

**STANDARD BY-LAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND
POULTRY AND BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS,
POULTRY OR PETS**

The Municipal Manager hereby publishes in terms of The Municipal Systems Act, Act No. 32 of 2000, the by-laws as set forth hereafter, which have been approved by the Council in terms of Section 13 of the said Act. -

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CHAPTER 1

GENERAL

DEFINITIONS

1. In these by-laws, unless the context otherwise indicates: -
 - “**adequate**” means adequate in the opinion of the council;
 - “**animal**” means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, cat and dog;
 - “**approved**” means approved by the health officer regard being held had to the reasonable public health requirements of the particular case;
 - “**aviary**” means a roofed or unroofed enclosure used for the keeping of birds, other than a portable cage;
 - “**battery system**” means the method of keeping poultry or rabbits in cages in either single rows or tier formation within a building or structure;
 - “**bird**” means a feathered vertebrate other than poultry;
 - “**cattery**” means premises in or upon which boarding facilities for cats are provided or cats are kept and bred for commercial purposes;
 - “**council**” means the city council, town council, village council or health committee established in terms of the Local Government Ordinance, 1939, or the Transvaal Board for the Development of Peri-Urban Areas established in terms of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943, which has adopted these by-laws in terms of the Local Government Ordinance, 1939, and includes the management committee of such council or any officer employed by such council, acting by virtue of any power vested in such council in connection with these by-laws and delegated to him in terms of section 58 of the Local Government (Administration and Elections) Ordinance, 1960, or section 21bis of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943;
 - “**dwelling**” means any building or part thereof used for human habitation;
 - “**enclosure**” in relation to animals, means any kraal, pen, paddock or other such fenced or enclosed area used for accommodating, keeping or exercising animals;
 - “**hawk**” means the activity licensed in terms of item 41 of Schedule 1 to the Licences Ordinance, 1974 (Ordinance 19 of 1974), and “**hawker**” means any person carrying on such activity;
 - “**health officer**” means a medical officer of health appointed in terms of section 22 or 25 of the Health Act, 1977 (Act 63 of 1977), and includes a health inspector appointed by a local authority in terms of section 24 of that Act;

“kennels” means premises in or upon which: -

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

“livestock” means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;

“nuisance” means a nuisance as defined in the Health Act, 1977 (Act 63 of 1977);

“permit holder” means the person to whom a permit has been issued by the health officer in terms of these by-laws;

“person in control” means the person actually managing or actually in control of a premises or a business;

“pet” means any domestic or other animal which may be lawfully kept as a pet and includes and bird and non-poisonous reptile;

“pet salon” means any premises in or upon which beauty treatment is given to dogs or cats by washing, drying, brushing, clipping, trimming or by attending to their nails or teeth;

“pet shop” means the business of keeping and selling pets on premises licensed for that purpose under the Licences Ordinance, 1974 (Ordinance 19 of 1974);

“pigsty” means a building, structure or enclosure in which pigs are kept;

“poultry” means fowls, ducks, muscovy ducks, geese, turkeys, peafowls and domestic guinea-fowls;

“poultry house” means any roofed-over building or structure, other than one in which a battery system is operated, in which poultry is kept;

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

“premises” means any land, building or structure or any portion of land, building or structure on or in which any of the activities regulated by these by-laws are carried on;

“public place” means any road, street, pavement, sidewalk, park or other place to which the public has authorised and unimpeded access;

“rabbit hutch” means any roofed-over building or structure, other than one in which a battery system is operated, in which rabbits are kept;

“rabbit run” means any unroofed wire mesh or other enclosure, whether or not in addition to a rabbit hutch, in which rabbits are kept;

“stable” means any building or structure or any part thereof used for accommodating or keeping any cattle, horses, mules or donkeys.

APPLICATION OF BY-LAWS

2. (1) The provisions of these by-laws shall not apply to: -
- (a) the keeping of cows for commercial milk production;
 - (b) any agricultural show where animals, poultry or birds are kept on a temporary basis;
 - (c) any laboratory where animals, poultry or birds are kept for research purposes:

Provided that the health officer may, if he is satisfied that the application of one or more provisions of these by-laws is essential in the interest of public health, by notice to the person concerned require such provision be complied with.

- (2) The provisions of sections 4(a),5, 10(b) and 11(e) and (f) shall not apply to the temporary keeping of a goat on any land for the provision of milk for medical reasons, provided the prior approval of the health officer is obtained and no nuisance arises from the keeping of such goat.
- (3) The provisions of section 3, 4(a), 6, 8, 10, 12, 14, 16, 18, 19 and 21 shall apply only to premises which are newly constructed, re-constructed or converted after the commencement of these by-laws: Provided that the health officer may, if he is satisfied that the application of any one or more of the said requirements is essential in the interests of public health, give notice in writing to the owner or person in control of such premises, to comply with such requirements as he may specify and within a reasonable period stated in the notice.
- (4) The provisions of sections 12(d), (f) and (g) and 13(d) to (h) inclusive, shall not apply to the keeping of poultry not in excess of ten in number.
- (5) The provisions of sections 14(c) and (e) and 15(d) to (h) inclusive, shall not apply to the keeping of rabbits not in excess of ten in number.

PREMISES FOR THE KEEPING OF LIVESTOCK AND KENNELS

3. No person shall: -
- (a) keep any livestock, other than poultry, or maintain kennels within any area defined by the council as unsuitable for the keeping of livestock and the maintenance of kennels: Provided that the foregoing shall not apply in respect of a veterinary clinic or veterinary hospital operating with the council's consent;
 - (b) keep any livestock, other than poultry, on premises situated on land less than 1 ha in extent: Provided that in the case of a dealer or speculator in livestock the land shall not be less than 2,5 ha in extent.

