



CITY OF CAPE TOWN
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STAD KAAPSTAD

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CITY OF CAPE TOWN

ANIMAL KEEPING BY-LAW, 2021

Draft version for public participation

City of Cape Town Animal Keeping By-law, 2021

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

PREAMBLE

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

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

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

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

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

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1. Definitions

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

"agricultural farming or agricultural purposes" means the cultivation of land for crops and plants, the keeping and breeding of animals, beekeeping, or the operation of a game farm, and includes such activities and buildings as are reasonably connected with the main farming activities, such as dwelling units for the farmer, farm manager and farm labourers, the packing of agricultural produce grown on the property for delivery to the market, and a plant nursery; but excludes intensive horticulture, intensive animal farming, a farm shop, harvesting of natural resources, and agricultural industry;

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

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

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

"authorised official" means an employee of the City responsible for carrying out any duty or function or exercising any power in terms of this By-Law and includes employees delegated to carry out or exercise such duties, functions or powers;

"bees" means honey bees;

"bird" includes any wild bird, but does not include poultry;

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

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

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

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

"Council" means the Council of the City of Cape Town;

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

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

"dwelling unit" means a self-contained, inter-leading group of rooms, with not more than one kitchen, used for the living accommodation and housing of one family or a maximum of 5 transient guests, together with such outbuildings as are ordinarily used therewith, but does not include domestic staff quarters, or tourist accommodation or accommodation used as part of a hotel;

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

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

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

"keeper" in relation to:

(a) any animal means the owner or co-owner thereof or any other person in possession of the animal or responsible for the feeding and caring thereof; and

(b) cattery, kennels, pet parlour or pet shop, means the person who operates the business or the person in charge of the premises on which the business is operated;

"kennels" means premises in or upon which –

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

"large animal" includes any horse, pony, donkey, mule, cattle, antelope, sheep, pig, goat, ostrich or camel and any other animal of similar size or larger;

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

"owner" in relation to an animal includes any person having the possession, charge, custody or control of that animal;

"nuisance" means any condition or conduct which is injurious or offensive to any person or which is dangerous to or compromises the health or safety of any person, or which causes an annoyance or disturbance to any person or to the residents of any area or which constitutes a threat or a potential threat to the environment or which causes harm or damage to the environment;

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

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

“pet” means any domestic or other animal which may be lawfully kept;

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

“pet shop” means premises, approved by the City, on which the business of keeping and selling of pets is conducted;

“poultry” means any fowl, goose, ostrich, duck, pigeon, dove, turkey, Muscovy, guinea-fowl, peacock or pea-hen, chicken or bird whether domesticated or wild;

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

“poultry run” means an unroofed wire mesh or other enclosure in which poultry is kept, whether or not it is attached to a poultry house;

“pound” means a place designated by the City in terms of any law for the impounding, sale and destruction of animals and includes the premises of animal welfare organisations recognised by the City;

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

“premises”

- a) means a building, tent or any other structure, together with the land on which it is situated and the adjoining land used in connection therewith;
- b) means any land without buildings or tents; and
- c) includes any vehicle, conveyance, ship or boat;

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

“public place” includes –

- (a) a public road, parking area, square, park, recreation ground, sports ground, sanitary lane, open space, beach, shopping centre on municipal land, unused or vacant municipal land or cemetery which has –
 - (i) been provided, reserved or set apart for use by the public; or
 - (ii) been dedicated to the public;
 - (b) public transportation operated by service providers for the City,
- but does not include public land that has been leased by the City;

“rabbit enclosure” means any roofed-over building or structure in which rabbits are kept;

“stray animal” means any animal not under direct control by a person or not prevented from roaming, or an animal that has escaped or is lost;

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

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

"**working animal**" means an animal that is trained to perform certain tasks for human benefit.

CHAPTER 1: GENERAL PROVISIONS RELATING TO ANIMALS

2. Restriction on number of animals

- (1) The City may determine the number of animals that may be kept on any premises.
- (2) The number of animals determined in subsection (1) does not apply to any person who –
 - (a) is the lawful owner or manager in charge of, a pet shop;
 - (b) is the owner or manager in charge of premises where animals are being kept or trained and such animals are kept or trained under auspices of a registered animal association;
 - (c) is the owner or manager of a veterinary clinic; or
 - (d) is in charge of dogs, horses or equine owned by the Metropolitan Police Department of the City, the South African Police Service or the South African Defence Force, and are kept for operational purposes; and
 - (e) operates a pound.

3. Regulation of Breeding

- (1) All dogs and cats (male and female) over six months of age must be sterilized, unless the owner obtains a permit from the City to keep the animal unsterilized.
- (2) An application to keep an unsterilized animal, must be in writing on a prescribed form, in accordance with relevant City Policies and Standard Operating Procedures and must be accompanied by the prescribed fee.
- (3) An authorised official may cause an animal to be sterilized and the costs thereof may be recovered from the owner, should he or she deem it necessary–
 - (a) in the interests of the welfare of the animal;
 - (b) to prevent nuisance;
 - (c) when the animal is stray;
 - (d) at the request of the owner; and
 - (e) pursuant to the seizure and impoundment of the animal or a contravention involving the animal.

