

6	Water
7	Offensive Trades
8	Hairdressing, Beauty and Cosmetology Services
9	Second-hand Goods
10	Accommodation Establishments
11	Swimming Pools and Spa-Baths
12	Keeping of Animals
15	Laundry Establishments
16	Air pollution

SCHEDULE 3

Name	Number
Public Health By laws and Sanitary Regulations	AN No 13 of 1936
Regulations relating to Pet Shops and Pet Salons	AN No 5 of 1989
Regulations for the Control of Barbers, Hairdressers and Beauty Saloons	AN No. 137 of 1984
Regulations relating to Noxious or Offensive Trades	AN No 82 of 1992
By laws relating to Laundries	LGN No 111 of 28 October 2005

[PROVINCIAL NOTICE NO. 48 OF 2019]

MANGAUNG METROPOLITAN MUNICIPALITY

PROMULGATION NOTICE

Keeping of Animals, Poultry and Bees By-law

Passed by Council on Tuesday, 05 March 2019
Under Item 18.1 – 5/03/2019

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the revised set of Keeping of Animals, Poultry and Bees By-laws, at the sitting dated 05 March 2019.
- 2) The reviewed Keeping of Animals, Poultry and Bees By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
City Manager

BY-LAWS RELATING TO KEEPING OF ANIMALS, POULTRY AND BEES

CHAPTER 1
INTERPRETATION, PURPOSE AND SCOPE

1. Definitions

In this By-law, unless the context otherwise indicates –

“**Act**” refers to Animals Protection Act, 1962 (Act No. 71 of 1962);

“**Animal**” means horse, pony, mule, donkey, cattle, pig, sheep, goat, camel, reptile, dog, cat or other domestic animal, indigenous animal and other wild or exotic animal;

- “Authorised Official”** means an officer authorised in terms of the Animals Protection Act, 1962 (Act No. 71 of 1962) and any official of the Municipality who has been authorised by the Municipality to enforce the provisions of this By-Law;
- Breeder** means a person who owns or keeps animals for the purpose of or with the intention of breeding from them;
- “Council”** means the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under council’s delegated or sub-delegated power;
- “Dwelling house”** means a single building designed for use as a residence for a single family situated on premises containing not more than two such buildings;
- “Dwelling unit”** means an inter-connected suite of rooms including a kitchen or scullery designed for occupation by a single family, other than a dwelling house, irrespective of whether such unit is a single building or forms part of a building containing two or more such units;
- “Feral animal”** means an animal existing in a wild, untamed state;
- “Nuisance”** means any activity, condition, premises or thing which, on account of effluent, vapours, chemical effluvia, odours, noise, vibration, radiation, refuse, waste products, dirt, chemical or biochemical material, microbial infection, vermin, vegetation, overcrowding, lack of proper general hygiene, ventilation, lighting, design, situation or on account of any other cause or practise whatsoever, is / are potentially injurious or dangerous to health or which is /are offensive, including, without affecting the generality of the afore-going, any facility for the storage, distribution or handling of water that is likely to be used by man for domestic purposes or consumption, including such water itself, which is contaminated or polluted;
- “Large dwelling house”** means a dwelling house on an erf of more than six hundred square metres;
- “Municipality”** means Mangaung Metropolitan Municipality established by the Provincial Notice №. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
- “Owner”** means every person who
- a) owns the animal;
 - b) is the parent or guardian of a person under the age of 17 years who;
 - i) is the owner under point (a) of this definition; and
 - ii) is a member of the parent or guardian’s household living with and dependant on the parent or guardian
 - c) gives substance, harbours, shelters or protects the animal; or
 - d) is the registered owner of the land that the animal is kept on; and
- in relation to a dog, cat or working equine, **“owner”** includes any person having the possession, charge, custody or control of that dog, cat or working equine;
- “Permit”** means the written permission granted by the Council or Municipality in terms of this Bylaw;
- “Person”** means any natural and/or juristic person;
- “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;
- “Poultry”** includes any domesticated or farmed bird including but not limited to, chickens, ducks, geese, turkeys, swans, peafowl, pigeons, parrots, turkey, doves and all other types of domestic or fancy birds.
- “Pound”** means a place designated by the Municipality in terms of any law for the impounding, sale and destruction of animals and includes the premises of the any animal welfare organisations recognised by the Council;
- “Pound master”** means a person who has been appointed by the Municipality to be in charge of a pound;
- “Premises”** means any building, tent or any other structure, together with the land on which the same is situated and the adjoining land used in connection therewith and any land without buildings or tents, and includes any vehicle, conveyance, ship or boat;
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“**Public place**” and “**Public street**” means public place and public street as defined in other By-laws of the Municipality

“**Semi-domesticated animal**” means an animal that lives around human habitation and has their needs partly or indirectly supplied by human activities (including obtaining food from human carers).

“**Sentience**” is the ability to feel, perceive or experience subjectively and the recognition of an emotional dimension. The concept is central to the philosophy of animal freedoms because sentience is necessary for the ability to suffer;

“**Structure**” means any stable, shed, pigsty, kraal, aviary, paddock, covering structure, poultry house, enclosure, run, loft or building, used for the keeping, housing or enclosing of animals and poultry;

“**Unreasonable Noise**” relates to noise under human control that unreasonably interferes with the peace, comfort or convenience of persons;

“**Working equine**” means a horse, donkey, mule or ass that is fit for pulling an animal drawn vehicle used for financial gain.

2. Purpose of Bylaw

2.1 The purpose of this By-law is to:

- a) protect public from different types of nuisance, danger and outbreak of diseases;
- b) curbing over-population of animals by regulating places, numbers and kinds of animals that may be kept;
- c) provide for a system to regulate the keeping of poultry and bees;
- d) protect animals from cruelty

within the area of jurisdiction of the Municipality, and to provide for matters incidental thereto.

