

The Council of Matatiele Local Government has, in terms of section 156 of the Constitution of Republic of South Africa, 1996 (act 108 of 1996 read in conjunction with section 11 and 98 of the Local Government Municipal System Act, 2000 (ACT 32 OF 2000)) made the following By-laws:-

**MATATIELE MUNICIPALITY
BYLAWS RELATING TO KEEPING OF ANIMALS, BIRDS, POULTRY,
CATS, DOGS AND PETS AND BUSINESSES INVOLVING THE KEEPING
OF ANIMALS, BIRDS, POULTRY, CATS, DOGS AND PETS**

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CHAPTER I GENERAL

1. **DEFINITIONS**

(1) In these By-laws, unless the context otherwise indicates –

“adequate” means adequate in the opinion of the Council;

“animal” means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, cat and dog;

“approved” means approved by the Health Officer regard being had to the reasonable public health requirements of the particular case;

“aviary” means a roofed or unroofed enclosure used for the keeping of birds, other than 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” means a feathered vertebrate other than poultry;

“cattery” means premises in or upon which boarding facilities for cats are provided or cats are kept and bred for commercial purposes;

“Council” means a municipal council referred to in section 157(1) of the Constitution;

“dwelling” means any building or part thereof used for human habitation;

“enclosure” in relation to animals, means any kraal, pen, paddock or other such fenced or enclosed area used for accommodating, keeping or exercising animals;

“Health Officer” means a medical officer of health appointed in terms of section 22 or 25 of the Health Act, 1977 (Act No. 63 of 1977), and includes a health inspector appointed by a local authority in terms of section 24 of that Act;

“kennels” means premises in or upon which –

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

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

“nuisance” means a nuisance as defined in the Health Act, 1977 (Act No. 63 of 1977);

“permit holder” means the person to whom a permit has been issued by the Health Officer in terms of these By-laws;

“person in control” means the person actually managing or actually in control of a premises or a business;

“pet” means any domestic or other animal which may be lawfully kept as a pet and includes any bird and non-poisonous reptile;

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

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

“pigsty” means a building, structure or enclosure in which pigs are kept;

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

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

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

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

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

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

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

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

- (2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

2. OBJECTIVES OF THE BY-LAWS

- (1) The municipality, aware of the constitutional right of every person to an environment that is not harmful to his or her health or well-being, adopts this by-law with the aim of protecting and promoting the health and well-being of all people in the Matatiele area by fostering an environment in which the public in general may enjoy peaceful and harmonious living conditions by managing livestock, pets and the businesses involved in their keeping .

3. APPLICATION OF BY-LAWS

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

Provided that the Health Officer, may, if he or she is satisfied that the application /of one or more provisions of these By-laws is essential in the interest of public health, by notice to the person concerned require such provision be complied with.

- (2) The provisions of sections 3, 4, 5, 10 and 11 shall do not apply to the temporary keeping of a goat on any land for the provision of milk for medical reason, provided the Medical Officer of Health has approved the keeping of such goat and no nuisance arises from the keeping of the goat.

- (3) The provisions of sections 3, 4(a), 6, 8, 10, 12, 14, 16, 18, 19 and 21 apply only to premises which are newly constructed, reconstructed or converted after the commencement of these by-laws: Provided that the Medical Officer of Health may, if he or she is satisfied that the application of any one or more of the said requirements is essential in the interest of public health, give notice in writing to the owner or person in control of such premises, to comply with such requirements as he or she may specify and within the reasonable time specified in the notice.

PREMISES FOR THE KEEPING OF LIVERSTOCK AND LIVESTOCK STRUCTURES

4. No person must -

- (a) keep any livestock, other than poultry (in excess of 20), or maintain large-stock structures - kraals, stables, pig-sty ,rabbit cages within any area defined by the Municipality as unsuitable for the keeping of livestock such as urban area (residential, commercial) and the maintenance of kennels but (provided) the foregoing must not apply in respect of a veterinary clinic or veterinary hospital operating with the Municipality's consent;
- (b) keep any livestock, other than poultry, on premises situated on land less than 1 ha in extent but in the case of a dealer or speculator in livestock the land must not be less than 2,5 ha in extent.
- (c) keep any pig, horse, mule, cattle, sheep or goat on any premises except on recognised agricultural and dairy farm or registered dairy already in existence without first having obtained the permission in writing of the Council to do so. When applying for permission, the applicant shall furnish the Council with a list of the class and number of animals to be kept from time to time and specify the place or building at or in which such animals are to be kept.
- (d) Shall slaughter livestock for sale or any other reason without municipal permission.

