

CITY OF CAPE TOWN

ANIMAL KEEPING BY-LAW, 2026

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CITY OF CAPE TOWN

ANIMAL KEEPING BY-LAW, 2026

To provide for measures for managing and protecting the interests of residents and animals, by exercising control over the numbers and kinds of animals that may be kept, as well as the conditions under which such animals may be kept, sheltered and cared for, and to provide for the prevention of possible nuisances, loss, damage or disease that could be caused through the keeping of such animals, including the impoundment, forfeiture or disposal of such animals.

PREAMBLE

WHEREAS section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on a municipality the executive authority and right to administer (a) the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution; (b) and any other matter assigned to it by national or provincial legislation;

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

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

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

NOW THEREFORE BE IT ENACTED by the Municipal Council of the City of Cape Town as follows:—

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1. Definitions

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

“agricultural property” means land zoned for such purposes in terms of the City of Cape Town Municipal Planning By-law, 2015;

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

“animal behaviourist” means any person registered as such with the Animal Behaviour Consultants of South Africa or the South African Board for Companion Animal Professionals;

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

“animal waste” means the biological, physical and organic by-products generated by animals and may include manure, soiled organic materials used for animal comfort and housing, feed waste or silage effluent.

“animal welfare inspector” means any person from a society for the prevention of cruelty to animals authorised under the hand of the magistrate of the district in terms of Section 8 of the Animals Protection Act 71 of 1962;

“apiary” means a place where bees are kept, usually a site containing one or more beehives.

“authorised official” means an employee of the City responsible for carrying out any lawful duty or function or exercising any lawful power in terms of this By-law and includes an employee delegated to carry out or exercise such duties, functions or powers, which includes:

- (a) A member of the Cape Town Metropolitan Police Department established in terms of section 64A of the South African Police Service Act, 1995 (Act No. 68 of 1995);
- (b) A traffic officer appointed in terms of section 3A of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- (c) A law enforcement officer declared to be a peace officer in terms of section 334(1)(a) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977); and
- (d) A member of the South African Police Service (SAPS);

“aviary” means an enclosure, which includes a loft, used for the keeping of birds for any reason, but does not include a portable cage, where such portable cage is being used for transportation;

“bees” means honey bees;

“beekeeping activities” means the keeping of honeybees in a managed beehive for the production and harvesting of any bee products, for queen rearing purposes or for commercial pollination services, and includes the removal, eradication or relocation of honeybee colonies;

“bird” includes any domestic bird or wild bird and dove or pigeon but does not include poultry;

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

“carcass” means the remains of any animal or poultry that died;

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

“City” means the City of Cape Town, a municipality established by the City of Cape Town Establishment Notice No. 479 of 2000 issued in terms of section 12 the Local Government: Municipal Structures Act, 1988 (Act 117 of 1998), or any structure or employee of the City acting in terms of delegated authority;

“contracted entity” means any animal welfare organisation registered as a Non-Profit Organisation and contracted by the City to render services pertaining to animal keeping and to perform inspection, permitting and administrative functions in terms of this By-law.

“council” means the Council of the City of Cape Town;

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

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

“dwelling unit” means a self-contained, inter-leading group of rooms, with not more than one kitchen, used for the living accommodation and housing of one family or a maximum of 5 transient guests, together with such outbuildings as are ordinarily used

therewith, but does not include domestic staff quarters, or tourist accommodation or accommodation used as part of a hotel;"

"exotic animal" means any live vertebrate or invertebrate animal (including the egg or spawn of any such animal) belonging to a non-domestic species and includes any such animal which is kept or has been born in captivity but is not indigenous to the Republic of South Africa;

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

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

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

"impounded animal" means any animal removed from the direct control of a person or owner or any stray animal taken into the custody of an authorised official with the intention of handing such animal into the pound or other facility designated by the City;

"kennels" means premises in or upon which –

- (a) boarding facilities for dogs are provided;
- (b) dogs are bred for commercial purposes;
- (c) dogs are kept for the purpose of being trained or hired out with or without
- (d) handlers, or
- (e) dogs are kept for commercial security purposes;

"large livestock" includes any horse, pony, donkey, mule, large livestock such as cattle, antelope, ostrich or camel and any other animal of similar size or larger;

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

"owner" in relation to an animal includes any person having the possession, charge, custody or control of that animal, or the person whose details are recorded on the collar of any animal;

"manure" means a mixture of animal faeces and urine that has been processed or collected specifically to be processed and used as agricultural fertilizer;

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

"permit" means the written permission granted by the City, or contracted entity, in terms of this By-Law;

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

"pet" means a domestic animal kept primarily for companionship or pleasure and not for commercial, agricultural or working purposes.

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

"pet shop" means any premises on which the business of keeping and selling of pets is conducted;

"poultry" means any domestic fowl, including any goose, ostrich, duck, turkey, Muscovy, guinea-fowl, peacock or pea-hen, chicken or similar;

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

"pound" means a place designated by the City in terms of any law for the impounding, sale, rehoming or destruction of animals;

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

"premises"

(a) means any building, tent or any other structure, together with the land on which it is situated;

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

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

“public health” means the practice of preventing disease and promoting good health and the physical well-being of people and communities in the area of jurisdiction of the City;

“public place” includes –

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

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

(ii) been dedicated to the public;

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

“seized” means to lawfully remove an animal or thing from the possession or control of the owner in terms of this By-law;

“small livestock” means sheep, pig, goat or any animal of similar size;

“stray animal” means

(a) any animal not under the direct control of its owner or a person appointed by the owner;

(b) any animal not prevented from roaming; or

(c) an animal that has escaped or is lost;

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

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

"working animal" means an animal trained, used or made available for gain, or letting, to perform tasks for human benefit.

CHAPTER 1: GENERAL PROVISIONS RELATING TO ANIMALS

2. Keeping of dogs

(1) Subject to sections 4(1) and 5(1), no person may keep more than –

- (a) two dogs, or allow more than two dogs, over the age of six months, to be kept in or at a dwelling unit;
- (b) three dogs, or allow more than three dogs, over the age of six months, to be kept in or at a dwelling house;
- (c) four dogs, or allow more than four dogs, over the age of six months, to be kept in or at a large dwelling house;
- (d) six dogs, or allow more than six dogs, over the age of six months, to be kept on an agricultural property; or
- (e) three dogs, or allow more than three dogs, over the age of six months, to be kept on at any other premises.

(2) Subsection (1) does not apply to any person who-

- (a) is the holder of a permit issued in terms of section 4 to keep a greater number of dogs;
- (b) is the owner or manager of, or person in charge of, a pet shop and who has written proof that all dogs under his or her control have received the vaccinations required in terms of the Animal Diseases Act, 1984 (Act 35 of 1984), as well as such preventative vaccinations as may be recommended by the South African Veterinary Council or a veterinarian;
- (c) is the owner or manager of, or person in charge of, a premises where animals are being kept for training and where such animals are kept or trained under the auspices of a registered animal association;
- (d) is the owner or is in charge of premises where guide dogs are being kept or trained and such guide dogs are kept or trained under auspices of the SA Guide Dogs Association;
- (e) is the owner or manager of a veterinary clinic;

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

(g) operates a pound.

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

(4) No person shall keep any dog which is not fitted with a collar and name tag with a contact number or address of the owner, or which is not microchipped. The microchip must be registered in the name of the owner with a telephone number and physical address.

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

(6) The application in terms of subsection (5) must be accompanied by the prescribed permit fee as set out in the City's tariff of charges, as well as a valid rabies inoculation certificate held in respect of the dog concerned.

3. Keeping of cats

(1) Subject to sections 4(1) and 5(1), no person may keep more than –

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

(b) six cats, or allow more than six cats, over the age of six months, to be kept on an agricultural property.

(2) Subsection (1) does not apply to any person who-

(a) is the holder of a permit issued in terms of section 4 to keep a greater number of cats;

(b) is the owner or manager of, or person in charge of, a pet shop and who has written proof that all cats under his or her control have received the vaccinations required in terms of the Animal Diseases Act, 1984 (Act 35 of 1984), as well as such preventative vaccinations as may be recommended by the South African Veterinary Council or a veterinarian;

(c) is the holder of a permit to keep kennels or catteries;

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

(e) operates a pound.