4. Restriction on number of dogs

- (1) The City may determine the number of dogs that may be kept on any premises.
- (2) In the absence of a determination made in terms of the provisions of subsection (1) and subject to the provisions of subsections (3) and (4), no person may keep more than –

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

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

- (a) is the holder of a permit issued in terms of section 5 to keep a greater number of dogs;
- (b) is the holder of a permit to keep kennels;
- (c) is the owner or manager or is in charge of, a pet shop and who has written proof that all dogs under the control of such owner or manager have been vaccinated against canine distemper, hepatitis, kennel cough and parvovirus;
- (d) is the owner or is in charge of premises where guide dogs are being kept or trained and such guide dogs are kept or trained under auspices of the SA Guide Dogs Association;
- (e) is the owner or manager of a veterinary clinic;
- (f) is in charge of dogs, and equine owned by the Metropolitan Police Department of the City, the South African Police Service or the South African Defence Force, and are kept for operational purposes; or
- (g) operates a pound.

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

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

- (1) Any person who wants to keep a greater number of dogs or cats on any premises than the number permitted for that type of premises in terms of section 4 and 6, must apply to the City for a permit.
- (2) An application in terms of subsection (1) must be in writing on a prescribed form and must be accompanied by the prescribed fee.

- (3) The City may require the applicant to provide any information which it considers relevant to enable it to make an informed decision.
- (4) The City may refuse to consider an application in terms of subsection (1) in respect of which the provisions of subsection (2) have not been complied with or information contemplated in subsection (3), has not been furnished.
- (5) The City may only consider an application in terms of subsection (1) after receipt of a written report from an authorised official –
- (a) as to whether the dog or cat for which the permit is required is likely to cause a public health hazard or the keeping of such dog or cat may result in a contravention of section 5 or 6;
 - (b) setting out the results of an inspection of the premises on which the dog or cat concerned is being kept or is to be kept; and
 - (c) as to whether the applicant has previously had a dog or cat removed from his or her care or has a previous criminal conviction or civil judgement against him or her in respect of an animal in his or her care.
- (6) The City may refuse an application in terms of subsection (1) or approve it subject to any conditions aimed at reducing the risk of any public health hazard created by the dogs or cats on the premises concerned occurring, continuing or to reduce such risk to a level acceptable to the City.
- (7) In respect of any application approved in terms of subsection (6), an authorised official must issue a permit on a prescribed form specifying every condition imposed by the City.
- (8) A permit is not transferable from one person to another or from the premises in respect of which it has been issued, to other premises.

6. Restriction on number of cats

- (1) The City may determine the number of cats that may be kept on any premises.
- (2) In the absence of a determination made in terms of the provisions of subsection (1) and subject to the provisions of subsections (3) and (4), no person may keep more than –
- (a) four cats, or allow more than four cats, over the age of six months to be kept in any premises;
 - (b) six cats, or allow more than six cats, to be kept on an agricultural property.
- (3) Subsection (2) does not apply to any person who is the holder of a permit issued in terms of section 5.

- (4) A person who has previously had a cat removed from his or her care or has a previous criminal conviction or civil judgement against him or her in respect of a cat in his or her care, may not keep a cat, unless the City determines otherwise.
- (5) No person shall keep any cat which does not have on its collar or micro-chip, a name, telephone number and physical address or reference to a society for the prevention of cruelty to animals or registered animal welfare organisation.

7. Animals shall not be a source of danger

- (1) No person may urge, incite or provoke any animal to attack, worry or frighten any person or animal or through negligence fail to prevent any animal from attacking, worrying or frightening any other person or animal.
- (2) Any person who keeps an animal on any premises shall keep such animal in such a manner as not to be a source of danger to City employees entering upon such premises for the purpose of carrying out their duties.
- (3) A notice to the effect that a dangerous animal is being kept on such premises shall be displayed in a conspicuous place at each access point to the premises.

8. Animal fighting

- (1) Any person who –

- (a) possesses, keeps, imports, buys, sells, trains, breeds or has under his or her control an animal for the purpose of fighting any other animal;
- (b) baits, provokes or incites any animal to attack another animal or to proceed with the fighting of another animal;
- (c) for financial gain or as a form of amusement promotes animal fights;
- (d) allows any of the acts referred to in paragraph (a) and (c) to take place on any premises place in his or her possession or under his or her charge or control;
- (e) owns, uses or controls any premises or public place for the purpose, or partly for the purpose, of presenting animal fights on such premises or public place, or who acts or assists in the management of such premises or public place, or who receives any consideration for the admission of any person to such premises or public place; or
- (f) is present as a spectator at any premises or public place where any kind of the acts referred to in paragraph (b) to (e) is taking place or where preparations are being made for such acts,

is guilty of an offence.

