

**MALUTI-a-PHOFUNG MUNICIPALITY:
NOTICE NUMBER 84/2005**

**PUBLICATION OF BY-LAWS RELATING TO THE KEEPING
OF ANIMALS, BIRDS AND POULTRY AND BUSINESS
INVOLVING THE KEEPING OF ANIMALS, BIRDS AND
POULTRY OR PETS FOR THE MALUTI-A-PHOFUNG
MUNICIPALITY**

The Municipal Council of Maluti-a-Phofung resolved during a meeting on 6 September 2005, after complying to Section 12 of the Local Government: Municipal Systems Act No 32 of 2000 as follows:

1. That in terms of section 13 of the Local Government: Municipal Systems Act No. 32 of 2000, the By-laws relating to the Keeping of Animals, Birds and Poultry and Business Involving the Keeping of Animals, birds and Poultry or Pets as published in the OFS Provincial Gazette on 22 April 2005 (Notice Number 30 of 2005) be adopted for the Maluti-a-Phofung Municipality.
2. That in terms of Section 13 of the Local Government: Municipal Systems Act No. 32 of 2000 the By-laws takes effect as from date of publication in the Provincial Gazette.

**TM MANYONI
MUNICIPAL MANAGER
MALUTI-a-PHOFUNG
15 September 2005**

Maluti-a-Phofung Municipality

**BY-LAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND
POULTRY AND BUSINESS INVOLVING THE KEEPING OF ANIMALS,
BIRDS AND POULTRY OR PETS**

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CHAPTER 1

GENERAL

Purpose of By-law

To provide for the control over the keeping of animals, birds and poultry and the business involving the keeping of animals, birds and poultry or pets

Definitions

1. In this By -laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, 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;

“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 with in 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 municipal council of the Municipality of Maluti-a-Phofung;

“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 any person registered as an environmental health practitioner with the Health Professions Council of South Africa and includes environmental health assistants as we;; as student environmental health practitioners.

“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 purpose of being trained or hired with or without handlers;

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

“nuisance” means a health nuisance as defined in the National Health Act, 2003 (Act 61 of 2003);

“permit holder” means the person to whom a permit has been issued by the health officer in terms of this by-law;

“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;

“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 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 party thereof used for accommodating or keeping any cattle, horses, mules or donkeys;

Application of By-laws

2. (1) the provisions of these by-laws shall not apply to –

- (a) 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 is satisfied that the application of one or more provisions of this by-law is essential in the interest of public health by notice to the person concerned require such provision be complied with.

- (2) The provisions of section 4, 5, 10 and 11 shall not apply to the temporary keeping of a goat on any land for the provision of milk for medical reasons, provided that prior approval of the health officer, is obtained and no nuisance arise from the keeping of such goat.
- (3) The provisions of section 3.4(a), 6, 8, 10, 12, 14, 16, 18, 19 and 21 shall apply only to premises which are newly constructed, re-constructed or converted after the commencement of this by-law. Provided that the health officer may, if he 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/she may specify and within a reasonable period stated in the notice.

- (4) The provisions of sections 12(d), (f) and (g) and 13 (d) to (h) inclusive, shall not apply to the keeping of poultry not in excess of ten in number;
- (5) The provisions of sections 14(c) and (e) and 15 (d) to (h) inclusive, shall not apply to the keeping of rabbits not in excess of ten in number.

Premises for the Keeping of Livestock and Kennels

3. No person shall –

- (a) keep any livestock, other than poultry, or maintain kennels within any area defined by the council as unsuitable for the keeping of livestock and the maintenance of kennels; Provided that the foregoing shall not apply in respect of a veterinary clinic or veterinary hospital operating with the 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.

Keeping of Animals, Poultry and Birds

4. No person shall keep any animal, poultry or bird in or upon any premises –

- (a) which does not comply with the provisions of this by-law.;
- (b) which are so constructed, maintained or situated that the keeping of animals, poultry or birds thereon is, in the opinion of the health officer, likely to cause a nuisance or injury to health.

