Cederberg, South Africa

Animal Keeping and Impounding By-Law, 2026

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Cederberg
South Africa

Animal Keeping and Impounding By-Law, 2026

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The purpose of this by-law is to provide measures for managing and protecting the interests of residents and animals, by exercising control over the numbers and kinds of animals that may be kept, as well as the conditions under which such animals may be kept, sheltered, and cared for, and to provide for the prevention of possible nuisances, loss, damage, or disease that could be caused through the keeping of such animals.

WHEREAS section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on a municipality the executive authority and right to administer

(a) the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

(b) and any other matter assigned to it by national or provincial legislation;

WHEREAS the Municipality has legislative competence in terms of Part B of Schedule 5 of the Constitution in accordance with section 155(6)(a) and (7) of the Constitution relating to control of public nuisances, pounds, facilities for the accommodation, care and burial of animals, licensing of dogs, licensing and control of undertakings that sell food to the public, markets, municipal abattoirs, street trading, municipal roads, traffic and parking;

WHEREAS in terms of Part B of Schedule 4 of the Constitution in accordance with section 155(6)(a) and (7) of the Constitution the Municipality has legislative competence relating to municipal health services;

AND WHEREAS there is a need to develop legislation to provide for the safe, hygienic, and responsible way for keeping of animals in the area of jurisdiction of the Municipality and any matters incidental thereto.

NOW THEREFORE BE IT ENACTED by the Municipal Council of the Cederberg Municipality as follows:

1. Definitions

In this By-law, unless the context otherwise indicates—

"**agricultural farming or agricultural purposes**" means the cultivation of land for crops and plants, the keeping and breeding of animals, beekeeping, or the operation of a game farm, and includes such activities and buildings as are reasonably connected with the main farming activities, such as dwelling units for the farmer, farm manager and farm labourers, the packing of agricultural produce grown on the property for delivery to the market, and a plant nursery; but excludes intensive horticulture, intensive animal farming, a farm shop, harvesting of natural resources, and agricultural industry;

"**agricultural property**" means land zoned for such purposes in terms of the Municipality;

"**animal**" means any equine, cattle, pig, sheep, goat, camel, reptile, dog, cat, poultry, ostrich, bird, rabbit, fish or other aquatic animal, rodents kept in captivity, any other domesticated animal, indigenous animal and includes any wild animal, or exotic animal which is in captivity or under the control of any person in any way;

"**animal drawn vehicle**" means any cart or other type of vehicle which is physically attached to any animal in any manner for the purposes of moving the cart or other type of vehicle;

"**authorized official**" means an employee of the municipality responsible for carrying out any duty or function or exercising any power in terms of this by-law and includes employees delegated to carry out or exercise such duties, functions or powers;

"**bees**" means honey bees;

"**bird**" includes any wild bird, but does not include poultry;

"**captivity**" in relation to any animal means the keeping within an enclosure by means of any fence, wall or obstruction of any kind whatsoever in such a way that such an animal is unable to escape;

"**carcass**" means the remains of any animal or poultry that died;

"**cattery**" means premises in or upon which boarding facilities for cats are provided or where cats are bred for commercial purposes;

"**Council**" means the Council of the Cederberg Local Municipality;

"**Court**" means a Magistrate's Court as referred to in Section 166(d) of the Constitution, 1996, having jurisdiction in the area in which the pound is situated;

"**cattle**" means bulls, cows, oxen, heifers, steers, and calves;

"**dangerous animal**" means any animal which poses a reasonable or potential threat to the safety of any person, animal or property or which has attacked any person or animal without provocation or which has damaged property;

"**dwelling house**" means a building containing only one dwelling unit, together with such outbuildings as are ordinarily used with a dwelling house, including domestic staff quarters;

"**dwelling unit**" means a self-contained, inter-leading group of rooms, with no more than one kitchen, used for the living accommodation and housing of one family or a maximum of 5 transient guests, together with such outbuildings as are ordinarily used therewith, but does not include domestic staff quarters, or tourist accommodation or accommodation used as part of a hotel;"

"**goat**" means an adult male or female goat, a wether, and a kid;

"**guide dog**" means a dog which has been trained to assist blind or visually impaired people and includes a service dog which has been trained to assist a person who is mentally or physically incapacitated;

"**health nuisance**" means any activity, condition, premises or thing which, on account of effluent, vapours, chemical effluvia, odours, noise, refuse, waste products, dirt, chemical or biochemical material, microbial infection, vermin, lack of proper general hygiene, ventilation, lighting, design, situation or on account of any other cause or practice whatsoever, is in the opinion of the Municipal Manager or an authorized official potentially injurious or dangerous to health or which is offensive, including, without affecting the generality of the foregoing, any facility for the storage, distribution or handling of water that is likely to be used by man for domestic purposes or consumption, including such water itself, which is contaminated or polluted;

"**hive**" means a container made of wood or some other material which is suitable for the keeping of bees;

"**horse**" means a stallion, mare, gelding, colt, filly, donkey and mule;

"**impounded animal**" means any animal received into a pound;

"**keeper**" in relation to:

(a) any animal means the owner or co-owner thereof or any other person in possession of the animal or responsible for the feeding and caring thereof; and

(b) cattery, kennels, pet parlous or pet shop, means the person who operates the business or the person in charge of the premises on which the business is operated;

"**kennels**" means premises in or upon which—

(a) boarding facilities for dogs are provided;

(b) dogs are bred for commercial purposes;

(c) dogs are kept for the purpose of being trained or hired out with or without handlers, or

(d) dogs are kept for commercial security purposes;

"**large animal**" includes any horse, pony, donkey, mule, cattle, antelope, sheep, pig, goat, ostrich or camel and any other animal of similar size or larger;

"**large dwelling house**" means a dwelling house on an erf more than six hundred square meters;

"**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;

"**nuisance**" includes but is not limited to an act or omission which is offensive, injurious or dangerous to health, or which materially interferes with the ordinary comfort, convenience, peace or quiet of the public or which adversely affects the public at large;

"**occupant**" means any person in actual occupation of land or entitled as owner to occupy land;

"**owner**" in relation to an animal includes any person having possession, charge, custody or control of that animal;

"**permit**" means the written permission granted by the Municipality in terms of this By-Law;

"**person**" includes any sphere of government, natural and juristic persons;

"**pet**" means any domestic or other animal which may be lawfully kept;

"**pet parlour**" means a business, approved by the Municipality, providing a beauty treatment service for pets by washing, drying, brushing, clipping, trimming or dyeing them or by attending to their nails, teeth and any related treatments;

"**pet shop**" means premises, approved by the Municipality, on which the business of keeping and selling of pets is conducted;

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

"**poultry house**" means any roofed-over building or structure in which poultry is kept;

"**poultry run**" means an unroofed wire mesh or other enclosure in which poultry is kept, whether or not it is attached to a poultry house;