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

(4) No person shall keep any cat which is not fitted with a collar and name tag with the contact details of the owner or is not microchipped. The microchip must be registered in the name of the owner with a telephone number.

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

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

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

(1) Any person who wants to keep a greater number of dogs or cats on any premises than the number permitted for that type of premises in terms of sections 2 and 3, must apply to the City for a permit to keep excess dogs or cats.

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

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

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

(5) The City may only consider an application in terms of subsection (1) after receipt of a written report from an authorised official, or a contracted entity upon the request of the City, setting out –

(a) whether the dog or cat, for which the permit is required, is likely to cause a nuisance or a health nuisance or the keeping of such dog or cat may result in a contravention of section 2 or 3;

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

- (c) whether the applicant has previously had a dog or cat removed from his or her care or has a previous criminal conviction or civil judgement against him or her in respect of any dog, cat or any other animal in his or her care; and
 - (d) whether the application is supported in writing by at least two neighbours directly adjacent to the applicant's premises, where such support is required by the authorised official.
- (6) The City may refuse an application in terms of subsection (1) or approve it subject to any conditions aimed at reducing the risk of any nuisance or health nuisance created by the dogs or cats on the premises concerned occurring, continuing or to reduce such risk to a level acceptable to the City.
- (7) The City must refuse an application in terms of subsection (1) where the applicant, the premises concerned, or the keeping, breeding, trading, boarding or sale of animals conducted therefrom, does not comply with the provisions of this By-law or any other applicable legislation, permit, approval or condition imposed by any competent authority.

5. Regulation of Breeding

- (1) All dogs and cats whether male and female, over six months of age must be sterilized, unless the owner obtains a permit from the City to keep the animal unsterilized.
- (2) An application to keep an unsterilized animal must be in writing on a prescribed form, in accordance with relevant City policies and standard operating procedures and must be accompanied by the prescribed fee.
- (3) The City may refuse an application contemplated in subsection (2) where it is found that the keeping of the unsterilized animal may -
- (a) constitute a nuisance or health nuisance; or
 - (b) contravene any provision of the City's Municipal Planning By-law, 2015, or any other applicable law.
- (4) An authorised official may cause an animal to be sterilized and the costs thereof may be recovered from the owner, should the authorised official deem it necessary -
- (a) in the interests of the welfare of the animal;
 - (b) to prevent nuisance;
 - (c) when the animal is stray;

(d) at the request of the owner; or

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

6. Animals shall not be a source of danger

(1) No person may urge, incite or provoke any animal to attack, worry or frighten any person or animal or fail to exercise reasonable care to prevent any animal from attacking, or charging at any other person or animal, and for the purposes of this subsection includes the prohibited use of dogs to hunt other animals.

(2) Any person who keeps an animal on any premises must, upon request by a City employee, authorised official or member of the South African Police Service entering upon such premises in the execution of their duties, take reasonable steps to restrain or secure such animal so as to prevent any danger to such persons.

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

7. Fighting or Hunting with Animals

(1) Any person who –

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

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

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

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

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

(f) is present as a spectator at any premises or public place where any of the acts referred to in paragraph (b) to (e) is taking place or where preparations are being made for such acts,

is guilty of an offence.

8. Unauthorised Fireworks and prevention of animal cruelty

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

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

- (1) No person shall permit any dog owned or kept by him or her to be in any public street or public place except on a leash and under their control, unless the dog is in an area designated by the Council as a free running area.
- (2) The City may designate public places, with appropriate signage, as areas where dogs are –
 - (a) allowed to be –
 - (i) free running; or
 - (ii) on leash; or
 - (b) not allowed to be.
- (3) The City may, after a notice and comment period, vary the designation made in subsection (2) according to time of day and season.

10. Removal of excrement

- (1) No person, except a visually impaired person assisted by a guide dog, may allow a dog to defecate in a public place without immediately picking up and disposing of the excrement in a receptacle provided for litter or refuse.

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

- (1) No person, excluding animal welfare organisations issued with a permit by the City in terms of Section 20(2) of this Bylaw, may display or exhibit an animal for show or financial gain within the City, unless such person is the holder of a permit issued by the City;
- (2) No person may use an animal for begging or for soliciting money from members of the public in a public place or otherwise.
- (3) No wild or exotic animals may be used in any circus act within the City;

- (4) In the event that the City receives an application from a person for the displaying or exhibiting of an animal for show or financial gain under subsection (1), the City must consult an animal welfare inspector for comment and input prior to any such permit being granted.

12. Animals offered for sale

- (1) Any person, business, or entity engaged in the sale of animals must ensure that all animals are provided with appropriate care, food, water, shelter or protection against cold, rain, sun or wind and that their welfare is not compromised at any time.
- (2) The owner or manager of any premises where animals are offered for sale must —
- (a) maintain accurate and up-to-date records of vaccinations and health status of all animals in their care; and
 - (b) ensure that no animal is left unattended overnight in conditions that fail to meet its welfare needs.
- (3) No person or entity shall engage in the keeping, breeding, or sale of animals for business purposes or gain, without first obtaining a permit from the City.
- (a) Applications must be made on the prescribed form. If the activity is to be conducted from a residential premises, substantiated comments may be required from abutting and affected residential neighbours.
 - (b) Such permit must be produced upon demand by an authorised official, SAPS or an animal welfare inspector.
- (4) The requirement under subsection (3) extends to all commercial animal breeders and businesses engaged in the sale of animals.
- (5) A formal application for a permit must be submitted to the City and approved before commencement of the business or economic activity. The application shall include, at a minimum—
- (a) a detailed description of the nature of the business or economic activity;
 - (b) the name and contact details of the responsible person;
 - (c) the physical address and description of the premises where animals will be kept, bred, or sold;
 - (d) where possible, the number, species, breeds, sexes, and ages of animals

intended to be kept or bred;

(e) details of enclosures, housing, and their dimensions, accompanied by photographs of same;

(f) the name(s) of veterinary professionals engaged for the care of the animals; and

(g) a detailed plan outlining how the welfare needs of the animals will be met;

(6) Businesses engaged in keeping, breeding, or selling animals must maintain and make available for inspection to an authorised official or animal welfare inspector—

(a) updated records of animals kept, bred or sold, including species, breeds, sexes and ages;

(b) a list of employees, their training and qualifications relevant to animal care; and

(c) a documented care regime to care for the animals in their care, including but not limited to the date of acquisition of the animal, veterinary or medical records, permits where applicable, or any other relevant documentation.

(7) A permit issued in terms of subsection (3) by the City is location-specific, and any change of address where animals are kept will void the permit.

(8) The City may deny or revoke a permit issued in terms of subsection (3) if there is reasonable doubt regarding the ability of the business to meet the welfare needs of the animals.

(9) The City may, with immediate effect, shut down any business operating without a permit issued in terms of subsection (3) or where such permit issued in terms of subsection (3) has been revoked.

(10) Businesses must ensure that animals no longer suitable for sale, breeding, or other business activities are rehomed, sent to an animal shelter, or placed in a sanctuary wherever possible.¹¹ Animals may not be presented or displayed for sale in any manner that is inhumane or that compromises their welfare at pet shops or any other commercial premises.

(11) No person may, without being the holder of a valid permit issued in terms of subsection (3), sell or offer to sell an animal —

(a) in a public street or open space;

(b) from a movable structure or vehicle;

(c) at public markets; or

(d) online or through social media platforms.

(12) It is strictly prohibited to sell, transfer or transport any animal that is suffering from irremediable injury or disease, except if being transferred or transported for medical treatment or care by a qualified veterinarian.

(13) No person shall transport an animal in any vehicle, container, or enclosure that—

(a) is unsuitable for the species or does not provide adequate space, light, ventilation, or protection or shelter; or

(b) compromises the animal's welfare, well-being, or safety in any manner.