Permits for Keeping of Animals and Poultry

5. (1) No person shall –

- (a) keep any animal, other than a cat, dog or more than ten rabbits or poultry in excess of twenty, unless he is the holder of a permit issued by the health officer in the forms set out in Schedule 1 hereto: Provided that such permit shall not be required for the keeping of any animals or poultry in connection with the business of a pet shop;
 - (b) keep any animal or poultry in excess of the number specified in such permit: Provided that progeny of any mammal 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 animals or poultry for which the permit was issued.

- (4) A permit holder shall in writing notify the health officer if he 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 sub section (1)(a), if –
 - (a) the construction or maintenance of the premises concerned at any time does not comply with any provision of this by-law or the permit holder contravenes, or fails to comply with a written notice from the health officer requiring him to make such premises comply with the by-law or to cease such contravention or failure within a period specified in such notice;
 - (b) 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 the public health or to other animals or poultry, breaks out amongst the 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 employee obstructs the health officer in his execution of his duties under this by-law;
 - (d) the permit holder has been found guilty in a competent court of a contravention of this by-law;
 - (e) in the opinion of the health officer, a public nuisance exists due to the keeping of the animals;
- (6) The health officer shall 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 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 2

KEEPING OF CATTLE, HORSES, MULES AND DONKEYS

Requirements for Premises

- 6. For the keeping of any cattle, horse, mule or donkey a stable or enclosure complying with the following requirements, shall be provided:
 - (a) Every wall and partition of the stable shall be constructed of brick, stone, concrete or other durable material.
 - (b)(i) Except in the case of a stable open along the entire length of one of it's long sides, lighting and ventilation shall be provided by openings or glazed opening windows or louvers totalling at least 0,3 m² for each animal to be accommodated therein.

- (ii) The lowest point of every such opening, window or louver shall be at least 1,8m above floor level.
- (c) The floor of the stable shall 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 23.
- (d) No enclosure shall be situated within 100m and no stable shall be situated less than 15m of any boundary of any land, dwelling or other building or structure used for human habitation or within 50m of any well, water course or other source of water supply intended or used for human consumption.
- (e) A potable water supply adequate for drinking and cleansing purposes, shall be provided in or adjacent to every stable or enclosure.

Duties of Keeper of Cattle, Horses, Mules and Donkeys

- 7. 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) provide portable manure storage receptacles of an impervious material and with close fitting lids;
 - (d) if the manure and bedding is of such quality that storage receptacles are inadequate or impractical, provide a suitable manure midden.

CHAPTER 3

KEEPING OF PIGS

Requirements for Premises

- 8. (1) For the keeping of pigs, a pigsty complying with the following requirements shall be provided:
 - (a) Every wall shall be constructed of brick, stone, concrete or other durable material not less than 1,5m in height and shall have a smooth internal surface.
 - (b) The floor shall be at least 150mm 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 100mm in diameter and drained in terms of section 23.

- (c) No pigsty shall be situated within 100m of any dwelling or other building or structure used for human habitation or of the boundary of any land or of any well, water course or other source of water supply intended or used for human consumption.
- (2) A potable water supply adequate for drinking and cleaning purposes shall be provided in or adjacent to the pigsty.

Duties of Keeper of Pigs

9. Every person keeping pigs shall –
- (a) ensure that every pig is kept within a pigsty;
 - (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping, in a clean and sanitary condition and in good repair;
 - (c) remove all manure from the pigsty on a regular and nuisance free basis;
 - (d) take effective measures for the prevention of harbouring or breeding of, and for the destruction of flies, cockroaches, rodents and other vermin.

CHAPTER 4

KEEPING OF GOATS AND SHEEP

Requirements for Premises

10. For the keeping of any goat or sheep, premises complying with the following requirements shall be provided:
- (a) No building or shed shall be situated within 15m and no enclosure within 100m of any boundary of any land, dwelling or any other building or structure used for human habitation or within 50m of any well, water course or other source of water supply intended or used for human consumption.
 - (b) A potable water supply adequate for drinking and cleaning purposes shall be provided in or adjacent to every stable or enclosure.

Duties of Keeper of Goats and Sheep

11. Every person keeping any goat or sheep shall –
- (a) ensure that every such animal is kept within an enclosure building or shed;
 - (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping in a clean 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, roaches and other vermin.

