

BY-LAW

To provide for control of the keeping of animals, poultry and bees in the EMTHANJENI municipality; and for matters connected therewith.

BE IT ENACTED by the Emthanjeni municipality, as follows:-

PART 1 DEFINITIONS

Definitions

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

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

“**Municipality**” means the Emthanjeni municipality;

“**Municipal Manager**” means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**nuisance**” means, amongst other things, any act, omission or condition which is, in the opinion of the Municipality, detrimental to health or offensive or injurious or which materially interferes with the ordinary comfort or convenience of the public or adversely affects the safety of the public or which disturbs the quiet of the neighbourhood;

“**pets**” means any dogs, cats, guinea pigs, hamsters, rabbits, chinchillas or birds not kept for breeding or business purposes;

“**poultry**” means any fowl, goose, duck, turkey, peafowl, guineafowl, muscovy duck, pigeon or dove, whether domesticated or wild; and

“**special resolution**” means a resolution carried by a majority of the total number of councillors of the Municipality.

PART 2 ANIMALS

CHAPTER I GENERAL

Written permission

2. No person shall keep or permit to be kept on any premises or property any animals (excluding pets) without the written permission of the Municipality, and such permission may be withdrawn if at any time a nuisance is caused or the requirements of this By-law are not complied with.

Number of animals

3. For the purpose of controlling and restricting the keeping of animals within townships, the Municipality may from time to time, by special resolution, determine the number, kinds and sex of animals that may be kept per unit area and the areas within which such animals shall be prohibited.

Plans for structures to be approved

4.
 - (1) An application for permission to keep animals shall be accompanied by a detailed site plan indicating all structures and fences, existing and proposed, on the premises.
 - (2) Detailed plans and specifications shall be submitted to and approved by the Municipality in respect of all structures where animals are to be accommodated.
 - (3) The number, kinds and sex of animals shall be indicated on the plan.
 - (4) Notwithstanding anything to the contrary contained in this By-law, the Municipality may refuse to approve the application and plans if, in its opinion, the property, owing to its location, siting or geographical features, is unsuitable for the keeping of animals thereon.

Structures shall comply with requirements

5.
 - (1) All structures housing animals shall be constructed in a workmanlike manner and of materials approved by the Municipality.
 - (2) No structure shall be sited within a distance of 15 meter from any dwelling and staff quarters or the boundary of a residential erf and 8 meter from any road boundary.
 - (3) Every part of the structure shall be properly maintained and painted as often as the Municipality may deem necessary.
 - (4) No animals shall be kept in a structure or on land which is considered by the Municipality to be undesirable or objectionable by reason of its locality, construction or manner of use.

Premises to be kept clean

6.
 - (1) All manure from animals shall be stored in a manner approved by the Municipality and disposed of on a regular basis so as to prevent any nuisance from being created.
 - (2) All feed shall be stored in a rodent-proof place.
 - (3) The premises shall be kept in such condition as not to attract or provide shelter for rodents.

Animals kept in an unsatisfactory manner

7. Whenever, in the opinion of the Municipality, any animals kept on any premises, whether or not such premises have been approved by the Municipality under this By-law, are a nuisance or danger to health, the Municipality may by written notice require the owner or occupier of such premises, within a period to be stated in such notice, but not less than 24 hours after the date of such notice, to remove the cause of and to abate such nuisance or danger to health and to carry out such work or do such things as the Municipality may deem necessary for the said purpose.

**CHAPTER II
DOG KENNELS AND CATTERIES****Requirements for premises**

8. No person shall keep a kennel or cattery unless the requirements listed hereunder are complied with:
- (a) Every dog or cat shall be kept in an enclosure complying with the following requirements:
 - (i) It shall be constructed of durable materials and the access thereto shall be adequate for cleaning purposes.
 - (ii) The floor shall be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending over the full width of the floor and situated within the enclosure, which channel shall be graded and shall drain into a gully connected to the Municipality's sewer system by means of an earthenware pipe or a pipe of any other approved material with a minimum diameter of 100 mm, or to another approved disposal system.
 - (iii) A kerb 150 mm high shall be provided along the entire length of the channel referred to in subparagraph (ii) and on the side thereof adjacent to the surrounding outside area, to prevent stormwater from such area from entering the channel.
 - (b) Every enclosure referred to in paragraph (a) shall contain a roofed shelter for the accommodation of dogs and cats which shall comply with the following requirements:
 - (i) Every wall shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface without cracks or open joints.

