



# **Kouga Local Municipality**

## **Animals By-Law**

**JANUARY 2024**

# KOUGA MUNICIPALITY

## Prevention of Public Nuisance and Keeping of Animals By-law, January 2024

### 1. Definitions

In this By-law, words used in the masculine gender include feminine, the singular includes the plural and vice versa, the English text shall prevail in the event of an inconsistency between the different texts, and unless the context otherwise indicates-

"**animals**" means any equine (horse, pony mule, donkey), bovine (ox, cows), sheep, goat, pigs, poultry, camel, dog, cat or other domestic animal or bird, or any wild animal, reptile (snakes, tarantulas) or exotic pets (ferrets, marmosets, hedgehogs, hyrak/dassie) which is in captivity or under the control of a person;

"**animal drawn vehicle**" means a standard designed cart with swivel and shafts which is attached to the working equine by means of a harness;

"**authorised official**" means a designated person-(a) a member of the Service as defined in Section 1 of the South African Police Service Act, 1995 (Act 68 of 1995);(b) a municipal law enforcement officer appointed under any law;(c) a person who has been declared a peace officer under Section 334(1) of the Criminal Procedures Act, 1977 (Act 51 of 1977); or(d) a member of the Animal Welfare Society or SPCA;

"**bird**" means a pigeon, peafowl, pheasant, partridge, canary, budgerigar, parrot, ostrich and any other domesticated bird or wild bird which is in captivity or under control of a person;

"**carcass**" means the remains of any animal or poultry;

"**cat**" means both a male and a female cat of any age, unless otherwise specified;

"**cattery**" means any establishment where cats are bred or boarded;

"**District Municipality**" means the Sarah Baartman District Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and includes any political structure, political office bearer, duly authorised agent thereof acting in connection with this By-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such political structure, political office- bearer, agent or employee;

"**dog**" means both a dog and a bitch of any age, unless otherwise specified;

"**dog handler**" means a competent adult who is in a position or capable in handling and / or control a vicious dog who is muzzled;

**"dwelling house"** means a single building designed for use as a residence for a single family situated on premises containing not more than two such buildings;

**"dwelling unit"** means an inter-connected suite of rooms including a kitchen or scullery designed for occupation by a single family, other than dwelling house, irrespective of whether such unit is a single building or forms part of a building containing two or more such units;

**"guide dog"** means a dog which has been trained to assist a blind or poor-sighted person and includes a service dog which has been trained to assist a person who is mentally or physically incapacitated;

**"health nuisance"** means any activity, condition, premises or thing which, on account of effluent, vapours, chemical effluvia, odours, noise, vibration, radiation, refuse, waste products, dirt, chemical or biochemical material, microbial infection, vermin, vegetation, overcrowding, lack of proper general hygiene, ventilation, lighting, design, situation or on account of any other cause or practise whatsoever, is /are in the opinion of the Director: Community Services or a duly authorised Municipal employee potentially injurious or dangerous to health or which is /are offensive, including, without affecting the generality of the foregoing, any facility for the storage, distribution or handling of water that is likely to be used by man for domestic purposes or consumption, including such water itself, which is contaminated or polluted;

**"kennel"** means premises in or upon which-

(a) boarding facilities for dogs are provided;

(b) dogs are bred for commercial purposes;

(c) dogs are kept for the purposes of being trained or hired out with or without handlers;

or(d) dogs are kept for commercial security purposes;

**"Municipality"** means the Municipality of Kouga established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), Provincial Notice No. 481 dated 4 December 2000 and includes any political structure, political office-bearer, or any employee thereof acting in connection with this By-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such political structure, political office-bearer, or employee;

**"Municipal Manager"** means a person appointed in terms of Section 54A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) and includes any person- (a) acting in such position; and (b) to whom the municipal manager has delegated any power, function or responsibility in as far as it concerns the execution of those powers functions or duties;

**"muzzled"**, when describing a dog, means fastened or controlled around the mouth, with an appropriate standard muzzle, so as to prevent the dog from biting but not panting or drinking;

**"owner"** means in relation to any animal, includes the person having possession, charge, custody or control of such animal;

"**permit**" means the written permission granted by the Municipality in terms of this By-law;

"**pet**" means a tame animal which is kept in a household for companionship and amusement;

"**pet parlour**" means an establishment where pets are groomed;

"**pet shop**" means an establishment where pets are kept for trading purposes;

