Drakenstein, South Africa

Public Nuisances and the Keeping of Animals By-law, 2007

Legislation as at 16 March 2007

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Public Nuisances and the Keeping of Animals By-law, 2007
Contents

1. Definitions 1
2. Application of by-law 3
Chapter 1 – General provisions relating to public nuisances 3
3. Behaviour and conduct 3
Chapter 2 – General provisions relating to keeping of animals 5
4. Permission to keep animals 5
5. Plans for structures and management 5
6. Consideration of application and imposition of conditions 6
7. Visibility of structures on premises 6
8. Wavering of requirements and withdrawal of authorisations 6
9. Validity of authorisations 6
10. Duties of owner or keeper of animal 6
11. Animals kept in an unsatisfactory manner 6
12. Destruction of animals 7
13. Hawking of animals 7
Chapter III – Provisions relating to keeping of dogs, cats and pets 7
Part 1 – General provisions relating to dogs, cats and pets 7
14. Number of dogs and cats 7
15. Breeders of dogs and cats 7
16. Breeders of pets 8
17. Conditions and restrictions 8
18. Withdrawal of permission 8
19. Dogs or cats in public places 8
Part 2 – Specific provisions relating to dogs 8
20. Control of dogs 8
Chapter IV – Dog kennels, catteries, pet shops and pet parlours 9
21. Permission to operate 9
Chapter V – Co-operation between municipalities 9
22. Service delivery arrangements 9
Chapter VI – Powers of municipality in case of omission by district municipality 10
23. Failure or omission by District Munnicipality 10
Chapter VII – General provisions 10
24. Right of entry and inspection 10
25. Service of documents and process 10

26. Transitional provisions 11
27. Appeal 11
28. Penalties 11
29. Exemptions 12
30. Repeal of by-laws 12
31. Short title and commencement 12
Annexure A 12

Drakenstein
South Africa

Public Nuisances and the Keeping of Animals By-law, 2007

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Drakenstein Municipality, by virtue of the powers vested in it by section 156(2) of the Constitution of the Republic of South Africa as amended, read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended, has made the by-law set out in the schedule below:

1. Definitions

In this by-law, words used in the masculine gender include the feminine, the singular includes the plulral 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 any equine, bovine, sheep, goat, poultry, camel, dog, cat, or other domestic animal or bird, or any wild animal or reptile which is in captivity or under the control of a person, or insects such as, but not limited to, bees which is kept or under control of a person, but excluding any pet;

"**bird**" means a pigeon, peafowl, pheasant, partridge, canary, budgerigar, parrot, ostrich and any other domesticated bird or wild bird which is in captivity or under control of a person;

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

"**district municipality**" means the Cape Winelands District Municipality established in terms of section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 480 dated 22 September 2000, as amended per Provincial Notice 162 dated 20 August 2004, 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 Drakenstein established in terms of section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 488 dated 22 September 2000 and includes any political structure, political office-bearer, councillor, duly authorised agent thereofor 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;

"**municipal manager**" is the person appointed by the municipality in terms of section 82 of the Municipal Structures Act, 1998 and includes any person:

(a) acting in such position; and

(b) the municipal manager has delegated any power, function or responsibility in as far as it concerns the execution of those powers, functions or duties.

"**owner**" —

(a) in relation to an animal, includes the person having the possession, charge, custody or control of such animal;

(b) in relation to a public nuisance as contemplated in Part 1 of this by-law —

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

(ii) in any case where a property is subject to a registered lease, the lessee of such property;

(iii) 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;

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

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

"**pet**" means a tame animal which is kept in a household for companionship or amusement;

"**pet parlour**" means an establishment where pets are groomed;

"**petshop**" means an establishment where pets are kept for trading purposes;

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

"**premises**" means—

(a) land or a portion of land, whether or not a building or structure has been constructed or erected on such land or portion thereof; or

(b) a building, structure, tent or caravan and the land on which it is situated 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 is offensive or dangerous, or which materially interferes with the ordinary comfort, convenience, peace or quiet of other people 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;

"**responsible authority**" means the Cape Winelands District Municipality or any national or provincial department that may in terms of its powers and functions impose conditions or restrictions in respect of the keeping of animals;

"**street**" 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.