13. Control over animals

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

(2) An authorised official may impound any apparent ownerless animal, including healthy, diseased, injured, ferocious, vicious or dangerous, found to be in any public street or public place.

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

(a) An authorised official may seize or impound any such animal found in or on any road reserve or any public property, whether tended or not.

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

(4) The use of any adhesive or glue trap, board or any other adhesive trapping device or similar may not be utilised to capture or trap any animal within the City, and the sale thereof is prohibited by any company, establishment or person.

(5) No person shall leave an animal unattended in a stationary vehicle, where the conditions are harmful or potentially injurious to the animal's health and well-

being, taking into account the ventilation, duration, access to food and water, and any other factor that may be relevant to assessing the danger to such animal

14. Control of working animals

- (1) No person shall work a working animal, including a working equine or working dog—
 - (a) if the person is younger than eighteen (18) years of age;
 - (b) while under the influence of drugs or alcohol;
 - (c) that is incapable of working, suffering from injury or disease, or is otherwise unfit or unsuited to the intended work;
 - (d) that constitutes a hazard to traffic on any public street or public place;
 - (e) that constitutes, or is likely to constitute, a source of danger or injury to any person or animal using a public street or public place; or
 - (f) in conditions of extreme heat, above 30°C; and
 - (g) without ensuring that the working animal has access to sufficient clean drinking water at all times when not working and is provided with adequate rest periods, of at least once every hour while working, during which clean drinking water must be made available to the animal.
- (2) This section is not applicable to any person who is in charge of working animals owned by the City, the South African Police Service, the South African Defense Force and SANParks as each authority should manage their service animals in the interest of animal welfare.

15. Working Equine

- (1) No person shall put to work a working equine unless they are the holder of a valid "operator's permit" issued by the City or contracted entity, authorising such person to operate a working equine.
- (2) No person shall use an equine for working purposes unless a valid "equine permit", issued by the City or contracted entity, has been obtained for that equine.
- (3) The "equine's permit" for the equine must accompany the animal at all times whilst working and shall include—
 - (a) A recent photograph of the equine.

- (b) The approximate weight capacity the equine is capable of pulling.
 - (c) The name and address of the owner.
 - (d) The date of birth of the equine.
 - (e) Confirmation that the equine is microchipped with the registered microchip number.
- (3) Both the "operator's permit" and the "equine's permit" must be produced upon demand by an authorised official or Animal Welfare Inspector.
- (4) The permit to operate a cart horse must be in writing on a prescribed form and in accordance with relevant City Policies and Standard Operating Procedures.
- (5) An application for an "equine permit", must also—
- (a) provide documentary evidence that the working equine is the foal of a working mare; and
 - (b) be accompanied by the prescribed fee.
- (6) No more than one permit may be issued in respect of a working equine.
- (7) No person shall work a working equine unless the animal drawn vehicle bears a visible registration plate as issued by the City or its contracted entity. Such registration plate must be displayed on the rear end of the animal drawn vehicle and must be clearly visible.
- (8) No person shall put to work, or permit to work, a working equine in any public place under the following conditions—
- (a) When the equine is—
 - (i) incapable of pulling an animal-drawn vehicle,
 - (ii) suffering from injury or disease,
 - (iii) heavily pregnant, or
 - (iv) otherwise unfit or unsuited to the intended work.
 - (b) if the equine constitutes a hazard to traffic on any public place.

- (c) if the equine constitutes, or is likely to constitute, a source of danger or injury to any person or animal using a public place.
 - (d) except when the equine is under the direct and effective control of a competent handler with an "operator's permit".
- (9) No person shall permit a working animal to pull a load exceeding double the equine's weight, which includes the weight of the animal-drawn vehicle.
- (10) No person may —
- (a) permit a working equine to draw an animal drawn vehicle or use any harness that does not comply with the applicable standards as determined by the South African Bureau of Standards (SABS), including but not limited to the SANS 1025-2015 "Animal Drawn carts" and SANS 1031-2014 "Animal harnessing and hitching".
 - (b) work a working equine without a valid E53 Operator's Permit, where the person is listed as the Driver.
- (11) This section, insofar as it relates to permits, shall not apply to any person who is in charge of working equine used for sporting purposes, therapeutic services, tourism and any working equine owned by the City, the South African Police Service, the South African Defense Force or SANParks while such equine are being used for official operational purposes, subject to compliance with all applicable animal welfare, care, control and harnessing requirements.

16. Working Dogs

- (1) A working dog must be registered with the Private Security Industry Regulatory Authority (PSIRA) in terms of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001).
- (2) No more than one permit may be issued in respect of a working dog.
- (3) No working dog may be left unattended on any site without the presence of a person or security officer qualified and able to handle the animal.
- (4) Any site where any working dog is used must have a suitable enclosure and kennel on such site where the dog is to be confined when not patrolling. Such enclosure must have a suitable lock to prevent the dog from escaping and causing a nuisance.
- (5) No pregnant or on-heat dog may be used for working purposes at any time.
- (6) No working dog may be confined in any enclosure smaller than at least 4 meters

in length, 2 meters in width and 1.8 meters in height. Any such enclosure must contain a kennel for added protection against the weather elements and clean drinking water must be provided at all times.

- (7) No working dog may be left tied, chained or tethered on any site.
- (8) Any enclosure containing any working dog must have the identification details of the specific animal clearly displayed on the enclosure, which shall also contain the name of the company that owns and operates with the dog.
- (9) This section, insofar as it relates to permits, shall not apply to any person who is in charge of working equine owned by the City, the South African Police Service, the South African Defense Force or SANParks while such equine are being used for official operational purposes, subject to compliance with all applicable animal welfare, care, control and harnessing requirements.

17. Seizure, impounding and destroying of Working Animals

- (1) An authorised official may seize or impound any working animal at a place appointed by the City, under the following circumstances if —
 - (a) the animal is to be destroyed on the advice of a veterinary surgeon or in terms of the provisions of any applicable law.
 - (b) the authorised official reasonably suspects that the animal is incapable of continuing to pull an animal drawn vehicle.
 - (c) in the opinion of the authorised official, the animal constitutes a hazard to traffic on any public street.
 - (d) the animal is at large or appears to be without an owner.
 - (e) the animal is found in any public place and, in the opinion of the authorised official, is not under proper control.
 - (f) the animal is found to be working without the required permit/s or is being worked under conditions contrary to those listed in Sections 15 and 16 of this By-Law.
- (2) An authorised official may seize or impound any working equine, along with the animal drawn vehicle, under the following conditions:
 - (a) If the equine is put to work by a person who does not possess a valid "operator's permit" as required by this By-Law.

- (b) If the equine does not have a valid "equine permit" as required by this By-Law.
- (c) If the person operating the working equine is found to be in breach of any provision of this By-Law or is using the equine and animal-drawn vehicle in connection with or for the execution of any criminal activity.
- (3) The costs associated with the seizure or impounding, care, and disposal of the working animal and any animal drawn vehicle shall be borne by the owner or operator of the working animal. Such cost shall be determined by the City from time to time.
- (4) The City may dispose of any seized or impounded working animal if the animal is not reclaimed by the owner within 7 days of the seizure or impoundment, or if it is deemed necessary for the animal's welfare or public safety.
- (5) The City may dispose of any animal drawn vehicle if the animal drawn vehicle is not reclaimed within 90 days of the seizure or impoundment.

18. Stray Animals

- (1) Any person, entity or animal rescue or welfare organisation, excluding the pound, who rescues or comes into possession of a stray animal shall report the date, time and location of the rescue and a description of such rescued stray animal to the City or the pound within twenty-four hours.
 - (a) Such rescued stray animal must be presented to the pound or a veterinary practice to be scanned for a microchip;
 - (b) If such stray animal has a microchip, then the owner must forthwith be notified of the rescue and the owner must be afforded the opportunity to reclaim such stray animal through the official pound;
 - (c) Should the stray animal not be microchipped, then the Pound or contracted entity performing this function on behalf of the City, must place a notice on the City Petfinder website or its equivalent, or social media to attempt to trace the owner;
 - (d) If the prescribed period in terms of subsection 3(a) and(b) below has lapsed and—
 - (i) the owner of the stray animal cannot be traced; or
 - (ii) the owner fails to reclaim the stray animal after being notified as is required in terms of subsection (1)(b); or
 - (iii) the owner fails to reclaim the stray animal after the notice has been

published as is required in terms of subsection (c),

the stray animal shall be deemed to have been forfeited to the City in terms of this By-law, whereafter the City may transfer ownership of the stray animal to the rescuer, subject to the animal being sterilised and microchipped within seven days of the transfer of ownership, if not already sterilised and microchipped.