"**poultry**" means fowl, goose, ostrich, duck, pigeon, dove, turkey, muscovy, guineafowl, quails, buttonquails, exotic and indigenous game birds, peacock or peahen or bird whether domesticated or wild;

"**pound**" means a place designated by the Municipality in terms of any law for the impounding, sale and destruction of animals and includes the premises of the organisation and any other animal welfare organisation recognised by the Municipality;

"**pound master**" means a person who has been appointed by the Council to be in charge of;

"**premises**" means-(a)land or portion of land, whether or not a building or structure has been constructed or erected on such land or portion thereof;(b)a building, structure, tent or caravan and the land on which it is situated and includes any vehicles, carriage, ship or boat;

"**public place**" means any parking area, recreational area, area of relaxation, sport grounds, beach, open place, unused or vacant municipal land, cemetery, places at any time having been dedicated to the public or at any time having been declared or rendered as such by the Municipality or other competent authority;

"**public road**" means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by public or any section thereof or to which the public or any section thereof has a right of access and having been proclaimed accordingly by the Municipality and/or indicated as such on a Surveyor General approved diagram and includes-

(a)any services servitude and public passage on public land;

(b)the sidewalk or verge of any such road, street or thoroughfare;

(c)any bridge, structure or drift traversed by any such road, street or thoroughfare; and

(d)any other work of object forming part of or connected with or belonging to such road, street or thoroughfare;

"**responsible authority**" means the Kouga Municipality or any national or provincial department that may in terms of its powers and functions impose conditions or restrictions in respect of the keeping of animals;

"**security dog**" means any dog kept at any time on a non-residential property for the purposes of dissuading unauthorised entry to the property.

"structure" means any stable, shed, pigsty, kraal, aviary, pen, paddock, covering structure, poultry house, enclosed run, loft or building used for shelter or the keeping or enclosing of animals.

"vicious dogs", means

- (a) a dog that without provocation has bitten or caused injury to a human being or to a domestic animal, but does not include a dog that has bitten or injured a trespasser; and
- (b) a Staffordshire Bull Terrier, Bull Terrier, Pit Bull and any dog generally recognised as such breeds and includes a dog of mixed breed with predominant characteristics of these breeds;
- (c) any other dog which causes a threat and / or disturbance / nuisance to the public;

### **Administration and enforcement**

- (a) The Director: Community Services is responsible for the administration and enforcement of this By-law.
- (b) The Director may delegate in writing any power or duty granted to him/her in terms of this By-law to a competent official in the Directorate, as well as in conjunction with personnel of the SPCA, being the appointed agent of the Municipality and any other Animal Rescue Organisations or service providers.

## **2. Application of By-law**

2.1 For the purpose of managing, prevention and to reduce the nuisance or negative impacts due to the keeping of dogs and/or cats, the Municipality may determine the number of dogs and/or cats that may be kept and the areas within which the keeping of such dogs and/or cats shall be regulated or prohibited.

2.2 The Municipality may by special resolution determine and impose a tax on the keeping of dogs, and cats and categories of dogs of which no tax shall be payable in its Municipal area.

2.3 The Municipality shall issue a licence upon payment of the tax to the Municipality. The tariff will be determined in accordance with the Municipality's Tariff Policy.

2.4 The public can report any complaints which is in contravention of this By-law, to the authorised person and/or authorised official as defined in this By-law.

2.5 The provisions of Sections 3 and 12(1) are not applicable to-

- (a) premises or land which is used for bona fida agricultural purposes; or
- (b) premises or land identified by the Municipality where the keeper of animals or the operation of pet parlours, pet shops or catteries and kennels is permitted and indicated as such in an approved spatial development framework and zoning scheme.

2.6 A person who keeps animals on premises contemplated in subsection (2.5)(a) and (b), is not exempt from the other provisions of this By-law.

## **Chapter 1**

### **General Provisions Relating to the Keeping of Animals**

#### **3. Permission to keep animals (excluding pets)**

(1) No person shall keep or permit to be kept on any premises or property any animals, or exotic pets excluding household pets, without the written permission of the Municipality.

(2) For the purpose of managing the keeping of animals on premises, the Municipality may determine the number of bee hives, as well as the kind, number of animals that may be kept and the areas within which the keeping of such animals and bees shall be prohibited.

(3) In order to consider an application in terms of subsection (1), the Municipality may obtain the input or comments of the owner or occupants of surrounding premises.

