

EMAKHAZENI LOCAL MUNICIPALITY



LIVESTOCK MARKET BY-LAWS

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), the Emakhazeni Local Municipality, enacts as follows:-

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Schedule

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1 Interpretation

In this Chapter, unless the context otherwise indicates –

“Council” means the Highlands Municipal Council;

“large stock” means horses, mules, asses, bulls, oxen, cows, heifers and calves;

“livestock” means horses, mules, asses, bulls, oxen, cows, heifers, calves, sheep, goats, swine, poultry, ostriches and other animals or birds for human consumption or of a domestic character;

“livestock market” means any livestock market provided by the Council;

“market master” means the person appointed in terms of section 5.

“public health management inspector” means the official appointed by the Council in terms of the Public Health: Food handling Facilities By-laws, 2004 and for these purposes includes the market master appointed in terms of section 5;

“small stock” means all livestock excluding large stock;

2. Principles of objectives

The Highlands Municipal Council, acting under the Constitution and within the framework of national legislation such as environmental and health legislation, and –

- (a) taking into account the historic inequalities in the management and regulation of activities that may have an adverse impact on public health and that the need exists to redress these inequalities in an equitable and non-discriminatory manner;
- (b) realizing the need to adopt a long-term perspective that takes into account the interests of future generations; and
- (c) realizing that all persons within the municipal area have the right to free economic participation;

Accepts its duties as custodian of the interests of all people residing in the municipal area, and aims to develop a set of principles and regulations that will apply to all livestock markets within the municipal area, to thus provide an effective legal and administrative framework which enables the Council to regulate and manage, in an open and responsible manner and in accordance with the principles of these by-laws all activities and matters relating to livestock markets, and to make provisions on the duties of the people who make use of livestock markets.

3. Application of by-law

These by-laws to all markets where livestock is sold in the Highlands municipal area, but do not apply to the sale of livestock by the market master hours.

4. Legislative framework

These By-laws fall within the legislative framework of the –

- (a) Diseases of Stock Act, 1911 (Act No. 14 of 1911);
- (b) Licences Consolidation Act, 1925(Act No.32 of 1925);
- (c) Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);
- (d) Promotion of Administrative justice Act, 2000 (Act No.3 of 2000); and
- (e) Local Government: Municipal System Act, 2000 (Act No.32 of 2000)

5. Establishment of livestock markets and control of livestock markets

- (1) The Council may from time to time establish live stock markets and set aside such site or sites or as it may think fit and erect such livestock kraals thereon for the purpose of holding sales of livestock thereat, and may for the purpose of control and administration of livestock markets adopt, from time to time, such regulations as it may deem expedient.
- (2) The Council must appoint a market master, who must be under the direct supervision of the public health management inspector to be in charge of the administration of s livestock market.

6. Sales by auction

- (1) All sales must take place by auction, and no sale is allowed out of hand at a livestock market.
- (2) A person who contravenes subsection (1) commits an offence.

7. Auctioneer

- (1) No person may conduct any sale at the livestock market unless he or she be duly licensed as an auctioneer under the Licences Consolidation Act 1925, and has applied for an obtained the written authority of the Council to conduct such sale.
- (2) No person may within the municipality conduct any sale of livestock at any place other than the livestock market, unless he be duly licensed as an auctioneer under the licenses Consolidation Act,1925, and has applied for and obtained the written authority of the Council to conduct such sales.
- (3) A person contravenes subsection (1) or subsection (2) commits an offence.

8. Booking fee

- (1) The Council may from time to time prescribe a booking fee for use of the kraals.
- (2) Each person firm, society or company usually conducting sales at the livestock market, must pay to Council in advance the prescribed booking fee as set fourth in the Schedule to these by-laws, and at the time of the annual payment the Municipal Manager must be notified in writing of the days in each months for which the exclusive use of the kraals is desired.

9. Use of kraals not booked

- (1) Any person, firm, society or company who has not booked the kraal in terms of the provisions of section 8 may use the kraals upon payment in advance of the prescribed booking fee as set forth in the Schedule to these by-laws.

10. Payment of fees

In addition to the booking fees payable under section 8 and 9, every person, firm society or company conducting sales at the livestock market must pay to the Council the fees as set fourth in the Schedule to these by-laws.

11. Conflict of dates

In the event of a dates and times for the use of the kraals by various applicants, the Council has the right to allocate and determine the dates and times to applicants, provided that in such event applicants booking the said kraals in terms of section 8 may be given preference over those in terms of section 9.

12. Certificate

When stock is brought on to the livestock market for sale, the Council may demand from the owner of such stock a certificate stating the number and description of such stock and the name of the owner thereof.