KEEPING OF ANIMALS, POULTRY AND BIRDS

4. No person shall keep any animal, poultry or bird in or upon any premises: -
- (a) which does not comply with the provisions of these by-laws;
 - (b) which are so constructed, maintained or situated that the keeping of animals, poultry or birds thereon is, in the opinion of the health officer, likely to cause a nuisance or injury to health as contemplated in section 80(7) (c) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939).

PERMITS FOR KEEPING OF ANIMALS AND POULTRY

5. (1) No person shall: -
- (a) keep any animal, other than a cat, dog or more than ten rabbits or poultry in excess of twenty, unless he is the holder of a permit issued by the health officer in the form set out in the Schedule 1 hereto: Provided that such permit shall not be required for the keeping of any animal or poultry in connection with the business of a pet shop;
 - (b) keep any animal or poultry in excess of the number specified in such permit: Provided that progeny of any mammal still suckling, shall not be taken into account.
 - (c) No person shall keep or allow to be kept more than 100 poultry in number on an agricultural holding: Provided that the health officer may if he is of the opinion that a nuisance or danger is not likely to be constituted to the public health, on written application by the owner, grant such an owner a permit to keep more than the maximum poultry in number: Provided further that the provisions of this section shall not be applicable to a *bona fide* poultry farmer.
- (2) Application for such a permit shall be made to the health officer in the form set out in Schedule 2 hereto.
- (3) A permit shall not be transferable and shall expire on the date on which the permit holder ceases to keep the animals or poultry for which the permit was issued.
- (4) A permit holder shall in writing notify the health officer if he ceases to keep the animals or poultry in respect of which a permit was issued or of any increase in the number of animals or poultry kept in excess of the number specified in the permit concerned, within ten days of any such occurrence.
- (5) The council may cancel a permit issued in terms of subsection (1)(a), if: -
- (a) the construction or maintenance of the premises concerned at any time does not comply with any provision of these by-laws, or the permit holder, contravenes, or fails to comply with any such provision, and the permit holder fails to comply with a written notice from the health officer requiring him to make such premises comply with the by-laws or to cease such contravention or failure within a period specified in such notice;
 - (b) any disease, which in the opinion of the health officer or a veterinarian, is of such a nature that it is likely to constitute a danger to the public health or to other animals or poultry, breaks out amongst the animals or poultry kept under such permit;
 - (c) the permit holder or person in control of the premises at the time, personally or through his employee obstructs the health officer in his execution of his duties under these by-laws;
 - (d) the permit holder has been found guilty in a competent court of a contravention of these by-laws;
 - (e) in the opinion of the health officer, a public nuisance exists due to the keeping of the animals.

- (6) The health officer shall as soon as a permit has been cancelled, notify the permit holder of that fact in writing.
- (7) The health officer may, subject to the foregoing provisions of this section, issue a new permit if he is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

CHAPTER II

KEEPING OF CATTLE, HORSES, MULES AND DONKEYS

REQUIREMENTS FOR PREMISES

6. For the keeping of any cattle, horse, mule or donkey a stable or enclosure complying with the following requirements, shall be provided:
 - (a) Every wall and partition of the stable shall be constructed of brick, stone, concrete or other durable material.
 - (b) The internal wall surfaces of the stable shall be of smooth brick or other durable surface brought to a smooth finish.
 - (c) The height of the walls to the wall plates of the stable shall be: -
 - (i) 2,4 m in the case of pitched roof;
 - (ii) 2,7 m in the case of a flat roof;
 - (iii) a mean height of 3 m with a minimum of 2,4 m on the one side, in the case of a lean to roof;
 - (iv) not less than 2 m in the case of a stable which has an opening along the entire length of one of it's long sides:
 - (d) The stable shall have a floor area of at least 9 m² for each head of cattle, horse, mule or donkey to be accommodated therein.
 - (e)
 - (i) Except in the case of a stable open along the entire length of one of it's long sides, lighting and ventilation shall be provided by openings or glazed opening windows or louvres totalling at least 0,3 m² for each animal to be accommodated therein.
 - (f) The floor of the stable shall be constructed of concrete or other durable and impervious material brought to a smooth finish, graded to a channel and drained in terms of section 25.
 - (g) Any enclosure shall have an area of at least 10 m² for each head of cattle, horse, mule or donkey to be accommodated therein and the fencing shall be of such substantial material so constructed as to prevent such animals from breaking out.
 - (h) No enclosure shall be situated within 100 m and no stable shall be situated less than 15 m of any boundary of any land, dwelling or other building or structure used for human habitation or within 50 m of any well, water course or other source of water supply intended or used for human consumption.
 - (i) A portable water supply adequate for drinking and cleaning purposes, shall be provided in or adjacent to every stable or enclosure.

DUTIES OF KEEPER OF CATTLE, HORSES, MULES AND DONKEYS

7. Every person keeping any cattle, horse, mule or donkey shall: -
- (a) ensure that any such animal is kept within a stable or enclosure;
 - (b) maintain the premises, any equipment, apparatus, container and receptacle used in connection with such keeping in a clean and sanitary condition and in good repair;
 - (c)
 - (i) provide portable manure storage receptacles of an impervious material and with close fitting lids;
 - (ii) every such receptacle shall be kept on a platform constructed of concrete or other durable and impervious material and situated adjacent to the stable or enclosure and so as to comply *mutatis mutandis* with the provisions of section 6(h);
 - (d) if the manure and bedding is of such quantity that storage receptacles are inadequate or impractical, provide a manure midden complying with the following requirements:
 - (i) The midden shall be enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish and coved at the junctions with the floor.
 - (ii) The floor shall be of concrete brought to a smooth finish and graded and drained to a water channel at least 150 mm in diameter along the full length of the open side, which channel shall be kept filled with water;
 - (e) remove all the manure from the stable and enclosure at least once every 2 hours and place it in the manure storage receptacles or midden pending removal from the premises;
 - (f) remove the contents of the manure storage receptacles or midden from the premises at least once every second day and dispose thereof in a manner which will not create a nuisance;
 - (g) remove all bedding from the stable at least once a week and store it in the manure receptacles or midden pending removal from the premises;
 - (h) store all saddles, bridles, harnesses and other equipment or articles used in the keeping of such animals, in a storeroom or other storage facilities approved by the council;
 - (i) provide a rodent proof storeroom in which all feed shall be stored and a number of rodent proof receptacles with close fitting lids in such storeroom in which all loose feed shall be stored;
 - (j) take effective measures for the prevention of harbouring or breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

