

NEWCASTLE MUNICIPALITY

BYLAWS RELATING TO THE KEEPING OF ANIMALS AND BIRDS

The Newcastle Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000) hereby publishes the bylaws as set forth hereafter as bylaws made by the Municipality which bylaws will come into effect on the first day of the month following the date of publication hereof.

1. Definitions

In these bylaws unless inconsistent with the context –

“Environmental Health Officer” shall mean the Medical Officer of Health or Chief Environmental Health Officer of the municipality;

“Municipality” means the Newcastle Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any Official who has delegated powers in terms of Section 59 of the Local Government Municipal Systems Act (Act 32 of 2000);

“Poultry” means and includes fowls, ducks, geese, turkeys, guinea fowl, pigeons and parrots;

“Stable” means and includes any stable, cowshed, shed, kraal, sty, kennel, fowl-house or enclosure used for the keeping therein of any animal or bird;

2. 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 Environmental Health Officer shall certify to be unfit for the purpose.
3. No person shall keep any animal or bird, other than a domestic pet or small bird in a cage, in any sleeping or living apartment in any dwelling.
4. No person shall keep any pigs or goats on any premises of a lesser extent than 10 000m² within the municipality or within a distance of 30m of any dwelling or any boundary of such premises or within 15m of any stable in which cows are milked.
5. (1) No person shall keep any draught cattle or any horse, mule, ass or other draught animal or any pig, sheep or goat on any premises of a lesser extent than 5 hectares within the municipality unless he shall have provided a stable therefore which shall comply with the following requirements:
 - (a) Such stable shall not at any point be less than 15m 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 not 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 2,8m² of floor space and not less than 8,5m³ of air space for each such draught animal or 2m² of floor space and 3m³ of air space for each pig, sheep or goat to be accommodated therein;
 - (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 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 shall be connected to the sewerage system in the manner laid down in the Drainage and Sewer Bylaws;
 - (f) If sewerage is not available, the drainage from such stable shall be led away therefrom 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 Fire Brigade 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 date of promulgation of these bylaws will not be required to conform with this bylaw if they are considered by the Environmental Health Officer to be satisfactory.
6. The Municipality may subject to such conditions as it may deem necessary, reduce the minimum size of premises prescribed in bylaws 4 and 5(1) if it is satisfied that it will not cause a nuisance or a danger to health, or interfere with the amenities of the neighbourhood.
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:
- (a) Maintain such stable at all times in a thorough state of cleanliness and shall provide a proper supply of water for that purpose;

- (b) Provide, at a distance of not less than 15m 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 provided with a close fitting cover, and shall cause the manure to be removed from such stable and placed in such midden at least once in every twenty-four hours;
 - (c) cause the contents of any catch pit or manure midden to be removed from the premises or buried or disposed of in such manner as will prevent any nuisance arising therefrom, 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 of the municipality erect any stable or convert any existing building for use as a stable for purposes connected with any trade or business.
- 9. No person shall erect any stable or convert any building for use as a stable in any part of the municipality until he shall have obtained the Municipality's approval of plans and specifications of such stable.
- 10. (1) No person shall:
 - (a) keep more than twenty-five (25) live poultry within the municipality on lots of 2000m² or more than ten (10) live poultry on lots of less than 2000m², or, more than three (3) live poultry on lots of less than 900m², except with the written permission of the Municipality, which permission shall be granted only if, in the numbers of poultry will not create a nuisance or be prejudicial, to the health of the neighbourhood and will be in keeping with the residential amenities of the area; or
 - (b) keep any poultry within a residential area of the municipality except in a fowl house which complies with the requirements of sub-bylaw (2).
- (2) No person shall erect or use as 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 shall on three sides be constructed of material approved by the Municipality with a runway enclosed with wire netting or other suitable 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, provided that, in the case of any fowl-house or runway being constructed on a lot of less than 900m² in extent, the Municipality, at

its absolute discretion, may relax this distance, in relation to the size of the property concerned.

- (3) Every person using any fowl-house or runway for the keeping of poultry shall:
 - (a) keep same thoroughly clean and free from vermin at all times and shall cause same to be limewashed at least once in every four months;
 - (b) store any fowl manure kept for use as fertiliser in a galvanised iron receptacle provided with a close fitting cover or other suitable receptacle approved by the Municipality;
 - (4) Any poultry found outside a fowl-house or runway and for, which no owner can be found shall be seized, and disposed of as the Municipality may direct.
11. Any person who shall keep on his premises any animal or bird 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 any Environmental Health Officer and served upon him, requiring him to abate such disturbance or nuisance, shall be guilty of an offence and liable, upon conviction, to the penalty prescribed for breach of these bylaws. 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 municipality any ferocious or dangerous animal unless such animal is securely confined.
 13. No person shall permit any horse or ass or any bull or any bitch on heat 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 10 and 11 hereof 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 the Police or any responsible officer of the Court.
 15. Any person claiming any animal impounded under the preceding bylaws shall be deemed to be the owner thereof and thus liable to prosecution for a contravention of these bylaws.
 16. No person shall keep any hive or swarm of bees on any premises within the municipality in such manner as to be a source of nuisance to 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, motorcars or cyclists, or permit such dog or other animal to interfere with the comfort or safety of any member of the public.

18. (1) Notwithstanding any other provision to the contrary contained in these bylaws, no person shall use or permit to be used any stable, kraal, shed, sty or other enclosure within the municipality for the keeping therein of any draught animal or any horse, mule, ass, pig, sheep or goat, except with the written consent of the Municipality first being had and obtained.
- (2) The Municipality may, subject to such conditions as it may deem fit to impose, grant such consent if in its opinion such stable, kraal, shed, sty or other enclosure is so constructed or so situated that the keeping therein of any draught animal or any horse, mule, ass, pig, sheep or goat is not likely to cause a nuisance or constitute a danger to health or interfere with the amenities of the neighbourhood.

19. Application of bylaws

Notwithstanding anything to the contrary these bylaws will not apply to areas within the Municipality's areas of jurisdiction, used for or zoned in terms of a town planning scheme for agricultural purposes or any other specifically exempted from the provisions of these bylaws by resolution of the majority of members at a duly constituted meeting of the Municipality.

20. Offences and penalties

Any person who contravenes any provision of these bylaws or who fails to comply with the requirements thereof shall be guilty of an offence and upon conviction shall be liable to the fines determined by a Chief Magistrate of the Magistrate's Court with jurisdiction in the area in which the offence has been committed or imprisonment as determined by a competent court.

21. Repeal of bylaws

All Municipal Bylaws, and amendments thereto, relating to Fire Safety made by the local authority of Newcastle Local Council, disestablished in terms of Provincial Notice No. 345 of 2000 in terms of section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities 9DC 29, KZ 291, KZ 292, KZ 293, KZ 294) as published on 19 September 2000, are hereby repealed.