

STANDARD BY-LAWS RELATING TO DOGS

The Administrator hereby in terms of section 96bis (1) of the Local Government Ordinance, 1939, publishes the standard by-laws set forth hereinafter, which have been made by him in terms of the said section.

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Definitions

1. In these by-laws, unless the context indicates otherwise: -
“**Council**” means a 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 Areas Ordinance, 1943, and who has adopted these by-laws in terms of the Local Government Ordinance, 1939, and includes the management committee of a council or any officer employed by a council, acting by virtue of any power vested in a 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 (Ordinance 40 of 1960), or section 21bis of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943;

“**dog**” means both a male and a female dog;

“**driving fees**” means the fees payable when a dog has been seized and transported to the pound by an authorised officer of the council in terms of these by-laws;

“**kennel**” means any premises contemplated in item 18(2)(a), (b) and (c) of Schedule 1 of the Licences Ordinance, 1974;

“**owner**” in relation to a dog includes any people who keep or has in his possession or charge a dog, excluding: -

- (a) a person contemplated in paragraph (2)(c) and (d) of item 18 of Schedule 1 to the Licenses Ordinance, 1974;
- (b) a veterinary surgeon in respect of a dog left in his care for treatment;
- (c) a society for the prevention of cruelty to and the advancement of the welfare of animals registered as a welfare organisation in terms of the National Welfare Act, 1965;
- (d) any person or body contemplated in section 80 (93) (h) of the Local Government Ordinance, 1939;

“**poundmaster**” means a person in charge of a pound;

“**tax**” means the tax levied in the appropriate schedule to these by-laws;

“**tax receipt**” means a receipt issued by the Council as proof that tax has been paid;

“**year**” means a period of twelve months ending 24h00 on 31 December.

Liability For Tax

- (1) The owner shall pay the tax as determined in the appropriate schedule to these by-laws in respect of each dog that is six months old or older.
- (2) No owner may keep a dog that is six months old or older within the municipality unless such dog has been registered at the municipal offices and a tax receipt for such dog has been obtained.
- (3) In any legal proceeding instituted in terms of these by-laws against any person for not paying the tax prescribed in terms of sub-section (1), such dog shall be deemed to be six months old or older unless the contrary is proved.

Person Liable For Tax

2. For the purposes of these by-laws any person who keeps a dog or within whose premises any dog is found or seen, shall be deemed to be the owner of such dog until the contrary shall have been proved.

Exemption From Payment Of Tax

The following owners shall be exempted from the payment of tax as contemplated in section 2:

- (1) Any person residing outside the municipality: -
 - (a) who brings a dog into the municipality for a period not exceeding 30 days;
 - (b) who brings a dog into the municipality for treatment or boarding at a veterinary surgeon or a kennel: Provided that such dog shall be removed from the municipality immediately after such treatment or boarding: Provided further that the owner of such dog shall be in possession of a licence issued by the authority within whose jurisdiction such dog is normally kept.
- (2) A blind person using a dog as a guide or lead dog.

Application to Pay Tax

5. (1) Every person applying for a dog tax receipt shall furnish his full name and address, as well as particulars with regard to the breed and sex of the dog.
- (2) The tax payable in terms of section 2 is levied annually and is payable: -
 - (a) on or before 31 January of each year in respect of each dog which has attained the age as determined in section 2(1); or
 - (b) within 30 days after attaining such age in respect of each dog attaining such age after 31 January: Provided that in any case where a dog attains the age of six months after 30 June of the year concerned, only half the tax as prescribed in the appropriate schedule to these by-laws shall be payable.
- (3) Should tax due not be paid, interest in terms of section 50A of the Local Government Ordinance, 1939, may be levied: Provided that such interest shall not exceed the tax due.

Duplicate Tax Receipt

6. Any person may obtain a duplicate of a tax receipt issued in terms of section 2 upon payment of the relevant charges as prescribed in the appropriate schedule to these by-laws, cause such transfer, together with his name and address, to be endorsed on the tax receipt on the duplicate thereof.

Transfer Of Tax Receipt

7. Where the ownership in a dog is transferred to someone else, the transferee shall, after payment to the Council of the charges prescribed in the appropriate schedule to these by-laws, cause such transfer, together with his name and address, to be endorsed on the tax receipt or on the duplicate thereof.