"**pound**" means a place designated by the Municipality in terms of any law for the impounding, sale and destruction of animals and includes or may temporarily include the premises of animal welfare organizations recognized by the Municipality;

"**pound master**" means a person who has been appointed by the Municipality to be in charge of a pound;

"**premises**" means:

(a) a building, tent or any other structure, together with the land on which it is situated and the adjoining land used in connection therewith;

(b) means any land without buildings or tents; and

(c) includes any vehicle, conveyance, ship or boat;

"**proprietor**" means any owner, lessee, or occupant of land;

"**public health**" means the practice of preventing disease and promoting good health and the physical well-being of people in the area of jurisdiction of the Municipality;

"**public place**" includes—

(a) a public road, parking area, square, park, recreation ground, sports ground, sanitary lane, open space, beach, shopping centre on municipal land, unused or vacant municipal land or cemetery which has—

(i) been provided, reserved or set apart for use by the public; or

(ii) been dedicated to the public;

(b) public transportation operated by service providers for the Municipality, but does not include public land that has been leased by the Municipality;

(c) "**rabbit enclosure**" means any roofed-over building or structure in which rabbits are kept;

"**sheep**" means a ram, an ewe, a wether, and a lamb;

"**stray animal**" means any animal not under direct control by a person or not prevented from roaming, or an animal that has escaped or is lost;

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

"**stallion**" means a male horse, donkey or mule not castrated or partially castrated;

"**Stock inspector**" means a person competent and qualified to inspect stock and who has been appointed by the Department of Agriculture for this purpose;

"**veterinary surgeon**" means a person who is qualified as such in accordance with the provisions of the Veterinary and Para-Veterinary Professions Act, 1982 (Act 19 of 1982);

"**wild animal**" means any live vertebrate or invertebrate animal (including the egg or spawn of any such animal) belonging to a non-domestic species and includes any such animal which is kept or has been born in captivity; and

"**working animal**" means an animal that is trained to perform certain tasks for human benefit.

Chapter 1
General provisions relating to animals

2. Restriction on number of animals

(1) The Municipality may determine the number of animals that may be kept on any premises.

(2) The number of animals determined in subsection (1) does not apply to any person who—

(a) is the lawful owner or manager in charge of a pet shop;

(b) is the owner or manager in charge of premises where animals are being kept or trained and such animals are kept or trained under auspices of a registered animal association;

(c) is the owner or manager of a veterinary clinic;

(d) is in charge of dogs, horses or equine owned by the Municipality security Department of the Municipality, the South African Police Service or the South African Defence Force, and are kept for operational purposes; or

(e) operates a pound.

3. Regulation of breeding

(1) All dogs and cats (male and female) over six months of age must be sterilized, unless the owner obtains a permit from the Municipality to keep the animal unsterilized.

(2) An application to keep an unsterilized animal, must be in writing on a prescribed form, in accordance with relevant Municipality Policies and Standard Operating Procedures and must be accompanied by the prescribed fee.

(3) An authorised official may cause an animal to be sterilized and/or vaccinated against canine distemper, hepatitis, kennel cough and parvovirus; and the costs thereof may be recovered from the owner, should he or she deem it necessary—

(a) in the interests of the welfare of the animal;

(b) to prevent nuisance;

(c) when the animal is stray;

(d) at the request of the owner; and

(e) pursuant to the seizure and impoundment of the animal or a contravention involving the animal.

4. Restriction on number of dogs

(1) The Municipality may determine the number of dogs that may be kept on any premises.

(2) In the absence of a determination made in terms of the provisions of subsection (1) and subject to the provisions of subsections (3) and (4), no person may keep more than—

(a) two dogs, or allow more than two dogs, over the age of six months, to be kept in or at a dwelling unit;

(b) three dogs, or allow more than three dogs, over the age of six months, to be kept in or at a dwelling house;

(c) four dogs, or allow more than four dogs, over the age of six months, to be kept in or at a large dwelling house;

(d) six dogs, or allow more than six dogs, over the age of six months, to be kept on an agricultural property; or

(e) three dogs, or allow more than three dogs, over the age of six months, to be kept on at any other premises.

(f) Subsection (2) does not apply to any person who is the holder of a permit issued in terms of section 5 to keep a greater number of dogs;

(g) is the holder of a permit to keep kennels;

(h) is the owner or manager or is in charge of, a pet shop and who has written proof that all dogs under the control of such owner or manager have been vaccinated against canine distemper, hepatitis, kennel cough and parvovirus;

(i) is the owner or is in charge of premises where guide dogs are being kept or trained and such guide dogs are kept or trained under auspices of the SA Guide Dogs Association;

(j) is the owner or manager of a veterinary clinic;

(k) is in charge of dogs, and equine owned by the Municipality security Department of the Municipality, the South African Police Service or the South African Defence Force, and are kept for operational purposes; or

(l) operates a pound.

(3) A person whose permit to keep a dog has been cancelled or who has previously had a dog removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of a dog in his or her care, may not keep a dog, unless the Municipality determines otherwise.

(4) No person shall keep any dog which does not have on its collar or micro-chip, a name, telephone number and physical address or reference to a society for the prevention of cruelty to animals or registered animal welfare organization.

5. Permits to keep more dogs and cats than the prescribed number

(1) Any person who wants to keep a greater number of dogs or cats on any premises than the number permitted for that type of premises in terms of sections 4 and 6, must apply to the Municipality for a permit.

(2) An application in terms of subsection (1) must be in writing on a prescribed form and must be accompanied by the prescribed fee.

(3) The Municipality may require the applicant to provide any information which it considers relevant to enable it to make an informed decision.

(4) The Municipality may refuse to consider an application in terms of subsection (1) in respect of which the provisions of subsection (2) have not been complied with or information contemplated in subsection (3), has not been furnished.

(5) The Municipality may only consider an application in terms of subsection (1) after receipt of a written report from an authorized official—

(a) as to whether the dog or cat for which the permit is required is likely to cause a public health nuisance or the keeping of such dog or cat may result in a contravention of section 5 or 6;

(b) setting out the results of an inspection of the premises on which the dog or cat concerned is being kept or is to be kept; and

(c) as to whether the applicant has previously had a dog or cat removed from his or her care or has a previous criminal conviction or civil judgement against him or her in respect of an animal in his or her care.

(6) The Municipality may refuse an application in terms of subsection (1) or approve it subject to any conditions aimed at reducing the risk of any public health nuisance created by the dogs or cats on the premises concerned occurring, continuing or to reduce such risk to a level acceptable to the Municipality.

(7) In respect of any application approved in terms of subsection (6), an authorized official must issue a permit on a prescribed form specifying every condition imposed by the Municipality.

(8) A permit is not transferable from one person to another or from the premises in respect of which it has been issued, to other premises.

6. Restriction on number of cats

(1) The Municipality may determine the number of cats that may be kept on any premises.

