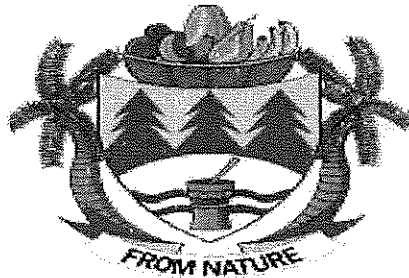
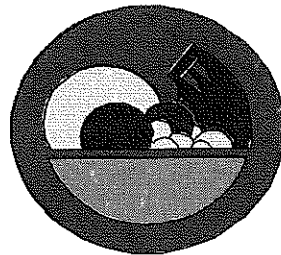


LOCAL AUTHORITY NOTICE 154 OF 2019



KEEPING OF ANIMALS BY-LAW



Greater Tzaneen Municipality

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CHAPTER 1 PREAMBLE

In terms of section 156 (1) (a) of the Constitution 1996 (Act 108 of 1996) as amended from time to time, the Greater Tzaneen Municipality has executive authority in respect of, and has the right to administer the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution, falling within its area of Jurisdiction which include keeping of animals regulation.

The object of the Greater Tzaneen Municipality in these by-laws is to promote safety and security for its community through safe keeping of animals within the jurisdiction of the Municipality.

These By-laws shall be applied in the spirit and purport of the Animals Protection Act 71 of 1962 and the Performing Animals Protection Act 24 of 1935.

SCOPE AND APPLICATION

These by-laws apply to any area falling under the jurisdiction of the Greater Tzaneen Municipality in terms of the Local Government Demarcations Act 27 of 1998 as amended from time to time.

1. Interpretations

1.1 In these by-laws, all relevant definitions and sections of the Animals Protection Act 71 of 1962 and the Performing Animals Protection Act 24 of 1935 shall apply, unless the context otherwise indicates –

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

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

“**approved**” means approved by the Medical Officer of Health 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 the Greater Tzaneen Municipal Council established in terms of section 12 of the Local Government: Municipal Structures Act 117 of 1998;

“**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;

“**hawk**” means the business of selling goods by going from one place to the other,

“**hawker**” means any person carrying on the business of hawking;

“**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;

“**Medical Officer of Health**” means the Medical Officer of Health of Council or any person duly authorised by Council to act on his or her behalf;

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

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

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

“**person in control**” means the person actually managing or actually in control of 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 licensed for that purpose under the Licences Ordinance No. 19 of 1974;

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

“**poultry**” means fowls, ducks, muscovy ducks, geese, turkeys, 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, sidewalk, 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 system 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.

CHAPTER 2 APPLICATION OF BY-LAWS

2.(1) The provisions of these by-laws do 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 Medical Officer of Health 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 that such provision(s) be complied with.

- (2) The provisions of sections 4(a), 10(b) and 11(e) and (f) 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 time specified in the notice.
- (4) The provisions of sections 12(c)(viii) and f(i) and (ii), 13(d)(ii), (f) and (h), do not apply to the keeping of poultry not exceeding ten in number.
- (5) The provisions of sections 14(c)(iii) and 15 (d)(ii) do not apply to the keeping of rabbits not exceeding ten in number.

CHAPTER 3

PREMISES FOR THE KEEPING OF LIVESTOCK AND KENNELS

3. No person may-
 - (a) keep any livestock, other than poultry, or maintain kennels within an area defined by Council as unsuitable for the keeping of livestock and the maintenance of kennels: Provided that the foregoing may not apply in respect of a veterinary clinic or veterinary hospital operating with Council's consent;

- (b) keep any livestock, other than poultry, on premises situated on land less than 1 ha in extent: Provided that in the case of a dealer or speculator in livestock the land shall not be less than 2,5 ha in extent.

CHAPTER 4 KEEPING OF ANIMALS, POULTRY AND BIRDS

4. No person may keep any animal, poultry or bird in or upon any premises-
- (a) which do not comply with the provisions of these by-laws;
- (b) which are so constructed, maintained or situated that the keeping of animals, poultry or birds thereon is, in the opinion of the Medical Officer of Health, likely to cause a nuisance or injury to health as contemplated in section 80(7)(c) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939).