3. Scope of Application

3.1 This Bylaw is applicable to anyone who is keeping animals, poultry and bees or such are under his/her control within the area of jurisdiction of the Municipality.

3.2 The provisions of this By-law do not apply to –

- (a) any bona fide farm;
- (b) the keeping of cows for commercial milk production;
- (c) any agricultural show where animals, poultry or birds are kept on a temporary basis;
- (d) any laboratory where animals, poultry or birds are kept for research purposes;
- (e) the temporary keeping of goat(s) on any land for the provision of milk for medical reasons; provided that the Authorised Official may, if he or she is satisfied that the application of one or more provisions of this By-law is essential in the interest of public health and safety, by notice to the person concerned, require such provision to be complied with.

4. Animal Sentience

4.1 Within the area of jurisdiction of the Municipality, non-human animals are accepted as sentience beings, able to feel the same pain and emotions as humans.

4.2 Within the area of jurisdiction of the Municipality non-human animals are afforded the following five universal freedoms:

- a) *Freedom from hunger or thirst* by ready access to fresh water and a diet to maintain full health and vigour;
- b) *Freedom from discomfort* by providing an appropriate environment including shelter and a comfortable resting area;
- c) *Freedom from pain, injury or disease* by prevention or rapid diagnosis and treatment;
- d) *Freedom to express normal behaviour* by providing sufficient space, proper facilities and company of the animal's own kind; and
- e) *Freedom from fear and distress* by ensuring conditions and treatment which avoid mental suffering.

5. Requirements for Keeping of Animals, Poultry and Bees

5.1 All animals must be kept in such a way as to comply with the provisions of the Act.

5.2 No person shall keep or harbour any animal so as to be, or be likely to be injurious to health or a nuisance to others.

- 5.3 No person shall stack or store any offensive matter within 50 metres from any dwelling, or wholly or partly occupied building, street, public place, or the boundary of any occupied adjoining property; in such a way whatsoever as to be or likely to become a nuisance, dangerous to health, or offensive.
- 5.4 No person shall convey any material or substance emitting an offensive smell, along any street or public place, or store any such material or substance on any property unless it is contained in impervious receptacles with close-fitting covers sufficient to prevent the escape of effluvia, or prevent access of insect or vermin pests.
- 5.5 No person shall keep any poultry or animal, which causes unreasonable noise to residents in the neighbourhood, as determined by an Authorised Officer.
- 5.6 No person shall establish or maintain any veterinary clinic, hospital, boarding, or breeding kennel for dogs or any other animal, except on a site approved by the Council by resolution and subject to such conditions as may be prescribed by the Council.
- 5.7 No person shall provide sustenance, harbourage or comfort to feral or semi domesticated animals so as to cause them to become a nuisance to other persons.
- 5.8 Where feral or semi domesticated animal(s) cause a nuisance, the owner of the property from which such animals emanate shall be required to abate the nuisance caused by the animal(s). Actions may include but are not limited to:
- a) claiming the animal(s) as a domestic owned pet and keep it in such a state as to abate any nuisance;
 - b) permanently removing it so it no longer causes a nuisance to others; or
 - c) the Municipality removing feral or semi-domesticated animals causing a nuisance, and claim costs from the owner or person giving sustenance, harbourage or comfort.
- 5.9 Breeding of animals is considered under this Bylaw to be a commercial activity and if, in the opinion of an Authorised Officer, any breeding facility creates a nuisance by the keeping of animals, the Municipality may, by written notice to the breeder, owner or occupier, require the breeder, owner or occupier to abate the nuisance.
- 5.10 Every animal house shall be constructed in accordance with, inter alia, the following conditions:
- a) The roof of the facility shall be watertight.
 - b) The walls of the facility shall be constructed to prevent the accumulation of filth and the surface can be easily cleaned.
 - c) The floor of the facility shall be of concrete or other approved impervious material finished to a smooth even surface.
 - d) The facility shall be adequately graded and drained and shall be kept at all times clean and dry and in good repair.
- 5.11 No person may terrify or cause stress or fear to any animal with fireworks or by any other means.
- 5.12 No person must hawk any other animal.
- 5.13 Although some provisions in this By-law apply to certain type of animal, such provisions also apply to other types of animals, poultry and bees so as to ensure that the objectives of provisions of chapter 1, 8, 9 and 10 are achieved and complied with.

CHAPTER 2 KEEPING OF DOGS

6. Prohibitions against Keeping of Dogs

- 6.1 No person shall –
- (a) permit any bitch on heat owned or kept by him or her to be in any public street or public place.
 - (b) urge any dog to attack, worry or frighten any person or animal or through negligence fail to prevent any dog from attacking, worrying or frightening any person or animal, except where necessary for the defence of such first-mentioned person or his or her property or of any other person;
 - (c) keep any dog which causes damage to public property;
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- (d) keep any dog the faeces of which he or she fails to remove regularly and dispose of suitably;
- (e) keep any dog which barks, yelps, howls or whines for more than six accumulated minutes in an hour or more than three accumulated minutes in an half hour;
- (f) keep any dog which is starved or under-fed or denied water or adequate shelter;
- (g) keep any dog which causes a nuisance to inhabitants of the neighbourhood by –
 - i. having acquired the habit of charging any vehicle, animals, poultry, pigeons or persons outside any premises where it is kept; or
 - ii. by misbehaving in any other manner;
- (h) permit any dog owned or kept by him or her –
 - i. to be in any public street or public place while suffering from mange or any other infectious or contagious disease and cannot prove that the dog is under treatment by a registered veterinarian and is no longer a public health hazard;
 - ii. which is in the assessment of the authorised official ferocious, vicious or dangerous to be in any public street or public place, unless it is humanely muzzled and held on a leash and under control;
 - iii. to trespass on private property;
 - iv. to constitute a hazard to traffic using any public street;
 - v. to constitute or to his or her knowledge be likely to constitute a source of danger or injury to any person outside the premises on which such dog is kept;
 - vi. to be in any public street or public place except on a leash and under control unless the dog is in an area designated by the Council as a free running area;
- (i) keep any dog which does not have on its collar or micro-chip a name, telephone number and physical address or reference to a society for the prevention of cruelty to animals or registered animal welfare organisation;
- (j) provoke, harass or tease any dog.
- (k) keep a dog that is not up to date with its inoculations.

