

# **PRINCE ALBERT MUNICIPALITY**

## **Public Nuisances and the Keeping of Animals, Bylaw, 2025**

Adopted by ???????? of the Municipal Council of Prince Albert Municipality

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The Municipality of Prince Albert ("the municipality") hereby publishes the Prince Albert Municipality: Public Nuisance and Keeping of Animals, Bylaw 2025 as set out below. This Bylaw has been promulgated by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and in accordance with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

### **PREAMBLE**

The municipality, being aware of the constitutional right of every person to a safe and healthy environment, adopts this Bylaw with the aim of promoting a safe and healthy environment for all people in the municipal area of the Prince Albert Municipality by fostering an environment in which the public in general may enjoy peaceful and harmonious living conditions. The aim of this Bylaw being:-

- To protect and to promote the health and well-being of all people in the Prince Albert Municipal area by fostering an environment in which the public in general may enjoy healthy, peaceful and harmonious living conditions.
- To provide for procedures, methods and practices to regulate the prevention of public nuisances in the area of jurisdiction of the Prince Albert Municipality.
- To provide for the orderly and regulated keeping of pets and animals and matters related thereto.
- To provide for applications.
- To provide for the enforcement of this Bylaw.

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## **CHAPTER ONE**

### **DEFINITIONS**

#### **1. Definitions**

In this Bylaw, words used in the masculine gender include the feminine.

All singular meanings shall include the plural interpretation and vice versa.

The English text shall prevail in the event of an inconsistency between the different texts, unless the context otherwise indicates.

“agent”, in relation to the owner of a property, means a person appointed by the owner of the property—

- a) to receive rental or other payments in respect of the property on behalf of the owner; or
- b) to make payments in respect of the property on behalf of the owner;

“aircraft” means any aircraft or helicopter, including a hot air balloon, micro-light, any device that operates in the manner of a kite or parachute or any remotely operated aircraft, drone, model aircraft, para-trike, paraglider, glider, hang glider, wing suite flying, or any other flying craft.

“animal” means any equine, bovine, sheep, goat, poultry, camel, dog, cat or other domestic animal or bird, or any wild animal, reptile, amphibia, fish, insect or bird 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, and includes a pet;

“authorised officer” means any employee of the Municipality or any other person who is appointed or authorised thereto to perform any act, function or duty related to the provisions of this Bylaw, or exercise any power in terms of this Bylaw and the officials to whom such officer reports; and “officer” has a corresponding meaning;

“authorised official” means—

- (a) an employee of the municipality designated to implement and execute the provisions of this Bylaw and the officials to whom such officer reports;
- (b) a law enforcement officer appointed by the municipality in terms of section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977);
- (c) a member of the Service as defined in section 1 of the South African Police Service Act, 1995 (Act 68 of 1995); and
- (d) a member of the Animal Welfare Society, SPCA or similar organisation.

“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;

“breeder” means the owner of a breeding female animal at the time of natural or artificial conception or at the birth of progeny;

“cattery” means any establishment where cats are bred or boarded;

“director” means the person appointed as the head of a Directorate and includes an acting Director;

“District Municipality” means the Central Karoo District Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this Bylaw 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;

“drug” means any dependence-producing substance, any dangerous dependence producing substance or any undesirable dependence-producing substance;

“drunk” means a person who, by reason of the intoxicating liquid which he or she has consumed, has lost control of his or her mental or physical faculties, or both, to such an extent as to render him or her incapable of comporting him-or herself, or of performing any act in which he or she is engaged, with safety to him-or herself or others;

“farm animal” means animals connected as associated in general with farming activities, like cattle, sheep, pigs, horses, donkeys, poultry;

“Greyhound” means—

- a) an English Greyhound;
- b) a Greyhound; or
- c) any other dog that has descended from Greyhounds, or has an appearance and physical characteristics substantially similar to any of the abovementioned dogs.

“guide dog” means a dog which has been trained to assist a blind or poor-sighted person and a service dog which has been trained to assist a person who is mentally or physically incapacitated;

“kennel” means premises in or upon which—

- a) boarding facilities for dogs are provided, whether on payment of a fee or otherwise;
- b) dogs are bred for commercial purposes;
- c) dogs are kept for purposes of being trained or hired out with or without handlers;
- d) dogs are kept for commercial security purposes;

and includes any establishment that has as its business the breeding, training or boarding of dogs and includes pounds;

“Municipality” means the Prince Albert Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this Bylaw 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” means the person appointed by the Municipality in terms of Section 54A of the Municipal Systems Act, 32 of 2000, and includes a person—

- a) acting in such position; and
- b) to whom the Municipal Manager has delegated any power, function or responsibility;

“noise nuisance” means any sound which disturbs or impairs or may disturb or may impair the convenience or peace of any person;

“nuisance” means any act, omission or condition on any street, place, premises or airspace, including any building, structure, plant, growth or animal thereon, or the operation or flying of an aircraft, which, whether realised or potential, is offensive, annoying, injurious or dangerous or materially disrupts or interferes with the ordinary comfort, convenience, privacy, peace or quietness of the public or which adversely affects the safety or health of the public or any animal or places the public or any animal life live or stay in any manner;

“objectionable material” means garden litter, waste, waste material, rubble, scrap metal, article or thing, disused machinery, motor car wrecks as well as the disused parts thereof, refuse from building operations, or any refuse being deposited on any land or premises, including new or used building materials not required in connection with bona fide building operations in progress on any land, and includes any solid, liquid or gas which is or may become offensive or dangerous or injurious to health or which materially interferes or may interfere with the ordinary comfort or convenience of a person;

“occupier” means any person who occupies or has control over any premises;

“owner” means in relation to animal, includes the person having the possession, charge, custody or control of such animal and means in relation to property and to public nuisance as contemplated in this Bylaw-

- (i) the persons in whom from time to time shall be vested the legal title to any immovable property;
- (ii) in the case of property being occupied in terms of a lease agreement or otherwise, the tenant or occupier 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 described above is absent, the agent or person who receives the rental of the relevant property, or who ordinarily has the obligation to care for and maintain the property; and
- (v) in any case where the property is beneficially occupied under a servitude or right similar thereto, the occupier or the inhabitant of such property.

Means in relation to an aircraft, includes the person flying, having the possession, charge, custody or control of such aircraft;

“permit” means the written permission granted by the municipality in terms of this Bylaw;

“pet” means an animal, insect or bird which is kept in a household and which is normally and in general associated with human beings, and which is kept for companionship or pleasure but not for trade or breeding purposes; but excludes game reptiles and farm animals;

“pet parlour” means an establishment where pets are groomed;

“pet shop” means an establishment where pets are kept for trading purposes;

“Pit bull” means—

- a) a pit bull terrier;
- b) a Staffordshire Bull terrier;
- c) a Staffordshire terrier;
- d) an American pit bull terrier; or
- e) any other dog that has descended from pit bulls and terriers, or has an appearance and physical characteristics substantially similar to any of the abovementioned dogs.

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

“premises” means land or portion of land, whether or not a building or structure has been constructed or erected on such land or portion thereof; or a building, structure or tent and the land on which it is situated and includes any vehicle, carriage or vessel;

“public nuisance” means any act or omission or condition on any premises or public place, 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 affects the safety of people, and “nuisance” has the same meaning;

“public place” means any land, square, building, park, recreation ground, beach, nature reserve 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 Prince Albert Municipality, the Central Karoo 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 street, road, cycle path, thoroughfare or any other place, including—

- a) the verge of any such road, street or thoroughfare;
- b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;

- d) any other object belonging to such road, street or thoroughfare, which has at any time been—
- (i) dedicated for use by the public;
  - (ii) used without interruption by the public for a period of at least thirty years;
  - (iii) declared or rendered such by the Municipality or other competent authority, or
  - (iv) constructed by a local authority, and
  - (v) any land, with or without buildings or structures thereon, which is shown as a street on—
    - (aa) any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon, or
    - (bb) any general plan as defined in the Land Survey Act, 1972, registered or filed in a deeds registry or Surveyor General's office;
- unless such land is on such plan or diagram described as a private street;

“structure” means any container, stable, shed, pigsty, kraal, aviary, paddock, poultry house, enclosure, loft or building used for human shelter, business purposes or the keeping or enclosing of animals.

