

Hessequa, South Africa

## Prevention of Public Nuisances and Nuisances Arising from the Keeping of Animals

Legislation as at 23 March 2012

FRBR URI: /akn/za-wc042/act/by-law/2012/prevention-of-public-nuisances-and-nuisances-arising-from-the-keeping-of-animals/eng@2012-03-23

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PDF created on 18 August 2023 at 09:11.

*Collection last checked for updates: 9 June 2023.*

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# Prevention of Public Nuisances and Nuisances Arising from the Keeping of Animals

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## Hessequa South Africa

# Prevention of Public Nuisances and Nuisances Arising from the Keeping of Animals By-law, 2012

Published in Western Cape Provincial Gazette 6970 on 23 March 2012

**Commenced on 23 March 2012**

*[This is the version of this document from 23 March 2012 and includes any amendments published up to 9 June 2023.]*

Under the provisions of section 156 of the [Constitution](#) of the Republic of South Africa, 1996 the Hessequa Municipality enacts as follows:

### 1. Definitions

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

**"agent"**, in relation to the owner of a property, means a person appointed by the owner of the property-

- (a) to receive rental or other payments in respect of the property on behalf of the owner; or
- (b) to make payments in respect of the property on behalf of the owner;

**"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;

**"authorised official"** means an officer authorised in terms of section 8 of the Animals Protection Act, 1962 ([Act 71 of 1962](#)) and any official of the municipality who has been authorised by the municipality to enforce the provisions of this by-law;

**"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;

**"breed"** means a population of animals which produces progeny possessing a high degree of genetic stability as evidenced by identifiable uniformity in breed standards and performance;

**"breeder"** means the owner of a breeding female animal at the time of natural or artificial conception or at the birth of progeny;

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

**"district municipality"** means the Eden District Municipality established in terms of Section 12 of the Municipal Structures [Act, 117 of 1998](#), 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;

**"drunk"** means a person who, by reason of the alcohol which he or she has consumed, has lost control of his or her mental or physical faculties, or both, to such an extent as to render him or her incapable of comporting him- or herself, or of performing any act in which he or she is engaged, with safety to him- or herself or with that regard to the rights of others which the law demands;

**"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 Hessequa Municipality established in terms of Section 12 of the Municipal Structures [Act, 117 of 1998](#), and includes any political structure, political office bearer, councillor, duly

authorised agent or any employee 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, [Act 117 of 1998](#), and includes a person -

- (a) acting in such position; and
- (b) to whom the municipal manager has delegated any power, function or responsibility;

**"owner" :**

- (a) in relation to an animal, includes the person having the possession, charge, custody or control of such animal;
- (b) in relation to property includes an occupier, lessee, servitude holder, trustee, executor, curator or assignee, agent or administrator of such property;

**"pet"** means a tame animal which is kept in a household;

**"pet parlour"** 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, including a public place, 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 or omission or condition on any premises or public place, 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 people, and

**"nuisance"** has the same meaning;

**"public place"** means any land, 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 Hessequa 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 section or part thereof which is commonly used by the public or to which the public has a right of access;

**"structure"** means any container, stable, shed, pigsty, kraal, aviary, paddock, covering structure, poultry house, enclosure, run, loft or building used for human shelter, business purposes or the keeping or enclosing of animals.

## 2. Objectives and application of by-law

- (1) The municipality, aware of the constitutional right of every person to an environment that is not harmful to his or her health or well-being, adopts this by-law with the aim of protecting and promoting the health and well-being of all people in the Hessequa area by fostering an environment in which the public in general may enjoy peaceful and harmonious living conditions.
- (2) In the implementation of this by-law, the municipality also recognises the infrastructural, social and economical disparities and inequalities resulting from the previous local government dispensation and shall strive to overcome such disparities and inequalities by supporting the new goals for local government as laid down in section 152 of the [Constitution](#).
- (3) Sections [4](#)(1), [14](#)(1), [15](#)(1), [21](#)(1) and [26](#) do not apply to:
  - (a) premises which are legally used for *bona fide* agricultural purposes; or
  - (b) premises 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.
- (4) A person who keeps animals on premises contemplated in subsection (3) is not exempt from the provisions relating to the inception or bringing about of a public nuisance.

