence on the boundary of a street.

Outspanning in streets

16. No person must outspan or allow to be outspanned in any street any vehicle drawn by animals, or detach or leave in any street any trailer, caravan or vehicle which is not self-propelled: Provided that this provision does not apply to the actual loading or unloading of such vehicle.

Protection of street surface

17. (1) No person must-
- (a) use a vehicle or allow it to be used in any street if such vehicle is in such a defective condition that it will or may cause damage to any street;
 - (b) drive, push, roll, pull or propel any object, machine or other material through or along a street in such a way, or while such object, machine or material is in such a condition, as may damage, break or destroy the surface of the street in any way;
 - (c) undertake any work which may cause the surface of any street to be altered, damaged or broken without the permission of the municipality.
- (2) If the municipality identifies a person who, as a result of the actions referred to in subsection (1), has damaged, broken or destroyed the surface of a street, the cost of repairs, as determined by the municipality, may be recovered from the offender.
- (3) Any person who is the owner of land on which any work is done is liable for any damage to any portion of a street caused by or in connection with the execution of such work by such owner, his or her employee or any independent contractor acting on behalf of such owner.

- (4) When any work which has to be undertaken on any land entails the driving of vehicles over kerbs, sidewalks or road verges, the owner of such land must not commence, or allow any other person to commence, any such work unless and until such a person has deposited with the municipality an amount sufficient to cover the cost of repairing any damage which may be caused to any portion of such street as a result of, or in connection with, the execution of such work by such owner, his or her employee or any independent contractor acting on behalf of such owner.
- (5) After completion of such work, the municipality must itself undertake the repair of any portion of such street as may have been damaged by such work and must set off the cost of such repairs against such deposit. If such cost is less than the amount of the deposit, the municipality must refund the balance to the depositor, but if the amount of the deposit does not cover such cost, the owner is liable for the difference, which must become payable on receipt of an account specifying the additional amount due.
- (6) No person other than an authorised official of the municipality in the performance of his or her duties may apply, mark, paint or draw lines, marks, words, signs or advertisements on the surface of a street.

Damaging of notice-boards

18. No person must deface, damage or in any way interfere with any notice-board, road traffic sign, street-name board or other similar sign or any hoarding which has been erected in a street by or with the permission of the municipality.

Street and door-to-door collections

19. No person must -
 - (a) collect or attempt to collect money in a street or organise or in any way assist in the organisation of such collection, except with the written permission of the municipality and otherwise than in accordance with such conditions as may be determined by the municipality; or
 - (b) collect from door to door, beg or solicit or accept alms, except with the written permission of the municipality.

Excavations in streets

20. No person must make or cause to be made an excavation or dig or cause to be dug a pit, trench or hole in a street -
 - (a) except with the written permission of the municipality; and
 - (b) otherwise than in accordance with the requirements prescribed by the municipality.

Poison in streets

21. No person other than an official of the municipality or an authorised person who administers legally approved weed-killers or poisons, must use, set or cast poison in any street.

Processions

22. (1) Subject to the provisions of sub-section (6) no person must hold, organise, initiate, control or actively participate in a procession or gathering in a street, or dance or sing or play a musical instrument, or do anything which is likely to cause a gathering of persons or the disruption or obstruction of traffic in such street, or must use any loudspeaker or other device for the reproduction or amplification of sound without the written permission of the municipality in terms of subsections (2) and (3).
- (2) Any person who intends to perform or carry out any one or more of the actions described in subsection (1) in any street must submit a written application for permission thereto, which must reach the municipality at least seven days before the date upon which any one or more of such actions is or are intended to be performed or carried out: Provided that persons who intend participating actively in a procession, or gathering in any street need not apply to the municipality for permission thereto and it is not illegal for such persons to participate actively in such procession or gathering if the organiser, promoter or controller thereof has obtained the permission of the municipality. An application made in terms hereof must contain the following -
 - (a) full details of the name, address and occupation of the applicant;
 - (b) full details of the street where or route along which any one or more of the actions prescribed in subsection (1) is or are intended to be performed or carried out, proposed starting and finishing times or any one or more of the aforesaid actions and, in the case of processions and gatherings, the number of persons expected to attend, and
 - (c) general details of the purpose of any one or more of the aforesaid actions intended to be performed or carried out.
- (3) Any application submitted in accordance with subsection (2) must be considered by the municipality, and if any one or more of the actions to be performed or carried out as proposed in such application is or are not, in the opinion of the municipality, likely to be in conflict with the interests of public peace, good order or safety, the municipality must issue a certificate granting permission and authorisation for the performance or carrying out of any one or more of such actions subject to such conditions as the municipality may deem necessary to uphold public peace, good order or safety.
- (4) The municipality may refuse to grant permission for the performance or carrying out of any one or more of the actions described in subsection (1), if the performance or carrying out of such action or actions will, in the opinion of the municipality, be in conflict with the interests of public peace, good order or safety.
- (5) The municipality may withdraw any permission granted in terms of subsection (3), if, as a result of further information, it is of the opinion that the performance or carrying out of the action or action in question will be in conflict with the interests of public peace, good order or safety.