CHAPTER 5 PERMITS FOR KEEPING OF ANIMALS AND POULTRY

- 5.(1) No person may keep any animal other than a cat, dog, rabbit, or poultry unless he or she is the holder of a permit issued by the Medical Officer of Health in the form prescribed by these by-laws. Such permit is not required for the keeping of any animal or poultry in connection with the business of a pet shop.
- (2) A permit may not be transferable and expires on the date on which the permit holder ceases to keep the animals or poultry in respect of which the permit was issued.

- (3) A permit holder must notify the Medical Officer of Health in writing if he or she ceases to keep the animals or poultry in respect of which a permit was issued within ten days of any such occurrence.
- (4) Council may cancel a permit if-
- (a) the construction or maintenance of the premises concerned at any time does not comply with any provision of these by-laws, or the permit holder contravenes, or fails to comply with any such provision, and the permit holder fails to comply with a written notice from the Medical Officer of Health requiring him or her to make such premises comply with the by-laws or to cease such contravention or failure within a period specified in such notice;
 - (b) any disease, which in the opinion of the Medical Officer of Health or a veterinarian, is of such a nature that it is likely to constitute a danger to public health or to other animals or poultry kept under such permit;
 - (c) the permit holder or person in control of the premises at the time, personally or through his or her employee obstructs the Medical Officer of Health in the execution of his or her duties under these by-laws;
 - (d) the permit holder has been found guilty in a competent court of a contravention of these by-laws.
- (5) The Medical Officer of Health must as soon as a permit has been cancelled, notify the permit holder of that fact in writing.
- (6) The Medical Officer of Health may 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.

CHAPTER 6

KEEPING OF CATTLE, HORSES, MULES AND DONKEYS

6. Requirements for Premises

- (6) 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 height of the walls to the wall plates of the stable must be:
 - (i) 2,4 m in the case of pitched roof;
 - (ii) 2,7 in the case of a flat roof;
 - (iii) a mean height of 3 m with a minimum of 2,4 m on the side, in the case of a lean-to roof;
 - (iv) 2 m in the case of a stable which has an opening along the entire length of one of its long sides.
 - (d) the stable must have a floor area of at least 9 m² for each head of cattle, horse, mule or donkey to be accommodated in it;
 - (e)(i) except in the case of a stable open along the entire length of one of its long sides, lighting and ventilation must be provided by openings or glazed opening windows or louvers totalling at least 0,3 m² for each animal to be accommodated in it;

- (ii) The lowest point of every such opening, window or louver must be at least 1,8 m above floor level.
- (f) 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 in terms of section 25;
- (g) any enclosure must have an area of at least 10 m² for each head of cattle, horse, mule or donkey to be accommodated in it and the fencing must be of such substantial material so constructed as to prevent the animals from breaking out;
- (h) no stable or enclosure may be situated within 10m of the boundary of any land or of any dwelling or other building or structure used for human habitation or within 30m of any well, water course or other source of water supply intended or used for human consumption;
- (i) adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to every stable or enclosure.

7. Duties of Keeper of Cattle, Horses, Mules and Donkeys

7. Every person keeping any cattle, horse, mule or donkey must-
- (a) ensure that any such animal is kept within a stable or enclosure;
 - (b) maintain the premises, any equipment, apparatus and container used in connection with such keeping in a clean and sanitary condition and in good working order;
 - (c)(i) provide portable manure storage containers of an impervious material and with close fitting lids;

- (ii) every such container must be kept on a platform constructed of concrete or other durable and impervious material and situated adjacent to the stable or enclosure and so as to comply with the provisions of section 6(h) as the case may be.
- (d) if the manure and bedding is of such quantity that storage containers are not adequate, provide a manure midden complying with the following requirements:
 - (i) the midden must be enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish and coved at the junctions with the floor;
 - (ii) the floor must be of concrete brought to a smooth finish and graded and drained to a water channel at least 150 mm in diameter along the full length of the open side, which channel must be kept filled with water.
- (e) remove all the manure from the stable and enclosure at least once every 24 hours and place it in the manure storage containers or midden pending removal from the premises;
- (f) remove all the contents of the manure storage containers or midden from the premises at least once every second day and dispose them in a manner that will not create a nuisance;
- (g) remove all bedding from the stable at least once a week and store it in the manure containers or midden pending removal from the premises;
- (h) store all saddles, bridles, harnesses and other equipment or articles used in the keeping of such animals, in a storeroom or other storage facilities approved by Council;

