

The Council of the uMhlathuze Municipality has in terms of section 156 of the Constitution, 1996 (Act No 108 of 1996), read in conjunction with section 11 of the Municipal Systems Act, 2000 (Act No 32 of 2000), made the following by-laws:

CITY OF uMHLATHUZE

KEEPING OF ANIMALS BY-LAWS

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1. Definitions

In these by-laws, unless the context indicates otherwise -

“Animal” means any horse, mule, donkey, cattle, sheep, goat, pig, poultry, ostrich, dog, cat, rabbit, any other domesticated animal, bird, fish, bees and includes any wild animal, wild bird or reptile which is in captivity or under the control of any person;

“Area” means the area of jurisdiction of the City of uMhlatuze;

“Authorized Official” means any person authorized as such by the Council for purposes of these by-laws to perform and exercise any or all of the functions specified herein, or any person employed by the Council who has been appointed in the capacity of Peace officer and includes a member of the South African Police services who is appointed as a peace officer in terms of the Criminal Procedure Act, Act 1977 (Act No 51 of 1977);

“Agricultural holding” means the same as defined in the Town Planning Scheme of the City of uMhlatuze;

“Aviary” means an enclosure used for the keeping of birds but does not include a portable cage;

“Battery system” means the method of keeping poultry or rabbits in cages, in either single rows or tier formation, within a building or structure;

“Bird” includes any wild bird, but does not include any poultry;

“Cattery” means premises in or upon which –

- (a) boarding facilities for cats are provided; or
- (b) cats are bred for commercial purposes;

“Council” means the Council of the uMhlatuze Municipality or its successors in law, its Executive Committee, and any committee or person or other body acting by virtue of any power delegated to it in terms of legislation;

“Dangerous animal” means any animal which is a threat or potential threat to the safety of any person or animal or property or which has attacked any person or animal without provocation and includes spiders and scorpions;

“Domesticated Wild Animal” means a tame wild animal ;

“Enclosure” in relation to an animal, means any kraal, pen, paddock cage or any other fenced or enclosed area erected to confine the animal or to prevent it from escaping or roaming freely on the remainder of or outside the premises;

“Environmental Health Practitioner” means an official appointed by the Council as an Environmental Health Practitioner;

“Keeper”–

- (a) in relation to any animal, means the owner thereof or any other person responsible for the feeding and caring thereof;

- (b) in relation to a battery system, cattery, kennels, pet parlour or pet shop, means the person who operates the business or the person in charge of the premises on which the business is operated;

“Kennels” means premises in or upon which –

- (a) boarding facilities for dogs are provided;
- (b) dogs are bred for commercial purposes;
- (c) dogs are kept for the purpose of being trained or hired out, with or without handlers; or
- (d) dogs are kept for commercial security purposes;

“Large animal” includes any horse, donkey, mule, cattle, antelope, sheep, pig, goat, or ostrich;

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

“Municipality” means the City of uMhlathuze;

“Nuisance” means any condition or conduct which is injurious or offensive to any person or which is dangerous to or compromises the health or safety of any person, or which causes an annoyance or disturbance to any person or to the residents of any area or which constitutes a threat or a potential threat to the environment or which causes harm or damage to the environment, or which may potentially harm or damage the environment;

“Person” means a natural or a juristic person and includes an organ of state;

“Pet” means any animal that is kept on any premises or within any enclosure principally for the purposes of companionship or amusement or security;

“Pet parlour” means any premises where beauty treatment is given to pets by washing, drying, brushing, clipping, and trimming or by attending to their nails or teeth;

“Pet shop” means the premises on which the business of keeping and selling of pets is carried out;

“Poultry” means fowls, ducks, muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea fowls;

“Poultry house” means any roofed-over building or structure in which poultry is kept, other than one in which a battery system is operated;

“Poultry run” means any unroofed wire mesh or other enclosure in which poultry is kept, whether or not it is attached to a poultry house;

“Public health” means the mental and physical well-being of people in the area of jurisdiction of the Council;

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

“Rabbit run” means any unroofed wire mesh or other enclosure in which rabbits are kept, whether or not it is attached to a rabbit hutch;

“Residential Area” means any area within the municipality, which in terms of the Town Planning Scheme comprises the whole or a portion of an area zoned for special or general residential purposes;

“Stable” means any building or structure used to accommodate livestock other than poultry;

“Town Planning Scheme” means the Town Planning Scheme(s) of uMhlathuze Municipality;

“Valid licence” means a licence issued by the Council in terms of these by-laws;

“Wild animal” means any animal of a species that is not generally domesticated and includes any wild indigenous and exotic animal.

