

## PROVINCIAL NOTICE 43 OF 2016

## UBUHLEBEZWE MUNICIPALITY

**BYLAWS RELATING TO THE KEEPING OF ANIMALS AND BIRDS BUT EXCLUDING DOGS**

<b>1<sup>ST</sup> DRAFT DATE</b>	<b>30<sup>th</sup> June 2014</b>
<b>ADOPTION BY COUNCIL</b>	<b>4<sup>th</sup> December 2014</b>
<b>PROMULGATION DATE</b>	<b>9<sup>th</sup> February 2016</b>

The Municipal Council for Ubuhlebezwe has adopted the following bylaws at its meeting held on the 4<sup>th</sup> December 2014 in terms of section 156(2) of the Constitution of the Republic of South Africa (Act No 108 of 1996) read with section 31(2) of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) and hereby publishes the subjoined bylaws in terms of section 13(a) of the Local Government : Municipal Systems Act, 2000 (Act No 32 of 2000) to come into effect on the date of publication hereof in the Provincial Gazette

## UBUHLEBEZWE MUNICIPALITY

### BYLAWS RELATING TO THE KEEPING OF ANIMALS AND BIRDS BUT EXCLUDING DOGS

In these bylaws, unless inconsistent with the context :-

- “Area of Jurisdiction” means the area of jurisdiction of the Ubuhlebezwe Municipality;
- “Authorised Officer” means:-
- (a) a traffic officer or warden appointed in terms of the National Road Traffic Act, 1996 (Act No 93 of 1996)
  - (b) a member of the Services as defined in section 1 of the South African Police Services Act, 1995 (Act No 58 of 1995)
  - (c) a peace officer contemplated in section 34 of the Criminal Procedure Act, 1977 (Act No 51 of 1977)
  - (d) any other official duly authorized by the council, as defined herein
- “Council” means the Ubuhlebezwe Municipality or its successors in title, and includes the council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the executive committee has delegated any powers and duties with regard to these bylaws.
- “Environmental Health Officer” means the person appointed to this post by the council or his authorized representative.
- “Farm” means a portion or portions of agricultural land as defined in the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 1970), and includes a smallholding, on which the utilization of the means of production and the utilization by man of the natural agricultural resources for the production of, inter alia, food, fibre, and drink of quality takes place.
- “Livestock” means horses, mules, sheep, goats, donkeys, cows and pigs.
- “Poultry” means and includes fowls, ducks, geese, turkeys and guinea-fowls.
- “Premises” means any building together with the land on which the same is situated and adjoining land used in connection therewith and any land without

buildings, or any portion of a building, the sole use and occupation of which portion is reserved to a single person or persons.

- “Stable” means and includes any stable, cowshed, shed, kraal, sty kennel, fowl-house, aviary or enclosure used for the keeping therein of any animal or bird.
- “Traditional Community” means a traditional community recognized as such in terms of section 2 of the Traditional Leadership and Governance Framework Act, 2003 (Act No41 of 2003) and which :-
- (a) is subject to a system of traditional leadership in terms of that community’s customs; and
  - (b) observes a system of customary law
- “Traditional Council” means a traditional council as defined in section 1 of the Traditional Leadership and Governance Framework Act, 2003 (Act No 41 of 2003).
- “Traditional Leadership” means the customary institutions or structures or customary systems or procedures of governance, recognized, utilized or practiced by traditional communities, as provided for in section 1 of the Traditional Leadership and Governance Framework Act, 2003 (Act No 41 of 2003)
- “Wild Animals” means any non-domesticated animal
1. 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;
  2. 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-house or residential building;
  3. ***No person shall keep or sell or slaughter any livestock or poultry on any premises within the Council’s area of jurisdiction except in Traditional Communities and on Farms. The slaughter of any livestock for ritual purposes, shall only be permitted in any Traditional Community or on any Farm, subject to this being in accordance with the written authority of the Council which*** shall include health requirements for the slaughter of such animals as prescribed by the Environmental Health Officer and contained in a procedure guideline adopted for this purpose by resolution of the Council; Any person intending to slaughter an animal for religious or ceremonial purposes in/at any place other than at a recognized and approved abattoir, must:
    - a) Notify the council in writing, fourteen days prior to the event;
    - b) Notify all neighbours in writing, seven days prior to the event;
    - c) Screen the slaughtering process from the public, including neighbours;
    - d) Use the meat derived from the slaughtered animal solely for the purposes of the religious or ceremonial feast;
    - e) Handle the meat in a hygienic manner at all times; and
    - f) Dispose of any portions of the animal that are not used or consumed, in the manner prescribed by the Environmental Health Officer.