KEEPING OF ANIMALS, POULTRY AND BIRDS

5. No person must keep any animal, poultry or bird in or on any premises -

- (a) which does not comply with the provisions of these By-laws; or
- (b) which are so constructed, maintained or situated that the keeping of animals, poultry or birds thereon is, in the opinion of the Municipality or Health Officer, likely to cause a nuisance or injury to health.

PERMITS FOR KEEPING ANIMALS AND POULTRY-

6. (1) No person shall:

- (a) keep any animal, other than a cat dog, or more that ten (10) rabbits or poultry in excess of twenty (20), unless he is the holder of a permit issued by the Health Officer in the form set out in Schedule 1 hereto: provided that such permit shall not be

required for the keeping of any animal or poultry in connection with the business of a pet shop;

(b) keep any animal or poultry in excess of a number specified in such permit, provided that progeny of any animal still suckling, shall not be taken into account;

(2) application for such a permit shall be made to the Health Officer in the form set out in Schedule 2 hereto;

(3) a permit shall not be transferable and shall expire on the date on which the permit holder ceases to keep the animal or poultry for which the permit was issued;

(4) A permit holder must in writing notify the health officer, if he or she ceases to keep the animals or poultry in respect of which a permit was issued or of any increase in the number of animals or poultry kept in excess of the number specified in the permit concerned, within ten days of any such occurrence;

(5) The Council may cancel a permit issued in terms of subsection (1)(a), if –

- (a) the construction or maintenance of the premises concerned at any time does not comply with any provision of these By-laws;
- (b) the permit holder contravenes, or fails to comply with any such provision;
- (c) the permit holder fails to comply with a written notice from the health officer requiring him or her to make such premises comply with these By-laws or to stop such contravention or failure within a period specified in such notice;
- (d) any disease, which in the opinion of the health officer or a veterinarian, is of such a nature that it is likely to constitute a danger to public health, to other animals or poultry, breaks out amongst the animals or poultry kept under such permit;
- (e) the permit holder or person in control of the premises at the time personally or through his or her employee obstructs the health officer in his or her execution of his or her duties under these By-laws;
- (f) the permit holder has been found guilty by a competent court of a contravention of these By-laws; or
- (g) in the opinion of the health officer, a public nuisance exists due to the keeping of the animals.

(6) The health officer must, as soon as a permit has been cancelled, notify the permit holder of that fact in writing.

(7) The health officer may, subject to the foregoing provisions of this section, issue a new permit if he or she is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

DUTIES OF KEEPER OF ANIMALS, BIRDS OR POULTRY

7. (1) Every person keeping animals must-

- (a) maintain the premises, any equipment, apparatus, container and receptacles used in connection with such keeping in a clean and sanitary condition and in good repair;
- (b) take effective measures for the prevention of harbouring and breeding of and for the destruction of flies, cockroaches, rodents and other vermin; and
- (c) remove all manure from the stable, pigsty and the enclosure at least once every 7 days from the enclosure, building or shed for goats and sheep;
- (d) ensure that the manure is disposed of in a manner which will not create a nuisance.

(2) Every person keeping birds and poultry must-

- (a) maintain the premises free from offensive odours arising from the keeping of birds and poultry; and
- (b) ensure that poultry or birds do not disturb or hinder the comfort, convenience, peace or quiet of the public.

CHAPTER II

KEEPING OF CATTLE, HORSES, MULES AND DONKEYS.