(4) An application to keep animals must be submitted on an application form obtainable from the Municipality, and be accompanied by a detailed site plan indicating all existing or proposed structures and fences on the premises for which the permit is required.

(5) Detailed plans, according to specifications obtainable from the Municipality, of structures in which it is proposed to keep animals must accompany the application in subsection (4) and such plans must be approved by the Municipality.

(6) Where possible, an exposition of the numbers, kinds and genders of animals must accompany the plans in subsection (5).

#### **4. Consideration of applications and imposition of conditions**

(1) The Municipality may grant permission or refuse, after consideration of-

(a) the input or comments obtained in terms of Section 3(3);

(b) the location, geographical features or size of the premises in respect of which the application is submitted;

(c) the documents and expositions submitted in terms of Section 3; or

(d) any other information relating to the application.

(2) Where consent is refused, the Municipality must furnish the applicant with the reasons for such refusal and at the same time advise him or her of the right to appeal in terms of Section 36.

(3) Where consent is granted, the Municipality may impose conditions.

#### **5. Visibility of structures on premises**

All structures in which animals are kept shall be suitably screened from any street.

#### **6. Waiver of requirements and withdrawal of authorisations**

Notwithstanding the aforementioned provisions, the Municipality may after considering conditions particular to the property and on condition that no objection is received from the owners or occupants of surrounding premises, waive any or all of the requirements of this part and impose other conditions if appropriate and may further withdraw any authorisation in terms of Section 4 if any of the conditions therein are not adhered to.

## **7. Validity of authorisations**

All authorisations to keep animals granted in terms of any By-law or regulation repealed shall be deemed to have been granted in terms of this By-law.

## **8. Duties of owners or keepers of animals**

The owner of animals or the keeper thereof-

(a) must provide such animal with bedding, shelter, the necessary veterinary treatment, water and proper food daily; and

(b) must at all times maintain the premises on which the animals are kept and all appurtenances in good repair and in neat condition so as to prevent the occurrence of a public nuisance or jumping of fences;

Prohibitions relating to the keeping of dogs

No person shall –

(a) permit any bitch in season owned or kept by him or her to be in any public street or public place;

(b) urge any dog to attack, worry or frighten any person or animal or through negligence fail to prevent any dog from attacking, worrying or frightening any person or animal, except where necessary for the defence of such first mentioned person or his or her property or of any other person;

(c) keep any dog which causes damage to public property;

(d) keep a dog tethered by chain or any other means;

(e) keep any dog in the faeces of which he or she fails to remove regularly enough to not to constitute a health hazard and dispose of such faeces in a suitable manner;

(f) keep any dog which barks, howls or whines to such an extent that it causes an unreasonable disturbance or nuisance to inhabitants of the neighbourhood, or has another habit that causes an unreasonable disturbance or nuisance to inhabitants of the neighbourhood;

(g) keep any dog which is starved or under-fed or denied constant access to clean water and adequate shelter;

(h) keep any dog which causes a nuisance to inhabitants of the neighbourhood by having acquired the habit of charging any vehicle, animals, poultry, birds or persons outside any premises where it is kept; or

(i) permit any dog owned or kept by him or her –

(i) to be in any public street or public place while suffering from any infectious or contagious disease and cannot prove that the dog is under treatment by a registered veterinarian or animal welfare society and is no longer a public health hazard;

(ii) to go untreated by a qualified veterinarian if severely sick or injured;

(iii) which is in the assessment of the authorised official ferocious, vicious or dangerous, to be in any public street or public place, unless it is humanely muzzled and contained on a leash and under control;

(iv) to trespass on private property;

(v) to constitute a hazard to traffic using any public street;

(vi) to constitute or to his or her knowledge be likely to constitute a source of danger or injury to any person outside the premises on which such dog is kept;

(vii) to be in any public street or public place except on a leash and under control unless the dog is in an area designated by the Municipality as a

- free running area;
- (viii) to be left alone unattended in an open bakkie in any public place or public street;
  - (ix) to be left alone unattended in a closed vehicle / bakkie in any public place or public street;
  - (x) to keep a vicious dog on a property without displaying a board outside the property of a possible danger.
  - (j) permit any vicious or dangerous dog to be in any public street or public place unless it is humanely muzzled and contained in a leash and under control by a competent adult dog handler.
  - (k) keep any dog which does not have on its collar or micro-chip the owner's contact details or reference to a society for the prevention of cruelty to animals or registered animal welfare organisation;
  - (l) provoke, harass, terrify or tease any dog;
  - (m) may not leave any animals in nature reserves or allow hunting of wild animals or birds; and

## **9. Animals kept in an unsatisfactory manner**

Whenever animals are kept on any premises, whether or not such premises have been approved by the Municipality under this By-law, are a public nuisance, the Municipality may by written notice require the owner or occupier of such premises, within a period to be stated in such notice, but not less than 24 hours after the date of such notice, to remove the cause of and to carry out such action or take such steps necessary to ensure the prevention of such nuisance.