## **CHAPTER TWO**

### **APPLICATION**

#### **2. Application of this Bylaw**

- (1) This Bylaw applies to everyone in the geographical area of the Prince Albert Municipality.
- (2) Sections 24, 35, 38 and 44 do not apply to—
  - (a) Premises which are legally used for bona fide agricultural purposes; or
  - (b) premises identified by the municipality where the keeping of animals or the operation of pet parlours, pet shops or catteries and kennels are permitted and indicated as such in an approved spatial development framework and zoning scheme.
- (3) A person who keeps animals on premises contemplated in subsection (2) is not exempt from the provisions relating to the inception or bringing about of a public nuisance.

## **CHAPTER THREE**

### **PROVISIONS RELATING TO PUBLIC NUISANCES**

#### **3. General behaviour and conduct**

- (1) For the application of this Bylaw, any action or condition on any premises that endangers the safety of a person or property or which is untidy, annoying, troublesome, offensive or disturbing to the peace of other people, shall be considered a public nuisance.
- (2) Despite any other provision, no person shall:—

- (a) by an action or omission, directly or indirectly, allow that a nuisance be created or continued, in the sole and exclusive discretion of the Municipality;
- (b) subject to any approval in terms of the relevant legislation, carry on any trade, business, profession or hobby which causes unreasonable discomfort or annoyance to other people;
- (c) do work on or use any premises in such a manner that it interferes with the convenience or comfort of a person or that it becomes a source of danger to any person;
- (d) at any time disturb the convenience, quietness or public peace in public or private place or premises or a street by making unseemly noises, by shouting, insistent hooting, loud wrangling, quarrelling, or by collecting a crowd or by organising any demonstration or by fighting, challenging to fight, or by striking with or brandishing or using in a threatening manner any stick, object or weapon of any kind or nature or by gathering in crowds without authorisation;
- (e) do door-to-door sales or offering of services of whatever nature;
- (f) at any time disturb the public peace by making unseemly noises in any manner whatsoever;
- (g) accumulate, dump, store or deposit any article or thing of whatsoever nature, which in the opinion of the Municipality is waste material or likely to constitute an obstruction in any street, public place or premises or land;
- (h) allow any erf, whether vacant or developed, to be overgrown with bush, weeds, grass, shrubs or vegetation, except protected and cultivated trees, flowers, shrubs that is maintained in a garden, to such an extent that it may be used as a shelter by vagrants, wild animals, snakes or vermin, or may threaten the safety of any member of the community or may cause or promote the starting or spreading of fires or depreciate or disfigure any nearby building or land or become a nuisance to other people;
- (i) permit the carcass of any animal, which died on his premises or on a property under his control to remain unburied or bury a carcass in an illegal place;
- (j) operate any device which interferes with radio and television reception; or
- (k) cause a nuisance by—
  - (i) playing loud music or use, or permit the use of music instruments causing excessive noise on any premises;
  - (ii) cause or allow the disturbance of the ordinary comfort, convenience, peace or quiet of others by the use of electrical or mechanical appliances, machinery, equipment or similar;
  - (iii) permit or allow the sounding of an alarm, or a siren, or a similar noise, albeit intermittently, and regardless of the hours of day, for longer than a period of 2 minutes, and in such a way that it causes a disturbance to the ordinary comfort, convenience, peace or quiet of others;
  - (iv) advertise wares or services by means of any megaphone, loudspeaker, or similar device or by insistent shouting, striking of gongs, blowing of horns or ringing of bells;

- (v) offering or making available to another person his or her services or products;
- (vi) continuing to beg from a person or closely follow a person or continue to force himself or herself on a person for the rendering of any type of service after such person has given a negative response to such begging or offer for services; or

#### **4. Behaviour in public places and streets**

- (1) Despite any other provision, no person, in a public place or street, shall: —
- (a) be drunk or under the influence of drugs;
  - (b) make any open fire including gally cans;
  - (c) use any abusive or threatening language or making disturbing noises;
  - (d) loiter in any street or public place;
  - (e) commit any act of indecency or immorality;
  - (f) solicit or importune any person for the purposes of prostitution or any other immoral act;
  - (g) offer or make available to another person his or her services for the purpose of committing an act of indecency ;
  - (h) continue to beg from a person or closely follow a person or continue to force himself or herself on a person for the rendering of any type of service after such person has given a negative response to such begging or offer for services;
  - (i) play loud or amplified music or use of music instruments;
  - (j) advertise wares or services by means of a megaphone, loudspeaker, or similar device or by insistent shouting, striking of gongs, blowing of horns or ringing of bells;
  - (k) commit any act which is, or may be calculated to cause a breach of the public peace;
  - (l) keep, store, repair, dismantle or reassemble any motor vehicle or other vehicles or apparatus;
  - (m) cleanse or wash any vehicle or part in any street or public place;
  - (n) in any street or public place wash, clean or service any building material, -machinery, apparatus or object or mix or prepare any paint, liquids, concrete or cement;
  - (o) feed a wild animal; or
  - (p) carry or convey or cause or permit to be carried or conveyed 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.

#### **5. Behaviour related to sidewalks**

Despite any other provision, no person, shall: —

- (a) push, park, left behind after use or accumulate trolleys or similar devices in such a manner that it impeded or poses a risk for pedestrian and vehicular traffic;



- (b) walk or stand in groups in such a manner that pedestrian or vehicular traffic is impeded;
- (c) offer services, goods or articles for sale from the side of the road in such a manner that pedestrian or vehicular traffic is impeded or the attention of drivers of vehicles is distracted.

## **6. Behaviour in public places**

- (1) Despite any other provision, no person, shall: —
  - (a) bathe or wash him-or herself or any animal, article or clothing in a public stream, pool, water trough, hydrant, fountain or at any place which has not been set aside by the municipality for such purpose; or
  - (b) defoul, misuse or damage public toilets or any other public facility or installation.

## **7. Behaviour relating to refuse**

- (1) Despite any other provision, no person, shall: —
  - (a) deposit, leave, spill, drop, place or allow any fruit or vegetable peels, broken bottles, glass, refuse, building rubble, garden refuse or thing which is offensive or likely to cause annoyance, danger or injury to a person, or may negatively affect the health and wellbeing of people or allow it to be deposited, left, spilt or dropped on any premises, street or public place;
  - (b) dump, accumulate, place or cause or permit to be dumped, accumulated or placed objectionable material in or on any erf, street, drain, water, furrow, sewer, thoroughfare, public square or commonage except at such place or places as the municipality may from time to time set aside or approve for such purposes provided, however, that the municipality may permit public garages, workshops and other concerns, to keep, store, repair, dismantle or reassemble any motor vehicle or other vehicles or apparatus, out of sight of any street and public place, on premises approved by the municipality; or
  - (c) by an action or omission, directly or indirectly, allow that a possible health hazard is created or continue.

