

1981

# Animal Bylaws

Provincial Notice No. 672/1981

Bylaws Relating to the Keeping, Control and Licensing of Animals





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# Chapter I

## Savings

1. Any approval, exemption, licence or permission granted and any consent given, any badge, card, licence token issued, any application or direction made, any condition, requirement, restriction or suspension imposed, any notice or seal affixed, any notice served and any action taken or thing done under the provisions of any bylaws or other enactment repealed by bylaw 34 shall be deemed to have been granted, given, issued, made, imposed, affixed, served, marked and taken or done under the provisions of these bylaws.

## Definitions

2. In these bylaws the following words and expressions shall have the several meanings hereby assigned to them unless the context otherwise indicates or unless otherwise defined:

**“Agricultural Land”** - has the meaning assigned to it in Section 153(5)(b) of the Ordinance

**“Animals”** - means any equine, bovine, sheep, goat, pig, ostrich, dog, cat or other domestic animal or bird, or any wild animal, wild bird or reptile which is in captivity or under the control of any person.

**“Area”** – means the area under the jurisdiction of the Town Council for the Borough of Pinetown.

**“Authorised Officer”** – means any member of the South African Police, any municipal peace officer appointed for the Borough in terms of Government Notice No. R159 published on 2 February 1979 and shall include any person duly authorised by the Council to act in that capacity.

**“Borough”** – means the Borough of Pinetown

**“Council”** – means the Town Council of the Borough.

**“Dairy Farm and Registered Dairies”** – means any land or premises in respect of which the owner or occupier shall have been registered as a cow keeper, dairyman or purveyor of milk as assigned in the Borough’s Bylaws relating to the registration and regulation of dairies, cowsheds, milk shops, and milk dealers and purveyors.

**“Medical Officer of Health”** – has the meaning assigned to it in the Ordinance.

**“Nuisance”** – has the meaning assigned to it in the Ordinance.

**“Ordinance”** – unless otherwise defined means the Local Authorities Ordinance, 1974 (Ordinance No. 25 of 1974).

**“Owner”** – in relation to an animal means and includes any person having possession, charge, custody or control of the animal.

**“Poultry”** – means and includes fowls, ducks, geese, turkeys and guinea-fowl.

**“Town Clerk”** – has the meaning assigned to it in the Ordinance.

**“Treasurer”** – has the meaning assigned to it in the Ordinance.

## Chapter II

### Animals – General

3. No person shall keep any pig, horse, mule, ass, cattle, sheep or goat on any premises except on recognised agricultural and dairy farm or registered dairy already in existence without first having obtained the permission in writing of the Council to do so. When applying for permission, the applicant shall furnish the Council with a list of the class and number of animals to be kept from time to time and specify the place or building at or in which such animals are to be kept.

A permit granted in terms hereof shall remain in force for the period stated on such permit on the expiration of which it shall lapse unless it has been renewed in writing by the Council.

4. No person shall keep any animal or bird in any stable so constructed or so situated that the animals or birds kept therein are likely to cause a nuisance or constitute a danger to health, or on premises which the Medical Officer of Health shall certify to be unfit for the purpose.
5. No person shall keep any animal or bird, other than a domestic pet or small bird in a cage, in any sleeping or living quarters in any dwelling.

