Cederberg, South Africa

# Prevention of Public Nuisances and the Keeping of Animals, Poultry, Pigeons and Bees By-law, 2004

Legislation as at 22 October 2004

Note: By-law **repealed** on 2026-01-30 by Animal Keeping and Impounding By-Law, 2026.

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PDF created on 4 February 2026 at 10:23.

*Collection last checked for updates: 30 January 2026.*

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***Repealed***

# Cederberg
# South Africa

# Prevention of Public Nuisances and the Keeping of Animals, Poultry, Pigeons and Bees By-law, 2004

Published in Western Cape Provincial Gazette 6181 on 22 October 2004

**Commenced on 22 October 2004**

*[This is the version of this document from 22 October 2004 and includes any amendments published up to 30 January 2026.]*

*[Repealed on 30 January 2026 by Animal Keeping and Impounding By-Law, 2026]*

**Purpose of by-law**

• To promote the achievement of a safe, pleasant and tranquil environment for the benefit of residents within the area of jurisdiction of the municipality;

## 1. Definitions

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the Afrikaans text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates:—

"**animal**" means horse, pony, mule, donkey, cattle, pig, sheep, goat, camel, reptile, indigenous animal or exotic animal, but excludes dogs and cats kept as domestic pets;

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

"**district municipality**" means the West Coast District Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 480 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent thereof 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, councillor, agent or employee;

"**kennel**" means any establishment that has as its business the breeding, training or boarding of dogs and includes pounds whether operated by the State or otherwise;

"**municipality**" means the Municipality of Cederberg established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 482 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent thereof 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, councillor, agent or employee;

"**owner**" includes—

(a) the person or persons in whom from time to time shall be vested the legal title to any immovable property.

(b) in any case where a property is subject to a registered lease the lessee of such property.

(c) in cases where the person in whom the legal title is vested is insolvent or deceased, or is of unsound mind or whose estate has been assigned for the benefit of his creditors, the person in whom the administration of the property is vested as trustee, executor, curator or assignee, or administrator.

(d) in cases where the owner as above described is absent the agent or person receiving the rent of the property in question.

***Repealed***

(e) in any case where the property is beneficially occupied under a servitude or right similar thereto the occupier of such property.

"**pigeon**" means any pigeon other than any fancy pigeon or dove;

"**poultry**" means any fowl, goose, ostrich, duck, pigeon, dove, turkey, muscovy, guinea-fowl, peacock and/or peahen or bird whether domesticated or wild;

"**premises**" means any building, tent or other structure, together with the land on which it is erected and any adjacent land, whether vacant or not, which is used in coherence therewith, and includes any vehicle, carriage, ship or boat;

"**public nuisance**" means any act, omission or condition on any premises, including any building, structure or growth thereon, which in the opinion of the municipality is offensive or dangerous, or which materially interferes with the ordinary comfort, convenience, peace or quiet of the occupiers of property in the neighbourhood or which adversely effects the safety of the public;

"**public place**" means any square, building, park, recreation ground or open space which:—

(a) is vested in the municipality;

(b) the public has the right to use, or

(c) is shown on a general plan of a township filed in a deeds registry or a Surveyor-General's office and has been provided for or reserved for the use of the public or the owners of erven in such township;

"**public road**" means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes:—

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

(b) any bridge, ferry or drift traversed by any such road, street or thoroughfare, and

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

"**structure**" means any stable, shed, pigsty, kraal, aviary, paddock, covering structure, poultry house, enclosure, run, loft or building used for human shelter or the keeping or enclosing of animals, poultry, pigeons or bees;

## Part 1 – Public nuisances

### 2. Behaviour and conduct

(1) Notwithstanding the provisions of any other by-law no person shall:

(a) do work on any premises or use any building or land for purposes calculated to depreciate or to disfigure such premises or to interfere with the convenience or comfort of the neighbours or to become a source of danger to any person. Should the municipality be of the opinion that this provision is being ignored, the municipality may instruct that such work or use be discontinued forthwith and that the previous condition be reinstated;

(b) carry on any trade, business or profession on any premises in the municipal area which may in the opinion of the municipality be a source or become a source of discomfort or annoyance to the neighbourhood;

(c) deposit, leave, spill, drop or place any fruit or vegetable peels, broken bottles, glass, refuse or thing which is offensive or likely to cause annoyance, danger or injury to persons in or upon any premises, street or public place;