- (2) In any prosecution it is presumed, unless evidence is adduced to the contrary, that an animal that is found at any premises or public place is the property of, or under the control of, the owner of those premises or that public place, or is the property of or under the control of the person who uses or is in control of the premises or public place.

9. Fireworks

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

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

- (1) The City may designate public places, with appropriate signage, as areas where dogs are allowed to be free-running, on leash or off-limits and the designation may vary according to time of day and season.

11. Removal of excrement

- (1) If any animal defecates in any public street, public place or public road, any person in control of such animal, excluding a person assisted by a guide dog, shall forthwith remove the excrement, place it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse.
- (2) No person shall walk an animal, other than a guide dog, in a public street, public place or public road, without carrying a sufficient number of plastic or paper bags or wrappers, within which to place the excrement of the animal, in the event of the animal defecating.

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

- (1) No person shall display or exhibit an animal for show or financial gain in a public space or public road, unless such person is the holder of a permit issued by the City or Cape Nature. This includes the use of an animal for begging or fundraising purposes. In the event that the City receives an application from a person for the displaying or exhibiting of an animal for show or financial gain they shall consult an animal welfare Inspector authorised in terms of Section 8(1) of the Animals Protection Act 71 of 1962 for comment and input.

13. Animals offered for sale

- (1) A person or manager of premises where animals are offered for sale shall keep proper records of vaccination and shall not leave such animals unattended overnight.
- (2) Keeping, breeding, or selling any animal within the scope of business or economic activities requires an authorisation from the City.
- (3) Subsection (2) shall include commercial companion animal breeders.
- (4) An application for authorisation must be submitted to the City, and be granted before the business or economic activity commences. The application must include, as a minimum-
 - (a) Details of the type of business or economic activity;
 - (b) The person responsible for the business or economic activity;
 - (c) Address and details of the premises or establishment;
 - (d) Numbers, sexes, ages, breeds and species of animals or poultry kept;

- (e) Details of enclosures and dimensions, including photographs;
 - (f) Details of employees and their relevant skills or expertise;
 - (g) Name of veterinarian(s) and relevant expertise or post-graduate training;
 - (h) A full detailed explanation of how the welfare needs of the animals will be met.
 - (i) Proof of sufficient funds to provide adequately for the animals on an ongoing basis.
- (5) The business or economic enterprise shall keep available for inspection by the City at reasonable times, evidence of the numbers, age, sexes, breeds and species of animals kept/bred; the number and names of employees, and proof of their relevant skills/training; and the care regime instituted to protect the welfare of the animals.
- (6) The authorisation shall be limited to the approved location and any person or enterprise keeping or breeding animals within the scope of business or economic activity which changes its location shall notify the City of its new premises in advance of the proposed move. The City may inspect the new premises and re-issue or revoke the permit as required.
- (7) If the City has any doubts about the ability of the business or economic enterprise to meet the animal welfare needs of the animals in its operations, it must deny authorisation, or revoke the same if already granted.
- (8) The business or economic activity may not be exercised until authorisation has been granted.
- (9) The City may, with immediate effect, close business premises or offices to prevent those which are not covered by an authorisation from the City when –
 - (a) authorisation has not been granted; or
 - (b) authorisation has been revoked;from exercising any business or economic activities relating to the keeping, selling or breeding of animals.
- (10) Keepers or breeders of animals for business or economic activities may only be permitted to purchase or acquire animals from authorised breeders.
- (11) Any person, business or economic enterprise selling or transferring the ownership of an animal to another person or enterprise shall provide the person or enterprise taking custody of the animal with relevant information and advice on how to safeguard and protect the animal's welfare, health and well-being. This includes, but is not limited to –
 - (a) how to keep, care for, and handle such animal;
 - (b) preventing unwanted breeding;

- (c) the vaccinations and other health requirements recommended for the animal offered for sale; and
 - (d) any requirements or restrictions on the keeping or breeding of such animals.
- (12) Evidence of compliance with subsection (11) must be retained, and made available for inspection by an authorised official on request and at all reasonable times.
- (13) Keepers or breeders of animals for business or economic activities must ensure that any animals no longer suitable for the business or economic activity in question are rehomed or sent to a shelter or sanctuary wherever possible.
- (14) Animals may not be presented or displayed inhumanely for sale in pet shops or any other premises of enterprises using animals within their scope of business or economic activities.
- (15) The authorisation for business or economic activity involving the trade or sale of certain wild animals or wildlife products can be restricted or banned by the City.
- (16) Where trade is provided for by the National Environmental Management: Biodiversity Act: Regulations: Convention of International Trade in Endangered Species of Wild Fauna and Flora (CITES) Regulations, 2010 (as amended), Animal Protection Act No. 71 of 1962 and the Provincial Nature Conservation Ordinance (No. 19 of 1974, as amended), guidelines or restrictions, must be applied by any person, business or economic enterprise selling or transferring the ownership of an animal to another person, business or economic enterprise.
- (17) No person may sell or offer to sell an animal without the City's authorisation –
 - (a) in a street or public place;
 - (b) in or from a movable structure or vehicle;
 - (c) at public markets; and
 - (d) online or through social media platforms or outlets.
- (18) It is prohibited to pass on, sell, offer for sale, transport or purchase any animal for whom the continuation of life would be connected with irremediable pain, suffering, agony, torment or distress for any other purpose than for its immediate euthanasia. Anybody acquiring or purchasing such an animal has to immediately euthanise, or ensure the immediate euthanasia of, the animal.
- (19) It is furthermore prohibited to possess any animal, without reasonable cause, which is suffering irremediable pain, agony, torment, distress or disease.