2. Application of by-laws

- (1) The provisions of these by-laws do not apply to -
 - (a) any agricultural show or bona fide circus where animals are kept on a temporary basis; or
 - (b) any laboratory where animals are kept for research purposes.
- (2) All buildings constructed in terms of these by-laws must comply with the National Building Regulations and Building Standards Act, 1977 (Act No 103 of 1977).

3. Keeping of dogs

- (1) A person may not keep-
 - (a) any dog which is ferocious, vicious, or has a propensity to chase after or charge at other animals, pedestrians, vehicles or pedal cyclists. For the purpose of this paragraph, a dog which has bitten or attempted to bite a person or an animal, other than in defence of itself or its custodian, in any place other than upon the premises where it is habitually kept, will be deemed to be vicious;
 - (b) any dog in or on any premises unless the dog is confined to the premises by way of a wall, fence, enclosure, kennel or by any other means;
 - (c) any dog older than six months unless the person holds a valid licence for the dog;
 - (d) any dog unless the person holds a valid rabies inoculation certificate for the dog;
 - (e) more than three dogs on any premises unless authorised by the Council in writing;
 - (f) any dog on any premises on which a fenced unobstructed enclosure of at least forty square meter per dog cannot be provided.

- (2) A person who keeps a bitch in heat must ensure that the bitch is kept under proper control so as to ensure that she does not cause a nuisance to any other person. The Council may by notice in writing require the person keeping the bitch to remove her, at his or her expense, to a place of suitable accommodation until she is out of season.

4. Dog and cat licences

- (1) A person who keeps a dog or cat that is older than six months must apply to the Council or it's agent for a licence in respect of every dog or cat.
- (2) The application must be accompanied by the prescribed licence fee as set out in the municipality's tariff of charges, as well as a valid rabies inoculation certificate held in respect of the dog or cat concerned.
- (3) On receipt of the prescribed application form, the licence fee and the valid rabies inoculation certificate, the Council or it's agent may, at a place determined by Council from time to time, issue a licence in respect of the dog or cat concerned.
- (4) A licence issued in accordance with subsection (3) is valid for a period of twelve months.

5. Keeping of cats

- (1) A person may not keep –
 - (a) any cat in or on any premises unless a valid rabies inoculation certificate is held in respect of that cat.
 - (b) any cat older than six months unless the person holds a valid licence for the cat;
 - (c) more than two cats on any premises unless authorised by the Council in writing;
 - (d) any cat on any premises that causes nuisance or disturbance to any other person.
- (2) A person who keeps a female cat in heat must ensure that she is kept under proper control so as to ensure that she does not cause a nuisance to any other person. The Council or it's agent may by notice in writing require the person keeping the female cat to remove her, at his or her expense, to a place of suitable accommodation until she is out of season.

6. Dog kennels and catteries – requirements for premises

- (1) A person may not keep dog kennels or a cattery in an area zoned for residential use unless authorised by the Council in writing.
- (2) A person may not keep dog kennels or a cattery in any other area unless written permission had been granted by the Council to that person for that purpose.
- (3) A person may not use any premises as kennels or a cattery unless the premises comply with the following requirements-

- (a) every dog or cat must be kept in an enclosure that complies with the following requirements :
- (i) the enclosure must be constructed of impervious materials and must provide adequate access for cleaning purposes;
 - (ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending the full width of the floor, which channel must be graded and drained into a gully connected to the Council's sewer by means of a pipe 100 mm in diameter; and
 - (iii) a curb 150 mm high must be provided along the edge of the channel, referred to in subparagraph (ii), to prevent any storm water runoff entering the channel;
- (b) subject to paragraph (c), every enclosure referred to in paragraph (a), must be situated in a roofed shelter that complies with the following requirements-
- (i) every wall must be made of brick, stone, concrete or other impervious material;
 - (ii) the internal surface of every wall must have a smooth internal surface;
 - (iii) the floor must be made of concrete or other impervious material brought to a smooth finish; and
 - (iv) every shelter must have adequate access for cleaning and eliminating pests;
- (c) a dog kennel that complies with the following requirements may be provided for a dog instead of the shelter contemplated in paragraph (b):
- (i) the kennel must be movable;
 - (ii) the kennel must be placed on a base constructed of concrete or other impervious material with an easily cleanable finish; and
 - (iii) a sleeping board, which will enable the dog to keep dry, must be provided in any kennel that does not have a waterproof base;
 - (iv) a concrete apron extending at least one metre wide around the edges of the enclosure must be provided;
 - (v) the apron must be graded and drained in a way that drains storm water away from the enclosure;
- (d) a portable water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the enclosure;

- (e) any shelter, enclosure or kennel may not be situated within five meters of any –
 - (i) dwelling or other building or structure used for human habitation;
 - (ii) place where food is stored and prepared for human consumption; or
 - (iii) the boundary of the premises.

