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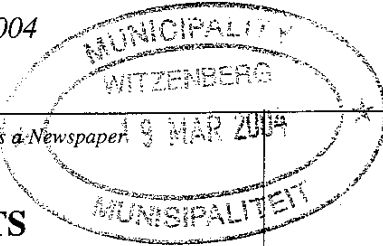
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INHOUD

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SCANNER

Penalty clause	Strafbepaling
<p>5. Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to—</p> <p>(1) a fine or imprisonment, or either such fine or such imprisonment or both such fine and such imprisonment;</p> <p>(2) in the case of a continuing offence, an additional fine or an additional period of imprisonment or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and</p> <p>(3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention. 6299</p>	<p>6. Iedereen wat 'n bepaling van hierdie verordening oortree of in gebreke bly om daaraan te voldoen, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met—</p> <p>(1) 'n boete of gevangenisstraf, of sodanige boete of sodanige gevangenisstraf of beide sodanige boete en sodanige gevangenisstraf;</p> <p>(2) in die geval van 'n voortdurende misdryf, met 'n addisionele boete of 'n addisionele tydperk van gevangenisstraf, of sodanige addisionele boete of sodanige addisionele gevangenisstraf, of beide sodanige addisionele boete en gevangenisstraf vir elke dag wat sodanige misdryf voortduur; en</p> <p>(3) 'n verdere bedrag gelyk aan enige koste en uitgawes wat na bevinding van die hof deur die munisipaliteit aangegaan is as gevolg van sodanige oortreding of versuim. 6299</p>

WITZENBERG MUNICIPALITY:

BY-LAW RELATING TO THE KEEPING OF DOGS

(16-2004)

Purpose of By-Law

- To provide for the control over the amount of dogs that may be kept, the breeding with dogs, control over dogs by their owners, pounding of stray dogs and the prevention of nuisances through the keeping of dogs.

Definitions

1. In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the Afrikaans text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates:—
- “dog” for the purpose of sections 3 and 4 means a dog over the age of six months;
- “keep” in relation to a dog, includes to have such dog in possession, under control or in custody or to harbour such dog;
- “owner”, in relation to a dog, means any person who keeps a dog and includes any person to whom a dog has been entrusted or who has control of a dog in respect of any site within the area of jurisdiction of the Municipality where such dog is kept or is permitted to live or remain;
- “municipality” means the Municipality of Witzenberg established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
- “nuisance” means, any act, omission or condition which is, in the opinion of the municipality, detrimental to health or offensive or injurious or which materially interferes with the ordinary comfort or convenience of the public or adversely affects the safety of the public or which disturbs the quiet of the neighbourhood;
- “premises” means any land, whether vacant, occupied or with buildings thereon;
- “public place” means any square, park, recreation ground, sports ground, lane, open space or enclosed place vested in the Municipality or other state authority or indicated as such on the Surveyor General's records or utilized by the public or zoned as such in terms of the applicable zoning scheme or at any time declared or rendered such by the municipality or any other competent authority.

WITZENBERG MUNISIPALITEIT:

VERORDENING INSAKE DIE AANHOU VAN HONDE

(16-2004)

Doel van Verordening

- Om voorsiening te maak vir beheer oor die getal honde wat aangehou mag word, die teel met honde, die beheer oor honde deur hulle eienaars, beslaglegging op rondloperhonde en die voorkoming van oorlaste deur die aanhouding van honde.

