

- 1.80 "Public Place" includes any street, road, thoroughfare, sanitary passage, square or open space shown on a general plan of a township or settlement, filed in the deeds registry or Surveyor-General's office, and all land (other than erven shown on the general plan) the control of which is vested; to the entire exclusion of the owner, in the Umdoni Municipality or to which the owners of erven in the township have a common right, and for purposes of this definition "settlement" means a group of pieces of land or of subdivisions of a piece of land which are used or intended for use mainly for farming or horticulture, and includes a combination of such groups which is suitable for inclusion in one property register;
- 1.81 "Public road" means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes –
- 1.81.1 the verge of any such road, street or thoroughfare;
 - 1.81.2 any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
 - 1.81.3 any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;
- 1.82 "Refuse container" means a container other than a refuse receptacle and whether wheeled or otherwise, designed for the temporary storage and removal of refuse which is supplied by the Council in terms of section 3(4) or by a contractor approved in terms of section 2(3);
- 1.83 "Refuse receptacle" means a receptacle which complies with either South African Bureau of Standards specification 493-1973: Steel refuse bins or 1310-1980: Refuse bins of polymeric materials, both as published by General Notice 463 of 9 July 1982;
- 1.84 "Residential purposes" means premises occupied for the purpose of human habitation, but excludes an accommodation establishment as defined in section 1 of the Hotels Act, 1965 (Act No. 70 of 1965);
- 1.85 "Sea-shore" means the water and the land between the low-water mark and the high-water mark;
- 1.86 "Special domestic refuse" means refuse discarded from residential premises which cannot by virtue of its mass, shape or size be conveniently stored in a refuse receptacle or container;
- 1.87 "Stone mason" means a person carrying on business as a stone mason; "tomb" means an above ground burial vault;
- 1.88 "Street Trader" means a person who carries on the business of street trading as contemplated in Schedule 5B of the Constitution and without derogating from the generality of this activity, includes any person who in a public place sells, supplies or offers any goods or services for reward as a vendor, pedlar or hawker, but does not include a person who sells newspapers only.
- 1.89 "Surf-craft" means a device used for riding the surf which is designed to carry not more than two persons and is propelled by the movement of the surf or the actions of the surf-rider or a combination of both without mechanical aid but does not include:
- 1.89.1 an inflatable device, or
 - 1.89.2 a device which is not more than two metres in length and is wholly constructed of a soft, pliable material;
- 1.90 "Surf-riding" means a recreational activity involving the use of surf-craft and "surf-ride" has a corresponding meaning;
- 1.91 "Tariff charge" means the appropriate charge as set out in the tariff of charges adopted by the resolution of the Council from time to time;
- 1.92 "Taxi" means a public motor vehicle designed or adapted solely or principally for the conveyance of a not more than nine persons including the driver;
- 1.93 "Township" means a group of pieces of land, or of subdivisions of a piece of land, which are combined with public places and are used mainly for residential industrial business or similar purposes, or intended to be so used;
- 1.94 "trade refuse" means refuse generated in the course of the conduct of a business
- 1.95 "Umdoni Municipality" means the local municipality of Umdoni established in term of Section 12 of the Local Government: Municipal Structures Act of 1998, and when referred to as an entity means a municipality as described in Section 2 of the Local Government: Municipal Systems Act, 2000 and when referred to as a geographic area means the area as determined in terms of the Local Government: Municipal Demarcation Act, 1998;
- 1.96 "Victim of Conflict" means a person defined in section 1 of the National Heritage Resources Act 1999, (Act No. 25 of 1999).
- 1.97 "Wind-surfer" means a rudderless device which is fitted with a sail, is propelled on the surface of the sea by the action of the wind and is designed to carry one person and "wind-surfing" and "wind-surf" have a corresponding meaning;
- 1.98 "Communicable disease" means any disease that could be communicated directly or indirectly from any person suffering therefrom or a carrier thereof to any other person.