Tax Receipt To Be Produced For Inspection

8. The owner shall produce the tax receipt for inspection to any authorised officer when reasonably requested to do so.

Impounding Of Dogs

9. (1) Any authorised officer may seize and impound any dog: -
- (a) which he reasonably believes to be ownerless; or
 - (b) in respect of which he reasonably believes that the tax due in terms of these by-laws has not been paid.
- (2) Any person may seize and impound any dog found trespassing on property of which he is the owner or occupier and
- (a) which he reasonably believes to be ownerless; or
 - (b) in respect of which he reasonably believes that the tax due in terms of these by-laws has not been paid.
- (3) Notwithstanding the provisions of subsections (1) and (2) no person shall seize or impound: -
- (a) any dog if he reasonably believes that such dog is exempted from tax in terms of section 4:
 - (b) any bitch rearing unweaned young, unless such bitch and unweaned young are impounded together; or
 - (c) any diseased dog in respect of which the provisions of section 10 of the Animal Diseases and Parasites Act, 1956, apply.
- (4) Any person who has seized a dog in terms of this section shall ensure that such dog is not ill-treated in any manner.
- (5) Any person who has seized a dog in terms of this section shall forthwith cause such dog to be impounded.
- (6) No person shall set free any dog that has been seized, is being kept in custody or has been impounded in terms of this section.
- (7) That any dog impounded shall be kept in the pound until the owner of such dog produces a tax receipt in respect thereof, and shall have paid the pound master the following charges for impoundment: -
- (i) Pound fees R100,00
 - (ii) Boarding calculated at R10,00 per day.
- (8) Where the name and address of a person appears on the collar of any dog impounded, the poundmaster shall forthwith give notice to such person that such dog has been impounded. A written notice addressed to the address appearing on the collar shall be deemed to be sufficient notice.

Unclaimed Dogs May Be sold Or Destroyed

10. (1) Where an impounded dog is not claimed by any person entitled thereto within five days after it was impounded, an authorised officer may cause the dog to be sold or destroyed.
- (2) If the poundmaster is of the opinion that an impounded dog is so ill, or

seriously injured or in such a physical condition that it would be inhuman to keep it alive, he may have it destroyed.

Dog's Collar Not To Be Unlawfully Used Or Removed

11. (1) The owner of every dog aged six months or older, shall provide it with a collar bearing a clear impression of the name and address of such owner.
- (2) No person shall unlawfully use or destroy the collar of a dog or remove it from the neck of the dog.

Certain Dogs Not Allowed In Public Places

12. (1) Subject to provisions to the contrary in these by-laws or any other law, no person shall bring or allow in a public place any dog that: -
 - (a) is wild, dangerous or ferocious; or
 - (b) is in the habit of charging or chasing people, vehicles, animals, fowls or birds outside the premises where such dog is kept; or
 - (c) causes damage to any person or property; or
 - (d) is a bitch on heat.
- (2) Any authorised officer may impound a dog such as that described in subsection (1).

Dogs Not To Be Incited

13. No person shall, without reasonable cause: -
 - (a) set any dog on any person, animal or bird; or
 - (b) permit any dog under his supervision or in his custody to attack or terrify any person, animal or bird.

Dogs Causing Disturbance

14. No person shall keep a dog that: -
 - (a) creates a disturbance or a nuisance; or
 - (b) suffers from a contagious disease, excluding a veterinary surgeon who keeps such dog in a clinic for treatment.

Destruction Of Dogs

15. (1) The Council may, subject to the provisions of section 10, order the destruction of a dog: -
 - (a) where it appears that such dog is of the type described in section 12(1)(a), (b) and (c) and that the person claiming such dog is not entitled to its return in terms of section 9(7); or
 - (b) where such dog is found at large in any public place and appears to be ownerless; or

- (c) where such dog is found at large in a public place and the owner refuses or fails to pay the tax due in terms of these by-laws in respect of such dog; or
- (d) where such dog is in such state of injury that it would, in the opinion of the Council, be humane to do so.

Number of Dogs on Premises

- 16. (1) Flat dwellers may only keep one dog: Provided that such dog must be a lap-dog.
- (2) No person may keep more than two dogs on any premises within the municipality: Provided that: -
 - (a) any person who, at the date of promulgation of these by-laws, is keeping more than two dogs on a premise, more than one dog in a flat and four dogs on land zoned for agricultural purposes, may continue to keep such greater number but may not replace any dog or dogs that die or are disposed of if it would result in more than one or two dogs, respectively, being kept;
 - (b) any person who is registered as a breeder at a registered breeders association approved by the Council or who is the holder of a licence to keep kennels may, with the written consent of the Council, keep such greater number of dogs as the Council may approve;
 - (c) on land zoned for agricultural purposes more than two, but not more than four, dogs may be kept;
 - (d) any person, who obtains the written consent of the Council, may keep such greater number of dogs as the Council may determine.
- (3) The portion of the erf on which dogs are kept shall be fenced in such a manner that the dogs will be kept within the fenced portion, and such fence shall be properly maintained;

Control Of Dogs In Public Places

- 17. (1) No person shall allow any dog in a public place unless the owner or another person keeps such dog on a leash.
- (2) An authorised officer may impound any dog found wandering at large and uncontrolled in a public place.
- (3) Except in the event of a blind person being lead by a guide dog, any person in charge of a dog in a public place, shall remove any faeces left by such dog.