***Repealed***

(d) allow the fencing of any premises to fall into a state of disrepair or to become unsightly or dilapidated;

(e) allow any building or structure or any portion thereof on any premises to fall into a dilapidated, neglected or unsightly state, or fail to maintain the roof-water disposal system, pipes, sewers, drains, water fittings, waste water fittings, water closet fittings and all other appurtenances forming part of or attached to any building or structure in good and sound repair, or fail to maintain the walls of any building or structure free from dampness;

(f) use or cause or permit to be used any stoep and/or verandah of any shop or business premises or vacant land adjoining such shop or business premises for the purpose of storing, stacking, dumping, disposing, displaying, keeping, selling or offering for sale any goods, articles or merchandise;

(g) use or cause or permit any shop or business premises or vacant land adjoining such shop or business premises or any portion thereof which is open or visible to the public for the purpose of storing, stacking, dumping, disposing, or keeping any waste material, refuse, cartons, crates, containers or other articles of a like nature;

(h) enclose or cause or permit the enclosing of any stoep or verandah of any shop or business premises by means of movable or immovable structures, objections, articles or devices otherwise than by such means as the municipality may approve;

(i) keep on his premises any animal or bird which creates a disturbance or a nuisance to the neighbours by making frequent and excessive noise;

(j) cause or allow the disturbance of the ordinary comfort, convenience, peace or quiet of the occupiers of adjacent properties by the utilisation or use of electrical appliances, machinery, malfunctioning air conditioning units or similar appliances or equipment.

(k) befoul, misuse or damage a toilet provided in a public building op public place;

(l) carry or convey, or cause or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become offensive or dangerous or injurious to health, unless such objectionable material or thing is covered with a suitable material to prevent the creation of any nuisance;

(m) bathe or wash himself or any animal or article or clothing or any other article or thing in any public stream, pool or water trough or at any public hydrant or fountain or at any place which has not been set aside by the municipality for any purpose;

(n) at any time during the day or night disturb the public peace in any street or public place by making unseemly noises or by shouting, insistent hooting, wrangling or quarrelling, or by collecting a crowd or by organising any demonstration or by fighting or challenging to fight, or by striking with or brandishing or using in a threatening manner any stick or other weapon or by any other riotous, violent or unseemly behaviour at any time of the day or night, or by loitering in any street or public place or by gathering in crowds on pavements;

(o) advertise wares or services in any street or public place by means of any megaphone, loudspeaker, or similar device or by insistent shouting, striking of gongs, blowing of horns or ringing of bells in such manner as to constitute a public nuisance in the neighbourhood;

(p) in or upon any property or premises disturb the public peace in the neighbourhood of such premises by making therein or thereon any unseemly noises, or by shouting, wrangling, quarrelling and singing or by playing therein or thereon a musical instrument or use or permit to be used any musical instruments, radios, television sets or the like or any loudspeaker or other device for the reproduction or amplification of sound, in such manner or at such a time or in such circumstances that the sound thereof is audible beyond the boundaries of such property or premises and materially interfere with the ordinary comfort, convenience, peace or quiet of the occupiers of surrounding properties;

***Repealed***

(q) in any street or public place use any abusive or threatening language or commit any act which may or is calculated to cause a breach of the peace;

(r) cleanse or wash any vehicle or part in any street or public place;

(s) discharge any fire-arm, airgun or air pistol on any premises except premises or land used for agricultural purposes and which does not form part of a general plan for a township.

(2) In the event of a contravention of section 2(a) to (j), the municipality may in its discretion issue a notice on the owner or occupier or the alleged offender to terminate the action or to abate the nuisance created.

(3) Any person who contravenes or fails to comply with any provisions of this part or fails to comply with any notice lawfully given there under shall be guilty of an offence.

## Part 2 – Keeping of animals, poultry, pigeons and bees

### 3. Written permission

(1) No person shall keep or permit to be kept on any premises or property any animals, poultry, pigeons and bees, excluding pets, without the written permission of the municipality.

(2) For the purpose of managing the keeping of animals, poultry, pigeons and bees on premises, the municipality may from time to time determine the number of bees, as well as the kind, number and sex of animals, poultry, pigeons that may be kept and the areas within which such animals, poultry, pigeons and bees shall be prohibited.

### *Plans for structures and management*

### 4.

An application to keep animals, poultry, pigeons and bees must be accompanied by a detailed site plan indicating all existing or proposed structures and fences on the property for which the permit is required.