(2) In the absence of a determination made in terms of the provisions of subsection (1) and subject to the provisions of subsections (3) and (4), no person may keep more than—

(a) four cats, or allow more than four cats over the age of six months to be kept in any premises;

(b) six cats, or allow more than six cats, to be kept on an agricultural property.

(3) Subsection (2) does not apply to any person who is the holder of a permit issued in terms of section 5.

(4) A person who has previously had a cat removed from his or her care or has a previous criminal conviction or civil judgement against him or her in respect of a cat in his or her care, may not keep a cat, unless the Municipality determines otherwise.

(5) No person shall keep any cat which does not have on its collar or micro-chip, a name, telephone number and physical address or reference to a society for the prevention of cruelty to animals or registered animal welfare organization.

7. Animals shall not be a source of danger

(1) No person may urge, incite or provoke any animal to attack, worry or frighten any person or animal or through negligence fail to prevent any animal from attacking, worrying, or frightening any other person or animal.

(2) Any person who keeps an animal on any premises shall keep such animal in such a manner as not to be a source of danger to municipal employees entering upon such premises for the purpose of carrying out their duties.

(3) A notice to the effect that a dangerous animal is being kept on such premises shall be displayed in a conspicuous place at each access point to the premises.

(4) It is highly recommended that livestock should have a reflector belt.

8. Animal fighting

(1) Any person who—

(a) possesses, keeps, imports, buys, sells, trains, breeds or has under his or her control an animal for the purpose of fighting any other animal;

(b) baits, provokes or incites any animal to attack another animal or to proceed with the fighting of another animal;

(c) for financial gain or as a form of amusement promotes animal fights;

(d) allows any of the acts referred to in paragraph (a) and (c) to take place on any premises in his or her possession or under his or her charge or control;

(e) owns, uses or controls any premises or public place for the purpose, or partly for the purpose, of presenting animal fights on such premises or public place, or who acts or assists in the management of such premises or public place, or who receives any consideration for the admission of any person to such premises or public place; or

(f) is present as a spectator at any premises or public place where any kind of animal fights take place as referred to in paragraph (b) to (e) is taking place or where preparations are being made for such acts, is guilty of an offence.

(2) In any prosecution it is presumed, unless evidence is adduced to the contrary, that an animal that is found at any premises or public place is the property of, or under the control of, the owner of those premises or that public place, or is the property of or under the control of the person who uses or is in control of the premises or public place.

9. Fireworks

(1) No person may intentionally or negligently terrify, distress or harm any animal with fireworks or by any other means.

10. Designation of public places as free-running, on leash or off-limits

(1) The Municipality may designate public places, with appropriate signage, as areas where dogs are allowed to be free-running, on leash or off-limits and the designation may vary according to time of day and season.

11. Removal of excrement

(1) If any animal defecates in any public street, public place or public road, any person in control of such animal, excluding a person assisted by a guide dog, shall forthwith remove the excrement, place it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse.

(2) No person shall walk an animal, other than a guide dog, in a public street, public place or public road, without carrying a sufficient number of plastic or paper bags or wrappers, within which to place the excrement of the animal, in the event of the animal defecating.

12. Displaying or exhibiting of an animal for show or financial gain

(1) No person shall display or exhibit an animal for show or financial gain in a public space or public road, unless such person is the holder of a permit issued by the Municipality. This includes the use of an animal for begging or fundraising purposes. In the event that the Municipality receives an application from a person for the display or exhibiting of an animal for show or financial gain they shall consult an animal welfare Inspector authorised in terms of section 8(1) of the Animals Protection Act 71 of 1962 for comment and input.

13. Live animals offered for sale

(1) A person or manager of premises where animals are offered for sale shall keep proper records of vaccination and shall not leave such animals needs unattended overnight.

(2) Keeping, breeding, or selling any animal within the scope of business or economic activities requires an authorization from the Municipality.

(3) Subsection (2) shall include commercial companion animal breeders.

(4) An application for authorization must be submitted to the Municipality and be granted before business or economic activity commences.

The application must include—

(a) details of the type of business or economic activity;

(b) the person responsible for the business or economic activity;

(c) address and details of the premises or establishment;

(d) numbers, sexes, ages, breeds and species of animals or poultry kept;

(e) details of enclosures and dimensions, including photographs;

(f) details of employees and their relevant skills or expertise;

(g) name of veterinarian(s) and relevant expertise or post-graduate training;

(h) a full detailed explanation of how the welfare needs of the animals will be met; and

(i) proof of sufficient funds to provide adequately for the animals on an ongoing basis.

(5) The business or economic enterprise shall keep available for inspection by the Municipality at reasonable times, evidence of the numbers, age, sexes, breeds and species of animals kept/bred; the

number and names of employees, and proof of their relevant skills/training; and the care regime instituted to protect the welfare of the animals.

(6) The authorization shall be limited to the approved location and any person or enterprise keeping or breeding animals within the scope of business or economic activity which changes its location shall notify the Municipality of its new premises in advance of the proposed move. The Municipality may inspect the new premises and re-issue or revoke the permit as required.

(7) If the Municipality has any doubts about the ability of the business or economic enterprise to meet the animal welfare needs of the animals in its operations, it must deny authorization or revoke the same if already granted.

(8) The business or economic activity may not be exercised until authorization has been granted.

(9) The Municipality may, with immediate effect, close business premises or offices to prevent those which are not covered by an authorization from the Municipality when—

(a) authorization has not been granted; or

(b) authorization has been revoked, from exercising any business or economic activities relating to the keeping, selling or breeding of animals.

(10) Keepers or breeders of animals for business or economic activities may only be permitted to purchase or acquire animals from authorized breeders.

(11) Any person, business or economic enterprise selling or transferring the ownership of an animal to another person or enterprise shall provide the person or enterprise taking custody of the animal with relevant information and advice on how to safeguard and protect the animal's welfare, health and wellbeing. This includes, but is not limited to—

(a) how to keep, care for, and handle such animal;

(b) preventing unwanted breeding;

(c) the vaccinations and other health requirements recommended for the animal offered for sale; and any requirements or restrictions on the keeping or breeding of such animals.

(12) Evidence of compliance with subsection (11) must be retained and made available for inspection by an authorized official on request and at all reasonable times.

(13) Keepers or breeders of animals for business or economic activities must ensure that any animals no longer suitable for the business or economic activity in question are rehomed or sent to a shelter or sanctuary wherever possible.

(14) Animals may not be presented or displayed inhumanely for sale in pet shops or any other premises of enterprises using animals within their scope of business or economic activities.

(15) The authorization for business or economic activity involving the trade or sale of certain wild animals or wildlife products can be restricted or prohibited by the Municipality.