CHAPTER 5

KEEPING OF POULTRY

Requirements of Premises

12. For the keeping of poultry, premises complying with the following requirements shall be provided:
- (a) A poultry house complying with the following requirements:
 - (i) every wall thereof shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface.
 - (ii) the floor shall 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 shall be of an impervious and easily cleaned material.
 - (b) A poultry run, if provided, shall be enclosed with wire mesh or other durable material.
 - (c) If a battery system is to be operated, a building or structure in which such a system shall be houses, constructed and quipped in accordance with the following requirements shall be provided:
 - (i) every wall, if provided, shall be at least 2.4m high, and shall be constructed of concrete, stone, brick or other durable material and shall have a smooth internal surface.
 - (ii) If walls are provided, the building shall 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 shall be constructed of concrete or other durable and impervious material brought to a smooth finish, and if required by the health officer, the floor surface shall be graded to a channel drained in terms of section 23.
 - (iv) If no walls are provided, or the walls are of metal, the floor shall be provided with a cur at least 150mm high around it's extremities.
 - (v) Every junction between the floor and walls and curbing shall be coved.
 - (vi) The cages of the battery system shall be constructed of an impervious material.
 - (vii) If required by the health officer, a tray of an impervious material and design shall be fitted under every cage for the collection of manure.

- (viii) A suitable sink with a constant supply of water laid on shall be provided and drained in terms of section 25.
- (d) A potable water supply adequate for drinking and cleaning purposes shall be provided in or adjacent to the battery system or structure or poultry house.
- (e) There shall be at least 100m of 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.
- (f) A rodent proof store-room shall be provided for the storage of feed.

Duties of Keeper of Poultry

13. Every person keeping poultry shall –

- (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 a clean, sanitary condition and in good repair;
- (c) maintain the premises free from offensive odours and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from vermin;
- (d) ensure that such poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;
- (e) 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, regard being had to the prevention of a public health nuisance caused by offensive smell;
- (f) 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.
- (g) 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 odours arising from the keeping of poultry on the premises.

CHAPTER 6

KEEPING OF RABBITS

Requirement of Premises

14. For the keeping of rabbits premises complying with the following requirements shall be provided:
- (a) a rabbit hutch complying with the following requirements:
 - (i) every wall thereof shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface.
 - (ii) The floor surface which shall be at least 150mm above ground level shall be constructed of concrete or other durable and impervious material brought to a smooth finish and, if required by the health officer, the floor shall be graded to a channel drained in terms of section 23.
 - (iii) Natural light and ventilation shall be provided.
 - (iv) It shall have a minimum area of 0,4m² for every rabbit to be accommodated therein.
 - (v) A rabbit run, if provided, shall be enclosed with wire mesh or other durable material and constructed so as to prevent the escape of rabbits from the run.
 - (b) If a battery system is to be operated, a building or structure in which such system shall be housed, constructed and equipped in accordance with the following requirements shall be provided:
 - (i) every wall, if provided, shall be at least 2.4m high, and shall be constructed of concrete, stone, brick or other durable material and shall have a smooth internal surface.
 - (ii) If walls are provided, the building shall 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 shall be constructed of concrete or other durable and impervious material brought to a smooth finish, and if required by the health officer, the floor surface shall be graded to a channel drained in terms of section 23.
 - (iv) If no walls are provided, or the walls are of metal, the floor shall be provided with a curb at least 150mm high around its extremities.
 - (v) Every junction between the floor and walls and curbing shall be coved.
 - (vi) The cages of the battery system shall be constructed of an impervious material.
 - (vii) If required by the health officer, a tray of an impervious material and design shall be fitted under every cage for the collection of manure.

- (viii) A suitable zink with a constant supply of water laid on shall be provided and drained in terms of section 25.
- (c) A potable water supply adequate for drinking and cleaning purposes shall be provided in or adjacent to the battery system or structure or poultry house.
- (d) There shall be at least 100m 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, 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.

Duties of Keeper of Rabbits

15. Every person keeping rabbits shall –

- (a) ensure that 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, container and receptacle used in connection with such keeping in a clean, sanitary 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) 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.
- (g) 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 odours arising from the keeping of rabbits on the premises.