- (i) store all feed in a rodent proof store-room and all loose feed in a number of rodent proof containers with close fitting lids in the store-room;
- (j) take effective measures for the prevention of harbouring or breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

CHAPTER 7 KEEPING OF PIGS

8. Requirements for Premises

- 8(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 in it, with an overall minimum floor area of 6m²;
 - (c) a roof provided over any portion of a pigsty must be at a height of not less than 1,5 m from ground level at its lowest point in the pigsty and, except in the case of a roofed structure having one of its long sides completely open, lighting and ventilation openings situated in opposite external walls of at least 0,15 m² for each pig to be accommodated; or other adequate means of ventilation and lighting must be provided;
 - (d) the junction between the walls and floor must be coved;
 - (e) 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, constructed of concrete, glazed earthenware, or other durable and impervious material, measuring not less than 100 mm in diameter and drained in terms of section 25;

- (f) the pigsty must be so constructed as to prevent the pigs from breaking out;
 - (g) no pigsty may be situated within 100 m of any dwelling or other building or structure used for human habitation or of the boundary of any land or any well, water course or other source of water supply intended or used for human consumption.
- (2)(a) A roofed-over concrete platform must be provided for the storage of all swill in containers and for the preparation of the pig's food and it must be so situated as to comply with the provisions of subsection (1) (g) as the case may be.
- (b) Such platform must have a curbing of a least 100mm high on all of its sides and the surface of the platform must be brought to a smooth impervious finish and graded to a channel drained in terms of section 25.
- (3) Adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to the pigsty.

9. Duties of Keeper of Pigs

9. Every person keeping pigs must-

- (a) ensure that every pig is kept within a pigsty;
- (b) maintain the premises and any equipment, apparatus and container used in connection with such keeping, in a clean and sanitary condition and in good working order;

- (c)(i) provide portable manure storage containers of impervious material and with close fitting lids;
- (ii) every container must be kept on a platform constructed of concrete or other durable and impervious material adjacent to the pigsty and so as to comply with section 8 (1)(g).
- (d) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage containers;
- (e) remove the contents of the manure storage containers from the premises at least once every second day and dispose them in a manner which will not create a nuisance;
- (f) store all feed in a rodent proof store-room and all loose feed in a number of rodent proof receptacles with close fitting lids in store-room;
- (g) take effective measures for the prevention of harbouring or breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

CHAPTER 8 KEEPING OF GOATS AND SHEEP

10. Requirements for Premises

10. 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 in it with an overall minimum floor area of 30 m²;

- (b) If a building or shed is provided for such keeping, it shall 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 of concrete or other durable and impervious material brought to a smooth finish and graded to a channel drained in terms of section 25;
 - (iii) the floor area must be at least 1,5 m² for every goat or sheep to be accommodated in it with an overall minimum floor area of 6 m²;
 - (iv) lighting and ventilation openings totaling at least 0,15 m² per goat or sheep to be kept in the building or shed.
- (c) no enclosure, building or shed may be situated within 10 m of any boundary of any land or of any dwelling or other building or structure used for human habitation or within 30 m of any well, water course or other source of water supply intended or used for human consumption.
- (d) adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to every stable, enclosure, building or shed.

11. Duties of Keeper of Goats and Sheep

11. Every person keeping any goat or sheep must-

- (a) ensure that every goat or sheep is kept within an enclosure, building or shed;

- (b) maintain the premises and any equipment, apparatus and container used in connection with such keeping in a clean and sanitary condition and in good working order;
- (c)(i) provide portable manure storage containers of an impervious material and with close fitting lids;
- (ii) every container must be kept on a platform constructed of concrete or other durable and impervious material and situated adjacent to the enclosure, building or shed so as to comply with the provisions of section 10(c) as the case may be.
- (d) remove all manure from the enclosure, building or shed at least once every 7 days and place it in the manure storage containers;
- (e) remove the contents of the manure storage containers from the premises at least once every 7 days and dispose them in a manner which will not create a nuisance;
- (f) store all feed in a rodent proof store-room and all loose feed in a number of rodent proof containers, with close fitting lids in the store-room;
- (g) take effective measures for the prevention of harbouring and breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