(16) Where trade is provided for by the National Environmental Management: Biodiversity Act: Regulations: Convention of International Trade in Endangered Species of Wild Fauna and Flora (CITES) Regulations, 2010 (as amended), Animal Protection Act No. 71 of 1962 and the Provincial Nature Conservation Ordinance (19 of 1974, as amended), guidelines or restrictions, must be applied by any person, business or economic enterprise selling or transferring the ownership of an animal to another person, business or economic enterprise.

(17) No person may sell or offer to sell an animal without the Municipality's authorization—

(a) in a street or public place;

(b) in or from a movable structure or vehicle;

(c) at public markets; and

(d) online or through social media platforms or outlets.

(18) It is prohibited to pass on, sell, offer for sale, transport or purchase any animal for whom the continuation of life would be connected with irremediable pain, suffering, agony, torment or distress for any other purpose than for its immediate euthanasia. Anybody acquiring or purchasing such an animal has to immediately euthanize, or ensure the immediate euthanasia of, the animal.

(19) It is furthermore prohibited to possess any animal, without reasonable cause, which is suffering irremediable pain, agony, torment, distress, or disease.

14. Control over animals

(1) A person who keeps any animal must ensure that it is kept under proper and effective control when it leaves the premises where it is kept and that it does not endanger any person, animal or property when it leaves the premises.

(2) The Municipality may seize and impound any apparently ownerless or diseased or dangerous or vicious animal found wandering or unattended on any public street or in any public place.

(3) A person who keeps an animal may not pasture or allow the animal to be pastured in or on any road reserve or any public property.

(4) The Municipality may seize and impound any such animal found in or on any road reserve or any public property, whether tended or not.

(5) A person may not, except for purposes of impounding any animal, drive or cause any animal to be driven in any public street or upon any public road within the area of jurisdiction of the Municipality without the prior written consent of the Municipality, which approval may be granted subject to conditions.

15. Control of working animals

(1) No person putting to work a working animal shall—

(a) permit the working animal to be in any public place whilst being incapable of pulling an animal drawn vehicle, suffering from injury or disease, or is otherwise unfit or unsuited to the intended work;

(b) permit the working animal to constitute a hazard to traffic using any public street or road;

(c) permit the working animal to constitute or be likely to constitute a source of danger or injury to any person or animal using a public street.

(d) permit working animals to be in any public street or public place except when under their control;

(e) permit the working of such animal which does not have on the name, telephone number and address of its owner;

(f) permit any working animal to draw any vehicle, or use any harness which does not comply with the SABS standards and criteria which may be determined by the Municipality from time to time;

(g) work any working equine without a valid Cederberg Operators Permit where the person is noted as Driver;

(h) be younger than eighteen years of age; or

(i) be under the influence of drugs or alcohol.

16. Working equines

(1) Any owner who wants to put to work a working equine must apply to the Municipality for a permit, in respect of such working equine.

(2) An application in terms of subsection (1) must be in writing on a prescribed form and in accordance with relevant municipal Policies and Standard Operating Procedures.

(3) An application for a permit must also—

(a) provide documentary evidence that the working equine is the foal of a working mare; and

(b) be accompanied by the prescribed fee.

(4) No more than one permit may be issued in respect of a working equine.

17. Seizure, impounding and destroying of working equines

(1) An authorized official may seize, impound, or destroy at a place appointed by the Municipality any working equine which—

(a) may be destroyed on the advice of a veterinary surgeon or in terms of the provisions of any law;

(b) in his or her opinion is incapable of continuing to pull an animal drawn vehicle;

(c) in his or her opinion constitutes a hazard to traffic using any public street;

(d) is at large or apparently without an owner; or

(e) is found in any public place where such a working equine is not allowed.

18. The rescue of impounded working equines prohibited

(1) No person shall, by threats of violence or otherwise, rescue or attempt to rescue from the person or persons in charge thereof any working equine being lawfully brought to the pound or shall rescue or attempt to rescue any working equine after such working equine has been lawfully impounded by an authorized official.

19. Stray animals

(1) A person who rescues or comes into possession of a stray animal shall report the date and time of the rescue and a description of the animal to the Municipality within twenty-four hours.

(2) An authorized official may—

(a) seize any animal found on any premises, public place or public road and which is—

(i) not under the supervision or control of any person; and

(ii) causes or poses a nuisance; and

(b) impound or cause to be impounded any such animal at a pound or other facility designated by the Municipality for such purposes.

(3) The Municipality may sell any animal impounded in terms of subsection 1(b), provided that—

(a) a period of no less than 10 days has lapsed from the time of impoundment;

(b) in the case of large animals, no less than 30 days have lapsed from the time of impoundment; and

(c) the Municipality has taken all reasonable steps to notify the owner of the animal of the impoundment.

(4) Any animal impounded in terms of subsection 1(b) may be destroyed, where such animal is—

(a) carrying an infectious or contagious disease; or

(b) ferocious, vicious or dangerous, and poses an immediate and substantial danger to the health and safety of other animals, or the public.

(5) The destruction of any animal in terms of this By-law must be carried out with such precautions and in such a manner to inflict as little suffering as possible.

(6) The person who claims the animal seized must pay to the Municipality the reasonable costs of the Municipality for the seizure and removal of the animal, plus the reasonable costs of the organisation for accommodating the animal before the animal may be released to the person.

20. Seizure and removal of an animal

(1) The Municipality must remove any animal seized or impounded in accordance with the provisions of subsection (2) if so, ordered by a court in accordance with this By-law to a place designated by the Municipality where the animal can be accommodated.

(2) Any animal seized and impounded in terms of this By-law, must be kept at the place designated by the Municipality for at least 10 days to enable the owner or person in charge of the animal to claim it.

(3) In the event of large animals, at least 30 days to enable the owner or person in charge of the animal to claim it.

(4) If the owner or person in charge has not claimed the animal within the periods set out in subsection (2) and 3 above, the Municipality may sell or donate it and retain and apply the proceeds of the sale, if any, for its own benefit, or it may otherwise dispose of the animal.

(5) The person who claims the animal seized must pay to the Municipality the reasonable costs of the Municipality for the seizure and removal of the animal, plus the reasonable costs of the organization for accommodating the animal, before the animal may be released to the person.

(6) If an animal seized and impounded in terms of this By-law and, where applicable, is so diseased or injured or in such a poor physical condition that it would be cruel or that it would bring unnecessary suffering to the animal to keep it alive and that it ought therefore to be destroyed without unreasonable delay, the Municipality may summon a veterinarian to examine the animal and if, after such examination, the veterinarian certifies that the animal is so diseased or injured or in such a poor physical condition that it would be cruel or that it would bring unnecessary suffering to the animal to keep it alive and that it ought therefore to be destroyed, the Municipality may instruct a veterinarian to immediately destroy the animal or cause it to be destroyed in such a manner so as to inflict as little suffering as possible.

