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Provincial Gazette

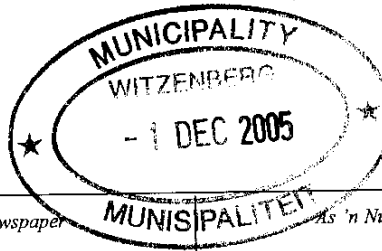
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CONTENTS

INHOUD

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No.		Page
Provincial Notices		
339	City of Cape Town: (Cape Town Region): Removal of restrictions.....	1718
340	City of Cape Town: Designation of an area for less formal settlement: Philippi.....	1718
341	George Municipality: Removal of restrictions.....	1719
Removal of restrictions in towns		
	Applications:.....	1720
Tenders:		
	Notices:.....	1727
Local Authorities		
	Beaufort West Municipality: Departure.....	1727
	Beaufort West Municipality: Departure.....	1727
	Berg River Municipality: Rezoning.....	1728
	Breede River/Winelands Municipality: Consent use.....	1728
	Breede River/Winelands Municipality: Subdivision and consolidation.....	1728
	Breede River/Winelands Municipality: Subdivision, consolidation, rezoning and departure.....	1729
	Breede River/Winelands Municipality: Rezoning and consent use.....	1729
	Cape Agulhas Municipality: Consolidation, subdivision and departure.....	1735
	Cape Agulhas Municipality: Subdivision.....	1733
	Cape Agulhas Municipality: Departure.....	1734
	City of Cape Town: (Cape Town Region): Rezoning.....	1730
	City of Cape Town: (Cape Town Region): Rezoning.....	1730
	City of Cape Town: (Helderberg Region): Rezoning and subdivision.....	1731
	City of Cape Town: (Helderberg Region): Subdivision.....	1731
	City of Cape Town: (Oostenberg Region): Rezoning and subdivision.....	1733
	City of Cape Town: (Oostenberg Region): Rezoning and subdivision.....	1735
	City of Cape Town: (Oostenberg Region): Wesbank multi-purpose business centre.....	1732
	City of Cape Town: (Oostenberg Region): Rezoning.....	1736
	City of Cape Town: (Tygerberg Region): Subdivision, consolidation, rezoning, consent use and departure.....	1736
	City of Cape Town: (Tygerberg Region): Rezoning and land use departure.....	1737
	Drakenstein Municipality: Rezoning and consent use.....	1734
	Drakenstein Municipality: Re-determination of zoning and amendment to zoning conditions.....	1732
	George Municipality: Consolidation, rezoning and subdivision.....	1737
	George Municipality: Departure.....	1738
	George Municipality: Subdivision, closure, rezoning and alienation.....	1738

No.		Bladsy
Provinsiale Kennisgewings		
339	Stad Kaapstad: (Kaapstad Streek): Opheffing van beperkings.....	1718
340	Stad Kaapstad: Aanwysing van 'n gebied vir minder formele vestiging: Philippi.....	1718
341	George Munisipaliteit: Opheffing van beperkings.....	1719
Opheffing van beperkings in dorpe		
	Aansoeke:.....	1720
Tenders:		
	Kennisgewings:.....	1727
Plaaslike Owerhede		
	Beaufort-Wes Munisipaliteit: Afwyking.....	1727
	Beaufort-Wes Munisipaliteit: Afwyking.....	1727
	Berg River Munisipaliteit: Hersoneringsgebruik.....	1728
	Berg River Munisipaliteit: Hersoneringsgebruik.....	1728
	Breede River/Wynland Munisipaliteit: Oonderverdeling en konsolidasie.....	1728
	Breede River/Wynland Munisipaliteit: Oonderverdeling, konsolidasie, hersonerings en afwyking.....	1729
	Breede River/Wynland Munisipaliteit: Hersonerings en vergunningsgebruik.....	1729
	Kaap Agulhas Munisipaliteit: Konsolidasie, oonderverdeling en afwyking.....	1735
	Kaap Agulhas Munisipaliteit: Oonderverdeling.....	1733
	Kaap Agulhas Munisipaliteit: Afwyking.....	1734
	Stad Kaapstad: (Kaapstad Streek): Hersonerings.....	1730
	Stad Kaapstad: (Kaapstad Streek): Hersonerings.....	1730
	Stad Kaapstad: (Helderberg Streek): Hersonerings en oonderverdeling.....	1731
	Stad Kaapstad: (Helderberg Streek): Oonderverdeling.....	1731
	Stad Kaapstad: (Oostenberg Streek): Hersonerings en oonderverdeling.....	1733
	Stad Kaapstad: (Oostenberg Streek): Hersonerings en oonderverdeling.....	1735
	Stad Kaapstad: (Oostenberg Streek): Wesbank veeldoel-sakesentrum/uluntu plaza en Wesbank taxiterminus.....	1732
	Stad Kaapstad: (Oostenberg Streek): Hersonerings.....	1736
	Stad Kaapstad: (Tygerberg Streek): Oonderverdeling, konsolidasie, hersonerings, vergunningsgebruik en afwyking.....	1736
	Stad Kaapstad: (Tygerberg Streek): Hersonerings en grondgebruik-afwyking.....	1737
	Drakenstein Munisipaliteit: Hersonerings en vergunningsgebruik.....	1734
	Drakenstein Munisipaliteit: Herbepaling van sonerings en wysiging van soneringsvoorwaarde.....	1732
	George Munisipaliteit: Konsolidasie, hersonerings en oonderverdeling.....	1737
	George Munisipaliteit: Afwyking.....	1738
	George Munisipaliteit: Oonderverdeling, sluiting, hersonerings en vervreemding.....	1738

CONTENTS—(Continued)

	Page
George Municipality: Subdivision, closure, rezoning and alienation.....	1739
Knysna Municipality: Rezoning.....	1739
Hessequa Municipality: Consolidation and re-subdivision.....	1740
Hessequa Municipality: Departure.....	1740
Hessequa Municipality: Subdivision.....	1741
Hessequa Municipality: Subdivision.....	1741
Mossel Bay Municipality: Rezoning.....	1742
Mossel Bay Municipality: Departure.....	1742
Overstrand Municipality: Rezoning and subdivision.....	1743
Overstrand Municipality: Departure and rezoning.....	1743
Overstrand Municipality: Subdivision.....	1744
Overstrand Municipality: Consent use.....	1744
Overstrand Municipality: Invitation for comment: Draft spatial development framework.....	1745
Overstrand Municipality: Rezoning.....	1746
Overstrand Municipality: Consent use.....	1747
Overstrand Municipality: Consent use.....	1747
Overstrand Municipality: Departure, rezoning and subdivision.....	1748
Saldanha Bay Municipality: Subdivision.....	1752
Saldanha Bay Municipality: Notice calling for objections to Provisional Additional Valuation Roll 2005/2006.....	1748
Stellenbosch Municipality: Departure.....	1749
Stellenbosch Municipality: Rezoning, consolidation and subdivision.....	1749
Stellenbosch Municipality: Rezoning and consent use.....	1750
Stellenbosch Municipality: Rezoning.....	1750
Stellenbosch Municipality: Departure and rezoning.....	1751
Stellenbosch Municipality: Rezoning, departure and temporary departure.....	1751
Stellenbosch Municipality: Departure and consent use.....	1751
Theewaterskloof Municipality: Subdivision, rezoning and consent use.....	1752
Swartland Municipality: Subdivision.....	1753
Swartland Municipality: Rezoning.....	1753
Swellendam Municipality: Consent use.....	1756
Swellendam Municipality: Rezoning.....	1756
Swellendam Municipality: Consent use.....	1756
Swellendam Municipality: Consent use.....	1756
Western Cape Department of Health: General notice.....	1754
Western Cape Gambling and Racing Board: Official Notice.....	1809
Witzenberg Municipality: By-law relating to credit control and debt collection.....	1757
Witzenberg Municipality: Public amenities by-law.....	1767
Witzenberg Municipality: By-law relating to public nuisances and keeping of animals.....	1771
Witzenberg Municipality: By-law relating to refuse removal.....	1783
Witzenberg Municipality: Rules of order for the conduct of meetings.....	1788
Witzenberg Municipality: By-law relating to streets.....	1797

INHOUD—(Vervolg)