7. Dog kennels and catteries – food preparation area

- (1) A person who keeps dog kennels or a cattery must provide a separate room or roofed area for the preparation of food if required by the Council to do so.
- (2) The food preparation area must comply with the following requirements-
 - (a) the floor of the room or roofed area must be constructed of concrete or other impervious material brought to a smooth finish;
 - (b) the internal wall surfaces of the room or roofed area must be smooth and easily cleanable;
 - (c) adequate washing facilities for food bowls and utensils must be provided; and
 - (d) a rodent-proof storeroom must be provided for the storage of food.

8. Duties of keeper of dog kennels or cattery

- (1) Any person who keeps a kennel or cattery must –
 - (a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennel or cattery in a clean, sanitary condition and in good repair at all times;
 - (b) store all loose food in receptacles, with close fitting lids, in a food store;
 - (c) provide adequate refrigeration facilities to store perishable foods on the premises;
 - (d) provide adequate separate refuse receptacles, with close fitting lids, on the premises for refuse other than faeces;
 - (e) keep any sick dog or cat isolated from any other animal; and
 - (f) maintain the premises free from offensive odours and every enclosure, shelter, kennel, cage or food store clean and free from pests.

9. Pet shops and pet parlours – requirements for premises

- (1) A person may not operate a pet shop or pet parlour in or on any premises unless the premises comply with the following requirements-

- (a) all walls, including any partition, must –
 - (i) be constructed of brick, concrete or other impervious material;
 - (ii) have a smooth and easily cleanable internal surface; and
 - (iii) be painted with a washable paint or other adequate finish;
- (b) all floor surfaces must be constructed of concrete or other impervious material brought to a smooth finish;
- (c) all ceilings must be dust proof and easily cleanable;
- (d) at least one wash hand basin, with a supply of running hot and cold potable water and one water closet must be provided for employees at the ratio of 1:15 persons employed on the premises;
- (e) the wash hand basins referred to in paragraph (d), must be drained in terms of section 29;
- (f) adequate storage facilities must be provided;
- (g) facilities for the washing of cages, trays and other equipment must be provided in the form of either –
- (h) a curbed and roofed over platform with a minimum surface area of 1,5 m², raised at least 100 mm above the floor and constructed of concrete or other impervious material brought to a smooth finish, which platform must be provided with a supply of running potable water; or
- (i) a stainless steel sink or trough of adequate size with a drainage board and provided with a supply of running potable water;
- (j) the platform, sink or trough referred to in paragraph (g) must be drained in terms of section 29;
- (k) any wall surface must be smooth and impervious;
- (l) for the purposes of washing, clipping or grooming of pets –
 - (i) a bathroom fitted with a bath, or similar fitting, and a wash hand basin supplied with running potable water must be provided;
 - (ii) a clipping and grooming room fitted with impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids, for the storage of cut hair pending removal, must be provided;
 - (iii) the floors of the rooms referred to in subparagraphs (i) and (ii) must be graded to a channel drained in terms of section 29;
- (m) all buildings, including storage areas, must be rodent-proof; and

- (n) the premises may not have direct internal access with any room or place –
 - (i) used for human habitation;
 - (ii) where clothing is stored or sold; or
 - (iii) where food is prepared, stored or sold for human consumption.
- (2) No person may operate a pet shop or pet parlour without written consent from Council.