(7) The Municipality may recover the reasonable veterinary costs and other costs in carrying out the provisions of subsection (6) from the owner or the person in charge of keeping the animal in question.

(8) A dog or cat which has been seized or removed in terms of this bylaw or the provisions of any other law which is found by the authorized official—

(a) to be suffering from any incurable, infectious or contagious disease, or be badly injured: or

(b) to be ferocious, vicious or dangerous, may be destroyed forthwith

- the destruction of any dog or cat shall be by such painless method as may be approved by a registered veterinarian and shall take place under the supervision of an authorized official.

Chapter 2
General provisions relating to the keeping of animals

21. Welfare facilities for the care and accommodation of animals

(1) All entities purporting to be animal welfare organizations must be registered not-for-profit entities whose main mission and objectives are the reduction of animal suffering and improvements in animal welfare.

(2) All animal welfare organizations other than a statutory organization which also functions as rescue and shelter organizations must apply for a permit from the Municipality, which permit must be issued prior to the commencement of operations.

(3) Such permit may only be granted if the applicant—

(a) has appropriate dedicated facilities in terms of relevant Municipality by-laws; and

(b) will employ at least one professional, qualified and registered welfare expert to be continuously involved in the management of the organization or enterprise.

22. Establishment of a pound and appointment of pound master

(1) The Municipality may establish a pound and any places for safe keeping of animals within the area of jurisdiction of the Municipality. The Municipality may enter into a service delivery agreement with a statutory organization, an animal welfare organization or a person to operate such a pound.

(2) The Municipality may close any pound under its control.

(3) The Municipality may, in terms of the relevant policies, appoint a competent and suitably skilled person as pound master.

(4) The Municipality may, in terms of a service delivery agreement, appoint a competent and suitably skilled service provider as pound master.

23. Animal keepers

(1) Any person may keep animals, other than—

(a) where previously banned from doing so;

(b) where unable to provide basic species specific care;

(c) minors, who may not keep animals without consent of guardians; and

(d) where the appropriate permits from the relevant conservation authorities were not obtained for the keeping of such an animal.

(2) Any person giving an animal into the care of an animal keeper must ensure that the keeper meets these minimum criteria.

24. Nuisance

(1) No person may keep any animal that creates a nuisance, whether the health nuisance or nuisance emanates from odour, sound or noise made by the animal, or from any other source relating to the animal and whether the health nuisance or nuisance emanates from the animal itself or from the manner in which, or the conditions under which, the animal is kept or from the escaping or wandering of the animal, as the case may be.

(2) The Municipality may consult with the relevant street committee or neighbourhood watch of the area to resolve the matter with the owner of the animal causing the nuisance.

(3) If the Municipality reasonably believes that an animal poses or creates a nuisance, the Municipality may—

(a) in writing order, the owner or person in charge of the animal to abate the nuisance within a reasonable time and setting out the measures to be taken; or

(b) where possible and, if necessary, remove the animal concerned.

(4) If a person as contemplated in subsection (3) is found guilty of a second contravention in terms of subsection (3) in respect of the same animal, the Court may, in addition to imposing a sentence in accordance with the provisions of this by-law, order that the animal be seized and removed by the Municipality to a place designated by the Municipality as contemplated in this by-law.

(5) If the Municipality reasonably believes that any stable, enclosure or other building or structure where an animal is kept causes or is likely to cause a nuisance, be it due to its construction or state of disrepair or lack of cleanliness or for any other reason, the Municipality may in writing order the owner or the person in charge of the premises upon which the stable, enclosure, building or structure concerned is situated, to execute and perform such work as required to abate the nuisance as specified in the notice, within a reasonable time.

(6) If the nuisance as contemplated in subsection (5) has not abated after expiry of the period concerned, or the owner or person in charge of the premises has not executed and performed the work required in the notice to the satisfaction of the Municipality, the owner or person in charge of the premises is guilty of an offence.

25. Permits

(1) Any person that wants to undertake an activity or for the keeping of animals listed in this By-law, and for which a permit is required, must apply to the Municipality in writing prior to undertaking the relevant activity.

(2) The Municipality may charge the applicant a prescribed fee for considering and for granting a permit.

(3) The Municipality may refuse to consider an application for a permit until the prescribed fee has been paid and until it has been provided with the information that it reasonably requires to make an informed decision.

(4) The Municipality may, after consideration of a report and recommendation of an authorized official or veterinary surgeon, by written notice to the holder of a permit, amend, suspend or cancel the permit—

(a) if it is satisfied that failure to do so would result in—

(i) the creation or continuation of a nuisance in a public place; or

(ii) a continued contravention of any provision of this by-law;

(b) with immediate effect, if an authorized official reasonably believes that it is urgently necessary to do so to eliminate or reduce a significant risk to public health posed by a nuisance; or

(c) after expiry of the period stipulated in a notice affording the holder of a permit a reasonable opportunity to comply with the notice and the holder of the permit failed to comply with the notice.

(5) The Municipality may amend, suspend or cancel a permit by written notice to the holder, if the authorized official reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the permit was issued.

26. Keeping of dogs and cats

(1) A person who keeps a dog or cat that is older than six months must apply to the Municipality for a permit in respect of every dog or cat.

(2) The application must be accompanied by the prescribed permit fee as set out in the Municipality's tariff of charges, as well as a valid rabies inoculation certificate held in respect of the dog or cat concerned.

27. Keeping of dangerous animals

(1) A person who keeps a dangerous animal must—

(a) keep it in an adequate enclosure;

(b) display adequate signage indicating the presence of a dangerous animal; and

(c) take reasonable measures to ensure that the animal—

(i) does not escape from the premises where it is kept; or

(ii) does not pose a danger, or cause harm, to a person, other animal, or property.

28. Keeping of wild animals

(1) No person may keep any wild animals on residential premises without prior approval of the relevant nature conservation authorities and or without a permit by the relevant local authority authorizing the keeping of such animals on the premises.

(2) No person may deliberately or negligently feed any wild animal that is not in captivity, with the exclusion of bird feeders.

(3) No person may permit a wild animal to access domestic waste.

29. Standards and requirements for keeping of animals on premises

(1) Premises used in connection with the keeping of animals and poultry must be operated under a permit issued in terms of this By-Law, except premises used for the keeping of animals and poultry on property zoned for agricultural farming or agricultural purposes, where the primary use of the land is for farming with animals and poultry.

(2) No person may keep, breed or operate the following animals on any residential premises without applying to the Municipality for a permit—

(a) keep cattle, horses, mules, donkeys or any animal of similar or bigger size;

(b) keep goats or sheep or any animal of similar or smaller size;

(c) any poultry, excluding 5 chicken hens;

(d) keep more than 5 birds;

(e) keep or breed any rabbits; and

(e) operate a kennel or cattery.

[Please note: Numbering as in original.]

(3) No person shall keep any varieties of rock dove or feral pigeons of the species Columba livia on any residential premises, unless a valid permit is issued.