CHAPTER III

KEEPING OF PIGS

REQUIREMENTS OF PREMISES

8. (1) For the keeping of pigs, a pigsty complying with the following requirements shall be provided:

- (a) Every wall shall be constructed of brick, stone, concrete or other durable material not less than 1,5 m in height and shall have a smooth internal surface.
 - (b) The pigsty shall have a floor area of at least 3 m² for each pig to be accommodated therein, with an overall minimum floor area of 6 m².
 - (c) A roof provided over any portion of a pigsty shall be at a height of not less than 1,5 m from ground level at it's lowest point in the pigsty and, except in the case of a roofed structure having one of it's long sides completely open, lighting and ventilation openings situated in opposite external walls of at least 0,15 m² for each pig accommodated or other adequate means of ventilation and lighting shall be provided.
 - (d) The junction between the walls and floor shall be coved.
 - (e) The floor shall be at least 150 mm above the surrounding ground level, constructed of concrete or other durable and impervious material brought to a smooth finish, graded for the run-off of liquids into an open channel outside the pigsty, constructed of concrete, glazed earthenware, or other durable and impervious material, measuring not less than 100 mm in diameter and drained in terms of section 25.
 - (f) The pigsty shall be so constructed as to prevent the pigs therein from breaking out.
 - (g) No pigsty shall be situated within 100 m of any dwelling or other building or structure used for human habitation or of the boundary of any land or of any well, water course or other source of water supply intended or used for human consumption.
- (2) (a) A roofed over concrete platform shall be provided for the storage of all swill in containers and for the preparation of pig feed and it shall be so situated as to comply *mutatis mutandis* with the provisions of subsection (1)(g).
 - (b) Such platform shall have a curbing of at least 100 mm high on al of it's sides and the surface of the platform shall be brought to a smooth impervious finish and graded to a channel drained in terms of section 25.
- (3) A potable water supply adequate for drinking and cleansing purposes shall be provided in or adjacent to the pigsty.

DUTIES OF KEEPER OF PIGS

9. Every person keeping pigs shall: -

- (a) ensure that every pig is kept within a pigsty;
- (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping, in a clean and sanitary condition and in good repair;
- (c) (i) provide portable manure storage receptacles of impervious material and with close fitting lids;

- (ii) every such receptacle shall be kept on a platform constructed of concrete or other durable and impervious material adjacent to the pigsty and so as to comply *mutatis mutandis* with the provisions of section 8(1)(g);
- (d) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles;
- (e) remove the contents of the manure storage receptacles from the premises at least once every second day and dispose thereof in a manner which will not create a nuisance;
- (f) provide a rodent proof storeroom in which all feed, other than swill, shall be stored and a number of rodent proof receptacles with close fitting lids in such storeroom in which all loose feed shall be stored;
- (g) take effective measures for the prevention of harbouring or breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

CHAPTER IV

KEEPING OF GOATS AND SHEEP

REQUIREMENTS FOR PREMISES

10. For the keeping of any goat or sheep, premises complying with the following requirements shall be provided;
 - (a) An enclosure with an area of at least 1,5 m² for every goat or sheep to be accommodated therein with an overall minimum floor area of 30 m².
 - (b) If a building or shed is provided for such keeping, it shall comply with the following requirements:
 - (i) Every wall thereof shall be constructed of brick, stone, concrete or other durable material not less than 2 m in height and shall have a smooth internal finish.
 - (v) The floor shall be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel drained in terms of section 25.
 - (vi) The floor area shall be at least 1,5 m² for every goat or sheep to be accommodated therein with an overall minimum floor area of 6 m².
 - (vii) Lighting and ventilation openings totalling at least 0,15 m² per goat or sheep to be kept in the building or shed.
 - (c) No building or shed shall be situated within 15 m and no enclosure within 100 m of any boundary of any land, dwelling or any other building or structure used for human habitation or within 50 m of any well, water course or other source of water supply intended or used for human consumption.
 - (d) A potable water supply adequate for drinking and cleaning purposes shall be provided in or adjacent to every stable or enclosure.

DUTIES OF KEEPER OF GOATS AND SHEEP

11. Every person keeping any goat or sheep shall: -
- (a) ensure that every such animal is kept within an enclosure, building or shed;
 - (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping in a clean and sanitary condition and in good repair;
 - (c) provide portable manure storage receptacles of an impervious material and with close fitting lids;
 - (d) remove all manure from the enclosure, building or shed at least once every 7 days and place it in the manure storage receptacles;
 - (e) remove the contents of the manure storage receptacles from the premises at least once every 7 days and dispose thereof in a manner in which will not create a nuisance;
 - (f) provide a rodent proof storeroom in which all feed shall be stored and a number of rodent proof receptacles, with close fitting lids in such storeroom in which all loose feed shall be stored;
 - (g) take effective measures for the prevention of harbouring and breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

CHAPTER V

KEEPING OF POULTRY

REQUIREMENTS FOR PREMISES

12. For the keeping of poultry, premises complying with the following requirements shall be provided:
- (a) A poultry house complying with the following requirements:
 - (i) Every wall thereof shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface.
 - (ii) The floor shall be constructed of concrete or other durable and impervious material brought to a smooth finish.
 - (iii) The upper floors of the structure of two or more tiers shall be of an impervious and easily cleaned material.
 - (iv) It shall have an area of at least 0,2 m² for each grown fowl, duck, muscovy duck or guinea fowl, 0,5 m² for each grown goose, turkey, peafowl to be accommodated therein, with a minimum aggregate area of 4 m².
 - (b) A poultry run, if provided, shall be enclosed with wire mesh or other durable material.
 - (c) If a battery system is to be operated, a building or structure in which such system shall be housed, constructed and equipped in accordance with the following requirements, shall be provided:
 - (i) Every wall, if provided, shall be at least 2,4 m high, and shall be constructed of concrete, stone, brick or other durable material and shall have a smooth internal surface.