10. Duties of keeper of pet shop or pet parlour

- (1) The keeper of a pet shop or pet parlour must –
 - (a) provide cages for housing the pets that comply with the following requirements :
 - (i) the cages must be constructed of metal or other impervious material and fitted with a removable metal floor-tray to facilitate cleaning;
 - (ii) the cages must be capable of being moved easily;
 - (iii) the cages must be fitted with a drinking vessel that is filled with water;
 - (iv) the space below every cage must be unobstructed;
 - (b) provide rodent-proof receptacles of an impervious material and with close fitting lids for the storage of all loose pet food in the store room;
 - (c) provide adequate refrigeration facilities to store all perishable pet food on the premises;
 - (d) maintain the premises and every cage, tray, container, receptacle, basket, all apparatus, equipment or appliances used in connection with the pet shop, in a clean and sanitary condition, free from pests and in good repair;
 - (e) provide overalls or other protective clothing for employees and ensure that the employees wear them when on duty;
 - (f) provide isolation facilities in which every pet which is, or appears to be, sick must be kept while on the premises;
 - (g) provide an adequate supply of potable water for drinking and cleaning purposes;
 - (h) provide adequate ventilation to ensure the comfort and survival of the pets; and
 - (i) ensure that the number of pets contained in each cage does not impede their free movement.

11. Keeping of birds – requirements for premises

- (1) A person may not keep any bird in an aviary unless the aviary complies with the following requirements-
 - (a) the aviary must be constructed of durable rodent-proof materials;
 - (b) adequate access must be provided for cleaning purposes;
 - (c) if the aviary is constructed above ground level, its base must be constructed of an impervious and durable material;
 - (d) the aviary may not be situated within three meters of any building or structure, boundary fence or boundary wall; and
 - (e) a water supply adequate for drinking and cleaning purposes must be situated in or next to every aviary.
- (2) A person may not keep any bird other than a small bird in a cage inside a residential dwelling.

12. Duties of keeper of an aviary

- (1) A person who keep birds in an aviary must -
 - (a) ensure that the aviary and the premises are kept in a clean condition and free from pests;
 - (b) provide and use rodent-proof facilities for the storage of bird food; and
 - (c) ensure that the birds do not disturb the comfort, convenience, peace or quiet of any other person.

13. Keeping of poultry

- (1) A person may not keep more than 10 poultry birds on any premises situate within an area zoned for residential, commercial or industrial use in terms of the Town Planning Scheme or more than 100 poultry birds on premises zoned for agriculture in terms of the Town Planning Scheme, except in terms of a permit issued by the Council for that purpose. For the purposes of this subsection, poultry does not include pigeons.
- (2) A person may not keep more than 5 pigeons on any premises zoned for residential, commercial or industrial use in terms of the Town Planning Scheme, unless the person is registered with the Pigeon Racing Federation of South Africa.
- (3) The provisions of subsections (1) and (2) do not apply to a person who keeps ten or less poultry birds or five or less pigeons.

14. Keeping of poultry – requirements for premises

- (1) A person may not keep poultry in or on any premises unless the premises comply with the following requirements-
 - (a) in relation to a poultry house –
 - (i) every wall must be constructed of brick, stone, concrete or other impervious material brought to a smooth internal surface;
 - (ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish;
 - (iii) the upper floor of a two or more story structure must be constructed of an impervious and easily cleanable material;
 - (b) a poultry run, if provided, must be enclosed with wire mesh or other durable material;
 - (c) in relation to a building or a structure housing a battery system -
 - (i) every wall, if provided, must be at least 2,4m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface;
 - (ii) if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15 percent of the floor area of the building;
 - (iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and if required by the Council, the floor surface must be graded and drained by means of a channel drained in terms of section 29;
 - (iv) if no walls are provided, or if the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its edges;
 - (v) the cages of the battery system must be made of an impervious material;
 - (vi) if required by the Council, a tray of an impervious material must be fitted under every cage for the collection of manure;
 - (d) a water supply adequate for drinking and cleaning must be provided in or next to every poultry house or building or structure housing a battery system;
 - (e) no poultry house, poultry run, or building or structure housing a battery system may be constructed within 3 meters of -

- (i) any dwelling, other building or structure used for human habitation;
 - (ii) any place where foodstuffs are stored or prepared for human consumption; or
 - (iii) the nearest boundary of any land;
- (f) feed must be stored in an adequate rodent-proof storeroom;
- (g) adequate washing facilities must be provided for the cleaning of the cages; and
- (h) if required by the Council due to the amount of manure stored on the premises awaiting removal, a storage area that complies with the following requirements must be provided :
- (i) a roofed platform constructed of concrete or other impervious material;
 - (ii) the platform's outside edges must have a minimum curb of 100 mm high;
 - (iii) the platform must be graded and drained in terms of section 29; and
 - (iv) the roof of the platform must extend a minimum of one meter beyond the edges of the base of the platform.