CHAPTER 7

KEEPING OF BIRDS

Requirements of Premises

16. For the keeping of birds in any aviary, premises complying with the following requirements shall be provided:
- (a) The aviary shall be properly constructed of durable materials, rodent proof and provided with access thereto adequate for cleaning purposes.
 - (b) If the aviary is constructed above ground level, the base thereof shall be constructed of an impervious and durable material and shall not be less than 300mm above ground level.

- (c) No aviary shall be situated within 3m of any building or structure, boundary fence or boundary wall.
- (d) A potable supply of water shall be provided adequate for drinking and cleaning purposes.

Duties of Keeper of Birds

17. Every person who keeps birds in an aviary shall –

- (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.
- (c) ensure that such birds do not disturb or hinder the comfort, convenience, peace and quiet of the public.

CHAPTER 8

DOG KENNELS AND CATTERIES

Requirements for Premises

18. (1) Every dog or cat shall be kept in an enclosure complying with the following requirements:
- (a) It shall be constructed of durable materials and shall have access thereto adequate for cleaning purposes.
 - (b) The floor shall be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100mm wide, extending the full width of the floor and situated within the enclosure, which channel shall be graded and drained into a gully connected to the council's sewer.
- (2) Every enclosure referred to in subsection (1) shall contain a roofed shelter for the accommodation of dogs or cats complying with the following requirements:
- (a) Every wall shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface without cracks or open joints.
 - (b) The floor shall be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints.
 - (c) Every shelter shall have adequate access thereto for cleaning and de-verminising.
- (3) A potable water supply shall be provided in or adjacent to the enclosure adequate for drinking and cleaning purposes.

- (4) At least 5m of clear unobstructed space shall be provided between any shelter or enclosure and the nearest point of any dwelling, other building or structure used for human habitation or place where food is stored or prepared for human consumption or the boundary of any land.
- (5) Isolation facilities shall be provided for sick dogs or cats.
- (6) If washing, clipping or grooming of pets is done, the following facilities shall be provided:
 - (a) A room fitted with a bath or similar approved fitting and wash hand with a constant supply of hot and cold running water laid on.
 - (b) A clipping and grooming room fitted with approved impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids for the storage of cut hair pending removal.
 - (c) The floors of the rooms referred to in paragraphs (a) and (b) shall be constructed of concrete or other durable and impervious material, brought to a smooth finish.
 - (d) Every internal wall surface shall be smooth plastered and painted, with washable paint.
- (7) If cages are provided for the keeping of cats, such cages shall be of durable impervious material and constructed so as to be easily cleaned.

Duties of Person in Control of Kennels or Catteries

19. Any person in control of kennels or a cattery shall –

- (a) maintain the premises and any equipment and every vessel, container and receptacle and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
- (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 odours arising from the keeping of dogs or cats on the premises;
- (c) keep any sick dog or cat in the isolation facilities required in terms of section 19(5), whilst on the premises;
- (d) ensure that dogs and cats kept on the premises do not disturb or hinder the comfort, convenience, peace or quiet of the public.

CHAPTER 9

PET SHOPS AND PET SALONS

Requirements for Premises

20. No person shall conduct a business of a pets 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 torn 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 shall be constructed of brick, concrete or other durable material, shall have a smooth internal surface and painted with a washable paint or given some other approved finish.
 - (ii) The floor of any building shall be constructed of concrete or other durable and impervious material brought to a smooth finish.
 - (iii) The ceiling of any building shall be constructed of durable material, have a smooth finish, be dust proof and painted with a washable paint.
 - (iv) One wash hand basin with a constant supply of hot and cold running water laid on, shall be provided and shall be drained in terms of section 23.
 - (v) A rodent proof store-room, shall be provided.
 - (vi) Suitable facilities for washing of cages, trays and other equipment shall be provided.
 - (vii) No door, window or other opening in any wall of a building on the premises shall be within 2m of any door, window or opening to any building in which food is prepared, stored or sold for human consumption or consumed by humans.
 - (viii) If the washing, clipping or grooming of pets is done on the premises the requirements of section 19(6) shall be complied with.