## Chapter 1 General provisions relating to public nuisances

### 3. Public nuisances prohibited

- (1) No one may cause a public nuisance.
- (2) A public nuisance is created by, but is not limited to:
  - (a) the keeping of animals or reptiles, excluding pets on premises unless the premises is in terms of an applicable town planning scheme zoned as suitable for the keeping of such animals or reptiles;
  - (b) allowing an animal, reptile or dog to:
    - (i) enter upon public or private land other than the premises where it is kept, unless under proper control and, in the case of a dog, on a leash;
    - (ii) suffer from an infectious or contagious disease, or
    - (iii) act in such a manner that a nuisance is created for adjacent residents.
  - (c) in the case of a person in control of a dog on a street or public land, failing to remove the droppings of that dog;
  - (d) the keeping of pets in such a manner that a nuisance or the potential for a nuisance is created;
  - (e) the overnight parking of more than one heavy vehicle or boat on premises which is zoned for residential purposes;
  - (f) the parking of an implement on premises which is zoned for residential purposes;
  - (g) the repairing, washing, maintenance or servicing of a heavy vehicle, boat or implement on premises which is zoned for residential purposes.

- (h) the parking of a vehicle, heavy vehicle, boat or trailer on premises in such a manner that a part of the vehicle, heavy vehicle, boat or trailer extends over the boundaries of the premises on which it is parked.
- (i) the letting off of a firework on or over private land in such a manner that the firework or part thereof may land on adjacent premises.
- (j) operating a business or engaging in similar activities on residential premises, notwithstanding any approvals granted by the Council in terms of town planning legislation, to the extent that a nuisance to adjacent residents is created by:
  - (i) the increase of an activity over and above the limits and conditions determined by the Council when the application for the activity was originally approved in terms of legislation;
  - (ii) the storage of goods or materials on the premises;
  - (iii) the operation of a pump, compressor, fan or similar machinery in such a manner that a vibration or noise is caused on adjacent premises;
  - (iv) the use of spray paints or other volatile substances in such a manner that sprays, smells or gases enter onto adjacent properties;
  - (v) the manufacturing or activities related to the manufacturing of goods or materials;
  - (vi) the frequency of deliveries or the calling of persons at the premises;
  - (vii) the frequency of loading or unloading of vehicles in the street or on the premises;
  - (viii) the gathering of workers on or near the premises, or
  - (ix) the frequency of the arrival, departure or parking in the street or on the premises of vehicles attached to the activities on the premises,
- (k) allowing buildings or vacant land to become:
  - (i) unsightly, offensive or in a state of disrepair to such an extent that the values of adjacent properties are detrimentally affected;
  - (ii) a home or shelter for squatters or vagrants;
  - (iii) overgrown with neglected lawns, trees, shrubs or other cultivated or uncultivated vegetation
  - (iv) inundated with an unsightly accumulation of papers, cartons, garden refuse, rubble and/or other waste materials, or
  - (v) a depository for waste materials.
- (l) in relation to business premises, allowing:
  - (i) waste materials emanating from the activities on the premises to be deposited in a street refuse bin;
  - (ii) waste materials emanating from the activities on the premises to be deposited on a part of the premises which is accessible from the street or sidewalk, unless it is in a container provided or approved by the municipality;
  - (iii) the display of goods for sale on a part of the premises outside of a building, which is accessible from the street or sidewalk, but does not form part of the street or the sidewalk;
  - (iv) a vehicle to be parked on the premises in such a manner that part of the vehicle extends over a boundary of the premises;