- (6) The provisions of this section do not apply -
- (a) to wedding or funeral processions, or
 - (b) to a gathering or demonstration as contemplated by the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993) in which case the provisions of the said Act is applicable.

Roller-skating and skating on skate -board-

23. No person must, except with the prior written permission of the municipality, skate on roller skates or a skate board or a similar device in or on a public road, place, street or in or upon an area where skating is prohibited by an applicable road traffic sign.

Persons to be decently clad

24. No person must appear in any street without being clothed in such a manner as decency demands.

Overflow of water into streets

25. No person must cause or allow any water other than rain water to flow into a street except in the case of emergency.

Behaviour in streets

26. No person must -
- (a) cause a nuisance to other persons by loitering, standing, sitting, laying or begging;
 - (b) sleep, overnight or erect any shelter,
 - (c) wash or dry clothes, blankets or any other domestic articles;
 - (d) use abusive, insulting, obscene, threatening or blasphemous language;
 - (e) fight or act in a riotous manner;
 - (f) discharge a fire-arm, airgun or air-pistol;
 - (g) annoy or inconvenience any other person by yelling, shouting or making any noise in any manner whatsoever;
 - (h) defecate, urinate or wash himself or herself;
 - (i) solicit or importune any person for the purpose of prostitution or immorality;
 - (j) engage in gambling;
 - (k) use intoxicating liquor or drugs;
 - (l) spit in a street.

Animals in a street

27. No owner or person-
- (a) in charge of any wild or ferocious animal, monkey or horned cattle must allow such animals at any time to be insufficiently attended or at large in any street or keep any such animal in such a manner as to be a danger or annoyance to the public; or
 - (b) allow, permit or cause any animal to graze or stray in or about any street.

Display of street number of places

- 28 (1) The municipality may prescribe by notice in writing to the owner of any premises that a number allocated to such premises by the municipality in terms of section 37(c) must be displayed and the owner of such premises must, within 30 days of the date of such notice, display the allocated number on the premises.
- (2) a number displayed as contemplated by sub-section (1) must -
- (a) be displayed in a conspicuous position on the premises and must at all times be visible and legible from the adjacent street; and
 - (b) be replaced by the owner of the premises as often as it gets obliterated, defaced or illegible.

Bridges and crossings over gutters and sidewalks

29. No private crossing, pathway, bridge or culvert must be made or built to or in front of any dwelling or other premises in any street or public place-
- (a) except with the written permission of the municipality; and
 - (b) otherwise than in accordance with the requirements prescribed by the municipality.

Control of amusement shows and devices

30. (1) No person must set up or use in any street or public place any circus, whirligig, roundabout or other side-show or device for the amusement or recreation of the public -
- (a) except with the written permission of the municipality;
 - (b) otherwise than in accordance with such conditions as may be determined by the municipality;
 - (c) unless suitable sanitary conveniences for both sexes of the staff have been provided; and
 - (d) if it is in any way dangerous or unsafe for public use.
- (2) An authorised official of the municipality must, for the purposes of inspection, at all reasonable times have free access to such circus, whirligig, roundabout or other sideshow or device.

Control of animal-drawn vehicles

31. (1) No person must -
- (a) simultaneously drive or be in control of more than one animal-drawn vehicle in a street;
 - (b) drive or be in control of an animal-drawn vehicle in a street if he or she is under 16 years of age; or
 - (c) if he or she is in control of an animal-drawn vehicle in a street, allow a person under 16 years of age to drive or be in control of such vehicle.

Vehicles to be attended

32. No person must, in a street, sleep in a vehicle other than a motor vehicle parked at a taxi rank or on some other stand duly allocated by the municipality.

Municipality may act and recover costs

33. (1) Notwithstanding any other provisions of this by-law, the municipality may -
- (a) where the permission of the municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and
 - (b) where any provision of this by-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance, serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the municipality may require to rectify such contravention within the period stated in such notice.
- (2) Any person who fails to comply with a notice in terms of subsection (1) must be guilty of an offence, and the municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

Closure and diversion of streets

34. No person must, without the approval of the municipality, close or barricade any street or restrict access thereto.

Closure and diversion of streets by municipality

35. (1) The municipality may close or divert any public street or part thereof;
- (2) When the municipality decides to act in terms of subsection (1), it must give notice of such intention in terms of its communication policy;
- (3) Any objection against the intended action must be delivered in writing to the Municipal Manager within 30 days from the date of notification in terms of subsection (2) for submission to Council or a committee or person who has delegated powers to decide upon it.