REQUIREMENTS FOR PREMISES

8. For the keeping of any cattle, horse, mule or donkey a stable or enclosure complying with the following requirements, must be provided-

- (a) every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material;
- (b) the internal wall surfaces of the stable must be of smooth brick or other durable surface brought to a smooth finish;

- (c) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish, graded to a channel and drained;
- (d) any enclosure must have an area of at least 10 m² for each head of cattle, horse, mule or donkey to be accommodated therein and the fencing must be of such substantial material so constructed as to prevent such animals from breaking out;
- (e) no enclosure must be situated within 100 m and no stable must be situated less than 15 m of any boundary of any land, dwelling or other building or structure used for human habitation or within 50 m of any well, water course or other source of water supply intended or used for human consumption.
- (g) A portable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to every stable or enclosure.

DUTIES OF KEEPER OF CATTLE, HORSES, MULES AND DONKEYS

- 9. Every person keeping any cattle, horse, mule or donkey shall -
 - (a) ensure that any such animal is kept within a stable or enclosure;
 - (b) maintain the premises, any equipment, apparatus, container and receptacle used in connection with such keeping in a clean and sanitary condition and in good repair
 - (c) take effective measures for the prevention of harbouring or breeding of and for the destruction of flies, cockroaches, rodents and other vermin

CHAPTER III

KEEPING OF PIGS.

REQUIREMENTS FOR PREMISES

- 10. (1) For the keeping of pigs, a pigsty complying with the following requirements must be provided-
 - (a) every wall must be constructed of brick, stone, concrete or other durable material not less than 1,5 m in height and must have a smooth internal surface;

- (b) the pigsty must have a floor area of at least 3 m² for each pig to be accommodated therein, with an overall minimum floor area of 6 m²;
- (c) the junction between the walls and the floor must be covered;
- (d) the floor must be at least 150 mm above the surrounding ground level, constructed of concrete or other durable and impervious material brought to a smooth finish, graded for the run-off of liquids into an open channel outside the pigsty;
- (e) the pigsty must be so constructed as to prevent the pigs from breaking out;
- (f) Vetterinary record for vaccination of pigs and health checks of pigs must always be available upon request by Municipal Health Officials or any authorized official

(2)

DUTIES OF A PIG KEEPER

11. A person keeping any pigs in any premises must -
 - (a) ensure that the pigs are kept in a pigsty;
 - (b) maintain the premises, any equipment, apparatus, container and receptacle used in connection with such keeping in a clean and sanitary condition and in good repair
 - (c) take effective measures for the prevention of harbouring or breeding of and for the destruction of flies, cockroaches, rodents and other vermin
 - (d) Always ensure municipal drainage is not blocked by pig's waste runoffs and no foul or odour smell affecting the neighbourhood caused by keeping of pigs

CHAPTER IV

KEEPING OF GOATS AND SHEEP.

REQUIREMENTS FOR PREMISES

12. For the keeping of any goat or sheep, premises complying with the following requirements must be provided-
 - (a) an enclosure with an area of at least 1,5 m² for every goat or sheep to be accommodated therein with an overall minimum floor area of 30 m²;

- (b) if a building or shed is provided for such keeping, it must comply with the following requirements-
 - (i) every wall thereof must be constructed of brick, stone, concrete or other durable material not less than 2 m in height and must have a smooth internal finish;
 - (ii) the floor must be constructed so as to prevent the forming of standing water and be of such a nature to be cleaned and graded to the lowest point of the premises;
- (c) no building or shed must be situated within 15 m and no enclosure within 100 m of any boundary of any land, dwelling or any other building or structure used for human habitation or within 50 m of any well, water course or other source of water supply intended or used for human consumption; and
- (d) a portable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to every stable or enclosure.

DUTIES OF KEEPER OF GOATS AND SHEEP

13. Every person keeping any goat or sheep must -

- (a) ensure that every such animal is kept within an enclosure, building or shed;
- (b) maintain the premises and any equipment, apparatus, container and acceptable used in connection with such keeping in clean and sanitary condition and in good repair
- (c) take effective measures for the prevention of harbouring and breeding of and for the destruction of flies, cockroaches and other vermin

CHAPTER V

KEEPING OF POULTRY.