	Bladsy
George Munisipaliteit: Onderverdeling, sluiting, hersonering en vervreemding.....	1739
Knysna Munisipaliteit: Hersonering.....	1739
Hessequa Munisipaliteit: Konsolidasie en her-ondiverdeling.....	1740
Hessequa Munisipaliteit: Afwyking.....	1740
Hessequa Munisipaliteit: Onderverdeling.....	1741
Hessequa Munisipaliteit: Onderverdeling.....	1741
Mosselbaai Munisipaliteit: Hersonering.....	1742
Mosselbaai Munisipaliteit: Afwyking.....	1742
Overstrand Munisipaliteit: Hersonering en ondiverdeling.....	1743
Overstrand Munisipaliteit: Afwyking en hersonering.....	1743
Overstrand Munisipaliteit: Onderverdeling.....	1744
Overstrand Munisipaliteit: Vergunningsgebruik.....	1744
Overstrand Munisipaliteit: Uitnodiging vir kommentaar: konsep ruimtelike ontwikkelingsraamwerk.....	1745
Overstrand Munisipaliteit: Hersonering.....	1746
Overstrand Munisipaliteit: Vergunningsgebruik.....	1747
Overstrand Munisipaliteit: Vergunningsgebruik.....	1747
Overstrand Munisipaliteit: Afwyking, hersonering en ondiverdeling.....	1748
Saldanhabaai Munisipaliteit: Onderverdeling.....	1752
Saldanhabaai Munisipaliteit: Kennisgewing wat besware teen Voorlopige Aanvullende Waardasieys aanvra: 2005/2006.....	1748
Stellenbosch Munisipaliteit: Afwyking.....	1749
Stellenbosch Munisipaliteit: Hersonering, konsolidasie en ondiverdeling.....	1749
Stellenbosch Munisipaliteit: Hersonering en vergunningsgebruik.....	1750
Stellenbosch Munisipaliteit: Hersonering.....	1750
Stellenbosch Munisipaliteit: Afwyking en hersonering.....	1751
Stellenbosch Munisipaliteit: Hersonering, afwyking en tydelike afwyking.....	1751
Stellenbosch Munisipaliteit: Afwyking en vergunningsgebruik.....	1751
Theewaterskloof Munisipaliteit: Onderverdeling, hersonering en vergunningsgebruik.....	1752
Swartland Munisipaliteit: Onderverdeling.....	1753
Swartland Munisipaliteit: Hersonering.....	1753
Swellendam Munisipaliteit: Vergunningsgebruik.....	1756
Swellendam Munisipaliteit: Hersonering.....	1756
Swellendam Munisipaliteit: Vergunningsgebruik.....	1756
Swellendam Munisipaliteit: Vergunningsgebruik.....	1756
Wes-Kaapse Provinsiale Dept. van Gesondheid: Algemene kennisgewing.....	1755
Wes-Kaapse Raad op Dobbelaar en Wedrenne: Amptelike kennisgewing.....	1809
Witzenberg Munisipaliteit: Verordening insake kredietbeheer en skuldinvordering.....	1757
Witzenberg Munisipaliteit: Verordening insake openbare geriewe.....	1767
Witzenberg Munisipaliteit: Verordening insake openbare oortaste en hou van diere.....	1771
Witzenberg Munisipaliteit: Verordening insake vullisverwydering.....	1783
Witzenberg Munisipaliteit: Ordeceis vir die hou van vergaderings ...	1788
Witzenberg Munisipaliteit: Verordening insake strate.....	1797

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WITZENBERG MUNICIPALITY

BY-LAW RELATING TO PUBLIC NUISANCES AND THE KEEPING OF ANIMALS

TABLE OF CONTENTS

- 1. Definitions
- 2. Application of by-law

CHAPTER I: GENERAL PROVISIONS RELATING TO PUBLIC NUISANCES

- 3. Conduct en behaviour

CHAPTER II: GENERAL PROVISIONS RELATING TO KEEPING OF ANIMALS

- 4. Permission to keep animals
- 5. Plans for structures and management
- 6. Consideration of application and imposition of conditions
- 7. Visibility of structures on premises
- 8. Wavering of requirements and withdrawal of permits
- 9. Validity of permits
- 10. Duties of owner or keeper of animals
- 11. Animals kept in unsatisfactory manner
- 12. Destruction of animals
- 13. Hawking of animals

CHAPTER III: PROVISIONS RELATING TO KEEPING OF DOGS AND CATS

Part 1 General provisions relating to cats and dogs

- 14. Number of dogs and cats
- 15. Breeders of dogs and cats
- 16. Conditions and restrictions
- 17. Withdrawal of permission
- 18. Dogs or cats in public places

Part 2 — Specific provisions relating to dogs

- 19. Control of dogs

CHAPTER IV: DOG KENNELS, CATTERIES, PET SHOPS AND PET PARLOURS

- 20. Permission to operate

CHAPTER V: CO-OPERATION BETWEEN MUNICIPALITIES

- 21. Service delivery arrangements

CHAPTER VI: POWERS OF MUNICIPALITY IN CASE OF OMISSION BY DISTRICT MUNICIPALITY

- 22. Failure or omission by district municipality

CHAPTER VII: GENERAL PROVISIONS

- 23. Right of entry and inspection
- 24. Service of documents and process
- 25. Transitional provisions

WITZENBERG MUNISIPALITEIT

VERORDENING INSAKE OPENBARE OORLASTE EN DIE AANHOU VAN DIERE

INHOUDSOPGAWE

- 1. Woordomskrywing
- 2. Toepassing van verordening

HOOFSTUK I: ALGEMENE BEPALINGS INSAKE OPENBARE OORLASTE

- 3. Gedrag en optrede

HOOFSTUK II: ALGEMENE BEPALINGS INSAKE DIE AANHOU VAN DIERE

- 4. Toestemming om aan te hou
- 5. Planne vir strukture en bestuur
- 6. Oorweging van aansoek en ople van voorwaardes
- 7. Sigbaarheid van strukture op persele
- 8. Opskorting of intrekking van permitte
- 9. Geldigheid van permitte
- 10. Pligte van eienaar of bewaarder van diere
- 11. Diere wat op onbevredigende wyse aangehou word.
- 12. Afmaak van diere
- 13. Handeldryf met diere

HOOFSTUK III: BEPALINGS INSAKE AANHOU VAN HONDE EN KATTE

Deel 1 — Algemene bepalinge insake honde en katte

- 14. Getal honde en katte
- 15. Telers van honde en katte
- 16. Voorwaardes en beperkings
- 17. Terugtrek van toestemming
- 18. Honde of katte in openbare plekke

Deel 2 — Spesifieke bepalinge insake honde

- 19. Beheer oor honde

HOOFSTUK IV: HONDEHERBERGE, KATTERYE, TROETELDIERSALONNE EN TROETELDIERWINKELS

- 20. Toestemming

HOOFSTUK V: SAMEWERKING TUSSEN MUNISIPALITEITE

- 21. Diensleweringsreelings

HOOFSTUK VI: MAGTE VAN MUNISIPALITEIT IN GEVAL VAN VERSUIM DEUR DISTRIKSMUNISIPALITEIT

- 22. Versuim deur distriksmunisipaliteit

HOOFSTUK VII: ALGEMENE BEPALINGS

- 23. Reg van toegang en inspeksie
- 24. Betekening van dokumente en proses
- 25. Oorgangsbepalinge

26. Appeal
27. Penalties
28. Exemptions
29. Repeal of by-laws
30. Short title and commencement

1. Definitions

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:—

“**animal**” means any equine, bovine, sheep, goat, poultry, camel, dog, cat, or other domestic animal or bird, or any wild animal or reptile which is in captivity or under the control of a person, or insects such as, but not limited to, bees which is kept or under control of a person, but excluding any pet;

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

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

“**district municipality**” means the Cape Winelands District Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 480 dated 22 September 2000, as amended per Provincial Notice 162 dated 20 August 2004, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“**kennel**” means any establishment that has as its business the breeding, training or boarding of dogs and includes pounds whether operated by the State or otherwise;

“**municipality**” means the Municipality of Witzenberg established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 488 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent 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;

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

- (a) acting in such position; and
- (b) to whom the municipal manager has delegated any power, function or responsibility in as far as it concerns the execution of those powers, functions or duties.

“owner”

- (a) in relation to an animal, includes the person having the possession, charge, custody or control of such animal;
- (b) in relation to a public nuisance as contemplated in Part 1 of this by-law-
 - (i) the person or persons in whom from time to time shall be vested the legal title to any immovable property.
 - (ii) in any case where a property is subject to a registered lease, the lessee of such property.
 - (iii) in cases where the person in whom the legal title is vested is insolvent or deceased, or is of unsound mind

26. Appèl
27. Strawwe
28. Vrystellings
29. Herroeping van verordeninge
30. Kort titel en inwerkingtrede

1. Woordomskrywing

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:—

“**dier**” ’n lid van die perdefamilie, bees, skaap, bok, vark, pluimvee, kameel, hond, kat of ander huisdier of voël of ’n wilde dier of reptiel wat in gevangenskap verkeer of onder die beheer van iemand is, of insekte soos, maar nie beperk tot, bye wat deur ’n persoon aangehou of beheer word, maar uitgesluit enige troeteldier;

“**distriksmunisipaliteit**” die Kaapse Wynland Distriksmunisipaliteit gestig in terme van Artikel 12 van die Munisipale Strukturewet, 117 van 1998, Provinsiale Kennisgewing 486 van 2000 gedateer 22 September 2000, soos gewysig per Provinsiale Kennisgewing 162 gedateer 20 Augustus 2004, en sluit in enige politieke struktuur, politieke ampsbekleider, 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 ampsbekleider, raadslid, agent of werknemer;

“eienaar”

- (a) met betrekking tot ’n dier, ook iemand wat in besit is van of belas is met die sorg, bewaring of beheer van ’n dier;
- (b) met betrekking tot openbare oorlaste soos bedoel in Deel 1 van hierdie verordening—
 - (i) die persoon of persone in wie se naam die vaste eiendom van tyd tot tyd geregistreer is.
 - (ii) in enige geval waar ’n eiendom aan ’n huurooreenkoms onderworpe is, die huurder van so ’n eiendom.
 - (iii) in gevalle wat die persoon in wie se naam dit geregistreer is insolvent is of afgestorwe is, of nie by sy volle verstand is nie of wie se boedel toegewys is vir die wins van sy krediteure, die persoon in wie die administrasie van die eiendom gevestig is as trustee, eksekuteur, kurator of gevoimagtigde, of administrateur.
 - (iv) in gevalle waar die eienaar soos hierbo beskryf afwesig is, die agent of persoon wat die huur van die ter sake eiendom ontvang.
 - (v) in enige geval waar die eiendom voordelig bewoon word onder ’n serwituut of soortgelyke reg die bewoner van so ’n eiendom.

