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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 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 wa bevestiging 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 AANHOU 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 gesubdelegeer is aan gemelde politieke struktuur, politieke ampsbekleder, raadslid, agent of werknemer;

“oorlas” onder meer enige handling, 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 suite van die omgewing; en

“perseel” enige grond, hetsy onbebou, ge-okkapeer 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

to premises or land which is zoned for agricultural purposes or premises or land identified by the municipality where the keeping of poultry is permitted and indicated as such in an approved spatial development framework and zoning scheme.

- (2) A person who keeps poultry in terms of an approved land use, or on premises or land zoned for agricultural purposes, is not exempt from the provisions of any other by-laws of the municipality or legislation with regard to the inception or bringing about of a nuisance.
  - (3) An application for such permission shall be accompanied by a site plan indicating the situation of all structures, in which the poultry are to be kept, as well as the material that will be used, and the kind and the number of poultry that will be kept.
  - (4) The municipality has the right; when granting permission for the keeping of poultry, to determine the number and kind of poultry that may be kept and no person may keep more poultry than or poultry of a different kind to that determined by the municipality.
  - (5) The municipality shall not grant permission for the keeping of poultry if it appears from the site plan that the requirements of this by-law cannot be complied with.
  - (6) The municipality may withdraw such permission if at any stage the requirements of this by-law are not complied with. The municipality may prohibit the keeping of any kind of poultry in any area if the environment or the density of the population is such that the keeping of any poultry creates or may create a nuisance or health hazard.
3. No person shall keep poultry in a run or structure other than a poultry house, enclosed run or structure for which the municipality has granted permission and no person shall change or move such poultry-house, enclosed run or structure without the written permission of the municipality. No person, except members of a bona fide pigeon club, shall let loose any poultry outside the poultry-house and/or enclosed run for which permission has been granted by the municipality.

#### Location of structures

4. No person shall erect or use for the purpose of keeping poultry any poultry-house and/or enclosed run, any part of which is—
- (1) within 1,5 m of any door or window of any dwelling, domestic worker's quarters or inhabited outbuildings, or of any building where food is handled, kept or prepared, or of any street, or
  - (2) closer than 1,5 m from any building as mentioned in sub-section (1), or any fence, or
  - (3) of a vertical height greater than 2,4 m or lower than 1,2 m at any point; provided that where pigeons are kept the overall height shall not be greater than 3,6 m.

#### Nature of structures

5. No person shall erect or use for the purpose of keeping poultry any poultry-house which does not conform to the following requirements and which is not erected in workmanlike manner to the satisfaction of the municipality:
- (1) The walls, floor and roof shall be free from hollow spaces, enclosed inter-spaces or holes capable of harbouring rodents, vermin or poultry parasites.
  - (2) The floor shall be of brick, concrete, asphalt or other material approved by the municipality, and the surface thereof shall be smooth and graded to permit all swill and washings to be drained of.

van toepassing is op 'n perseel of grond wat vir landbou-doeleindes gesoneer is nie of op 'n perseel of grond wat deur die munisipaliteit geïdentifiseer is waar die aanhou van pluimvee toelaatbaar is en as sodanig aangedui word in 'n goedgekeurde ruimtelike ontwikkelingsraamwerk en soneringskema.