## **8. Behaviour relating to premises and structures**

- (1) Despite any other provision, no person, shall: —
  - (a) allow buildings, structures, premises or vacant land to become a depository for waste material, refuse or other offensive or dangerous materials or liquids;
  - (b) allow buildings, structures, premises or vacant land to become a health hazard;
  - (b) subject to the provisions of the Town Planning Scheme Regulations, carry on any trade, business or profession on any premises in the municipal area which causes, or be a source or become a source of

- discomfort or annoyance to other people or may in the opinion of the Municipality become a nuisance;
- (c) erect, or allow to be erected or use on any premises any structure in a manner that causes a nuisance to a person; or
  - (d) allow buildings, structures, premises or vacant land to be invaded by or to become a home or a shelter for squatters for undesirable elements.

## **9. Behaviour relating to premises**

- (1) Despite any other provision, no person, shall: —
  - (a) perform work on, or use any premises, or permit it to be used, in such a manner that it interferes with the convenience or comfort of other people or that it becomes a source of danger to any person;
  - (b) subject to any approval in terms of the relevant zoning scheme regulations, carry on any trade, business, profession or hobby which causes discomfort or annoyance to a person; or
  - (c) do work on any premises or use any building or land in such a way that it depreciates or disfigure such premises, or nearby buildings or land, or interfere with the convenience or comfort of people, or become a source of danger to any person or the environment. Should the Municipality be of the opinion that this provision is being disregarded, the Municipality may instruct that such work or use be discontinued forthwith and that the previous or an acceptable condition be reinstated.

## **10. Behaviour relating to overgrown premises**

- (1) No owner or resident of any erf shall-
  - (a) permit such erf or any portion thereof to be overgrown with trees, bushes, weeds, grass or any other vegetation to such an extent that it causes a public nuisance and/or is obnoxious and/or is unsightly or poses a fire risk;
  - (b) where any such erf or portion thereof has been planted with trees, shrubs, vegetables, flowers or grass, permit the erf in question to become so overgrown with cultivated vegetation and/or so neglected that it causes a public nuisance and/or is obnoxious and/or unsightly;
  - (c) permit any erf or portion thereof whether with natural or cultivated vegetation to be so overgrown that it is aesthetically unacceptable.
- (2) In the event of any contravention of the provisions of subsection 10(1) the Municipality will be entitled to address to the owner or resident of such erf per registered post, a notice informing such owner or resident of such contravention and requiring such owner or resident to comply with this Bylaw or Fire Safety Regulations within a period of thirty days after the date on which the aforesaid notice was posted to the owner or resident.
- (3) If any owner or resident, to whom a notice has been addressed fails to comply with the requirements of such notice within the period stipulated in such notice, the Municipality may in terms of its authority to prosecute, and without any further notice to such person and with any other

assistance or any advisors which may be required, forthwith enter upon such erf and take all reasonable steps and incur such costs to remove the public nuisance.

- (4) The Municipality will be entitled to claim all reasonable and fair costs and administrative fees incurred in the removal of the public nuisance from the owner or resident of the erf.
- (5) If the public nuisance on any such erf is caused by vegetation which has been proclaimed as a protected tree, group of trees, woodland or species in terms of section 12 of the National Forestry Act, No 84 of 1989 or any other related legislation, the owner or resident will be obliged, where applicable, to obtain the necessary licence to remove, prune or chop down such vegetation at his own cost.
- (6) If the removal of such public nuisance will result in an activity which will most likely result in a negative effect on the environment in terms of the regulations published in terms of the National Environmental Management Act, Act No 107 of 1998, which require a permit, such permit must be obtained by the owner or resident of such erf at their own cost.

#### **11. Behaviour relating to structures/buildings**

- (1) Despite any other provision, no person, shall: —
  - (a) erect, or allow to be erected, or use on any premises any structure in a manner that causes a nuisance to people;
  - (b) allow any building or structure or any portion thereof, including appurtenances, fittings, drains, water and sewerage disposal systems, to fall into a dilapidated, neglected or unsightly state, which, in the sole and exclusive discretion of the municipality, interferes with the convenience or comfort of other people or that it becomes a source of danger to any person;
  - (c) 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 that it cause a nuisance or fail to maintain the walls of any building or structure free from dampness and in a clean and acceptable state;
  - (d) allow any building or structure or any portion thereof to fall into a dilapidated, neglected or unsightly state; or
  - (e) erect, or allow to be erected or use on any premises any structure in a manner that causes a nuisance to a person.

#### **12. Behaviour relating to fences**

Despite any other provision, no person, shall allow the fencing of any premises to fall into a state of disrepair or to become unsightly or dilapidated, in such a manner that it, in the sole and exclusive discretion of the municipality, it interferes with the convenience or comfort of other people or that it becomes a source of danger to any person or that it is unsightly.

### **13. Behaviour relating to Town Planning and Zoning**

Despite any other provision, no person, shall exceed or fail to comply with the limitations and conditions determined by the Municipality in terms of town planning legislation.

### **14. Behaviour relating to conducting a business**

- (1) Despite any other provision, no person, shall: —
- (a) subject to any approval in terms of the relevant zoning scheme regulations, carry on any trade, business, profession or hobby which causes discomfort or annoyance to a person;
  - (b) use or cause or permit to be used any stoep and/or veranda of any shop or business premises or vacant land adjoining such shop or business premises for the purpose of storing, stacking, displaying, keeping, selling or offering for sale any goods, articles or merchandise, without the prior written consent of the Municipality;
  - (c) 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, objects, or other articles which disfigure or depreciate such building or become a nuisance;
  - (d) enclose or cause or permit the enclosing of any stoep or veranda of any shop or business premises by means of movable or immovable structures, objects, articles or devices otherwise than by such means as prior approved by the Municipality;
  - (e) with exclusion of an industrial zoned premises, allow the frequency of deliveries, the loading and unloading of goods, the calling of persons or the frequency of arrival, departure or parking of vehicles attached to the activities on the premises, to cause a disturbance or nuisance;

### **15. Behaviour relating to lights**

Despite any other provision, no person, shall allow a light to be installed on the inside or outside on any premises that will shine directly onto any other premises or street which will negatively impact on traffic; provided that this does not apply to any illumination which merely causes an increase in ambient light beyond the property boundary without affecting traffic or other persons.

### **16. Behaviour relating to firearms/fireworks**

- (1) To prevent or restrict noise nuisance, nuisance, disturbance or risks no person shall-
- (a) discharge a firearm, airgun or air pistol in a street, public or private place or premises except-
    - (i) an employee or authorised official of the Municipality, a member of the SA Police Services, a lifesaver or a nature conservation office

- in performing his / her official duties, or other person with the Municipality's written consent;
- (ii) in emergency cases for protection of life and property;
- (iii) the firing of blank cartridges during approved organized competitions; or
- (iv) to signal distress;
- (b) use explosives or undertake blasting operations, except with the prior written permission of the Municipality; or
- (c) discharge any fireworks, crackers or similar.

#### **17. Behaviour related to litter**

- (1) Despite any other provision, no person, shall: —
- (a) throw, discarded or deposited any litter at a local facility or in a public facility or in a public place or street, other than receptacles provided for the purpose.
  - (b) No person shall without the prior permission of the Municipality, distribute or cause, allow, permit or suffer to be distributed any brochures, handbills, pamphlets, notices, or the like, in any public place or street.

#### **18. Behaviour related to soil hazards**

Despite any other provision, no person, shall on any premises excavate or remove soil or other or cause, allow, permit or suffer the excavation or removal of soil or other material from their premises, so as to be likely to remove lateral support from those premises or that public place or create a source of danger to any person or damage to that property or place.