Duties of Trader

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

- (iii) Every cage shall be of such size and mass and so placed that it can be readily moved.
 - (iv) If rabbits are kept in a cage, the meal tray referred to in subparagraph (i) shall be drained to a removable receptacle.
 - (v) Every cage shall be fitted with a drinking vessel filled with water and accessible to the pets kept in the cage.
 - (vi) The cages shall not be less than 450mm above floor level and the space beneath the cages shall be unobstructed.
- (b) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus and equipment and appliances used in connection with the pet shop, in a clean, sanitary condition, free from vermin and in good repair;
 - (c) 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 odours arising from the keeping of pets on the premises;
 - (d) provide isolation facilities, in which every pet which is or appears to be sick shall be kept whilst on the premises.
 - (e) ensure that there is a constant and potable water supply for drinking and leaning purposes.
 - (f) ensure that the premises are at all times so ventilated so as to ensure sufficient movement of air for the comfort and survival of the pets.

CHAPTER 10

MISCELLANEOUS

Draining

22. All zinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, including channel and washing platforms, required to be drained in terms of this by-law, shall be drained to an external gully, connected to the council's sewer is available or readily accessible, to other means of drainage approved by the council.

Nuisance

23. No person shall –

- (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.
- (c) fail to duly dispose of dead animals in such a manner as prescribed by the health offices.

Inspection

24. The health officer and any officer authorised thereto by the Council may, in order to satisfy himself that the provisions of this by-law 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 a pet shop, 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
 - (c) question any person on such premises or in such vehicle or who has recently been on such premises or in such vehicle.

Offences and Penalties

25. (1) Any person –
- (a) who contravenes or fails to comply with any provision of this by-law; or
 - (b) who keeps animals, birds or poultry or who is the person in control of or who conducts the business of a pet shop, dog kennel or cattery on any premises fails to ensure that all the provisions of this by-law 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 contemplated in section 24 when requested to give such access;
 - (d) who obstructs or hinders the health officer or other officer in the execution of his duties under this by-law;
 - (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.
 - (f) fails or refuse to comply with a notice in terms of section 2.

Shall subject to the provision of subsection (2), be guilty of an offence and shall be liable on conviction to a fine not exceeding R1 000,00 or, in default of payment, to imprisonment for a period not exceeding three months.

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

SCHEDULE 1

Maluti-a-Phofung

Permit No: _____

Date: _____

**PERMIT: BY-LAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND
POULTRY AND BUSINESS INVOLVING THE KEEPING OF ANIMALS, BIRDS,
POULTRY OR PETS**

With reference to your application dated _____

A permit to keep animals/poultry as specified hereunder at address so specified is hereby granted.

* Animals/ Poultry _____

Address: _____

The granting of the permit is subject to your complying with the provisions of the
aforementioned by-laws.

Your attention is invited to the provisions of section 5(4) of the said by-laws requiring
a permit holder to notify the Council's Health Officer of any increase in the number of
animals or poultry in excess of the number authorised by the permit and section 5(5)
regarding the cancellation of a permit.

Yours faithfully

For Health Officer

* Specify number and kind of animals or poultry

SCHEDULE 2

Maluti-a-Phofung

For office use

Application No: _____

Date received: _____

Application granted /refused _____

Permit No: _____

Date: _____

APPLICATION FOR A PERMIT: BY-LAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND POULTRY AND BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS, POULTRY OR PETS

I/We _____
(full name of applicant/s)

hereby apply for a permit to keep *animals/poultry/rabbits on premises situated at
Stand _____

Street _____

Township _____

in terms of the aforementioned by-laws of the Maluti-a-Phofung Local Municipality.

Details of the *animals/poultry/rabbit to be kept are as follows:

SPECIES

NUMBER

SPECIES	NUMBER

I/We accept the responsibility for the keeping of *animals/poultry/rabbits, in accordance with the provision of the said by-laws and acknowledge that in the event of my/our failure to effect such compliance this permit may be cancelled in terms of section 5 of the said by-laws.

Signature of Applicant/s: _____

Capacity: _____

Date: _____

*Delete whichever is not applicable