“**hondeherberg**”, enige inrigting waarvan die besigheid die teel, aanhou of afrigting van honde is insluitend skutte hetsy dit deur die Staat of andersins bedryf word;

“**kattery**”, enige inrigting waar katte geteel word of aangehou word;

“**munisipale bestuurder**” die persoon wie as die munisipale bestuurder van die munisipaliteit aangestel ingevolge die bepalings van artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998) en sluit enige persoon in:

- (a) wat in sodanige pos waarneem; en

or whose estate has been assigned for the benefit of his creditors, the person in whom the administration of the property is vested as trustee, executor, curator or assignee, or administrator.

- (iv) in cases where the owner as above described is absent, the agent or person receiving the rent of the property in question.
- (v) in any case where the property is beneficially occupied under a servitude or right similar thereto, the occupier of such property.

“pet” means an animal which is normally kept for companionship or pleasure;

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

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

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

“premises” means—

- (a) land or a portion of land, whether or not a building or structure has been constructed or erected on such land or portion thereof; or
- (b) a building, structure, tent or caravan and the land on which it is situated and includes any vehicle, carriage, ship or boat;

“public nuisance” means any act, omission or condition on any premises, including any building, structure or growth thereon, which is offensive or dangerous, or which materially interferes with the ordinary comfort, convenience, peace or quiet of other people or which adversely effects the safety of the public;

“public place” means any square, building, park, recreation ground or open space which:—

- (a) is vested in the municipality;
- (b) the public has the right to use, or
- (c) is shown on a general plan of a township filed in a deeds registry or a Surveyor-General's office and has been provided for or reserved for the use of the public or the owners of erven in such township;

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

“street” means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes:—

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare, and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

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

- (b) aan wie die munisipale bestuurder enige magte, funksie of pligte delegeer het in soverre dit die uitvoering van daardie magte, funksie of pligte aangaan;

“munisipaliteit” die Witzenberg Munisipaliteit 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 ampsbeklede, 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 ampsbeklede, raadslid, agent of werknemer;

“openbare oorlas” enige handeling, versuim of toestand op 'n perseel met inbegrip van enige gebou, struktuur of gewas daarop wat die veiligheid van persone of eiendom in gevaar stel of wat onoorgiflik, hinderlik, aanstootlik of rusversteurend vir ander mense is.

“openbare plek” enige plein, gebou, park, ontspanningsoord of oop terrein wat—

- (a) by die munisipaliteit berus;
- (b) die publiek die reg het om te gebruik, of
- (c) getoon word op 'n algemene plan van 'n dorpsgebied in 'n akteregeestrasiekantoor van 'n landmeter-generaal en wat verskaf is vir of gereserveer is vir die gebruik van die publiek of die eienaars van erwe in sodanige dorpsgebied;

“perseel”,

- (a) grond of 'n gedeelte grond hetsy 'n gebou of struktuur op sodanige grond of gedeelte grond gebou of opgerig is; of
- (b) 'n gebou, struktuur, tent of woonwa saam met die grond waarop dit staan en sluit dit in enige voertuig, rytuig, skip of boot.

“pluimvee”, enige hoender, gans, volstruis, eend, duif, kalkoen, makou, tarentaal, pou of voël hetsy dit makgemaak of wild is.

“straat” enige pad, straat of deurgang of enige ander plek (hetsy 'n deurgang aldan nie) wat algemeen gebruik word deur die publiek of enige gedeelte daarvan 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 brug, pont of drif waaroor of waardeur enige sodanige pad, straat of deurgang loop; en
- (c) enige ander werk of voorwerp wat 'n deel uitmaak van of verbind is met of behoort tot daardie pad, straat of deurgang;

“struktuur”, enige stal, skuur, varkhok, kraal, voëlhok, kamp, bedekte struktuur, hoenderhok, hok, kamp, duiwehok of gebou wat gebruik word vir bewoning deur mense of die aanhou diere;

“troeteldier” enige dier wat normaalweg vir kameraadskap of piesier aangehou word;

“troeteldiersalon” 'n onderneming waar troeteldiere versorg word;

“troeteldierwinkel” 'n onderneming waar troeteldiere aangehou word vir handelsdoeleindes;

“verantwoordelike owerheid” die Kaapse Wynland Distriksmunisipaliteit of enige nasionale of provinsiale departement wat uit hoofde van sy funksies en bevoegdhede beperking of voorwaardes ten opsigte van die aanhou van diere mag opla;

“voël” enige duif, pou, fisant, patrys, kanarie, budjie, papegaai, volstruis en enige ander mak of wilde voël wat in gevangenskap is of onder beheer van iemand is;

2. Application of by-law

- (1) The provisions of sections 4(1), 14(1), 15(1), 20(1) and 25 are not applicable to—
- (a) premises or land which is used for bona fide agricultural purposes; or
- (b) premises or land identified by the municipality where the keeping of animals or the operation of pet parlours, pet shops or catteries and kennels is permitted and indicated as such in an approved spatial development framework and zoning scheme.
- (2) A person who keeps animals on premises contemplated in sub-section (1) (a) and (b), is not exempt from the provisions of any other by-laws of the appropriate municipality or legislation with regard to the inception or bringing about of a public nuisance.

CHAPTER I: GENERAL PROVISIONS RELATING TO PUBLIC NUISANCES**3. Behaviour and conduct**

- (1) Notwithstanding the provisions of any other by-law no person shall:
- (a) do work on any premises or use any building or land for purposes calculated to disfigure such premises or to interfere with the convenience or comfort of other people or to become a source of danger to any person. Should the municipality be of the opinion that this provision is being ignored, the municipality may instruct that such work or use be discontinued forthwith and that the previous condition be reinstated;
- (b) carry on any trade, business, profession or hobby on any premises in the municipal area which may in the opinion of the municipality be a source or become a source of discomfort or annoyance to other people;
- (c) deposit, leave, spill, drop or place any fruit or vegetable peels, broken bottles, glass, refuse or thing which is offensive or likely to cause annoyance, danger or injury to persons in or upon any premises, street or public place;
- (d) allow the fencing of any premises to fall into a state of disrepair or to become unsightly or dilapidated;
- (e) allow any building or structure or any portion thereof on any premises to fall into a dilapidated, neglected or unsightly state, or fail to maintain the roof-water disposal system, pipes, sewers, drains, water fittings, waste water fittings, water closet fittings and all other appurtenances forming part of or attached to any building or structure in good and sound repair, or fail to maintain the walls of any building or structure free from dampness;
- (f) use or cause or permit to be used any stoep and/or verandah of any shop or business premises or vacant land adjoining such shop or business premises for the purpose of storing, stacking, dumping, disposing, displaying or keeping articles or merchandise;
- (g) use or cause or permit any shop or business premises or vacant land adjoining such shop or business premises or any portion thereof which is open or visible to the public for the purpose of storing, stacking, dumping, disposing, or keeping any waste material, refuse, cartons, crates, containers or other articles of a like nature;
- (h) enclose or cause or permit the enclosing of any stoep or

2. Toepassing

- (1) Die bepalings van artikels 4(1), 14(1), 15(1) en 20(1) en 25 is nie van toepassing op—
- (a) 'n perseel of grond wat vir bona fide landbou-doeleindes aangewend word nie; of
- (b) 'n perseel of grond wat deur die munisipaliteit geïdentifiseer is waar die aanhou van diere of die bedryf van troeteldiersalonne, troeteldierwinkels of honde- en katteherberge toelaatbaar is en as sodanig aangedui word in 'n goedgekeurde ruimtelike ontwikkelingsraamwerk of soneringskema.
- (2) 'n Persoon wie diere aanhou op persele soos bedoel in subartikel (1)(a) en (b), word nie vrygestel van die bepalings van enige ander verordeninge van die munisipaliteit of wetgewing met betrekking tot die ontstaan of veroorsaking van 'n openbare oorlaste nie.