- (2) An authorised official may impound, or cause a contracted entity to impound, any stray animal found on any premises or public place, which is—
 - (a) not under the supervision or control of any person;
 - (b) causes or poses a nuisance; or
 - (c) sick, injured or otherwise in such condition that it requires immediate care, treatment or protection.
- (3) The City may sell or dispose of any stray animal impounded in terms of subsection 2, provided that—
 - (a) a period of no less than 7 days has lapsed from the time of seizure;
 - (b) in the case of small livestock and large livestock, it shall be no less than 21 days has lapsed from the time of seizure; and
 - (c) the City or authorised official has taken all reasonable steps to notify the owner of the stray animal of the impoundment, if such details of the owner are known to the City or authorised official.
- (4) Any stray animal impounded in terms of subsection (2) may be destroyed, where such animal is –
 - (a) carrying an infectious or contagious disease as certified by a veterinarian; or
 - (b) ferocious, vicious or dangerous.
 - (c) such that it poses an immediate and substantial danger to the health and safety of other animals, or the general public and only after it has been deemed unfit for rehoming or rehabilitation by an animal behaviourist.
- (5) The destruction of any animal in terms of this By-law must be carried out with such precautions and in such a manner as to inflict as little suffering as possible.
- (6) Any person who wishes to claim a stray animal impounded by the City must claim the animal from the pound and provide satisfactory and reasonable proof of ownership before any such animal may be released to such person.
- (7) The person who claims the impounded animal must pay to the City or the pound master the reasonable costs of the City or pound master for the impoundment,

and removal of the animal, plus the reasonable costs incurred by the organisation or pound for accommodating the animal, before the animal may be released to the person. If the person who claimed the animal has not made payment within 72 hours of the claim, the City or the pound may sell or dispose of such animal and may institute civil action against the claimant or owner to recover any costs incurred.

- (8) Any stray animal claimed from the pound must be microchipped before the animal may be released, unless the animal is already microchipped. The cost of the microchip shall be recovered from the owner. In the case of large animals, if the owner does not wish for the animal to be microchipped, then the owner must arrange for the animal to be branded or tattooed at the pound before the animal may be released. Any such branding or tattooing must be done humanely by a suitably trained professional.

19. Seizure and removal of an animal or item

- (1) An authorised official may seize any animal or item that is kept in contravention of any provision of this By-Law and take such animal or item to a place designated by the City where the animal or item can be accommodated.
- (2) Any animal or item seized in terms of this By-law, must be kept at the place designated by the City for at least 7 days to enable the owner or person in charge of the animal or item to claim such animal or item or to submit representations as to why ownership of the animal or item should not be forfeited to the City.
- (3) Subject to subsection (2), animals or items seized by the City in terms of subsection (1) will be forfeited to the City if the animal or item has not been claimed or collected within 7 days of —
 - (a) the date of impoundment, or
 - (b) the conclusion of the matter's prosecution, or
 - (c) the conclusion of successful representation to the City.
- (4) The person who claims the seized animal must pay to the City the reasonable costs of the City for the seizure and removal of the animal, plus the reasonable costs of the organisation for accommodating the animal, before the animal may be released to the person.
- (5) If an animal is seized in terms of this By-law and, where applicable, is so diseased or injured or in such a poor physical condition that it would be cruel or that it would bring unnecessary suffering to the animal to keep it alive and that it ought therefore to be destroyed without unreasonable delay, the City or authorised official may summon a veterinarian to examine the animal and if, after such examination, the veterinarian certifies that the animal is so diseased or injured or

in such a poor physical condition that it would be cruel or that it would bring unnecessary suffering to the animal to keep it alive and that it ought therefore to be destroyed, the City or authorised official may instruct a veterinarian or animal welfare inspector to immediately destroy the animal or cause it to be destroyed in such a manner so as to inflict as little suffering as possible.

(6) The City may recover the reasonable veterinary costs and other costs in carrying out the provisions of subsection (5) from the owner or the person in charge of keeping the animal in question.

(7) Any animal which has been seized in terms of this by-law, or the provisions of any other law, which is found by the authorised official –

(a) to be suffering from any incurable, infectious or contagious disease, or be badly injured as certified by a veterinarian; or

(b) to be ferocious, vicious or dangerous, where this has been confirmed by a qualified animal behaviourist,

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

CHAPTER 2: GENERAL PROVISIONS RELATING TO THE KEEPING OF ANIMALS

20. Welfare facilities for the care and accommodation of animals

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

(2) All animal welfare organisations which also function as rescue and shelter organisations, other than a statutory organisation, must apply for an “animal welfare permit” from the City, which permit must be issued prior to the commencement of operations.

21. Establishment of a pound and appointment of pound master

(1) The City may establish a pound and any places for safe-keeping of animals within the area of jurisdiction of the City.

(2) The City may enter into a service delivery agreement with a statutory organisation, an animal welfare organisation or a person to operate such a pound.

(3) The City may close any pound under its control.

- (4) The City may, in terms of the relevant policies, appoint a competent and suitably skilled person as pound master.
- (5) The City may, in terms of a service delivery agreement, appoint a competent and suitably skilled service provider as pound master.

22. Duties of pound master

(1) A pound master—

- (a) must keep the pound open between 08h00 and 16h30 from Monday to Friday and Saturday between 08h00 and 12h00 unless any such day is a public holiday;
- (b) may, notwithstanding the provisions of subparagraph (a), keep the pound open during such earlier or later hours as he considers necessary, subject to displaying an easily legible notice to that effect at the entrance to the pound.
- (c) must accept, take charge of any animal brought to the pound by an authorised official, during the hours when the pound is open and must detain that animal in the pound;
- (d) must scan any animal taken into custody by an authorised official for the purposes of detecting a microchip.
- (e) must keep a register in which the following particulars of any animal are recorded:
 - (i) the name of the authorised official or the name, residential address and telephone number of any other person who brought the animal to be impounded;
 - (ii) the time at which and date on which the animal was impounded;
 - (iii) the place where the animal was found immediately before it was taken into custody;
 - (iv) the date on which and the time at which the animal was taken into custody before being brought to the pound;
 - (v) the reason for impounding the animal;
 - (vi) a description of the animal indicating the estimated age, breed, sex, colour, markings and any injury found on the animal when the pound master accepted it;

- (vii) whether the animal was released, sold or destroyed and the date and time of such release, sale or destruction;
 - (viii) the amount or money realised in respect of such release or sale; and
 - (ix) the amount of veterinary expenses, if any, incurred in respect of the animal;
- (f) must ensure that the pound and all equipment used in connection with impounding animals are at all times kept in a clean condition and free from flies and other vermin, to the satisfaction of the Council's Executive Director: Health;
- (g) must ensure that every animal in the pound is properly fed and cared for;
- (h) must isolate any female animal on heat;
- (i) must take all reasonable steps to prevent fighting amongst animals in the pound;
- (j) must isolate any diseased animal from the healthy animals, have such animal attended to by a veterinarian and take all steps to recover the expenses incurred in this regard from the owner if the identity and address of the owner are known;
- (k) must take all necessary steps to have any animal destroyed as contemplated in this By-Law and recover any expenses incurred in this regard from the owner if the identity and address of the owner are known;
- (l) must take all reasonable steps to ensure that animals that are suitable for adoption are re-homed, where possible, which shall include, *inter alia*, reporting the finding or availability of such animal for adoption or rehoming to its official website, or available social media platform/s, or partnership forums and/or City communications platforms, such as the Petfinder City website;
- (m) must levy the prescribed fees for impoundment and daily holding fees in respect of any animal; and
- (n) may cause any animal to be sterilised, unless a permit is issued in terms of Section 5 of this By Law, and the animal is provided with identification as set out in sections 2(4) and 3(4) prior to releasing the animal and recovering the costs thereof from the owner.