Temporary closure of Public Street

36. (1) The municipality may, without complying with the provisions of section 35(1) temporarily close a public street -
- (a) for the purpose of or pending the construction, reconstruction, maintenance or repair of such street;
 - (b) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under such street
 - (c) if such street is, in the opinion of the municipality, in a state dangerous to traffic;
 - (d) by reason of any emergency or public event which, in the opinion of the municipality, requires special measures for the control of traffic or special provision for the accommodation of crowds; or
 - (e) for any other reason which, in the opinion of the municipality, renders the temporary closing of such street necessary.
- (2) The municipality may temporarily divert a public street which has been closed in terms of section (1).

Construction, maintenance and naming of streets and public places

37. The municipality may in its area-
- (a) make, construct, reconstruct, alter and maintain streets and public places;
 - (b) name and re-name streets and public places;
 - (c) allocate and re-allocate numbers to properties abutting on streets and public places.

Declaration of public streets and public places

38. (1) The municipality may declare any street or portion thereof to be a public street or any place to be a public place;
- (2) When the municipality decides to act in terms of subsection (1), it must give notice of such intention in terms of its communication policy;
- (3) Any objection against the intended action must be delivered in writing to the Municipal Manager within 30 days from the date of notification in terms of subsection (2) for submission to Council or a committee or person who has delegated powers to decide upon it.

Parking of Heavy Vehicles and Caravans

39. (1) No person must park on a public road within the municipal area;
- (a) a motor vehicle with a tare exceeding 3500 kg;
 - (b) a trailer;
 - (c) a semi-trailer; or
 - (d) a caravan,
- for an uninterrupted period exceeding two hours.
- (2) Whenever a vehicle is parked in contravention of sub section (1), it is deemed that such vehicle has been parked by the owner thereof unless the contrary is proved.

Penalty

40. 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-
- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment;
 - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment 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
 - (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

REPEAL OF BY-LAWS

41. Any by-laws relating to streets 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

42. This by-law is called the General Street By-laws, 2011.

[NO. 192 OF 2011]

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

I, MG Qabathe, member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Structures Act, 2000 (Act No. 32 of 2008), make standard by-laws as set out in the Schedule.

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Definitions

1. In this by-law, unless the context otherwise indicates -
 - "**animal**" means any equine, bovine, sheep, goat, pig, fowl, ostrich, dog, cat or other domestic animal or bird, or any wild animal, wild bird or reptile which is in captivity or under the control of any person;
 - "**cattle**" means bulls, cows, oxen, heifers, steers and calves;
 - "**goat**" means an adult male or female goat, a wether and a kid;
 - "**horse**" means a stallion, mare, gelding, colt, filly, donkey and mule;
 - "**municipality**" means the Local Municipality ofestablished 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 or any employee 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;
 - "**occupier**" means any person in actual occupation of land or entitled as owner to occupy land;
 - "**owner**", in relation to an animal, includes any person having possession, charge, custody of control of such animal;
 - "**pound**" means a fenced-off area consisting of one or more camps, established by the municipality and placed under the control of a pound master, for the housing and care of animals which are astray, lost or at large;
 - "**pound master**" means a person who may be -
 - (a) a part-time or full-time employee of a municipality, or
 - (b) appointed under a service delivery agreement to keep and operate a pound;
 - "**proprietor**" means any owner, lessee, or occupier of land;
 - "**sheep**" means a ram, an ewe, a wether and a lamb;
 - "**stallion**" means a male horse, donkey or mule not castrated or partially castrated; "**veterinary surgeon**" means a person who is qualified as such in accordance with the provisions of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No.19 of 1982).

Purpose of by-law

2. The purpose of this by-law is to provide facilities for the housing and care of animals which are astray, lost or at large and for procedures, methods and practices to manage the impoundment of such animals.

Impoundment

3. Any person may impound an animal found abandoned upon his or her property or any street, road, road reserve or other public place.

Pound to which animals are to be sent

4. Any person upon whose land an abandoned, lost or stray animal is found, may deliver such animal to the nearest pound or such other pound designated by the municipality.

Receiving of animals by pound master

5.
 - (1) It is the duty of every pound master to receive into his or her charge, for impoundment, all animals brought to his or her pound, during such hours as the municipality may determine.
 - (2) Any pound master who unreasonably refuses or fails to receive animals brought to his or her pound as aforesaid commits an offence and is, in addition, liable for any damage caused to the owner of the said animals, or to any other person, by reason of such refusal or failure.

Receipt for impounded animals

6. A pound master must give the person delivering an animal into his or her charge a written receipt, indicating the number and description of animals so delivered.