7. Restriction on Number of Dogs

- 7.1 The Council may determine the number of dogs that may be kept on any premises.
- 7.2 In the absence of a determination made in terms of the provisions of subsection (1) and subject to the provisions of subsections (3) and (4), no person may keep more than –
- (a) two dogs, or allow more than two dogs, over the age of six months, to be kept in or at a dwelling unit;
 - (b) three dogs, or allow more than three dogs, over the age of six months, to be kept in or at a dwelling house;
 - (c) four dogs, or allow more than four dogs, over the age of six months, to be kept in or at a large dwelling house;
 - (d) five dogs, or allow more than five dogs, over the age of six months, to be kept on an agricultural property;
- 7.3 Subsection (2) does not apply to any person who –
- (a) is the holder of a permit issued in terms of section 9 to keep a greater number of dogs;
 - (b) is the holder of a permit to keep kennels;
 - (c) is the owner or manager or is in charge of, a pet shop and who has written proof that all the dogs under the control of such owner or manager have been vaccinated against canine distemper, hepatitis, kennel cough and parvovirus;
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- (d) is the owner or is in charge of premises where guide dogs are being kept or trained; and such guide dogs are kept or trained under the auspices of the SA Guide Dogs Association;
 - (e) is the owner or manager of a veterinary clinic; or
 - (f) is in charge of dogs owned by the South African Police Service or the South African Defence Force, and are kept for operational purposes;
 - (g) operates a pound.
- 7.4 A person whose permit to keep a dog has been cancelled or who has previously had a dog removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of an animal in his or her care, may not keep a dog, unless the Council determines otherwise.

8. Dog Registration and Licensing for Breeders

- 8.1 The owner of a property where one or more dogs are kept must register the dog or dogs with the Municipality.
- 8.2 Dog registration must take place within four months of the dog's birth or within 30 days of acquiring a dog on property within the Municipality's jurisdictional boundaries.
- 8.3 An annual license fee may be levied by the Council in respect of breeders of dogs and a reduced license fee may apply for sterilized dogs.

9. Permits to Keep more Dogs than the Prescribed Number

- 9.1 Any person who wants to keep a greater number of dogs on premises than the number permitted in terms of section 7.2, must apply to the Municipality for a permit.
- 9.2 An application in terms of subsection (1) must be in writing on a prescribed form. An annual license fee as determined by the Council becomes payable per additional dog kept than the prescribed number.
- 9.3 The Municipality may require the applicant to provide any information which it considers relevant to enable it to make an informed decision.
- 9.4 The Municipality may refuse to consider an application in terms of subsection (1) in respect of which the provisions of subsection (2) have not been complied with or information contemplated in subsection (3), has not been furnished.
- 9.5 The Municipality may only consider an application in terms of subsection (1) after receipt of a written report from an Authorised Official –
 - (a) as to whether the dog(s) for which the permit is required is likely to cause a public health hazard or the keeping of such dog may result in a contravention of section 6;
 - (b) setting out the results of an inspection of the premises on which the dog(s) concerned is being kept or is to be kept; and
 - (c) as to whether the applicant has previously had a dog removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of an animal in his or her care.
- 9.6 The Municipality may refuse an application in terms of subsection (1) or approve it subject to any conditions aimed at reducing the risk of any public health hazard created by the dogs on the premises concerned occurring, continuing or recurring or to reduce such risk to a level acceptable to the Council.
- 9.7 In respect of any application approved in terms of subsection 9.6, an Authorised Official must issue a permit on a prescribed form specifying every condition imposed by the Municipality .
- 9.8 A permit is not transferable from one person to another or from the premises in respect of which it has been issued, to other premises.

10. Amendment, Suspension and Cancellation of Permits

- 10.1 The Municipality may, after consideration of a report and recommendation of an Authorised Official or veterinary surgeon, by written notice to the holder of a permit contemplated in section 9 –
 - (a) amend, suspend or cancel that permit if it is satisfied that failure to do so would result in –

- (i) the creation or continuation of a public health hazard; or
 - (ii) a continued contravention of any provision of section 6;
- (b) with immediate effect amend, suspend or cancel that permit if
- (i) such official is of the view that it is urgently necessary to do so to eliminate or reduce a significant risk to the public posed by a public health hazard or potential public health hazard; or
 - (ii) there is a criminal case pending against the permit holder or a civil case which the permit holder is a party to, involving an animal in his or her care.

11. Taking Dogs into Custody

- 11.1 Any person may on premises of which he or she is the owner or occupier, take into custody any dog found trespassing thereon or therein for the purpose of having it impounded.
- 11.2 Notwithstanding the provisions of subsections (1) and (2), no person may take any dog into custody for the purpose of having it impounded if there are reasonable grounds to believe that the dog is a female dog with unweaned young, unless such dog and unweaned young are taken into custody together.
- 11.3 Any person who has taken a dog into custody in terms of this section-
- (a) must ensure that the dog is not ill-treated; and
 - (b) may, when the pound is closed, keep the dog in his or her custody until the pound re-opens.
- 11.4 No person may free any dog which has been taken into custody by an Authorised Official, or is being kept in custody in terms of this section or which has been impounded.