23. Nuisance

- (1) No person may keep any animal that creates a health nuisance or a nuisance,

whether the health nuisance or nuisance emanates from —

- (a) odour, sound or noise made by the animal;
 - (b) the animal itself;
 - (c) from the manner in which, or the conditions under which, the animal is kept;
 - (d) from the escaping or wandering of the animal, as the case may be, or
 - (e) from any other source relating to the animal.
- (2) The City may engage in mediation, which may include consulting with the relevant street committee or neighbourhood watch of the area to resolve the matter with the owner of the animal causing the nuisance.
- (3) If the City reasonably believes that an animal poses or creates a nuisance, the City may issue a compliance notice ordering the owner or person in charge of the animal to abate the nuisance within a reasonable time and may set out the measures to be taken.
- (4) If an authorised official reasonably believes that any stable, enclosure or other building or structure where an animal is kept causes or is likely to cause a nuisance, be it due to its construction or state of disrepair or lack of cleanliness or for any other reason, the authorised official may issue a compliance notice ordering the owner or the person in charge of the premises upon which the stable, enclosure, building or structure concerned is situated, to execute and perform the work required to abate the nuisance, as, within a specified time, stipulated in the notice.
- (5) If the nuisance has not abated after expiry of the period stipulated in the compliance notice issued to any person in terms of subsections (3) or (4), or the owner or person in charge of the premises has not executed or performed the work required in the compliance notice to the satisfaction of an authorised official, the owner or person in charge of the premises is guilty of an offence.

24. Permits

- (1) Any person that wants to undertake an activity or keep animals listed in this By-law for which a permit is required, must apply to the City in writing prior to undertaking the relevant activity.
- (2) The City may charge the applicant a prescribed fee for considering and for granting a permit.
- (3) The City may refuse to consider an application for a permit until the prescribed fee has been paid and until it has been provided with the information that it

reasonably requires to make an informed decision.

- (4) The City may, after consideration of a report and recommendation of an authorised official, animal welfare inspector or veterinary surgeon, by written notice to the holder of a permit, amend, suspend or cancel the permit after giving the permit holder an opportunity to make representations—

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

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

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

(iii) a risk to public health or where it is necessary to take account of changed circumstances since the permit was issued;

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

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

25. Keeping of dangerous animals

(1) The City may, from time to time, list categories of dangerous animals or breeds.

(2) A person who keeps a dangerous animal must-

(a) apply to the City for a permit to keep such a dangerous animal;

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

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

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

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

(d) ensure the animal is on a leash, kept under control and muzzled in a humane manner at all times when taken off the property.

26. Keeping and feeding of wild animals

- (1) No person may keep or be in possession of any wild animal in a public place or keep any wild animal on any premises without being in possession of a permit issued by the relevant nature conservation authorities and a permit for the keeping of wild animals issued by the City.
- (2) No person may deliberately feed any wild animal that is not in captivity, with the exclusion of bird feeders.
- (3) No person may permit a wild animal to access domestic waste on their property.
- (4) No person may interfere with, cause damage to, collect, harvest, impede, harm, harass, hunt or restrict a living or dead wild animal, or displace, disturb, destroy or remove its habitat, unless in possession of a permit from the City.

27. Requirements for keeping of animals on premises

- (1) Premises used in connection with the keeping of animals and poultry must be operated under a permit issued in terms of this By-Law, except premises used for the keeping of animals and poultry on property zoned for agricultural farming or agricultural purposes in terms of the City's Municipal Planning By-law, 2015, where the primary use of the land is for farming with animals and poultry.
- (2) No person may keep, breed or operate the following animals on any residential premises without applying to the City for a permit –
 - (a) cattle, horses, mules, donkeys or any animal of similar or bigger size;
 - (b) goats or sheep or any animal of similar or smaller size;
 - (c) any poultry, excluding 5 chicken hens;
 - (d) more than 5 birds kept in captivity;
 - (e) any rabbits; and
 - (f) exotic animals.
- (3) No person shall keep any varieties of rock dove or feral pigeons of the species *Columba livia* on any residential premises, unless under a valid permit issued in terms of this By-Law and proof of Pigeon Racing Club or Show Pigeon Club Membership.
- (4) Applications to keep any varieties of rock dove or feral pigeons of the species

Columba livia on any residential premises must be in writing in the prescribed format and may be considered and resolved by the City after consideration of substantiated comments received from abutting and affected neighbours and proof of Club Membership.

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

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

28. General hygiene requirements for keeping of animals and poultry

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

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

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

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

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

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

(7) The manure storage area, if needed, shall have a roofed platform constructed of concrete or other impervious material and the platform shall be graded and drained so as to prevent pooling of liquid waste.

(8) (8)The contents of the manure storage receptacles must be removed from the premises at least once every seven days and disposed of in a way that will not create a public health nuisance. The composting of animal manure on residential or commercial premises is not permitted.

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

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

poultry.

- (11) All animal bedding must be removed from the stables/enclosures at least once a week and shall be stored in the manure receptacles in a manure storage area until it is removed from the premises and suitably disposed of.
- (12) Amenities must be provided to effectively clean all structures housing animals, poultry and birds.
- (13) Any animal that dies on any premises must be removed from the premises within 24 hours of its death, to prevent a health nuisance or nuisance from occurring.
- (14) Where the premises are provided with an animal mortuary, carcasses must be kept in the cold storage facilities until they are removed from the premises.
- (15) Disposal of dead animals shall be conducted in a manner which prevents a health nuisance and in compliance with relevant legislation.
- (16) Subsections (14) and (15) do not apply to similar facilities provided for in terms of the Meat Safety Act No. 40 of 2000, registered veterinarian facilities or pounds.

29. Presumption of ownership

- (1) Unless the contrary is proven—
 - (a) any animal found on any premises is presumed to be the property of, or under the control of, the owner or occupier of those premises; and
 - (b) any animal found on or in a public place is presumed to be the property of, or under the control of, the person having custody or control of that animal.

30. Standards and Requirements for Pet Parlours, Pet Shops, Pet Day Care Facilities, and Pet Hotels

- (1) An application for a permit to operate a pet parlour, pet shop, pet day care facility or pet hotel must be submitted to City Health and be accompanied by an approved building plan indicating all existing or proposed structures on the property. The City may determine the maximum number of pets that may be accommodated at any pet shop, pet parlour, pet day care centre or pet hotel.
- (2) The City may refuse to approve an application or grant approval subject to specific conditions if, in its opinion, the property, owing to its location, siting or geographical features or size, is unsuitable for the keeping of pets.
- (3) For the purposes of washing, clipping or grooming of pets, a bathroom fitted with

a bath, or similar fitting, and a wash hand basin supplied with running water must be provided on the premises.

- (4) An adequate supply of potable water must be maintained for drinking and cleaning purposes.
- (5) A clipping and grooming room must be provided. This room must be equipped with tables that have impervious surfaces to ensure easy cleaning and durability. In addition, an adequate number of portable storage containers with close fitting lids made from impervious and durable material must be available specifically for storing cut fur until it can be removed.
- (6) Breeding of vermin and pests must be controlled at the premises.
- (7) Portable storage receptacles of an impervious material and with close fitting lids must be provided for storage of animal faeces. The contents of the manure storage receptacles must be removed from the premises at least once every seven days and disposed of in a way that will not create a public health nuisance.
- (8) Animals may not be accommodated overnight at a pet parlour, pet shop, pet day care facility or pet hotel, unless adequate provision has been made to ensure the welfare and well-being of the animals and the accommodation complies with the requirements of this By-law.
- (9) Should noise nuisances or disturbances be linked to activities on site, the City may set additional requirements that must be complied with to control noise from the premises, including —
 - (a) double glazing or insulation of windows;
 - (b) closed-cell foam or acoustic panels on walls;
 - (c) rubber mats;
 - (d) windbreaks or vegetation buffers to muffle sound and reduce the noise; and
 - (e) any other measure deemed necessary by the authorised official to control the noise emanating from the premises.
- (10) Measures must be taken to ensure that no fly breeding, harbourage of vermin or offensive odours or other unsatisfactory conditions, as determined by a health officer appointed in terms of Section 80 of the National Health Act, 2003 (Act 61 of 2003) occurs on site.
- (11) The premises and every cage, tray, container, receptacle, basket and all apparatus, equipment or appliances used in connection with the operation of

the pet parlour, pet shop, pet day care or pet hotel must be maintained in a clean and sanitary condition, free from pests and in good repair.