2. Application of by-law

(1) The provisions of sections 4(1), 14(1), 15(1), 21(1) and 26 are not applicable to—

(a) premises or land which is used for *bona fide* agricultural purposes; or

(b) premises or land identified by the municipality where the keeping of animals or the operation of pet parlours, pet shops or catteries and kennels is permitted and indicated as such in an approved spatial development framework and zoning scheme.

(2) A person who keeps animals on premises contemplated in subsection (1)(a) and (b), is not exempt from the provisions of any other by-laws ofthe appropriate municipality or legislation with regard to the inception or bringing about of a public nuisance.

Chapter 1
General provisions relating to public nuisances

3. 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 disfigure such premises or to interfere with the convenience or comfort of other people 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, profession or hobby 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 other people;

(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;

(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 or keeping 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) cause or allow the disturbance of the ordinary comfort, convenience, peace or quiet of other people by the utilisation or use of electrical appliances, machinery, malfunctioning air conditioning units or similar appliances or equipment;

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

(k) 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;

(l) accumulate, dump, store or deposit any article or thing of whatsoever nature, which in the opinion ol the municipality is waste material or likely to constitute an obstruction in any street, public place or built-up or vacant premises or land. Where such action takes place with the consent of the municipality and any conditions of approval are ignored or complaints are received from the general public, the municipality may take action in terms of subsection (2);

(m) allow any erf to be overgrown with bush, weeds or grass or other vegetation, except cultivated trees, shrubs and grass, to such an extent that it may be used as a shelter by vagrants, wild animals or vermin or may threaten the safety of any member of the community;

(n) by an action directly or indirectly or by negligence allow that a nuisance be created or continued;

(o) 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;

(p) at any time during the day or night disturb the public peace in any public or private place or premises or a street 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;

(q) 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;

(r) 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 in such a manner that it creates a public nuisance and materially interfere with the ordinary comfort, convenience, peace or quiet of other people;

(s) 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 public peace;

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

(u) discharge any firearm, airgun or air pistol on any premises except premises or land zoned for agricultural purposes and which does not form part of a general plan for a township.

(2) (a) In the event of a contravention of section 3(1)(a) to (n), the municipality may issue a notice on the owner or occupier or the alleged offender to terminate the action or to remove the nuisance created. In the event of non-compliance with such order and without prejudice to the municipality's right to prosecute, the municipality may take the necessary steps to remove the cause or source of the nuisance and any costs incurred in connection therewith shall be recoverable from the person responsible for the nuisance or the owner or occupier or the premises on which the nuisance originates or is being continued, whether or not such owner or occupier is responsible therefore.

(b) Where a person complies with a notice issued in terms of subsection (a), the municipality may require such person to apply for a certificate of compliance which will be issued by the municipality once the nuisance has been removed or the action creating a nuisance has been terminated.

(c) Where the municipality has evidence that any vacant or developed premises or land in the vicinity of a street is being used for any purposes by unauthorised persons or that any of the materials or things mentioned in subsection (1) are being dumped or deposited on such premises, it may serve notice in writing on the owner or occupier thereof requiring him to enclose or fence it in to its satisfaction by a date specified in the notice. Every such enclosure or fence shall be not less than two metres in height and shall be of such a nature and so constructed that it will effectively prevent the entry of unauthorised persons and the dumping or depositing thereon of materials and things.

(3) For the application of this by-law, any action or condition on any premises, including any building, structure or vegetation thereon, which in the opinion of the municipality endangers the safety of any person or property or which is untidy, annoying, troublesome, offensive or disturbing to the peace of other people, shall be considered a public nuisance.