## **10. Euthanasia of animals (including pets)**

In the case where the municipality is unable to reunite animals with their owners or find a suitable home for them, the municipality may with the assistance of a service provider euthanize these animals to reduce health and safety risks. The municipality may also order the service provider to euthanize animals as per the notices of animals involved in attacks on persons or other animals. Animals with incurable diseases or that are badly injured may also be euthanized to minimize suffering and the spread of disease.

## **11. Hawking of animals (including pets)**

No person may hawk an animal:

- (a) in a street or public place; or
- (b) in or from a movable structure or vehicle.
- (c) at public markets

## **Chapter 2**

### **Provisions Relating to the Keeping of Dogs, Cats and Pets**

#### **Part 1 – General provisions relating to dogs, cats and pets**

## **12. Number of dogs and cats**

The maximum number of dogs and cats that are allowed to be kept, depending on the size of the dwelling/property, are as follows:



Type of Property	Size of Property	Maximum Number of Dogs / Cats
Dwelling Unit	E.g. Flat/Duplex	2 Dogs / 2 Cats*
Dwelling House	Less than 600 m <sup>2</sup> erf	2 Dogs / 2 Cats*
Large Dwelling House	More than 600 m <sup>2</sup> erf	2 Dogs/ 2 Cats
Agricultural Property or smallholding	Land no less than 2.5hectares or zoned for Agricultural use	4 Dogs / 4 Cats*

- over the age of four (4) months

12.1 A person residing in a flat as defined in terms of section 12 shall not be allowed to own medium / big dogs and/or vicious dogs.

12.2 Owners and Body Corporates or Home Owners Associations should comply to this bylaw when developing their constitutions.

12.3 The provisions in section 12 shall not apply to-

- (a) premises that is used as a veterinary clinic or veterinary hospital;
- (b) an organisation whose object is the training of dogs to be guide dogs for blind persons or dogs that are used by a blind persons as guides;
- (c) a security organisation where dogs are kept for security services or for training purposes;
- (d) a person who, at the proclamation of this by-law, already has more than the allowed number of dogs and such person may not replace any dog exceeding the allowed number without the prior written consent of the Municipality in terms of section 3(1), if such dog die or has been disposed of;
- (e) any person, who resides outside the municipal area, who brings in dogs for a temporary visit not exceeding 30 (thirty) days from time of arrival;
- (f) the Society for the Prevention of Cruelty Against Animals and other registered animal welfare organisations;
- (g) entities which are registered at the Municipality and other related entities, such as dog kennels, pet shops or pet parlours where dogs are given temporary residence.
- (h) working dogs such as hearing dogs, therapy dogs, guide dogs, helping dogs and sport dogs, but that proof of registration with the relevant Association needs to be in place (for example registered by KUSA (Kennel Union of South Africa) Working Dog Federation and SADDA (South African Dog Agility Association)).

### **13. Breeders of dogs and cats**

(1) A breeder of dogs who wishes to keep more than two dogs or a breeder of cats who wishes to keep more than two cats must obtain permission from the Municipality.

(2) An application in terms of subsection (1) must be submitted in the form prescribed by the Municipality and must contain an exposition of breed, gender and number of dogs or cats applied for.

(3) Plans and specifications of structures in which it is proposed to keep the dogs and cats, as well as a site plan indicating all existing or proposed structures and fences on the premises of which the permit is required, must accompany the application in subsection (1) and such plans must be approved by the Municipality.

#### **14. Breeders of pets**

(1) A person who breeds with pets must obtain the approval of the Municipality.

(2) The provisions of Section 13(2) and (3) are, with the necessary adjustments, applicable to an application in terms of subsection (1).