CHAPTER 9 KEEPING OF POULTRY

12. Requirements for Premises

12. 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 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;
 - (iv) it must have a floor area of at least 0,2 m² for each grown fowl, duck, muscovy duck or guinea-fowl, and 0,5 m² for each grown goose, turkey or peacock to be accommodated in it, with an overall minimum floor area of 4 m².
- (b) a poultry run, if provided, must be enclosed with wire mesh or other durable material;
- (c) if a battery system is to be operated, a roofed building or structure in which such system shall be housed, constructed and equipped in accordance with the following requirements must be provided:
- (i) every wall, if provided, must be at least 2,4 m high, and must be constructed of concrete, stone, brick or other durable material and must have a smooth internal surface;
 - (ii) if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area equal to not less than 15% of the floor area of the building;

- (iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish, and if required by Council, the floor surface must be graded to a channel drained in terms of section 25;
 - (iv) if no walls are provided, or the walls are of metal, the floor must be provided with a kerb at least 150 mm high around its extremities;
 - (v) every junction between the floor and walls kerbing must be coved;
 - (vi) the cages of the battery system must be constructed of an impervious material;
 - (vii) if required by the Medical Officer of Health, a tray of an impervious material and design must be fitted under every cage for the collection of manure;
 - (viii) a concrete washing platform with a kerb around its extremities or stainless steel trough with draining board and with a constant supply of water laid on, drained in terms of section 25 must be provided within or adjacent to the building or structure for the cleaning of the cages;
 - (ix) a wash hand basin with a constant supply of water laid on must be provided and drained in terms of section 25.
- (d) there must be at least 3 m of clear unobstructed space between any poultry house, poultry run, or building or structure housing a battery system and the nearest point of any dwelling, other building or structure used for human habitation or place where foodstuffs are stored or prepared for human consumption and the nearest boundary of any land;

- (e)(i) if required by Council, with due regard to the quantity of manure to be stored pending removal from the premises, a storage area comprising a roofed over platform constructed of concrete or other durable and impervious material, with a kerb at least 100 mm high around its extremities and graded and drained in terms of section 25;
- (ii) the roof over such platform must extend 1 m beyond the extremities of the platform.
- (f) adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to the battery system building or structure or poultry house.

13. Duties of Keeper of Poultry

13. 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 and container used in connection with such keeping in a clean, sanitary condition and in good working order;
- (c) maintain the premises free from unpleasant smells and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from vermin;
- (d)(i) provide portable manure storage containers of an impervious material and with close fitting lids;
- (ii) every container must be kept on a platform constructed of concrete or other durable and impervious material and situated adjacent to the

poultry house, poultry run or building or structure housing a battery system so as to comply with the provisions of section 12 as the case may be.

- (e)(i) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every 4 days or at such longer intervals as approved by the Medical Officer of Health from a building or structure housing a battery system, with due regard to the prevention of a public health nuisance caused by bad smell; and
- (ii) place the manure and other waste matter in the manure storage containers.
- (f) remove the contents of the manure storage containers from the premises at least once every 7 days and dispose them in a manner which will not create a nuisance;
- (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;
- (h) store all feed in a rodent proof store-room and all loose feed in a number of rodent proof containers with close fitting lids in the store-room;
- (i) take effective measures for the prevention of harbouring or breeding of, and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of unpleasant smells arising from the keeping of poultry on the premises.

CHAPTER 10 KEEPING OF RABBITS

14. Requirements for Premises

Keeping of Animals By Laws 09 January 2014

14. 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 must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface;
 - (ii) a 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 Council, the floor must be graded to a channel drained in terms of section 25;
 - (iii) natural light and ventilation must be provided;
 - (iv) it shall have a minimum floor area of 0,4 m² for every rabbit to be accommodated in it.
 - (b) 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;
 - (c) if a battery system is to be operated, a roofed building or structure in which such system shall be housed, constructed and equipped in accordance with the following requirements must be provided:
 - (i) every wall, if provided, must be at least 2,4 m high, must be constructed of concrete, stone, brick or other durable material and must have a smooth internal surface;