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

Chapter 2
General provisions relating to keeping of animals

4. Permission to keep animals

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

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

(3) In order to consider an application in terms of subsection (1), the municipality may obtain the input or comments of the owners or occupants of surrounding premises.

5. Plans for structures and management

(1) An application to keep animals must be submitted on an application form obtainable from the municipality, and be accompanied by a detailed site plan indicating all existing or proposed structures and fences on the premises for which the permit is required.

(2) Detailed plans, according to specifications obtainable from the municipality, of structures in which it is proposed to keep animals must accompany the application in section 4 and such plans must be approved by the municipality.

(3) Where possible, an exposition of the numbers, kinds and gender of animals must accompany the plans in subsection (2).

6. Consideration of application and imposition of conditions

(1) The municipality may, after consideration of —

(a) the input or comments obtained in terms of section 4(3);

(b) the location, geographical features or size of the premises in respect of which the application is submitted;

(c) the documents and expositions submitted in terms of section 5; or

(d) any other information relating to the application.

refuse to grant consent or grant consent.

(2) Where consent is refused, the municipality must furnish the applicant with the reasons for such refusal and at the same time advise him or her of the right of appeal in terms of section 27.

(3) Where consent is granted, the municipality may impose conditions.

7. Visibility of structures on premises

All structures in which animals are kept shall be suitably screened from any street.

8. Wavering of requirements and withdrawal of authorisations

Notwithstanding the aforementioned provisions, the municipality may after considering conditions particular to the property and on condition that no objection is received from the owners or occupants of surrounding premises, 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 6(3) if any of the conditions therein are not adhered to.

9. Validity of authorisations

All authorisations to keep animals granted in terms of any by-law or regulation repealed shall be deemed to have been granted in terms of this by-law.

10. Duties of owner or keeper of animal

The owner of an animal or the keeper thereof —

(a) may not cause or allow an animal to interfere with the ordinary comfort, convenience, peace or quiet of other people;

(b) must provide such animal with bedding, shelter, water and proper food daily; and

(c) must at all times maintain the premises on which an animal is kept, and all appurtenances in good repair and in neat condition so as to prevent the occurrence of a public nuisance.

11. Animals kept in an unsatisfactory manner

Whenever animals 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 necessary for the said purpose.

12. Destruction of animals

(1) The municipality may order the destruction of an animal which is —

(a) dangerous or ferocious;

(b) injured or diseased to such an extent that it would be humane to do so.

(2) Animals destroyed in terms of subsection (1) must be destroyed with such instruments or appliances and in such a manner as to inflict as little suffering as possible.

13. Hawking of animals

(1) No person may hawk an animal—

(a) in a street or public place; or

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

(2) A person who contravenes any of the provisions of sections 4, 5, 7, 10, 11 as well as subsection (1) of this section commits an offence.

Chapter III
Provisions relating to keeping of dogs, cats and pets

Part 1 – General provisions relating to dogs, cats and pets

14. Number of dogs and cats

(1) Subject to the provisions of section 15, no person may keep on any premises —

(a) more than two dogs; and

(b) more than two cats,

without the permission of the municipality.

(2) An application in terms of subsection (1) must be submitted in the form prescribed by the municipality and must contain an exposition of the breed, gender and number of dogs or cats applied for.

(3) A restriction imposed under section 17 on the number of animals that may be kept on premises does not apply for a period of 10 weeks after the birth of a litter from an animal kept in terms of a permit.

15. Breeders of dogs and cats

(1) A breeder of dogs who wishes to keep more than two dogs or a breeder of cats who wishes to keep more than two cats must obtain permission from the municipality.

(2) An application in terms of subsection (1) must be submitted on an application form obtainable from the municipality and must contain an exposition of the breed, gender and number of dogs or cats applied for.

(3) Plans and specifications of structures in which it is proposed to keep the dogs or cats as well as a site plan indicating all existing or proposed structures and fences on the premises for which the permit is required, must accompany the application in subsection (1) and such plans must be approved by the municipality.