14. Control over animals

- (1) A person who keeps any animal must ensure that it is kept under proper and effective control when it leaves the premises where it is kept and that it does not endanger any person, animal or property when it leaves the premises.
- (2) The City may seize and impound any apparently ownerless or diseased or dangerous or vicious animal found wandering or unattended on any public street or in any public place.
- (3) A person who keeps an animal may not pasture or allow the animal to be pastured in or on any road reserve or any public property.

- (4) The City may seize and impound any such animal found in or on any road reserve or any public property, whether tended or not.
- (5) A person may not, except for purposes of impounding any animal, drive or cause any animal to be driven in any public street or upon any public road within the area of jurisdiction of the City without the prior written consent of the City, which approval may be granted subject to conditions.

15. Control of working animals

- (1) No person putting to work a working animal shall –
 - (a) permit the working animal to be in any public place whilst being incapable of pulling an animal drawn vehicle, suffering from injury or disease, or is otherwise unfit or unsuited to the intended work;
 - (b) permit the working animal to constitute a hazard to traffic using any public street or road;
 - (c) permit the working animal to constitute or be likely to constitute a source of danger or injury to any person or animal using a public street;
 - (d) permit the working animal to be in any public street or public place except when under their control;
 - (e) work any working animal which does not have on the name, telephone number and address of its owner;
 - (f) permit any working animal to draw any vehicle, or use any harness which does not comply with the SABS standards and criteria which may be determined by the City from time to time.
 - (g) work any working equine without a valid E53 Operators Permit where the person is noted as Driver
 - (h) be younger than eighteen years of age
 - (i) be under the influence of drugs or alcohol.

16. Working Equines

- (1) Any owner who wants to put to work a working equine, must apply to the City for a permit, in respect of such working equine.
- (2) An application in terms of subsection (1) must be in writing on a prescribed form and in accordance with relevant City Policies and Standard Operating Procedures.
- (3) An application for a permit, must also –
 - (a) provide documentary evidence that the working equine is the foal of a working mare; and
 - (b) be accompanied by the prescribed fee.
- (4) No more than one permit may be issued in respect of a working equine.

17. Seizure, impounding and destroying of Working Equines

- (1) An authorised official may seize, impound or destroy at a place appointed by the City any working equine which-
 - (a) may be destroyed on the advice of a veterinary surgeon or in terms of the provisions of any law;
 - (b) in his or her opinion is incapable to continue to pull an animal drawn vehicle;
 - (c) in his or her opinion constitutes a hazard to traffic using any public street;
 - (d) is at large or apparently without an owner; or
 - (e) is found in any public place where such a working equine is, in the opinion of the authorised official, not under proper control.

18. The rescue of impounded working equines prohibited

- (1) No person shall, by threats of violence or otherwise, rescue or attempt to rescue from the person or persons in charge thereof any working equine being lawfully brought to the pound, or shall rescue or attempt to rescue any working equine after such working equine has been lawfully impounded by an authorised official.

19. Stray Animals

- (1) A person who rescues or comes into possession of a stray animal shall report the date and time of the rescue and a description of the animal to the City within twenty-four hours.
- (2) An authorised official may –
 - (a) seize any animal found on any premises, public place or public road and which is –
 - (i) not under the supervision or control of any person; and
 - (ii) causes or poses a nuisance;
 - (b) impound or cause to be impounded any such animal at a pound or other facility designated by the City for such purposes.
- (3) The City may sell any animal impounded in terms of subsection 1(b), provided that –
 - (a) a period of no less than 10 days has lapsed from the time of impoundment;
 - (b) in the case of large animals, it shall be no less than 30 days has lapsed from the time of impoundment; and
 - (c) the City has taken all reasonable steps to notify the owner of the animal of the impoundment.
- (4) Any animal impounded in terms of subsection 1(b) may be destroyed, where such animal is –
 - (a) carrying an infectious or contagious disease; or
 - (b) ferocious, vicious or dangerous,

such that it poses an immediate and substantial danger to the health and safety of other animals, or the general public.