- (ii) The floor shall be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints, and the surface between the floor and the walls of a permanent structure shall be coved.
- (iii) Every shelter shall have adequate access thereto for the cleaning thereof and for devermination.
- (c) 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 paragraph (b), and if the base of such kennel is not rendered waterproof, a sleeping board which will enable the dog to keep dry shall be provided in every such kennel.
- (d) A concrete apron at least 1 meter wide shall be provided at the entrance of the enclosure over its full width, the apron to be graded for the drainage of water away from the enclosure.
- (e) A supply of potable water, adequate for drinking and cleaning purposes, shall be provided in or adjacent to the enclosure.
- (f) All food shall be stored in a rodent-proof store-room, and all loose food shall be stored in rodent-proof receptacles with close-fitting lids in such store-room.
- (g) At least 5 meter of clear, unobstructed space shall be provided between any shelter or enclosure and the nearest point of any dwelling, other building or structure used for human habitation or any place where food is stored or prepared for human consumption.
- (h) Isolation facilities for sick dogs and cats shall be provided to the satisfaction of the Municipality.
- (i) If cages are provided for the keeping of cats, such cages shall be of durable, impervious material and constructed so as to be easily cleaned.

CHAPTER III PET SHOPS

Requirements for premises

9. No person shall conduct the business of a pet shop upon any premises unless the premises are constructed and equipped in accordance with the following requirements:

- (a) Every wall, including any partition of any building, shall be constructed of brick, concrete or other durable material, shall have a smooth internal surface and shall be painted with a light-coloured washable paint or given some other approved finish.
- (b) The floor of any building shall be constructed of concrete or other durable and impervious material brought to a smooth finish.
- (c) The ceiling of any building shall be constructed of durable material, have a smooth finish, be dustproof and be painted with a light-coloured washable paint.
- (d) Sanitary facilities shall be provided in terms of the National Building Regulations.
- (e) A rodent-proof store-room shall be provided to the satisfaction of the Municipality.
- (f) Facilities for the washing of cages, trays and other equipment shall be provided to the satisfaction of the Municipality.
- (g) If required, change-room or locker facilities shall be provided to the satisfaction of the Municipality.
- (h) No door, window or other opening in any wall of a building on the premises shall be within 2 meter of any other door, window or other opening to any other building in which food is prepared, stored or sold for human consumption or is consumed by humans.
- (i) There shall be no direct access to any habitable room or any room in which clothing or food for human consumption is stored.

Business requirements

10. Every person who conducts the business of a pet shop shall –

- (a) provide movable cages for the separate housing of animals, poultry or birds, and the following requirements shall be complied with:
 - (i) The cages shall be constructed entirely of metal or other durable, impervious material and shall be fitted with a removable metal tray below the floor thereof to facilitate cleaning.
 - (ii) Every cage shall be free from any recess or cavity not readily accessible for cleaning and every tubular or hollow fitting used in connection therewith shall have its interior cavity sealed.

- (iii) If rabbits are kept in a cage, the metal tray referred to in subparagraph (i) shall drain into a removable receptacle.
- (iv) Every cage shall be fitted with a drinking vessel kept filled with water and accessible to pets kept in the cage;
- (b) provide rodent-proof receptacles of impervious material with close-fitting lids in the store-room in which all pet food shall be stored;
- (c) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop in a clean, sanitary condition, free from vermin and in good repair;
- (d) take effective measures to prevent the harbouring or breeding of, and to destroy flies, cockroaches, rodents and other vermin, and to prevent offensive odours arising from the keeping of pets on the premises;
- (e) provide overalls or other protective clothing for use by persons employed in connection with the pet shop and ensure that such apparel is worn by every employee when on duty;
- (f) at all times keep every pet in the building on the premises unless otherwise approved by the Municipality;
- (g) provide isolation facilities in which every pet which is or appears to be sick shall be kept whilst on the premises;
- (h) ensure that there is a constant supply of potable water for drinking and cleaning purposes;
- (i) ensure that the premises are at all times so ventilated as to ensure sufficient movement of air for the comfort and survival of the pets; and
- (j) ensure that the number of pets per cage is not such that the free movement of such pets is impeded.

CHAPTER IV PET SALONS

Requirements for premises

11. No person shall conduct the business of a pet salon in or upon any premises unless the premises are constructed and equipped in accordance with the following requirements:

- (a) A room shall be provided with a minimum floor area of 6,5 m² for the washing, drying and clipping of dogs or cats.
- (b) The floor of such room shall be constructed of concrete or other durable, impervious material brought to a smooth finish and graded to a channel drained in terms of the National Building Regulations.
- (c) The surface between the floor and the wall of such room shall be coved and the coving shall have a minimum radius of 75 mm.
- (d) Every internal wall surface shall be smooth-plastered and be painted with a light-coloured washable paint.
- (e) The room shall be equipped with –
 - (i) a bath or similar facility with a constant supply of hot and cold water, drained in terms of the National Building Regulations;
 - (ii) an impervious-topped table; and
 - (iii) a refuse receptacle of impervious, durable material with a close-fitting lid for the storage of cut hair pending removal.
- (f) If cages are provided for the keeping of cats and kennels for the keeping of dogs, such cages and kennels shall be of durable material and constructed so as to be easily cleaned.