Number of enclosures

7. The municipality must maintain in good repair and, as far as possible, free from all infection, separate enclosures for-
- (a) ostriches and horses;
 - (b) cattle;
 - (c) sheep, goats and pigs;
 - (d) dogs; and
 - (e) cats,
- Provided that the municipality may in regard to any pound in its area give permission to the pound master to maintain a smaller number of enclosures thereon.

Destruction of dangerous or contagious animals

8. (1) A pound master may cause to be destroyed any impounded animal suffering from a contagious disease, or which may prove dangerous to human life or other animals impounded, provided that no such animal may be destroyed unless a veterinary surgeon has examined it and has agreed with the pound master as to the necessity for its destruction.
- (2) If any animal suffering from a contagious disease is brought to the pound, or becomes infected while impounded, such animal must be kept separate from other impounded animals.

Notice of impounded animals

9. (1) A pound master who knows the name of the owner of an animal impounded in his or her pound must forthwith give written notice to such owner that the said animal has been impounded.
- (2) If any animal, bearing an identification mark as contemplated in the Animal Identification Act, 2002 (Act No. 6 of 2002), is impounded, the pound master must follow the procedures set out in section 14 of the Animal Identification Regulations promulgated under GN R1683 dated 21 November 2003.
- (3) Where the owner of an impounded animal is not known to the pound master, or he or she must upon receipt of such animal report the impoundment to the nearest South African Police office.

Keeping of pound register

10. (1) A pound master must keep a pound register with the following particulars:
- (a) the date when, and the cause for which, all animals received by him or her are impounded;
 - (b) the number and description of such animals;
 - (c) the name and residence of the person impounding such animals, and the name and residence of the owner or supposed owner, if known;
 - (d) the date and particulars of the release or sale of the animals, as the case may be; and
 - (e) any other matters which he or she may be directed by the municipality to ascertain and record.
- (2) The entries under subsection (1)(a), (b) and (c) must be made at the time the animals are impounded and the entries under subsection (1)(d) and (e) must be made as soon as the pound master obtains the necessary information. Provided that no entry may be made after the particulars in (a) to (e) has been placed in dispute by any person.
- (3) In case of the death of injury of any impounded animal, the pound master must enter in his or her pound register a description of such animal and the cause of its death of injury.

Inspection of and extracts from pound register

11. A pound register must be kept at the pound or any other approved place and must at all reasonable times be open for inspection, free of charge, to any authorised officer of the municipality, veterinary surgeon, any member of the police service or the public.

Submission of pound register entries after pound sales

12. A pound master must, within 14 days after the date of each pound sale, submit to the municipality a copy of all entries in his or her pound register made since the date of the preceding submission, and the municipality must preserve all such copies for inspection by any person desirous of seeing them.

Inspection of pound register at place of sale

13. Whenever a sale of impounded animals is to take place, the pound master or a person authorised to conduct the sale, must keep the pound register at the place of sale, and such register must be open for inspection, free of charge, to all persons desirous of inspecting it.

Pound master's fees

14. (1) The municipality may fix fees for the keeping of animals in a pound and may distinguish between different kinds of animals.
- (2) Every pound master is entitled to claim the fees determined by the municipality in terms of subsection (1) for every animal impounded by him or her in terms of this by-law.

Fees payable

15. (1) The fees determined in terms of section 14 must be paid to the pound master by the owner of the animals impounded.
- (2) The impounded animals may be detained by the pound master in security of payment of the fees and any costs which the pound master may have incurred, provided that if the value of the animals impounded is in excess of the total amount due thereon, and if the owner is unable to pay the said amount, the pound master may detain only so many of the said animals as may be sufficient to secure the total amount due for all the animals, and must deliver the remainder of the animals to the said owner.
- (3) A pound master who retains any greater number of such animals than is reasonably necessary to secure such amount is liable to the owner for any damages sustained by him or her on account of such retention.
- (4) If the pound master is an official of the municipality, he or she must pay the fees received by him or her in terms of this by-law into the revenue of the municipality, the frequency of which will be determined by the department responsible for finance.
- (5) No pound master may release any impounded animal until the prescribed fees have been paid to him or her.

Notice of sale

16. (1) Every pound master must -
- (a) whenever any impounded animal has not been released within six days from the date of its impoundment, notify the municipality that such animal will be sold by public auction and the date, time and place of such auction;
- (b) provide the municipality with detail regarding the species, colour, marks and distinguishing features of such animal;
- (c) post a copy of the notice at a conspicuous place at the pound, there to remain until the day of the sale; and
- (d) cause to be published in a newspaper circulating in the area of jurisdiction of the municipality where the pound is situated, a notice of the sale.
- (2) The cost of a notice in terms of subsection (1)(a) is recoverable from the owner of the impounded animal and is deemed to be part of the amount to be deducted from the proceeds of the sale of an animal.
- (3) If the said proceeds are less than the amount due, and the owner of the animal sold is unknown, the municipality must make good the deficiency.