(4) Applications to keep any varieties of rock dove or feral pigeons of the species *Columba livia* on any residential premises must be in writing in the prescribed format and may be considered and

resolved by the Municipality after consideration of substantiated comments received from abutting and affected neighbours.

(5) No person may keep any pigs on any residential premises in the Municipality.

(6) No person may keep any roosters on any residential premises in the Municipality.

30. General hygiene requirements for keeping of animals and poultry

(1) The premises and any equipment, apparatus, container or receptacle used in connection with keeping of animals, shall be maintained in a clean and sanitary condition and in good repair.

(2) Portable storage receptacles of an impervious material and with close fitting lids must be provided for storage of manure and animal waste.

(3) Potable drinking water supply must be provided and situated next to or in every stable or any enclosure used to accommodate animals, including poultry.

(4) Manure storage receptacles shall be kept on a platform that enables the surface underneath the receptacle to be cleaned.

(5) Manure from an enclosure must be removed at least once every three (3) days and placed in the manure storage receptacles.

(6) The contents of the manure storage receptacles must be removed from the premises at least once every seven days and disposed of in a way that will not create a public health nuisance. The disposal of manure does not include composting on the premises.

(7) All feed must be stored in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.

(8) Adequate measures must be taken to keep the premises free of pests and to prevent offensive odours arising from the keeping of such animals.

(9) All animal bedding must be removed from the stables/enclosures at least once a week and shall be stored in the manure receptacles or manure container or area until it is removed from the premises and suitably disposed of.

(10) Adequate washing facilities shall be provided for the cleaning of all structures housing animals and poultry.

(11) If the amount of manure generated on the premises is large quantities, it may be required that a manure storage area be provided for storage of manure prior to removal.

(12) The manure storage area, if needed, shall have a roofed platform constructed of concrete or other impervious material and the platform shall be graded and drained.

(13) Any animal that dies from any animal disease at premises shall be removed from the said premises within 24 hours of its death, to prevent a health nuisance or nuisance from occurring.

(14) Where the premises are provided with an animal mortuary, carcasses must be kept in the cold storage facilities until they are removed from the premises.

(15) Disposal of dead animals shall be conducted in an acceptable manner and in compliance with the relevant municipal by-laws.

(16) Subsections (14) and (15) do not apply to similar facilities provided for in terms of the Meat Safety Act No. 40 of 2000, registered veterinarian facilities or pounds.

31. Standards and requirements for pet parlous, pet shops, pet day care facilities and pet hotels

(1) No person shall operate a pet parlour, pet shop, pet day care facility or pet hotel on any premises, unless under a valid permit issued in terms of this By-Law.

(2) Applications to operate a pet parlour, pet shop, pet day care facility or pet hotel must be made in writing in the prescribed format and may be considered and resolved by the Municipality after consideration of substantiated comments received from abutting and affected neighbours.

(3) Pet parlours, pet shops, pet day care facilities and pet hotels must comply with the environmental health standards set out in the relevant by-laws, policies and any conditions that the Municipality may attach to their permits.

32. Keeping and slaughtering of animals for religious, cultural, ceremonial, and own consumption purposes

(1) Subject to subsection (2), no person may:

(a) slaughter any animal at any place other than at a registered abattoir;

(b) permit the slaughter of any animal at any place under their control unless that place is a registered abattoir; or

(c) sell or provide meat for human consumption and animal consumption unless it has been slaughtered at an abattoir.

(2) Subsection 1 does not apply to a slaughter for religious, cultural, ceremonial and own consumption purposes, in terms of the Meat Safety Act, 40 of 2000.

(3) No meat or animal product obtained from an animal slaughtered as contemplated in subsections 1 may be sold to any person.

(4) In the case of religious and cultural slaughtering, an application must be made in writing, fourteen (14) days prior to the event.

(5) The slaughtering of the animal must be conducted in a position as to not allow observation by any person on neighbouring premises or any member of the public.

(6) The meat from the slaughtered animal may only be used for religious, cultural, ceremonial and own consumption purposes and may not be sold to any person.

(7) The meat must be always handled in a hygienic manner.

(8) Blood and other waste products from the carcass must be disposed of in a manner which will not become a public health nuisance.

(9) The animal to be slaughtered must not be kept on the premises for a period more than twelve (12) hours, prior to slaughtering.

(10) Measures must be taken to ensure that no health nuisance is created or exists on the premises because of the slaughtering.

(11) The services of an authorized official or any person deemed as a meat inspector in terms of the Meat Safety Act, 2000 (Act 40 of 2000), may be requested for conducting a post-mortem examination of the slaughtered animal at a cost determined by the Municipality.

(12) Animals selected for slaughter, in terms of the Red Meat Regulations promulgated in terms of the Meat Safety Act, 2000 (Act 40 of 2000), must be in a healthy condition.

(13) Persons intending to keep animals for slaughter shall:

(a) Keep the animal off feed for twelve (12) hours but provide access to water.

(b) Ensure that the legs of the animal are not bound.

(c) Not run or excite the animal prior to slaughtering because this may cause poor bleeding and give the carcass a bloody appearance.

(d) Minimize pain and suffering as per the Meat Safety Act, 2000 (Act 40 of 2000).

(e) Provide written proof of notification to abutting neighbours which must be submitted with the application in residential areas only; and

(f) Ensure all areas are kept free of animal waste.

(14) Standard consent form must be completed by applicant.

(15) Number of animals and duration of event must be indicated by the applicant.

(16) No noise nuisance shall occur prior to and during the slaughtering process.

(17) All waste products to be disposed of in a manner approved by the Municipal Manager.

33. Drainage

(1) A person who keeps animals must ensure that all sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, channels and washing platforms required to be drained in terms of these bylaws are drained in accordance with the provisions of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).

Chapter 3
Bee keeping

34. Keeping of bees

(1) No person may keep bees in a residential area or public open space without the permission of the Municipality.

(2) The Municipality may set standards and requirements applicable to bee keeping.

(3) No person may keep bees within the area of the Municipality without registration with a registered beekeepers' association or the National Department responsible for agriculture.

(4) Proof of registration must be submitted to the Municipality in the prescribed manner within 30 days of receipt.

(5) The Municipality may establish and maintain a bee keeping database and inspect bee keeping premises in accordance with relevant by-laws, municipal policies and Standard Operating Procedures.

(6) Bee keeping may not cause a health nuisance or nuisance.

Chapter 4
Enforcement

35. Offences and penalties

(1) Any person who—

(a) contravenes or fails to comply with any provision of this By-law or disobeys any instruction or written compliance notice by an authorized official enforcing this By-law;

(b) obstructs or hinders any person in the execution of any power or the performance of any duty or function in terms of any provision of this By-law; or

(c) furnishes false, incorrector misleading information when applying for permission from the Municipality in terms of a provision of this by-law; is guilty of an offence and upon conviction liable to a fine or to a period of imprisonment for a period not exceeding two years, or to both a fine and such imprisonment.