### Animals – Stables

6.
  - (1) No person shall keep any draught cattle or any mule or other draught animal or any pig, sheep or goat on premises within the Borough unless he shall provided therefore a stable which shall comply with the following requirements:
    - (a) Such stable shall not at any point be less than 30m from any dwelling or from any boundary of the property on which such stable is erected.
    - (b) The height of such stable from the floor to the lowest part of the roof shall be no less than 2.74m in the case of a stable for draught animals or 1.52m in the case of a stable for pigs, sheep or goats.
    - (c) Such stable shall provide not less than 2.8m<sup>2</sup> of floor space and not less than 8.5m<sup>2</sup> of air space for each such draught animal or 2m<sup>2</sup> of floor space and 3m<sup>2</sup> of air space for each pig, sheep or goat to be accommodated.
    - (d) The walls of such stable shall be constructed of brick or concrete rendered in cement and shall be plastered in cement on the inside, steel floated to a smooth surface, and the floor shall be of cement, stone or other impermeable material prepared and graded in such a manner as to prevent absorption of all liquids or other noxious matter and to enable proper cleansing and draining.
    - (e) If sewerage is available, such stable be connected by drain to the sewerage system in a manner to be approved by the Town Engineer.
    - (f) If sewerage is not available, drainage from such stable shall be led away there from by means of open cement-lined channels to a cement-lined catch pit, a grille or grating being provided for the purpose of preventing access to the catch pit of any solid matter.

- (g) Such stable shall be sufficiently lighted by means of windows and shall be ventilated by means of openings into the external air sufficient to maintain a free circulation of air in the stable and keep it in a wholesome condition.
  - (h) Such stable shall comply with the Borough's Building Bylaws in regard to precautions against fire.
  - (i) Such stable shall be provided with an adequate supply of water laid on to the inside of the stable with a tap to which a hose can be attached..
- (2) Stables in existence at the time of promulgation of these bylaws will not be required to conform to this bylaw if they are considered by the Medical Officer of Health to be satisfactory.
7. Every person who keeps any draught cattle or any horse or other draught animal or any pig, sheep or goat in any stable shall -
- (1) Maintain such stable at all times in a thorough state of cleanliness and shall provide a proper supply of water for the purpose.
  - (2) Provide, at a distance of not less than 20m from any dwelling or any boundary of the property on which such stable is erected, a manure midden constructed of or lined with, an impervious material and provide that with a close-fitting cover, and shall cause the manure to be removed from such stable and placed in such midden at least once every twenty-four hours.
  - (3) Cause the contents of any catch pit or manure midden to be removed from the premises or buried or disposed of in such a manner as will prevent any nuisance arising there from, in the case of any catch pit, daily and in the case of any manure midden, twice a week.
8. No person, shall in any residential area erect any stable or convert any existing building for the use as a stable for the purpose connected with any trade or business.
9. No person shall erect any stable or convert any building for use as a stable in any area until he shall have obtained the Council's approval of plans and specifications of such stable as required by the Borough's building Bylaws.

## **Animals – Fowl-House**

- 10.
- (1) No person shall keep more than 25 head of live poultry on any premises of a lesser extent than 4000m<sup>2</sup> within any residential area.
  - (2) No person shall keep any poultry on any premises in any part of the Borough less than 8000m<sup>2</sup> in extent unless he shall keep such poultry in a properly constructed fowl-house with a runway attached and enclosed with wire netting.
  - (3) No person shall erect or use as a fowl-house any structure which does not comply with the following requirements:
    - (a) The floor shall be constructed of cement, stone or other impermeable material.
    - (b) The walls and roof shall be constructed of unlined wood and iron or other impermeable material.

- (c) The walls and roof shall not provide hollow spaces capable of harbouring rodents.
  - (d) No part of any fowl-house or runway shall be within 8m of the nearest part of any dwelling or any boundary of the property on which it is erected.
- (4) Every person using any fowl-house or runway for the keeping of poultry shall:
- (a) Keep the same thoroughly clean and free from vermin at all times, and shall cause the same to be lime washed at least once in every four months
  - (b) Store any fowl-manure kept for use as fertilizer in a galvanised iron receptacle provided with a close-fitting cover or other suitable receptacle approved by the Council.