Auctioneer

17. (1) Every sale of impounded stock must -
- (a) be conducted by the pound master or some other person duly authorised thereto by the municipality; and
- (b) commence at the time and date mentioned in the notice in terms of section 16(a).
- (2) No person conducting a pound sale may have any direct or indirect interest in any purchase at any sale so held by him or her.

Sale of animals

18. At every such sale-
- (a) no animal may be put up for sale unless impounded for at least two weeks;
- (b) all animals, except sheep and goats must be sold individually;
- (c) sheep and goats must be sold in lots of not more than ten, and sheep and goats, or sheep or goats with different marks or brands may not be sold together in the same lot;
- (d) animals must be sold for cash, and the proceeds, less the amount of the pound fees and other costs incurred must be handed by the pound master to the municipality, to be paid to the owners of the animals sold; provided that -
- (i) if in any particular case the sale does not realise sufficient to cover the pound fees due, the proceeds must be first utilised for payment of the compensation due to the pound master, and if the said proceeds are insufficient to cover such compensation, the balance of compensation must be paid to the pound master by the municipality;
- (ii) any money, being the proceeds of the sale of any impounded animal, not being claimed by the owner of such animal within twelve months from the date of sale, accrues to the municipality;
- (e) the municipality may fix a reserve price for any animal offered for sale; and
- (f) the auctioneer may withdraw any animal from the sale if the highest bid received is not satisfactory, irrespective of whether a reserve price has been fixed by the municipality.

Illegal impounding and penalties

19. Any person who illegally impounds any animal commits an offence.

Recovery of loss in respect of impoundment of animals from area of another municipality

20. Any loss suffered by the municipality as a result of the impounding in a pound under its management and control of animals found trespassing within the area of jurisdiction of another municipality, may be recovered from such other municipality.

Use, detention and ill-treatment of animals

21. No person may furiously drive or ill-treat any animal found trespassing.

Appeal

22. A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) to the municipal manager within 21 days of the date of the notification of the decision.

Offences and penalties

23. Any person who -

- (a) contravenes or fails to comply with a provision of this by-law;
- (b) deliberately obstructs or interferes with any person in the exercise of any power or the performance of any duty or function in terms of this by-law; or
- (c) furnishes false, incorrect or misleading information, commits an offence and is liable upon conviction to -
 - (i) a fine or imprisonment, or either such fine or imprisonment, or to both such fine and such imprisonment; and
 - (ii) in the case of a continuing offence, to an additional fine or an additional period of imprisonment, 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
 - (iii) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

Repeal of by-laws

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

Short title

25. This by-law shall be known as the Impoundment of Animals By-law, 2011.

[NO. 193 OF 2011]

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

I, M.G Qabathe, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State Province, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association: Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), make standard by-laws as set out in the Schedule

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 makes the following by-law -

DEFINITIONS

1. In the interpretation of these by-laws, the singular includes the plural and vice versa and the following words and expressions 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 No. 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 or 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 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;

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

"Poverty" is 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 Indigent and Free Basic Services Subsidy 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) Tampers 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 is 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; or
 - (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.

CONFLICT OF BY-LAWS

18. If there is any conflict between these by-laws and the Credit Control and Debt Collection by-law will prevail if applicable.

SHORT TITLE AND COMMENCEMENT

19. This By - Law is called the Indigent Support By-Laws, 2011.

[NO. 194 OF 2011]

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

I, M.G Qabathe, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State Province, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association: Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), make standard by-laws as set out in the Schedule

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;
- "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 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 No. 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) a 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, 2011.

[NO. 195 OF 2011]

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

I, M.G Qabathe, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State Province, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association: Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), make standard by-laws as set out in the Schedule.

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 No. 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 or she is satisfied that the application of one or more provisions of these by-laws is essential in the interest of public health, by notice to the person concerned, require such provision be complied with.
- (2) The provisions of sections 4(a), 10(b) and 11(5) and (6) 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 or she 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 or she may specify and within a reasonable period stated in the notice.
- (4) The provisions of sections 12(5), 12(7)(a) and 12(7)(b) 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: Provided 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: Provided 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 or she 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 or 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 louveres 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 I 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 -
- (a) ensure that every such animal is kept within an enclosure, building or shed;
 - (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) provide portable manure storage receptacles of an impervious material and with close fitting lids;
 - (d) remove all manure from the enclosure, building or shed at least once every 7 days and place it in the manure storage receptacles;
 - (e) remove the contents of the manure storage receptacles from the premises at least once every 7 days and dispose thereof in a manner which will not create a nuisance;
 - (f) 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;
 - (g) 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 7 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)
 - (i) provide portable manure storage receptacles of an impervious material and with close fitting lids;
 - (ii) 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)
 - (i) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every 4 days or at such longer intervals 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
 - (ii) 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.
- (d) (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;
 - (b) (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;
 - (c) (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.
 - (c) (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 m² 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 (vi) 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 m² for each employee with a minimum overall floor area of 6,5 m² 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;
 - (1) 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.