#### **19. Behaviour related to water sources**

- (1) Despite any other provision, no person, shall: —
- (a) deposit or discharge or cause, allow, permit or suffer to be deposited or discharged any litter, refuse, night soil, industrial waste or liquid or other matter which may cause pollution of any nature on a portion of the catchment area, rivers or water ways; or
  - (b) pollute or cause, allow, permit or suffer the pollution of any canal, spring or subterranean water; or
  - (c) cause, allow, permit or suffer any solid, liquid or gaseous substance other than stormwater to enter any river, stream or natural water source or any other public water, whether ordinarily dry or otherwise;
  - (d) pollute or cause, allow, permit or suffer any water in any potable water or other water supply system to be polluted, or become unsuitable for drinking by human beings; or
  - (e) take or use or cause to be taken or used for domestic purposes any water from any furrow, dam or other supplies, which is or is likely to be polluted.

#### **20. Behaviour related to wastewater**

- (1) Despite any other provision, no person, shall: —
- (a) discharge or cause, allow, permit the discharge or entry into any road, drain, natural or constructed watercourse river, stream, any substance-
    - (i) which contains any constituents in concentrations which may endanger the safety of any person, animal or property or have an adverse effect on recreational areas;
    - (ii) which contains any floating material; or
    - (iii) containing any domestic effluent.
  - (b) allow any contaminated water or any other hazardous liquid, to run or flow from any premises into any public or private road, drain, natural or constructed watercourse river, stream or allow any such liquid to run or flow into any premises of another.

## **21. Behaviour related to displays**

- (1) Despite any other provision, no person, shall: —
- (a) display or cause, allow or permit to be displayed any material at anything which is immoral, indecent, obscene, offensive or illegal where such material is clearly visible to the general public outside of any such premises; or
  - (b) build, draw, print, write or otherwise produce any immoral, indecent or offensive figure, letter, picture, word or other representation or matter and such representation or matter is visible to the general public outside of any such premises.

## **22. Behaviour related to operating a drones**

Despite any other provision, no person, shall fly or operate a drone close to any private property, person or group of persons (for example, at a sports field, road races, schools, social events, public spaces) in a manner which creates a nuisance or impedes the privacy or safety of another person.

## **23. Nuisance contraventions**

- (1) In the event of a nuisance contravention the Municipality may issue a notice to the owner, occupier or alleged offender to terminate the action or to abate 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 may be recovered from the person responsible for the nuisance, or the owner or occupier of the premises, whether or not such owner or occupier is responsible therefor.
- (2) Where any private premises or land, whether vacant or developed, is used or occupied by unauthorised persons or where any of the materials or waste mentioned in subsection (1)(c) are dumped or deposited on such premises, the Municipality may serve a written notice on the owner or occupier requiring him or her to enclose or fence it in to its satisfaction by a date specified in the notice. Every such enclosure or fence must be so

constructed that it will effectively prevent the entry of unauthorised persons and the dumping of materials and waste.

- (3) For the application of this Bylaw, any action or condition, including any building, structure or vegetation thereon, on any premises that 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 nuisance provision or fails to comply with any notice lawfully given thereunder, shall be guilty of an offence.

## **CHAPTER FOUR**

### **PROVISIONS RELATING TO KEEPING OF ALL ANIMALS**

#### **24. Duties of owner or keeper of animal**

- (1) The owner or keeper of an animal –
  - (a) may not cause or allow an animal to interfere with the comfort, convenience, peace, quiet or safety of any person;
  - (b) may not cause or allow an animal to cause damage or pose a danger to other people or animals;
  - (c) must provide such animal with shelter, veterinary care, water and proper food to prevent the animal from causing a public nuisance;
  - (d) must maintain the premises and all accompanying appurtenances on which an animal is kept in good repair and in a clean and neat condition in order to prevent the occurrence of a public nuisance or health hazard;
  - (e) must exercise control over his or her animals in order to prevent damage to property, gardens and vegetation;
  - (f) may not leave or allow any animal to be on any section of a public place or road or leave such animal in a place from where it may stray onto such section of a public place or road; and
  - (g) must ensure that all structures in which animals are kept on premises must be suitably screened from any street.
- (2) The owner or keeper of a pet, including a dog or cat, may not allow such pet to be on any section of a street or public place, unless it is kept on a leash or is under physical control of the owner or keeper thereof.

#### **25. Terrifying or cause stress to an animal**

No person may terrify or cause stress or fear to any animal by any means whatsoever.

#### **26. Animal cruelty**

- (1) Any person who;
  - (a) possesses, keeps, imports, buys, sells, trains, breeds or has under his or her control an animal for the purposes 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 paragraphs (a) to (c) to take place on any premises or place in his or her possession or under his or her charge or control;
  - (e) owns, uses or controls any premises or place for the purposes, or partly for the purposes of presenting animal fights on such premises or place, or who acts or assists in the management of such premises or place, or who receives any consideration for the admission of any person to such premises or place; or
  - (f) is present as a spectator at any premises or place where any of the acts referred to in paragraphs (a) - (b) to is taking place or where preparations are being made for such acts;
- is guilty of an offence and liable on conviction to community work, a fine or to imprisonment, or both and such animals may be confiscated.
- (2) Any person who intentionally harm, hurt or molest an animal or who does not stop such hurting or molesting of an animal is guilty of an offence and liable on conviction to community work, a fine or to imprisonment, or both and such animals may be confiscated.

## **27. Animals not kept in a manner stated above**

- (1) Whenever an animal is kept in a manner not compliant with the above, or in an unsatisfactory manner or a manner which causes a public nuisance, the Municipality may by written notice require the owner or occupier of such premises to remove the cause of and to abate such nuisance or to comply with any condition or instruction imposed in terms of subsection (2) within 24-hours. Any such required compliance is for the account of the owner or occupier.
- (2) The Municipality may prescribe the steps that need to be taken or the work that must be done, at the cost of the owner or occupier, to comply with the notice contemplated in terms of subsection (1).
- (3) If a person fails to comply with a notice issued in terms of subsection (1) and/or (2), the Municipality may take the steps required to remedy the situation or nuisance, including the seizure and impoundment of such animals, and recover the cost of any action plus an administrative levy from such owner or occupier.
- (4) Should animals be found in a street or public place or on the premises of someone other than the owner of the animal, the municipality may impound such animals in accordance with Section 28. In cases where such animals pose an immediate danger to persons or property, are severely injured, or are diseased as specified in Section 29(1), the municipality may, after reasonable attempts to locate the owner and only through a registered veterinarian or authorized official, order the humane euthanasia of such animals in accordance with Section 29(2)."
- (5) If a stray animal is found on a street, public place, or premises other than that of its owner, and such animal: (a) poses an immediate and serious threat to human life, safety, or health; or (b) is severely injured or suffering



to an extent that immediate humane euthanasia is the most compassionate option as determined by a registered veterinarian or qualified animal welfare officer, the authorised official may arrange for humane euthanasia by a registered veterinarian or, in emergency situations where veterinary services cannot be immediately accessed, by a person trained and certified in humane euthanasia methods as specified in Section 29(2).

Before proceeding with euthanasia, reasonable attempts must be made to identify and contact the animal's owner, unless the situation presents an immediate danger requiring prompt action. A detailed report documenting the circumstances, decision-making process, and method used must be filed with the Municipal Manager within 24 hours of any such action."

## **28. Impoundment of animals**

The Municipality may impound or have an animal impounded when such animal-

- (a) is kept contrary to this bylaw;
- (b) is deemed to be stray;
- (c) is deemed to be dangerous or ferocious,
- (c) found at large in a weakened or neglected state on any premises or in a street or public place and appears to be ownerless or abandoned by its owner or keeper; or
- (d) injured or diseased to such an extent that it would be humane to do so.