CHAPTER 2: ANIMALS BIRDS AND DOMESTIC PETS BYLAWS

I. Prohibitions

1.1 No person shall within the municipal area –

- 1.1.1 keep any animal, bird or domestic pet in conditions likely to cause a nuisance or likely to constitute a danger to health; or on premises which the Medical Officer of Health shall have certified as being unfit for such purpose;
- 1.1.2 keep any animal, except a domestic pet or small bird in a cage, in any dwelling house or residential apartment;
- 1.1.3 keep any wild, ferocious or dangerous animal;
- 1.1.4 keep any animal, bird or domestic pet, which by reason of continued howling, crowing or other noise, disturbs the public peace or is a source of nuisance to the neighbourhood;
- 1.1.5 by any means whatsoever wilfully frighten, tease or enrage any animal or domestic pet;
- 1.1.6 keep any dog for which no valid licence is held, unless exempted in terms of these bylaws or for which no valid rabies certificate is held.

1.2 No person shall within any proclaimed township –

- 1.2.1 keep on any premises any livestock without the written consent of the Council, unless such premises are zoned for agricultural purposes;
- 1.2.2 keep live poultry without the written consent of the Council on property in extent less than 4000 square meters;
- 1.2.3 keep any pigeons without the consent of the Council;
- 1.2.4 practice animal husbandry without the written consent of the Council on any premises, unless such premises are zoned for agricultural purposes;
- 1.2.5 without the written consent of the Council, consent keep more than two dogs or more than two cats;
- 1.2.6 keep a dog in season unless such dog is under proper control so as to prevent such dog from being a nuisance to neighbours or the public.

2. Structures Accommodating Animals Or In Which Poultry Is Kept

- 2.1 No structure, which accommodates animals, shall be sited
 - 2.1.1 within 15 meters of any boundary, which abuts a residential erf, or
 - 2.1.2 within 6 meters of any boundary which abuts any road or public place, or
 - 2.1.3 within 4 metres of any dwelling, residential apartment, shop; or any building where food is stored or processed.
- 2.2 No structure in which poultry is kept shall be sited
 - 2.2.1 within 1,5 meters of any boundary that abuts a residential erf, or
 - 2.2.2 within 1,5 meters of any dwelling, residential apartment, shop; or any building where food is stored or processed.
- 2.3 All structures in which animals or poultry is kept shall be suitably screened from any street or public place, to the satisfaction of the Council.
- 2.4 The Council may upon application, considering conditions peculiar to the property concerned, and taking into account any objections that may be received from adjoining neighbours, relax the requirements as to the siting of the structure concerned and impose other conditions deemed appropriate.
- 2.5 No structure in which animals or poultry are kept shall share a common roof space with any habitable room.
- 2.6 All structures erected to accommodate animals; or in which poultry is to be kept shall be built to plans and specifications approved by the Council.

3. General Requirements For The Keeping Of Animals And Poultry On Premises

- 3.1 All manure and other waste resulting from the keeping of animals or poultry shall be stored under shelter in sealed fly proof containers and disposed on a regular basis, such disposal not to include composting on the premises
- 3.2 Premises upon which animals and poultry are kept shall be kept in such a condition as not to attract flies or rodents or to provide harbourage for rodents.
- 3.3 All feeds kept for animals and poultry on the premises shall be kept in a rodent proof place, container or storeroom.
- 3.4 The Council may by notice in writing direct that a fly and rodent proof manure or feed store be constructed on the premises to specifications and of materials stipulated therein.

4. Kennels And Catteries

- 4.1 All kennels and catteries shall be built to plans and specifications approved by the Council and shall provide —
 - 4.1.1 that every dog or cat is kept in a separate enclosure;
 - 4.1.2 that a supply of potable water is provided in or adjacent to every enclosure, adequate for drinking and cleaning purposes;
 - 4.1.3 adequate isolation facilities are provided for dogs and cats that are sick;
- 4.2 The owner or occupier of the premises shall ensure that any kennel or cattery, as the case may be, is at all times kept:
 - 4.2.1 in good order and repair;
 - 4.2.2 thoroughly clean and free of any waste material.