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, 2011.

[NO. 196 OF 2011]

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

I, M.G Qabathe, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State Province, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association: Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), make standard by-laws as set out in the Schedule.

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 must 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 rate payer of the municipality, membership of the library, subject to the conditions 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 and 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 or 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 or her address, he or she must 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 must 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 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 remains 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 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;
- (g) act in an uncouth or disorderly fashion;
- (h) use unseemly, abusive or blasphemous language;
- (i) lay a bet or gamble in any part of the library,
- (j) recline, sleep, loiter or partake of refreshments in the library;
- (k) cause or permit any animal under his or her supervision to enter or remain in the library;
- (l) while using the library, refuse to comply with any lawful request of the librarian;
- (m) bring any vehicle, carrier or container into the library without the permission of the librarian;
- (n) distribute or deposit in the library for distribution, material for advertisement, publicity or any other purpose without the permission of the librarian;
- (o) damage or deface any part of the library or any fitting, furniture equipment or contents thereof,
- (p) 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;
- (q) 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;
- (r) 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;
- (s) enter or leave the library by an entrance or exit not officially provided for the use of the public;
- (t) enter or remain in any part of the library which is reserved for the use of the library staff,
- (u) obstruct or block any entrance to or exit from the library;
- (v) 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;
- (w) 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.

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, 2011.

[NO. 197 OF 2011]

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

I, MG Qabathe, member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Structures Act, 2000 (Act No. 32 of 2008), make standard by-laws as set out in the Schedule.

SCHEDULE

LICENSING OF DOGS BY-LAW

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Definitions

1. (1) In these by-laws, unless the context indicates otherwise –
 - "**Council**" means the municipal council of the local municipality in which the executive and legislative authority of the municipality is vested, and which is the decision making body of the municipality, and its delegates;
 - "**dog**" means both a male and female dog regardless if it has been spayed or castrated.
 - "**licensing fee**" means the fee charged for the licensing of dogs as determined by the Council from time to time by means of a resolution;
 - "**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 any conduct or condition which brings about or may bring about a state of affairs or condition which is obnoxious and, or constitutes a health risk or a source of danger to human lives or property or which interferes or may interfere with the ordinary comfort, convenience, peace or quiet of persons;
 - "**owner**" in relation to a dog, means any person who keeps a dog and includes any person to whom the dog has been entrusted or who has control of a dog in respect of any site within the municipality where such dog is kept or is permitted to live or remain, unless such person is able to prove that he or she is not the owner of such dog and that the dog was kept or allowed to live or remain on such site without his or her knowledge or consent.
 - "**public place**" includes any public road, sanitary passage, square or open space shown on a general plan of a township or settlement, filed in any deeds registry or surveyor general's office, and all land (other than erven shown on the general plan) the control whereof is vested, to the entire exclusion of the owner, in the municipality or to which the owners of erven in the township have a common right, and all property belonging to an organ of state;
 - "**premises**" means any building, room, maisonette, hut, shed, tent or any other structure above, on or below ground level, together with the land on which it is situated and the adjacent land used jointly therewith or any land without buildings;
 - "**vicious**" means, for the purposes of these by-laws, a dog which has bitten or attempted to bite a person or animal other than in defence of itself or its custodian;
 - "**year**" or "**annually**" means a calendar year.
- (2) In these by-laws, unless the context indicates otherwise, words and expressions denoting the singular includes the plural and vice versa, and reference to a natural person includes a legal person and vice versa.

Imposing of Licensing Fees

2. (1) Subject to the exemptions referred to in section 3, the owner of each dog within the municipality must pay annual licensing fee to the Council.
- (2) Any person, who becomes the owner of a dog during the course of a year, must pay the licensing fee for such dog within the period prescribed in section 4, notwithstanding the fact that the previous owner may have paid the licensing fee for the year in respect of such dog.
- (3) No pro -rata payment or repayment of the annual licensing fee is applicable.