- (v) a means of advertising or promotion to have the effect that a distraction or danger is caused for passing vehicular or pedestrian traffic, a gathering of persons is allowed to form in the vicinity of the premises, or that pedestrians are prevented from using the sidewalk in front of the premises;
- (vi) shop trolleys attached to the business to accumulate in a street or parking area to the extent that vehicular or pedestrian traffic is impeded or endangered;
- (vii) a refrigerator, compressor, fan or other machinery, to operate in such a manner that a vibration or noise is caused on adjacent premises;
- (viii) an increase in the frequency of deliveries or callers at the premises to such an extent that occupiers of adjacent premises are prevented from gaining normal access to their premises;
- (ix) vehicles attached to the business to be parked in front of adjacent premises in such a manner that the occupiers are prevented to proceed with the normal operation of their activities; and
- (x) the use of any stoep, verandah or alley or adjoining vacant land for the purpose of storing, stacking, dumping, disposing, displaying or keeping articles or merchandise;
- (m) In relation to general behaviour on streets, parking bays, parking areas and in public places by
  - (i) shouting, screaming, whistling or making any other noise to attract attention to such an extent that a nuisance is created;
  - (ii) bringing a vehicle to a stop or driving a vehicle in such a manner that pedestrian or vehicular traffic is impeded;
  - (iii) riding bicycles or similar devices in groups in such a manner that pedestrian or vehicular traffic is impeded;
  - (iv) pushing or parking trolleys or similar devices in such a manner that pedestrian and vehicular traffic is impeded;
  - (v) walking or standing in groups in such a manner that other pedestrian traffic is impeded;
  - (vi) offering services or goods and articles for sale in intersections in such a manner that the attention of drivers of vehicles is distracted;
  - (vii) offering services or goods or articles for sale from the side of the road in such a manner that vehicular or pedestrian traffic is impeded or the attention of drivers of vehicles is distracted;
  - (viii) operating a vehicle drawn by animals at such times when, and on such streets where, a heavy traffic flow is experienced;
  - (ix) being in an inebriated or drug-induced condition in such a manner that a nuisance is created, and
  - (x) acting in a disorderly manner,
- (n) the display of anything which is visually offensive;
- (o) operating any device which interferes with radio and television reception;
- (p) loitering in any street or public place;
- (q) being drunk or under the influence of drugs;

- (r) soliciting or importuning any person for the purposes of prostitution or any other immoral act;
  - (s) continuing to beg from a person or closely follow a person after such person has given a negative response to such begging;
  - (t) playing loud music or the use of music instruments on any premises in a manner that causes a nuisance;
  - (u) bathe or wash him- or herself or any animal, article or clothing in a public stream, pool, water trough, hydrant, fountain or at any place which has not been set aside by the municipality for such purpose;
- (3) (a) In the event of a contravention of any of the provisions of this section, the municipality may issue a notice on the owner, occupier or 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 may be recovered from the person responsible for the nuisance or the owner or occupier of the premises whether or not such owner or occupier is responsible therefore.
- (b) Where any vacant or developed premises or land in the vicinity of a street is used by unauthorised persons or where any of the materials or things mentioned in subsection (2) are dumped or deposited on such premises, the municipality may serve a written notice on the owner or occupier requiring him or her to enclose or fence it in to its satisfaction by a date specified in the notice. Every such enclosure or fence must be so constructed that it will effectively prevent the entry of unauthorised persons and the dumping of materials and things.
- (4) For the application of this by-law, any action or condition on any premises that 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.
- (5) Any person who contravenes or fails to comply with any provisions of this section or fails to comply with any notice lawfully given thereunder is guilty of an offence.