(2) The provisions of subsection (1) do not apply to a person who keeps 10 or less poultry birds or 5 or less pigeons.

15. Duties of keeper of poultry

- (1) A person who keeps poultry must -
- (a) ensure that all poultry is kept within a poultry house, poultry run or building or structure housing a battery system;
 - (b) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the poultry 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 pests;
 - (d) ensure that the poultry do not disturb or hinder the comfort, convenience, peace or quiet of any person;
 - (e) all manure and waste generated by poultry must be stored and/or removed in a hygienic manner;

- (f) remove all manure and other waste from a poultry house or poultry run at least once every 48 hours and once every 4 days from a building or structure housing a battery system;
 - (g) place the manure and other waste matter in manure storage receptacles;
 - (h) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way which will not create a nuisance; and
 - (i) take adequate measures to keep the premises free of flies, cockroaches and rodents to prevent offensive odours arising from the keeping of poultry on the premises.
- (2) The provisions of subsection (1) do not apply to a person who keeps 10 or less poultry birds or 5 or less pigeons.

16. Keeping of rabbits

- (1) A person may not keep more than five adult rabbits on premises situate within an area zoned for residential, commercial or industrial use in terms of the Town Planning Scheme or more than twenty adult rabbits on premises zoned for agriculture, except in terms of a permit issued by the Council for that purpose.
- (2) The provisions of subsection (1) do not apply to a person who keeps 5 or less adult rabbits.

17. Keeping of rabbits – requirements for premises

- (1) A person may not keep rabbits in or on any premises unless the premises comply with the following requirements -
 - (a) in relation to a rabbit hutch -
 - (i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
 - (ii) the floor surface must be –
 - (1) constructed of concrete or other impervious material brought to a smooth finish;
 - (2) situated at least 150 mm above ground level; and
 - (3) graded to a channel drained in terms of section 31, if required by the Council;
 - (iii) adequate ventilation must be provided;
 - (b) any rabbit run, if provided, must be enclosed with wire mesh or other durable material and constructed in a way that prevents the escape of rabbits from the run;
 - (c) in relation to a building or structure housing a battery system –

- (i) every wall must be a minimum of at least 2,4 meters high, must be constructed of concrete, stone, brick or other durable material, and must have a smooth internal surface;
 - (ii) if walls are provided, the building must be ventilated and lighted by means of natural openings or windows of an area equal to not less than 15 percent of the floor area of the building;
 - (iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish, and if required by the Council, the floor surface must be graded to a channel drained in terms of section 30;
 - (iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its outside edges; and
 - (v) every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure;
- (d) a water supply adequate for drinking and cleaning purposes must be provided in or next to every rabbit hutch or building or structure housing a battery system;
- (e) a person may not erect a rabbit hutch, rabbit run or building or structure housing a battery system within five meters of –
- (i) any dwelling, building or other structure used for human habitation;
 - (ii) any place where foodstuffs are stored or prepared for human consumption; or
 - (iii) the nearest boundary of any land;
- (f) an adequate rodent-proof storeroom must be provided for the storage of feed; and
- (g) adequate washing facilities must be provided for the cleaning of the cages.
- (2) The provisions of subsection (1) do not apply to a person who keeps 5 or less adult rabbits.

18. Duties of keeper of rabbits

- (1) A person who keeps rabbits must -
- (a) keep all rabbits within the rabbit hutch, rabbit run or building or structure housing a battery system;

- (b) maintain the premises and any equipment, apparatus, container or receptacles used in connection with the keeping of rabbits, in a clean, sanitary condition and in good repair;
 - (c) maintain the premises free from offensive odours and every rabbit hutch, rabbit run, building or structure housing a battery system and all cages clean and free from pests;
 - (d) all manure and waste generated by rabbits must be stored and/or removed in a hygienic manner;
 - (e) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a way that will not create a nuisance.
- (2) The provisions of subsection (1) do not apply to a person who keeps 5 or less adult rabbits.

19. Keeping of bees

No person may keep bees in an area other than zoned for agricultural use.