- (5) The destruction of any animal in terms of this By-law must be carried out with such precautions and in such a manner so as to inflict as little suffering as possible.
- (6) The person who claims the animal seized must pay to the City the reasonable costs of the City for the seizure and removal of the animal, plus the reasonable costs of the organisation for accommodating the animal, before the animal may be released to the person.

20. Seizure and removal of an animal

- (1) The City must remove any animal seized or impounded in accordance with the provisions of subsection (2) if so ordered by a court in accordance with this By-law to a place designated by the City where the animal can be accommodated.
- (2) Any animal seized and impounded in terms of this By-law , must be kept at the place designated by the City for at least 10 days to enable the owner or person in charge of the animal to claim it.
- (3) In the case of large animals, at least 30 days to enable the owner or person in charge of the animal to claim it.
- (4) If the owner or person in charge has not claimed the animal within the periods set out in subsection (2) and 3 above, the City may sell or donate it and retain and apply the proceeds of the sale, if any, for its own benefit, or it may otherwise dispose of the animal.
- (5) The person who claims the animal seized must pay to the City the reasonable costs of the City for the seizure and removal of the animal, plus the reasonable costs of the organisation for accommodating the animal, before the animal may be released to the person.
- (6) If an animal seized and impounded in terms of this By-law and , where applicable, is so diseased or injured or in such a poor physical condition that it would be cruel or that it would bring unnecessary suffering to the animal to keep it alive and that it ought therefore to be destroyed without unreasonable delay, the City may summon a veterinarian to examine the animal and if, after such examination, the veterinarian certifies that the animal is so diseased or injured or in such a poor physical condition that it would be cruel or that it would bring unnecessary suffering to the animal to keep it alive and that it ought therefore to be destroyed, the City may instruct a veterinarian to immediately destroy the animal or cause it to be destroyed in such a manner so as to inflict as little suffering as possible.
- (7) The City may recover the reasonable veterinary costs and other costs in carrying out the provisions of subsection (5) from the owner or the person in charge of keeping the animal in question.
- (8) A dog or cat which has been seized or removed in terms of this by-law or the provisions of any other law which is found by the authorised official –
 - (a) to be suffering from any incurable, infectious or contagious disease, or be badly injured: or

- (b) to be ferocious, vicious or dangerous, may be destroyed forthwith - the destruction of any dog or cat shall be by such painless method as may be approved by a registered veterinarian and shall take place under the supervision of an authorised official.

CHAPTER 2: GENERAL PROVISIONS RELATING TO THE KEEPING OF ANIMALS

21. Welfare facilities for the care and accommodation of animals

- (1) All entities purporting to be animal welfare organisations must be registered not-for-profit entities whose main mission and objectives is the reduction of animal suffering and improvements in animal welfare.
- (2) All animal welfare organisations other than a statutory organisation which also functions as rescue and shelter organisations must apply for a permit from the City, which permit must be issued prior to the commencement of operations.
- (3) Such permit may only be granted if the applicant–
 - (a) has appropriate dedicated facilities in terms of relevant City by-laws; and
 - (b) will employ at least one professional, qualified and registered welfare expert to be continuously involved in the management of the organisation or enterprise.

22. Establishment of a pound and appointment of pound master

- (1) The City may establish a pound and any places for safe-keeping of animals within the area of jurisdiction of the City.
- (2) The City may enter into a service delivery agreement with a statutory organisation, an animal welfare organisation or a person to operate such a pound.
- (3) The City may close any pound under its control.
- (4) The City may, in terms of the relevant policies, appoint a competent and suitably skilled person as pound master.
- (5) The City may, in terms of a service delivery agreement, appoint a competent and suitably skilled service provider as pound master.

23. Animal keepers

- (1) All persons are capable of keeping animals, other than –
 - (a) where previously banned from doing so;
 - (b) where unable to provide basic species specific care;
 - (c) minors under 14, who may not keep animals without consent of guardians; and
 - (d) where the appropriate permits from the relevant conservation authorities were not obtained for the keeping of such an animal.
- (2) Any person giving an animal into the care of an animal keeper must ensure that the keeper meets these minimum criteria.

24. Nuisance

- (1) No person may keep any animal that creates a nuisance, whether the health hazard or nuisance emanates from odour, sound or noise made by the animal, or from any other source relating to the animal and whether the health hazard or nuisance emanates from the animal itself or from the manner in which, or the conditions under which, the animal is kept or from the escaping or wandering of the animal, as the case may be.
- (2) The City may consult with the relevant street committee or neighbourhood watch of the area to resolve the matter with the owner of the animal causing the nuisance.
- (3) If the City reasonably believes that an animal poses or creates a nuisance, the City may:
 - (a) in writing order the owner or person in charge of the animal to abate the nuisance within a reasonable time and setting out the measures to be taken;
 - (b) where possible and, if necessary, remove the animal concerned.
- (4) If a person as contemplated in subsection (3) is found guilty of a second contravention in terms of subsection (3) in respect of the same animal, the Court may, in addition to imposing a sentence in accordance with the provisions of this by-law, order that the animal be seized and removed by the City to a place designated by the City as contemplated in this by-law.
- (5) If the City reasonably believes that any stable, enclosure or other building or structure where an animal is kept causes or is likely to cause a nuisance, be it due to its construction or state of disrepair or lack of cleanliness or for any other reason, the City may in writing order the owner or the person in charge of the premises upon which the stable, enclosure, building or structure concerned is situated, to execute and perform such work as required to abate the nuisance, as the case may be, as specified in the notice, within a reasonable time.
- (6) If the nuisance as contemplated in subsection (5) has not abated after expiry of the period concerned, or the owner or person in charge of the premises has not executed and performed the work required in the notice to the satisfaction of the City, the owner or person in charge of the premises is guilty of an offence.