## Chapter 2

### General provisions relating to keeping of animals

#### 4. Permission to keep animals

- (1) No person may keep or permit to be kept on any premises any animals, excluding pets, without the written permission of the municipality.
- (2) Any person who applies for a permit to keep a wild animal must, when submitting an application contemplated in subsection (1), furnish the municipality with a captivity permit issued by the Department of Economic Affairs, Environment and Tourism and no wild animal may be kept on a premises zoned for residential purposes.
- (3) Bees may only be kept on premises zoned for agricultural purposes and the municipality may determine the number of bee hives, as well as the kind, number and gender of animals that may be kept.
- (4) In order to consider an application in terms of subsection (1), the municipality may obtain the input or comments of the owners or occupants of surrounding premises.
- (5) A person who contravenes subsection (1) or who fails to comply with a determination in subsection (3) commits an offence.

## 5. Plans for structures and management

The municipality may require from applicants who apply to keep animals that they must submit an application form and a detailed site plan according to specifications set by the municipality.

## 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\(4\)](#);
  - (b) the location, geographical features or size of the premises in respect of which the application is submitted;
  - (c) the documents and site plans submitted in terms of [section 5](#); or
  - (d) any other information relating to the application including, but not limited to, grazing, fencing and availability of water, 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 27](#).
- (3) Where consent is granted, the municipality may impose conditions.

## 7. Visibility of structures on premises

- (1) All structures in which animals are kept must be suitably screened from any street.
- (2) A person who fails to comply with subsection (1) commits an offence.

## 8. Waivering of requirements and withdrawal of authorisations

The municipality may after considering conditions particular to the property and provided 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 and may withdraw any consent granted in terms of [section 6\(3\)](#) if any of the conditions imposed are not adhered to.

## 9. Validity of authorisations

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

## 10. Duties of owner or keeper of animal

- (1) The owner or keeper of an animal:
  - (a) may not cause or allow an animal to interfere with the comfort, convenience, peace or quiet of other people;
  - (b) must provide such animal with shelter, water and proper food ;
  - (c) must maintain the premises on which an animal is kept in good repair and in a neat condition in order to prevent the occurrence of a public nuisance; and
  - (d) must exercise control over his or her animals in order to prevent damage to property or gardens;
  - (e) may not leave or allow any animal to be on any section of a public road or leave such animal in a place from where it may stray onto such section of a public road.

- (2) In the event of a contravention of any of the provisions of subsection (1), the municipality may remove any animal and serve a notice on the owner, occupier or alleged offender to comply with the provisions of subsection (1) within the time stipulated in the notice.
- (3) In the event of a contravention of any of the provisions of this by-law or any legislation applicable to the protection of animals, the municipality may notify any officer of any society for the prevention of cruelty to animals who may act in terms of the Animals Protection [Act, 71 of 1962](#).
- (4) If the owner, occupier or alleged offender notifies the municipality within the time stipulated in the notice that compliance with the notice served in terms of subsection (2) has been effected, the municipality may return such animal and the owner will be liable for the costs incurred by the municipality.
- (5) In the event of non-compliance with a notice served in terms of subsection (2) and without prejudice to the municipality's right to prosecute, any animal removed in terms of subsection (2) will be regarded as having been impounded and the provisions of the municipality's Impoundment of Animals by-law will apply.
- (6) A person who contravenes a provision of subsection (1) commits an offence.

## **11. Animals kept in unsatisfactory manner**

- (1) Whenever animals kept on any premises are a public nuisance, the municipality may by written notice require the owner or occupier of such premises to remove the cause of and to abate such nuisance.
- (2) The municipality may prescribe the steps that need to be taken or the work that must be done to remove the cause of and to abate any nuisance.
- (3) Any activities undertaken by the owner in terms of a notice contemplated in subsection (1) will be for such owner's own account.
- (4) If an owner fails to comply with a notice issued in terms of subsection (1) the municipality may take the steps required and recover the cost thereof from such owner.
- (5) A person who fails to comply with a notice contemplated in subsection (1) commits an offence.