5. Pigeon Lofts And Aviaries

- 5.1 All pigeon lofts and aviaries shall be built to plans and specifications approved by the Council.
- 5.2 The owner or occupiers of the premises shall ensure that any pigeon loft or aviary, as the case may be, is at all times —
 - 5.2.1 kept in good order and repair.
 - 5.2.2 thoroughly clean, free of waste material and clear of vermin.

6. General

- 6.1 Carcasses of animals and, poultry (including domestic pets and birds) shall be disposed of by the owner at the owners expense and in a manner approved by the Council.
- 6.2 No person being the owner or person in charge any animal, shall permit such animals to be on any street or public place, except whilst such is being transported in or on a vehicle ;or, with the prior written consent of the Council and subject to such conditions as may have been imposed by the Council.
- 6.3 No person being the owner or person in charge of a dog shall permit such dog to be on any street or public place, unless such dog is on a leash or harness, or in a park or other open space except where the Council, by notice, has permitted dogs to be at large.
- 6.4 Any animal, including domestic pets found at large may be seized and removed to a place of safety or to the nearest pound.
- 6.5 The owner of any dog of an age of six months or more is required to licence such dog, provided, however that a dog used by a blind person as a guide dog and a dog under the care of the Society for the Prevention of Cruelty to Animals or similar body recognised in writing by the Council shall be exempt from such requirement.

7. Entry And Inspection

The Council though its law enforcement officers shall be entitled upon production of a duly attested municipal identity document to enter into and upon the premises, at reasonable times, to carry out any inspections necessary for the proper administration and enforcement of the provisions of these bylaws.

8. Notices

- 8.1 Where it comes to the notice of the council that a person is in contravention of provisions or provisions of these bylaws, the Council may cause a notice to be served on the person concerned to take such action as may be necessary to comply within a period of time specified therein.
- 8.2 Should the Council' demands, as set out in the notice , not be carried out within the time period specified in the notice, the Council may , without further notice , carry out such actions that may be specified in such notice and recover any costs incurred from the person on whom the notice was served.
- 8.3 Where any notice or other document is required by these bylaws to be served on any person, such notice or document shall be deemed to have been properly served if served personally on the person concerned, or any member of the person's household apparently over the age of 16 years, or at the persons place of residence, or on any person employed by or with him or her at the persons place of business, or if it is posted by registered mail to such persons 'residential or business address as it appears in the records of the municipality, or if such person is a compa-

ny, closed corporation or trust, if served on any person apparently employed by such company, closed corporation or trust at the registered office thereof, or sent by registered mail to such office.

9. Offences

9.1 Any person who —

- 9.1.1 contravenes or fails to comply with any provisions of these bylaws;
 - 9.1.2 contravenes or fails to comply with any requirements set out in a notice served on him or her in terms of these bylaws;
 - 9.1.3 contravenes or fails to comply with any condition imposed in terms of these bylaws;
 - 9.1.4 knowingly makes a false statement in respect of any application in terms of these bylaws,
- shall be guilty of an offence and on conviction liable to a fine or imprisonment as set out below.

9.2 The fines and penalties applicable to offences in terms of these bylaws are —

- 9.2.1 upon conviction of a first offence, the guilty party shall be liable to a fine not exceeding R5000, 00, as adjusted from time to time in terms of the Adjustment of Fines Act 1991, (Act No. 101 of 1991), or in default of payment, to imprisonment for a period not exceeding one month;
- 9.2.2 in the case of a continuing offence, the guilty party shall be liable to a further fine not exceeding R500, 00 as adjusted from time to time in terms of the Adjustment of Fines Act 1991, (Act No. 101 of 1991);
- 9.2.3 upon conviction of a second or subsequent offence, the guilty party shall be liable to a fine not exceeding R10000,00 as adjusted from time to time in terms of the Adjustment of Fines Act 1991, (Act No. 101 of 1991) or in default of payment to imprisonment for a period not exceeding 3 months.

