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**DRAFT BY- LAW
REALTING TO
THE KEEPING
OF ANIMALS**



KWAZULU-NATAL PROVINCE
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ISIFUNDAZWE SAKWAZULU-NATALI

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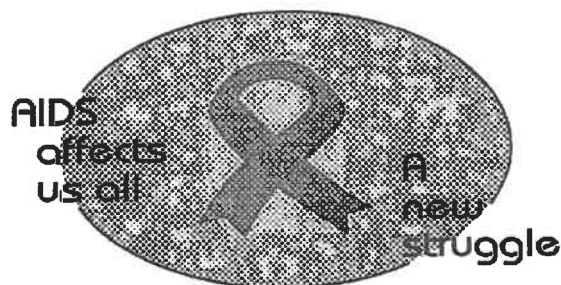
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DEPARTMENT OF HEALTH

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MUNICIPAL NOTICE 380 OF 2024**NEWCASTLE MUNICIPALITY
DRAFT BYLAWS RELATING TO THE KEEPING OF ANIMALS**

The Newcastle Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa (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 Newcastle Municipality which by-laws will come into effect on the first day of the month following the date of publication hereof.

1. Definitions

In these bylaws, unless the context indicates otherwise –

"animal" means any horse, mule, donkey, sheep, goat, pig, dog s, cat, bird, bees, poultry and any other domesticated animal;

"Area" means the area of jurisdiction of the Newcastle Municipality.

"Authorised official" means any person authorised as such by the Council for purposes of these bylaws to perform and exercise the functions specified herein, or any person employed by the Council who has been appointed in the capacity of peace officer in terms of the Criminal Procedure Act, Act No 51 of 1977

"Council" means the council of the **NEWCASTLE MUNICIPALITY**.

"Dangerous animal" means any animal which is a threat or potential threat to the safety of any person or property or animal.

"Keeper" means the animal owner or any other person responsible for the feeding and caring thereof.

"Large animals" includes any horse, donkeys ,mule, cattle, sheep ,goat ,pig

"Nuisance" means any condition or conduct which is injurious or offensive to any person, comprises health and safety of any person or which causes disturbances to any person.

"Residential Area" means any area within the municipality which is zoned as such in terms of the Newcastle Land Use Scheme.

"Owner" In relation to any animal means the owner thereof or any other person responsible for the keeping ,feeding and caring of the animals

" wild animal " means a non-domesticated animal or an animal that is described / declared as a wild animal by a national or provincial pręscript .

2. Application of bylaws

- a) Notwithstanding any to the contrary these bylaws do not apply to areas within the municipality's areas of jurisdiction, used for and zoned in terms of the Newcastle Land Use Scheme for Agricultural Purposes
- b) These Bylaws do not apply to any agricultural show or circus where animals are kept on a temporary basis
- c) These bylaws do not apply to any laboratory/institution where animals are kept for research and educational purposes on a temporary basis.

3. No Person shall

- a) Keep any dog which is vicious, ferocious or is a danger to any person or an animal
- b) Keep any dog in or any premises unless the dog is confined to premises by wall, fence, enclosure, kennel or by any other means
- c) Keep more than three dogs on any premises unless authorised by the council in writing
- d) Keep more than three cats on any premises unless authorised by a council in writing
- e) Keep any cat on any premises that causes nuisance or disturbance to any other person
- f) Keep any dog on any premises that causes nuisance or disturbances to any other person
- g) Keep any dog in a shelter with inadequate access for cleaning and eliminating pests
- h) Keep any cat in a shelter with inadequate access for cleaning and eliminating pests

4. No person shall

- a) In an area zoned residential keep more than twenty five (25) live poultry on lots of 2000 square metres or more than ten (10) live poultry on lots of less than 1000m², or more than five(5) live poultry on lots of less than 500m² ,except with the written permission of the municipality, which permission shall be granted only if the number of poultry will not create a nuisance.
- b) Erect or use a poultry house, any structure which is not constructed of cement, stone or other impermeable material.
- c) Erect a poultry house, which has walls and roof with a potential to create hollow spaces capable of harbouring rodents.
- d) Erect a poultry house within 3m from a boundary wall of the abutting property.

5. No person shall:

Keep and breed Bees in an area other than zoned for agricultural purposes

6. No person shall:

- a) Keep large animals in any premises less than 1 hectare in extent
- b) Keep large animals in or any premises contrary to the Newcastle Municipality Land Use Scheme

7. Duties of the Keeper of Large Animals

A person who keeps a large animal in an area zoned for such purposes shall:

- a) Maintain the premises, apparatus, equipment, container or receptacle in a clean and sanitary condition and good repair
- b) Store all feed in a rodent-proof storeroom
- c) Store all loose feed in rodent proof receptacles with close fitting lids
- d) Maintain stable in a clean and sanitary condition
- e) Remove and store manure and waste generated in a hygienic manner
- f) Provide a manure container constructed of a impervious material with a close fitting cover, no less than 50 meters from any dwelling or any boundary of the property on which the stable is erected
- g) Remove manure from premises at least once every seven days and dispose of contents in a way that will not create a nuisance.

8. Nuisance

- a) A person may not keep any animal that creates a nuisance, health hazard or nuisance that emanates from odour, sound or noise made by animal
- b) A person may not keep any animal that creates a nuisance by way of vectors, pests and rodents' infestation.

KEEPING OF WILD ANIMALS

9. a) No person may keep wild animals on premises in a residential area or area not zoned for such purpose without Council's written consent.
- c) No person may keep wild animals in the area of jurisdiction of Council without the required approval / authorisation by a relevant authority.

9. Seizure and removal of an animal

- a) An animal kept contrary to the provision of these by-laws shall be seized or impounded by Council or an authorised official.
- b) Owner or person in charge of the animals kept contrary to this by laws shall be served with a 30 days compliance notice to remove the animals from the premises failing which Council shall invoke section 9(a) of the by law.
- c) All seized or impounded animals shall be kept at the Councils animal pound
- d) If the owner or person in charge has not claimed the animal within 21 days, council shall sell the animal by auction to defray costs incurred by Council. Council shall publish its intention to sell impounded animals in any of the local newspapers.
- e) Council may recover the reasonable veterinarian and other costs associated with impounding and keeping of the animals at the municipal pound.
- f) The person who claims the seized or impounded animal must pay council the council's tariff of charges applicable to the keeping of animals, which tariff of charges shall be determined by Council in its annual tariff of charges for keeping of animals.

- g) If an animal seized or impounded in terms of section 9(a) is so diseased, injured or in such poor physical condition that it would be cruel or that would bring unnecessary suffering to the animal to keep it alive and that it ought therefore to be destroyed without reasonable delay, council shall seek services of a veterinarian to examine the animal and provide certification that the animal must be destroyed in a way that the animal will not suffer.
- h) Council shall recover veterinarian and other costs associated with provisions of section (g) from the owner of the destroyed or euthanized animal.
- i) Any sick/diseased impounded animal shall be attended to by a veterinarian for medical attention and costs incurred by council shall be recovered from the owner or person in charge of the animal.
- j) Any contravention of the National Road Traffic Act: Reg 313 of Act 93 of 1996 in relation to animals on public roads shall result in the impoundment of animals as per these bylaws.

10. Offences and penalties

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

11. Repeal of By-laws

All municipal by-laws relating to the keeping of animals made by the Newcastle Local Authority: PN 562, 20 November 1980 as amended are hereby repealed.