#### **15. Dog fighting**

**No organised dog** fighting is allowed in the Kouga Municipal area.

(1) Any person who –

(a) possesses, keeps, imports, buys, sells, trains, breeds or has under his or her control an animal for the purpose of fighting any other animal;

(b) baits, provokes or incites any animal to attack another animal or to proceed with the fighting of another animal;

(c) for financial gain or as a form of amusement promotes animal fights;

(d) allows any of the acts referred to in paragraph (a) and (c) to take place on any premises place in his or her possession or under his or her charge or control;

(e) owns, uses or controls any premises or public place for the purpose, or partly for the purpose, of presenting animal fights on such premises or public place, or who acts or assists in the management of such premises or public place, or who receives any consideration for the admission of any person to such premises or public place; or

(f) is present as a spectator at any premises or public place where any kind of the acts referred to in paragraph (b) to (e) is taking place or where preparations are being made for such acts,

is guilty of an offence.

(2) In any prosecution it is presumed, unless evidence is adduced to the contrary, that an animal that is found at any premises or public place is the property of, or under the control of, the owner of those premises or that public place, or is the property of or under the control of the person who uses or is in control of the premises or public place.

#### **16. Conditions and restrictions**

The Municipality's permission in terms of Sections 4, 12, 13 and 14 shall be granted subject to such conditions and restrictions such as the Municipality, in consultation with another responsible authority, may deem fit to impose.

#### **17. Withdrawal of permission**

(1) Where a person contravenes or fails to adhere to a condition or restriction contemplated in Section 16, the Municipality may, after hearing that person, withdraw its consent and may order the removal of animals from the premises for care and safekeeping by an animal welfare organisation or pound.

(2) Any cost incurred by the Municipality for the removal and safekeeping of animals contemplated in subsection (1), shall be recoverable from the owner of keeper of such animals.

## **Part 2 – Specific provisions for dogs**

### **18. Keeping of dogs**

(1) No person shall permit any dog owned or kept by him or her which is in the assessment of the authorised official ferocious, vicious or dangerous to be in any public road or public place, unless it is humanely muzzled and held on a leash and under control.

(2) An authorised official may instruct the owner of a dog to properly fence the premises on which the dog is kept and also to erect a sign or signs in conspicuous places warning people that a potentially vicious or ferocious dog is kept on the property and a failure to comply with such instruction within a time specified in such instruction will constitute an offence.

(3) The owner of a dog commits an offence when he did not exercise reasonable precautions to prevent a dog from biting or attacking or posing a menace to the safety of persons or domestic animals.

(4) A designated law enforcement officer may be issued with a warrant to seize a dog from a particular location where it is not desirable in the interests of public safety that the dog be so located.

(5) In urgent circumstances where there are reasonable grounds to believe that entry without warrant is necessary to prevent imminent bodily harm or death to any person or domestic animal, designated peace officers will have a right of entry without a warrant and, if so required, seize and remove such dog to a place of safe-keeping.

### **19. Sterilisation of dogs**

(1) An authorised official may cause a dog to be sterilised should he or she deem it necessary-

- (a) in the interests of the welfare of the dog
- (b) to prevent nuisance
- (c) when the dog is stray
- (d) on the request of the owner
- (e) in accordance with this by-law

(2) The owner of a sterilised dog must obtain from a registered veterinarian proof that the dog has been sterilised and must produce such documents for inspection to any authorised official.

### **20. Dogs in public places**

(1) The owner or keeper of a dog may not bring or allow it in a public road or public place; unless the dog is kept on a leash by a responsible person.

(2) Except in the event of a blind person being led by a guide dog, a person in charge of a dog in a public road 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) No dogs are allowed at blue flag beach areas during advertised periods of the blue flag season.

### **21. Control of dogs**

(1) No person may-

- (a) permit a bitch on heat owned or kept by him or her to be in a public road or public place without supervision;

- (b)urge a dog to attack, worry or frighten any person or animal, except where necessary for the defence of such first-mentioned person or his or her property;
- (c)keep a dog if the premises where such a dog is kept is not properly and adequately fenced to keep such a dog inside when it is not on a leash;
- (d)permit a dog owned or kept by such a person-
  - (i)to trespass on private property;
  - (ii)to be in any public road or public place whilst such dog suffers from an infectious or contagious disease;
  - (iii)to constitute a hazard to traffic on any street;
  - (iv)to constitute or likely to constitute a source of danger or injury to persons outside the premises on which such dog is kept;
  - (v)to be a source of danger to employees of the Municipality entering upon such premises for the purpose of carrying out their duties;
- (e)keep any dog which-
  - (i)by barking, yelping, howling or whining; or
  - (ii)by having acquired the habit of charging persons, vehicles or animals outside any premises where it is kept, interferes materially with the ordinary comfort, convenience, peace or quiet or neighbours.