- (ii) If walls are provided, the building shall be ventilated and lighted by means of mechanical, ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area equal to not less than 15 % of the floor area of the building.
 - (iii) The floor shall be constructed of concrete or other durable and impervious material brought to a smooth finish, and if required by the health officer, the floor surface shall be graded and drained by means of a channel drained in terms of section 25.
 - (iv) If no walls are provided, or the walls are of metal, the floor shall be provided with a curb at least 150 mm high around it's extremities.
 - (v) Every junction between the floor and walls and curbing shall be coved.
 - (vi) The cages of the battery system shall be constructed of an impervious material.
 - (vii) If required by the health officer, a tray of an impervious material and design shall be fitted under every cage for the collection of manure.
 - (viii) A wash hand basin with a constant supply of water laid on shall be provided and drained in terms of section 25.
- (d) A potable water supply adequate for drinking and cleaning purposes shall be provided in or adjacent to the battery system building or structure or poultry house.
- (e) (i) A rodent proof storeroom shall be provided for the storage of feed, the floor area of which shall not be less than 7 m², the width not less than 2,2 m and the height not less than 2,4 m.
- (ii) If the health officer is satisfied that, having regard to the number of poultry being kept a storeroom of dimensions less than the minimum dimensions required in terms of subparagraph (I) or that other storage facilities are suitable, he may permit such smaller storeroom or other storage facilities.
- (iii) A curbed concrete washing platform or stainless steel trough with draining board and with a constant supply of water laid on, shall be provided if required by the health officer, within or adjacent to such building or structure for the cleaning and disinfection of cages. The washing platform and trough shall be drained in terms of section 25.
- (f) (i) If required by the health officer, with due regard to the quantity of manure to be stored pending removal from the premises, a storage area comprising a roofed over platform constructed of concrete or other durable and impervious material, with a curb at least 1000 mm high around it's extremities and graded and drained in terms of section 25, shall be provided.
- (ii) The roof over such platform shall extend 1 m beyond the extremities of the platform.

13. Every person keeping poultry shall: -

- (a) ensure that all poultry is kept within the poultry house, poultry run or building or structure housing a battery system;

- (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping in a clean, sanitary condition and in good repair;
- (c) maintain the premises free from offensive odours and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from vermin;
- (d) ensure that such poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;
- (e)
 - (i) provide portable manure storage receptacles of an impervious material and with close fitting lids;
 - (ii) keep such receptacle on a platform constructed of concrete or other durable and impervious material adjacent to the poultry house, poultry run or building or structure housing a battery system.
- (f)
 - (i) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every 4 days or at such longer intervals approved by the health officer from a building or structure housing a battery system, regard being had to the prevention of a public health nuisance caused by offensive smell, and
 - (ii) place the manure and other waste matter in the manure storage receptacles;
- (f) remove the contents of the manure storage receptacles from the premises at least once every 7 days and dispose thereof in a manner which will not create a nuisance;
- (g) not store any material or article in any poultry house, poultry run or building or structure housing a battery system, except material or an article which is required for use in such house, run, building or structure;
- (h) provide within the storeroom required in terms of section 12(f), a number of rodent proof receptacles with close fitting lids in which all loose feed shall be stored;
- (i) take effective measures for the prevention of harbouring and breeding, and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of poultry on the premises.

CHAPTER VI

KEEPING OF RABBITS

REQUIREMENTS FOR PREMISES

- 14. For the keeping of rabbits premises complying with the following requirements shall be provided:
 - (a) A rabbit hutch complying with the following requirements:
 - (i) Every wall thereof shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface.

- (ii) The floor surface which shall be at least 150 mm above ground level shall be constructed of concrete or other durable and impervious material brought to a smooth finish and, if required by the health officer, the floor shall be graded to a channel drained in terms of section 25.
 - (iii) Natural light and ventilation shall be provided.
 - (iv) It shall have a minimum area of 0,4 m² for every rabbit to be accommodated therein.
 - (v) A rabbit run, if provided, shall be enclosed the wire mesh or other durable material and constructed so as to prevent the escape of rabbits from the run.
- (b) If a battery system is to be operated, a building or structure in which such system shall be housed, constructed and equipped in accordance with the following requirements shall be provided:
- (i) Every wall, if provided, shall be at least 2,4 m high, shall be constructed of concrete, stone, brick or other durable material and shall have a smooth internal surface.
 - (ii) If walls are provided, the building shall be ventilated and lighted by means of natural openings or windows of an area equal to not less than 15 % of the floor area of the building.
 - (iii) The floor shall be constructed of concrete or other durable and impervious material brought to a smooth finish, and if required by the health officer, the floor surface shall be graded to a channel drained in terms of section 25.
 - (iv) If no walls are provided, on the walls are of metal, the floor shall be provided with a curb at least 150 mm high around it's extremities.
 - (v) Every junction between the floor and the walls and curbing shall be coved.
 - (vi) The cages of the battery system shall be constructed of impervious material and fitted with trays of an impervious material under every cage for the reception of urine.
 - (vii) A wash hand basin with a constant supply of water laid on shall be provided and drained in terms of section 25.
- (c) A potable water supply adequate for drinking and cleaning purposes shall be provided in or adjacent to the battery system building or structure or the rabbit hutch.
- (d) There shall be at least 5 m of clear unobstructed space between a rabbit hutch, rabbit run, or building or structure housing a battery system, and the nearest point of any dwelling, or other building or structure used for human habitation or place where foodstuffs are stored or prepared for human consumption and the nearest boundary of any land.
- (e) (i) A rodent proof storeroom shall be provided for the storage of feed, the floor area of which shall be not less than 7 m², the width not less than 2,2 m and the height not less than 2,4 m.