9.3 A Court convicting a person of an offence in terms of these bylaws may impose an alternative sentence in lieu of a fine or imprisonment.

CHAPTER 3: BUSINESSES BYLAWS

1. Definitions

For the purpose of this chapter, unless the context otherwise indicates: —

- 1.1 "Act" means Business Act 1991, any other business licensing law applicable in the Province of KwaZulu-Natal, inclusive of any regulations made in terms thereof

2. Licences Required By Certain Businesses

- 2.1 No person shall, within the municipal area, carry on any business without a valid licence if such business is required to be licensed in terms of the Act or any other applicable legislation.
- 2.2 Every person who is required to hold a licence or licenses in terms of 2.1 above shall comply with every condition or requirements set out in such licence as issued by the appropriate licensing authority.

3. Prohibitions

- 3.1 Any person intending to carry on any permanent business activity within the municipality of Umdoni shall notify the Council in writing his or her intention to commence business, such notification to reach the offices of the municipality at least 14 clear days prior to the intended date of the proposed commencement of the business, advising the Council of the type of business to be conducted and give details of the premises, if any, to be used for the conduct of such business.
- 3.2 No person shall carry on any business in or on any premises unless such activity or use is permitted in terms of the applicable town-planning scheme.
- 3.3 No person shall carry on the business of a street trader except with the written permission of the Council and subject to such conditions as the Council may impose.

4. Street Trading

- 4.1 No person shall carry on the business of a street trader in any road or public place within 30 metres of —
 - 4.1.1 a building owned or occupied by an organ of state, a place of worship or a national monument; or
 - 4.1.2 a building in which business is being carried out in goods mainly the same or similar to the goods being sold by the street trader concerned;
 except to the extent that a notice on the spot permits the carrying on of such street trading.
- 4.2 No street trader shall fail to ensure that any structure, container, surface, or other object used for the preparation, display, storage or transportation of goods is in a good state of repair and in a clean and tidy condition.
- 4.3 Street trading activities may only be conducted between the hours of 07h00 and 19h30, provided, however, that the Council may, upon application, permit individual street traders to conduct business activities outside of these hours which times shall be specified in such permit.
- 4.4 No street trader shall allow any article used in the course of the business concerned to remain on any sidewalk or pedestrian access way outside of authorised street trading hours.
- 4.5 No street trader shall take up a position or place his wares or property on a sidewalk in such a manner that pedestrian traffic is substantially obstructed, nor shall a street trader occupy a demarcated stand or area, unless in possession of a permit authorising his or her occupation of such stand or area.
- 4.6 No street trader shall in any way obstruct free access to any entrance or exit from any building or premises, fire hydrant, pedestrian arcade or mall, loading zone, parking bay, bus or taxi stop, pedestrian crossing or other facility for vehicular or pedestrian traffic, nor shall any street trader obstruct access to or the use of any refuse receptacles, or other facilities designed or provided for use by the public.
- 4.7 No street trader shall fail to keep the area or stand occupied for the purpose of conducting such business in a clean and sanitary condition and free of litter.
- 4.8 Any street trader engaged in cooking or preparing any food shall take all reasonable steps to ensure that no fat, oil or other substance drops, spills or overflows onto the surface of any sidewalk or splashes against any building or sidewalk.
- 4.9 A street trader shall not sleep overnight in any public place, nor erect any structure for the purpose of providing shelter, provided however it shall be lawful a street trader during the authorised hours in which business may be conducted to provide shelter by means of umbrellas or similar devices.
- 4.10 No street trader shall carry on business or take up a position in or on any public place where the Council, by notice on the spot has prohibited such activity.

* Repealed - 5/11/2020
 Refer to Website for
 Bylaws Promulgated on
 5/11/2020