16. Breeders of pets

(1) A person who breeds with pets must obtain the approval of the municipality.

(2) The provisions of section 15(2), (3) and (4) are with the necessary adjustment applicable to an application in terms subsection (1).

17. Conditions and restrictions

The municipality's consent in terms of sections 4, 14(1), 15(1) and 16(1) shall be granted subject to such conditions and restrictions as the municipality, in consultation with another responsible authority, may deem fit to impose.

18. Withdrawal of permission

(1) Where a person contravenes or fails to adhere to a condition or restriction contemplated in section 17, the municiality may, after hearing that person, withdraw its consent and may order the removal of animals from the premises for care and safekeeping by an animal welfare organisation or pound.

(2) Any costs incurred by the municipality for the removal and safekeeping of animals contemplated in subsection (1), shall be recovered from the owner or keeper of such animals.

19. Dogs or cats in public places

(1) The owner or keeper of a dog or cat may not bring or allow it in a street or public place unless the dog is kept on a leash by a responsible person or the cat is under the physical control of the owner.

(2) Except in the event of a blind person being lead by a guide dog, a person in charge of a dog in a street or public place, must remove any faeces left by the dog by wrapping it in paper or plastic and disposing of it in a receptacle provided for litter or refuse.

(3) A person who contravenes any of the provisions of sections 14, 15 or 19 commits an offence.

Part 2 – Specific provisions relating to dogs

20. Control of dogs

(1) No person may—

(a) permit a bitch on heat owned or kept by him or her to be in a street or public place without supervision;

(b) urge a dog to attack, worry or frighten any person or animal, except where necessary for the defence of such first-mentioned person or his or her property;

(c) keep a dog if the premises where such a dog is kept, is not properly and adequately fenced to keep such dog inside when it is not on a leash.

(d) permit a dog owned or kept by such person—

(i) to trespass on private property;

(ii) in any public road or place whilst such dog suffers from an infectious or contagious disease;

(iii) to constitute a hazard to traffic using any public road;

(iv) to constitute or to his knowledge be likely to constitute a source of danger or injury to a person outside the premises on which such dog is kept, or

(v) to be a source of danger to employees of the municipality entering upon such premises for the purpose of carrying out their duties. A notice to the effect that a dog is being kept on such premises must be displayed in a conspicuous place;

(e) keep any dog which —

(i) by barking, yelping, howling or whining;

(ii) by having acquired the habit of charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept, or

(iii) by behaving in any other manner, interferes materially with the ordinary comfort, convenience, peace or quiet of neighbours.

(2) The municipality may seize and impound at a place designated by the municipality, a dog which is found in a street or public place in contravention with the provisions of section 20(d).

(3) A dog impounded in terms of subsection (2) may be released to the owner of such dog upon payment of a fee determined by the municipality.

(4) A dog impounded in terms of subsection (2) may be sold or destroyed after having been kept in custody for seven days.

(5) A person who contravenes any provision of this section commits an offence.

Chapter IV
Dog kennels, catteries, pet shops and pet parlours

21. Permission to operate

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

(2) Application for permission must be done on an application form obtainable from the municipality.

(3) The person operating a kennel, cattery, pet shop or pet parlour may not conduct the business in such a manner so as to cause any nuisance or annoyance to other people.

(4) A person contravening any of the provisions of this section commits an offence.

Chapter V
Co-operation between municipalities

22. Service delivery arrangements

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 imposition and enforcement of conditions with regard to any application in terms of this by-law, in so far as such conditions pertain to the functions and powers performed by the district municipality;

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

(d) subject to the provisions of section 86 of the Municipal Structures Act, 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;

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

Chapter VI
Powers of municipality in case of omission by district municipality

23. Failure or omission by District Munnicipality

(1) If the municipality is of the opinion that optimal service delivery referred to in section 22 in its area of jurisdiction is impeded by the refusal or omission by the district municipality to execute any of the practical arrangements envisaged in section 22(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.