- (2) 'n Persoon wie pluimvee aanhou in terme van 'n goedgekeurde grondgebruik of op 'n perseel of grond wat vir landbou-doeleindes gesoneer is, word nie vrygestel van die bepalinge van enige ander verordeninge van die munisipaliteit of wetgewing met betrekking tot die ontstaan of veroorsaking van 'n oorlas nie.
  - (3) 'n Aansoek om sodanige toestemming moet vergesel word van 'n terreinplan waarop die ligging van alle strukture waarin die pluimvee aangehou gaan word, aangetoon word, asook die materiaal wat gebruik gaan word en die soort en getal pluimvee wat aangehou gaan word.
  - (4) Die munisipaliteit het die reg om by die verlening van toestemming om pluimvee aan te hou, die getal en soort pluimvee te bepaal wat aangehou kan word, en niemand mag 'n groter getal pluimvee of pluimvee van 'n ander soort aanhou as die wat die munisipaliteit bepaal het nie.
  - (5) As dit uit die terreinplan blyk dat die vereistes van hierdie verordening nie nagekom kan word nie, verleen die munisipaliteit nie toestemming vir die aanhou van pluimvee nie.
  - (6) Die munisipaliteit kan sodanige toestemming intrek indien die vereistes van hierdie verordening in enige stadium nie nagekom word nie. Die munisipaliteit kan verbied dat enige pluimvee in enige gebied aangehou word indien die omgewing of digtheid van die bevolking sodanig is dat die aanhou van enige pluimvee 'n oorlas of gevaar vir die gesondheid skep of kan skep.
3. Niemand mag pluimvee in 'n ander hok, kamp of struktuur aanhou as in 'n pluimveehok, pluimveekamp of struktuur waarvoor die munisipaliteit toestemming verleen het nie, en niemand mag sodanige hok, kamp of struktuur verander of verskuif sonder die skriftelike toestemming van die munisipaliteit nie. Niemand, behalwe lede van 'n bona fide duiveklub, mag pluimvee buite die pluimveehok en/of pluimveekamp waarvoor die munisipaliteit toestemming verleen het, loslaat nie.

#### Ligging van Hokke

4. Niemand mag 'n pluimveehok en/of pluimveekamp oprig of gebruik vir die doel om pluimvee aan te hou nie waarvan enige gedeelte:—
- (1) binne 1,5 m is van 'n deur of venster na 'n woning, huiswerkerskwartiere of bewoonde buitegeboue, of van 'n gebou waar voedsel gehanteer, opgeberg of berei word, of van 'n straat, of
  - (2) nader as 1,5 m is van enige gebou wat in sub-artikel (1) genoem is, of van enige heining, of
  - (3) hoër as 2,4 m of laer as 1,2 m by enige punt is; met dien verstande dat waar duive aangehou word, die totale hoogte nie 3,6 m mag oorskry nie.

#### Aard van Hokke

5. Niemand mag 'n pluimveehok oprig of gebruik vir die doel om pluimvee aan te hou nie, wat nie aan die volgende vereistes voldoen en op vakkundige wyse ten genoëe van die munisipaliteit opgerig is nie:—
- (1) Die mure, vloer en dak mag geen hol plekke, omheinde tussenruimtes of gate hê wat skuiling aan knaagdier, ongediertes of pluimveeparasiete kan verleen nie.
  - (2) Die vloer moet van baksteen, beton, asfalt of ander materiaal wat deur die munisipaliteit goedgekeur is, wees, en die oppervlak daarvan moet glad wees en skuins loop sodat alle vuil en spoelwater kan wegloop.

- (3) The walls shall be constructed of brick or concrete or other suitable material approved by the municipality for that purpose, and shall, except in the case of a pigeon-house for the keeping of pigeons be plastered with smoothed off cement plaster and be white-washed or painted with an oil paint inside and outside.
- (4) The roof shall be of asbestos or corrugated iron or other suitable material approved by the municipality.

**Prevention of nuisances**

Every person keeping or causing to be kept poultry in any poultry-house and/or enclosed run shall:

- (1) maintain such poultry-house and/or enclosed run at all times in a thoroughly clean condition and free from rodents, vermin and parasites.
- (2) cause all poultry manure to be properly stored in a non-corrugated metal bin with a close-fitting cover or other container as approved by the municipality;
- (3) feed such poultry in a proper manner so as not to cause a nuisance or to attract rodents, flies or other vermin, and any residual food or other putrescible matter shall be removed at least once every day from the poultry-house and/or enclosed run;
- (4) store all poultry food in metal or other rodent-proof containers, so as to be inaccessible to rodents, and
- (5) keep or cause to be kept no greater number of poultry in any one poultry-house and/or enclosed run than one bird, and in the case of pigeons two birds, per 0,36 m<sup>2</sup> of the total floor area of such poultry house and/or enclosed run, and shall not keep any poultry that creates a nuisance by crowing or cackling.