36. Powers and functions of authorized officials

(1) An authorized official may, for the purposes of enforcing this By-Law—

(a) instruct a person who is in contravention to—

(i) stop the conduct prohibited under the By-Law;

(ii) remove any obstruction to the safe or free passage of a pedestrian or motor vehicle;

(iii) leave and remain out of a specified public place;

(b) issue a written compliance notice on a person contravening the by-Law, which notice must include the following—

(i) describe the conduct constituting a contravention of the by-law;

(ii) indicate the section of the by-law contravened;

(iii) specify the steps to be taken to comply with the notice;

(iv) specify the time periods within which the steps have to be taken;

(v) state that the failure to comply with the compliance notice constitutes an offence in addition to the contravention of the section contemplated in sub-paragraph (ii); and

(c) require any person to furnish their name and address and other particulars that are required for identification or for any process if the authorized official reasonably suspects this person of having committed an offence in terms of this by-law or, if in the opinion of the authorized official, that person is able to give evidence in regard to the commission of any such offence;

(d) conduct an inspection in relation to any premises or business—

(e) to determine whether the provisions of this by-law are being complied with;

(ii) where there are reasonable grounds for believing that a provision of this by-law has been contravened;

(iii) inspect the premises or any vehicle that is used or that they reasonably suspect is being used for the business and anything on the premises or anything in the vehicle; and

(iv) question any person on the premises or in the vehicle or any person who has recently been on the premises or in the vehicle; and

(i) enter any premises or business at all reasonable times, where there has been an allegation that a provision of this By-law has been contravened.

[Please note: Numbering as in original.]

(2) Should the person on whom a written compliance notice was issued in terms of subsection (1) fails to comply, or inadequately comply, with the written compliance notice, the Municipality may—

(a) take measures that the Municipality considers appropriate to remedy the situation or may authorise another person to take such measures; and

(b) recover costs in terms of its Credit Control and Debt Collection Policy and the Credit Control and Debt Collection By-law, as amended or similar legislation or policy, for the measures to be undertaken and all costs incurred as a result of acting under this by-law, from any or all of the persons on whom the written compliance notice was issued.

(3) In exercising any power under this section every authorised official must—

(a) exercise their powers reasonably with due regard to every person's fundamental rights under Chapter 2 of the Constitution;

(b) ensure if force is required under the circumstances, the level of force is justifiable and proportional; and

37. Indemnity

(1) Neither the Municipality nor any authorized official is liable for any damages in respect of anything lawfully done or omitted in the reasonable exercising of any power or carrying out any function in terms of this By-law.

38. Appeal

(1) A person whose rights are affected by a decision taken in terms of this by-law may appeal against that decision by giving written notice of, and reasons for, the appeal in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) to the Municipality Manager within 21 days of the notification of the decision.

(2) Any authorized official making a decision in terms of this by-law must inform any person affected by the decision of that person's right to appeal in terms of subsection (1).

Chapter 5
Impounding

39. Impoundment for trespassing

An authorized official may impound an animal found abandoned upon any street, road, road reserve or other public place.

40. Detention and removal of animals

(1) Any animal—

a) Found trespassing on land; or Straying or wandering unattended in a public road or other public place be detained and removed to a pound by the owner of such land, an official of the council, a member of the South African Police Service or the pound keeper.

b) Whose owner has failed to honour the lease agreement as entered into between the Municipality and the owner.

(2) Any person who has detained an animal for the purpose of impounding shall;

a) Remove such animal to a pound within 24 hours after seizure, and

b) Ensure that proper care is taken of the seized animal until the animal is received at the pound

41. Pound to which animals are to be sent

Any proprietor upon whose land any animals are found trespassing may send such animals to such pound as is nearest by a passable road or thoroughfare to the land trespassed upon, or such other pound designated by the municipality.

42. Offer by owner before impoundment of animals

The owner of any animals liable to impoundment for trespassing may, before the animals are removed from the property trespassed upon, offer to the person complaining of the trespassing a sum of money in compensation for the damage suffered by him or her. Such offer shall be made to the complainant himself or to his servant or agent charged with the duty of taking the animals to the pound.

43. Receiving of animals by pound master

(1) It shall be the duty of every pound master to receive into his or her charge all animals brought to such pound, during such hours as the municipality may determine, by the proprietor, or by any person authorized in writing thereto by such proprietor or caretaker, to be impounded for having been found trespassing upon the land of such proprietor.

(2) Any pound master who unreasonably refuses or fails to receive animals brought to such pound as aforesaid shall be guilty of an offence and shall, in addition, be liable for any damage caused to the owner of the said animals, or to any other person, by reason of such refusal or failure; provided that, if any animal suffering from any contagious disease is brought to the pound, such animal shall be kept separate from all other impounded animals, and the pound master may cause such animals to be put down under the provisions of section 8.

44. Receipt for impounded animals

Every pound master shall give the person delivering animals into his or her charge a written receipt, indicating the number and description of the animals so delivered, and specifying the trespassing for which the said animals, as reported, are to be impounded.

45. Number of enclosures

Every pound master shall maintain in good repair and, as far as possible, free from all infections, not less than five separate enclosures for—

(a) ostriches and horses,

(b) cattle

(c) sheep, goats and pigs,

(d) canine; and

(e) feline, provided that a municipality may regarding any pound in its area give permission to the pound master to maintain a smaller number of enclosures thereon.

46. Putting down dangerous or contagious animals

A pound master may cause any impounded animal suffering from a contagious disease, or which may prove dangerous to human life or other animals impounded to be put down; provided that no such animal shall be put down unless a veterinary surgeon has examined it and has agreed with the pound master as to the necessity for it being put down.

47. Notice of impounded animals

Every pound master who knows the name of the owner of any animal impounded in such pound shall forthwith give written notice to such owner that the said animal has been impounded.

48. Keeping of pound register

(1) Every pound master shall keep a pound register with the following particulars—

(a) the date when, and the cause for which, all animals received by him or her are impounded;

(b) the number and description of such animals;

(c) the name and residence of the person impounding such animals, and the name and residence of the owner or supposed owner;

(d) the date and particulars of the release of sale of the animals; and

(e) any other matters which he may be directed by the municipality to ascertain and record.

(2) The entries under subsection (1)(a), (b) and (c) shall be made at the time the animals are impounded and the entries under subsection (1)(d) and (e) shall be made as soon as the pound master obtains the necessary information; provided that no entry shall be made after a dispute has arisen.

(3) ln case of the death of injury of any impounded animal, the pound master shall enter in the pound register a description of such animal and the cause of its death of injury.

49. Inspection of and extracts from pound register

Every pound register shall be kept at the pound or any other approved place and shall at all reasonable times be open for inspection, free of charge, to any authorized officer of the municipality, veterinary surgeon, stock inspector, and any member of the police service or the public.