Woordbepaling

1. In hierdie verordening sluit woorde wat die manlike geslag aandui, ook die vroulike geslag in, sluit die enkelvoud die meervoud in en omgekeerd, geniet die Afrikaanse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste, en tensy dit uit die samehang anders blyk, beteken:—
- “aanhou” met betrekking tot 'n hond, om toesig of beheer daaroor te hê of om dit in bewaring te hê of om skuilplek te bied aan sodanige hond;
- “eienaar”, met betrekking tot 'n hond, iemand wat 'n hond aanhou en omvat dit enige persoon aan wie 'n hond toevertrou is of wat beheer oor 'n hond het ten opsigte van enige terrein binne die regsgebied van die munisipaliteit waar sodanige hond aangehou word of toegelaat word om te lewe of te bly;
- “hond” vir doeleindes van artikels 4 en 5, 'n hond bo die ouderdom van 6 maande;
- “munisipaliteit” die munisipaliteit van Witzenberg gestig in terme van Artikel 12 van die Munisipale Strukturewet, 117 van 1998, Provinsiale Kennisgewing 487 gedateer 22 September 2000 en sluit in enige politieke struktuur, politieke ampsbekleder, raadslid, behoorlik gevolmagtigde agent daarvan of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van 'n bevoegdheid van die munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde politieke struktuur, politieke ampsbekleder, raadslid, agent of werknemer;
- “oorlas” onder meer enige handeling, versuim of toestand wat na die mening van die munisipaliteit skadelik vir die gesondheid of aanstootlik of nadelig is of wat wesenlik inbreuk maak op die gewone gemak of gerief van die publiek of die veiligheid van die publiek nadelig raak of wat inbreuk maak op die stilte van die omgewing;
- “openbare plek” enige plein, park, ontspanningsterrein, sportterrein, steeg, oop ruimte of omheinde plek wat by die munisipaliteit of ander staatsgesag berus of as sulks op die Landmeter-Generaal se rekords aangetoon word of deur die publiek gebruik of wat as sulks ingevolge die toepaslike soneringskema gesoneer is of wat te enige tyd deur die munisipaliteit of enige ander bevoegde owerheid tot sodanig gemaak of verklaar is;

“public road” means any road, street or thoroughfare or any other place which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes—

- (a) the verge of any such road, street or thoroughfare;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other work or object belonging to such road, street or thoroughfare, footpath or sidewalk, and
- (e) any premises with or without structures thereon, used or set aside as a public parking area or public parking place for the parking of motor vehicles whether or not access to such a parking area or place is free of charge.

Application of by-law

2. The provisions of sections 4 and 10 of this by-law shall not apply to premises which is zoned for agricultural purposes, provided that a person keeping dogs on premises zoned for agricultural purposes shall not be exempt from the provisions of any other by-laws or legislation with regard to the inception or bringing about of a nuisance.
3. The provisions of section 13 shall not apply to a guide dog which is utilised to accompany a blind person.

Number of dogs

4. Subject to the provisions of section 5, no person shall keep more than two dogs on any erf or premises without the prior written consent of the municipality.
5. A breeder of dogs who wishes to keep more than two dogs on—
 - (a) premises zoned for agricultural purposes, shall be entitled to do so without any restrictions.
 - (b) premises zoned for any purpose other than agricultural purposes, must obtain the prior written consent of the municipality.
6. An application for the municipality's consent in terms of section 5 shall not be considered by the municipality unless it is satisfied that the size of the premises on which the dogs are to be kept is not less than 5 000 m².
7. The municipality's consent in terms of section 5(b) to keep more than two dogs on a premises, shall be granted subject to such conditions and restrictions as the municipality may deem fit to impose.
8. The municipality may at any time revoke a consent granted in terms of section 5(b).

Control of dogs

9. No person shall—
 - (a) permit any bitch on heat owned or kept by him or her to be in any public road or public place without supervision;
 - (b) urge any dog to attack, worry or frighten any person or animal, except where necessary for the defence of such first-mentioned person or his or her property or of any other person;
 - (c) keep any dog which—

“openbare pad” enige pad, straat of deurgang of enige ander plek wat gewoonlik deur die publiek of 'n deel daarvan gebruik word of waartoe die publiek of 'n deel daarvan die reg van toegang het en ook—

- (a) die soom van enige sodanige pad, straat of deurgang;
- (b) enige voetpad, sypaadjie of soortgelyke voetganger gedeelte van 'n padreserwe;
- (c) enige brug, pont of drif waarvoor of waardeur enige sodanige pad, straat of deurgang loop;
- (d) enige ander werk of voorwerp wat 'n deel uitmaak van of verbind is met of behoort tot daardie pad, straat, deurgang, voetpad of sypaadjie, en
- (e) enige perseel, met of sonder geboue of strukture daarop, wat gebruik word of daargestel is as 'n openbare parkeerarea of openbare parkeerplek vir die parkering van motorvoertuie ongeag of toegang tot sodanige parkeerplek of parkeerarea gratis is al dan nie.