REQUIREMENTS FOR PREMISES

14. For the keeping of poultry, premises complying with the following requirements must be provided-

- (a) a poultry house complying with the following requirements-
 - (i) every wall thereof must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface;

- (ii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish;
 - (iii) the upper floors of the structure of two or more tiers must be of an impervious and easily cleaned material;
- (b) A poultry run, if provided, must be enclosed with wire mesh or other durable material;

DUTIES OF KEEPER OF POULTRY

15. Every person keeping poultry must -

- (a) ensure that all poultry is kept within the poultry house, poultry run or building or structure housing a battery system;
- (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping in 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 an allcages clean and free frim vernim
- (d) ensure that such poultry do not disturb of hinder the comfort,convenience,peace and quiet of the public
- (e) take effective measures fir the prevention of harbouring and breeding and for the destruction of flies,coackroaches,rodents and other vernimand for the prevention of offensive odours arising from keeping of poultry
- (f) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every 4 days or at such longer intervals approved by the health officer from a building or structure housing a battery system; place the manure and other waste matter in the manure storage receptacles;
- (g) not store any material or article in any poultry house, poultry run or building or structure housing a battery system, except material or an article which is required for use in such house, run, building or structure.

CHAPTER VI

KEEPING OF RABBITS.

REQUIREMENTS FOR PREMISES

16. For the keeping of rabbits premises complying with the following requirements must be provided-
- (a) a rabbit hutch complying with the following requirements-
 - (i) every wall thereof must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface;
 - (ii) the floor surface, which must be at least 150 mm above ground level, must be constructed of concrete or other durable and impervious material brought to a smooth finish and, if required by the health officer, the floor must be graded to a channel
 - (iii) natural light and ventilation must be provided;
 - (iv) a rabbit run, if provided, must be enclosed with wire mesh or other durable material and constructed so as to prevent the escape of rabbits from the run;

DUTIES OF KEEPER OF RABBITS

17. Every person keeping rabbits must -
- (a) ensure that all rabbits are kept within the rabbit hutch, rabbit run or building or structure housing a battery system;
 - (b) maintain any premises and equipment, apparatus, container or receptacle used in connection with such keeping in clean any sanitary good condition and in good repair
 - (c) maintain the premises free from offensive odours and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from vermin
 - (d) take effective measures for the prevention of harbouring and breeding and for the destruction of flies, coackroaches, rodents and other vermin and for the prevention of offensive odour arising from keeping of rabbits on the premises

- (e) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system at least one every 48 hours and place it in the manure storage receptacles;
- (f) not store any material or article in any rabbit hutch, rabbit run or building or structure housing a battery system, except material or an article which is required for use in such house, run or building or structure.

CHAPTER VII

KEEPING OF BIRDS.

REQUIREMENTS FOR PREMISES

18. For the keeping of birds in an aviary, premises complying with the following requirements must be provided-

- (a) the aviary must be properly constructed of durable materials, rodent proof and provided with access thereto adequate for cleaning purposes;
- (b) no aviary must be situated within 3 m of any building or structure, boundary fence or boundary wall; and
- (c) a portable supply of water must be provided adequate for drinking and cleaning purpose.

DUTIES OF A KEEPER OF BIRDS

19. Every person who keeps birds in an aviary must -

- (a) ensure that the aviary and the premises are kept in a clean condition and free from vermin;
- (b) take effective measures for the prevention of harbouring and breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odour arising from keeping of birds on the premises
- (c) ensure that such birds do not disturb or hinder the comfort, convenience, peace or quiet of the public