HOOFSTUK I: ALGEMENE BEPALINGS INSAKE OPENBARE OORLASTE**3. Gedrag en optrede**

- (1) Ondanks die bepalings van enige ander verordening mag niemand—
- (a) werk op enige perseel uitvoer of 'n gebou of gronde gebruik vir doeleindes wat daarop bereken is om dit te ontsier of om inbreuk te maak op die gerief of gemak van ander mense of om 'n bron van gevaar vir enige persoon te word nie. Indien die munisipaliteit van mening is dat hierdie bepaling verontagsaam word, kan hy gelas dat sodanige werk of gebruik onmiddellik gestaak word en dat die vorige toestand herstel word;
- (b) enige handel, besigheid, beroep of stokperdjie beoefen op enige perseel in die munisipale gebied wat na die mening van die munisipaliteit 'n bron van ongerief of ergernis vir ander mense is of kan word nie;
- (c) enige vrugte- of groenteskille, gebreke bottels, glas, vullis of ding wat aanstootlik is of waarskynlik ergernis, gevaar of besering sal veroorsaak aan persone in of op enige perseel, straat of openbare plek stort, laat bly, uitgooi, neergooi of plaas nie;
- (d) toelaat dat die omheining van enige perseel in 'n vervalte, gevaarlike, onooglike of verwaarloosde toestand raak nie;
- (e) toelaat dat 'n gebou of struktuur of enige gedeelte daarvan op enige perseel in 'n vervalte, gevaarlike, verwaarloosde of onooglike toestand raak nie, of in gebreke bly om die dakwaterwegdoenstelsel, pype, vuilriole, riole, water-, afvalwater- en spoelkloset-toerusting en alle ander toebehore wat deel uitmaak van of bevestig is aan enige gebou of struktuur, in 'n goeie en heel toestand te hou, of in gebreke bly om die mure van enige gebou of struktuur vrogvry te hou nie;
- (f) enige stoep en/of veranda van enige winkel of besigheidsperseel of onbeboude grond wat aan sodanige winkel of besigheidsperseel grens, gebruik of laat gebruik of toelaat dat dit gebruik word vir die doel om enige goedere, artikels of handelsware op te berg, op te stapel, te stort of weg te doen nie;
- (g) enige winkel of besigheidsperseel of onbeboude grond wat aan sodanige winkel of besigheidsperseel grens of enige gedeelte daarvan wat vir die publiek toeganklik of sigbaar is, gebruik of laat gebruik of toelaat dat dit gebruik word vir die doel om enige afvalmateriaal, vullis, kratte, kartondose, houers of ander artikels van 'n dergelike aard op te berg, op te stapel, te stort, weg te doen of te hou nie;
- (h) enige stoep of veranda van enige winkel of

- verandah of any shop or business premises by means of movable or immovable structures, objections, articles or devices otherwise than by such means as the municipality may approve;
- (i) cause or allow the disturbance of the ordinary comfort, convenience, peace or quiet of other people by the utilisation or use of electrical appliances, machinery, malfunctioning air conditioning units or similar appliances or equipment.
- (j) defoul, misuse or damage a toilet provided in a public building or public place;
- (k) carry or convey, or cause or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become offensive or dangerous or injurious to health, unless such objectionable material or thing is covered with a suitable material to prevent the creation of any nuisance;
- (l) accumulate, dump, store or deposit any article or thing of whatsoever nature, which in the opinion of the municipality is waste material or likely to constitute an obstruction in any street, public place or built-up or vacant premises or land. Where such action takes place with the consent of the municipality and any conditions of approval are ignored or complaints are received from the general public, the municipality may take action in terms of sub-section (2).
- (m) allow any erf to be overgrown with bush, weeds or grass or other vegetation, except cultivated trees, shrubs and grass, to such an extent that it may be used as a shelter by vagrants, wild animals or vermin or may threaten the safety of any member of the community.
- (n) by an action directly or indirectly or by negligence allow that a nuisance be created or continued.
- (o) bathe or wash himself or any animal or article or clothing or any other article or thing in any public stream, pool or water trough or at any public hydrant or fountain or at any place which has not been set aside by the municipality for any purpose;
- (p) at any time during the day or night disturb the public peace in any public or private place or premises or a street by making unseemly noises or by shouting, insistent hooting, wrangling or quarrelling, or by collecting a crowd or by organising any demonstration or by fighting or challenging to fight, or by striking with or brandishing or using in a threatening manner any stick or other weapon or by any other riotous, violent or unseemly behaviour at any time of the day or night, or by loitering in any street or public place or by gathering in crowds on pavements;
- (q) advertise wares or services in any street or public place by means of any megaphone, loudspeaker, or similar device or by insistent shouting, striking of gongs, blowing of horns or ringing of bells;
- (r) in or upon any property or premises disturb the public peace in the neighbourhood of such premises by making therein or thereon any unseemly noises, or by shouting, wrangling, quarrelling and singing or by playing therein or thereon a musical instrument or use or permit to be used any musical instruments, radios, television sets or the like or any loudspeaker or other device for the reproduction or amplification of sound, in such manner or at such a time or in such circumstances that the sound thereof is audible beyond the boundaries of such property or premises in such a
- besigheidsperseel deur middel van los of vaste strukture, voorwerpe, artikels of toestelle toemaak of laat toemaak of toelaat dat dit daardeur toegemaak word nie, behalwe op 'n wyse deur die munisipaliteit goedgekeur;
- (i) veroorsaak of toelaat dat die gewone gerief, gemak, vrede en rus van ander mense versteur word deur die gebruik of aanwending van elektriese toebehoere of masjinerie, defektiewe lugreëlingtoestelle of soortgelyke toestelle of toebehoere nie;
- (j) 'n openbare toilet of 'n toilet wat in 'n openbare gebou of openbare plek voorsien is, bemors, misbruik of beskadig nie;
- (k) enige materiaal of ding, vloeibaar of vas, wat aanstootlik of gevaarlik is of kan word, deur of in 'n straat of openbare plek dra of vervoer of laat dra of vervoer of toelaat dat dit daardeur of daarin gedra of vervoer word nie, tensy sodanige aanstootlike materiaal of ding met geskikte materiaal bedek is om te voorkom dat 'n openbare oorlas ontstaan;
- (l) enige voorwerp of ding van watter aard ookal wat na die mening van die munisipaliteit afvalmateriaal is, of waarskynlik 'n versperring sal uitmaak op enige straat, openbare plek of beboude of onbeboude perseel, ophoop, stort, opberg of plaas nie. Waar sodanige handeling met die toestemming van die munisipaliteit geskied en enige voorwaardes wat tydens goedkeuring gestel is verontagsaam word of klages van die algemene publiek ontvang word, kan die munisipaliteit na goeddunke ingevolge subartikel (2) optree;
- (m) toelaat dat enige erf oorgroei word met bosse, onkruid of gras of ander plantegroei, behalwe gekweekte bome, struik en gras, tot so 'n mate dat dit as skuilplek gebruik kan word deur rondlopers, wilde diere of ongediertes of die veiligheid van enige lid van die gemeenskap mag bedreig nie.
- (n) deur 'n handeling, regstreeks of onregstreeks, of deur nalatigheid, toelaat dat 'n openbare oorlas ontstaan of voortgesit word nie;
- (o) in 'n openbare stroom, rivier, dam of watersloot baai of hom of 'n dier of kledingstuk of 'n ander artikel of ding daarin of by 'n openbare brandkraan of fontein of op 'n plek wat nie deur die munisipaliteit vir enige sodanige doel afgesonder is, was nie;
- (p) te eniger tyd gedurende die dag of nag die openbare vrede in 'n openbare of private plek of perseel of in 'n straat versteur deur geluide te maak of deur te skreeu, aanhoudend te toeter, te twis of rusie te maak, of deur 'n skare byeen te bring, of deur 'n betoging te reël, of deur bakleiery of 'n uitdaging tot 'n bakleiery, of deur met 'n stok of ander wapen te slaan of dit te swaai of op 'n dreigende wyse te gebruik, of deur enige ander oproerige, geweldadige of onbetaamlike gedrag, of deur op sypaadjies te vergader of saam te drom nie;
- (q) ware of dienste in 'n straat of openbare plek adverteer deur middel van 'n megafoon, luidspreker of dergelyke toestel of deur aanhoudend te skreeu, op 'n ghong te slaan, toeters te druk of klokke te lui nie;
- (r) in of op enige eiendom of perseel die openbare vrede in die omgewing van sodanige perseel versteur deur daarin of daarop geluide te maak, te sing, of daarin of daarop 'n musiekinstrument bespeel of 'n musiekinstrument, radio, televisie of dergelyke toestel of enige luidspreker of ander toestel vir die reproduksie of versterking van klank, gebruik of toelaat dat dit gebruik word op so 'n wyse of op so 'n tyd of in sulke omstandighede dat die klank daarvan hoorbaar is buite die grense van sodanige eiendom of perseel op so 'n wyse dat dit 'n openbare oorlas veroorsaak nie en die

- manner that it creates a public nuisance and materially interfere with the ordinary comfort, convenience, peace or quiet of other people;
- (s) in any street or public place use any abusive or threatening language or commit any act which may or is calculated to cause a breach of the public peace;
- (t) cleanse or wash any vehicle or part in any street or public place;
- (u) discharge any fire-arm, airgun or air pistol on any premises except premises or land zoned for agricultural purposes and which does not form part of a general plan for a township.
- (2) (a) In the event of a contravention of section 2(a) to (n), the municipality may issue a notice on the owner or occupier of the alleged offender to terminate the action or to abate the nuisance created. In the event of non-compliance with such order and without prejudice to the municipality's right to prosecute, the municipality may take the necessary steps to remove the cause or source of the nuisance and any costs incurred in connection therewith shall be recoverable from the person responsible for the nuisance or the owner or occupier of the premises on which the nuisance originates or is being continued, whether or not such owner or occupier is responsible therefore
- (b) Where the municipality has evidence that any vacant or developed premises or land in the vicinity of a street is being used for any purposes by unauthorised persons or that any of the materials or things mentioned in section 1(l) are being dumped or deposited on such premises or, it may serve notice in writing on the owner or occupier thereof requiring him to enclose or fence it in to its satisfaction by a date specified in the notice. Every such enclosure or fence shall be not less than two metres in height and shall be of such a nature and so constructed that it will effectively prevent the entry of unauthorised persons and the dumping or depositing thereon of materials and things.
- (3) For the application of this by-law, any action or condition on any premises, including any building, structure or vegetation thereon, which in the opinion of the municipality endangers the safety of any person or property or which is untidy, annoying, troublesome, offensive or disturbing to the peace of other people, shall be considered a public nuisance.
- (4) Any person who contravenes or fails to comply with any provisions of this section or fails to comply with any notice lawfully given there under shall be guilty of an offence.