(2)The Municipality may seize and impound at a place designated by the Municipality, a dog which is found in a public road or public place in contravention with the provisions of subsection (1).

(3)Notwithstanding the provisions of subsection 20(2), no person or authorised official may take any dog or other animal into custody for the purpose of having it impounded if there are reasonable grounds to believe that the dog or other animal is a female with un-weaned young, unless such animal and un-weaned young are taken into custody together.

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

(5)A dog impounded in terms of subsection (2), may be sold or euthanised after having been kept in custody for ten working days.

## **22. Fencing of property**

No person shall keep a dog on his or her premises which is not properly and adequately fenced to keep such dog inside when it is not on a leash.

## **Part 3 – Animal cruelty**

### **23. Animal cruelty**

- (1)Any person who-
  - (a)possesses, keeps, imports, buys, sells, trains, breeds or has under his or her control an animal for the purposes of fighting any other animal;
  - (b)baits, provokes or incites any animal to attack another animal or to proceed with the fighting of another animal;
  - (c)for financial gain or as a form of amusement promotes animal fights;
  - (d)allows any of the acts referred to in paragraphs (a) to (c) to take place on any premises or place in his or her possession or under his or her charge or control;
  - (e)owns, uses or controls any premises or place for the purposes or partly for the purpose of presenting animal fights on such premises or place or who acts or assists in

the management of such premises or place, or who receives any consideration for the admission of any person to such premises or place; or

(f) is present as a spectator at any premises or place where any of the acts referred to in paragraphs (b) to (e) is taking place or where preparations are being made for such acts, is guilty of an offence.

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

### **Chapter 3**

#### **Dog Kennels, Catteries, Pet Shops and Pet Parlours**

##### **24. Permission to operate**

(1) No kennel, cattery, pet shop or pet parlour may be operated without the permission of the Municipality, which permission may be subject to conditions.

(2) Applications for permission must be done on an application form obtainable from the Municipality.

(3) The person operating a kennel, cattery, pet shop or pet parlour may not conduct the business in such a manner so as to cause any nuisance or annoyance to other people.

(4) A person who contravenes any provision of this Section commits an offence.

### **Chapter 4**

#### **Co-operation Between Municipalities animal rescue bodies (add)**

##### **25. Service delivery arrangements**

In an effort to achieve optimal service delivery in terms of this By-law, the Municipality may enter into agreement with the district Municipality with which legislative and executive powers is shared, in respect of the following-

(a) the practical arrangement with regard to the execution of the provisions of this By-law;

(b) the imposition and enforcements of conditions with regard to any application in terms of this By-law, in so far as such conditions pertain to the functions and powers performed by the district Municipality;

(c) the recovery of costs and expenses related to any action in terms of this By-law;

(d) subject to the provisions of Section 86 of the Local Government: Municipal Structures Act, No. 117 of 1998 mechanisms for the settlement of disputes with regard to execution of powers of functions in terms of this By-law or the matters on which have been agreed;

(e) any other matter regarded necessary by the parties to achieve optimal service delivery in terms of this By-law.

Reference what arb do with what they do for us (what they spend it on and their rights and obligations.

## **Chapter 5 General Provisions**

### **26. Right of entry and inspection**

(1) Any duly authorised employee of the Municipality is authorised to inspect any premises within the municipal area when there are reasonable grounds to suspect that there is non-compliance with the provisions of this By-law.

(2) When entering premises in terms of subsection (1), the authorised employee must on request by any person, identify him/herself by producing written proof of authorisation.

(3) The authorised employee may be accompanied by a person reasonably required to assist in conducting the inspections.

(4) Any person who fails to give or refuses access to any authorised employee if he requests entrance on any land or premises, or obstructs or hinders him in the execution of his duties under this By-law, or who fails or refuses to give information that he may lawfully be required to give to such employee, or who gives false or misleading information knowing it to be false or misleading, shall be guilty of an offence.