## **29. Euthanasia/destruction of animals**

- (1) An authorised official may order the euthanasia or destruction of an animal found in or on a public street or public place, and which is -- (a) dangerous or ferocious to the extent that a person's life or property is endangered, or poses an immediate serious threat to other animals;
- (2) When an animal is to be euthanised or destroyed in terms of subsection (1), it must be done by a registered veterinary surgeon or destroyed with such instruments or appliances and in such a manner as to inflict as little suffering as possible.

## **30. Hawking or selling of animals**

No person may hawk or sell an animal in a street or public place or from a movable structure or vehicle.

## **31. Permission to keep animals, including farm animals, roosters, geese, turkeys and peacocks**

- (1) No person shall keep or permit to be kept on any premises or property, within the urban edges of Prince Albert Municipality any animals, excluding

pets and bees, without the prior written permit issued by the delegated official of the Municipality.

- (2) Any person who applies for a permit to keep a wild animal must, when applying as contemplated in subsection (1), comply with section 33 and must furnish the Municipality with a captivity permit issued by the relevant Provincial Department or entity.
- (3) In considering an application, the Municipality will consider the matters referred to in section 33, the location, geographical features and size of the premises, the number and gender of animals on the premises and any other information relating to the application including, but not limited to, grazing, zoning, fencing, availability of water, etc.
- (4) 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.
- (5) Where consent is granted, the Municipality may impose conditions.
- (6) The Municipality may determine the kind, number and gender of animals, including pets, that may be kept and the areas within which the keeping of such animals will be prohibited.
- (7) 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 or properties.
- (8) No poultry that are likely to cause a noise nuisance, will be permitted, and no application for the keeping of roosters (two months or older), geese, turkeys and peacocks will be entertained.
- (9) Permits issued will only be valid for the specific property in respect of which the application was made and will not be transferable.
- (10) Permits issued, in terms of this section, will be valid for a maximum period of two years after date of issue.
- (11) The Municipal Manager is authorised to cancel such permit, after considering a report from the Manager or responsible authority and the comments of the permit holder, if he considers it as a public health hazard or a nuisance and necessary in the interest of the abutting neighbours or persons residing in the vicinity of the permit holder's property, or in the interest of other animals.
- (12) The delegated official of the Municipality may, subject to compliance with the provisions of this Bylaw, issue a new permit if the manager is satisfied that the reasons for the cancellation no longer exist and that there is no reason why a new permit should not be issued.
- (13) An application fee for new applications and for every amendment of extension to the original permit will apply.

### **32. Plans for structures and management**

- (1) An application in terms of sub-section 31, to keep animals must be accompanied-
  - (a) by a detailed site plan, according to the specifications set out by the Municipality, indicating all existing or proposed structures, fences and signage on the premises for which the permit is required;
  - (b) the comments of the owners or occupants of surrounding premises; and

- (c) detailed plans and specifications of structures in which it is proposed to keep the animals; and
  - (d) where possible, details of the gender, size, numbers of animals to be kept.
- (2) All structures in which animals are kept shall be suitably screened from any street and public place to the satisfaction of the Municipality.

### **33. Transitional arrangement**

All permits, authorisations and concessions to keep animals that are in existence on the date of promulgation of this Bylaw and that do not comply with the provisions of this Bylaw, and/or have not been approved by the Municipality, must within a period of six months of the date of promulgation, be brought in compliance with this Bylaw by means of a written application.

### **34. Presumption**

- (1) In any prosecution under this Bylaw it is presumed, unless the contrary is proved, that an animal that is found at any premises or place is;
- (a) the property or under the control of the owner of those premises or that place, or
  - (b) is the property or under the control of the person who uses, rents or is in control of the premises or place.

## **CHAPTER FIVE**

### **PROVISIONS RELATING TO KEEPING OF BEES**

### **35. Permission to keep bees**

- (1) Bees may only be kept once the application is approved, to manage or restrict a nuisance, disturbance or risk, no person may keep bees on premises within the area of jurisdiction of the Municipality, except in terms of a permit, on application issued by the Manager.
- (2) Application for a permit must be made in writing which must be signed by the applicant or his agent who has been duly authorised in writing to do so and must be submitted to the Manager.
- (3) The Manager must on receipt of an application for a permit establish all the relevant facts, and may, if necessary, inspect the premises where the bees will be kept.
- (4) The application must indicate reasonable proof-
  - (i) that the keeping of bees on the premises will not constitute a nuisance or danger to human or animal life;
  - (ii) that the conditions contemplated in sub-section 32(14) will be met; and
  - (iii) that the written comments of the neighbours are attached.
- (5) The Manager must within 30 days of receipt of a fully motivated application for a permit, consider the application.

- (6) If the application is refused, the Manager must inform the applicant accordingly and must on request provide the applicant with written reasons for doing so.
- (7) If the application is granted, the Manager must on payment, by the applicant to the Municipality of the prescribed fee, issue the permit, with conditions, if applicable, to the applicant and include the particulars in a record of permits issued.
- (8) No fee is payable if the bees are kept in observation beehives for experimental or educational purposes only.
- (9) Permits issued, in terms of this section, will be valid for a maximum period of two years after date of issue.
- (10) A permit holder must, at least one month before the expiry of the permit, apply in writing to the Manager for the renewal of the permit.
- (11) The Manager may renew the permit, for a maximum period of two years, if he is satisfied that the permit holder complies with all application and permit conditions and has paid to the Municipality the prescribed renewal fee, unless the bees are kept in observation beehives for experimental or educational purposes only.
- (12) The Municipal Manager may at any time by notice served on a permit holder, rescind the permit if there is convincing evidence, which on request has not been rebutted by the permit holder, that the permit holder does not comply with a provision of the permit or that the keeping of the bees constitute a public nuisance or a danger to human or animal life.
- (13) A permit holder is not on account of the rescission of the permit under paragraph (a) entitled to a refund of any part of the fees paid.
- (14) A permit to keep bees is subject to the conditions-
  - (i) that the bees must be kept in a beehive made of solid and weatherproof material and built in such a manner that the honeycombs may be formed in frames that can be separated and removed from the beehive.
  - (ii) that the beehive must be kept at least 100 metres from any residence and business premises or place where animals or birds are kept;
  - (iii) that the beehive must be surrounded by a wire fence, hedge or wall of at least 1,5 metres high and which is at least 2 metres from any part of the beehive; and
  - (v) that the permit holder must display a notice board approved by the Manager, in the three official languages of the Western Cape that bees are kept on the premise.
- (15) The Manager may at any time inspect the premises concerned to ascertain whether the conditions of the permit are complied with.
- (16) If a person keeps bees on premises without a permit or contrary to a condition contemplated above, the Manager may serve a notice on the owner or occupant of the premises, to the effect that the bees must within the period stated in the notice be destroyed or removed to premises where they may be kept legally, otherwise they will be destroyed or removed by the Municipality and the cost related thereto will be recovered from such owner or occupant.
- (17) If the owner or occupant fails to comply with a notice contemplated above, the manager may authorise the destruction or removal of the bees and recover the costs related thereto from the owner of occupant concerned.

- (18) If the keeping of bees on premises, in the sole discretion of the Municipal Manager, constitutes an immediate and serious danger to human life, the Municipal Manager may authorize the destruction or removal of the bees, without prior notice to the owner or occupant concerned, and recover the costs related thereto from such owner or occupant.
- (19) For the purpose of this section the owner or occupant of premises is also deemed to keep bees that have naturally settled on the premises concerned.

## **CHAPTER SIX**

### **PROVISIONS RELATING TO KEEPING OF DOGS**

#### **36. Provision relating to dogs in streets and public places**

- (1) The owner or keeper of a dog may not bring or allow it in a street or public place unless the dog is on a leash, provided that the Municipality may designate places or areas where the owner or keeper of dogs may allow such dog or dogs to be without a leash.
- (2) Except in the event of a blind person being led 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 at their own residence and not in public litter bins.

