

NOTICE 132 OF 2017

KEEPING OF DOGS CONTROL BY-LAW, 2012

By-Law No.9, 2012

BY-LAW**As Amended by the Keeping of Dogs Amendment Act 2017**

To provide for control of the keeping of dogs in the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control the keeping of dogs in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

Definitions

1. In this By-Law, unless the context otherwise indicates -

"**authorised officer**" means -

- (a) a peace officer as defined in section 1 of the Criminal Procedures Act, 1977 (Act No. 51 of 1977) in the Municipality's service;
- (b) any other person, whether in the service of the Municipality or not, who is appointed an authorised officer of the Municipality;

"**dog**" for the purpose of section 3(1) and (2), means a dog over the age of six months;

"**keep**" in relation to a dog, includes to have such dog in possession, under control or in custody or to harbour such dog;

"**Municipality**" means the Dawid Kruiper Municipality;

"**owner**" in relation to a dog, means any person who keeps a dog and includes any person to whom a dog has been entrusted or who has control of a dog in respect of any site within the

area of jurisdiction of the Municipality where such dog is kept or is permitted to live or remain;

"public place" includes any land, park or open space, road, street, sanitary passage or thoroughfare, bridge, building or structure which is commonly used by the public and is the property of the Municipality or, of which the control, to the entire exclusion of the owner, is vested in the Municipality or to which the inhabitants of the Municipality have a common right or access;

"street" includes a sidewalk; and

"zoned" means a land-use attached to premises by or under any law, the town planning scheme or a title deed.

Application of By-Law

2. The provisions of sections 3(1) and 5 shall not apply to premises which are zoned for agricultural purposes: Provided that a person keeping dogs on premises zoned for agricultural purposes shall not be exempted from compliance with any other provision of this By-Law or any other legislation which may be applicable.

Number of dogs

2. (1) Subject to the provisions of subsection (2), no person shall keep more than two dogs on any erf or premises without the prior written consent of the Municipality.
- (2) A breeder of dogs who wishes to keep more than two dogs on -
 - (a) premises zoned for agricultural purposes, shall be entitled to do so without any restrictions;
 - (b) premises zoned for any purpose other than agricultural purposes, must obtain the prior written consent of the Municipality.
- (3) An application for the Municipality's consent in terms of subsection (2) shall not be considered by the Municipality unless -
 - (a) the Municipality is satisfied that the size of the premises on which the dogs are to be kept is not smaller than 5 000 square meters; and
 - (b) such an application is accompanied by an application for the alteration of the land-use restrictions applicable to the premises concerned, where it is necessary.
- (4) The Municipality's consent in terms of subsection (2)(b) to keep more than two dogs on a premises, shall be granted -
 - (a) only in those instances where there are no objections against the proposed departure of the land-use restrictions after having advertised the proposal in terms of the relevant legislation; and
 - (b) subject to such conditions and restrictions as the Municipality may deem fit to impose.

- (5) The Municipality may, after due process, revoke a consent granted in terms of subsection (2)(b).

Control of dogs

4. No person shall-
- (a) permit any bitch on heat owned or kept by him or her to be in any public place;
 - (b) urge any dog to attack, worry or frighten any person or animal, except where necessary for the defence of such first-mentioned person or his or her property or of any other person;
 - (c) abandon any dog owned or kept by him or her;
 - (d) keep any dog which-
 - (i) by barking, yelping, howling or whining;
 - (ii) by having acquired the habit of charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept; or
 - (iii) by behaving in any other manner, interferes materially with the ordinary comfort, convenience, peace or quiet of neighbours; or
 - (e) permit any dog owned or kept by such person-
 - (i) to be in any public place while suffering from mange or any other infectious or contagious disease;
 - (ii) which is ferocious, vicious or dangerous to be in any public place, unless it is muzzled and held on a leash and under control of some responsible person;
 - (iii) to trespass on private property;
 - (iv) to constitute a hazard to traffic using any road or street;
 - (v) to constitute or to his or her knowledge be likely to constitute a source of danger or injury to any person outside the premises on which such dog is kept; or
 - (vi) to be in any public place except on a leash and under control of some responsible person.

Fencing of property

5. No person shall keep a dog if the premises where such a dog is kept, is not properly and adequately fenced to keep such dog inside when it is not on a leash.

Dogs shall not be a source of danger

6. Any person who keeps a dog on any premises shall -
- (a) take reasonable precaution to ensure that the dog does not constitute a source of danger to the employees of the Municipality entering upon such premises for the purpose of carrying out their duties; and
 - (b) display in a conspicuous place a notice to the effect that a dog is being kept on such premises.

Removal of offensive matter

7. (1) If a dog defecates at a public place, the person in charge of the dog shall forthwith remove the excrement, place it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse.
- (2) No person who keeps a dog on any premises shall allow defecation of the dog to be offensive or pose a health risk to any of his or her neighbours.

Dogs on premises where food is sold

8. Any person being the owner or person in control of any shop or other place where food is prepared, sold or exposed for sale shall not permit any dog to be or remain in or at such shop or place.

Seizure, impounding and destruction of dogs

9. (1) Any dog, found at a public place suffering from mange or any other infectious or contagious disease, or which is ferocious, vicious or dangerous, or which is badly injured, may be seized and destroyed by an authorised officer of the Municipality.
- (2) An authorised officer may seize and impound at a place designated by the Municipality, any dog which is found at a public place in contravention with the provisions of this By-Law.
- (3) A dog impounded in terms of subsection (2), may -
- (a) be released to the owner of such dog upon payment of a fee determined by the Municipality in addition to any costs, fines or taxes which may be outstanding in respect of such dog; or
- (b) after the expiry of 30 days, be destroyed by the Municipality or be dealt with as the Municipality deems expedient.

Liability

10. Neither the Municipality nor any authorised officer or any employee of the Municipality shall be liable for or in respect of any injury suffered or disease contracted by or damage caused to any dog as a result of or during its seizure, impounding, detention or destruction in terms of this By-Law.

Penalty clause

11. (1) Any person who contravenes or fails to comply with any provision of this By-Law or any requirement or condition thereunder, shall be guilty of an offence.
- (2) Any person convicted of an offence in terms of subsection (1) shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Short title

12. This By-Law shall be called the Keeping of Dogs Control By-Law, 2012.

DAWID KRUIPER MUNICIPALITY

KEEPING OF DOGS AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

- [] Words in bold type and square brackets indicate omissions from existing enactments.
 _____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Keeping of Dogs By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kruiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kruiper Municipality Keeping of Dogs By-Law, 2012:

1. The Dawid Kruiper Municipality: Keeping of Dogs By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control the keeping of dogs in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:"

Amendment of section 1 of the Dawid Kruiper Municipality: Keeping of Dogs Control By-Law, 2012.

2. Section 1 of the principal By-Law is hereby amended:
 (a) by the substitution for the definition of "Municipality" of the following definition:
 ""Municipality" means the [//Khara Hais] Dawid Kruiper M[m]unicipality";

Amendment of section 12 of the Dawid Kruiper Municipality: Keeping of Dogs By-Law, 2012: 3.

3. The following section is hereby substituted for section 12 of the principal By-Law:
 "12. This By-Law is called Dawid Kruiper Municipality: Keeping of Dogs Amendment By-Law, [2012] 2017 "