**Removal of litter**

7. No person shall place, throw, leave or allow to remain on any premises any poultry litter, refuse or manure in such manner or for such period as to favour the breeding of flies or attract rodents or other vermin to such premises.
8. The municipality may by notice in writing addressed to any person keeping or causing to be kept any poultry in a poultry-house and/or enclosed run, prohibit the use of any such poultry-house and/or enclosed run if, in the opinion of the municipality, it is unfit, undesirable or objectionable by reason of its locality, construction or manner of use.

**Packaging**

9. No person shall confine poultry in crates which do not conform to the following requirements:
  - (1) the floor area of a crate containing turkeys or geese shall be not less than 0,09 m<sup>2</sup> per bird confined therein, and the height of such crate shall be not less than 750 mm.
  - (2) The floor area of a crate containing other poultry shall be not less than 0,045 m<sup>2</sup> per bird and the height of such crate shall be not less than 500 mm.
  - (3) The floors of such crates shall be constructed of solid wood or other solid material.
  - (4) Each crate shall be provided with two drinking vessels fixed in opposite corners of the crate and filled with fresh water. Such vessels shall be of the unspillable type and not less than 125 mm in depth and 100 mm in diameter.
  - (5) Each crate shall be provided with suitable receptacles containing food.
  - (6) Different species of poultry shall not be placed in the same crate.

- (3) Die mure moet van baksteen of beton of ander geskikte materiaal wees wat vir die doel deur die munisipaliteit goedgekeur is, en moet, behalwe in die geval van 'n hok vir die aanhou van duive, met glad afgewerkte sementpleister gepleister wees, en moet aan die binnekant en buitekant afgewit of met olie verf geverf wees.
- (4) Die dak moet van asbes of golfyster of ander geskikte materiaal wees wat deur die munisipaliteit goedgekeur is.

**Voorkoming van oorlaste**

6. Elke persoon wat pluimvee in 'n pluimveehok en/of pluimveekamp aanhou of laat aanhou:
  - (1) moet sodanige pluimveehok en/of pluimveekamp te alle tye in 'n deeglik skoon toestand en vry van knaagdiere, ongediertes en parasiete hou;
  - (2) moet alle pluimveemis behoorlik opberg in 'n nie-gegolfdemetaalbak met 'n dig passende deksel of ander houers soos deur die munisipaliteit goedgekeur;
  - (3) moet sodanige pluimvee op 'n behoorlike wyse voer sodat dit nie 'n oorlast veroorsaak of knaagdiere, vlieë of ander ongediertes aanlok nie, en alle oorskietkos of ander verderfbare stof moet minstens een maal elke dag uit die pluimveehok en/of pluimveekamp verwyder word;
  - (4) moet alle pluimveekos in metaal- of ander bakke bêre wat vir knaagdiere ontoeganklik is, en
  - (5) mag nie 'n groter getal pluimvee in een besondere pluimveehok en/of pluimveekamp as een voël, en in die geval van duive, twee voëls, per 0,36 vierkante meter van die totale vloerruimte van sodanige pluimveehok en/of pluimveekamp aanhou of laat aanhou nie, en mag geen pluimvee aanhou wat 'n oorlast veroorsaak deur te kraai of te kekkel nie.

**Wegdoen van vullis**

7. Niemand mag pluimveeskropgoed, vullis of mis op so 'n wyse of vir so 'n tydperk op 'n perseel plaas, gooi, laat of toelaat dat dit daarop bly sodat dit die uitbroei van vlieë bevorder word of knaagdiere of ander ongediertes daardeur na sodanige perseel aangeloek word nie.
8. Die munisipaliteit kan, deur middel van die betekening van 'n skriftelike kennisgewing aan iemand wat pluimvee in 'n pluimveehok en/of pluimveekamp aanhou of laat aanhou, die gebruik van sodanige pluimveehok en/of pluimveekamp verbied indien dit na die mening van die munisipaliteit ongeskik, ongewens of aanstootlik is weens die ligging of bou daarvan of die wyse waarop dit gebruik word.