12. Fencing of Premises

- 12.1 No person shall 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 unless the dog is confined to the premises in some other manner, provided that such confinement is not inhumane in the assessment of the authorised official.

13. Rescue of Stray Dogs

- 13.1 A person who rescues a stray dog shall report the date and time of the rescue and a description of the dog to the Municipality within twenty four hours.

14. Dog not be a Source of Danger

- 14.1 Any person who keeps a dog on any premises shall keep such dog in such a manner as not to be a source of danger to:
- a) the Municipality's employees entering upon such premises for the purpose of carrying out their duties;
 - b) another person entering the premises, unless the person is a threat to premises or inhabitants thereon; or
 - c) another animal(s).
- 14.2 A notice to the effect that a dog is being kept on such premises shall be displayed in a conspicuous place at each access point to the premises.
- #### **15. Removal of Excrement**
- 15.1 If any dog defecates in any public street, public place or public road, any person in control of such dog, excluding a person assisted by a guide dog, shall forthwith remove the excrement, place it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse, excluding a person who is assisted by a guide dog.
- 15.2 No person shall walk a dog, other than a guide dog, in a public street, public place or public road, without carrying a sufficient number of plastic or paper bags or wrappers, within which to place the excrement of the dog, in the event of the dog defecating.
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16. Sterilisation of Dogs

16.1 No person shall keep an unsterilized dog over the age of 6 months unless:

- (a) The person has been granted permission by the Municipality to keep kennels; or
- (b) The person is the owner of a dog registered by any organization recognised by the Council;
- (c) The person has received written permission from Municipality to keep and unsterilized animal.

16.2 An Authorised Official may cause a dog to be sterilized should he or she deem it necessary,

- (a) in the interests of the welfare of the dog;
- (b) to prevent nuisance;
- (a) when the dog is stray;
- (b) on the request of the owner

and the costs thereof may be recovered from the owner.

16.3 The Municipality may issue written permission for an owner to keep an unsterilized dog upon receipt of a written application motivated by a registered veterinarian and such permission may be withdrawn by the Municipality after following due process.

16.4 The owner of a sterilized dog must obtain from a registered veterinarian proof that the dog has been sterilized and must produce such document for inspection to any authorised official on demand.

17. Designated Public Places as Free-running, On-leash or Off-limits

17.1 The Municipality may designate public places, with appropriate signage, as one or more of free-running, on-leash or off-limits and the designation may vary according to time of day and season.

**CHAPTER 3
KEEPING OF PIGS****18. Prohibitions and Requirements for Keeping of Pigs**

18.1 No person shall keep a pig in an urban area except with the approval of the Council by resolution.

18.2 In all other areas within the Municipality(excluding urban areas), no person shall construct or allow any pigsty to remain less than 50 metres from any dwelling, or any wholly or partly occupied building, or any street or public place or any place used for the preparation, storage, or sale of food for human consumption.

18.3 In all other areas within the Municipality, no person shall construct or allow any pigsty to remain less than 50 metres from any boundary of any adjoining property except with the written permission of the Municipality.

18.4 The floor of pigsties shall be graded to a fall of 1 in 25 and to a channel drain.

18.5 The effluent from such channel drains shall be discharged into a catch-pit or settling tank permitted by the Municipality and shall be disposed of in such a manner as to cause no nuisance or contamination of waterways.

18.6 No pig shall roam freely outside the boundary of the premise at which it is kept.

**CHAPTER 4
KEEPING OF CATS****19. Restriction on Number of Cats**

19.1 The Council may determine the number of cats that may be kept on any premises.

19.2 In the absence of a determination made in terms of the provisions of subsection (1) and subject to the provisions of subsections (3) and (4), no person may keep more than –

- (a) four cats, or allow more than four cats, over the age of six months to be kept on any premises;
- (b) six cats, or allow more than six cats, to be kept on an agricultural property.

19.3 A person who has previously had a cat removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of an animal in his or her care, may not keep a cat, unless the Council determines otherwise.

19.4 No person shall keep any cat which does not have on its collar or micro-chip a name, telephone number and physical address or reference to a society for the prevention of cruelty to animals or registered animal welfare organisation

19.5 No person shall keep cat that is not up to date with its inoculations.

20. Sterilization of Cats

20.1 No person shall keep a cat over the age of 6 months, other than a sterilized cat, unless

- (a) the person has been granted permission by the Municipality to keep a cattery; or
- (b) the person has received written permission from the Municipality to keep an unsterilized cat.

20.2 An Authorised Official may cause a cat to be sterilized should he or she deem it necessary, or on the request of the owner and the costs thereof may be recovered from the owner.

20.3 The Municipality may issue written permission for an owner to keep an unsterilized cat upon receipt of a written application motivated by a registered veterinarian and such permission may be withdrawn by the Municipality after following due process.

20.4 The owner of a sterilized cat must obtain from a registered veterinarian proof that the cat has been sterilized and must produce such document for inspection to any Authorised Official on demand.

21. Cat Registration and Licensing for Breeders

21.1 The owner of a property where one or more cats are kept must register the cat or cats with the Municipality.

21.2 Cat registration must take place within four months of the cat's birth or within 30 days of acquiring a cat on property within the Municipality's jurisdictional boundaries.

21.3 An annual license fee may be levied by the Council in respect of breeders of cats and a reduced license fee may apply for sterilized cats.

CHAPTER 5 KEEPING OF POULTRY

22. Prohibitions and Requirements for Keeping of Poultry

22.1 No person shall construct or allow any poultry house, poultry run, aviary or coop to remain less than five metres from any dwelling, or any wholly or partly occupied building, or any place used for the preparation, storage, or sale of food for human consumption, except with written permission from the Municipality.