25. Permits

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

- (4) The City may, after consideration of a report and recommendation of an authorised official or veterinary surgeon, by written notice to the holder of a permit, amend, suspend or cancel the permit –
- (a) if it is satisfied that failure to do so would result in-
 - (i) the creation or continuation of a nuisance in a public place; or
 - (ii) a continued contravention of any provision of this by-law.
 - (b) with immediate effect, if an authorised official reasonably believes that it is urgently necessary to do so to eliminate or reduce a significant risk to public health posed by a nuisance; or
 - (c) after expiry of the period stipulated in a notice affording the holder of a permit a reasonable opportunity to comply with the notice and the holder of the permit failed to comply with the notice.
- (5) The City may amend, suspend or cancel a permit by written notice to the holder, if the authorised official reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the permit was issued.

26. Keeping of Dogs and Cats

- (1) A person who keeps a dog or cat that is older than six months must apply to the City for a permit in respect of every dog or cat.
- (2) The application must be accompanied by the prescribed permit fee as set out in the City's tariff of charges, as well as a valid rabies inoculation certificate held in respect of the dog or cat concerned.

27. Keeping of dangerous animals

- (1) A person who keeps a dangerous animal must –
 - (a) keep it in an adequate enclosure;
 - (b) display adequate signage indicating the presence of a dangerous animal; and
 - (c) take reasonable measures to ensure that the animal –
 - (i) does not escape from the premises where it is kept; or
 - (ii) does not pose a danger, or cause harm, to a person, other animal or property.

28. Keeping of wild animals

- (1) No person may keep any wild animals on residential premises without prior approval of the relevant nature conservation authorities and or without a permit by the relevant local authority authorizing the keeping of such animals on the premises.
- (2) No person may deliberately or negligently feed any wild animal that is not in captivity.
- (3) No person may permit a wild animal to access domestic waste.

29. Standards and Requirements for Keeping of Animals On Premises

- (1) Premises used in connection with the keeping of animals and poultry must be operated under a permit issued in terms of this By-Law, except premises used for the keeping of animals and poultry on property zoned for agricultural farming or agricultural purposes, where the primary use of the land is for farming with animals and poultry.
- (2) No person may keep, breed or operate, , the following animals on any residential premises without applying to the City for a permit –
 - (a) keep cattle, horses, mules, donkeys or any animal of similar or bigger size;
 - (b) keep goats or sheep or any animal of similar or smaller size;;
 - (c) any poultry;
 - (d) keep more than 5 birds;
 - (e) keep or breed any rabbits; and
 - (f) operate a kennel or cattery.
- (3) No person shall keep any varieties of rock dove or feral pigeons of the species *Columba livia* on any residential premises, unless under a valid permit issued in terms of this By-Law and proof of Pigeon Racing Club or Show Pigeon Club Membership.
- (4) Applications to keep any varieties of rock dove or feral pigeons of the species *Columba livia* on any residential premises must be in writing in the prescribed format and may be considered and resolved by the City after consideration of substantiated comments received from abutting and affected neighbours and proof of Club Membership.
- (5) No person may keep any pigs on any residential premises in the City.

30. General hygiene requirements for keeping of animals and poultry

- (1) The premises and any equipment, apparatus, container or receptacle used in connection with keeping of animals, shall be maintained in a clean and sanitary condition and in good repair.
- (2) Portable storage receptacles of an impervious material and with close fitting lids must be provided for storage of manure and animal waste.
- (3) Potable drinking water supply must be provided and situated next to or in every stable or any enclosure used to accommodate animals, including poultry.
- (4) Manure storage receptacles shall be kept on a platform that enables the surface underneath the receptacle to be cleaned.
- (5) Manure from an enclosure must be removed at least once every three (3) days and placed in the manure storage receptacles.
- (6) The contents of the manure storage receptacles must be removed from the premises at least once every seven days and disposed of in a way that will not create a public health nuisance.