(2) Any expenses or cost incurred by the municipality in giving effect to any arrangement referred to in subsection (1) may be recovered from the district municipality.

Chapter VII
General provisions

24. 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 subsection (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.

25. Service of documents and process

(1) Whenever a 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 16 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.

26. Transitional provisions

A person who, at the commencement of this by-law, owns a larger number of animals than the number contemplated in section 4(1), may continue to keep such larger number of animals, but may not replace any animal in excess of that number should one or more of the animals die or be disposed of, unless permission is obtained from the municipality for exceeding that number.

27. Appeal

(1) A person whose rights are affected by a decision taken by a political structure, political office-bearer, councillor or staff member of a municipality in terms of a power or duty delegated or sub-delegated by a delegating authority to the political structure, political office-bearer, councillor or staff member, may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.

(2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).

(3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

(4) When the appeal is against a decision taken by —

(a) a staff member other than the municipal manager, the municipal manager is the appeal authority;

(b) the municipal manager, the executive committee or executive mayor is the appeal authority, or, if the municipality does not have an executive committee or executive mayor, the council of the municipality is the appeal authority; or

(c) a political structure or political office-bearer, or a councillor—

(i) the municipal council is the appeal authority where the council comprises less than 15 councillors; or

(ii) a committee of councillors who were not involved in the decision and appointed by the municipal council for this purpose is the appeal authority where the council comprises more than 14 councillors.

(5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

(6) The provisions of this section do not detract from any appropriate appeal procedure provided for in any other applicable law.

28. Penalties

A 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 -

(a) fine or imprisonment, or to such imprisonment without the option of a fine 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 result of such contravention or failure.

29. 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.

30. Repeal of by-laws

The by-laws listed in Annexure A are hereby repealed to the extent in the third column thereof.

31. Short title and commencement

This by-law shall be known as the by-law relating to Public Nuisances and the Keeping of Animals and shall come into operation on the date of publication thereof in the *Provincial Gazette*.

Annexure A

By-laws of the disestablished municipality of Paarl		
PN No	**Short title**	**Extent of repeal**
138/1937 390/1945	Additional dogs and other animals Keeping of bees	In so far as it has been made applicable to Drakenstein Municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 1998
144/1950 146/1950	Loudspeakers in streets Fences and walls	The whole The whole
526/1951 847/1952	Keeping of animals Keeping of poultry	In so far as it has been made applicable to Drakenstein Municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 1998
697/1969	Use of stoeps and verandah	The whole

By-laws of the disestablished municipality of Paarl		
852/1972	Maintenance of Cleanliness and Prevention of nuisances Cleanliness of premises	In so far as it has been made applicable to Drakenstein Municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 1998
402/1982	Keeping of dogs	The whole
286/1984	Boundary walls and fences	The whole
By-laws for the disestablished municipality of Wellington		
1015/1952	Loudspeakers	The whole
805/1958 939/1961 454/1972 991/1974 200/1975 92/1983 249/1989 800/1989	Keeping of animals Additional keeping of animals Prevention of nuisances Keeping of animals and rabbits Bringing in of animals Nuisances Keeping of poultry Keeping of animals	In so far as it has been made applicable to Drakenstein Municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 1998
90/1983	Keeping of dogs	The whole
158/1990	Detached walls and fences	The whole
By-laws applicable to Gouda via the disestablished municipality of Tulbagh		
233/1960 458/1974	Keeping of animals Keeping of poultry Keeping of bees	In so far as it has been made applicable to Drakenstein Municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 1998

By-laws of the disestablished municipality of Paarl		
777/1972 828/1972 829/1972 839/1974 807/1976	Removal of vegetation Keeping of dogs Accumulation of material Walls and fences Dilapidated buildings	The whole The whole The whole The whole The whole
By-laws of the disestablished Town Council of Mbekweni		
137/1989	Keeping of animals except dogs	In so far as it has been made applicable to Drakenstein Municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 1998
453/1990	Control over dogs	The whole