#### **37. Provisions relating to the control of dogs**

- (1) No person may –
- (a) permit a dog to be in a street or public place unless such dog is on a leash;
  - (b) permit a bitch on heat to be in a street or public place without supervision;
  - (c) urge a dog to attack, worry or frighten any person or animal unless in self-defence;
  - (d) keep a dog if the premises is not adequately fenced to keep such dog inside when it is not on a leash; or
  - (e) permit a dog –
    - (i) to trespass on private property;
    - (ii) to constitute a hazard to traffic using any public road;
    - (iii) to constitute source of danger or injury to a person or animal outside the premises on which such dog is kept; or
    - (iv) to be a source of danger to employees of the municipality entering such premises for the purpose of carrying out their duties. A notice to the effect that a dog is kept must be displayed at all entrances to the premises.
- (e) keep any dog which interferes with the comfort, convenience, peace or quiet of a person by–
- (i) barking, yelping, howling or whining;
  - (ii) charging any vehicles, persons on bicycles, animals, poultry, pigeons or persons outside any premises where it is kept; or
  - (iii) by behaving in any other manner that may cause a nuisance.

### **38. Number of dogs**

- (1) No person may keep more than two dogs on any premises without the permission of 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 detail of the breed, gender and number of dogs applied for.
- (3) If, at the time of promulgation of this Bylaw, a person keeps more than two dogs on a premises, subsection (1) will not apply but no such dogs may be replaced by that person unless the number of dogs kept drops below two.
- (4) The restriction in terms or subsection (1) does not apply for a period of 10 weeks after the birth of a litter.
- (5) The provision of subsection (1) does not apply to premises or land used for bona fide agricultural purposes.

### **39. Conditions and restrictions**

The Municipality's consent in terms of section 38 shall be granted subject to such conditions and restrictions as the Municipality, after consultation with another responsible authority, may deem fit to impose.

### **40. Withdrawal of permission**

- (1) Where a person contravenes or fails to adhere to a condition or restriction contemplated in section 38 Municipality 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 cost incurred by the Municipality for the removal and safekeeping of animals contemplated in subsection (1), shall be recoverable from the owner or keeper of such animals.

### **41. Keeping of pit bull and greyhound dogs**

- (1) Any owner or person, when handling and appearing with a pit bull or greyhound dog outside the premises of that owner, must ensure that the dog is safely kept on a leash and muzzled;
- (2) A leash must be a maximum of 1.8 metres long;
- (3) Muzzles should be strong enough and well-fitted to prevent the pit bull or greyhound dog from biting, without interfering with the breathing, panting, or vision or with the dog's ability to drink water;
- (4) Any owner or person, when handling and appearing with a pit bull or greyhound dog in public, shall exercise reasonable precaution to prevent the dog from:
  - (a) biting or attacking a person or another domestic animal; or
  - (b) behaving in a manner that pose a threat to the safety of persons or other animals.

- (5) No person shall be in possession, own or be in control of a pit bull or greyhound, whether in a public place, public street or a private dwelling, unless such person is above the age of 18 years.

#### **42. Impoundment**

- (1) An authorised official may, without a warrant, seize and impound a dog, at a place designated by the Municipality, which is found in a street or public place in contravention with the provisions of this Bylaw.
- (2) A dog impounded in terms of subsection (1) can be released to the owner upon payment of a fee determined by the Municipality, if claimed within 7 days by the owner. If the owner fails to do so, the animal can be disposed of, in the sole and exclusive discretion of the organisation to whom the Municipality has entrusted it in the interim.

### **CHAPTER SEVEN**

#### **PROVISIONS RELATING TO KEEPING OF CATS**

#### **43. Keeping of cats**

- (1) No person may keep on any premises a cat or cats:-
  - (a) in such a manner so as to cause a nuisance or annoyance to other people or animals; or
  - (b) in such conditions that it creates or can lead to health hazard.

#### **44. Number of cats**

- (1) No person may keep more than two cats on any premises without the permission of 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 cats applied for;
- (3) If, at the time of promulgation of this Bylaw, a person keeps more than two cats on a premises, subsection (1) will not apply but no such cats may be replaced by that person unless the number of cats kept drops below two;
- (4) The restriction in terms of subsection (1) does not apply for a period of 10 weeks after the birth of a litter;
- (5) The provision of subsection (1) does not apply to premises or land used for bona fide agricultural purposes.

#### **45. Conditions and restrictions**

The Municipality's consent may be granted subject to such conditions and restrictions as the Municipality, or the Responsible Authority, may deem fit to impose, or may refuse permission.

#### **46. Withdrawal of permission**

(1) Where a person contravenes or fails to adhere to a condition or restriction imposed under Section 45, the Municipal Manager may:

(2) Give written notice to the person to remedy the contravention within a specified period;

(3) If the contravention continues, conduct a formal hearing where the person has an opportunity to present their case;

(4) Following the hearing, make a determination which may include: (i) Issuing a final warning; (ii) Withdrawing consent for keeping the cats; and/or (iii) Ordering the removal of the cats from the premises for care, safekeeping or disposal by an animal welfare organization or pound.

(5) The person shall be notified in writing of the decision and the reasons therefor."

(6) Any costs incurred for the removal and safekeeping of animals contemplated in sub-section (1), shall be recovered from the owner or keeper of such animals.

#### **47. Mandatory sterilisation of cats**

(1) All cats over the age of six (6) months kept within the Prince Albert Municipal area must be spayed or neutered, unless: (i) A registered veterinarian has certified in writing that sterilisation would be detrimental to the cat's health; or (ii) The owner holds a valid breeder's permit in accordance with Section 55 of this Bylaw.

(2) Proof Requirement: (i) Owners must maintain proof of sterilisation in the form of a veterinary certificate or letter; (ii) Such proof must be made available for inspection upon request by an authorised Municipal official; (iii) In the absence of such proof, a letter from a registered veterinarian stating that the cat has been examined and appears to be sterilised shall be acceptable.

(3) Grace Period and Implementation: (i) This requirement shall come into effect twelve (12) months after the promulgation of this Bylaw to allow cat owners sufficient time to comply; (ii) During the grace period, the Municipality shall conduct public awareness campaigns about the benefits and requirements of cat sterilisation; (iii) After the expiry of the grace period, enforcement shall begin with written warnings for the first three (3) months, followed by full enforcement including penalties.

(4) Low-Cost Sterilisation Programme: (i) The Municipality shall endeavour to partner with local veterinary practices, State veterinary services and animal welfare organisations to facilitate access to affordable sterilisation services; (ii) Information about available low-cost sterilisation options shall be made available at the Municipal offices and on the Municipal website.



(5) Exemption Application: (i) Applications for exemptions based on health concerns must be renewed annually with updated veterinary certification.

#### **48. Enforcement**

(1) Where a person contravenes or fails to adhere to a condition or restriction imposed under Section 45, the Municipal Manager may:

(a) Give written notice to the person to remedy the contravention within a specified period;

(b) If the contravention continues, conduct a formal hearing where the person has an opportunity to present their case;

(c) Following the hearing, make a determination which may include: (i) Issuing a final warning; (ii) Withdrawing consent for keeping the cats; and/or (iii) Ordering the removal of the cats from the premises for care, safekeeping or disposal by an animal welfare organization or pound.

(d) The person shall be notified in writing of the decision and the reasons therefor.

#### **49. Impoundment**

(1) An authorised official may, without a warrant, seize and impound a cat, at a place designated by the Municipality, which is found in a street or public place in contravention with the provisions of this Bylaw.