20. Keeping of large animals

- (1) No person may keep any large animal in an area that is zoned for residential use other than for the purpose and in accordance with section 22.
- (2) A person may not keep any large animal in or on any premises less than 4 hectares in extent and which is not zoned for residential use unless the large animal is kept in a stable that complies with the following requirements -
 - (a) the internal wall surfaces of the stable must be constructed of smooth brick or other durable surface brought to a smooth finish;
 - (b) the stable must at any point be at least 50 meters from any dwelling or from any boundary of the property on which the stable is erected;
 - (c) the walls of the stable must be constructed of brick, concrete or other impermeable material;
 - (d) the floor must be of cement, stone or other impermeable material prepared and graded in such a manner as to prevent absorption of all liquids or other noxious matter and to enable proper cleaning and draining;
 - (e) if sewerage is available, the stable must be connected by drain to the sewerage system in such a manner as may be prescribed by the by-laws relating to the Discharge of Sewage, Industrial Effluents and Other Substances;
 - (f) if a sewerage system is not available the drainage from the stable must be to the satisfaction of the Council;
 - (g) the stable must be sufficiently lighted and ventilated by means of openings into the exterior in order to maintain a free circulation of air in the stable and keep it in a well-ventilated condition;

- (h) there must be a water supply adequate for drinking and cleaning purposes situate in or adjacent to the stable; and
- (i) approved places or receptacles for storing feed must be constructed and maintained as far as possible to prevent access to vermin.

21. Duties of keeper of large animals

- (1) A person who keeps any cattle, horse, mule, donkey, mule, pig, sheep or goat in an area that is not a residential area must -
 - (a) maintain the premises and any equipment, apparatus, container or receptacle used in connection with the keeping of the cattle, horses, mules or donkeys in a clean and sanitary condition and in good repair;
 - (b) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids.

- (2) A person who keeps a large animal in a stable must -
 - (a) maintain the stable and any equipment, apparatus, container or receptacle used in connection with the keeping of the large animal in a clean and sanitary condition and in good repair;
 - (b) ensure that no enclosure or stable may be situated within -
 - (i) 15 meters of the boundary of any land, property, dwelling or other structure used for human habitation; or
 - (ii) 50 meters of any water resource or water supply intended or used for human consumption;
 - (c) ensure that there is an adequate water supply for drinking and cleaning purposes next to every stable or enclosure.
 - (d) remove and/or store all manure and waste generated by any animal in a hygienic manner;
 - (e) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a way that will not create a nuisance.
 - (f) provide a manure midden constructed of an impervious material and with a close fitting cover not less than 50 meters from any dwelling or any boundary of the property on which the stable is erected;
 - (g) remove the contents of the manure midden on a daily basis or bury or otherwise dispose of the manure in such a manner as will prevent the manure from causing a nuisance; and
 - (h) store all feed in a rodent-proof storeroom or in receptacles with close fitting lids.

22. Keeping and slaughtering of animals for religious and ceremonial purposes

- (1) In an urban area, a person may not slaughter any animal in any place other than in a recognised abattoir, except when the animal is slaughtered for religious or ceremonial purposes, in which event the person must -
 - (a) notify the Council in writing, 14 days prior to the event, but in the case of funerals at least 2 days prior to the slaughter;
 - (b) notify all his or her neighbours in writing, 7 days prior to the event;
 - (c) screen the slaughtering process from members of the public;
 - (d) use the meat derived from the slaughtered animal solely for the purposes of the religious or ceremonial feast;
 - (e) handle the meat in a hygienic manner at all times; and
 - (f) dispose of any portions of the animal that are not used or consumed, in the manner prescribed by the Council;
 - (g) not keep the animal on the premises for longer than 24 hours;
 - (h) treat the animal humanely until such time as it is slaughtered;
 - (i) slaughter the animal in a manner that minimizes suffering.

23. Keeping of wild animals

- (1) No person may keep any wild animal on any premises unless he/she is in possession of written authority from the KZN Wildlife Nature Conservation to do so.
- (2) No person may feed any wild animal that is not in captivity.

24. Keeping of dangerous animals

- (1) A person who keeps a dangerous animal must –
 - (a) keep it in an adequate enclosure; and
 - (b) take adequate measures to ensure that the animal -
 - (i) does not escape from the premises where it is kept; or
 - (ii) does not pose a danger, or cause harm, to a person, other animal or property.

25. Nuisance

- (1) A person may not keep any animal that creates a nuisance, whether the health hazard or nuisance emanates from odour, sound or noise made by the animal, or from any other source relating to the animal and whether the health hazard or nuisance emanates from the animal itself or from the manner in which, or the conditions under which, the animal is kept or from the escaping or wandering of the animal, as the case may be.