Entering Upon Premises

- 18. An authorised officer may for any purpose connected with the application of these by-laws: -
 - (a) at any reasonable time and without notice, enter upon any premises, accompanied, if he deems it necessary, by an interpreter or other assistant with a view to: -
 - (i) carrying out any examination, inspection or enquiry as he may deem necessary; or

- (ii) exercising and other power in terms of these by-laws and he may for that purpose take any necessary appliance with him onto the premises;
- (b) call upon the owner of a dog to render such assistance or to furnish such information, including his full name and address, as such officer may reasonably require.

Kennels

19. Subject to the provisions of any other law, no person may establish, manage or keep any kennels or a pets boarding establishment as defined in item 18(2)(a), (b) and (c) of Schedule 1 of the Licence Ordinance, 1974, in any residential area or in any area that has been classified in terms of an approved town plan scheme for residential purposes within 500 m.

Establishment And Lease Of Dog Pound

20. (1) The Council may for the purposes of these by-laws establish a dog pound and lease such pound to any person or body on the terms and conditions deemed fit by the Council.
- (2) If a pound is leased to any person or body: -
- (a) the powers and duties set forth in sections 9, 10 and 15 shall be deemed to have been delegated to such person or body or to any authorised official in the employ of such person or body, as the case may be, and the provisions of the said sections shall mutatis mutandis apply;
 - (b) such person or body shall accept in the pound any dog seized in terms of section 9 or 17(2) for the purpose of impounding it and shall thereafter dispose thereof in accordance with these by-laws;
 - (c) such person or body shall be entitled to any fees payable in terms of these by-laws for an impounded dog and to any amount derived from the sale of an impounded dog in terms of section 10(1).

Duties Of Poundmaster

21. (1) The poundmaster: -
- (a) keeps the pound open between 08h00 and 17h00 during every day of the week or such other times as the pound-master may determine.
 - (b) receives any dog brought to the pound in terms of these by-laws during the hours when the pound is open and shall, subject to the provisions of these by-laws, keep such dog in the pound: Provided that the pound-master may refuse to receive a dog, and may release any dog if he at any time has reason to believe that such dog was not lawfully seized or impounded;
 - (c) keeps a register in which the following particulars in respect of every impounded dog are recorded: -
 - (i) The names, residential address and telephone number of the person who impounded the dog.
 - (ii) The time at which and date on which, the dog was impounded.

- (iii) The place where the dog was seized or found.
 - (iv) The date on which and the time at which the dog was seized or found.
 - (v) The reason for impounding the dog.
 - (vi) The age, breed, sex, colour marking and any injury found on it when the pound-master received it.
 - (vii) The manner in which the dog was disposed of,
 - (viii) The amount of money obtained for the release or sale of the dog.
 - (ix) The cost of any veterinary services incurred in respect of such dog;
- (d) ensure that all utensils used in connection with impounded dogs are at all times kept in a clean condition and in a good state of repair;
 - (e) ensures that the pound is at all times free from lies, insects, rodents and odious smells;
 - (f) ensures that every dog in the pound is properly fed and cared for;
 - (g) isolates bitches on heat;
 - (h) takes all reasonable steps to prevent fighting among dogs in the pound; and
 - (i) isolates any diseased dog, have such dog treated by a veterinary surgeon and take all possible steps to recover the costs incurred in this respect from the owner.

Presumption

22. In any proceedings instituted in terms of these by-laws against any person on the ground that: -
- (a) he is keeping a dog of older than six months without having paid tax in respect thereof; or
 - (b) he is keeping an unspayed bitch; such shall be deemed to be six months or older or that such bitch is unspayed unless and until the contrary is proved;

Penalties

23. Any person contravening any of the provisions of these by-laws shall be guilty of an offence and liable, on conviction, to a fine not exceeding R100-00 or in default of payment, to imprisonment for a period not exceeding three months, or to both such fine and imprisonment.