## **Animals – Control**

11. Any person who shall keep on his premises any animal which by reason of continued barking, yelping, howling, crowing or making other noises, disturbs the public peace or is a source of nuisance to the neighbourhood after the expiration of a reasonable time to be stipulated in a notice signed by an authorised officer and served upon him, requiring him to abate such disturbance or nuisance, shall be guilty of an offence. If any person shall be found guilty of a second contravention of this bylaw in respect of the same animal, it shall be competent for the court which has found him guilty in addition to imposing any other sentence, to order the destruction of the animal.
12. No person shall keep on any premises within the Borough any wild, ferocious or dangerous animal unless such animal is securely tied up or confined.
13. No person shall permit any entire horse or ass or any bull or any mangy dog, of which he is the owner or in charge, to be at large in any public street or place.
14. Any animal referred to in bylaws 12 and 13 which is not securely tied up or is found at large or any diseased or apparently ownerless animal found at large and unattended in any public street or place may be impounded and, if found to be dangerous, vicious or diseased, may be destroyed by any authorised officer.
15. A person claiming any animal impounded under the existing bylaw shall -
  - (1) Be deemed to be the owner thereof and thus liable to prosecution for the contravention of these bylaws;
  - (2) Be allowed to take away the said animal on satisfying the person in charge of such pound that such animal does not constitute a danger to public health and upon payment of the fees prescribed in the Council's tariff of charges.
16. No person shall keep any hive or swarm of bees on any premises within the Borough in such manner as to be a source of nuisance to the neighbours or the neighbourhood.
17. No person shall permit any dog or other animal, of which he is the owner or in charge, to rush at horses, pedestrians, motor cars or cyclists, or permit such dog or other animal to interfere with the comfort or safety of any member of the public.
18. The owner or person in whose possession an animal dies shall be responsible for its proper burial at such place as may be approved by the Council, and should the said owner or person who has possession of any dead animal fail or be unable to bury such animal, it shall be buried by the Council at the expense of the owner or person who has possession of such dead animal in accordance with the Council's tariff of



charges.

## Chapter III

### Dog Licensing and Additional Control

19. For the purpose of this chapter unless inconsistent with the context –

“**Dog Licence**” – means the licence prescribed in terms of the ordinance;

“**Ordinance**” – means the Licensing and Control of Dogs Ordinance, 1942 (Ordinance No. 10 of 1942)

20. The owner of every dog within the Borough which is six (6) months of age or more shall pay annually on the 1<sup>st</sup> of January and not later than the last day of February of each year for each dog in his possession a dog licence as prescribed in and subject to the provisions of the Ordinance.

21. Application for a dog licence shall be made to the Treasurer in the form of Schedule 1 to these bylaws and shall be accompanied by the licence fee prescribed in the Council’s tariff of charges.

22. Upon payment of the fee and completion of the prescribed form of application, the Treasurer shall issue the applicant a dog licence together with a badge.

22. A Any person who is a member of a dog breeders association and who keep bitches in a properly constructed kennels solely for breeding purposes may make application to the Council in the form of Schedule 2 to these bylaws for payment of a reduced licence fee in respect of each bitch in terms of regulation 5(1) of the Regulations Relating to the Licensing and Control of Dogs; provided that for the purpose of implementation of this bylaw the Council shall mean the Treasurer.

23. If the badge issued in terms of Bylaw 22 is lost or destroyed, the owner of the dog concerned may obtain a duplicate thereof from the Treasurer upon satisfying him of such destruction and upon payment of the fee prescribed in the Ordinance.

24. All licences shall be bound in a book form, machine numbered, with carbon duplicates of a different colour to the original, bearing duplicate numbers.

25. Any person, who, in making a written application for a dog licence, makes any statement which he knows to be false or which he does not known to be true, shall be guilty of an offence.

26. (1) Every person being the owner of a dog shall confine such dog to the said owner’s premises, except when the said dog is leashed and accompanied by the owner or other person having charge of it.

(2) Any dog found roaming at large may be seized and impounded by an authorized officer.

27. No person –

(1) Other than a member of a recognized kennel club or owner of a licensed pet shop or kennels shall keep more than three (3) dogs over the age of six (6) months on any residential property without the written consent of the Council.

(2) Shall keep any dog in any flat, without the written consent of the Council, provided that this bylaw shall not apply to the owner of a dog already in a flat on the date of promulgation of these bylaws.