- (ii) If the health officer is satisfied that, having regard to the number of rabbits being kept, a storeroom of dimensions less than the minimum dimensions required in terms of sub paragraph (l) or other storage facilities are suitable, he may permit such smaller storeroom or other storage facilities.
- (iii) A curbed concrete washing platform or a stainless steel trough with draining board and with a constant supply of water laid on, within or adjacent to such building or structure for the cleaning and disinfection of cages. The washing platform and trough shall be drained in terms of section 25.

DUTIES OF KEEPER OF RABBITS

15. Every person keeping rabbits shall: -

- (a) ensure that all rabbits are kept within the rabbit hutch, rabbit run or building or structure housing a battery system;
- (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping, in a clean, sanitary condition and in good repair;
- (c) maintain the premises free from offensive odours and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from vermin;
- (d)
 - (i) provide portable manure storage receptacles of an impervious material with close fitting lids;
 - (ii) every such receptacle shall be kept on a platform constructed of concrete or other durable and impervious material adjacent to the rabbit run or building or structure housing the battery system and so as to comply *mutatis mutandis* with the provisions of section 14(d);
- (e) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system at least once every 48 hours and place it in the manure storage receptacles.
- (f) remove the contents of the manure storage receptacles from the premises at least once every 7 days and dispose thereof in a manner, which will not create a nuisance.
- (g) not store any material or article in any rabbit hutch, rabbit run or building or structure housing a battery system, except material or an article which is required for use in such house, run or building or structure:
- (h) provide within the storeroom required in terms of section 14(e) a number of rodent proof receptacles with close fitting lids in which all loose feed shall be stored;
- (i) take effective measures for the prevention of harbouring and breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of rabbits on the premises.

CHAPTER VII

KEEPING OF BIRDS

REQUIREMENTS FOR PREMISES

16. For the keeping of birds in an aviary, premises complying with the following requirements shall be provided:
- (a) The aviary shall be properly constructed of durable materials, rodent proof and provided with access thereto adequate for cleaning purposes.
 - (b) If the aviary is constructed above ground level, the base thereof shall be constructed of an impervious and durable material and shall not be less than 300 mm above ground level.
 - (c) A potable supply of water shall be provided adequate for drinking and cleaning purposes.

DUTIES OF KEEPER OF BIRDS

17. Every person who keeps birds in an aviary shall: -
- (a) ensure that the aviary and the premises are kept in a clean condition and free from vermin;
 - (b) provide rodent proof facilities for the storage of bird food and keep such food therein;
 - (c) take effective measures for the prevention of harbouring and breeding and for the destruction of flies, cockroaches, rodents and other vermin;
 - (d) ensure that such birds do not disturb or hinder the comfort, convenience, peace or quiet of the public.

CHAPTER VIII

DEALER IN LIVESTOCK AND OTHER BUSINESSES INVOLVING THE KEEPING OF ANIMALS OR POULTRY

REQUIREMENTS FOR CONDUCTING BUSINESS

18. (1) Every person conducting the business of a dealer or speculator in livestock or other business involving the keeping of animals or poultry, other than a pet shop, shall comply with the requirements of subsections (2) and (3).
- (2) (a) Subject to the provisions of section 21, the requirements of sections 2 to 15 inclusive, shall be complied with in so far as those provisions are applicable to the animals or poultry kept.
- (b) An enclosure with an area of at least 10 m² per head of cattle, horse, mule or donkey and 1,5 m² per goat or sheep to be accommodated therein at any time with an overall minimum area of 50 m² shall be provided.
- (c) (i) A separate changeroom, clearly designated, shall be provided for every sex if more than three non-resident persons of the sex are employed in the keeping of animals or poultry.

- (ii) Every such changeroom shall have a floor area of at least 0,5 m² per employee, subject to an overall minimum area of 6,5 m² and a minimum width of 2,1 m.
 - (iii) Every such changeroom shall be equipped with a metal clothes locker for the keeping of personal clothing of each employee.
 - (iv) For each employee for whom no changeroom is required in terms of subparagraph (i), a metal clothes locker shall be provided.
 - (d)
 - (i) One wash hand basin and one shower-bath shall be provided for every 15 person, or part of that number, employed.
 - (ii) Every wash hand basin and shower-bath shall be located within or adjacent to the changerooms, shall have a constant supply of hot and cold running water laid on and be drained in terms of section 25.
 - (e) Soap and towelling shall be provided at the wash hand basin and shower-bath.
 - (f) Overalls or other protective clothing and, if required by the health officer, protective footwear shall be provided for the use of persons employed in the keeping of animals or poultry.
- (3) In respect of employees resident on or at the premises: -
- (a) sleeping accommodation equipped with a bed for each such employee shall be provided;
 - (b)
 - (i) ablution facilities comprising one wash hand basin and one shower-bath or bath, separate for the sexes and clearly designated, shall be provided for every 10 persons or part of that number of a particular sex employed;
 - (ii) every wash hand basin, shower-bath or bath shall have a constant supply of hot and cold running water laid on and be drained in terms of section 25;
 - (c)
 - (i) cooking facilities and a scullery for the cleaning of cooking and eating utensils shall be provided;
 - (ii) the scullery shall be fitted with a double bowled sink of stainless steel with a constant supply of hot and cold running water laid on and drained in terms of section 25;
 - (iii) every bowl of the sink shall have a minimum capacity of 55 Litre be fitted with a 150 mm high splash screen on the side nearest the wall and be positioned at least 100 mm away from any wall surface;
 - (e) laundry facilities consisting of a stainless steel laundry trough with a constant supply of hot and cold running water laid on and drained in terms of section 25, shall be provided;;
 - (f) a locker or other approved facilities shall be provided in the room where the cooking facilities are situated for the storage of non-perishable food of each employee.