- (2) If the Council reasonably believes that an animal poses or creates a nuisance, the Council may:
 - (a) in writing order the owner or person in charge of the animal to abate the nuisance within a reasonable time and setting out the measures to be taken, where possible and, if necessary, to remove the animal concerned; or
 - (b) if it is reasonably and urgently necessary to eliminate or reduce a significant risk to public health, the Council may seize and impound the animal at the cost of the owner or the person in charge of the animal.
- (3) If the person has not abated the nuisance, or the animal has not been removed in terms of subsection (2)(a), as the case may be, the person is guilty of an offence and liable, on conviction, to the penalty prescribed in section 31.
- (4) If the person contemplated in subsection (3) is found guilty of a second contravention in terms of subsection (3) in respect of the same animal, the Court may, in addition to imposing a sentence in accordance with the provisions of section 31, order that the animal be seized and removed by the Council to an animal welfare organisation as contemplated in section 27(1).
- (5) If the Council reasonably believes that any stable, enclosure or other building or structure where an animal is kept causes or is likely to cause a nuisance, be it due to its construction or state of disrepair or lack of cleanliness or for any other reason, the Council may in writing order the owner or the person in charge of the premises upon which the stable, enclosure, building or structure concerned is situate, to execute and perform such work as may take off be required to abate the nuisance, as the case may be, as specified in the notice, within a reasonable time.
- (6) If the nuisance as contemplated in subsection (5) has not abated after expiry of the period concerned, or the owner or person in charge of the premises has not executed and performed the work required in the notice to the satisfaction of the Council, the owner or person in charge of the premises is guilty of an offence, and is liable, on conviction, to the penalty prescribed in section 31.

26. Control over animals

- (1) A person who keeps any animal must ensure that it is kept under proper and effective control when it leaves the premises where it is kept and that it does not endanger any person or animal or property when it leaves the premises.
- (2) The Council may seize and impound any apparently ownerless or diseased or dangerous or vicious animal found wandering or unattended on any public street or in any public place.
- (3) A person who keeps an animal may not pasture or allow the animal to be pastured in or on any public street or any public property. Without in any way detracting from the provisions of section 27, the Council may seize and impound any such animal so found, whether tended or not.
- (4) A person may not, except for purposes of impounding any animal, drive or cause any animal to be driven in any public street or upon any public road within the area of jurisdiction of the Council without the prior written consent of the Council, which approval may be granted subject to conditions.

27. Seizure and removal of an animal

- (1) The Council must remove any animal seized and / or impounded in accordance with the provisions of section 27(2) if so ordered by a court in accordance with section 25(4) to an animal welfare organisation where the animal can be accommodated.
- (2) An apparently ownerless animal seized and impounded in terms of section 27(2) or an animal seized and impounded in terms of section 27(3), must be kept at the animal welfare organisation for at least seven days to enable the owner or person in charge of the animal to claim it.
- (3) If the owner or person in charge has not claimed the animal within the period of seven days, the animal welfare organisation may sell or donate it and retain and apply the proceeds of the sale, if any, for its own benefit, or it may otherwise dispose of the animal.
- (4) The person who claims the animal seized must pay to the animal welfare organisation where it is accommodated the reasonable costs of the Council for the seizure and removal of the animal, plus the reasonable costs of the organisation for accommodating the animal, before the animal may be released to the person.
- (5) If an animal seized and impounded in terms of section 27(3), and notwithstanding the provisions of subsection (2), (3) and (4), where applicable, is so diseased or injured or in such a poor physical condition that it would be cruel or that it would bring unnecessary suffering to the animal to keep it alive and that it ought therefore to be destroyed without unreasonable delay, the animal welfare organisation may summon a veterinarian to examine the animal and if, after such examination, the veterinarian certifies that the animal is so diseased or injured or in such a poor physical condition that it would be cruel or that it would bring unnecessary suffering to the animal to keep it alive and that it ought therefore to be destroyed, the animal welfare organisation may instruct a veterinarian to immediately destroy the animal in such a manner as to inflict as little suffering as possible.
- (6) The animal welfare organisation may recover the reasonable veterinarian and other costs in carrying out the provisions of subsection (5) from the owner or the person in charge of keeping the animal in question.