13. Hours

- (1) The hours for the commencement of each sale must be fixed for the auctioneer concerned and notice to that effect must be posted on the market notice board.
- (2) No sales may be made before the hours fixed for the commencement of sales, nor may any stock be handled on any pretext whatever, before such hours, except by the exposor or owner.
- (3) All persons, except duly authorized officials of the Council, must leave the livestock market within a reasonable time after the hours of closing.
- (4) A person who contravenes subsection (2) or subsection (3) commits an offence.

14. Opening times

The gates of the livestock market must be open for the reception, penning and trying up of stock at such hours as the Council may from time to time determine.

15. Ringing of bell

- (1) The auctioneer may ring a bell at the commencement and closing of sales and no other person may ring a bell in the livestock market for the purpose of calling the attention of the people attending thereat, to any matter whatsoever.
- (2) A person who rings a bell in contravention of subsection (1) commits an offence.

16. Sunday and public holiday

The livestock market must be closed on Sunday and public holidays, and the Council is, subject to the provisions of sections 8 and 9, entitled to close the livestock market on such day or days.

17. Removal of livestock

All livestock must be removed from the kraals before 6 p.m. on the day following the day of the sale, and the hiring fees as set out in the Schedule must be paid in advance for any animal which it is desired to keep in the kraals after the said time, and if the fees is not paid as the stipulated above, the animals will be impounded.

18. Diseased animal

(1) Any animal or animals suspected to be suffering from any disease, must be tied up, penned or removed from the livestock market by the owner or person in charge thereof as directed by the public health management inspector or other authorized official of the Council.

(2) A person, firm, society or company bringing into the livestock market any animal suffering from an contagious disease is liable, in addition to any action which may be taken under the Diseases is liable, in addition to any action which may be taken under Diseases of Stock Act, 1911 for all expenses incurred in cleaning and disinfecting the livestock market.

(3) A person who contravenes subsection (1) commits an offence.

19. Damage to animal

The Council is not liable for any damage to animals caused by other animals, nor for any loss or injury which may occur under any circumstances whatsoever to animals whilst in the livestock market, whether left there for sale or storage purposes.

20. Damage to market

(1) No person may cause any damage to the fencing or fittings of the livestock market, nor may any person climb over, under or through any fence within or around the livestock market.

(2) A person who contravenes subsection (1) commits offence.

21. Bull and dangerous animal

(1) Each bull and other dangerous animal must be led to, from and into the livestock market by means of a chain or rope of adequate strength and must be tied up with the chain or rope and be under the continuous supervision of the person or persons responsible for attending the bull or other dangerous animal.

(2) A person who contravenes subsection (1) commits an offence.

22. Ill- treatment of animal

(1) No person shall, within he livestock market, ill-treat any animal.

(2) A person who contravenes subsection (1) commits an offence.

23. Entry to market

(1) No person shall enter the livestock market except on business, and no person shall stand or loiter at or about the entrance gate to the livestock market.

(2) A person who contravenes subsection (1) commits an offence.

24. Directions by market master

(1) Every person in the livestock market must comply with every reasonable direction of the market master or other authorized official of the Council in respect of the regulation of the use of the livestock market, the prevention of nuisances, and unnecessary noises therein, and the prevention of damage to the said kraals by stock kept therein or by any other cause whatsoever.

(2) A person who does not comply with such direction commits an offence.

25. Letting of Kraals

The Council may, on prepayment of the fees prescribed in item 5 of the Schedule, let the kraals to anyone wishing to hire the kraals for a period or period for the purpose of keeping animals, subject to the provision that during such period or periods the kraals are not required for the purpose of livestock sales as set out in these by-laws.

26. Penalties

A person who has committed an offence in terms of these by-laws is, on conviction, liable to a fine, or default of payment, to imprisonment for a period not exceeding XX months, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of s successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment for a period not exceeding XX months.

27. Revocation of by-laws

The Municipality of XXX Livestock Market By-laws, No.XX of XX are hereby repealed.

28. Short title and commencement

These By-laws may be cited as the Highlands Live stock Market By-laws, and shall commence on a date determined by resolution by the Council.

SCHEDULE

1. Fees payable in terms of section 8: R120 per annum with a maximum of 4 auctions days per months and a further R12 per day for every auction day in excess of the first 4 auction days in any month.
2. Fees payable in terms of section 9: Per sale, per day: R20.
3. Fees payable in terms of section 10: 0, 5% of the gross turnover of the auction per auction day, with a minimum of R80 per auction day.
4. Fees payable in terms of section 17 and section 25:
 - (a) Large stock: Per 24 hours or part thereof, per head: 3c.
 - (b) Small stock: Per 24 hours or part thereof, per head: 1c
5. Renting of refreshment room at the kraals: Per auction day or part thereof: R10.