CHAPTER IX

DOG KENNELS AND CATTERIES

REQUIREMENTS FOR PREMISES

19. (1) No person shall maintain kennels or a cattery, unless the requirements of subsections (2) to (12), inclusive are complied with.
- (2) Every dog or cat shall be kept in an enclosure complying with the following requirements:
 - (a) It shall be constructed of durable materials and shall have access thereto adequate for cleaning purposes.
 - (b) The floor shall be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending the full width of the floor and situated within the enclosure, which channel shall be graded and drained into a gully connected to the council's sewer by means of an earthenware pipe 100 mm in diameter.
 - (c) A curb 150 mm high shall be provided along the entire length of the channel referred to in paragraph (b) and on the side thereof adjacent to the surrounding outside area to prevent stormwater from such area from entering the channel.
- (3) Every enclosure referred to in subsection (2), shall contain a roofed shelter for the accommodation of dogs or cats complying with the following requirements:
 - (a) Every wall shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface without cracks or open joints.
 - (b) The floor shall be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints and every junction between the floor and the walls of a permanent structure shall be covered.
 - (c) Every shelter shall have adequate access thereto for cleaning and de-verminising.
- (4) In the case of dogs, a dog kennel of moulded asbestos or other similar material, which is movable, and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter contemplated in subsection (2) and if the base of such kennel is not rendered water-proof, a sleeping board which will enable the dog to keep dry, shall be provided in every such kennel.
- (5) A concrete apron extending at least 1 m wide around the extremities of the enclosure shall be provided, which apron shall be graded and drained for the draining of stormwater away from the enclosure.
- (6) A potable water supply shall be provided in or adjacent to the enclosure adequate for drinking and cleaning purposes.
- (7) (a) If required by the health officer, a separate room or roofed area with

a floor area of not less than 6,5 m², a width of not less than 2,1 m and a height of not less than 2,4 m shall be provided for the preparation of food.

- (b) The floor of the room or roofed area shall be of concrete or other durable and impervious material brought to a smooth finish.
 - (c) The internal wall surfaces of the room or roofed area shall be smooth plastered and painted with a light coloured washable point.
 - (d) The room or roofed area shall be equipped with preparation tables of metal manufacture and a double bowled stainless steel sink with a constant supply of hot and cold water laid on and drained in terms of section 25.
 - (e) Every bowl of the sink shall have a minimum depth of 225 mm and a minimum capacity of 55 Litres.
- (8) A rodent proof storeroom shall be provided for the storage of food the floor area of which shall not be less than 6.5 m² and the width not less than 2,1 m: Provided that if the health officer is satisfied that, having regard to the number of dogs or cats being kept on the premises, a storeroom of smaller dimensions than the minimum dimensions required or other storage facilities would be adequate, he may permit a smaller storeroom or other storage facilities as he deems fit.
- (9) At least 5 m of clear unobstructed space shall be provided between the shelter or enclosure and the nearest point of any dwelling, other building or structure used for human habitation or place where food is stored or prepared for human consumption, or the boundary of any land.
- (10) Isolation facilities shall be provided for sick dogs or cats.
- (11) If washing, clipping or grooming of pets is done, the following facilities shall be provided:
- (a) A bathroom with a minimum floor area of 9 m², a width of not less than 2,1 m fitted with a bath or similar approved fitting and wash hand basin with a constant supply of hot and cold running water laid on.
 - (b) A clipping and grooming room with a minimum floor area of 10 m², a width of not less than 2.1 m and fitted with approved impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids for the storage of cut hair pending removal.
 - (c) The rooms referred to in paragraphs (a) and (b) shall be laid out in such a manner so as to provide an unobstructed floor area of at least 30 %.
 - (d) The floors of the rooms referred to in paragraphs (a) and (b) shall be constructed of concrete or other durable and impervious material, brought to a smooth finish, graded to a channel drained in terms of section 25.
 - (e) Every junction between the floor and walls of such room shall be coved and the coving shall have a minimum radius of 75 mm.
 - (f) Every internal wall surface shall be smooth plastered and painted in a light coloured washable paint.

- (12) If cages are provided for the keeping of cats, such cages shall be of durable impervious material and constructed so as to be easily cleaned.

DUTIES OF PERSON IN CONTROL OF KENNELS OR CATTERIES

20. Any person in control of kennels or a cattery shall: -
- (a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
 - (b)
 - (i) provide portable storage receptacles of an impervious material with close fitting lids for the storage of dog and cat faeces;
 - (ii) every such receptacle shall be kept on a platform constructed of concrete or other durable and impervious material adjacent to the enclosures;
 - (c) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in paragraph (b);
 - (d) remove the contents of the storage receptacles from the premises at least twice every 7 days and dispose thereof in a manner which will not create a nuisance;
 - (e) store all loose food in receptacles with close fitting lids within the food store;
 - (f) provide refrigeration facilities in which all perishable food shall be stored at a temperature not higher than 10°C;
 - (g) take effective measures for the prevention of harbouring or breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of dogs or cats;
 - (h) provide refuse receptacles with close fitting lids in the food preparation room or roofed area required in terms of section 19(7);
 - (i) keep any sick dog or cat in the isolation facilities required in terms of section 19(10), whilst on the premises;
 - (j) ensure that dogs and cats kept on the premises do not disturb or hinder the comfort, convenience, peace or quiet of the public.