50. Submission of pound register entries after pound sales

Every pound master shall within a fortnight after the date of each pound sale submit to the municipality a copy of all entries in the pound register made since the date of the preceding submission. The municipality shall preserve all such copies for inspection by any person who so desires.

51. Inspection of pound register at place of sale

Whenever a sale of impounded animals is to take place, the pound master or a person authorized to conduct the sale, shall take the pound register with him to the place of sale, and such register shall be open for inspection, free of charge, at the place of sale to all persons.

52. Pound master's fees

(1) The municipality may fix fees and charges or tariffs for the keeping of animals in a pound and may, in determining such fees and charges or tariffs, distinguish between different kinds of animals and provide for the keeping and feeding of animals in separate enclosures.

(2) Every pound master shall be entitled to claim the fees and charges or tariffs determined by the municipality in terms of subsection (1) for every animal impounded by him or her in terms of this by-law.

53. Fees payable

(1) The fees and charges or tariffs determined by the municipality in terms of section 14 shall be paid to be the pound master by the owner of the animals impounded, and the said fees and charges, or tariffs, together with any costs which the pound master may have incurred and the pound master may exercise a lien against such animals, provided that—

(a) if the value of the animals impounded is in excess of the total amount due thereon, as determined in terms of this by-law, and if the owner is unable to pay the said amount, the pound master shall detain only so many of the said animals as may be sufficient to secure the total amount due for all the animals, and shall deliver the remainder of the animals to the said owner,

(b) any pound master who retains any greater number of such animals than is reasonably necessary to secure such amount shall be liable to the owner for any damages sustained by him on account of such retention.

(2) If the pound master is an official of the municipality, he shall pay the fees and charges, or tariffs received by him in terms of this by-law into the revenue of the municipality.

(3) No pound master shall release any impounded animal until the prescribed fees and charges, or tariffs have been paid to him.

54. Notice of sale

Every pound master shall—

(1) whenever any impounded animal has not been released within six days from the date of its impoundment, forward to the municipality in whose area of jurisdiction the pound is situated, a notice setting forth the species, marks and distinguishing features (if any) of such animal, and in regard to horses and cattle also their colour, and stating that the animal mentioned therein will be sold at the next sale of impounded animals, as well as the time and place of such sale;

(2) upon sending such notice to the municipality, post a copy thereof in some or other conspicuous place at or near the pound, and to remain there until the day of the sale; and

(3) cause to be published in a newspaper circulating in jurisdiction of the municipality where the pound is situated a notice of the sale of an impounded animal; provided that the cost of such notice shall be recoverable from the owner of the impounded animal and shall be deemed to be part of the amount to be deducted from the proceeds of the sale of an animal and it shall be recoverable from the owner of such animal if the said proceeds are less than the amount due; provided further that—

(a) if such notice refers to more than one animal, the municipality shall, in its discretion, divide the cost of such notice *pro rata* in respect of the animals referred to therein,

(b) if the owner of an impounded animal is unknown, and the proceeds of the sale do not cover the amount as aforesaid, the municipality shall make good the deficit.

55. Auctioneer

(1) Every sale of impounded stock shall—

(a) be conducted by the pound master or some other person duly authorized thereto by the municipality concerned; and

(b) commence at a time and be held on a day to be fixed by the auctioneer.

(2) No person conducting a pound sale shall have any direct or indirect interest in any purchase at any sale held by him or her.

56. Sale of animals

At every such sale—

(1) no animal shall be put up for sale unless impounded for at least two weeks.

(2) all animals, except sheep and goats shall be sold individually.

(3) sheep and goats shall be sold in lots of not more than ten, and sheep and goats, or sheep or goats with different marks or brands shall in no circumstances be sold together in the same lot.

(4) animals shall be sold for cash, and the proceeds, less the amount of the pound fees and other fees, charges, or tariffs payable in respect of such animals shall forthwith upon receipt, be handed by the pound master to the municipality, to be paid to the owners of the animals sold according to their respective rights; provided that—

(a) if in any particular case the animals sold do not realise sufficient income to yield the sum of pound fees and other fees, charges or tariffs as aforesaid, the proceeds shall first be utilised for the payment of the compensation due to the pound master, and if the said proceeds are insufficient to cover such compensation, the balance of compensation shall be paid to the pound master by the municipality.

(b) any money, being the proceeds of the sale of any impounded animal as aforesaid, which remains in the hands of the municipality for a period of twelve months without being claimed by the owner of such animal, shall be forfeited to the municipality.

(c) it shall be competent for the municipality to make good to any pound master any loss which he may incur in the keeping of animals where the selling price does not cover the costs incurred.

(d) it shall be competent for any pound master, after compliance with the procedure prescribed by section 8 relating to diseased animals, to cause any aged or otherwise permanently unfit animal presented at the pound to be put down.

(e) if any animal dies in the pound and the owner cannot be traced, the expenses of burying the carcass shall be borne by the municipality.

(f) the municipality or an authorized officer may fix a reserve price for any animal offered for sale.

(g) the auctioneer may withdraw any animal from the sale if the highest bid received is in his opinion not satisfactory, irrespective of whether a reserve price has been fixed by the municipality or not.

57. Illegal impounding and penalties

Any person who illegally impounds any animal shall be guilty of an offence and shall in addition be liable to the owner for all damages, pound fees, compensation, cost and charges arising out of such proceeding, and for all charges, fees or tariffs in connection therewith.

58. Recovery of loss in respect of impoundment of animals from area of another municipality

Any loss suffered by a municipality as a result of the impounding in a pound under its management and control of animals found trespassing within the area of jurisdiction of another municipality, may be recovered by such first-mentioned municipality from such other municipality.

59. Use, detention, and ill-treatment of animals

No person shall furiously drive, worry, or ill-treat any animal found trespassing.

60. Offences and penalties

Any person who

(1) contravenes or fails to comply with a provision of this by-law, whether such contravention or failure has been declared an offence elsewhere in this by-law,

(2) deliberately obstructs, hampers, or handicaps any person in the exercise of any power or the performance of any duty or function in terms of any provision of this by-law; or

(3) furnishes false, incorrect, or misleading information shall be guilty of an offence and liable upon conviction to—

(a) a fine or imprisonment or either such fine or imprisonment or to both such fine and such imprisonment; and

(b) 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

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

61. Repeal of by-laws

The provisions of any by-law previously promulgated by the municipality or the previously disestablished municipalities are hereby repealed in so far as they relate to matters provided for in this by-law, and insofar as it has been applicable to the municipality by the authorization for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, Act 117 of 1998.

62. Short title and commencement

This law is called the Cederberg Local Municipality Animal Keeping and Impounding By-Law and shall come into operation on the date of publication in the *Provincial Gazette*.