CHAPTER 2: GENERAL PROVISIONS RELATING TO KEEPING OF ANIMALS

4. Permission to keep animals

- (1) No person shall keep or permit to be kept on any premises or property any animals, excluding pets, without the written permission of the municipality.
- (2) For the purpose of managing the keeping of animals on premises, the municipality may determine the number of bee hives, as well as the kind, number and sex of animals that may be kept and the areas within which the keeping of such animals shall be prohibited.
- (3) In order to consider an application in terms of sub-section (1), the municipality may obtain the input or comments of the

gewone gerief, gemak, vrede en rus van ander mense versteur nie;

- (s) in enige straat of openbare plek beledigende of dreigende taal besig of iets doen wat die opebare vrede kan versteur of wat daarop bereken is om die vrede te versteur nie;
- (t) 'n voertuig of stuk gereedskap in 'n straat of openbare plek skoonmaak of was nie;
- (u) 'n vuurwapen, windbuks of windpistool op enige perseel, behalwe 'n perseel of grond wat gesoneer is vir landboudoeleindes en wat nie deel vorm 'n algemene plan van 'n dorpsgebied nie, afvuur nie.
- (2) (a) Waar daar 'n oortreding van artikel 2(1)(a) tot (n) plaasvind kan die munisipaliteit 'n kennisgewing op die eienaar of okkupeerder of beweerde oortreder beteken om binne 'n bepaalde tyd die handeling te staak of die oorlas uit die weg te ruim. By versuim om aan sodanige kennisgewing gevolg te gee en sonder inkorting van die munisipaliteit se reg om vervolging in te stel, kan die munisipaliteit alle nodige maatreëls tref om die oorsaak of bron van sodanige oorlas te verwyder en enige koste in verband daarmee aangegaan is deur die munisipaliteit verhaalbaar op die persoon wat verantwoordelik is vir die oorlas of die eienaar of okkupeerder van die perseel waarop die oorlas ontstaan of voortgesit word, ongeag of die eienaar of okkupeerder daarvoor verantwoordelik is aldan nie.
- (b) waar die munisipaliteit oor bewys beskik dat enige beboude of onbeboude grond of perseel in die omgewing van 'n straat vir enige doel deur ongemagtigde persone gebruik word of dat enige van die materiale of dinge in subartikel (1)(l) vermeld op sodanige grond of perseel geplaas of gestort word, kan hy skriftelike kennis aan die eienaar of okkupeerder daarvan beteken waarin daar van hom vereis word om die grond of perseel voor 'n bepaalde datum tot sy bevrediging in te sluit of te omhein. Elke sodanige insluiting of omheining moet minstens twee meter hoog wees en moet van sodanige aard en so gebou wees dat dit die toegang van ongemagtigde persone daartoe of die storting of ophoping van materiale of dinge daarop sal verhoed.
- (3) Vir die toepassing van hierdie verordening word enige handeling of toestand op 'n perseel, met inbegrip van enige gebou, struktuur of gewas daarop, wat na die mening van die munisipaliteit die veiligheid van 'n persoon of eiendom in gevaar stel of wat onsindekliek, ergerlik, hinderlik, aanstoetlik of rusversteurend is vir ander mense, as 'n openbare oorlas beskou.
- (4) 'n Persoon wat enige van die bepalings van hierdie artikel oortree of versuim om daaraan te voldoen, of versuim om aan 'n kennisgewing wat regtens daaronder uitgereik is te voldoen, is skuldig aan 'n misdryf.

HOOFSTUK II: ALGEMENE BEPALINGS INSAKE DIE AANHOU VAN DIERE

4. Toestemming om diere aan te hou

- (1) Niemand mag sonder die skriftelike toestemming van die munisipaliteit enige diere, met uitsondering van troeteldiere, op enige perseel of eiendom aanhou of toelaat dat dit daarop aangehou word nie.
- (2) Ten einde die aanhou van diere op persele te bestuur kan die munisipaliteit die getal, soorte en geslag diere asook die hoeveelhede byekorwe wat aangehou mag word, bepaal asook die gebiede waarbinne die aanhou van sodanige diere verbied word.
- (3) Ten einde 'n aansoek ingevolge subartikel (1) te oorweeg kan die munisipaliteit ook die insette en kommentaar van die

owners or occupants or surrounding premises.

5. Plans for structures and management

- (1) An application to keep animals must be accompanied by a detailed site plan indicating all existing or proposed structures and fences on the premises for which the permit is required.
- (2) Detailed plans and specifications of structures in which it is proposed to keep animals must accompany the application in section 4 and such plans must be approved by the municipality.
- (3) Where possible, an exposition of the numbers, kinds, sizes and gender of animals must accompany the plans in sub-section (2).

6. Consideration of application and imposition of conditions

- (1) The municipality may, after consideration of—
 - (a) the input or comments obtained in terms of section 4(3);
 - (b) the location, geographical features or size of the premises in respect of which the application is submitted;
 - (c) the documents and expositions submitted in terms of section 5; or
 - (d) any other information relating to the application, refuse to grant consent or grant consent.
- (2) Where consent is refused, the municipality must furnish the applicant with the reasons for such refusal and at the same time advise him or her of the right of appeal in terms of section 26.
- (3) Where consent is granted, the municipality may impose conditions.

7. Visibility of structures on premises

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

8. Wavering of requirements and withdrawal of authorisations

Notwithstanding the aforementioned provisions, the municipality may after considering conditions particular to the property and on condition that no objection is received from the owners or occupants of surrounding premises, waive any or all of the requirements of this part and impose other conditions if appropriate and may further withdraw any authorisation in terms of section 6(3) if any of the conditions therein are not adhered to.

9. Validity of authorisations

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

10. Duties of owner or keeper of animal

The owner of an animal or the keeper thereof—

- (a) may not cause or allow an animal to interfere with the ordinary comfort, convenience, peace or quiet of other people;
- (b) must provide such animal with bedding, shelter, water and proper food daily; and
- (c) must at all times maintain the premises on which an animal is kept, and all appurtenances in good repair and in neat condition so as to prevent the occurrence of a public nuisance.

eienaars of bewoners van omliggende persele bekom.

5. Planne vir strukture en bestuur

- (1) 'n Aansoek om toestemming om diere aan te hou, moet vergesel gaan van 'n gedetailleerde terreinplan waarop alle bestaande en voorgestelde strukture en heinings op die perseel waarvoor die permit benodig word, aangedui word.
- (2) Gedetailleerde planne en spesifikasies ten opsigte van alle strukture waarin diere gehuisves gaan word, moet die aansoek in artikel 4 vergesel en goedgekeur word deur die munisipaliteit.
- (3) 'n Uiteensetting van die getal, soorte, grootte en geslag van diere die plan in subartikel (2) vergesel.

6. Oorweging van aansoek en oplê van voorwaardes

- (1) Die munisipaliteit kan, na oorweging van—
 - (a) insette of kommentaar verkry ingevolge artikel 4(3);
 - (b) die ligging, geografiese kenmerke of grootte van die perseel ten opsigte waarvan die aansoek gerig word;
 - (c) die dokumente en uiteensettings ingevolge artikel 5 ingedien; of
 - (d) enige ander inligting wat op die aansoek betrekking het,
 'n aansoek ingevolge artikel 4 weier of goedkeur.
- (2) Indien 'n aansoek geweier word, moet die munisipaliteit die redes vir sodanige weiering aan die applikant verstrek en hom/haar terselfdertyd in kennis stel van die reg van appél ingevolge artikel 26.
- (3) By goedkeuring van 'n aansoek kan die munisipaliteit voorwaardes oplê.

7. Sigbaarheid van strukture op persele

Alle strukture waarin diere aangehou word moet toepaslik afgeskerm word van enige straat.

8. Opskorting of intrekking van magtigings

Nieteenstaande bogemelde bepalinge mag die munisipaliteit, na oorweging van voorwaardes ten opsigte van die eiendom en op voorwaarde dat geen beswaar van die eienaars of bewoners van omliggende persele ontvang is nie, enige of alle vereistes van hierdie gedeelte opskort en ander voorwaardes instel, indien toepaslik, en kan hy enige magtiging ingevolge artikel 6(3) intrek indien daar nie voldoen word aan enige voorwaardes daarin neergelê nie.

9. Geldigheid van magtigings

Alle magtigings om diere aan te hou wat uitgereik is ingevolge enige verordening of regulasie wat herroep word, sal geag word as sou dit ingevolge hierdie verordening uitgereik wees.

10. Pligte van die bewaarder van diere

Die eenaar van 'n dier of die persoon in beheer daarvan—

- (a) mag nie veroorsaak of toelaat dat 'n dier die gewone gerief, gemak, vrede en rus van ander mense versteur nie;
- (b) moet sodanige dier daagliks van slaapplek, skuiling, water en behoorlike kos voorsien; en
- (c) moet ten alle tye die perseel waarop 'n dier aangehou word en alle geaardgaande toebehore in goeie en netjiese toestand te hou om te voorkom dat 'n openbare oorlas ontstaan.

11. Animals kept in an unsatisfactory manner

Whenever, in the opinion of the municipality, animals kept on any premises, whether or not such premises have been approved by the municipality under this by-law, are a public nuisance, the municipality may by written notice require the owner or occupier of such premises, within a period to be stated in such notice but not less than 24 hours after the date of such notice, to remove the cause of and to abate such nuisance and to carry out such work or take such steps as the municipality may deem necessary for the said purpose.