- (12) Wet-contact tools (clippers, blades, scissors, combs, brushes, nail clippers, ear-cleaning tools) and shared surfaces should be physically cleaned and disinfected with a pet-safe, veterinary-approved disinfectant after each animal.
- (13) Built in pet cages in pet shops and pet parlours must be kept at a suitable distance above floor level to enable cleaning below the cages, and the space below every cage must be unobstructed.
- (14) Rodent-proof receptacles, of an impervious material and with close fitting lids, for the storage of any unpackaged bulk pet food supply must be provided.
- (15) Adequate refrigeration facilities to store all wet pet food must be provided on the premises.
- (16) Animals may not be displayed outside a pet shop or on the pavement outside the pet shop.
- (17) No sick or injured animal may be kept, displayed or sold in a pet shop.
- (18) Breeding of animals is not permitted in a pet shop, parlour or hotel. Male and female animals must be kept separate at all times to avoid breeding. No pregnant animals may be sold.
- (19) Aggressive or reactive animals must be separated from other animals until collection.
- (20) No overcrowding of cages or enclosures in a pet shop, pet parlour, pet hotel or pet day care is permitted.
- (21) No unsterilised male or female pets on heat must be permitted on the premises at any pet day care, hotel or parlour.

31. Standards and Requirements to operate a commercial kennel or cattery that offers temporary overnight accommodation for dogs and cats away from their primary residence.

- (1) Applications for a permit to operate a kennel or cattery will only be considered on properties of 4000m² in extent or greater that have the requisite land use approval.
- (2) An application for a permit must be accompanied by an approved building plan indicating all existing or proposed structures on the property, including buildings or structures to be used to house animals.

- (3) The City may refuse to approve an application or grant approval subject to specific conditions if, in its opinion, the property, owing to its location, siting or geographical features or size, is unsuitable for operating a kennel or cattery.
- (4) Enclosures for dogs and cats must be designed so as to ensure that every dog or cat can be kept separate from each other, and are easy to clean and access.
- (5) The floors must be constructed of concrete or other impervious material brought to a smooth finish and graded to a channel at least 100 mm wide, extending the full width of the floor, which channel must be graded and drained into a gully connected to the municipal sewer by means of a pipe at least 100 mm in diameter;
- (6) A curb at least 150 mm high should be provided along the edge of the channel, to prevent any storm water runoff from entering the channel.
- (7) The individual enclosures per animal should be adequate in size to allow free, unobstructed movement of the animal kept therein.
- (8) Every enclosure must have an adequate roofed shelter that complies with the following requirements:
 - (a) Every wall must be constructed of brick, stone, concrete or other impervious material;
 - (b) Every wall must be of a smooth internal surface;
 - (c) The floor must be of concrete or other impervious material brought to a smooth finish without cracks or open joints, and the surface between the floors and the walls of a permanent structure shall be coved; and
 - (d) Every shelter must have adequate access for cleaning and eliminating pests.
- (9) Individual dog kennels that comply with the following requirements may be utilised, instead of the shelter contemplated above, if the following requirements are met:
 - (a) the kennel must be constructed of an approved weatherproof and insulating material or other similar material and must be movable;
 - (b) the kennel must be placed on a base constructed of concrete or other impervious material with an easily cleanable finish; and

- (c) a sleeping board, which will enable the dog to keep dry, must be provided in any kennel that does not have a waterproof base.
- (10) A concrete apron extending at least one-metre-wide around the edges of the enclosure must be provided.
- (11) The apron must be graded and drained in a way that drains storm water away from the enclosure.
- (12) A water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the enclosure complex.
- (13) A shelter, enclosure or kennel complex may not be situated within 5m of any dwelling or other building or structure used for human habitation, a place where food is stored and prepared for human consumption or the boundary of the premises.
- (14) If deemed necessary by the City, a separate room or roofed area may be provided for the preparation of food for the animals.
- (15) The floor of the food preparation area referred to in paragraph (i) shall be constructed of concrete or other impervious material brought to a smooth finish. The internal wall surfaces of the room or roofed area should be smooth and easily cleanable.
- (16) Adequate washing facilities for food bowls and utensils must be provided.
- (17) A rodent-proof storeroom must be provided for the storage of animal food.
- (18) All dog and cat manure must be removed on a daily basis and placed in a manure storage receptacle. Such manure must be suitably disposed of at least once every 7 days without creating a nuisance.

32. Standards and requirements for keeping of large and small livestock

- (1) The owner, person in charge or occupier of any premises must keep any livestock in an enclosure and a shelter designed for that purpose.
- (2) Applications for a permit to keep any large livestock will only be considered on properties of 4000m² in extent or greater where a maximum of 2 large animals may be kept. Thereafter, for every additional 2000m², one large animal may be added.
- (3) An application for a permit to keep livestock must be accompanied by an approved building plan indicating all existing or proposed structures and fences on the property.

- (4) Detailed building plans and specifications of structures wherein it is proposed to keep animals must be submitted for approval. If the structure requires approval in terms of the National Building Regulations and Standards Act, 1977 (Act 103 of 1977) the plan must be submitted to Urban Planning for approval.
- (5) The City may refuse to approve an application or grant approval for a permit to keep livestock subject to specific conditions if, in its opinion, the property, owing to its location, siting or geographical features or size, is unsuitable for the keeping of animals.
- (6) Any shelter to keep animals must be located at least —
 - (a) 15 meters away from the boundary of any land or property, a dwelling or other structure used for people to live in;
 - (b) 50 meters away from any water source or water supply meant for human use, and
 - (c) more than 6 meters from the edge of the erf if that boundary touches a road or public place.
- (7) Livestock must have access to shelter of at least 10m² to accommodate up to a maximum of five animals.
- (8) The fencing of all enclosures must be strong enough to prevent the animals from breaking out.
- (9) The walls and partitions of any shelters must be constructed of brick, stone, concrete or other durable material, and brought to a smooth finish.
- (10) The height of the walls to the wall plates of shelters must be sufficient to allow free movement of both, the type of animal to be accommodated and, humans cleaning the shelters.
- (11) The floors of the shelter must be constructed of concrete or other durable and impervious material brought to a smooth finish, provided with a 2m concrete apron graded to a channel and drained to an approved wastewater disposal system.
- (12) Openings, windows or louvres must provide adequate lighting and ventilation.
- (13) Livestock may not be kept in an enclosure of less than 25m² to accommodate up to a maximum of five animals.