22.2 No person shall construct or allow any poultry house, poultry run, aviary or coop to remain less than five metres from any boundary of any adjoining property except with written permission from the Municipality.

22.3 Except with the written permission of the Municipality not more than 12 head of poultry shall be kept in any poultry house, poultry run, aviary or coop.

22.4 No poultry shall roam freely outside the boundary of the premises at which it is kept.

22.5 Every poultry house, aviary or coop shall be maintained in good repair, in a clean condition and free from any offensive smell or overflow and free from vermin.

- 22.6 Every poultry house shall be properly constructed, covered with a rainproof roof and be constructed with a concrete floor or other material, adequately graded and drained and permitted by the Municipality.
- 22.7 Nothing in this clause contained shall prevent any person keeping poultry in an auction room or in any premises used for the killing and dressing of poultry for sale for not more than 48 hours for the purpose of sale, or keeping poultry on the premises in an approved type of coop for the purpose of immediate consumption, or from keeping poultry in a bird fancier's shop for the purpose of sale.

CHAPTER 6 KEEPING OF BEES

23. Prohibitions and Requirements for Keeping of Bees

- 23.1 A person must not keep bees unless he or she is the holder of a permit issued by the Municipality in the form and payment of the fee as determined by the Council.
- 23.2 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.
- 23.3 A fee is not payable if the bees are kept in observation beehives for experimental or educational purposes only.
- 23.4 A permit issued under subsection 23.1 is valid up to the first ensuing 30th of June following the date of its issue.
- 23.5 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.
- 23.6 The Municipal Manager can renew the permit on a form determined by the Municipality if he or she is satisfied that the permit holder complies with section 23.7 and paid the fee as determined in section 23.1.
- 23.7 (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 23.1.
- 23.7 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.
- 23.8 The Municipality 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.
- 23.9 If a person keeps bees on premises without a permit or contrary to a condition contemplated in section 23.7, the Municipality 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 Municipality and the costs related thereto will be recovered from such owner or occupant.
- 23.10 If the owner or occupant fails to comply with a notice contemplated in subsection 23.9, the Municipality may destroy or remove the bees and recover the costs related thereto from the owner or occupant concerned.
- 23.11 If the keeping of bees on premises constitutes a threat to human life, the Municipality 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.
- 23.12 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.
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**CHAPTER 7
WORKING EQUINES****24. Permits to Keep Working Equines**

- 24.1 (a) Any owner who wants to put to work a working equine, must apply to the Municipality for a permit, in respect of such working equine.
- (b) No more than one permit may be issued in respect of a working equine.
- 24.2 An application in terms of subsection (1) must be in writing on a prescribed form and must be accompanied by –
- (a) the prescribed fee;
- (b) documentary evidence that the working equine is suitable to pull an animal drawn vehicle;
- 24.3 The Council may require the applicant to provide any further information which it considers relevant to enable it to make an informed decision.
- 24.4 The Council may refuse to consider an application in terms of subsection (1) in respect of which the provisions of subsection (2) have not been complied with or information contemplated in subsection (3), has not been furnished.
- 24.5 The Council may only consider an application in terms of subsection (1) after receipt of a written report from an Authorised Official –
- (a) as to whether the working equine for which the permit is required is likely to cause a nuisance in a public place or its use may result in a contravention of section 26;
- (b) setting out the results of an inspection of the working equine and its working circumstances; and
- (c) as to whether the applicant has previously had a working equine removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of an animal in his or her care.
- 24.6 The Council may refuse an application in terms of subsection (1) or approve it subject to any conditions aimed at reducing the risk of nuisance in a public place occurring, continuing or recurring or to reduce such risk to a level acceptable to the Council.
- 24.7 A person who has applied for a permit in terms of subsection (1) may not work a working equine pending the outcome of such application, in the absence of a permit.
- 24.8 In respect of any application approved in terms of subsection (6), an Authorised Official must issue a permit on a prescribed form specifying every condition imposed by the Council.
- 24.9 A permit is not transferable from one owner to another.

25. Amendment, Suspension and Cancellation of Permits

- 25.1 The Council may, after consideration of a report and recommendation of an Authorised Official or veterinary surgeon, by written notice to the holder of a permit contemplated in section 24 –
- (a) amend, suspend or cancel that permit if it is satisfied that failure to do so would result in –
- (i) the creation or continuation of a nuisance in a public place; or
- (ii) a continued contravention of any provision of section 26;
- (b) with immediate effect amend, suspend or cancel that permit if such official is of the view that it is urgently necessary to do so to eliminate or reduce a significant risk to the public posed by a nuisance in a public place.
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26. Control of Working Equines

26.1 No person putting to work a working equine shall –

- (a) permit the working equine to be in any public place whilst being incapable of pulling an animal drawn vehicle;
- (b) permit the working equine to constitute a hazard to traffic using any public street;
- (c) permit the working equine to constitute or to his or her knowledge be likely to constitute a source of danger or injury to any person using a public street;
- (d) permit the working equine to be in any public street or public place except when under his or her control;
- (e) work any working equine which does not have on the name, telephone number and address of its owner.
- (f) Permit any working equine to draw any vehicle, or use any harness which does not comply with the SABS standards and criteria which may be prescribed by Council from time to time.

**CHAPTER 8
IMPOUNDMENT OF ANIMALS****27. Establishment of Pound**

27.1 The Municipality may, for the purpose of impounding animals, establish a pound in its area of jurisdiction.

27.2 The Municipality may appoint any organisation or company as a service provider within its area of jurisdiction to constitute the duties of a pound master, if the municipal pound is not yet established.