12. Destruction of animals

- (1) The municipality may order the destruction of an animal which is—
 - (a) dangerous or ferocious;
 - (b) injured or diseased to such an extent that it would be humane to do so.
- (2) Animals destroyed in terms of sub-section (1) must be destroyed with such instruments or appliances and in such a manner as to inflict as little suffering as possible.

13. Hawking of animals

- (1) No person may hawk an animal—
 - (a) in a street or public place; or
 - (b) in or from a movable structure or vehicle.
- (2) A person who contravenes any of the provisions of sections 4, 5, 7, 10, 11 or 13 commits an offence.

**CHAPTER III : PROVISIONS RELATING TO KEEPING OF
DOGS AND CATS**

Part 1 — General Provisions relating to dogs and cats

14. Number of dogs and cats

- (1) Subject to the provisions of section 15, no person may keep on any premises—
 - (a) more than two dogs; and
 - (b) more than two cats,
 without the permission of the municipality.
- (2) An application in terms of sub-section (1) must be submitted in the form prescribed by the municipality and must contain an exposition of the race, gender and number of dogs or cats applied for.
- (3) A restriction imposed under section 17 on the number of animals that may be kept on premises does not apply for a period of 10 weeks after the birth of a litter from an animal kept in terms of a permit.

15. Breeders of dogs and cats

- (1) A breeder of dogs who wishes to keep more than two dogs or a breeder of cats who wishes to keep more than two cats must obtain permission from the municipality.
- (2) An application in terms of sub-section (1) must be submitted in the form prescribed by the municipality and must contain an exposition of the race, gender and number of dogs or cats applied for.
- (3) Plans and specifications of structures in which it is proposed to keep the dogs or cats as well as a site plan indicating all

11. Diere wat op 'n onbevredigende wyse aangehou word

Wanneer ookal, na die mening van die munisipaliteit diere wat op enige perseel aangehou word, ongeag of sodanige perseel kragtens hierdie verordening deur die munisipaliteit goedge keur is of nie, 'n openbare oorlas is, kan die munisipaliteit by wyse van 'n skriftelike kennisgewing die eienaar of okkupeerder van sodanige perseel aansê om binne die tydperk wat in sodanige kennisgewing aangedui moet word, die oorsaak van sodanige oorlas te verwyder en om die werk te verrig of die stappe te neem wat die munisipaliteit vir genoemde doel nodig ag.

12. Afmaak van diere

- (1) Die munisipaliteit mag die afmaak van 'n dier gelas wanneer dit—
 - (a) gevaarlik of boosaardig is;
 - (b) sodanig beseer of siek is dat dit menslik sou wees om dit te doen.
- (2) Wanneer diere ingevolge subartikel (1) afgemaak word moet dit gedoen word met sodanige instrumente of toestelle as wat nodig mag wees en op 'n wyse geskied wat so min lyding as moontlik veroorsaak.

13. Smous met diere

- (1) Geen persoon mag met 'n dier smous—
 - (a) in 'n straat of openbare plek nie; of
 - (b) in of vanaf 'n mobiele struktuur of 'n voertuig nie.
- (2) 'n Persoon wat enige van die bepalings van artikels 4, 5, 7, 10, 11 of 13 oortree is skuldig aan 'n misdryf.

**HOOFSTUK III: BEPALINGS MET BETREKKING TOT DIE
AANHOU VAN HONDE EN KATTE**

Deel 1 — Algemene Bepalings ten opsigte van honde en katte

14. Getal honde en katte

- (1) Behoudens die bepalings van artikel 15 mag niemand op enige perseel—
 - (a) meer as twee honde; en
 - (b) meer as twee katte,
 aanhou sonder die toestemming van die munisipaliteit nie.
- (2) Aansoek ingevolge subartikel (1) moet gedoen word op die wyse voorgeskryf deur die munisipaliteit en moet 'n uiteensetting bevat van die ras, geslag en getal honde en katte waarvoor aansoek gedoen word.
- (3) 'n Beperking wat ingevolge artikel 16 opgelê is op die getal diere wat op 'n perseel aangehou mag word, geld nie vir 'n tydperk van 10 weke vanaf die datum van geboorte van 'n werpsel van 'n dier wat met toestemming aangehou word nie.

15. Telers van honde en katte

- (1) 'n Teler van honde wat meer as twee honde wil aanhou of 'n teler van katte wat meer as twee katte wil aanhou moet die toestemming van die munisipaliteit verkry.
- (2) 'n Aansoek vir die toestemming van die munisipaliteit ingevolge subartikel (1) moet gedoen word op die wyse voorgeskryf deur die munisipaliteit en moet 'n uiteensetting bevat van die ras, geslag en getal honde of katte waarvoor aansoek gedoen word.
- (3) Planne en spesifikasies ten opsigte van alle strukture waarin honde of katte gehuisves gaan word asook 'n terreinplan

existing or proposed structures and fences on the premises for which the permit is required, must accompany the application in sub-section (1) and such plans must be approved by the municipality.

16. Conditions and restrictions

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

17. Withdrawal of permission

- (1) Where a person contravenes or fails to adhere to a condition or restriction contemplated in section 16, the municipality may, after hearing that person, withdraw its consent and may order the removal of animals from the premises for care and safekeeping by an animal welfare organisation or pound.
- (2) Any costs incurred by the municipality for the removal and safekeeping of animals contemplated in sub-section (1), shall be recovered from the owner or keeper of such animals.

18. Dogs or cats in public places

- (1) The owner or keeper of a dog or cat may not bring or allow it in a street or public place unless the dog is kept on a leash by a responsible person or the cat is under the physical control of the owner.
- (2) Except in the event of a blind person being lead by a guide dog, a person in charge of a dog in a street or public place, must remove any faeces left by the dog by wrapping it in paper or plastic and disposing of it in a receptacle provided for litter or refuse.
- (3) A person who contravenes any of the provisions of sections 14, 15 or 18 commits an offence.

Part 2 — Specific provisions relating to dogs

19. Control of dogs

- (1) No person may—
 - (a) permit a bitch on heat owned or kept by him or her to be in a street or public place without supervision;
 - (b) urge a dog to attack, worry or frighten any person or animal, except where necessary for the defence of such first-mentioned person or his or her property;
 - (c) keep a dog if the premises where such a dog is kept, is not properly and adequately fenced to keep such dog inside when it is not on a leash.
 - (d) permit a dog owned or kept by such person—
 - (i) to trespass on private property;
 - (ii) to constitute a hazard to traffic using any public road;
 - (iii) to constitute or to his knowledge be likely to constitute a source of danger or injury to a person outside the premises on which such dog is kept, or
 - (iv) 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

waarop alle bestaande en voorgestelde strukture en heinings op die perseel aangedui word, moet die aansoek in subartikel (1) vergesel en goedgekeur word deur die munisipaliteit.

16. Voorwaardes en beperkings

Die munisipaliteit se toestemming ingevolge artikels 4, 14(1) en 15(1) sal toegestaan word onderhewig aan sodanige voorwaardes en beperkings as wat die munisipaliteit in oorleg met 'n ander verantwoordelike owerheid mag nodig ag om op te lê.

17. Terugtrek van toestemming

- (1) Waar 'n persoon enige voorwaarde of beperking opgelê ingevolge artikel 16 oortree of versuim om daaraan te voldoen, sal die munisipaliteit geregtig wees om, nadat die persoon aangehoor is, sy toestemming terug te trek en die diere van die perseel te laat verwyder vir veilige bewaring deur 'n dierewetenskaplike organisasie of skut.
- (2) Enige koste wat deur die munisipaliteit aangegaan is vir die verwydering en veilige bewaring van diere bedoel in subartikel (1) sal van die eienaar of persoon in beheer van sodanige diere verhaal word.

18. Honde of katte in openbare plekke

- (1) Die eienaar of bewaarder van 'n hond of kat mag dit nie in 'n straat of openbare plek bring of dit toelaat om daar te wees nie tensy die hond deur 'n verantwoordelike persoon aan 'n leiband gehou word en die kat onder fisiese beheer is van die eienaar of bewaarder daarvan.
- (2) Behalwe in die geval van 'n blinde persoon wat deur 'n gidshond begelei word, moet 'n persoon in beheer van 'n hond in 'n straat of openbare plek die ontlasting van sodanige hond verwyder deur dit in plastiek of papier toe te draai en te plaas in 'n houër wat vir rommel of vullis voorsien is.
- (3) 'n Persoon wat enige bepaling van artikels 14, 15 of 18 oortree is skuldig aan 'n misdryf.

Deel 2 — Spesifieke bepalings met betrekking tot honde

19. Beheer oor honde

- (1) Niemand mag—
 - (a) toelaat dat enige hitsige teef sonder toesig in 'n straat 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;
 - (c) '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.
 - (d) toelaat dat enige hond waarvan hy die eienaar is of wat deur sodanige persoon aangehou word—
 - (i) op private eiendom oortree nie;
 - (ii) 'n gevaar uitmaak vir verkeer wat enige openbare pad gebruik nie;
 - (iii) '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
 - (iv) '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

premises must be displayed in a conspicuous place.

- (2) The municipality may seize and impound at a place designated by the municipality, a dog which is found in a street or public place in contravention with the provisions of this by-law.
- (3) A dog impounded in terms of sub-section 2 may be released to the owner of such dog upon payment of a fee determined by the municipality.
- (4) A person who contravenes any provision of this section commits an offence.