33. Standards and requirements for keeping poultry

- (1) The owner, person in charge or occupier of any premises must keep poultry in an enclosure designed for that purpose.
- (2) An application for a permit to keep poultry must be accompanied by an approved building plan indicating all existing or proposed structures and fences on the property. No poultry that are likely to cause a noise nuisance will be permitted - no roosters, geese, turkeys, or peacocks.
- (3) The City may refuse to approve an application or grant approval subject to specific conditions if, in its opinion, the property, owing to its location, siting or geographical features or size, is unsuitable for the keeping of poultry.
- (4) A poultry house must not be situated within 3m of the boundary of a residential erf and 3m from any dwelling or other structure used for human habitation, or 50m of any water resource or water supply intended for human consumption and within 6m of any boundary of the erf which abuts any road or public open space.
- (5) The walls of a poultry house must be constructed of brick, stone, concrete or other impervious material, with a smooth internal surface.
- (6) The floors must be constructed of concrete or other impervious material and brought to a smooth finish.
- (7) The upper floor of a two or more story structure must be constructed of an impervious and easily cleanable material.
- (8) If the poultry house is raised off the ground, the underside thereof must be constructed of an impervious and durable material, and it must be raised at least 300mm above ground level.
- (9) A minimum floor area of at least 0, 20 m² must be provided for each grown fowl, duck, Muscovy duck or guinea fowl; and the minimum floor area should be at least 4m².
- (10) A poultry run, if provided, shall be enclosed with wire mesh or other durable material.
- (11) A water supply adequate for drinking and cleaning must be provided in or next to every poultry house and poultry run

34. Standards and requirements for keeping birds

- (1) The owner, person in charge or occupier of any premises must keep birds in an aviary, designed for that purpose.
- (2) An application for a permit to keep birds in an aviary must be accompanied by

an approved building plan indicating all existing or proposed structures on the property.

- (3) The City may refuse to approve an application or grant approval subject to specific conditions if, in its opinion, the property, owing to its location, siting or geographical features or size, is unsuitable for the keeping of birds.
- (4) An aviary should not be situated within —
 - (a) 3m of the boundary of a land;
 - (b) 3m from any dwelling or other structure used for human habitation, or any place where foodstuff is stored or prepared for human consumption,
 - (c) 50m of any water resource or water supply intended for human consumption, and
 - (d) 6m of any boundary of the erf which abuts any road or public place.
- (5) The walls of an aviary must be constructed of brick, stone, concrete or other impervious material, with a smooth internal surface.
- (6) The floors must be constructed of concrete or other impervious material and brought to a smooth finish.
- (7) If the aviary is raised off the ground, the underside thereof must be constructed of an impervious and durable material, and it must be raised at least 300mm above ground level.
- (8) The upper floor of a two or more story structure must be constructed of an impervious and easily cleanable material.
- (9) The minimum floor area of 0,14m² for each bird must be provided, and the minimum aggregate floor area should be at least 4m².
- (10) The building must be ventilated and lighted by means of natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building or structure.
- (11) A water supply adequate for drinking and cleaning must be provided in or next to every aviary.
- (12) An aviary must be constructed of durable rodent-proof material.
- (13) The keeping of birds may not cause a nuisance to surrounding property owners.

35. Standards and requirements for keeping rabbits

- (1) The owner, person in charge or occupier of any premises must keep rabbits in a rabbit enclosure, designed for that purpose.
- (2) An application for a permit must be accompanied by an approved building plan indicating all existing or proposed structures on the property.
- (3) Detailed plans and specifications of structures wherein it is proposed to keep rabbits may be requested by City Health.
- (4) The City may refuse to approve an application or grant approval subject to specific conditions if, in its opinion, the property, owing to its location, siting or geographical features or size, is unsuitable for the keeping of rabbits.
- (5) The rabbit enclosure must not be situated within —
 - (a) 3m of the boundary of a residential erf;
 - (b) 3m from any dwelling or other structure used for human habitation;
 - (c) 50m of any water resource or water supply intended for human consumption;
and
 - (d) 6m of any boundary of the erf which abuts any road or public place.
- (6) The walls of a rabbit enclosure shall be constructed of brick, stone, concrete or other impervious material, with a smooth internal surface.
- (7) The floors must be constructed of concrete or other impervious material and must have a smooth finish.
- (8) If the rabbit enclosure is raised off the ground, the underside thereof must be constructed of an impervious and durable material, and it must be raised at least 300mm above ground level.
- (9) The upper floor of a two or more story structure must be constructed of an impervious and easily cleanable material.
- (10) The rabbit enclosure must be adequate in size to allow free, unobstructed movement of animals kept therein.
- (11) A rabbit run, if provided, must be enclosed with wire mesh or other durable material and constructed in a way that prevents the escape of rabbits from the hutch.

- (12) If there are walls, the building or structure must be ventilated and lighted by means of natural openings or windows of an area not less than 15% of the floor area of the building or structure.
- (13) A water supply adequate for drinking and cleaning must be provided in or next to every rabbit enclosure.
- (14) If no walls are provided or walls are made of metal, the floor must have a curb at least 150 mm high around its outside edges, and every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure.
- (15) An adequate rodent-proof storeroom must be provided for the storage of feed.
- (16) Adequate-washing facilities must be provided for the cleaning of enclosures.
- (17) It is an offence for any person to discard, place or abandon any rabbit in a public place.

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

- (1) Subject to subsection (2), no person may:
 - (a) slaughter any animal at any place other than at a registered abattoir;
 - (b) permit the slaughter of any animal at any place under their control unless that place is a registered abattoir; or
 - (c) sell or provide meat for human or animal consumption unless it has been slaughtered at an abattoir.
- (2) Subsection (1) does not apply to a slaughter for religious, cultural, and own consumption purposes, in terms of the Meat Safety Act, 40 of 2000.
- (3) No meat or animal product obtained from an animal slaughtered for religious, cultural, ceremonial or own consumption purposes may be sold to any person.
- (4) In the case of religious and cultural slaughtering, an application for a keeping and slaughter permit must be made in writing, fourteen (14) days prior to the event. Such application must specify the number of animals intended for slaughter and the duration of the event.
- (5) The slaughtering of the animal must be conducted in an external area, in a position as to not allow observation by any person on neighbouring premises or any

member of the public.

- (6) The meat must be handled in a hygienic manner at all times.
- (7) Blood and other waste products from the carcass must be disposed of in a manner which will not become a public health nuisance.
- (8) The animal to be slaughtered must not be kept on the premises for a period in excess of forty eight (48) hours, prior to slaughtering.
- (9) Measures must be taken to ensure that no health nuisance is created or exists on the premises as a result of the slaughtering.
- (10) The services of a person deemed as a meat inspector in terms of the Meat Safety Act, 2000 (Act No. 40 of 2000), may be required for conducting a post-mortem examination of the slaughtered animal at the expense of the applicant.
- (11) Animals selected for slaughter, in terms of the Red Meat Regulations promulgated in terms of the Meat Safety Act, 2000 (Act No. 40 of 2000), must be in a healthy condition.
- (12) Persons intending to keep animals for slaughter shall:
 - (a) Keep the animal off feed for twelve (12) hours prior to time of slaughter, but provide access to water at all times.
 - (b) Ensure that the legs of the animal are not bound.
 - (c) Not run or excite the animal prior to slaughtering because this may cause poor bleeding and give the carcass a bloody appearance.
 - (d) Minimise pain and suffering.
 - (e) Provide written proof of notification to abutting neighbours, which must be submitted with the application in residential areas only; and
 - (f) Ensure all areas are kept free of animal waste.
- (13) The applicant is required to inform adjacent residential premises of the intention to conduct a slaughter for religious, cultural, or own consumption purposes.
- (14) All waste products are to be disposed of in a manner approved by the Director: City Health.

37. Drainage

- (1) All sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, channels and washing platforms required to be drained must comply with the provisions of the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977).

CHAPTER 3: BEE KEEPING

38. Keeping of bees

- (1) No person may keep bees or conduct beekeeping activities on land not zoned for agricultural purposes, unless he or she is the holder of a permit for the keeping of bees issued by the City. A permit for the keeping of bees is not transferable and is renewable.
- (2) No person may utilize the services of a beekeeper for the purposes of carrying out any beekeeping activities unless the beekeeper is in possession of a valid certificate issued by the relevant Department for Agriculture and a permit issued by the City.
- (3) Persons wishing to apply for a permit to keep bees or conduct beekeeping activities must submit proof of registration with the relevant Department for Agriculture, valid membership of a beekeepers' association and proof of training in beekeeping activities and procedures.
- (4) Bees must be kept in a bee-hive made of solid and weatherproof material and built in such a manner that honeycombs may be formed in frames that can be separated and removed from the bee-hive.
- (5) Each beehive must be situated a minimum of —
 - (a) five meters from any boundary of any premises; and
 - (b) a minimum of fifty meters from any —
 - (i) public place or building; and
 - (ii) from any place used for the keeping of animals, poultry or birds.
- (6) Each beehive stand must be surrounded by a wire fence, hedge or wall of at least 1.5meters high, which must be at least 5 meters away from any part of the beehive.
- (7) The entrance to each apiary must be marked with a warning sign, e.g. Caution: honeybee apiary, Danger: bees at work, Do not enter.