Exemptions

3. (1) The annual licensing fee is not payable in respect of:
 - (a) dogs under the age of six (6) months. The onus of proving that any dog is under that age, is upon the owner;
 - (b) a guide dog kept by a blind person;
 - (c) a dog temporarily brought into the municipality for a period not exceeding thirty days;
 - (d) a dog in respect of which the licensing fee has been paid for the year concerned, while such dog is kept within another municipality within the province of the Free State, but not where there was a change in ownership after the licensing fee had been paid;
 - (e) a dog in possession or in the care of the Society for the Prevention of Cruelty to Animals or a similar organisation approved by the Council;
 - (f) a dog used by either the Municipality or the South African Police Services in the execution of their duties;
 - (g) a dog used by:
 - (i) private security companies registered at the Security Industry Regulator;
 - (ii) the National Defence Force;
 - (iii) the Department of Correctional Services;
- (2) Breeders of dogs may apply to the municipality for a reduction in licensing fee per dog, which applications will be considered by the Chief Financial Officer. It is in the Chief Financial Officer's discretion to allow for a reduced licensing fee for a breeder and this subsection does not create an obligation to approve such an application.

When Licensing Fee Becomes Payable

4. (1) The licensing fee for which the owner of a dog is liable, is due:
 - (a) in the case where he or she is the owner of such dog on the 1st day of January, on that date;
 - (b) in the case where he or she becomes the owner of such dog after the 1st day of January during any year, on the day on which he or she becomes the owner;
 - (c) in the case where such dog attains the age of six months, on the date on which such dog attains that age.
- (2) Any owner of a dog who fails to pay the licensing fee payable in respect of such a dog within 30 days from the date on which it became payable, must pay a penalty at a rate of ten per cent of the licensing fee for each month or part of a month during which such licensing fee, with effect from the date on which it became payable, remains unpaid: Provided that such penalty must not exceed the licensing fee payable.
- (3) The payment of any amount in terms of the provisions of subsection (2) does not relieve any person of any criminal liability arising from his or her failure to obtain a license, nor must the fact that any person has been criminally punished for such failure relieve him or her from liability to pay any amount in terms of subsection (2).

Issue of Dog Licensing Fee Receipt

5. Upon payment of the licensing fee by an owner, in respect of any dog, a dog licensing fee receipt must be issued to him or her.

Dog Licensing fee Receipt Not Transferable

6. No dog licensing fee receipt may be transferred from one owner to another or in respect of one dog to another.

Dog Licensing Fee Receipt to Be Produced

7. Any person having in his or her possession any dog must produce the dog licensing fee receipt for such dog whenever requested to do so by the Council or a member of the South African Police Services.

Seizure, Impoundment and Discarding of Dogs

8. (1) The Council may seize and impound:
 - (a) any ownerless dog;
 - (b) a dog found in a street, a road, a public place or other land belonging to the Council, without being under control of the owner or another person,
 - (c) a dog in respect of which the licensing fee has not been paid, or
 - (d) a dog which is in contravention of the provisions of sections 10 and 11.
- (2) The owner of an impounded dog must claim it within 96 hours of impoundment, upon payment of the licensing fee due plus a impoundment fee as decided from time to time by the Council by way of a resolution.
- (3) In the event that such a dog is not claimed within the period mentioned in subsection (2) it will be donated to the Society for the Prevention of Cruelty to Animals or any other society which may have use for dogs, or sold to interested parties , or destroyed.

- (4) The fact that a dog has been impounded, sold or destroyed under the provisions of this section, does not exempt the owner from payment of the licensing fee, pound fees and costs relating to the catching of the dog.
- (5) Every dog, found in any street, road or public place, which is suffering from any incurable, infectious or contagious disease or which is ferocious, vicious or dangerous, or which is badly injured, may be seized and destroyed by an official of the Council or a member of the South African Police Services.

Dogs Must Not Be a Source of Danger

9. (1) Any person who keeps a dog on any premises must keep such dog in such manner as not to be a source of danger to the Council's employees entering upon such premises for the purpose of carrying out their duties.
- (2) A notice to the effect that a dog is being kept on such premises must be displayed in a conspicuous place.

Vicious Dogs and Bitches on Heat

10. (1) Dogs which are wild or vicious or which have acquired the habit of charging passing vehicles, bicycles or persons and are thereby liable to cause accidents or injury to persons or animals or cause damage to persons or their property, must not be permitted to be kept within the municipality, unless they are under proper control and supervision.
- (2) No bitch on heat must be allowed to run loose in public places within the municipality but must be locked up. Any such dog may immediately be impounded by the Council or a member of the South African Police Services and the owner must in addition to the liability to pay impoundment-fees and catch costs, be liable to prosecution for contravention of this section.

Dogs Causing Nuisances

11. (1) It is an offence to keep within the municipality, dogs which:
- (a) chase or worry any animal or hunt game;
 - (b) by continuous barking, howling or whining cause a nuisance;
 - (c) suffer from a contagious disease and are not under veterinary supervision and which are not suitably isolated;
 - (d) pollute a premise to such an extent that a health hazard is caused;
 - (e) stray in any public street, thoroughfare or other public place or in any private open space, private place or private premises, other than that of the owner of such a dog, unless such dog is led by a chain or leash and accompanied by a person.