CHAPTER IV: DOG KENNELS, CATTERIES, PET SHOPS AND PET PARLOURS

20. Permission to operate

- (1) No kennel, cattery, pet shop or pet parlour may be operated without the permission of the municipality, which permission may be subject to conditions.
- (2) Application for permission must be done in the form prescribed by the municipality.
- (3) The person operating a kennel, cattery, pet shop or pet parlour may not conduct the business in such a manner so as to cause any nuisance or annoyance to other people.
- (4) A person contravening any of the provisions of this section commits an offence.

CHAPTER V : CO-OPERATION BETWEEN MUNICIPALITIES

21. Service Delivery Arrangements

In an effort to achieve optimal service delivery in terms of this by-law, the municipality may enter into agreements with the district municipality with which legislative and executive powers is shared, in respect of the following:

- (a) the practical arrangements with regard to the execution of the provisions of this by-law;
- (b) the imposition and enforcement of conditions with regard to any application in terms of this by-law, in so far as such conditions pertain to the functions and powers performed by the district municipality;
- (c) the recovery of costs and expenses related to any action in terms of this by-law;
- (d) subject to the provisions of section 86 of the Municipal Structures Act, mechanisms for the settlement of disputes with regard to execution of powers or functions in terms of this by-law or the matters on which have been agreed;
- (e) any other matter regarded necessary by the parties to achieve optimal service delivery in terms of this by-law.

CHAPTER VI: POWERS OF MUNICIPALITY IN CASE OF OMISSION BY DISTRICT MUNICIPALITY

22. Failure or omission by District Municipality

- (1) If the municipality is of the opinion that optimal service delivery referred to in section 21 in its area of jurisdiction is impeded by the refusal or omission by the district municipality to execute any of the practical arrangements envisaged in section 21(a), it may serve written notice on such district municipality to give effect or adhere to such arrangement within reasonable time. Upon failure to adhere to such notice,

perseel aangehou word, moet op 'n opvallende plek vertoon word.

- (2) Die munisipaliteit kan op enige hond wat in 'n straat of openbare plek gevind word strydig met die bepalings van hierdie verordening, beslag lê en skut op 'n plek deur die munisipaliteit bepaal.
- (3) 'n Hond wat kragtens subartikel (2) geskut is, kan aan die eienaar of bewaarder van so 'n hond vrygestel word teen betaling van 'n bedrag soos deur die munisipaliteit bepaal.
- (4) 'n Persoon wat enige bepaling van hierdie artikel oortree is skuldig aan 'n misdryf.

HOOFSTUK IV: HONDEHERBERGE, KATTERYE, TROETELDIERSALONNE EN TROETEDIERWINKELS

20. Toestemming

- (1) Geen hondeherberg, kattery, troeteldiersalon of troeteldierwinkel mag bedryf word sonder die toestemming van die munisipaliteit nie, welke goedkeuring aan voorwaardes onderworpe mag wees.
- (2) Aansoek vir goedkeuring moet gedoen word op die wyse deur die munisipaliteit voorgeskryf.
- (3) 'n Persoon wat 'n hondeherberg, kattery, troeteldiersalon of troeteldierwinkel bedryf mag nie toelaat dat die besigheid op so 'n wyse bedryf word dat dit 'n openbare oorlas of ongerief vir ander mense is nie.
- (4) 'n Persoon wat enige bepaling van hierdie artikel oortree is skuldig aan 'n misdryf.

HOOFSTUK V: SAMEWERKING TUSSEN MUNISIPALITEITE

21. Dienslewingsreëlings

Ten einde optimale dienslewering ingevolge hierdie verordening te verseker, kan die munisipaliteit ooreenkomste aangaan met die distriksmunisipaliteit met wie wetgewende en uitvoerende gesag gedeel word ten opsigte van die volgende:

- (a) die praktiese reëlings met betrekking tot die uitvoering van die bepalings van hierdie verordening;
- (b) die stel en afdwing van voorwaardes met betrekking tot enige aansoek ingevolge hierdie verordening vir sover sodanige voorwaardes betrekking het op die funksies en bevoegdhede deur die distriksmunisipaliteit uitgeoefen;
- (c) die verhaling van kostes en uitgawes met betrekking tot enige handeling ingevolge hierdie verordening;
- (d) onderhewig aan die bepalings van artikel 86 van die Munisipale Strukturewet, meganismes vir die beslegting van geskille wat tussen die munisipaliteit en die distriksmunisipaliteit mag ontstaan oor die uitoefening van funksies en bevoegdhede ingevolge hierdie verordening of die aangeleenthede waarvoor onderling ooreengekom is;
- (e) enige ander aangeleentheid wat deur die betrokke partye nodig geag word om optimale dienslewering ingevolge hierdie verordening te verseker.

HOOFSTUK VI: BEVOEGDHEDE VAN DIE MUNISIPALITEIT IN GEVAL VAN VERSUIM DEUR DISTRIKSMUNISIPALITEIT

22. Samewerkende regering

- (1) Wanneer die munisipaliteit van oordeel is dat optimale dienslewering soos bedoel in artikel 21 in sy regsgebied belemmer word deur die weiering of versuim van die distriksmunisipaliteit om enige van die praktiese reëlings soos bedoel in artikel 21(a) uit te voer of na te kom, kan by die distriksmunisipaliteit by skriftelike kennisgewing aansê om binne redelike tyd sodanige reëling uit te voer of na te kom, en indien die distriksmunisipaliteit versuim om aan

the municipality may proceed to give effect to such arrangement.

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

CHAPTER VII: GENERAL PROVISIONS

23. Right of entry and inspection

- (1) Any duly authorised employee of the municipality is authorised to inspect any premises within the municipal area in order to determine whether there is compliance with the provisions of this by-law.
- (2) When entering a premises in terms of sub-section (1), the authorised employee must on request by any person, identify him-/herself by producing written proof of authorisation.
- (3) The authorised employee may be accompanied by a person reasonably required to assist in conducting the inspection.
- (4) Any person who fails to give or refuses access to any authorised employee if he requests entrance on any land or premises, or obstructs or hinders him in the execution of his duties under this by-law, or who fails or refuses to give information that he may lawfully be required to give to such employee, or who gives false or misleading information knowing it to be false or misleading, shall be guilty of an offence.

24. Service of documents and process

- (1) Whenever a notice, order, demand or other document is authorised or required to be served on a person in terms of this by-law, it shall be deemed to have been effectively and sufficiently served on such person:
- (a) when it has been delivered to him personally;
- (b) when it has been left at his place of residence or business in the Republic with a person apparently over the age or sixteen years.
- (c) when it has been posted by registered or certified mail to his last known residential or businesses address in the Republic and an acknowledgment of the posting thereof is produced;
- (d) if his address in the Republic is unknown, when it has been served on his agent or representative in the Republic in the manner provided by sub-sections (a), (b) or (c), or
- (e) if his address and agent in the Republic are unknown, when it has been posted in a conspicuous place on the immovable property (if any) to which it relates.
- (2) When any notice, order, demand or other document as aforesaid is authorised or required to be served on a person by reason of his being or having been the owner or occupier of or holding some other right in respect of immovable property, it shall not be necessary to name him but it shall be sufficient if he is therein described as the owner, occupier or holder of such immovable property or other right, as the case may be.

25. Transitional provisions

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

sodanige kennisgewing gehoor te gee, kan die munisipaliteit self sodanige reëling uitvoer.

- (2) Enige uitgawe of kostes deur die munisipaliteit aangegaan by die uitvoering van enige reëling uit hoofde van die bepalings van subartikel 1 kan van die distriksmunisipaliteit verhaal word.

HOOFSTUK VII: ALGEMENE BEPALINGS

23. Reg van toegang en inspeksie

- (1) Enige behoorlik gemagtigde werknemer van die munisipaliteit is gemagtig om enige perseel binne die munisipale gebied te inspekteer ten einde te bepaal of daar aan die bepalings van die verordening voldoen word.
- (2) Wanneer 'n perseel ingevolge subartikel (1) binnegegaan word, moet die gemagtigde werknemer op versoek van enige persoon, hom/haarself identifiseer deur 'n geskrewe bewys van magtiging te toon.
- (3) Die gemagtigde werknemer mag vergesel word van 'n persoon van wie dit redelikerwys verwag word om te help in die uitvoer van die inspeksie.
- (4) Iemand wat versuim of weier om toegang te verleen aan 'n behoorlik gemagtigde werknemer van die munisipaliteit indien hy toegang tot grond of 'n perseel versoek, of wat hom dwarsboom of hinder in die uitvoering van sy pligte kragtens hierdie verordening, of wat versuim of weier om inligting te verstrek wat wettiglik van hom vereis kan word of vals of misleidende inligting aan sodanige behoorlik gemagtigde werknemer van die munisipaliteit verstrek, welwetende dat dit vals of misleidend is, is skuldig aan 'n misdryf.