### **27. Service of documents and process**

(1) Whenever a notice, order, demand or other document is authorised or required to be served on a person in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such person-

(a) when it has been delivered to him personally;

(b) when it has been left at his place of residence or business in the Republic with a person apparently over the age of 16;

(c) when it has been posted or registered by certified mail to his/her last known residential or business address in the Republic and an acknowledgement of the posting thereof is produced;

(d) if his address in the Republic is unknown, when it has been served on his agent or representative in the Republic in the manner provided by Section (a), (b) or (c); (e) if his address and agent in the Republic is unknown, when it has been posted in a conspicuous place on the immovable property (if any) to which it relates.

(2) When any notice, order, demand or other document as aforesaid is authorised or required to be served on a person by reason of his being or having been the owner or occupier of or holding some other right in respect of immovable property, it shall not be necessary to name him, but shall be sufficient if he is therein described as the owner, occupier or holder of such immovable property or other right, as the case may be.

### **28. Animal licensing, branding and identification**

The municipality will be phasing in dog and cat licenses over a period of 6 months from promulgation of this By Law in the Government Gazette.

All cat and dog owners will have to register their cats and dogs and pay a fee for a license to be able to have cats and dogs identified, in the case of stray animals. The new tariff will be communicated during the budget process of 2024/25 and will be affected 6 months from this By Law been promulgated. Application forms will be on the Kouga website and copies at all municipal offices.

All cattle must be branded and other animals to be tagged. (Visible at nights)

## **29. Fireworks**

(1) No person may intentionally or negligently terrify, distress or harm any animal with fireworks or by any other means.

## **30. Designation of public places as free-running, on leash or off-limits**

(1) The City may designate public places, with appropriate signage, as areas where dogs are allowed to be free-running, on leash or off-limits and the designation may vary according to time of day and season.

## **31. Removal of excrement**

(1) If any animal defecates in any public street, public place or public road, any person in control of such animal, excluding a person assisted by a guide dog, shall forthwith remove the excrement, place it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse.

(2) No person shall walk an animal, other than a guide dog, in a public street, public place or public road, without carrying a sufficient number of plastic or paper bags or wrappers, within which to place the excrement of the animal, in the event of the animal defecating.

## **32. Welfare facilities for the care and accommodation of animals**

(1) All entities purporting to be animal welfare organisations must be registered not-for-profit entities whose main mission and objectives is the reduction of animal suffering and improvements in animal welfare.

(2) All animal welfare organisations other than a statutory organisation which also functions as rescue and shelter organisations must apply for a permit from the municipality, which permit must be issued prior to the commencement of operations.

(3) Such permit may only be granted if the applicant–

- (a) has appropriate dedicated facilities in terms of relevant municipal by-laws; and
- (b) will employ at least one professional, qualified and registered welfare expert to be continuously involved in the management of the organisation or enterprise.

## **33. Standards and Requirements for Keeping of Animals On Premises**

(1) Premises used in connection with the keeping of animals and poultry must be operated under a permit issued in terms of this By-Law, except premises used for the keeping of animals and poultry on property zoned for agricultural farming or agricultural purposes, where the primary use of the land is for farming with animals and poultry.

(2) No person may keep, breed or operate the following animals on any residential premises without applying to the municipality for a permit –

- (a) keep, cattle, horses, mules, donkeys or any animal of similar or bigger size;
- (b) keep goats or sheep or any animal of similar or smaller size;
- (c) any poultry, excluding 5 chicken hens;
- (d) keep more than 5 birds;
- € keep or breed any rabbits; and
- (f) operate a kennel or cattery.

(3) No person shall keep any varieties of rock dove or feral pigeons of the species *Columba livia* on any residential premises, unless under a valid permit issued in terms of this By-Law and proof of Pigeon Racing Club or Show Pigeon Club Membership.

(4) Applications to keep any varieties of rock dove or feral pigeons of the species *Columba livia* on any residential premises must be in writing in the prescribed format and may be considered and resolved by the municipality after consideration of substantiated comments received from abutting and affected neighbours and proof of Club Membership.

(5) No person may keep any pigs on any residential premises in the municipality.

(6) No person may keep any roosters on any residential premises in the municipality.

### **34. Keeping and slaughtering of animals for religious, cultural, ceremonial and own consumption purposes**

(1) Subject to subsection (2), no person may:

(a) slaughter any animal at any place other than at a registered abattoir;

(b) permit the slaughter of any animal at any place under their control unless that place is a registered abattoir; or

(c) sell or provide meat for human consumption and animal consumption unless it has been slaughtered at an abattoir. (

2) Subsection 1 does not apply to a slaughter for religious, cultural, ceremonial and own consumption purposes, in terms of the Meat Safety Act, 40 of 2000.