28. Permits

- (1) A person that wants to undertake an activity listed in section 6, 7, 8, 9, 10, 11,12,13, 14, 15, 16, 17, 18, 20, 21 or 23 and for which a permit is required, must apply to the Council in writing prior to undertaking the relevant activity.
- (2) When the Council receives an application for a permit, and before deciding whether or not to approve the application, the Council –
 - (a) may request the applicant to provide any further information which the Council considers relevant to enable it to make an informed decision; and
 - (b) must ensure that -
 - (i) the relevant premises are inspected by an environmental health Practitioner as soon as reasonably possible;

- (ii) the environmental health Practitioner submit a report, as soon as reasonably possible, as to –
 - (1) the likelihood of the intended activity causing a nuisance;
 - (2) any measures that may reasonably be taken to eliminate or reduce the risk of a public health hazard or a nuisance, if any; and
 - (3) any other relevant consideration,
 - (iii) any persons in the vicinity of the premises whose health or wellbeing may be affected, have been consulted and have had an opportunity to make representations; and
 - (iv) all relevant information, including the report from the environmental health Practitioner and the representation from persons affected, has been considered.
- (3) Subject to subsection (2), the Council may –
 - (a) issue a permit to the applicant without any conditions;
 - (b) issue a permit to the applicant, subject to such terms and conditions that are reasonably aimed at eliminating or reducing the risk to a nuisance caused or likely to be caused by the relevant activity, if any; or
 - (c) refuse the application for a permit.
- (4) A permit issued in terms of subsection (3)(a) or (b) –
 - (a) is not transferable from one person to another;
 - (b) applies only to the premises specified in the permit;
 - (c) must specify the address and other relevant details regarding the location of the premises concerned;
 - (d) must describe the premises concerned;
 - (e) must describe the activity concerned;
 - (f) must, in the case of a permit issued in terms of subsection 3(b), specify the terms and conditions; and
 - (g) must specify when it expires.
- (5) The Council may charge the applicant a prescribed fee for considering and for granting a permit.
- (6) The Council may refuse to consider an application for a permit until the prescribed fee has been paid and until it has been provided with the information that it reasonably requires to make an informed decision.
- (7) The Council may by written notice to the holder of a permit, suspend or cancel the permit –

- (a) with immediate effect, if an environmental health practitioner reasonably believes that it is urgently necessary to do so to eliminate or reduce a significant risk to public health posed by a nuisance; or
 - (b) after expiry of the period stipulated in a notice affording the holder of a permit a reasonable opportunity to comply with the notice and the holder of the permit having failed to comply with the notice.
- (8) The Council may amend a permit by written notice to the holder, if the environmental health practitioner reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the permit was issued.

29. Drainage

- (1) A person who keeps animals must ensure that all sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, channels and washing platforms required to be drained in terms of these by-laws are drained in accordance with the provisions of the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977).

30. Appeals

- (1) Any person whose rights are affected by a decision by the Council or by any authorised official under these by-laws, may appeal against the decision by giving written notice of the appeal and the reasons for the appeal to the municipal manager within 30 days of the date of the issue of the notification of the decision.
- (2) The municipal manager must confirm, vary, or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (3) The municipal manager must commence with an appeal within 6 weeks and decide the appeal within a reasonable period.

31. Offences and penalties

- (1) Any person who -
- (a) contravenes or fails to comply with a provision of these by-laws or a direction issued by the Council in terms of these by-laws, or a condition imposed under these by-laws;
 - (b) obstructs or hinders any person in the execution of any power or the performance of any duty or function in terms of any provision of these by-laws; or
 - (c) furnishes false, incorrect or misleading information when applying for permission from the Council in terms of a provision of these by-laws,

is guilty of an offence and liable, on conviction, to a fine or in default of payment to imprisonment for a period not exceeding six months.

32. Repeal of by-laws

- (1) The following by-laws are hereby repealed -

- (a) Keeping of Animal and Birds By-laws in respect of the Borough of Empangeni promulgated in the Provincial Gazette under notice no 235 of 1989; and
 - (b) Keeping of Animal and Birds By-laws in respect of the Borough of Richards Bay promulgated in the Provincial Gazette under Notice No 727 of 1970.
- (2) Any reference -
- (a) in these by-laws to a charge determined by the Council will include a charge determined by the Council under the by-laws repealed by subsection (1), until the Council's determination of charges under these by-laws comes into operation; and
 - (b) in determination of charges made under the by-laws so repealed, to a provision in those by-laws will be deemed to be a reference to the corresponding provision in these by-laws.
- (3) Anything done under the provisions of the by-laws repealed by subsection (1) will be deemed to have been done under the corresponding provision of these by-laws and such repeal will not affect the validity of any approval, authority, waiver or other act which at the commencement of these by-laws is valid under the by-laws so repealed.