- (ii) if walls are provided, the building must be ventilated and lighted by means of natural openings or windows or an area equal to not less than 15% of the floor area of the building;
 - (iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish, and if required by Council, the floor surface must be graded to a channel drained in terms of section 25;
 - (iv) if no walls are provided, or the walls are of metal, the floor must be provided with a kerb at least 150 mm high around its extremities;
 - (v) every junction between the floor and the walls and kerbing must be coved;
 - (vi) the cages of the battery system must be constructed of impervious material and fitted with trays of an impervious material under every cage for the reception of urine;
 - (vii) a wash hand basin with a constant supply of water laid on must be provided and drained in terms of section 25;
- (d) there must be at least 5 m of clear unobstructed space between a rabbit hutch, rabbit run, or building or structure housing a battery system, and the nearest point of any dwelling, or other building or structure used for human habitation or place where foodstuffs are stored or prepared for human consumption and the nearest boundary of any land;
- (e) adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to the battery system, building or structure or the rabbit hutch.

15. Duties of Keeper of Rabbits

Keeping of Animals By Laws 09 January 2014

15. 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 the premises and any equipment, apparatus and container used in connection with such keeping, in a clean, sanitary condition and in good working order;
 - (c) maintain the premises free from unpleasant smells and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from vermin;
 - d(i) provide portable manure storage container of an impervious material with close fitting lids;
 - (ii) every container must be kept on a platform constructed of concrete or other durable and impervious material adjacent to the rabbit hutch, rabbit run or building or structure housing the battery system and so as to comply with section 14 (d) as the case may be;
 - (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 once every 48 hours and place them in the manure storage containers;
 - (f) remove the contents of the manure storage containers from the premises at least once every 7 days and dispose them in a manner which will not create a nuisance;
 - (g) not store any material or any article in a rabbit hutch, rabbit run or building or structure housing a battery system, except material or an article which is required for use in the in the house, run or building or structure;

- (h) store all feed in a rodent proof store-room and all loose feed in a number of rodent proof containers with close fitting lids in such store-room;
- (i) take effective measures for the prevention of harbouring or breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin and for the prevention of unpleasant smells arising from the keeping of rabbits on the premises.

CHAPTER 11 KEEPING OF BIRDS

16. Requirements for Premises

- 16. 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 must, for cleaning purposes, be adequately accessible;
 - (b) if the aviary is constructed above ground level, the base thereof must be constructed of an impervious and durable material and must not be less than 300 mm above ground level;
 - (c) no aviary may be situated within 3 m of any building or structure, boundary fence or boundary wall;
 - (d) adequate supply of water for drinking and cleaning purposes must be supplied.

17. Duties of Keeper of Birds

17. Every person who keeps birds in an aviary must-
- (a) ensure that the aviary, pigeon loft or similar structure and the premises are kept in a clean condition and free from vermin;
 - (b) provide rodent proof facilities for the storage of bird food and keep bird food in those facilities;
 - (c) take effective measures for the prevention of harbouring and breeding of, and for the destruction of flies, cockroaches, rodents and other vermin;
 - (d) ensure that no nuisance arises from the keeping of birds.

CHAPTER 12

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

18. Requirements for Conducting Business

- 18(1) No person may conduct the business of a dealer or speculator in livestock or other business involving the keeping of animals or poultry, other than a pet shop, unless the requirements of subsections (2) and (3) are complied with.
- (2)(a) Subject to the provisions of section 31, the requirements of sections 2 to 15, must be complied with in so far as those provisions are applicable to the animals or poultry kept.
 - (b) An enclosure with an area of at least 10 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.