Dogs on premises where food is sold

12. Any person being the owner or person in control of any shop or other place where food is prepared, sold or exposed for human consumption, must not permit any dog to be or remain in or on such shop or place.

Fencing of premises

13. No person must keep a dog if his or her premises are not properly and adequately fenced to keep such dog inside when it is not on a leash.

Obstruction of employees

14. (1) No person must:
- (a) hinder, obstruct or interfere with any employee of the Council or a member of the South African Police Services in the performance of any duty relating to these by-laws; or
 - (b) refuse to give such information as the Council may reasonably require; or
 - (c) prevent or obstruct an official of the Council or a member of the South African Police in any manner whatsoever to obtain free and unobstructed entrance to any premises for the purposes of enforcing these by-laws.

Liability

15. Neither the Council, nor any employee of the Council is liable for or in respect of any injury suffered or disease contracted by or damage caused to any dog as a result of or during its seizure or destruction in terms of this by-law.

Offences and penalties

16. (1) A person who -
- (a) contravenes any provision of these by-laws or fails to comply therewith or with any condition imposed in terms thereof;
 - (b) deliberately furnishes false or misleading information to an officer or an employee of the Council;
 - (c) fails to comply with any condition granted or imposed in terms of these by-laws;
 - (d) ignores, disregards or disobey any notice, sign or marking displayed or erected for purposes of these bylaws,
- is guilty of an offence and must upon conviction by a court be liable to a fine or imprisonment or both fine and imprisonment.
- (2) Any expense incurred by the Council as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Council from the person who committed the contravention or who failed to do such thing.

Repeal

17. Any by-laws relating to the licensing of dogs 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

18. These by -laws are called the by -laws relating to the Licensing of Dogs, 2011.
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PROVINCIAL GAZETTE
(Published every Friday)

All correspondence, advertisements, etc. must be addressed to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, Tel.: (051) 403 3139. Free Voucher copies of the Provincial Gazette or cuttings of advertisements are NOT supplied.

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PROVINSIALE KOERANT
(Verskyn elke Vrydag)

Alle korrespondensie, advertensies, ens. moet aan die Beampte Belas met die Provinsiale Koerant, Posbus 517, Bloemfontein, Tel.: No. (051) 403 3139 geadresseer word. Gratis eksemplare van die Provinsiale Koerant of uitknipsels van advertensies word NIE verskaf nie.

Intekengeld (vooruitbetaalbaar)

Die intekengeld vir die Provinsiale Koerant (insluitend alle Buitengewone Provinsiale Koerante) is soos volg:

INTEKENGELD: (POS)

PRYS PER EKSEMPLAAR	R 18.80
HALFJAARLIKS	R469.40
JAARLIKS	R938.80

INTEKENGELD: (OOR DIE TOONBANK / E-POS)

PRYS PER EKSEMPLAAR	R 11.10
HALFJAARLIKS	R 277.90
JAARLIKS	R 555.80

Seëls word nie aanvaar nie.

Sluitingstyd vir die Aannee van Kopie

Alle advertensies moet die Beampte Belas met die Provinsiale Koerant bereik **nie later nie as 16:00 drie werksdae** voordat die Koerant uitgegee word. Advertensies wat na daardie tyd ontvang word, word oorgehou vir publikasie in die uitgawe van die volgende week, of as die adverteerder dit verlang, sal dit in die Koerant wat op die pers is as 'n "Laat Advertensie" geplaas word. In sulke gevalle moet die advertensie aan die Beampte oorhandig word **nie later nie as 08:00 op die Dinsdag** voordat die Koerant gepubliseer word en dubbeltarief sal vir dié advertensie gevra word.

'n "Laat Advertensie" sal nie sonder definitiewe instruksies van die Adverteerder as sodanige geplaas word nie.

Advertensietariewe

Kennisgewings wat volgens Wet in die Provinsiale Koerant geplaas moet word: R26.40 per sentimeter of deel daarvan, enkel-kolom.

Advertensiegelde is vooruitbetaalbaar aan die Beampte belas met die Provinsiale Koerant, Posbus 517, Bloemfontein 9300, Tel.: (051) 403 3139.

NOMMERING VAN PROVINSIALE KOERANT

U word hiermee in kennis gestel dat die nommering van die Provinsiale Koerant / Tender Bulletin en kennisgewingnummers vanaf 2010 met die betrokke boekjaar sal ooreenstem. Met ander woorde, die kronologiese nommering beginnende met een, sal op of na 1 April van elke jaar begin.