Business requirements

- 12.** Every person who conducts the business of a pet salon shall –
- (a) ensure that every cage, including its base, is of metal construction and movable;
 - (b) ensure that all pesticidal preparations, and preparations used for the washing of dogs and cats and the cleaning of equipment and materials are stored in separate metal cupboards;
 - (c) ensure that all tables used for the drying and grooming of dogs and cats are of metal with durable and impervious tops;
 - (d) maintain the premises and every cage, tray, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet salon in a clean, sanitary condition, in good repair and free of vermin;

- (e) at all times keep every dog or cat inside the building on the premises, unless otherwise approved by the Municipality;
- (f) provide portable storage receptacles of impervious material with close-fitting lids for the storage of dog and cat faeces; and
- (g) 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 (f).

PART 3 POULTRY

Provisions of this Part to be complied with within certain period

- 13.** No person who at the date of the promulgation of this By-law keeps or causes or allows to be kept any poultry in any poultry-house or enclosed run may continue to keep, allow to or cause to be kept any poultry as aforesaid after a period of 12 months from the date of coming into force of this By-law, unless all the requirements of this Part have been fully complied with.

Permission of Municipality to be obtained

- 14.**
- (1) No person shall keep or cause to be kept any poultry on any premises without the written permission of the Municipality.
 - (2) An application for such permission shall be accompanied by a site plan indicating the situation of all structures in which the poultry are to be kept, as well as the material that will be used, and the kind and the number of poultry that will be kept.
 - (3) The Municipality has the right, when granting permission for the keeping of poultry, to determine the number and kind of poultry that may be kept and no person may keep more poultry than or poultry of a different kind to that determined by the Municipality.
 - (4) The Municipality shall not grant permission for the keeping of poultry if it appears from the site plan that the requirements of this Part cannot be complied with.
 - (5) The Municipality may withdraw such permission if at any stage the requirements of this Part are not complied with.
 - (6) The Municipality may prohibit the keeping of any kind of poultry in any area if the environment or the density of the population is such that the keeping of any poultry creates or may create a nuisance or health hazard.

Poultry to be kept in authorised structures

15. (1) No person shall keep poultry in a poultry-house, enclosed run or structure other than a poultry-house, enclosed run or structure for which the Municipality has granted permission, and no person shall change or move such poultry-house, enclosed run or structure without the written permission of the Municipality.
- (2) No person, except members of a pigeon club, shall let loose any poultry outside the poultry-house or enclosed run for which permission has been granted.

Specifications for structures

16. No person shall erect or use for the purpose of keeping poultry any poultry-house or enclosed run, any part of which is –
- (a) within 1,5 meter of any door or window of any dwelling, domestic worker's quarters or inhabited outbuildings, or of any building where food is handled, kept or prepared, or of any street; or
- (b) closer than 1,5 meter from any building as mentioned in paragraph (a), or any fence; or
- (c) of a vertical height more than 2,4 meter or less than 1,2 meter at any point: Provided that where pigeons are kept the overall height shall not be more than 3,6 meter.

Requirements for construction of structures

17. No person shall erect or use for the purpose of keeping poultry any poultry-house which does not conform to the following requirements and which is not erected in workmanlike manner to the satisfaction of the Municipality:
- (a) The walls, floor and roof shall be free from hollow spaces, enclosed inter-spaces or holes capable of harbouring rodents, vermin or poultry parasites.
- (b) The floor shall be of brick, concrete, asphalt or other material approved by the Municipality, and the surface thereof shall be smooth and graded to permit all swill and washings to be drained off.
- (c) The walls shall be constructed of brick or concrete or other suitable material approved by the Municipality for that purpose, and shall, except in the case of a pigeon-house for the keeping of pigeons, be plastered with smoothed off cement plaster and be white-washed or painted with an oil paint inside and outside.
- (d) The roof shall be of asbestos or corrugated iron or other suitable material approved by the Municipality.