**Verpakking**

9. Niemand mag pluimvee in kratte wat nie aan die volgende vereistes voldoen nie plaas nie:
  - (1) Die vloerruimte van 'n krat wat kalkoene of ganse bevat, moet minstens 0,09 m<sup>2</sup> per voël, wees wat daarin geplaas word, en die hoogte van sodanige krat moet minstens 750 mm wees.
  - (2) Die vloerruimte van 'n krat wat ander pluimvee bevat, moet minstens 0,045 m<sup>2</sup> per voël wees en die hoogte van sodanige krat moet minstens 500 mm wees.
  - (3) Die vloere van sodanige kratte moet van soliede hout of ander soliede materiaal wees.
  - (4) Twee drinkbakke met vars water, wat in teenoorgestelde hoeke van die krat aangebring is, moet in elke krat verskaf word. Sodanige bakke moet van die onstortbare soort en minstens 125 mm diep en 100 mm in deursnee wees.
  - (5) Elke krat moet geskikte bakke met kos bevat.
  - (6) Verskillende soorte pluimvee mag nie in dieselfde krat geplaas word nie.

Penalties	Strafbepaling
<p>10. 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 a result of such contravention or failure. 6301</p>	<p>10. Iedereen wat enige bepaling van hierdie verordening oortree of nalaat om daaraan te voldoen is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met —</p> <p>(1) 'n boete of gevangenisstraf, óf sodanige boete of sodanige gevangenisstraf óf 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 óf sodanige addisionele boete of sodanige addisionele gevangenisstraf, óf 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. 6301</p>

**WITZENBERG MUNICIPALITY:**  
**BYLAW FOR THE PREVENTION OF NUISANCES**  
**(18-2004)**

**Purpose of By-Law**

- To promote the achievement of a safe, peaceful and healthy environment for the benefit of residents within the area of jurisdiction of the municipality;
- To provide for procedures, methods and practices to regulate nuisances.

**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:—
- “premises” means any land, whether vacant, occupied or with buildings thereon;
- “municipal area” means the municipal area of Witzenberg;
- “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;
- “objectionable material” means garden litter, rubbish, waste material, grass, vegetation, rubble, scrap metal, article or thing, disused motor cars, machinery or other vehicles, as well as the disused parts thereof, refuse from any building operations, or any refuse capable of being dumped on any land or premises, including new or used building materials not necessarily required in connection with bona fide building operations actually in progress on any land, and includes any solid, liquid or gas which is or may become offensive or dangerous or injurious to health or which materially interferes with the ordinary comfort or convenience of the public or which is detrimental to the tidiness of the premises and adjacent property;
- “public nuisance” means any act, omission or condition which is offensive, which is injurious or dangerous to health, which materially interferes with the ordinary comfort, convenience, peace or quiet of the public or which adversely affects the safety of the public;
- “public place” means any square, building, park, recreation ground or open space which:—

**WITZENBERG MUNISIPALITEIT:**  
**VERORDENING VIR DIE VOORKOMING VAN OORLASTE**  
**(18-2004)**

**Doel van Verordening**

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

**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:—
- “aanstootlike materiaal” tuinvullis, vuilgoed, afvalmateriaal, gras, plantegroei rommel, afval yster, voorwerp of ding, in onbruik geraakte motors, masjinerie of ander voertuie asook die in onbruik geraakte onderdele daarvan, vullis van enige bou werksaamhede, of enige vullis wat op enige grond of perseel gestort kan word, met inbegrip van nuwe of gebruikte boumateriaal wat nie noodwendig nodig is in verband met bona fide bou bedrywighede wat werklik op enige grond aan die gang is nie, en omvat dit enige vaste stof, vloeistof of gas wat aanstootlik of gevaarlik of nadelig vir die gesondheid is of kan word, of wat wesenlik inbreuk maak op die gewone gemak of gerief van die publiek of wat afbreuk doen aan die sindelikhed van die perseel en aanliggende eiendom;
- “dorpgebied” 'n groep van stukke grond of onderverdelings van 'n stuk grond wat met openbare oopruimtes verbind is en wat hoofsaaklik gebruik word vir woon- industriële- besigheids- of dergelike doeleindes of wat bedoel is om aldus gebruik te word;
- “perseel” enige grond, hetsy onbebou, ge-okkupeer of met geboue daarop;
- “munisipale gebied” die munisipale gebied van Witzenberg;
- “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;
- “openbare oortas” enige handeling, versuim of toestand wat aanstootlik is, wat nadelig of gevaarlik is vir die gesondheid, wat