CHAPTER X

PET SHOPS AND PET SALONS

REQUIREMENTS FOR PREMISES

21. No person shall conduct a business of a pet shop or pet salon in or upon any premises:-
- (a) in which there is direct internal access with any room or place used for human habitation or in which clothing is stored or sold or food for human consumption is prepared, stored, sold or consumed;
 - (b) unless the premises are constructed and equipped in accordance with the following requirements:

- (i) Every wall including any partition of any building to be constructed of brick, concrete or other durable material, shall have a smooth internal surface and painted with a light coloured washable paint or given some other approved finish.
- (ii) The floor of any building shall be constructed of concrete or other durable and impervious material brought to a smooth finish,
- (iii) The ceiling of any building shall be constructed of durable material, have a smooth finish, be dust proof and painted with a light coloured washable paint.
- (iv) One wash hand basin with a constant supply of hot and cold running water laid on, shall be provided for every 15 or part of that number of persons employed on the premises which shall be drained in terms of section 25.
- (v)
 - (aa) A rodent proof storeroom, with a floor area of not less than 10 m² shall be provided.
 - (bb) If the health officer is satisfied that, having regard to the extent of the business and the quantity of goods and equipment and pets food to be stored on the premises, a storeroom of smaller dimensions than the minimum dimensions in terms of subparagraph (aa) is adequate, he may permit a smaller storeroom.
- (vi) Facilities for the washing of cages, trays and other equipment shall be provided in the form of either: -
 - (aa) a curbed and roofed over platform with a surface of at least 1,5 m² raised at least 100 mm above the floor and constructed of concrete or other durable and impervious material brought to a smooth finish, which platform shall be provided with a constant supply of water laid on; or
 - (bb) a stainless steel sink or trough not less than 304 mm deep with a drainage board and with a constant supply of water laid on;
 - (vii) The platform, sink or trough referred to in subparagraph (vi) shall be drained in terms of section 25 and any wall surface within 0,5 m of such platform, sink or trough shall be permanently covered with durable waterproof material to a height of at least 1,4 m above the floor.
 - (viii)
 - (aa) If required by the health officer, a separate change-room, clearly designated, shall be provided for each sex if more than two persons of the same sex are employed on the premises
 - (bb) Every such changeroom shall have a floor area of at least 0,5 m² for each employee with a minimum overall indoor area of 6,5 m² and a minimum width of 2,1 m and shall be equipped with a separate metal clothes locker for the keeping of personal clothing of each employee.

- (cc) For each employee for which no changeroom is required in terms of subparagraph (aa), a metal clothes locker shall be provided.
- (ix) No door, window or other opening in any wall of a building on the premises shall be within 2 m of any door, window or opening to any building in which food is prepared, stored or sold for human consumption or consumed by humans.
- (x) If the washing, clipping or grooming of pets is done on the premises the requirements of section 19(11) shall be complied with.

DUTIES OF TRADER

22. Every person who conducts the business of a pet shop shall: -

- (a) provide cages for housing animals, poultry or birds, and the following requirements shall be complied with:
 - (i) The cages shall be constructed entirely of metal or other durable impervious material and shall be fitted with a removable metal tray below the floor thereof to facilitate cleaning.
 - (ii) Every cage shall be free from any recess or cavity not readily accessible for cleaning and every tubular or hollow fitting used in connection therewith shall have its interior cavity sealed.
 - (iii) Every cage shall be of such size and mass and so placed that it can be readily moved.
 - (iv) If rabbits are kept in a cage, the metal tray referred to in subparagraph (i) shall be drained to a removable receptacle.
 - (v) Every cage shall be fitted with a drinking vessel filled with water and accessible to the pets kept in the cage.
 - (vi) The distance from any cage to the nearest wall shall at all times be not less than 150 mm.
 - (vii) The cages shall be kept not less than 450 mm above floor level and the space beneath the cages shall be unobstructed;
- (b) provide rodent proof receptacles of an impervious material with close fitting lids in the storeroom in which all loose pet food shall be stored;
- (c) provide refrigeration facilities in which all perishable pet food kept on the premises shall be stored at a temperature not higher than 10°C;
- (d) maintain in every room in which pets are kept, an unobstructed floor space of not less than 30 % of the floor area of such room and a distance of not less than 800 mm between rows of cages;
- (e) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop, in a clean, sanitary condition, free from vermin and in good repair;
- (f) take effective measures for the prevention of harbouring or breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the

prevention of offensive odours arising from the keeping of pets on the premises;

- (g) provide overalls or other protective clothing for the use of persons employed in connection with the pet shop and ensure that such apparel is worn by the employee when on duty;
- (h) not keep any pet in the yard or other open space on the premises, unless otherwise approved by the health officer;
- (i) provide isolation facilities, in which every pet which is or appears to be sick shall be kept whilst on the premises;
- (j) ensure that there is a constant and potable water supply for drinking and cleaning purposes;
- (k) ensure that the premises are at all times so ventilated so as to ensure sufficient movement of air for the comfort and survival of the pets;
- (l) ensure that the number of pets per cage is not such that the free movement of such pets is impeded.

CHAPTER XI

HAWKING OF POULTRY AND RABBITS

REQUIREMENTS FOR HAWKING

23. No person shall hawk poultry or rabbits, unless the following requirements are complied with: -
- (a) The business of a hawker shall be conducted from premises on which poultry or rabbits shall be kept in compliance with the provisions of Chapters V and VI and facilities shall be provided for the parking of the vehicle used for hawking after normal trading hours.
 - (b) Facilities shall be provided on the premises for the washing and disinfection of cages, crates and trays in the form of either: -
 - (i) a curbed platform with a surface area of at least 1,5 m², raised at least 100 mm above the floor and constructed of concrete or other durable and impervious material brought to a smooth finish and drained in terms of section 25; or
 - (ii) a stainless steel sink or trough not less than 304 mm deep and 0,6 m² in area with a drainage board,and with a constant supply of water laid on at such washing platform, sink or trough.
 - (c)
 - (i) A vehicle of sound construction, oil painted and bearing the name of the hawker, together with his residential address and the address of his business premises in clearly legible letters not less than 50 mm in height on both sides of the vehicle shall be provided.
 - (ii) That part of the vehicle in which poultry or rabbits are conveyed shall be provided with a top or cover of heat resistant material, other than metal, and provision for through ventilation shall be made.
 - (d)
 - (i) Cages or crates of an impervious and durable material shall be

provided for conveying poultry or rabbits on the vehicle.