28. Seizing and Impounding by Authorized Official

28.1 An authorised official may seize and impound any animal which –

- (a) in his or her opinion is suffering from incurable, infectious or contagious disease or is badly injured;
- (b) in his or her opinion constitutes a hazard to traffic using any public street;
- (c) is at large and apparently without an owner;
- (d) is found in any public place where such an animal is, in the opinion of the authorised official, not under proper control.
- (e) enters any premises while an authorised official is attempting to take it into custody;
- (f) is starved or under-fed or denied water or adequate shelter;
- (g) is ferocious, vicious or dangerous; or
- (h) is being kept in contravention of any provision of this By-law.

29. Impoundment for Trespassing

29.1 Any person may impound an animal found abandoned upon any street, road, road reserve or other public place.

29.2 An Authorised Official or a person authorised thereto by the Municipality may, for the purpose of having a cat impounded, take into custody any cat which is being kept in contravention of section 19.

30. Pound to which Animals are to be Sent

30.1 Any proprietor upon whose land an animal is found trespassing may send such animal to such pound as is nearest by a passable road or thoroughfare to the land trespassed upon, or such other pound designated by the Municipality.

31. Offer by Owner before Impoundment

31.1 The owner of an animal liable to impoundment may, before the animal is removed from the property trespassed upon, offer to the person complaining of the trespassing a sum of money in compensation of the damage suffered by him, and such offer may be made to the complainant himself or to his servant or agent charged with the duty of taking the animal to the pound.

32. Receiving of Animals by Pound Master

32.1 It is the duty of every pound master to receive into his charge, for impoundment, all animals brought to his or her pound, during such hours as the municipality may determine.

32.1 Any pound master who unreasonably refuses or fails to receive animals brought to his 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.

33. Receipt for Impounded Animals

33.1 A pound master must give the person delivering an animal into his charge a written receipt, indicating the number and description of the animal so delivered, and specifying the trespassing for which the animal, as reported, is to be impounded.

34. Number of Enclosures

34.1 A pound master 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; or
- (f) any other animal, which he/she thinks is proper to do so, provided that a Municipality may in regard to any pound in its area give permission to the pound master to maintain a smaller number of enclosures thereon.

35. Destruction of Dangerous or Contagious Animals

35.1 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, however, no such animal may be destroyed unless a veterinary surgeon, registered with the South African Veterinary Council, has examined it and has agreed with the pound master as to the necessity for its destruction.

35.2 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 and must be dealt with in accordance with the provisions of the Animal Diseases Act, (Act no. 35 of 1984).

36. Notice of Impounded Animals

36.1 A pound master who knows the name of the owner of an animal impounded in his pound must, within seven (7) days after impoundment of such animal, give written notice to such owner that the said animal has been impounded.

36.2 Where the owner of an impounded animal is not known to the pound master, the pound master must upon receipt of such animal report the impoundment to the nearest South African Police Services office or the South African Police Services Stock Theft Unit.

37. Keeping of Pound Register

37.1 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 are impounded;
- (b) the number, sex, estimated age, and description of such animals;
- (c) particulars regarding the brand mark, lip tattoo, ear tattoo or ear tag of such animals;
- (d) the condition of each individual animal, being good, fair, or poor, including any obvious ailment such as, but not limited to, injuries and broken horns;
- (e) the name and residence of the person impounding such animals, and the name and residence of the owner or supposed owner;
- (f) the date and particulars of the release or sale of the animals, as the case may be; and
- (g) any other matters which he may be directed by the Municipality to ascertain and record.

37.2 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.

37.3 In case of the death or injury of any impounded animal, the pound master shall enter in his pound register a description of such animal and the cause of its death or injury.

38. Inspection of and Extracts from Pound Register

38.1 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 authorized officer of the municipality, veterinary surgeon, an Authorised Official in terms of the Animal Diseases Act, 1984 (Act 35 of 1984) or thereplacing Animal Health Act 2002 (No 7 of 2002), any member of the police service, or the public.

39. Submission of Pound Register Entries after Pound Sales

39.1 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 pound register made since the date of the preceding submission, and the Municipality must preserve, for a minimum period of five years, all such copies for inspection by any person desirous of seeing them.

40. Inspection of Pound Register at Place of Sale

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

41. Pound Master's Fees

41.1 The Municipality may fix fees and charges or tariffs for the keeping of animals in a pound and may, in determining such fees and charges or tariffs, distinguish between different kinds of animals and provide for the keeping, feeding and veterinary caring of animals in separate enclosures.

41.2 Every pound master is entitled to claim the fees and charges or tariffs determined by the municipality in terms of subsection (1) for every animal impounded by him in terms of this by-law.

42. Fees Payable

42.1 The fees and charges or tariffs determined by the Council in terms of section 41 must be paid to the pound master by the owner of the animals impounded.

42.2 The said fees and charges or tariffs, together with any costs which the pound master may have incurred, as well such animals, may be detained by the pound master in security of payment of the said fees and charges or tariffs, provided that if the value of the animals impounded is in excess of the total amount due thereon, as determined in terms of this By-law, 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.

42.3 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 on account of such retention.

42.4 If the pound master is an official of the Municipality, he must pay the fees and charges or tariffs received by him in terms of this By-law into the revenue of the Municipality.

42.5 No pound master may release any impounded animal until the prescribed fees and charges or tariffs have been paid to him.

