

**POLICY
FOR THE KEEPING OF ANIMALS
AND POULTRY FOR THE CITY OF
CAPE TOWN**

Approved by Special Mayoral Committee :
28 September 2005
SMC 05/09/05

POLICY REGARDING THE KEEPING OF ANIMALS AND POULTRY FOR THE CITY OF CAPE TOWN

PREAMBLE

This policy must be read in conjunction with the City Of Cape Town: Environmental Health By-Law 13333, Part 2, Keeping Of Animals and Poultry as published in Provincial Gazette Extraordinary 6041 dated 30 June 2003.

Permits to keep animals and poultry are not required for any property zoned for agricultural farming or agricultural purposes, where the primary use of the land is for farming with animals and poultry. On all other premises permits are required.

Applications to keep animals must be in writing in the prescribed format and may be considered and resolved by the Director: City Health after consideration of substantiated comments received from abutting and affected neighbours.

DEFINITIONS

Large animals for the purposes of the policy are defined as horse, pony, mule, cattle or any wild or exotic animal of similar or bigger size.

Small animals for the purpose of the policy are defined as pig, sheep, goat, reptile or any wild or exotic animal of similar or smaller size.

Aviary for the purpose of this policy is defined as a large enclosure or building for the keeping birds.

An abutting and affected neighbour, for the purposes of this policy, means a neighbour whose property directly abuts the common boundary of the applicant's premises or which is located opposite or diagonally opposite the applicant's premises.

1. Permits to keep animals are required for one or more small or large animals. The keeping of pigs shall not be permitted in a residential area.
2. Applications for a permit to keep large animals will only be considered on properties of approximately 4000m² in extent or greater and thereafter in respect of larger properties for every additional approximately 2000m² an additional large animal may be kept.
3. Where applications to keep small livestock have been submitted, an area of at least 25m² free space per animal must be provided. The number of small animals that may be kept, will depend on the size of the property concerned and will in any event be restricted to one animal per 25m² free space to a maximum of 5 animals.

4. Where stables / shelters already exist on properties of adequate size in areas zoned for eventual subdivision to plots less than 4000m² in extent, these will be allowed to remain to be used for such purpose, subject to all other conditions enumerated in this statement of policy, and subject to closure if and when the Director: City Health is satisfied that this is in the interest of the abutting neighbours or persons residing in the vicinity of the applicant's property.
5. Permits issued will only be valid for the specific property in respect of which the application was made and will not be transferable. The Director: City Health has the right to withdraw the permit if he/she considers it necessary in the interest of the abutting neighbours or persons residing in the vicinity of the permit holder's property.
6. Where a permit is required, a stable or shelter must be provided. Plans for stables/shelters must be submitted and approved by council's Building Control Officers in accordance with the National Building Regulations and Standards Act 1977, Zoning Regulations and the Environmental Health By-law prior to commencement of any construction thereof. All stables/shelters must be constructed of robust materials, which are aesthetically pleasing and compatible with the norms of the surrounding area.
7. Where a new stable/shelter is permitted its siting shall be such that it will cause no more inconvenience or discomfort to any neighbour than to the owner her/himself. In any event the siting of the stables/shelter shall be to the satisfaction of the Director: Land Use
8. All wet bedding and manure must be removed from the stables/shelters and paddocks on a daily basis and so handled as not to cause a nuisance. A fly proof manure store would be required when six or more large animals are kept. In other cases wet bedding and manure must be bagged in heavy duty plastic bags and stored under shelter pending twice weekly removal from the premises, or for agricultural use after appropriate treatment/composting to the satisfaction of the Director: City Health.
9. An application fee for new applications and for every amendment to the original permit will apply. The fees will be reflected in the Council's annual tariff list.
10. Persons who keep animals of the equine species for the purpose of sustaining a livelihood may be given special permission to keep these animals solely for such purposes subject to a satisfactory report from a recognised animal welfare organization and must submit proof of economic dependence on these animals and must be the sole means of income. Further, the applicant must comply with all health related requirements to the satisfaction of the Director: City Health. Such an application will be exempt from any fee. Such permission will not be transferable from premises to premises or from person to person.
11. Registered Institutions and non profit organizations providing a specialised service to the community may apply for exemption of the registration fee. (ie. SA Riding for Disabled etc.)

Keeping of Poultry

12. Permits to keep poultry are required for the following: The keeping of birds in aviaries; Pigeon Lofts and Poultry Houses and free-range poultry where more than 5 (five) hens are kept. No poultry that are likely to cause a noise nuisance will be permitted. This includes roosters, geese, turkeys and peacocks.
13. Plans for poultry houses/aviaries/lofts must be submitted and approved by council's Building Control Officers in accordance with the National Building Regulations and Standards Act 1977; Zoning Regulations and the Environmental Health By-law prior to commencement of any construction thereof. The poultry house/aviary/loft must be constructed of suitable robust materials which are aesthetically pleasing and compatible with the norms of the surrounding area.
14. The floor of any poultry house/ aviary must be of concrete and where any loft or aviary is raised off the ground the underside thereof must be of concrete and must not be used for breeding purposes.
15. Any poultry house must provide at least 0,36m² per hen and any aviary or loft must consist of at least 0,18m² per bird.
16. Only 12 chicken hens of the larger type of poultry may be kept on a premises when the hens are confined to a henhouse and poultry run; or five hens when they are permitted to free-range. Should an applicant require keeping more than 12 hens a fully substantiated application must be submitted for consideration.
17. An application fee for new applications to keep birds and poultry and for every amendment to the original permit will apply. The fees will be reflected in the Council's annual tariff list.

Any person who wishes to keep animals or poultry under circumstances that do not comply with the policy may apply for an exemption and submit substantiated reasons as to why an exemption should be considered by the Director: City Health.

This policy replaces all previous policies dealing with the keeping of animals and poultry.

SUMMARY OF THE COMMENTS RECEIVED FROM THE 11 SUB-COUNCILS AND THE 2 WARD COMMITTEES.

Since the By-law has been delegated to the Director: City Health, it is not required that the Ward Councillor make any recommendation/s.
The Policy dictates to the delegatee (Director: City Health) how to exercise his powers.
The fees should be agreed upon by the Finance Portfolio Committee and be reflected in the tariffs of the Council and not in the policy.
Agricultural land used primarily for farming activity should be exempted from a permit.
Registration fee too high for some applicants.
Various needs of the Communities should be considered
Comprehensive public participation process needs to be followed
Abutting and affected neighbours are all affected as animals walk around all over the neighbourhood.
Aviaries and pigeon lofts. Mention the maximum number of pigeons that may be kept.
More chickens to be allowed.
Policing and enforcement. How will it be done?
Make land available for communal and traditional livestock owners