- (7) All feed must be stored in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.
- (8) Adequate measures must be taken to keep the premises free of pests and to prevent offensive odours arising from the keeping of such animals.
- (9) All animal bedding must be removed from the stables/enclosures at least once a week and shall be stored in the manure receptacles or manure container or area until it is removed from the premises and suitably disposed of.
- (10) Adequate washing facilities shall be provided for the cleaning of all structures housing animals and poultry.
- (11) If the amount of manure generated on the premises is of large quantities, it may be required that a manure storage area be provided for storage of manure prior to removal.
- (12) The manure storage area, if needed, shall have a roofed platform constructed of concrete or other impervious material and the platform shall be graded and drained.
- (13) All animals and poultry, whether a permit is required for the keeping thereof or not, must be kept in an enclosure so as to prevent them from escaping.
- (14) Any animal that dies from any premises shall be removed from the said premises within 24 hours of its death, to prevent a health nuisance or hazard from occurring.
- (15) Where the premises are provided with an animal mortuary, carcasses must be kept in the cold storage facilities until they are removed from the premises.
- (16) Disposal of dead animals shall be conducted in an acceptable manner and in compliance to the relevant City by-laws.
- (17) Subsections (15) and (16) do not apply to similar facilities provided for in terms of the Meat Safety Act No. 40 of 2000, registered veterinarian facilities or pounds.

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

- (1) No person shall operate a pet parlour, pet shop, pet day care facility or pet hotel on any premises, unless under a valid permit issued in terms of this By-Law.
- (2) Applications to operate a pet parlour, pet shop, pet day care facility or pet hotel must be made in writing in the prescribed format and may be considered and resolved by the City after consideration of substantiated comments received from abutting and affected neighbours.
- (3) Pet parlours, pet shops, pet day care facilities and pet hotels must comply with the environmental health standards as set out in the relevant by-laws, policies and any conditions that the City may attach to their permits;

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

- (1) Subject to subsection (2), no person may:
 - (a) Slaughter any animal at any place other than at a registered abattoir;

- (b) Permit the slaughter of any animal at any place under their control unless that place is a registered abattoir; or
 - (c) Sell or provide meat for human consumption and animal consumption unless it has been slaughtered at an abattoir.
- (2) Subsection 1 do not apply to a slaughter for religious, cultural, ceremonial and own consumption purposes.
- (3) No meat or animal product obtained from an animal slaughtered as contemplated in subsections 1 may be sold to any person.
- (4) In the case of religious and cultural slaughtering, the City must be notified in writing, fourteen (14) days prior to the event.
- (5) The slaughtering of the animal must be conducted in a position as to not allow observation by any person on neighbouring premises or any member of the public.
- (6) The meat from the slaughtered animal may only be used for religious, cultural, ceremonial and own consumption purposes and may not be sold to any person.
- (7) The meat must be handled in a hygienic manner at all times.
- (8) Blood and other waste products from the carcass must be disposed of in a manner which will not become a public health hazard or public health nuisance.
- (9) The animal to be slaughtered must not be kept on the premises for a period in excess of twelve (12) hours, prior to slaughtering.
- (10) Measures must be taken to ensure that no health nuisance is created or exists on the premises as a result of the slaughtering.
- (11) The services of an authorised official or any person deemed as a meat inspector in terms of the Meat Safety Act, 2000 (Act No. 40 of 2000), may be requested for conducting a post-mortem examination of the slaughtered animal at a cost determined by the City.
- (12) Animals selected for slaughter, in terms of the Red Meat Regulations promulgated in terms of the Meat Safety Act, 2000 (Act No. 40 of 2000), must be in a healthy condition.
- (13) Persons intending to keep animals for slaughter shall:
 - (a) Keep the animal off feed for twelve (12) hours, but provide access to water.
 - (b) Ensure that the legs of the animal are not bound.
 - (c) Not run or excite the animal prior to slaughtering because this may cause poor bleeding and give the carcass a bloody appearance.

- (d) Minimise pain and suffering as per the Meat Safety Act, 2000 (Act No. 40 of 2000).
- (e) Provide written proof of notification to abutting neighbours which must be submitted with the application in residential areas only.
- (f) Ensure all areas are kept free of animal waste.
- (g) Inform the Environmental Health Practitioner at least 48 hours prior to the event of slaughtering.

- (14) Standard consent form must be completed by applicant.
- (15) Number of animals and duration of event must be indicated by the applicant.
- (16) No noise nuisance shall occur prior to and during the slaughtering process.
- (17) All waste products to be disposed on in a manner approved by the Director: City Health.

33. Drainage

- (1) A person who keeps animals must ensure that all sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, channels and washing platforms required to be drained in terms of these by-laws are drained in accordance with the provisions of the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977).

CHAPTER 3: BEE KEEPING

34. Keeping of bees

- (1) No person may keep bees within the City without registration with a registered bee keepers' association or the National Department responsible for agriculture.
- (2) Proof of registration must be submitted to the City in the prescribed manner within 30 days of receipt.
- (3) The City may establish and maintain a bee keeping database and inspect bee keeping premises in accordance with relevant by-laws, City policies and Standard Operating Procedures.