43. Notice of Sale

43.1 Every pound master must –

(a) whenever any impounded animal has not been released within six days from the date of its impoundment, forward to the Municipality a notice setting forth the species, marks and distinguishing features (if any) of such animal, and in regard to horses and cattle their colour also, and stating that the animal mentioned therein will be sold at the next sale of impounded animals, as well as the time and place of such sale;

(b) upon sending such notice to the Municipality, post a copy thereof in some or other conspicuous place at or near his or her pound, there to remain until the day of the sale; and

(c) 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 of an impounded animal, provided that the cost of such notice 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 and it is recoverable from the owner of such animal if the said proceeds are less than the amount due, provided further that -

- (i) if such notice refers to more than one animal, the Municipality shall in its discretion, divide the cost of such notice pro rata in respect of the animals referred to therein; and
- (ii) if the owner of an impounded animal is unknown, and the proceeds of the sale do not cover the amount as aforesaid, the Municipality shall make good the deficiency.

44. Auctioneer

44.1 Every sale of impounded stock must –

- (a) be conducted by the pound master or some other person duly authorized thereto by the Municipality; and
- (b) commence at the time and date mentioned in the notice in terms of section 43.1(a).

44.2 No person conducting a pound sale may have any direct or indirect interest in any purchase at any sale so held by him.

45. Sale of Impounded Animals

45.1 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 under no circumstances 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 fees, charges or tariffs payable in respect of such animals must forthwith upon receipt, be handed by the pound master to the Municipality, to be paid to the owners of the animals sold according to their respective rights, provided that -
 - (i) if in any particular case the animals sold do not realise sufficient to yield the sum of pound fees and other fees, charges or tariffs as aforesaid, the proceeds must be first utilized for the 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 as aforesaid, which remains in the hands of the Municipality for a period of 12 months without being claimed by the owner of such animal, becomes the accretion to such municipality;
 - (i) it shall be competent for the Municipality to make good to the pound master any loss which he or she may incur in the keeping of animals where the selling price does not cover the costs incurred;
 - (iv) it shall be competent for any pound master, after compliance with the procedure prescribed by section 9, to cause to be destroyed any aged or otherwise permanently unfit animal presented at the pound;
 - (v) if any animal dies in the pound and the owner cannot be traced, the expenses of burying the carcass shall be borne by the municipality;
 - (vi) the Municipality or an Authorized Officer may fix a reserve price for any animal offered for sale; and
 - (vii) the auctioneer may withdraw any animal from the sale if the highest bid received is not in his opinion satisfactory, respectively whether or not a reserve price has been fixed by the Municipality.

45.2 The proceeds of any sale shall be used to defray all costs connected with such sale and the impounding of such animals.

46. Illegal Impounding and Penalties

46.1 Any person who illegally impounds any animal commits an offence and is, in addition, liable to the owner for all damages, pound fees, compensation, cost and charges arising out of such proceeding, and for all charges, fees or tariffs in connection therewith.

47. Recovery of Loss in Respect of Impoundment of Animals from Area of Another Municipality

47.1 Any loss suffered by a 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.

48. Use, Detention and Ill-treatment of Animals

48.1 No person may furiously drive away any animal found trespassing, worry or ill-treat it.

49 Powers of Enforcement

49.1 An Authorised Officer may enter premises for the purpose of detecting a breach of this By-law or an offence if the officer has reasonable grounds for suspecting that a breach of the By-law or if the offence has occurred or is occurring on the premises.

49.2 An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may issue a warrant for an Authorised Officer to enter private property involved in an offence, and seize and impound animal.

49.3 The Municipality may claim the actual cost from the owner or occupier, of the premises; for carrying out the abatement. These costs are additional to any costs incurred for the impounding and sustenance of the animal(s) seized or impounded.

50. No Liability

50.7 Neither the Municipality nor the Authorised Official nor any employee of the Municipality shall be liable for or in respect of any injury suffered or disease contracted by or damage caused to any animal as result of ordering its seizure, impounding, detention, sale or destruction in terms of this By-law.

51. Rescue of Impounded Animal Prohibited

51.1 No person shall, by threats of violence or otherwise, rescue or attempt to rescue from the person or persons in charge thereof any animal being lawfully brought to the pound, or shall rescue or attempt to rescue any animal after such animal has been lawfully impounded by an Authorised Official.

CHAPTER 9

PET SHOPS AND PET SALONS

52. Requirements for Premises and Duties of Trader

52.1 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.

(iv) (aa) A rodent proof store-room, with a floor area of not less than 10 square metre must be provided.

(bb) If the Authorised Official is satisfied that, having regard to the extent of the business and the quantity of goods and equipment and pets food to be stored on the premises, a store-room of smaller dimensions than the minimum dimensions in terms of subparagraph (aa) is adequate, he or she may permit a smaller store-room.

(v) Facilities for the washing of cages, trays and other equipment must be provided in the form of either -

(aa) a curbed and roofed over platform with a surface of at least 1,5 square metre raised at least 100 millimetre above the floor and constructed of concrete or other durable and impervious material brought to a smooth finish, which platform must be provided with a constant supply of water laid on; or

(bb) a stainless steel sink or trough not less than 304 millimetre deep with a drainage board and with a constant supply of water laid on;

(vi) The platform, sink or trough referred to in subparagraph (v) must be drained 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 Authorised Official, 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.

52.2 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 Municipality;
 - (i) provide isolation facilities, in which every pet which is or appears to be sick must be kept whilst on the premises;
 - (j) ensure that there is a constant and potable water supply for drinking and cleaning purposes;
 - (k) ensure that the premises are at all times so ventilated so as to ensure sufficient movement of air for the comfort and survival of the pets;
 - (l) ensure that the number of pets per cage are not such that the free movement of such pets is impeded.