CHAPTER VIII

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

REQUIREMENTS FOR CONDUCTING BUSINESS

20. (1) Every person conducting the business of a dealer or speculator in livestock or other business involving the keeping of animals or poultry, other than a pet shop, must comply with the requirements of subsection (2)
- (2)
- (a) An enclosure with an area of at least 10 m² per head of cattle, horse, mule or donkey and 1,5 m² per goat or sheep to be accommodated therein at any time with an overall minimum area of 50 m² must be provided.
 - (b)
 - (i) A separate change room, clearly designated, must be provided for every sex (gender/sexual category) if more than three non-resident persons of different sexes are employed in the keeping of animals or poultry;
 - (ii) every such change room must have a floor area of at least 0,5 m² per employee, subject to an overall minimum area of 6,5 m² and a minimum width of 2,1 m;
 - (iii) every such change room must be equipped with a metal clothes locker for the keeping of personal clothing of each employee;
 - (iv) for each employee for whom no change room is required in terms of subparagraph (i), a metal clothes locker must be provided.
 - (c)
 - (i) One wash hand basin and one shower-bath must be provided for every 15 persons, or part of that number, employed.
 - (ii) Every wash hand basin and shower-bath must be located within or adjacent to the change rooms, must have a constant supply of hot and cold running water laid on and be drained in terms of section 25.
 - (d) Soap and towelling must be provided at the wash hand basin and shower-bath.
 - (e) Overalls or other protective clothing and, if required by the health officer, protective footwear must be provided for the use of persons employed in the keeping of animals or poultry.

- (3) In respect of employees resident on or at the premises -
 - (a) sleeping accommodation equipped with a bed for each such employee must be provided;
 - (b)
 - (i) ablution facilities comprising one wash hand basin and one shower-bath or bath, separate for the sexes and clearly designated, must be provided for every 10 persons or part of that number of a particular sex employed.
 - (ii) every hand basin, shower or bath must have a constant supply of hot and cold running water laid on and be drained

CHAPTER IX

DOG KENNELS AND CATTERIES

REQUIREMENTS FOR PREMISES

- 21.
 - (1) No person must maintain kennels or a cattery, unless the requirements of subsection (2) to (11), inclusive are complied with.
 - (2) Every dog or cat must be kept in an enclosure complying with the following requirements:
 - (a) It must be constructed of durable materials and must have access thereto adequate for cleaning purposes.
 - (3) Every enclosure referred to in subsection (2), must contain a roofed shelter for the accommodation of dogs or cats complying with the following requirements:
 - (a) Every wall must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface without cracks or open joints.
 - (b) The floor must be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints and every junction between the floor and the walls of a permanent structure must be coved.
 - (c) Every shelter must have adequate access thereto for cleaning
 - (4) In the case of dogs, a dog kennel which is movable, and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead

of a shelter contemplated in subsection (2) and if the base of such kennel is not rendered water-proof, a sleeping board which will enable the dog to keep dry, must be provided in every such kennel.

DUTIES OF PERSON IN CONTROL OF KENNELS OR CATERIES.

22. Any person in control of kennels or a cattery must -

- (a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
- (b) keep any sick dog or cat in isolation facilities required in terms of section 19 (10)
- (c) ensure that the cats and dogs kept on the premises do not disturb or hinder the comfort, convenience, peace or quiet of the public
- (d)
 - (i) provide portable storage receptacles of an impervious material with close fitting lids for the storage of dog and cat faeces;
 - (ii) every such receptacle must be kept on a platform constructed of concrete or other durable and impervious material adjacent to the enclosures;
- (e) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles
- (e) remove the contents of the storage receptacles from the premises at least twice every 7 days and dispose thereof in a manner which will not create a nuisance;
- (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 dogs or cats;
- (h) keep any sick dog or cat in the isolation facilities
- (i) ensure that dogs and cats kept on the premises do not disturb or hinder the comfort, convenience, peace or quiet of the public.

23. Dogs or cats in streets or public places

(1) the owner or keeper of a dog or cat may not bring or allow it in a street or public place unless the dog is on a leash or the cat is under physical control.

(2) Except in the event of a blind person being lead by a guide dog, a person in charge of a dog in a street or public place, must remove any faeces left by the dog by wrapping it in paper or plastic and disposing of it in a receptacle provided for litter or refuse.

(3) A person who contravenes any of the provisions of subsection (1) or (2) commits an offence.

24. Control of dogs

(1) No person who owns or keeps a dog may –

- (a) permit a bitch on heat to be in a street or public place without supervision;
- (b) urge a dog to attack, worry or frighten any person or animal unless in self-defence;
- (c) keep a dog if the premises is not adequately fenced to keep such dog inside when it is not on a leash; or
- (d) permit a dog –
 - (i) to trespass on private property;
 - (ii) to constitute a hazard to traffic using any public road;
 - (iii) to constitute source of danger or injury to a person outside the premises on which such dog is kept; or
 - (iv) to be a source of danger to employees of the municipality entering such premises for the purpose of carrying out their duties. A notice to the effect that a dog is kept must be displayed in a conspicuous place.
- (e) keep any dog which interferes materially with the comfort, convenience, peace or quiet of neighbours by–
 - (i) barking, yelping, howling or whining;
 - (ii) by behaving in any other manner.