Requirements for the keeping of poultry

18. Every person keeping or causing to be kept poultry in any poultry-house or enclosed run shall –
- (a) maintain such poultry-house or enclosed run at all times in a thoroughly clean condition and free from rodents, vermin and parasites;
 - (b) cause all poultry manure to be properly stored in a non-corrugated metal bin with a close-fitting cover or other container as approved by the Municipality;
 - (c) feed such poultry in a proper manner so as not to cause a nuisance or to attract rodents, flies or other vermin, and any residual food or other putrescible matter shall be removed at least once every day from the poultry-house or enclosed run;
 - (d) store all poultry food in metal or other rodent-proof containers, so as to be inaccessible to rodents; and
 - (e) keep or cause to be kept no greater number of poultry in any one poultry-house or enclosed run than one bird, and in the case of pigeons two birds, per 0,36 m² of the total floor area of such poultry-house or enclosed run, and shall not keep any poultry that creates a nuisance by crowing or cackling.

Health requirements

19. No person shall place, throw, leave or allow to remain on any premises any poultry litter, refuse or manure in such manner or for such period as to favour the breeding of flies or attract rodents or other vermin to such premises.

Municipality may prohibit the use of certain structures

20. The Municipality may by notice in writing addressed to any person keeping or causing to be kept any poultry in a poultry-house or enclosed run, prohibit the use of any such poultry-house or enclosed run if, in the opinion of the Municipality, it is unfit, undesirable or objectionable by reason of its locality, construction or manner of use.

Specifications for crates

21. No person shall confine poultry in crates which do not conform to the following requirements:
- (a) The floor area of a crate containing turkeys or geese shall be not less than 0,09 m² per bird confined therein, and the height of such crate shall be not less than 750 mm.

- (b) The floor area of a crate containing other poultry shall be not less than 0,045 m² per bird and the height of such crate shall be not less than 500 mm.
- (c) The floors of such crates shall be constructed of solid wood or other solid material.
- (d) Each crate shall be provided with two drinking vessels fixed in opposite corners of the crate and filled with fresh water. Such vessels shall be of the unspillable type and not less than 125 mm in depth and 100 mm in diameter.
- (e) Each crate shall be provided with suitable receptacles containing food.
- (f) Different species of poultry shall not be placed in the same crate.

PART 4 KEEPING OF BEES

Application of Part

- 22.** The provisions of this Part shall apply only within that part of the Municipality's area of jurisdiction demarcated by the Municipality by notice in the *Provincial Gazette* for the purpose of controlling the keeping of bees and shall in this Part be referred to as a "controlled area".

Requirements for the keeping of bees within a controlled area

- 23.** No person shall keep bees within a controlled area –
- (a) without a permit issued in terms of section 24(2)(b);
 - (b) on premises less than 3750 square metres in extent;
 - (c) except in a bar-framed hive approved by the Municipality, situated not less than 100m from any street, dwelling, place of business or fowl-house or place where animals or birds are kept, and enclosed by means of a sound wire fence or wall of a height not less than 1,5m at a distance of not less than 5m in any direction from such hive so as to render such hive inaccessible to animals or unauthorised persons;
 - (d) on premises whereon is situated any building used for the purpose of industry, business or trade; or
 - (e) on premises being within 400 metres, measured from the nearest point of the nearest boundary of such premises, of the nearest point of the nearest boundary of any church, school, hospital or cinema or any other place of amusement, gathering or recreation.

Permits

24. (1) An application for a permit must be done on the form provided by the Municipality and must –
- (a) be directed to the Municipal Manager; and
 - (b) be accompanied by the fees determined by the Municipality.
- (2) After receipt of the application referred to in subsection (1), the Municipal Manager may –
- (a) inspect, or cause to be inspected, the premises and facilities of the applicant;
 - (b) issue the permit subject to such conditions as he or she may deem necessary for public safety; or
 - (c) in writing, refuse to issue the permit and state his or her reasons for such refusal.
- (3) A permit issued in terms of subsection (2)(b) shall be valid for a period of one year and may be renewed by the permit holder before it lapses by –
- (a) paying the fee determined by the Municipality for such renewal; and
 - (b) convincing the Municipal Manager that all permit conditions pertaining to public safety are still being adhered to.
- (4) A permit issued in terms of subsection (2)(b) may be withdrawn by the Municipality if the permit holder contravenes or does not comply with any provision of this Part or any condition subject to which the permit was issued.

**PART 5
PENALTY CLAUSE AND SHORT TITLE**

Penalty clause

25. Any person contravening any of the foregoing sections or refusing to comply with any order lawfully made thereunder shall be guilty of an offence and liable upon conviction to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Repeal of laws and savings

26. (1) The following laws are hereby repealed:

All previous by-laws with regard to this matter are hereby repealed.

(2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

27. This By-law shall be called the Keeping of Animals, Poultry and Bees Control By-law, 2008