CHAPTER 10 MISCELLANEOUS

53. Grazing Animals in Urban Area

- 53.1 No horse shall be kept in an urban area without a permit from the Municipality to do so.
- 53.2 No animal(s) can be grazed on land in an urban area without a permit from Municipality to do so.
- 53.3 Written consent must be obtained by the applicant, from all neighbours directly next to, in front of and behind the section/s to be grazed, before any permit will be considered.
- 53.4 If written consent from all neighbours directly affected is not obtained then no permit will be issued and no animal can graze the section/s.
- 53.5 Any animal(s) grazing on land in an urban area must be ear tagged with the owner's details.
- 53.6 At Municipality's pleasure, a permit may be granted for the temporary grazing of sheep to clear vegetation from vacant lots, where overgrown vegetation may pose a fire risk.

54. Permits

- 54.1 Every person who wishes to obtain a permit to keep animals shall make application to the Municipality in writing and shall provide any supporting information and application fee as the Municipality may require.
 - 54.2 For every permit required under any section in this By-law, the applicant must pay to the Municipality a fee that Council may by resolution from time to time prescribe.
 - 5.3 The Municipality reserves the right to impose conditions on a permit as it sees fit, to prevent situations that may be a nuisance of any sort or that may be offensive, or injurious to health.
 - 54.4 The Municipality may refuse to issue a permit if, in the opinion of the Authorised Officer, the keeping of animals under such a permit is likely to become a nuisance of any sort, offensive, or injurious to health.
 - 54.5 The Municipality may cancel or revoke (in writing) any permit issued if, in the opinion of the Authorised Officer, the keeping of animals under such licence has become a nuisance or any sort, offensive, injurious to health or if any conditions stated on the permit are breached.
 - 54.6 The Municipality reserves the right to revoke (in writing) any permit issued under this By-law, at any time, if any conditions stated on the permit are breached or for any other reason by the Municipality.
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55. Animal Cruelty

55.1 Any person who

- (a) possesses, keeps, imports, buys, sells, trains, breeds or has under his or her control an animal for the purposes of fighting any other animal;
- (b) baits, provokes or incites any animal to attack another animal or to proceed with the fighting of another animal;
- (a) for financial gain or as a form of amusement promotes animal fights;
- (d) allows any of the acts referred to in paragraphs (a) to (c) to take place on any premises or place in his or her possession or under his or her charge or control;
- (e) owns, uses or controls any premises or place for the purpose or partly for the purpose of presenting animal fights on such premises or place or who acts or assists in the management of such premises or place, or who receives any consideration for the admission of any person to such premises or place; or
- (f) is present as a spectator at any premises or place where any of the acts referred to in paragraphs (b) to (e) is taking place or where preparations are being made for such acts, is guilty of an offence and liable on conviction to a fine or imprisonment.

56. Penalties and Offences

56.1 Every person who:

- a) Does, or causes anything that is contrary to this Bylaw;
- b) Omits or neglects to do anything which ought to be done by them at the time and in the manner provided in this Bylaw;
- c) Does not refrain from doing anything which under this Bylaw they are required to abstain from doing;
- d) Knowingly permits any condition or thing to exist contrary to any provision contained in this Bylaw;
- e) Refuses or neglects to comply with any notice or direction given to them under this Bylaw;
- f) Obstructs or hinders any Authorised Officer in the exercise of any power conferred upon them by this Bylaw; or
- g) Fails to divulge their full name, address and date of birth or other relevant information when requested to do so by an Authorised Officer, commits an offence.

56.2 Every person who is convicted of an offence against this By-law is liable on conviction to a fine not exceeding R60 000.00 (sixty thousand rand) or to imprisonment for a period not exceeding three years or both such fine and imprisonment.

56.3 In any prosecution it is presumed, unless the contrary is proved, that an animal that is found at any premises or place is the property or under the control of the owner of those premises or that place, or is the property or under the control of the person who uses or is in control of the premises or place.

57. Conflicting By-laws

57.1 If there is any conflict between provision(s) of this By-law and provision(s) of any other by-law of the Municipality, the provisions of this By-law prevail to the extent of inconsistency.

58. Repeal and Amendment

58.1 Any other by -laws relating to keeping of animals adopted by the former municipal councils now forming part of the Municipality are repealed from the date of promulgation of these by-laws

58.2 The by-laws relating to Keeping of Animals, Poultry and Bees as promulgated in the Local Government Notice No. 35 of June 2016, are hereby amended.

59 Short Title and Commencement

59.1 This By-law is called **Mangaung, Keeping of Animals, Poultry and Bees By-law** and the amendments effected come into operation on the date of promulgation thereof in the Provincial Gazette.

[PROVINCIAL NOTICE NO. 49 OF 2019]

MANGAUNG METROPOLITAN MUNICIPALITY**PROMULGATION NOTICE****Unightly and Neglected Buildings and Premises By-law**

Passed by Council on Tuesday, 05 March 2019

Under Item 18.1 – 5/03/2019

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the revised set of Unightly and Neglected Buildings and Premises By-laws, at the sitting dated 05 March 2019.
- 2) The reviewed Unightly and Neglected Buildings and Premises By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
City Manager

BY-LAWS RELATING TO UNSIGHTLY AND NEGLECTED BUILDINGS AND PREMISES**1. Definitions**

1.1 In this By-law, unless the context otherwise indicates –

"enforcement officer" means an employee of the Municipality authorized by the Municipality to implement and enforce the provisions of this By-law;

"building" has the meaning assigned thereto in section 1 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and includes—

- (a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with the—
 - (i) accommodation or convenience of human beings or animals;
 - (ii) manufacture, processing, storage, display or sale of any goods;
 - (iii) rendering of any service;
 - (iv) destruction or treatment of refuse or other waste materials;
 - (v) cultivation or growing of any plant or crop;
- (b) any wall or part of a building; or
- (c) a unit or common property as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986);

"municipality" means Mangaung Metropolitan Municipality established by Provincial Notice №. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"municipal area" refers to the area under the jurisdiction and control of the Municipality;