

NIGEL JURISDICTION ONLY

BY-LAWS RELATING TO DOGS:

ANNOTATIONS

| NOTICE | NUMBER | DATE | SECTION |
|------------------------|---------------|---------------------------|----------------|
| Administrator's Notice | 1387 | 14 October 1981 | |
| Administrator's Notice | 224 | 24 February 1982 | |
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| Administrator's Notice | 1432 | 24 August 1983 | 16 |
| Administrator's Notice | 1350 | 8 August 1984 | Part I |
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| | Resolution | 25 November 1998 | Schedule |

TOWN COUNCIL OF NIGEL

Administrator's Notice 1387

14 October 1981

BY-LAWS RELATING TO DOGS

22/3/15/1

The Administrator hereby in terms of section 96 bis (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 for Peri-Urban 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 Licenses Ordinance, 1974;

"owner" in relation to a dog includes any person who keeps 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, 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

2. (1) The owner shall pay the tax as determined in the appropriate schedule to these by-laws in respect of each dog which is six months old or older.
- (2) No owner may keep a dog which is six months old or older within the municipality unless such dogs has been registered at the municipal offices and a tax receipt for such dog has been obtained.
- (3) In any legal proceedings 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

3. 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

4. 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);
 - (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.

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) Subject to any provisions to the contrary in these by-laws contained, any dog impounded shall be kept in the pound until the person claiming such dog shall have paid to the poundmaster the charges prescribed in the appropriate schedule hereto.
- (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.

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. 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 a state of injury that it would, in the opinion of the Council, be humane to do so.

NUMBER OF DOGS

16. (1) Subject to the provisions of subsections (2) and (3) no person shall keep or allow to be kept on residential or business premises more than two dogs which are six months old or older: Provided that with the consent of the Council and subject to such conditions as the Council may impose, more than two dogs may be kept on such premises.
- (2) No person shall keep or allow to be kept in a flat more than one dog which is six months old or older: Provided that the provisions of this subsection shall not apply to dogs which are kept on the date of commencement of these by-laws.
- (3) No person shall, except with the consent of the council and subject to such conditions as the council may impose, keep or allow to be kept on residential premises other than premises to which the provisions of subsection (2) apply or business premises any unspayed bitch: Provided that the provisions of this subsection shall not apply to an unspayed bitch which is so kept on the date of commencement of these by-laws.
- (4) No person shall keep or allow to be kept any dog on any place other than on premises or in an enclosure on premises which are effectively fenced to keep the dog in.

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 any 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-planning scheme for residential usage, or within 500 metres thereof.

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 during such hours as the Council shall fix by resolution;
- (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 poundmaster 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 name, 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 markings and any injury found on it when the poundmaster 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) ensures 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 flies, 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.

OFFENCES AND PENALTIES

22. Any person who contravenes or fails to comply with or who causes, permits or suffers any other person to contravene or to fail to comply with any provision of these by-laws or any notice given in terms of these by-laws, shall be guilty of an offence and liable on conviction to a penalty not exceeding R300, or in default of payment, to imprisonment for a period not exceeding 12 months, or to both such fine and such imprisonment, and in the event of a continuing offence, shall be deemed to be guilty of a separate offence for every 24 hours or part of such period during which the offence continues and shall be liable in respect of each such offence to a fine not exceeding R50 or, in default of payment, to imprisonment for a period not exceeding 3 months, or to both such fine and such imprisonment. In addition to such fine any cost incurred by the Council as a result of any contravention of any of the provisions of these by-laws or the failure to comply with any notice given in terms of these by-laws or in the carrying out of any work prescribed by these by-laws to be carried out by any person and not carried out by such person, shall be paid by the person guilty of such contravention or failure or failing to carry out such work.

SCHEDULE

TARIFF OF CHARGES

PART I : TAX

1. Dogs of the greyhound strain or of a similar kind:
 - (1) For the first dog : R20.
 - (2) For every dog more than one : R60
2. Dogs to which the provisions of item 1 do not apply:
 - (1) For the first dog : R10.
 - (2) For every dog more than one : R30.

PART II : POUND FEES

1. Driving fees, per dog : R8.
2. Fees for keeping, per day or part thereof, per dog : R12.

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