(2) A cat impounded in terms of subsection (1) can be released to the owner upon payment of a fee determined by the Municipality, if claimed within 7 days by the owner. If the owner fails to do so, the animal can be disposed of, in the sole and exclusive discretion of the organisation to whom the Municipality has entrusted it in the interim.

### **CHAPTER EIGHT**

#### **PROVISIONS RELATING TO KEEPING OF PETS (OTHER THAN CATS)**

##### **50. Provision relating to pets (other than cats) in streets and public places**

(1) The owner or keeper of a pet (other than a dog or cat) may not bring or allow it in a street or public place unless the pet is on a leash; and

(2) A person in charge of a pet (other than a dog or cat) in a street or public place, must remove any faeces left by the pet by wrapping it in paper or plastic and disposing of it at their residence.

##### **51. Provisions relating to the control of pet (other than a cat)**

(1) No person may –

(a) keep a pet (other than a cat) in a way where it may lead to a health or safety hazard for people or animals;

- (b) permit a pet (other than a cat) to be in a street or public place unless such pet is on a leash;
- (c) urge a pet to attack, worry or frighten any person or animal unless in self-defence;
- (d) keep a pet if the premises is not adequately fenced to keep such pet inside when it is not on a leash; or
- (e) permit a pet (other than a cat) –
  - (i) to trespass on private property;
  - (ii) to constitute a hazard to traffic using any public road;
  - (iii) to constitute source of danger or injury to a person outside the premises on which such pet is kept; or
  - (iv) to be a source of danger to employees of the municipality entering such premises for the purpose of carrying out their duties. A notice to the effect that a specified pet is kept must be displayed at all entrances to the premises.
- (f) keep any pet (other than a cat) which interferes with the comfort, convenience, peace or quiet of a person by making a sound, being a safety risk to people or animals or by behaving in any other manner that may cause a nuisance.

## **52. Number of pet (other than a dog or cat)**

- (1) No person may keep more than two pet (other than a dog or cat) on any premises without the permission of 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 pets applied for.
- (3) If, at the time of promulgation of this Bylaw, a person keeps more than two pets on a premises, subsection (1) will not apply but no such pets may be replaced by that person unless the number of pets kept drops below two.
- (4) The restriction in terms of subsection (1) does not apply for a period of 10 weeks after the birth of a litter.
- (5) The provision of subsection (1) does not apply to premises or land used for bona fide agricultural purposes.

## **53. Conditions and restrictions**

The Municipality's consent in terms of section 52 shall be granted subject to such conditions and restrictions as the Municipality, after consultation with another responsible authority, may deem fit to impose.

## **54. Withdrawal of permission**

- (1) Where a person contravenes or fails to adhere to a condition or restriction contemplated in section 14, the Municipality 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 cost incurred by the Municipality for the removal and safekeeping of animals contemplated in subsection (1), shall be recoverable from the owner or keeper of such animals.

**55. Impoundment**

- (1) An authorised official may, without a warrant, seize and impound a pet (other than a dog or cat), at a place designated by the Municipality, which is found in a street or public place in contravention with the provisions of this Bylaw.
- (2) A pet (other than a dog or cat) impounded in terms of subsection (1) can be released to the owner upon payment of a fee determined by the Municipality, if claimed within 7 days by the owner. If the owner fails to do so, the animal can be disposed of, in the sole and exclusive discretion of the organisation to whom the Municipality has entrusted it in the interim.

**CHAPTER NINE**

**KEEPING OF PRIMATES**

**56. General Prohibition**

The keeping of any primate species, including but not limited to vervet monkeys (*Chlorocebus pygerythrus*), as pets is prohibited within the Prince Albert Municipal Area, except as provided in subsections (b) and (c) below.

**57. Exceptions (Primates)**

(a) Registered Wildlife Rehabilitation Facilities: (i) Bona fide wildlife rehabilitation facilities registered with the relevant provincial conservation authority may keep primates for rehabilitation and release purposes only; (ii) Such facilities must maintain valid permits from both the provincial conservation authority and the Municipality; (iii) The Municipality shall only issue permits to facilities that demonstrate compliance with national norms and standards for wildlife rehabilitation.

(b) Existing Legal Owners (Grandfather Clause): (i) Persons who legally owned primates within the Municipality prior to the implementation of this Bylaw may continue to keep such animals until the end of their natural lives, subject to the conditions set out in subsection 54A.3; (ii) Such owners must register their primates with the Municipality within three (3) months of this Bylaw coming into effect; (iii) No breeding of these primates shall be permitted; (iv) The primates may not be sold or transferred to another owner within the Municipality.

**58. Requirements for Existing Legal Owners(Primates)**

(a) Any person keeping a primate under the grandfather clause in subsection 55.2(b) must: (i) Maintain a valid permit from the provincial conservation authority; (ii) Obtain and annually renew a special primate keeping permit from the Municipality; (iii) Allow regular inspections of the primate's living conditions by authorised officials; (iv) Provide an enclosure that meets the following

minimum standards: - Minimum of 15 cubic meters of space for a single vervet monkey, with an additional 5 cubic meters for each additional monkey; - Secure double-door entry system to prevent escape; - Weather protection, appropriate climbing structures, and environmental enrichment; - Appropriate social companionship for the species (primates should not be kept alone unless required for medical reasons certified by a veterinarian); (v) Maintain liability insurance covering potential damages caused by the primate; (vi) Report any escape immediately to the Municipality and provincial conservation authorities; (vii) Report the death of the primate to the Municipality within 14 days.

**59. Escaped (Primates)**

(a) The owner of any primate that escapes shall be responsible for all costs associated with the capture, care, or any damages caused by the escaped animal; (b) Repeated escapes shall be grounds for confiscation of the animal and revocation of permissions to keep the animal.

**60. Public Health and Safety (Primates)**

(a) All primates must be examined by a veterinarian qualified to treat wildlife at least once per year, with documentation provided to the Municipality; (b) Any bites or scratches to humans must be reported immediately to both the Municipality and relevant health authorities.

**61. Enforcement (Primates)**

(a) Any primates kept in contravention of this section may be confiscated and placed with appropriate wildlife rehabilitation facilities or sanctuaries; (b) Costs associated with confiscation, transportation, and rehoming shall be charged to the owner.

## **CHAPTER TEN**

### **PROVISIONS RELATING TO BREEDERS OF DOGS, CATS AND OTHER PETS**

**62. Breeders of dogs/cats/pets**

- (1) A breeder of dogs or cats or pets who wishes to keep more than two dogs, cats, pets must obtain permission from 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 race, gender and number of dogs, cats, pets applied for;
- (3) Plans and specifications of structures in which it is proposed to keep the dogs or cats or pets, as well as a site plan indicating all existing or proposed structures and fences on the premises of which the permits is required, must accompany the application in subsection (1) and such plans must be approved by the municipality;
- (4) Comments from all neighbours must accompany the application;

- (5) The Municipality's consent may be granted subject to such conditions and restrictions as the Municipality, or the Responsible Authority, may deem fit to impose, or may refuse permission;
- (6) Where a person contravenes or fails to adhere to a condition or restriction, the Responsible Authority or Municipal Manager may, after hearing that person, withdraw its consent and may order the removal of animals from the premises for care, safekeeping or disposal by an animal welfare organisation or pound;
- (7) Any costs incurred for the removal and safekeeping of animals contemplated in sub-section (1), shall be recovered from the owner or keeper of such animals.
- (8) Any breeding activities permitted under this section must comply with the applicable zoning requirements for the premises as determined by the Municipality's Land Use Management Scheme. No breeding activities shall be permitted on premises where such activities would constitute a contravention of zoning regulations."