- (c)(i) A separate change room, clearly designated, must be provided for every sex if more than three non-resident persons of that sex are employed in the keeping of animals or poultry.
 - (ii) Every 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.
 - (d)(i) One wash hand basin and one shower-bath must be provided for every 15 persons, or part thereof 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.
 - (e) Soap and towelling must be provided at the wash hand basin and shower-bath.
 - (f) Overalls or other protective clothing and, if required by Council, protective footwear must be provided for the use by 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 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 thereof of a particular sex employed;
- (ii) every wash hand basin, shower-bath or bath must have a constant supply of hot and cold running water laid on and be drained in terms of section 25.
- (c)(i) cooking facilities and a scullery for the cleaning of cooking and eating utensils must be provided;
- (ii) the scullery must be fitted with a double bowled sink of stainless steel with a constant supply of hot and cold running water laid on and drained in terms of section 25;
- (iii) every bowl of the sink must have a minimum capacity of 55 litres, be fitted with a 150 mm high splash screen on the side nearest the wall and be positioned at least 100 mm away from any wall surface.
- (d) laundry facilities consisting of a stainless steel laundry trough with a constant supply of hot and cold running water laid on and drained in terms of section 25 must be provided;
- (e) a refuse container must be provided in the scullery;
- (f) a locker or other approved facilities must be provided in the room where the cooking facilities are situated for the storage of non-perishable food of each employee.

CHAPTER 13

DOG KENNELS AND CATTERIES

19. Requirements for Premises

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19(1) No person may maintain a kennel or a cattery, unless the requirements of subsections (2) to (12), 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 be adequately accessible for cleaning purposes;

(b) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending the full width of the floor and situated within the enclosure, which channel must be graded and drained into a gully connected to Council's sewer by means of an earthenware pipe 100 mm in diameter;

(c) a kerb 150 mm high must be provided along the entire length of the channel referred to in paragraph (b) and on the side thereof adjacent to the surrounding outside area to prevent storm water from such area from entering the channel.

(3) Every enclosure referred to in subsection (2) must contain a roofed shelter for the accommodation of dogs or cats complying with the following requirements:

(a) every wall must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface without cracks or open joints;

(b) the floor must be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints and every junction between the floor and the walls of a permanent structure must be coved;

- (c) every shelter must, for cleaning and de-verminising purposes, be adequately accessible;
- (4) In the case of dogs, a dog kennel of moulded asbestos or other similar material, which is movable, and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter contemplated in subsection (2) and if the base of such kennel is not rendered waterproof, a sleeping board which will enable the dog to keep dry, must be provided in every kennel.
- (5) A concrete apron extending at least 1 m wide around the extremities of the enclosure must be provided. The apron must be graded and drained for the draining of storm water away from the enclosure.
- (6) Adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to the enclosure.
- 7(a) If required by Council, a separate room or roofed area with a floor area of not less than 6,5 m², a width of not less than 2.1 m and a height of not less than 2,4 m must be provided for the preparation of food.
- (b) The floor of the room or roofed area must be of concrete or other durable and impervious material brought to a smooth finish.
- (c) The internal wall surfaces of the room or roofed area must be smooth plastered and painted with a light coloured washable paint.
- (d) The room or roofed area must be equipped with preparation tables of metal manufacture and a double bowled stainless steel sink with a constant supply of hot and cold water laid on and drained in terms of section 25.
- (e) Every bowl of the sink must have a minimum depth of 225 mm and a minimum capacity of 55 litres.

- (8) At least 5 m of clear unobstructed space must be provided between any shelter or enclosure and the nearest point of any dwelling, other building or structure used for human habitation or place where food is stored or prepared for human consumption, or to boundary of any land.
- (9) Isolation facilities must be provided for sick dogs or cats.
- (10) If washing, clipping or grooming of pets is done, the following facilities must be provided:
- (a) a bathroom with a minimum floor area of 9 m², a width of not less than 2,1 m fitted with a bath or similar approved fitting and wash hand basin with a constant supply of hot and cold running water laid on;
 - (b) a clipping and grooming room with a minimum floor area of 10 m², a width of not less than 2,1 m and fitted with approved impervious topped tables and an adequate number of portable storage containers of an impervious durable material with close fitting lids for the storage of cut hair pending removal;
 - (c) the rooms referred to in paragraphs (a) and (b) must be laid out in such a manner so as to provide an unobstructed floor area of at least 30%;
 - (d) the floors of the rooms referred to in paragraphs (a) and (b) must be constructed of concrete or other durable and impervious material, brought to a smooth finish, graded to a channel drained in terms of section 25;
 - (e) every junction between the floor and walls of such rooms must be coved and the coving must have a minimum radius of 75 mm;
 - (f) every internal wall surface must be smooth plastered and painted in a light coloured washable paint.