(3) No meat or animal product obtained from an animal slaughtered as contemplated in subsections 1 may be sold to any person.

(4) In the case of religious and cultural slaughtering, an application must be made in writing, fourteen (14) days prior to the event.

(5) The slaughtering of the animal must be conducted in a position as to not allow observation by any person on neighbouring premises or any member of the public.

(6) The meat from the slaughtered animal may only be used for religious, cultural, ceremonial and own consumption purposes and may not be sold to any person.

(7) The meat must be handled in a hygienic manner at all times.

(8) Blood and other waste products from the carcass must be disposed of in a manner which will not become a public health nuisance.

(9) The animal to be slaughtered must not be kept on the premises for a period in excess of twelve (12) hours, prior to slaughtering.

(10) Measures must be taken to ensure that no health nuisance is created or exists on the premises as a result of the slaughtering.

(11) The services of an authorised official or any person deemed as a meat inspector in terms of the Meat Safety Act, 2000 (Act No. 40 of 2000), may be requested for conducting a post-mortem examination of the slaughtered animal at a cost determined by the municipality.

(12) Animals selected for slaughter, in terms of the Red Meat Regulations promulgated in terms of the Meat Safety Act, 2000 (Act No. 40 of 2000), must be in a healthy condition.

(13) Persons intending to keep animals for slaughter shall:

(a) Keep the animal off feed for twelve (12) hours, but provide access to water.

(b) Ensure that the legs of the animal are not bound.

(c) Not run or excite the animal prior to slaughtering because this may cause poor bleeding and give the carcass a bloody appearance.

(d) Minimise pain and suffering as per the Meat Safety Act, 2000 (Act No. 40 of 2000).



- (e) Provide written proof of notification to abutting neighbours which must be submitted with the application in residential areas only; and
  - (f) Ensure all areas are kept free of animal waste.
- (14) Standard consent form must be completed by applicant.
- (15) Number of animals and duration of event must be indicated by the applicant.
- (16) No noise nuisance shall occur prior to and during the slaughtering process.
- (17) All waste products to be disposed of in a manner approved by the Director: Community Services selected for slaughter, in terms of

### **35. Transitional provisions**

A person who, at the commencement of this By-law, owns a larger number of animals than the number contemplated in Section 12, may continue to keep such larger number of animals, but may not replace any animal in excess of that number should one or more of the animals die or be disposed of, unless permission is obtained from the Municipality for exceeding that number.

### **36. Appeal**

- (1) A person whose rights are affected by a decision taken by a political structure, political office-bearer, or staff member of a Municipality in terms of a power of duty delegated or sub-delegated by a delegating authority to the political structure, political office-bearer, or staff member may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- (2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).
- (3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (4) When the appeal is against a decision taken by-
- (a) a staff member other than the municipal manager, the municipal manager is the appeal authority;
  - (b) the municipal manager, the executive mayor is the appeal authority;
  - (c) a political structure or office bearer, a committee of councillors who were not involved in the decision and appointed by the Municipal Council for this purpose is the appeal authority.
- (5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.
- (6) The provisions of this Section do not detract from any appropriate appeal procedure provided for in any other applicable law.

### **37. Offences and penalties**

- (1) A person who-
- (a) contravenes or fails to comply with any provisions of this By-law or with any order or notice lawfully issued thereunder commits an offence; and
  - (b) continues to commit an offence after notice has been served on him or her to cease committing such offence or after he has been convicted of such offence shall be guilty of a continuing offence.
- (2) Any person convicted of an offence under this By-law shall be liable to a fine not exceeding R20 000 or imprisonment for a period not exceeding two years.

(3) Any court convicting any person of keeping any animal which is not kept under control in accordance with the provisions of the By-law may, in addition to the penalty referred to in subsection (2), order the euthanasia of the animal concerned, and thereupon an authorised official may euthanise such animal.

### **38. Exemption**

Notwithstanding the provisions of this By-law, the Municipality may exempt any person and/or class of persons from any or all of these requirements and may impose any other requirements it deems appropriate.

### **39. Repeal of By-laws**

The By-laws relating to the Prevention of Public Nuisances and Keeping of Animals previously applicable in the Municipality of Kouga are hereby repealed.

### **40. Short title and commencement**

This By-law shall be known as the "By-law relating to the Prevention of Public Nuisances and Keeping of Animals" and shall come into operation on the date of publication thereof in the *Provincial Gazette*