24. Bediening van dokumente en geregtelike stappe

- (1) Wanneer enige kennisgewing, bevel, aanskrywing of ander dokument gemagtig is of nodig is om bedien te word op 'n persoon ingevolge hierdie verordening, word dit geag effektief en na behore aan sodanige persoon beteken te wees-
- (a) wanneer dit persoonlik aan hom afgelewer is;
- (b) wanneer dit by sy plek van inwoning of besigheid in die Republiek gelaat is by 'n persoon wat duidelik ouer as sesien jaar is;
- (c) wanneer dit gepos is per geregistreerde of gesertifiseerde pos aan sy laaste bekende woon- of besigheidsadres in die Republiek en 'n erkenning van die versending verskaf word;
- (d) indien sy adres in die Republiek onbekend is, wanneer dit aan sy agent of verteenwoordiger in die Republiek bedien is op so 'n manier soos bepaal deur paragraaf (a), (b) of (c), of
- (e) indien sy adres en agent in die Republiek onbekend is, wanneer dit opsigtelik vertoon word op die vaste eiendom, indien enige, waarop dit betrekking het.
- (2) Wanneer enige kennisgewing, bevel, aanskrywing of ander dokument soos die voorgenoemde gemagtig is of bedien moet word aan 'n persoon omdat hy die eienaar of bewoner is of was of 'n ander reg hou met betrekking tot vaste eiendom, sal dit nie nodig wees om hom by name te noem nie, maar sal dit voldoende wees as hy daarin beskryf word as die eienaar, bewoner of houer van sodanige vaste eiendom of ander reg, wat ook al die geval mag wees.

25. Oorgangsbepalings

'n Persoon wat tydens die inwerkingtrede van hierdie verordening meer diere aanhou as wat ingevolge hierdie verordening goedgekeur is, mag voortgaan om sodanige groter getal diere aan te hou, maar mag nie sonder die toestemming van die munisipaliteit enige van sodanige groter aantal diere vervang wanneer een of meer daarvan te sterwe kom of weggemaak word nie.

26. Appeal

- (1) A person whose rights are affected by a decision taken by a political structure, political office bearer, councillor or staff member of a municipality in terms of a power or duty delegated or sub-delegated by a delegating authority to the political structure, political office bearer, councillor or staff member, may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- (2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).
- (3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (4) When the appeal is against a decision taken by—
 - (a) a staff member other than the municipal manager, the municipal manager is the appeal authority;
 - (b) the municipal manager, the executive committee or executive mayor is the appeal authority, or, if the municipality does not have an executive committee or executive mayor, the council of the municipality is the appeal authority; or
 - (c) a political structure or political office bearer, or a councillor
 - (i) the municipal council is the appeal authority where the council comprises less than 15 councillors; or
 - (ii) a committee of councillors who were not involved in the decision and appointed by the municipal council for this purpose is the appeal authority where the council comprises more than 14 councillors.
- (5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.
- (6) The provisions of this section do not detract from any appropriate appeal procedure provided for in any other applicable law.

27. Penalties

A person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to—

- (a) fine or imprisonment, or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
- (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

28. Exemptions

Notwithstanding the provisions of this by-law, the municipality may exempt any person and/or class of persons from any or all of these requirements and may impose any other requirements it deems appropriate.

26. Appèl

- (1) 'n Persoon wie se regte geraak word deur 'n besluit wat deur 'n politieke struktuur, politieke ampsbekleër, raadslid of personeëlid geneem is ingevolge 'n bevoegdheid of plig wat deur 'n delegerende owerheid gedelegeer of gesubdelegeer is aan die politieke struktuur, politieke ampsbekleër, raadslid of personeëlid, kan teen daardie besluit appelleer deur binne 21 dae na die datum van verwittiging van die besluit, skriftelike kennis van die appèl en redes aan die munisipale bestuurder te gee.
- (2) Die munisipale bestuurder moet die appèl spoedig aan die tersaaklike appèl owerheid bedoel in subartikel (4) voorlê.
- (3) Die appèl owerheid moet die appèl oorweeg, en die besluit bevestig, verander of herroep, maar geen sodanige verandering of herroeping van 'n besluit mag afbreuk doen aan enige regte wat as gevolg van die besluit ontstaan het nie.
- (4) Waar dit 'n appèl is teen 'n besluit geneem deur
 - (a) 'n personeëlid anders dan die munisipale bestuurder, is die munisipale bestuurder die appèl owerheid;
 - (b) die munisipale bestuurder, is die uitvoerende komitee of uitvoerende burgemeester die appèl owerheid, of, indien die munisipaliteit nie 'n uitvoerende komitee of uitvoerende burgemeester het nie, is die raad van die munisipaliteit die appèl owerheid; of
 - (c) 'n politieke struktuur of 'n politieke ampsbekleër, of 'n raadslid-
 - (i) is die munisipale raad die appèl owerheid waar die raad uit minder as 15 raadslede bestaan; of
 - (ii) is 'n komitee van raadslede wat nie betrokke was by die besluit nie en wat deur die munisipale raad vir dié doel aangestel is die appèl owerheid waar die raad uit meer as 14 raadslede bestaan.
- (5) 'n Appèl owerheid moet binne ses weke met 'n appèl begin en die appèl binne 'n redelike tyd beslis.
- (6) Die bepalings van hierdie artikel doen nie afbreuk aan 'n gepaste appèl-prosedure waarvoor in enige ander toepaslike wet voorsiening gemaak is nie.

27. Strawwe

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

- (a) 'n boete of gevangenisstraf, of óf sodanige boete of sodanige gevangenisstraf óf beide sodanige boete en sodanige gevangenisstraf;
- (b) in die geval van 'n voortdurende misdryf, met 'n addisionele boete, of 'n addisionele tydperk van gevangenisstraf of óf sodanige addisionele boete of sodanige addisionele gevangenisstraf, óf beide sodanige addisionele boete en gevangenisstraf vir elke dag wat sodanige misdryf voortduur; en
- (c) '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.

28. Vrystellings

Nieteenstaande die bepalings van die verordening, mag die munisipaliteit enige persoon en/of klas van persone vrystel van enige of al hierdie vereistes en mag dit enige ander vereistes oplê wat dit as geskik beskou.

29. Repeal of By-laws

The following by-laws published by Witzenberg Municipality are hereby repealed in so far as it has been made applicable to Witzenberg Municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 1998:

- (a) By-law relating to the Keeping of Animals — PN 14/2004 dated 1 March 2004;
- (b) By-law relating to the Keeping of Bees — PN 15/2004 dated 1 March 2004;
- (c) By-law relating to the Keeping of Dogs — PN 16/2004 dated 1 March 2004;
- (d) By-law relating to the Keeping of Poultry — PN 17/2004 dated 1 March 2004;
- (e) By-law for the Prevention of Nuisances — PN 18/2004 dated 1 March 2004.

30. Short title and commencement

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

14 October 2005

31608

WITZENBERG MUNICIPALITY**BY-LAW RELATING TO REFUSE REMOVAL****Purpose of By-law**

- To promote the achievement of a safe and healthy environment for the benefit of the residents in the area of jurisdiction of the municipality;
- To provide for procedures, methods and practices to regulate the dumping of refuse and the removal thereof.

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:—

“charges” means the tariff for the removal of refuse, irrespective of the number of removals;

“dumping site” means an area where dumping is allowed as determined and designated by the municipality;

“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;

“owner” also means lessee, occupier, resident or any person who obtains a benefit from the premises or is entitled thereto and also includes any insolvent estate, executor, administrator, trustee, liquidator judicial manager;

“permit” also means to allow intentionally, negligently or any other manner whatsoever;

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

“refuse” includes—

29. Herroeping van Verordeninge

Die volgende verordeninge afgekondig deur Witzenberg Munisipaliteit word hiermee herroep vir sover dit van toepassing gemaak is op Witzenberg Munisipaliteit deur die magtiging vir die uitvoering van funksies en bevoegdhede in terme van art. 84(3) van die Strukturewet, 117/1998:

- (a) Verordening insake die Aanhou van Diere — PK 14/2004 gedateer 1 Maart 2004;
- (b) Verordening insake die Aanhou van Bye — PK 15/2004 gedateer 1 Maart 2004;
- (c) Verordening insake die Aanhou van Hondes — PK 16/2004 gedateer 1 Maart 2004;
- (d) Verordening insake die Aanhou van Pluimvee — PK 17/2004 gedateer 1 Maart 2004;
- (e) Verordening insake die Voorkoming van Oorlaste — PK 18/2004 gedateer 1 Maart 2004.

30. Kort titel en aanvang

Die verordening sal bekend staan as die Verordening insake Openbare Oorlaste en die Aanhou van Diere en tree in werking op die datum waarop dit in die Provinsiale Koerant gepubliseer word.

14 Oktober 2005

31608

WITZENBERG MUNISIPALITEIT**VERORDENING INSAKE VULLISVERWYDERING****Doel van Verordening**

- Om die verwesenliking van 'n gesonde en veilige omgewing tot voordeel van die inwoners binne die regsgebied van die munisipaliteit te bevorder;
- Om voorsiening te maak vir prosedures, metodes en praktyke om die storting van vullis en die verwydering van vullis te reguleer.

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 saamhang anders blyk, beteken:—

“diensterekening” die amptelike rekening, wat die munisipaliteit maandeliks aan die eienaar van 'n perseel lewer;

“eienaar” ook huurder, okkupeerder, bewoner of enige persoon wat voordeel uit die perseel verkry of daarop geregtig is en dit omvat ook enige insolvente boedel, eksekuteur, administrateur, trustee, likwidateur of geregtelike bestuurder;

“gelde” die tarief vir die verwydering van vullis ongeag die hoeveelheid verwyderings;

“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 gevormde 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;

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

“stortingsterrein” 'n gebied deur die munisipaliteit bepaal en aangewys waar vullisstortings mag plaasvind;

11/3/11/27