“perseel” enige grond, hetsy onbebou, ge-okkupeer of met geboue daarop;

Toepassing van verordening

2. Die bepalings van artikels 4 en 10 sal nie op persele wat vir landboudoeleindes gesoneer is, van toepassing wees nie, met dien verstande dat 'n persoon wat honde aanhou op 'n perseel wat vir landboudoeleindes gesoneer is, nie vrygestel word van die bepalings van enige ander verordeninge van die munisipaliteit of wetgewing met betrekking tot die ontstaan of veroorsaking van 'n oorlas nie.
3. Die bepalings van artikel 13 sal nie van toepassing wees op 'n gidshond wat aangewend word vir die begeleiding van 'n blinde persoon nie.

Getal honde

4. Behoudens die bepalings van artikel 5, mag niemand meer as twee honde op enige erf of perseel aanhou sonder die voorafverkreë skriftelike toestemming van die munisipaliteit nie.
5. 'n Teler van honde wat meer as twee honde wil aanhou op—
 - (a) 'n perseel wat vir landboudoeleindes soneer is, sal geregtig wees om aldus te doen sonder enige beperkinge.
 - (b) 'n perseel wat vir enige doeleindes anders as landbou-doeleindes soneer is, moet vooraf skriftelike toestemming van die munisipaliteit verkry.
6. 'n Aansoek vir die toestemming van die munisipaliteit ingevolge artikel 5 sal nie deur die munisipaliteit oorweeg word nie tensy die munisipaliteit tevrede is dat die grootte van die perseel waarop die honde aangehou sal word, nie minder as 500 m² is nie.
7. Die munisipaliteit se toestemming ingevolge artikel 5(b), om meer as twee honde op 'n perseel aan te hou, sal toegestaan word onderhewig aan sodanige voorwaardes en beperkings as wat die munisipaliteit mag nodig ag om op te lê.
8. Die munisipaliteit mag te enige tyd die toestemming wat ingevolge artikel 5(b) toegestaan is, terugtrek.

Beheer oor honde

9. Niemand mag—
 - (a) toelaat dat enige hitsige teef waarvan hy of sy die eienaar is of wat deur hom of haar aangehou word, sonder toetsig in enige openbare pad of openbare plek is nie;
 - (b) enige hond aanspoor om enige persoon of dier aan te val, lastig te val of bang te maak nie, behalwe waar dit nodig is vir die verdediging van sodanige eersgenoemde persoon of sy of haar eiendom of van enige ander persoon;
 - (c) enige hond aanhou wat—

- (i) by barking, yelping, howling or whining;
 - (ii) by having acquired the habit of charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept, or
 - (iii) by behaving in any other manner, interferes materially with the ordinary comfort, convenience, peace or quiet of neighbours, or
- (d) permit any dog owned or kept by such person—
- (i) to be in any public road or public place while suffering from mange or any other infectious or contagious disease;
 - (ii) which is ferocious, vicious or dangerous to be in any public road or public place, unless it is muzzled and held on a leash and under control of some responsible person;
 - (iii) to trespass on private property;
 - (iv) to constitute a hazard to traffic using any public road;
 - (v) to constitute or to his knowledge be likely to constitute a source of danger or injury to any person outside the premises on which such dog is kept, or
 - (vi) to be in any public road or public place except on a leash and under control of some responsible person.

Fencing of property

10. No person shall keep a dog if the premises where such a dog is kept, is not properly and adequately fenced to keep such dog inside when it is not on a leash.

Dogs shall not be a source of danger

11. Any person who keeps a dog on any premises shall keep such dog in such manner as not to be a source of danger to employees of the municipality entering upon such premises for the purpose of carrying out their duties. A notice to the effect that a dog is being kept on such premises shall be displayed in a conspicuous place.

Removal of offensive matter

12. If any dog defecates in any public road or public place, any person in charge of such dog shall forthwith remove the excrement, place it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse.

Dogs on premises where food is sold

13. Any person being the owner or person in control of any shop or other place where food is prepared, sold or exposed for sale, shall not permit any dog to be or remain in or on such shop or place.