CHAPTER 4: ENFORCEMENT

35. Offences and penalties

- (1) Any person who –
 - (a) contravenes or fails to comply with any provision of this By-law or disobeys any instruction or written compliance notice by an authorised official enforcing this By-law;
 - (b) obstructs or hinders any person in the execution of any power or the performance of any duty or function in terms of any provision of this By-law;
 or

- (c) furnishes false, incorrect or misleading information when applying for permission from the City in terms of a provision of this by-law;

is guilty of an offence and liable to a fine or upon conviction to a period of imprisonment for a period not exceeding two years, or to both a fine and such imprisonment

36. Powers and functions of authorised officials

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

(a) instruct a person who is in contravention to-

- (i) stop the conduct prohibited under the By-Law;
- (ii) remove any obstruction to the safe or free passage of a pedestrian or motor vehicle;
- (iii) leave and remain out of a specified public place;

(b) issue a written compliance notice on a person contravening the By-Law, which notice must include the following-

- (i) describe the conduct constituting a contravention of the By-Law;
- (ii) indicate the section of the By-Law contravened;
- (iii) specify the steps to be taken to comply with the notice;
- (iv) (iv) specify the time periods within which the steps have to be taken;
- (v) state that the failure to comply with the compliance notice constitutes an offence in addition to the contravention of the section contemplated in sub-paragraph (ii);
- (vi) state that, in the event of non-compliance, that person will be liable for a fine for both the contravention and for not complying with the compliance notice and state the amount of the fine;

(c) issue a notice in terms of sections 56 or 341 of the Criminal Procedure Act, 51 of 1977 if –

- (i) a person contravenes a provision of the By-Law; or
- (ii) a person fails or refuses to comply with a direction in terms of paragraph (a) or a compliance notice in terms of paragraph (b);

(d) without a search warrant search any person, vehicle, or structure for the purpose of seizing any article which is, or is on reasonable grounds believed to be, concerned with the commission of an offence in terms of this By-law if –

- (i) the person consents to the search;

- (ii) the person does not consent, the official, on reasonable grounds believes—
 - (aa) that a search warrant will be issued under paragraph (a) of section 21 (1) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) if application is made for a warrant; and
 - (bb) that the delay in obtaining a warrant would defeat the object of the search; or
 - (iii) in terms of section 23 of the Criminal Procedure Act, 1977 (Act 51 of 1977).
 - (e) arrest a person, who commits an offence in terms of the By-Law, in terms of section 40(1)(a) to (f), (h) and (j) of the Criminal Procedure Act, 51 of 1977 and, if necessary, search the person arrested in terms of section 23 of that Act;
 - (f) impound, in accordance with the City's Standard Operating Procedure on the Impoundment of Goods and Animals, 2012, any personal items of persons arrested in accordance with this By-law;
 - (g) require any person to furnish their name and address and other particulars that are required for identification or for any process if the authorised official reasonably suspects this person of having committed an offence in terms of this By-law or, if in the opinion of the authorised official, that person is able to give evidence in regard to the commission of any such offence;
 - (h) conduct an inspection in relation to any premises or business –
 - (i) to determine whether the provisions of this By-Law are being complied with;
 - (ii) where there are reasonable grounds for believing that a provision of this By-law has been contravened;
 - (iii) inspect the premises or any vehicle that is used or that they reasonably suspect is being used for the business and anything on the premises or anything in the vehicle; and
 - (iv) question any person on the premises or in the vehicle or any person who has recently been on the premises or in the vehicle.
 - (i) enter any premises or business at all reasonable times, where there has been an allegation that a provision of this By-law has been contravened
- (2) Should the person on whom a written compliance notice was issued in terms of subsection (1) fail to comply, or inadequately comply, with the written compliance notice, the City may –

- (a) take measures that the City considers appropriate to remedy the situation or may authorise another person to take such measures; and
 - (b) recover costs in terms of its Credit Control and Debt Collection Policy and the Credit Control and Debt Collection By-law 2006 or similar legislation or policy, for the measures to be undertaken and all costs incurred as a result of acting under this By-law, from any or all of the persons on whom the written compliance notice was issued.
- (3) In exercising any power under this section every authorised official must-
- (a) exercise their powers reasonably with due regard to every person's fundamental rights under Chapter 2 of the Constitution;
 - (b) ensure if force is required under the circumstances, the level of force is justifiable and proportional; and
 - (c) in the absence of an authorised official contemplated in subsection (4), take steps to prevent any other authorised official from exercising powers in contravention of paragraphs (a) and (b);
- (4) The authorised official in charge must exercise their duty of care by intervening and taking the necessary steps to curtail any unreasonable exercise of powers or disproportionate use of force by any official under their command.

37. Indemnity

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

38. Appeal

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

CHAPTER 5: MISCELLANEOUS

39. Repeal

The City of Cape Town Animal By-Law, 2010 is hereby repealed.

40. Short title and Commencement

This law is called the City of Cape Town Animal Keeping By-Law, 2021 and shall come into operation on the date of publication in the Provincial Gazette.