- (ii) Such cages, crates or divisions thereof shall be fitted with removable trays of impervious material for the reception of poultry or rabbit droppings.
 - (iii) In the case of rabbits, such trays shall be drained to a removable receptacle.
- (e) Every cage, crate or division shall be provided with a drinking vessel, not less than 100 mm in depth filled with water, which shall be fixed to an inside corner of the cage, crate or division.

DUTIES OF HAWKER

24. Every person hawking poultry or rabbits shall: -
- (a) wash and thoroughly cleanse the part of the vehicle in which poultry or rabbits are conveyed and every cage, crate and tray used on the vehicle, after each day's trading;
 - (b) remove from every cage or crate on the vehicle any poultry or rabbits which appear to be sick and place such poultry or rabbits in a separate cage;
 - (c) maintain the premises, vehicle and every cage, crate, tray, vessel, container and receptacle used in connection with such hawking in a clean and sanitary condition, free from vermin and in good repair;
 - (d) store all feed in rodent proof receptacles.

CHAPTER XII

MISCELLANEOUS

DRAINING

25. All sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, including channels and washing platforms, required to be drained in terms of these by-laws, shall be drained to an external gully, connected to the council's sewer or, where no sewer is available or readily accessible, to other means of drainage approved by the council.

DISCHARGE OF TAPS

26. The taps at all water supply points required in terms of these by-laws, other than those within a building or structure the floors of which are graded and drained, shall be placed so as to discharge directly over and into a dished top fitted to an external gully connected to the council's sewer where no sewer is available or readily accessible, to other means of drainage approved by the council.

NUISANCE

27. No person shall: -
- (a) keep any animal or pet in such a manner as to cause a nuisance;
 - (b) fail to remove faeces deposited by a dog in a public place whilst under his control or supervision and dispose of such faeces in a refuse receptacle;

- (c) fail to duly dispose of dead animals in such a manner as prescribed by the health officer.

ILLNESS ATTRIBUTABLE TO ANIMALS

- 28. The illness of any person which is attributable to the keeping of any animal, poultry, bird or pet as contemplated in Chapters VII to X inclusive, shall be reported to the health officer within 24 hours of diagnosis by the person making the diagnosis.

INSPECTION

- 29. The health officer and any officer authorized thereto by the council may, in order to satisfy himself that the provisions of these by-laws are being complied with: -
 - (a) enter any premises on which animals, poultry, birds or pets are kept or on which kennels or a cattery is conducted or the business of a dealer or speculator in livestock or a pet shop, a hawker of poultry or rabbits is being conducted or on which he reasonably suspects animals, poultry, birds or pets are kept or such business is being conducted, at all reasonable times;
 - (b) inspect such premises or any vehicle used or reasonably suspected by him to be used for such business and anything thereon or therein; and
 - (c) question any person on such premises or in such vehicles or who has recently been on such premises or in such vehicle.

OFFENCES AND PENALTIES

- 30. (1) Any person: -
 - (a) who contravenes or fails to comply with any provision of these by-laws; or
 - (b) who keeps animals, birds or poultry or who is the person in control of or who conducts the business of a dealer or speculator in livestock, a pet shop, dog kennels or cattery or a hawker of poultry or rabbits on any premises fails to ensure that all the provisions of these by-laws applicable to such premises or business are complied with;
 - (c) who fails or refuses to give access to premises to the health officer or any officer contemplated in section 29 when requested to give such access;
 - (d) who obstructs or hinders the health officer or other officer in the execution of his duties under these by-laws;
 - (e) fails or refuses to give information to the health officer or such other officer which is lawfully required, or knowingly furnishes false or misleading information;
 - (f) fails or refuses to comply with a notice in terms of section 2.

shall, subject to the provisions of subsection (2), be guilty of an offence and shall be liable on conviction to a fine not exceeding R300-00 or, in default of payment, to imprisonment for a period not exceeding six months, or in the case of a continuous offence, subject to the provisions of section 105(1) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), to a fine not exceeding R20-00 or, in default of payment, to imprisonment for a period not exceeding ten days for every period of 24 hours during which such offence continues.

- (2) It shall be competent defence if a person referred to in subsection (1) (b) proves that he did not know of, could not reasonably have foreseen and could not have prevented the commission of the offence contemplated in subsection (1).

SCHEDULE 1

Local Authority Permit No:
.....
..... Date:

**PERMIT: BY-LAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND
POULTRY AND BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS,
POULTRY OR PETS**

With reference to your application dated a permit to keep the
animals/poultry as specified hereunder at address so specified is hereby granted.

* Animals/Poultry:

Address :
.....
.....

The granting of the permit is subject to your complying with the provisions of the
aforementioned by-laws.

Your attention is invited to the provisions of section 5(4) of the said by-laws requiring
a permit holder to notify the Council's Health Officer of any increase in the number of
animals or poultry in excess of the number authorized by the permit and section 5(5)
regarding the cancellation of a permit.

Yours faithfully

For Health Officer

*Specify number and kind of animals or poultry

SCHEDULE 2

Local Authority

For office use

Application No:

Date received:

Application granted / refused:

Permit No:

Date:

APPLICATION FOR A PERMIT: BY-LAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND POULTRY AND BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS, POULTRY OR PETS

I/We
(full name of applicant/s)

hereby apply for a permit to keep * animals/poultry/rabbits on premises situated
at stand Street

Township, in terms of the aforementioned by-laws of the (name of Local Authority).

Details of the * animals/poultry/rabbits to be kept as follows:

.....

SPECIES	NUMBER
.....
.....
.....
.....

I/We accept the responsibility for the keeping of *animals/poultry/rabbits, in accordance with the provisions of the said By-laws and acknowledge that in the event of my/our failure to effect such compliance this permit may be cancelled in terms of section 5 of the said by-laws.

Signature of Applicant/s:

Capacity:

Date:

*Delete whichever is not applicable