- (11) If cages are provided for the keeping of cats, such cages must be of durable impervious material and constructed so as to be easily cleaned.

20. Duties of Person in Control of Kennels or Catteries

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

- (a) maintain the premises, equipment, every container and sleeping board used in connection with the kennel or cattery in a clean, sanitary condition and in good working order;
- (b)(i) provide portable storage containers of an impervious material with close fitting lids for the storage of dog and cat faeces;
- (ii) every container must be kept in a platform constructed of concrete or other durable and impervious material adjacent to the enclosures.
- (c) remove all faeces and other waste matter from the enclosure and the shelter at least once every 24 hours and place it in the containers referred to in paragraph (b);
- (d) remove the contents of the storage containers from the premises at least twice every 7 days and dispose them in a manner which will not create a nuisance;
- (e) store all food in a rodent proof store-room and all loose food in rodent proof containers with close fitting lids within the store-room;
- (f) provide refrigeration facilities in which all perishable food must be stored at a temperature not higher than 10° c;

- (g) take effective measures for the prevention of harbouring or breeding of, and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of unpleasant smells arising from the keeping of dogs or cats;
- (h) provide refuse containers with close fitting lids in the food preparation room or roofed area required in terms of section 19(7);
- (i) keep any sick dog or cat in the isolation facilities required in terms of section 19(10) above, whilst on the premises;
- (j) ensure that no nuisance arises from the keeping of dogs and cats.

CHAPTER 14 PET SHOPS AND PET SALONS

21. Requirements for Premises

21. No person may 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;

- (ii) the floor of any building must be constructed of other durable and impervious material, brought to a smooth finish;
 - (iii) 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;
 - (iv) one wash hand basin with a constant supply of hot and cold running water and laid on, must be provided for every 15 persons or part thereof employed on the premises which must be drained in terms of section 25;
- (v) (aa) a rodent proof store-roof, with a floor area of not less than 10 m² must be provided;
- (bb) if Council is satisfied that, having regard to the extent of the business and the quantity of goods and equipment and pet food to be stored on the premises, a store-room of dimensions less than the minimum dimensions in terms of subparagraph (aa) is adequate, it may permit a smaller store-room.
- (vi) facilities for the washing of cages, trays and other equipment may be provided in the form of either-
- (aa) a kerbed and roofed over platform with a surface area of at least 1,5 m² raised at least 100 mm above the floor and constructed of concrete or other durable and impervious material brought to a smooth finish. The platform must be provided with a constant supply of water laid on; or
 - (bb) a stainless steel sink or trough not less than 304 mm deep with a drained board and with a constant supply of water laid on.

- (vii) the platform, sink or trough referred to in subparagraph (vi) must be drained in terms of section 25. Any wall surface within 0,5 m of the platform, sink or trough must be permanently covered with durable waterproof material to a height of at least 1,4 m above the floor;
- (viii) (aa) a separate change room, clearly designated, must be provided for each sex if more than two persons of the same sex are employed on the premises.
 - (bb) every 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 m 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;
- (ix) no door, window or other opening in any wall of a building on the premises may be within 2 m of any door, window or opening to any building in which food is prepared, stored or sold for human consumption;
- (x) if the washing, clipping or grooming of pets is done on the premises the requirements of section 19(10) must be complied with.

22 Conducting a pet shop business

22. 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 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) every 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) every cage must be of such size and weight and so placed that it can be readily moved;
 - (iv) if rabbits are kept in a cage, the metal tray referred to in subparagraph (i) must be drained to a removable container;
 - (v) every 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 not be less than 150 mm;
 - (vii) the cage must be kept not less than 450 mm above floor level and the space beneath the cages must be unobstructed.
- (b) provide rodent proof container 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 every cage, tray, container, 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 working order;
- (f) take effective measures for the prevention of harbouring or breeding of, and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of unpleasant smells 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 every employee when on duty;
- (h) at all times keep every pet in the building on the premises, unless otherwise approved by Council;
- (i) provide isolation facilities, in which every pet which is or appears to be sick must be kept whilst on the premises;
- (k) ensure that the premises are at all times are properly ventilated to ensure sufficient movement of air for the comfort and survival of the pets;
- (l) ensure that the number of pets per cage does not impede free movement of the pets;
- (m) ensure that floors are closed regularly of all cut hair and that the hair is placed in the containers provided;