## **12. Destruction and sterilisation of animals**

- (1) The municipality may order the euthanization or destruction of an animal which is:
  - (a) dangerous or ferocious; or
  - (b) injured or diseased to such an extent that it would be humane to do so.
- (2) An animal to be destroyed in terms of subsection (1) must be euthanized by a registered veterinary surgeon or where such veterinary surgeon is not available, by an authorised official with such instruments or appliances and in such a manner as to inflict as little suffering as possible.
- (3) An authorised official may cause a dog or cat to be sterilised if he deems it necessary:
  - (a) for the welfare of the dog or cat;
  - (b) to prevent nuisance;
  - (c) where the dog or cat is a stray animal; or
  - (d) on the request of the owner,and the cost of such sterilisation may be recovered from the owner.

- (4) The owner of a sterilised dog or cat must obtain from a registered veterinarian proof that such dog or cat has been sterilised and must produce such document for inspection on demand of any authorised official.
- (5) A person who fails to comply with an order contemplated in subsection (1) or who contravenes subsections (2), (3) or (4) commits an offence.

### **13. Hawking of animals**

- (1) No person may hawk an animal in a street or public place or from a movable structure or vehicle.
- (2) A person who contravenes subsection (1) commits an offence.

## **Chapter 3**

### **Provisions relating to keeping of dogs, cats and pets**

#### **Part 1 – General provisions relating to dogs, cats and pets**

### **14. Number of dogs and cats**

- (1) Subject to the provisions of [section 15](#), no person may, without the permission of the municipality, keep on any premises:
  - (a) more than two dogs; and
  - (b) more than two cats.
- (2) An application for permission in terms of subsection (1) must contain an exposition of the breed, 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.
- (4) A person who contravenes subsection (1) commits an offence.

### **15. Breeders of dogs and cats**

- (1) A breeder of dogs or cats who wishes to keep more than two dogs or cats must obtain permission from the municipality.
- (2) A person who fails to obtain the permission of the municipality as required in subsection (1) commits an offence.

### **16. Breeders of pets**

- (1) A person who breeds pets must obtain the approval of the municipality.
- (2) The provisions of [section 5](#) are with the necessary adjustment applicable to an application in terms subsection (1).
- (3) A person who contravenes subsection (1) commits an offence.

### **17. Conditions and restrictions**

The municipality's consent in terms of sections [4](#), [14\(1\)](#), [15\(1\)](#) and [16\(1\)](#) may be subject to any conditions that the municipality, in consultation with another responsible authority, may deem fit to impose.

## 18. Withdrawal of permission

- (1) Where a person contravenes or fails to adhere to a condition or restriction set in terms of [section 17](#), 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 in terms of subsection (1), will be recovered from the owner or keeper of such animals.

## 19. Dogs, cats and horses in streets or public places

- (1) Subject to the provisions of the Public Amenities By-law, the owner or keeper of a dog, cat or horse may not bring or allow it in a street or public place unless the dog is on a leash or the cat or horse is under physical control of the owner or care taker thereof.
- (2) No person may bring a dog or horse or allow a dog or horse to be brought within 50 metres of any sign prohibiting the presence of any dog or horse.
- (3) 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.
- (4) A person who contravenes any of the provisions of subsection (1), (2) or (3) commits an offence.

## Part 2 – Specific provisions relating to dogs

## 20. Control and licensing of dogs

- (1) No person who owns or keeps a dog may:
  - (a) keep such dog unless a license fee determined by the municipality has been paid and such person must, on demand by an authorised official, produce the receipt issued by the municipality for the payment of the licence fee;
  - (b) permit a bitch on heat to be in a street or public place without supervision;
  - (c) urge a dog to attack, worry or frighten any person or animal unless in self-defence;
  - (d) keep a dog if the premises is not adequately fenced to keep such dog inside when it is not on a leash; or
  - (e) permit a dog:
    - (i) to trespass on private property;
    - (ii) to constitute a hazard to traffic using any public road;
    - (iii) to constitute 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 such premises for the purpose of carrying out their duties. A notice to the effect that a dog is kept must be displayed in a conspicuous place;
  - (f) keep any dog which interferes materially with the comfort, convenience, peace or quiet of neighbours by:
    - (i) barking, yelping, howling or whining;

- (ii) charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept; or
  - (iii) by behaving in any other manner.
- (2) The municipality may seize and impound 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 subsection (2) may be released to the owner or keeper of such dog upon payment of a fee determined by the municipality.
- (4) A person who contravenes a provision of subsection (1) commits an offence.