### 5.

Detailed plans and specifications of structures in which it is proposed to keep animals, poultry, pigeons and bees must accompany the application in section 4 and such plans must be approved by the municipality.

### 6.

An exposition of the numbers, kinds, sizes and gender of animals must accompany the plans in section 5 while the numbers in the case of poultry, pigeons and bees must be indicated.

### 7.

Notwithstanding anything to the contrary contained in this by-law, the municipality may refuse to approve an application or grant approval subject to specific conditions if, in its opinion, the property owing to its location, siting or geographical features or size, is unsuitable for the keeping of animals, poultry, pigeons and bees.

***Repealed***

## 8. Visibility of structures on premises

All structures in which animals, poultry and pigeons are kept shall be suitably screened from any street to the satisfaction of the municipality.

### *Authorisations and permits*

**9.**

Notwithstanding the aforementioned provisions, the municipality may after considering conditions particular to the property and on condition that no objection is received from adjoining neighbours, 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 3(1) if any of the conditions therein are not adhered to.

**10.**

All permits, authorisations and concessions to keep animals, poultry, pigeons and bees granted in terms of any by-law or regulation repealed shall be deemed to have been granted in terms of this by-law.

## 11. Animals and pets kept in an unsatisfactory manner

Whenever, in the opinion of the municipality, any animals, poultry, pigeons or pets 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 abate such nuisance and to carry out such work or take such steps as the municipality may deem necessary for the said purpose.

## 12. Stray animals and pets

(1) The municipality may seize animals, poultry, pigeons or pets found on any premises, land or road which are not under supervision or control of any person and which are causing a nuisance or danger to the safety of persons.

(2) Animals, poultry, pigeons or pets seized in terms of sub-section (1) may be destroyed or caused to be destroyed by the municipality with such instruments or appliances and with such precautions and in such a manner as to inflict as little suffering as possible.

### *Kennels and catteries*

**13.**

(1) No kennel or cattery may be operated without the written permission of the municipality, which permission may be subject to conditions.

(2) Application for permission must be done in the form prescribed by the municipality.

(3) The person operating a kennel or cattery may not conduct the business in such a manner so as to cause any nuisance or annoyance to residents of neighbouring properties.

**14.**

Any person contravening any provision of this part shall be guilty of an offence.

***Repealed***

## Part 3 – Co-operation between municipalities

**15.**

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

(a) the practical arrangements with regard to the execution of the provisions of this by-law;

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

(c) mechanisms for the settlement of disputes with regard to execution of powers or functions in terms of this by-law or the matters on which have been agreed;

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

## Part 4 – Powers of municipality in case of omission by district municipality

**16.**

If the municipality is of the opinion that optimal service delivery referred to in section 15 in its area of jurisdiction is endangered by the refusal or omission by the district municipality to execute any of the practical arrangements envisaged in section 15(a), it may serve written notice on such district municipality to give effect or adhere to such arrangement within reasonable time. Upon failure to adhere to such notice, the municipality may proceed to give effect to such arrangement.

**17.**

Any expenses or cost incurred by the municipality in giving effect to any arrangement referred to in section 16 may be recovered from the district municipality.

## Part 5 – General provisions

### 18. Right of entry and inspection

(1) Any duly authorised employee of the municipality is authorised to inspect any premises within the municipal area in order to determine whether there is compliance with the provisions of this by-law.

(2) When entering a premises in terms of sub-section (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 inspection.

(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.

***Repealed***

## 19. Service of documents and process

(1) Whenever any 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 or sixteen years.

(c) when it has been posted by registered or certified mail to his last known residential or businesses address in the Republic and an acknowledgment 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 paragraph (a), (b) or (c), or

(e) if his address and agent in the Republic are 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 it 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.

## 20. Application

(1) The provisions of sections 3(1) and 13 are not applicable to premises or land which is zoned for agricultural purposes or premises or land identified by the municipality where the keeping of animals, poultry, pigeons and bees or the operation of catteries and kennels is permitted and indicated as such in an approved spatial development framework and zoning scheme.

(2) A person who keeps animals, poultry, pigeons and bees or operates a cattery of kennel in terms of an approved land use, or on premises or land zoned for agricultural purposes, is not exempt from the provisions of any other by-laws of the appropriate municipality or legislation with regard to the inception or bringing about of a public nuisance.

## 21. Penalties

Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to—

(1) a fine or imprisonment, or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,

(2) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,

(3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

## 22. Exemptions

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.