4. No person shall, in any zoned residential area within the Council's area of jurisdiction, erect any stable or convert any existing building for use as a stable for any purposes, whether connected with any trade, industry or business, or not, unless :-
  - (a) the written permission of the Council has been applied for, and obtained;
  - (b) the application relates to a stable for horses only;
  - (c) with the exception of an aviary for birds or a rabbit hutch as provided for in bylaw 10, the property is 5000m<sup>2</sup> or greater in extent in respect of any property falling within an area controlled by a Town Planning Scheme applicable to it and in terms of which it is not zoned for agricultural purposes;
  - (d) the property is a farm or in a Traditional Community or Traditional Council area, as defined in these bylaws.
5. No person shall erect or use as a fowl-house or aviary any structure which does not comply with the following requirements:-
  - (a) the floor shall be constructed of cement, stone or other impermeable material;
  - (b) walls shall be constructed of unlined wood or other suitable impermeable material, other than corrugated material, provided that where provision is to be made for the ingress of natural light, or ventilation, the use of welded or plastic mesh may be permitted;
  - (c) the roof shall be constructed of any suitable and recognised roofing material ;
  - (d) The walls and roof shall not provide hollow spaces capable of harbouring rodents;
  - (e) No part of any fowl-house, aviary or runway shall be within 2 metres of the nearest part of any dwelling and 5 metres of any boundary of the property on which it is erected.
6. No person shall keep more than 10 head of live poultry on any property of a lesser extent than 5000m<sup>2</sup> within any residential area in the Council's Area jurisdiction;
7. No person shall keep live poultry for sale on any premises within any residential area of the Council's area of jurisdiction.
8. No person shall keep any poultry on any premises in any part of the Council's area of jurisdiction unless he shall keep such poultry in a properly constructed fowl-house with a runway enclosed with wire netting, unless the property is a farm or in a Traditional Community or Traditional Council area, as defined in these bylaws;
9. Every person using any fowl-house, aviary or runway for the keeping of poultry or birds shall:-
  - (a) keep same thoroughly clean and free from vermin at all times, and shall cause same to be lime-washed at least once every four months;
  - (b) prevent the accumulation of manure therein and keep any manure removed therefrom for use as fertilizer in a galvanised iron or plastic receptacle provided with a close-fitting cover or other suitable receptacle approved by the Council, unless such manure is mixed with compost in a compost heap and kept in such a manner or position on a property so as not to cause any nuisance of any kind

10. No person shall keep birds (including homing pigeons) or rabbits within the Council's area of jurisdiction without the written consent of the Council and any aviary (pigeon loft) rabbit hutch or run constructed within the Council's area of jurisdiction shall comply with the conditions set out in 5a, b, c, d and e of these bylaws. This provision shall not apply to persons keeping ten or less rabbits, or to any premises in the council's area of jurisdiction which is zoned "Agriculture" in terms of any approved Town Planning Scheme, or on a farm or Traditional Community or Traditional Council area as defined in these bylaws;
11. Any person who keeps on his premises any animal or bird which, by reason of continued howling, crowing or making other noise, 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 the Municipal Manager or his duly authorised representative 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 is 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 removal of the animal.
12. No person being the owner or person in charge thereof, shall permit or allow any livestock to be on any street or public place except while such livestock is being transported in or on a vehicle or except with the prior written consent of the Council and in compliance with any conditions imposed by it, and no person shall leave any livestock or allow it to be in a place from where it may stray onto any street or public place.
13. No person shall keep any livestock on any premises within the council's area of jurisdiction except in any area zoned for agricultural purposes in terms of any approved Town Planning Scheme or on a farm or in a Traditional Community or Traditional Council area as defined in these bylaws
14. No person shall keep on any premises within the Council's area of jurisdiction any ferocious or dangerous animal. Wild animals may be kept provided that the written consent of the council has been obtained, and subject to any conditions which may be prescribed in such written consent. This provision does not apply to any wild animal which exists in any parts of the area in a natural state.
15. Not more than two cats shall be kept on any premises within the Council's area of jurisdiction, with the exception of a farm as defined in these bylaws, without the consent, in writing, of the Council, which consent may be given subject to conditions and may be withdrawn by the Council at any time.
16. No person may keep bees on any premises in the council's area of jurisdiction, with the exception of a farm as defined in these bylaws, unless;
  - 1) The person is in possession of a valid permit, which may be issued subject to such conditions as the environmental Health Officer may deem fit; and
  - 2) The beehive is situated-
    - a) A minimum of 5 metres from any boundary of the premises; and
    - b) A minimum of ten metres from any public place or building used for human occupation;
  - 3) the bees are kept in an approved bee hive; and
  - 4) the bee hive is-