- (8) Hives may not be closer than 5 meters to each other to allow beekeepers to work without disturbing neighbouring colonies, and the hive entrance should not face neighbouring properties.
- (9) Each beehive must be supplied with a permanent water source within five meters.
- (10) Council may determine the number of hives that may be kept on a premises and the right to withhold its approval in the case of the applicant not having, in the opinion of the Council, sufficient knowledge of the habits of bees.
- (11) Council may determine the number of hives that may be permitted in specific geographic areas/suburbs.
- (12) Neighbours must be kept informed when beekeepers intend to work the bees.
- (13) No garbage, compost or manure may be stored within five meters of any beehive.
- (14) (14) Beekeeping activities may not cause a health nuisance or nuisance to any person or animal.
- (15) The City may cause the removal of bees and hives at the owner's cost in the event of noncompliance, in the interest of public safety, or similar.
- (16) The City may establish and maintain a beekeeping database and may inspect beekeeping premises in accordance with this By-law and City policies. The City may determine Standard Operating Procedures relating to the keeping of bees.
- (17) The City may –
 - (a) withhold permission in circumstances where an application is made for keeping bees on a property being within 400 metres measured from the boundary of such premises, of any church, school, hospital, cinema or any other place of amusement, gathering or recreation;
 - (b) withhold permission where it is the opinion of Council that the keeping of bees on a specific property may cause any nuisance to the occupiers of abutting premises or members of the public; or
 - (c) withhold or withdraw permission if it becomes apparent that hive maintenance practices that reduce the risk of swarming are not practised.

CHAPTER 4: ENFORCEMENT

39. Offences and penalties

(1) Any person who –

- (a) contravenes or fails to comply with any provision of this By-law or disobeys any instruction or written compliance notice by an authorised official enforcing this By-law; or
- (b) obstructs or hinders any person in the execution of any power or the performance of any duty or function in terms of any provision of this By-law; or
- (c) conceals any animal or refuses to hand over any animal to an authorised official in the execution of his or her powers in terms of this By-law; or
- (d) removes or attempts to remove, by threats of violence or otherwise, from the person or persons in charge of any animal being lawfully brought to the pound, or removes or attempts to remove any animal after such animal has been lawfully impounded or seized by an authorised official; or
- (e) furnishes false, incorrect or misleading information when applying for permission from the City in terms of a provision of this By-law; is guilty of an offence and liable to a fine, or upon conviction is liable to a period of imprisonment for a period not exceeding two years, or to both such fine and imprisonment.

40. Enforcement and Related Powers of Authorised Officials

(1) An authorised official may, for the purposes of enforcing this By-law –

- (a) instruct a person who is in contravention to -
 - (i) stop the conduct prohibited under the By-law;
 - (ii) remove any obstruction to the safe or free passage of a pedestrian or motor vehicle;
 - (iii) leave and remain out of a specified public place;
- (b) issue a written compliance notice on a person contravening the By-law, which must include –
 - (i) a description of the conduct constituting a contravention of the By-law;

- (ii) indicate the section of the By-law contravened;
 - (iii) specify the steps that must be taken to comply with the notice;
 - (iv) specify the time periods within which the steps have to be taken; and
 - (v) state that the failure to comply with the compliance notice constitutes an offence in addition to the contravention of the section contemplated in sub-paragraph (ii);
- (c) issue a notice in terms of sections 56 or 341 of the Criminal Procedure Act, 1977 (Act 51 of 1977) if –
- (i) a person contravenes a provision of the By-law; or
 - (ii) a person fails or refuses to comply with an instruction in terms of paragraph (a) or a compliance notice in terms of paragraph (b);
- (d) arrest a person, who commits an offence in terms of the By-Law, in terms of section 40(1)(a) to (f), (h) and (j) of the Criminal Procedure Act, 51 of 1977 and, if necessary, search the person arrested in terms of section 23 of that Act;
- (e) require any person to furnish their name and address and other particulars that are required for identification or for any process if the authorised official reasonably suspects this person of having committed an offence in terms of this By-law or, if in the opinion of the authorised official, that person is able to give evidence in regard to the commission of any such offence;
- (f) where there are reasonable grounds for believing that a provision of this By-law has been contravened-
- (i) conduct an inspection of any premises, business or vehicle used, or reasonably suspected to be used, for the purposes of determining compliance with this By-law;
 - (ii) inspect the premises, business, vehicle or anything found therein;
 - (iii) question any person on the premises, in the vehicle, or any person who has recently been on the premises or in the vehicle;
 - (iv) enter any premises or business at all reasonable times; and
 - (v) exercise any other power reasonably necessary to investigate the suspected contravention.

- (2) Should the person on whom a written compliance notice was issued in terms of subsection (1) fail to comply, or inadequately comply, with the written compliance notice, the City may –
- (a) take measures that the City considers appropriate to remedy the situation or may authorise another person to take such measures; and
 - (b) recover costs in terms of its Credit Control and Debt Collection Policy and the Credit Control and Debt Collection By-law 2006 or similar legislation or policy, for the measures to be undertaken and all costs incurred as a result of acting under this By-law, from any or all of the persons on whom the written compliance notice was issued.
- (3) In exercising any power under in terms of this Bylaw every authorised official must-
- (a) exercise their powers reasonably with due regard to every person's fundamental rights under Chapter 2 of the Constitution;
 - (b) ensure if force is required under the circumstances, the level of force is justifiable and proportional.

41. Search, seizure and entry of premises

- (1) An authorised official may, for the purposes of enforcing this By-law—
- (a) enter any premises with the consent of the owner or occupier to determine whether an offence under this By-law has been committed.
 - (b) where such consent is not granted or is denied, the authorised official may apply to a Magistrate having jurisdiction for:-
 - (i) an entry warrant to enter and inspect the premise to determine compliance with any of the obligations under this By-law,
 - (ii) a search and seizure warrant to seize and impound any animal, article, or item that is, or is reasonably suspected to be, connected with the commission of an offence under this By-law
- (2) Any warrant granted under subsection 1(b) may, on application and on good cause shown by any affected party, be revoked by a Magistrate having jurisdiction in the district in which such warrant was granted.
- (3) Any authorised official may use reasonable and necessary force, during execution of any warrant issued in terms of this section, to gain entry or to seize any animal, article or item that is, or that is reasonably suspected to be, connected with the commission of an offence under this By-law.

42. Search and Seizure without a warrant

- (1) An authorised official may, for the purposes of enforcing this By-Law conduct a search of any premises, person, vehicle, or structure without a search warrant for the purpose of seizing any animal, article, or item reasonably believed to be connected with the commission of an offence under this By-law, if—
- (a) the person does not consent, but the authorised official, on reasonable grounds, believes that—
 - (i) A search and seizure warrant would be issued under subsection 36(1)(b) of this By-Law or in terms of section 21(1)(a) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) if an application were made; and
- (2) The delay in obtaining the warrant would defeat the object of the search.

43. Indemnity

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

44. Appeal

- (1) A person whose rights are affected by a decision taken in terms of this By-law may appeal against that decision by giving written notice of, and reasons for, the appeal in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) to the City Manager within 21 days of the notification of the decision.
- (2) Any authorised official or contracted entity making a decision in terms of this By-law must inform any person affected by the decision of that person's right to appeal in terms of subsection (1).

CHAPTER 5: MISCELLANEOUS

45. Repeal

The City of Cape Town Animal By-Law, 2021 is hereby repealed.

46. Short title and Commencement

This law is called the City of Cape Town Animal Keeping By-Law, 2026