Seizure, impounding and destruction of dogs

14. Any dog, found in any public road or public place suffering from mange or any other infectious or contagious disease, or which is ferocious, vicious or dangerous, or which is badly injured, may be seized and destroyed by the municipality.
15. The municipality may seize and impound at a place designated by the municipality, any dog which is found in any public road or public place in contravention with the provisions of this by-law.
16. A dog impounded in terms of section 15 may be released to the owner of such dog upon payment of a fee determined by the

- (i) deur te blaf, te kef, te tjank of te huil;
 - (ii) deur in die gewoonte te geraak het om af te storm op enige voertuie, diere, pluimvee, duiwe of persone buite enige perseel waar die hond aangehou word, of
 - (iii) deur hom op enige ander wyse te gedra,
 - (iv) die gewone gemak, gerief, vrede of rus van bure wesenlik versteur nie, of
- (d) toelaat dat enige hond waarvan hy die eienaar is of wat deur sodanige persoon aangehou word—
- (i) in enige openbare pad of openbare plek is terwyl sodanige hond aan skurfte of enige ander besmetlike of aansteeklike siekte ly nie;
 - (ii) wat wild, kwaai of gevaarlik is, in enige openbare pad of openbare plek is nie tensy sodanige hond gemuilband is en aan 'n leiriem gehou word en onder beheer van 'n verantwoordelike persoon is;
 - (iii) op private eiendom oortree nie;
 - (iv) 'n gevaar uitmaak vir verkeer wat enige openbare pad gebruik nie;
 - (v) 'n bron van gevaar of besering uitmaak of na sy wete waarskynlik 'n bron van gevaar of besering sal uitmaak vir enige persoon buite die perseel waarop sodanige hond aangehou word nie, of
 - (vi) in enige openbare pad of openbare plek is nie behalwe as sodanige hond aan 'n leiriem gehou word en onder beheer van 'n verantwoordelike persoon is.

Omheining van eiendom

10. Niemand mag 'n hond aanhou indien die perseel waarop die hond aangehou word nie behoorlik en voldoende omhein is om sodanige hond binne te hou wanneer dit nie aan 'n leiband is nie.

Honde mag nie 'n bron van gevaar wees nie

11. Iedereen wat 'n hond op enige perseel aanhou, moet sodanige hond op so 'n wyse aanhou dat dit nie 'n bron van gevaar is vir die munisipaliteit se werknemers wat sodanige perseel betree met die doel om hul pligte uit te voer nie. 'n Kennisgewing ten effekte dat 'n hond op sodanige perseel aangehou word, moet op 'n opvallende plek vertoon word.

Verwydering van aanstootlike stowwe

12. Indien enige hond hom in enige openbare pad of openbare plek ontlas, moet enige persoon wat in beheer is van sodanige hond onmiddellik die ontlasting verwyder, dit in 'n plastiek of papiersak plaas of toedraai en dit wegdoen deur dit in 'n houer te plaas wat vir die wegdoen van rommel of vullis voorsien is.

Honde op perseel waar voedsel verkoop word

13. Iedereen wat die eienaar of persoon in beheer is van enige winkel of ander plek waar voedsel voorberei, verkoop of te koop uitgestal word, mag nie toelaat dat enige hond in sodanige winkel of op sodanige plek is of bly nie.

Inbeslagneming, skut en afmaak van honde

14. Enige hond wat in 'n openbare pad of openbare plek aangetref word en wat aan skurfte of 'n ander besmetlike of aansteeklike siekte ly of wat kwaai, wild of gevaarlik is of ernstig beseer is, kan deur die munisipaliteit in beslag geneem en van kant gemaak word.
15. Die munisipaliteit kan op enige hond wat in 'n openbare pad of openbare plek gevind word strydig met die bepalings van hierdie verordening, beslag lê en skut op 'n plek deur die munisipaliteit bepaal.
16. 'n Hond wat kragtens artikel 15 geskut is, kan aan die eienaar van so 'n hond vrygestel word teen betaling van 'n bedrag soos deur die

municipality in addition to any costs, fines or taxes which may be outstanding in respect of such dog.

Liability

17. The municipality shall not be liable for any injury suffered or disease contracted by or damage caused to any dog as a result of or during its seizure, impounding, detention or destruction in terms of this by-law.

Penalty clause

18. Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to a penalty not exceeding—

- (1) a fine or imprisonment, or either such fine or such imprisonment or both such fine and such imprisonment;
- (2) in the case of a continuing offence, an additional fine or an additional period of imprisonment or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and
- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention. 6300

munisipaliteit bepaal, bykomend tot enige kostes, boetes of belasting wat ten opsigte van so 'n hond uitstaande mag wees.