- (n) ensure that all the tops and surfaces of portion walls, doors, window sills and frames, piping, switches, cages, containers and appliances are free from cut hair.
- (o) ensure that there is an adequate supply of water for drinking and cleaning purposes;

CHAPTER 15 HAWKING OF POULTRY AND RABBITS

23 Requirements for Hawking

23. No person may hawk poultry or rabbits, unless the following requirements are complied with:
- (a) the business of a hawker must be conducted from premises on which poultry or rabbits are kept in compliance with the provisions of Chapters 5 and 6 and facilities must be provided for the parking of the vehicle used for hawking after normal trading hours;
 - (b) facilities must be provided on the premises for the washing and disinfection of cages, crates and trays in the form of either-
 - (i) a kerbed platform with a surface area of at least 1,5 m², raised at least 100 mm above the floor and constructed of concrete or other durable and impervious material brought to a smooth finish and drained in terms of section 25;
 - (ii) a stainless steel sink or trough not less than 304 mm deep and 0,6 m² in area with a drainage board, and with a constant supply of water laid on at the washing platform, sink or trough.

- (c) (i) a vehicle of sound construction, oil painted and bearing the name of the hawker, together with his or her residential address and the address of his or her business premises in clearly legible letters not less than 50 mm in height on both sides of the vehicle must be provided;
- (ii) the 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;
- (ii) the cages, crates or divisions thereof must be fitted with removable trays of impervious material for the reception of poultry or rabbit droppings;
- (iii) in the case of rabbits, the trays must be drained to a removable receptacle.
- (e) every cage, crate or division must be provided with a drinking vessel, not less than 100 mm in depth filled with water, which must be fixed to an inside corner of the cage, crate or division.

24. Duties of Hawkers

24. Every person hawking poultry or rabbits must-

- (a) wash and thoroughly cleanse the 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 them in a separate cage;

- (c) maintain the premises, vehicle and every cage, crate, tray, vessel and container used in connection with the hawking in a clean, and sanitary condition, free from vermin and in good working order;
- (d) store all feed in rodent proof containers.

CHAPTER 16 MISCELLANEOUS

25 Drainage

25. 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 Council's sewer or where no sewer is available or readily accessible, to other means of drainage approved by Council.

26. Discharge of Taps

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

27. Nuisance

27. No person may-
- (a) keep any animal or pet in such a manner as to cause a nuisance;

- (b) fail to duly dispose of dead animals in such a manner as prescribed by the Medical Officer of Health.

28. Illness Attributable to Animals

28. The illness of any person which is attributable to the keeping of any animal, poultry, bird or pet as contemplated in Chapters 7 to 10, must be reported to the Medical Officer of Health within 24 hours of diagnosis by the person making the diagnosis.

29. Inspection

29. The Medical Officer of Health and any officer authorised Council may, in order to satisfy himself or herself 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 pet salon or 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 or her to be used for such business and anything on and in it; and
- (c) question any person on the premises or in the vehicle or who has recently been on the premises or in the vehicle.

30. Offences and Penalties

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- 30 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 hawker of poultry or rabbits on any premises and 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 Medical Officer of Health or any officer contemplated in section 29 when requested to give such access;
 - (d) who obstructs or hinders the Medical Officer of Health or other officer in the execution of his duties under these by-laws;
 - (e) fails or refuses to give information to the Medical Officer of Health or other officer which is lawfully required, or knowingly furnishes false or misleading information;
 - (f) fails or refuses to comply with a notice in terms section 2, is guilty of an offence and may be liable on conviction to a fine not exceeding R2000-00 or, in default of payment, to imprisonment for a period not exceeding six months, or to both the fine and imprisonment.

CHAPTER 17

SHORT TITLE

31. This by-law shall be known as the Greater Tzaneen Municipality: Keeping of Animals, Birds, Poultry or Pets By-Laws and takes effect on the date of publication in the *Provincial Gazette*.

B.S. MATLALA

27 SEPTEMBER 2019

MUNICIPAL MANAGER