(3) Shall keep any dog which is six (6) months of age or older on any premises unless such dog has been licensed in terms of these bylaws and vaccinated against rabies and issued with a valid certificate of vaccination.

(4) Shall keep any bitch which is on heat unless it is kept under proper control so as to prevent it from being a nuisance to neighbours or the public in general.

28. Any person claiming that any dog seized or impounded under the provisions of this chapter is his property shall be allowed to take the said dog on satisfying the authorized person or officer in charge of such pound that the dog has been duly licensed and vaccinated against rabies and upon payment of the fees prescribed in the Council's tariff of charges.

29. Any dog not claimed within seven (7) days, in accordance with Bylaw 28 may be

(1) Sold and the proceeds paid to the pound; or

(2) Otherwise dealt with by the person in charge of the pound in which the dog is being held.

## Chapter IV

### Disease Control

30.

- (1) In the event of any confirmed case of rabies, whether it involves a human being or animal, occurring within the Borough or within any local authority area which by virtue of its proximity to or of the movement of persons or vehicles to and from such area, may contribute to the spread of rabies, the Medical Officer of Health or any person acting under this authority may –
  - (a) Through a notice served on the owners or occupiers of any land within the Borough or by notice published in a newspaper circulating in the Borough, order that all animals on such land as may be specified or any animal brought onto such land shall be -
    - (i) Kept isolated, secured or confined for a specified period of time. For the purposes of this subsection isolated, secured or confined as it relates to animals means:
      - (a) To either tether, the animal to an immovable object by a chain not more than 2m in length in a locked and fenced yard; and
      - (b) To place such animal if this is not practical in an escape proof cage in a locked and fenced yard; and
      - (c) To confine it by such other special arrangement as approved by the person issuing the notice;
    - (ii) Produced for inspection or vaccination at a time, place and on date specified in such notice;
  - (b) Order the destruction of any animal found roaming at large;
  - (c) Annually vaccinate any dog, cat or other animal against rabies and issue a vaccination certificate to the owner of such animal;
  - (d) Issue permits to owners of vaccinated animals for the movement of such animals from any landed property in the Borough to any other landed property within or outside the Borough; provided that no permit shall be issued before a period of 60 days from the date of the initial vaccination has expired; provided further that due regard is to the Animal Disease and Parasites Act, 1956 (Act 13 of 1956);
  - (e) Impose any other restriction or conditions upon the owner of any animal as may be deemed necessary for the protection of public health within such local authority;
  - (f) Restrict the number and kind of animal which may be kept on any premises within such local authority.
- (2) The person on whose authority, any notice in terms of Bylaw (a) (i), has been served may order that any animal whose owner did not comply with such notice, be destroyed.

## Chapter V

### Powers

31. In addition to the powers and duties referred to elsewhere in these bylaws, an authorised officer may -
- (1) Enter any private premises upon which he suspects any contravention of the provisions of these bylaws exists; or
  - (2) Seize any diseased animal or animal which is causing a nuisance and in respect of which a notice in terms of Bylaws 11 has been served upon the power; or
  - (3) Investigated any suspected contravention of any of the provisions of these bylaws.
32. Every person who is the owner or has in his charge possession or control any animal shall -
- (1) When called upon by an authorised officer so to do furnish his correct name and address and any other information which may have reference to the said animal or the said owner or person who has possession or control of the animal; and
  - (2) Comply with any lawful instruction or notice served upon him by an authorised officer.

### Penalties

33. Any person who shall contravene any of these bylaws shall be guilty of an offence and liable, on conviction, to a fine not exceeding five hundred rand or in the case of a second or subsequent conviction for a contravention of the same bylaw, to a fine not exceeding one thousand rand or, in default of payment of any fine imposed in either case, to imprisonment for a period not exceeding three months; provided that in the case of a continuing offence, a fine not exceeding fifty rand for each day upon which the contravention continued may be imposed, but no such fine shall in any one prosecution or within any one month exceed one thousand rand.