Aanspreeklikheid

17. Die munisipaliteit is nie aanspreeklik vir enige besering of siekte opgedoen deur, of skade aangerig aan enige hond as gevolg van of gedurende die inbeslagneming, skut, aanhouding of afmaak daarvan kragtens hierdie verordening.

Strafbepaling

18. Iedereen wat enige bepaling van hierdie verordening oortree nalaat om daaraan te voldoen is aan 'n misdryf skuldig en skuldigbevinding strafbaar met —

- (1) 'n boete of gevangenisstraf, of sodanige boete of sodanige gevangenisstraf of beide sodanige boete en sodanige gevangenisstraf;
- (2) in die geval van 'n voortdurende misdryf, met 'n addisionele boete of 'n addisionele tydperk van gevangenisstraf, sodanige addisionele boete of sodanige addisionele gevangenisstraf, of beide sodanige addisionele boete en gevangenisstraf vir elke dag wat sodanige misdryf voortduur; en
- (3) 'n verdere bedrag gelyk aan enige koste en uitgawes waaraan bevinding van die hof deur die munisipaliteit aangegaan is as gevolg van sodanige oortreding of versuim. 6300

WITZENBERG MUNICIPALITY:

BY-LAW RELATING TO THE KEEPING OF POULTRY

(17-2004)

Purpose of By-Law

- To provide for the keeping of poultry, the circumstances under which they may be kept and the prevention of nuisances through the keeping of such poultry.

Definitions

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

“municipality” means the Municipality of Witzenberg established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“nuisance” means any act, omission or condition which is, in the opinion of the municipality, detrimental to health or offensive or injurious or which materially interferes with the ordinary comfort or convenience of the public or adversely affects the safety of the public or which disturbs the quiet of the neighbourhood;

“poultry” shall mean any fowl, goose, duck, turkey, peafowl, guinea fowl, muscovy duck, pigeon or dove, whether domesticated or wild; and

“premises” means any land, whether vacant, occupied or with buildings thereon;

Prohibition on keeping

2. (1) No person shall keep or cause to be kept any poultry on any premises without the written permission of the municipality; provided that the provisions of this section is not applicable

WITZENBERG MUNISIPALITEIT:

VERORDENING INSAKE DIE AANHOUD VAN PLUIMVEE

(17-2004)

Doel van Verordening

- Om voorsiening te maak vir die aanhouding van pluimvee asook die omstandighede waaronder sodanige pluimvee aangehou mag word en die voorkoming van oorlaste deur die aanhouding van sodanige pluimvee.

Woordomskrywing

1. In hierdie verordening sluit woorde wat die manlike geslag aandui, ook die vroulike geslag in, sluit die enkelvoud die meervoud in en omgekeerd, geniet die Afrikaanse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste, en tensy dit uit die samehang anders blyk, beteken:—

“pluimvee” ’n hoender, gans, eend, kalkoen, pou, tarentaal, makou of duif, hetsy mak of wild;

“munisipaliteit” die munisipaliteit van Witzenberg gestig in terme van Artikel 12 van die Munisipale Strukturewet, 117 van 1998, Provinsiale Kennisgewing 487 gedateer 22 September 2000 en sluit in enige politieke struktuur, politieke ampsbekleder, raadslid, behoorlik gevolmagtigde agent daarvan of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van 'n bevoegdheid van die munisipaliteit wat gedelegeer of gesub-delegeer is aan gemelde politieke struktuur, politieke ampsbekleder, raadslid, agent of werknemer;

“oorlas” onder meer enige handeling, versuim of toestand wat na die mening van die munisipaliteit skadelik vir die gesondheid of aanstootlik of nadelig is of wat wesenlik inbreuk maak op die gewone gemak of gerief van die publiek of die veiligheid van die publiek nadelig raak of wat inbreuk maak op die stilte van die omgewing; en

“perseel” enige grond, hetsy onbebou, ge-okkupeer of met geboue daarop;

Verbod op aanhouding

2. (1) Niemand mag enige pluimvee op enige perseel aanhou of laat aanhou sonder die skriftelike toestemming van die munisipaliteit nie; met dien verstande dat die bepalings van hierdie artikel nie