(2) The municipality may seize and impound a dog which is found in a street or public place in contravention with the provisions of this by-law.

(3) A dog impounded in terms of subsection (2) may be released to the owner upon payment of a fee determined by the municipality.

(4) A person who contravenes a provision of subsection (1) commits an offence.

CHAPTER X PET SHOPS AND PET SALONS

REQUIREMENTS OF PREMISES

25. No person must conduct a business of a pet shop or pet salon in or on 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.
 - (iii) The floor of any building must be constructed of concrete or other durable and impervious material brought to a smooth finish.
 - (iv) 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.
 - (v)
 - (aa) A rodent proof store-room, with a floor area of not less than 16 m² must be provided.
 - (bb) If the health officer 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.
 - (vi) Facilities for the washing of cages, trays and other equipment must be provided—
 - (vii)
 - (aa) A separate change room, clearly designated, must be provided for any sex if more than two persons are employed on the premises.
 - (viii) No door, window or other opening in any wall or a building on the premises must be within 2 m of any door, window or opening to any building in which food is prepared, stored or sold for human consumption or consumed by humans.

DUTIES OF TRADER

26 Every 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 shall 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) maintain the premises and every cage, tray, container, basket and all apparatus, equipment and appliances used in connection with pet shop, in clean sanitary conditions free from vermin and in good repair
 - (iii) 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
 - (iv) every cage must be of such size and mass and so placed that it can be readily moved;
 - (v) if rabbits are kept in a cage, the metal tray referred to in subparagraph (i) must be drained to a removable receptacle;
 - (vi) every cage must be fitted with a drinking vessel filled with water and accessible to the pets kept in the cage;
 - (vii) the distance from any cage to the nearest wall must at all times be not less than 150 mm;
 - (viii) 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;

CHAPTER XI

HAWKING OF POULTRY AND RABBITS

REQUIREMENTS FOR STREET TRADING

27. No person must sell in the street poultry or rabbits, unless the following requirements are complied with-

- (a) the business of a street trader must be conducted from premises on which poultry or rabbits must be kept in compliance with the provisions of Chapters V and VI and facilities must be provided for the parking of the vehicle used for street trading after normal trading hours;
- (b) a vehicle of sound construction and bearing the name of the street trader, together with his or her residential address and the address of his business premises in clearly legible letters not less than 50 mm in height on both sides of the vehicle must be provided;
- (c) that part of the vehicle in which poultry or rabbits are conveyed must be provided with a top or cover of heat resistant material, other than metal, and provision for through ventilation must be made;
- (d) (i) Cages or crates of an impervious and durable material must be provided for conveying poultry or rabbits on the vehicle;
- (e) (ii) such cages, crates or divisions thereof must be fitted with removable trays of impervious material for the reception of poultry or rabbit droppings;

DUTIES OF STREET TRADER

28. Every person selling poultry or rabbits in the street must -

- (a) wash and thoroughly cleanse that part of the vehicle in which poultry or rabbits are conveyed and every cage, crate and tray used on the vehicle, after each day's trading;
- (b) remove from every cage or crate on the vehicle any poultry or rabbits which appear to be sick and place such poultry or rabbits in a separate cage;
- (c) maintain the premises, vehicle and every cage, crate, tray, vessel, container and receptacle used in connection with such hawking in a clean and sanitary condition, free from vermin and in good repair;
- (d) store all feed in rodent proof receptacles or storeroom.

CHAPTER XII

MISCELLANEOUS

DRAINING

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

30. DISCHARGE OF TAPS

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

NUISANCE

31. No person must -
- (a) keep any animal or pet in such a manner as to cause a nuisance;
 - (b) fail to remove faeces deposited by a dog in a public place whilst under his control or supervision and dispose of such faeces in a refuse receptacle;
 - (b) fail to duly dispose of dead animals in such a manner as prescribed by the health officer.