## **Chapter 4**

### **Dogkennels, catteries, petshops and pet parlours**

#### **21. Permission to operate**

- (1) No kennel, cattery, pet shop or pet parlour may be operated without the permission of and subject to conditions imposed by the municipality.
- (2) 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.
- (3) A person who contravenes subsection (1) or (2) commits an offence.

## **Chapter 5**

### **Co-operation between municipalities**

#### **22. Service delivery agreements**

In order 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.

#### **23. Powers of municipality in case of omission by District Municipality**

If the service delivery referred to in [section 22](#) is impeded by the refusal or omission by the district municipality to execute any of the arrangements envisaged in an agreement in terms of [section 22](#) the municipality may, subject to the principles of cooperative government as set out in section 41 of the [Constitution](#) of the Republic of South Africa, 1996, proceed to give effect to such arrangement and any expenses incurred by the municipality in giving effect to such an arrangement may be recovered from the district municipality.

## **Chapter 6**

### **General provisions**

#### **24. 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; provided that a private dwelling may not be entered for routine inspection purposes without the permission of the owner or occupier.
- (2) When entering premises in terms of subsection (1), the employee must on request by any person, identify him- or 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 official, or obstructs or hinders him or her in the execution of his or her duties under this by-law, or who fails or refuses to give information that he or she may lawfully be required to give to such official, or who gives false or misleading information knowing it to be false or misleading, commits an offence.

## 25. 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 of 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 paragraph (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 is authorised or required to be served on a person, it is not necessary to name him or her but it will be sufficient if he or she is described as the owner, occupier or holder of a right.

## 26. Transitional provisions

A person who, at the commencement of this by-law, owns a larger number of animals than the number contemplated in [section 4\(2\)](#) may not replace animals that die or are disposed of and must gradually reduce the number of animals that may be kept.

## 27. Appeal

A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, [Act 32 of 2000](#) to the municipal manager within 21 days of the date of the notification of the decision.

## 28. Penalties

A person who has committed an offence in terms of this by-law or fails to comply with any provision thereof, is on conviction, liable to a fine or imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment and a further amount equal to any costs and expenses incurred by the municipality as result of any contravention.



## 29. Exemptions

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

## 30. Liaison forums in community

- (1) The municipality may establish one or more liaison forums in a community for the purposes of—
  - (a) creating conditions for a local community to participate in the affairs of the municipality; and
  - (b) promoting a safe and healthy environment;
- (2) A liaison forum may consist of—
  - (a) a member or members of an interest group, or an affected person;
  - (b) a member or members of the community; and
  - (c) a designated official or officials of the municipality;
- (3)
  - (a) the municipality may, when considering an application for an approval, or exemption certificate in terms of this by-law, request the input of a liaison forum;
  - (b) a liaison forum or any person or persons contemplated in subsection (2) may, on own initiative submit an input to the municipality for consideration.

## 31. Repeal of by-laws

The following by-laws and any other provision in any other by-law that is inconsistent with the provisions of this by-law are hereby revoked:

Hessequa Municipality:

| Provincial Notice No.      | Title  | Extent of repeal |
|----------------------------|--|------------------|
| P.G. 6588 dated 19/12/2008 | <a href="#">By-law Relating to the Prevention of Public Nuisances and Public Nuisances Arising from the Keeping of Animals</a> | The whole        |

## 32. Short title and commencement

This by-law is called the By-law Relating to the Prevention of Public Nuisances and Nuisances Arising from the Keeping of Animals and will come into operation on the date of publication thereof in the *Provincial Gazette*.