## **CHAPTER ELEVEN**

### **PROVISIONS RELATING TO DOG KENNELS, CATTERIES, PET SHOPS AND PET PARLOURS**

#### **63. Permission to operate a dog kennel, cattery, pet shop or pet parlour**

- (1) No kennel, cattery, pet shop or pet parlour may be operated without the permission of the Manager on behalf of the Municipality, which permission may be subject to conditions;
- (2) Application for permission must be done in the form prescribed by the Municipality and or responsible authority; and
- (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) No person may operate a kennel, cattery, pet shop or pet parlour except on premises that are appropriately zoned for such purpose in accordance with the Municipality's Land Use Management Scheme.
- (5) Application for permission under subsection (1) shall include proof of zoning compliance, and permission shall not be granted for premises where such operations would constitute a contravention of zoning regulations.
- (6) Where zoning requires a consent use or departure application, such application must be approved prior to the granting of permission under this section."

## **CHAPTER TWELVE**

### **CO-OPERATION BETWEEN MUNICIPALITIES AND OTHERS**

#### **64. Service delivery agreements**

- (1) Whereas the keeping of animals on premises may cause a health nuisance, the Municipality may enter into agreements with the district municipality with which legislative and executive powers are shared, in order to achieve optimal service delivery in terms of this Bylaw; and
- (2) Whereas the control of keeping of animals may require specialist knowledge the Municipality may partner with organisations like, SPCA, PADS and the like to ensure best practices.

## **CHAPTER THIRTEEN**

### **EXEMPTIONS**

#### **65. Exemptions**

- (1) Any person may in writing apply to the Municipality for exemption from any provision of this Bylaw;
- (2) The Municipality may grant an exemption in writing and set and determine conditions and the period for which such exemption is granted;
- (3) An exemption does not take effect before the applicant has undertaken in writing to comply with the conditions imposed by the municipality, however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses; and
- (4) Where any action takes place with the consent of the Municipality and any conditions, requirements or restrictions of approval are ignored or not fully comply with or complaints are received the Municipality may take action against the offender and/or institute legal proceedings and/or remove the animals or other course of the problem.

#### **66. Appeal**

In terms of section 62 of the Local Government: Municipal Systems Act, an interested party in any application in terms of this Bylaw has a right of appeal.

## **CHAPTER FOURTEEN**

### **ENFORCEMENT**

#### **67. Right of entry and inspection**

- (1) Any duly authorised employee of the municipality, including but not limited to Law Enforcement Officials, Fire and Rescue Officials, Traffic Officials and the persons who they report to is authorised to inspect any premises within the municipal area at a reasonable time in order to determine whether there is compliance with the provisions of this Bylaw;
- (2) Any member of the South African Police Service, assigned to the area of geographical jurisdiction of Prince Albert Municipality and any officer they report to is authorised to inspect any premises within the municipal area at a reasonable time in order to determine whether there is compliance with the provisions of this Bylaw;

- (3) When entering premises in terms of subsection (1), the employee must on request by any person, identify him- or herself;
- (3) The authorised employee may be accompanied by a person reasonably required to assist in conducting the inspection;
- (7) Any person who fails to give or refuses access to any authorised official, or obstructs or hinders him or her in the execution of his or her duties under this Bylaw, or who fails or refuses to give information that he or she may lawfully be required to give to such official, or who gives false or misleading information knowing it to be false or misleading, commits an offence.

## **68. Right to confiscate**

In the event of a contravention, the Municipality may in its discretion, issue a notice on the owner or occupier or the alleged offender to terminate within a prescribed period, the action or to abate the nuisance created. In the event of non-compliance with such order and without prejudice to or in addition 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 of the premises on which the nuisance originates or is being continued.

## **69. Notice of compliance**

- 1. An authorised official may issue a written notice to any person contravening the provisions of this Bylaw.
- 2. A notice in terms of subsection (1) must;
  - (a) provide details of the provision of the Bylaw that has not been complied with;
  - (b) provide the owner, occupier, or other party a reasonable opportunity to respond to the allegations in the notice within a specified period;
  - (c) specify the steps that the owner, occupier or other person must take to rectify or remedy the failure;
  - (d) specify the period within which the owner, occupier or other person must take steps to rectify the failure; and
  - (e) indicate that the municipality may—
    - (i) if the notice is not complied with, undertake or allow the work that is necessary to rectify the failure to be undertaken and recover from the owner, occupier or other person the actual cost of such work; and
    - (ii) take any other action it deems necessary to ensure compliance.
- 3. A notice or document issued in terms of subsection (2) is valid until one of the following events occurs:
  - (a) it is carried out;
  - (b) it is cancelled by the authorised official or his or her delegate; or
  - (c) the purpose for which it was issued, has lapsed.

## **70. Enforcement**

(1) The Municipality shall employ a graduated approach to enforcement of this Bylaw, which may include: (a) Verbal or written warnings for first-time, minor violations; (b) Formal notices of compliance with specific timeframes; (c) Administrative penalties as determined in the Schedule of Penalties; (d) Legal prosecution for serious or repeated violations; (e) Emergency interventions in cases of immediate public health or animal welfare concerns.

(2) Notwithstanding subsection (1), the Municipality may proceed directly to more severe enforcement actions for serious violations or where public health, safety, or animal welfare is at immediate risk."

## **71. 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 Bylaw, 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 of sixteen years;
  - (c) when it has been posted by registered or certified mail to his last known residential or businesses address in the Republic and an acknowledgement 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) when it has been posted in a conspicuous place on the immovable property (if any) to which it relates.
  - (f) when emailed to the email address provided by the Municipality.
- (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.

## **72. Offences**

- (1) Any person who:
- (a) contravenes any provision or requirement or condition of this commits an offence;
  - (b) continues to transgress this Bylaw, after notice has been served on him, or fails to cease committing such offence after he has been informed of such offence, commits a continuing offence;
  - (c) fails to give or refuses access to any authorised employee or representative of the Municipality if he requests entrance on any land or premises, or who furnishes a false statement, or gives false or misleading information knowing it to be false or misleading commits an offence;
  - (d) furnish false information to an authorised person in respect of any issue pertaining to this Bylaw commits an offence;



- (e) refuse to co-operate with the request of an authorised person made in terms of this Bylaw commits an offence; or
  - (f) hinder or obstruct an authorised person in the execution of his or her duties in terms of this Bylaw commits an offence.
- (2) Any and all offences are punishable with a fine and / or imprisonment and / or community work;

### **73. Penalties**

- (1) Any person who contravenes or fails to comply with any other provision of this Bylaw shall be guilty of an offence and liable upon conviction to-
  - (a) community work, fine or imprisonment, or to both such fine and such imprisonment and;
  - (b) in the case of a continuing offence, to additional community work or an additional fine or an additional period of 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.
- (2) An authorised official may issue a spot fine and if not paid the alleged transgressor may be prosecuted in a court of law; and
- (3) A court of law is not limited to the imposition of a fine.

## **CHAPTER FIFTEEN**

### **GENERAL**

### **74. Limitation of liability**

The Municipality is not liable for any damages or loss caused by-

- (a) the exercise of any power or the performance of any duty in good faith under these Bylaws; or
- (b) the failure to exercise any power or perform any function or duty in good faith under these Bylaws.

### **75. Conflict with other legislation**

In the event of any conflict between any provision of this Bylaw and National and Provincial legislation, standards, policies or guidelines, the National and Provincial legislation, standards, policies or guidelines shall prevail.

### **76. Repeal of Bylaws**

The previous Prince Albert Municipal Bylaws dealing with Public Nuisance and the Keeping of Animals are hereby repealed.

### **77. Short title and commencement**

This Bylaw shall be known as the Prince Albert Municipality Public Nuisances and the Keeping of Animals, Bylaw, 2025 and shall come into operation on the date of publication thereof in the Provincial Gazette.

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