ILLNESS ATTRIBUTABLE TO ANIMALS

32. The illness of any person, which is attributable to the keeping of any animal, poultry, bird or pet as contemplated in Chapters VII to X inclusive, must be reported to the health officer within 24 hours of diagnoses by the person making the diagnosis.

INSPECTIONS

33. The health officer and any officer authorized thereto by the Municipality may, in order to satisfy himself that the provisions of these By-laws are being complied with -
- (a) enter any premises on which animals, poultry, birds or pets are kept or on which kennels or a cattery is conducted or the business of a dealer or speculator in livestock or a pet shop, a

hawker of poultry or rabbits is being conducted or on which he reasonably suspects animals, poultry, birds or pets are kept or such business is being conducted, at all reasonable times;

- (b) inspect such premises or any vehicle used or reasonably suspected by him to be used for such business and anything thereon or therein; and
- (d) question any person on such premises or in such vehicle or who has recently been on such premises or in such vehicle.

PROVISIONS OF CAMPS

34. The Municipality may reserve and fence off or conditionally allow to be fenced of such portions of land within its area of its jurisdiction, as may be deemed desirable by the municipality and establish a special camp or camps as it deems fit in order to ensure proper administration and to prevent soil erosion.

OFFENCES AND PENALTIES

35. (1) Any person –

- (a) who contravenes or fails to comply with any provision of these By-laws;
- (b) who keeps animals, birds or poultry or who is the person in control of or who conducts the business of a dealer or speculator in livestock, a pet shop, dog kennels or cattery or a hawker of poultry or rabbits on any premises fails to ensure that all the provisions of these By-laws applicable to such premises or business are complied with;
- (c) who fails or refuses to give access to premises to the health officer or any officer when requested to give such access;
- (d) who obstructs or hinders the health officer or other officer in the execution of this duties under these By-laws;
- (e) fails or refuses to give information to the health officer or such other officer which is lawfully required, or knowingly furnishes false or misleading information; or
- (f) fails or refuses to comply with a notice in terms of section 2 is, subject to the provisions of subsection (2), guilty of an offence and must be liable on conviction to a fine not exceeding R1000.00 (One Thousand Rand) or, in default of payment, to imprisonment for a period not exceeding six months, or in the case of a continuous offence, to a fine not exceeding R50.00 (Fifty Rand) or , in default of payment, to imprisonment for a

period not exceeding ten days for every period of 24 hours during which such offence continues.

- (g) The Municipality may impound any livestock kept illegally at the cost of the applicant and further auction such livestock on the basis of relevant legislation

- (2) It shall be competent defence if a person referred to in subsection (1)(b) proves that he or she did not know of, could not reasonably have foreseen and could not have prevented the commission of the offence contemplated in subsection (1).

36. REPEAL OF BY-LAWS

These By-laws relating to the keeping of Animals, Birds and Poultry and Businesses Involving the Keeping of Animals, Birds, Poultry or Pets for the Matatiele Local Municipality are hereby repealed be replaced by these Bylaws, which are to become effective on promulgation hereof.

37. APPLICATION

The Council may by notice in the Provincial Gazette, determine that the provision of these Bylaws do not apply to certain areas within its area of jurisdiction from a date specified in the notice.

References

Anon., 2021. *Modimolle Gov.* [Online]

Available at: <http://www.modimolle.gov.za/docs/bylaws/BY-LAWS%20RELATING%20TO%20THE%20KEEPING%20OF%20ANIMALS,%20BIRDS%20AND%20POULTRY%20AND%20BUSINESSES%20INVOLVING%20THE%20KEEPING%20OF%20ANIMALS,%20BIRDS,%20POULTRY%20OR%20PETS.doc>

[Accessed 11 March 2021].

Policy number

Council Resolution (CR) Number

CR



MR. L. MATIWANE
MUNICIPAL MANAGER

28/07/2022

DATE



CLLR. S. MNGENELA
MAYOR

28/07/2022

DATE



CLLR. N. NGWANYA
SPEAKER OF COUNCIL

28/07/2022

DATE