- a) kept in an area inaccessible to children and animals;
  - b) kept in the shade at all times; and
  - c) supplied with a source of drinking water within five metres of the hive.
- 5) No person may dump or deposit any garbage, compost, grass cuttings or manure within five metres of any bee hive;

### OFFENCES, PENALTIES AND APPEALS

17. The provisions of the council's Bylaws Relating to Offenses and Penalties and Appeals shall mutatis mutandis apply.

### REPEAL OF REGULATIONS

18. Part R X 1, keeping of animals and birds of the Development and Services Board as they applied to the under-mentioned areas will no longer apply as from the date of publication of these bylaws :-

Part R X 1 Regulated Area : Stuartsville

### UBUHLEBEZWE MUNICIPALITY

Dear Sir/Madam,

#### SLAUGHTER OF ANIMALS

Your letter/ request dated \_\_\_\_\_ refers.

In reply thereto you are advised that in terms of regulation R.677 of the Abattoir Hygiene Act 1992 (Act No 121 of 1992) – Relating to Exemption of Certain Categories of Persons from Section 3(1) of the Act, my Council raises no objection to your request to slaughter \_\_\_\_\_ at the abovementioned premises.

This exemption is valid for \_\_\_\_\_ only.

Furthermore this approval is granted subject to:

1. The conditions as listed in the attached guidelines being adhered to, paying particular attention to item 2 which states that animals shall not be brought onto the premises more than 24 hours prior to the event.
2. The animals being so kept so as not to give rise to any nuisance to any persons residing on the above premises or the surrounding neighbourhood.

Your attention is drawn to Section 3(b) of the abovementioned regulations which states that a person who slaughters animals under this exemption shall obtain prior permission thereto from the owner, tenant or person in control of the land where such slaughtering occurs if the person who performs the slaughtering is not the owner, tenant or person in control of the relevant land.

Yours faithfully,

\_\_\_\_\_  
MUNICIPAL MANAGER

#### **HEALTH REQUIRMENTS FOR THE SLAUGHTERING OF ANIMALS FOR RITUAL PURPOSES AS ADOPTED BY THE UBUHLEBEZWE MUNICIPAL COUNCIL**

It is important for safe and hygienic practices to be followed when slaughtering animals. This is not only to safe-guard the health of those who eat the meat, but also in the interests of harmony in our communities.

Your attention is therefore brought to the following requirements relating to the inspection and slaughter of animals other than in an abattoir.

1. Permission must be obtained from the Local/District Environmental Health Officer prior to the animal/s being brought into the area. Each application is assessed on its own merits and specific conditions may need to be imposed (e.g. screening of the slaughter from immediate neighbours).
2. It is preferred that the animal/s intended for slaughter should be brought onto the premises not more than 24 hours before the event. The animal/s shall be securely maintained on the premises in such a manner so as not to create any nuisance.

3. An animal to be slaughtered must be securely held or tied up properly so that the slaughtering can be done quickly and without subjecting the animal to excessive pain.
4. Where a knife is used for slaughter it should be sharp and clean and hot water provided for washing it.
5. The slaughtered animal should be hung by its hind legs to drain off all the blood, and the offal (intestines, head, trotters, lungs liver, heart, tripe, etc) as well as other internal organs should be removed.
6. The offal and other internal organs should be put in separate clean containers, and together with the carcass should be kept aside for inspection.
7. Care should be taken not to soil the carcass with the bowel contents. Any part of the carcass soiled in this way may have to be discarded.
8. The stomach contents and blood (if is it not to be consumed) should be disposed of at a waste disposal site or buried deeply so as to prevent fly infestation and any other nuisance from occurring.
9. The carcass (meat) as well as the offal should be made available for inspection at a mutually agreed upon time.
10. The meat of an animal slaughtered outside the councils area of jurisdiction should also be inspected.
11. Keeping of privately slaughtered meat in a butchery or any food premises without the permission of the Local/District Health Department is **not** allowed.
12. If the carcass/offal (or part thereof) is found to be diseased/soiled, it should be disposed of in a manner agreed to by the Local/District Health Department.

**NB: The permission of the local police authorities will be required if it is the intention to utilise a fire-arm or similar devise for slaughtering the animal.**