

KGATELOPELE LOCAL MUNICIPALITY

Keeping/Controlling of Animals By-law

Under the provisions of section 156(2) of the Constitution of the Republic of South Africa, 1996, the Kgatelopele local Municipality enacts as follows:—

1. Definitions

In this By-law, unless the context otherwise indicates—

"authorised person" an employee of the Municipality or any other person who is appointed or authorised thereto to perform any act, function or duty related to the provisions of this By-law, or exercise any power in terms of this By-law; and "officer" has a corresponding meaning;

"animal" means any equine, bovine, sheep, goat, poultry, camel, dog, cat, or other domestic animal or bird, or any wild animal or reptile which is in captivity or under the control of a person, or insects such as, but not limited to, bees which is kept or under control of a person, but excluding any pet;

"responsible authority" means the Kgatelopele Municipality or any national or provincial department that may in terms of its powers and functions impose conditions or restrictions in respect of the keeping of animals;

General provisions relating to keeping of animals

2. Permission to keep animals

1. No person may keep or permit to be kept on any premises any animals, excluding pets, without the written permission of the municipality.
2. Any person who applies for a permit to keep a wild animal must, when submitting an application contemplated in subsection (1), furnish the municipality with a captivity permit issued by the Department of Economic Affairs, Environment and Tourism.
3. The municipality may determine the number of bee hives, as well as the kind, number and gender of animals that may be kept and the areas within which the keeping of such animals will be prohibited.
4. In order to consider an application in terms of subsection (1), the municipality may obtain the input or comments of the owners or occupants of surrounding premises.
5. A person who contravenes subsection (1) or who fails to comply with a determination in subsection (3) commits an offence.

3. Visibility of structures on premises

1. All structures in which animals are kept must be suitably screened from any street.

2. A person who fails to comply with subsection (1) commits an offence.

4. Duties of owner or keeper of animal

1. The owner or keeper of an animal—
 - a. may not cause or allow an animal to interfere with the comfort, convenience, peace or quiet of other people;
 - b. must provide such animal with shelter, water and proper food;
 - c. must maintain the premises on which an animal is kept in good repair and in a neat condition in order to prevent the occurrence of a public nuisance; and
 - d. must exercise control over his or her animals in order to prevent damage to property or gardens;
 - e. may not leave or allow any animal to be on any section of a public road or leave such animal in a place from where it may stray onto such section of a public road.
2. A person who contravenes a provision of subsection (1) commits an offence.

5. Animals kept in unsatisfactory manner

1. Whenever animals kept on any premises are a public nuisance, the municipality may by written notice require the owner or occupier of such premises to remove the cause of and to abate such nuisance.
2. The municipality may prescribe the steps that need to be taken or the work that must be done to remove the cause of and to abate any nuisance.
3. Any activities undertaken by the owner in terms of a notice contemplated in subsection (1) will be for such owner's own account.
4. If an owner fails to comply with a notice issued in terms of subsection (1) the municipality may take the steps required and recover the cost thereof from such owner.
5. A person who fails to comply with a notice contemplated in subsection (1) commits an offence.

6. Destruction of animals

1. The municipality may order the authorised or destruction of an animal which is—
 - a. dangerous or ferocious; or(b)injured or diseased to such an extent that it would be humane to do so.
2. An animal to be destroyed in terms of subsection (1) must be authorised by a registered veterinary surgeon or destroyed with such instruments or appliances and in such a manner as to inflict as little suffering as possible.
3. A person who fails to comply with an order contemplated in subsection (1) or who contravenes subsection (2) commits an offence.

7. Hawking of animals

1. No person may hawk an animal in a street or public place or from a movable structure or vehicle.
2. A person who contravenes subsection (1) commits an offence.

Part 1 – General provisions relating to dogs, cats and pets

8. Number of dogs and cats

1. Subject to the provisions of section 13, no person may, without the permission of the municipality, keep on any premises—
 - a. more than two dogs; and
 - b. more than two cats.
2. An application for permission in terms of subsection (1) must be submitted on an application form obtainable from the municipality and must contain an exposition of the breed, gender and number of dogs or cats applied for.
3. A restriction imposed under section 15 on the number of animals that may be kept on premises does not apply for a period of 10 weeks after the birth of a litter from an animal kept in terms of a permit.
4. A person who contravenes subsection (1) commits an offence.

9. Breeders of dogs and cats

1. A breeder of dogs or cats who wishes to keep more than two dogs or cats must obtain permission from the municipality.
2. The municipality may require the submission of plans and specifications of structures in which it is proposed to keep the dogs or cats as well as a site plan indicating all existing or proposed structures and fences on the premises.
3. A person who fails to obtain the permission of the municipality as required in subsection (1) commits an offence.

10. Breeders of pets

1. A person who breeds pets must obtain the approval of the municipality.
2. The provisions of section 13(2) are with the necessary adjustment applicable to an application in terms subsection (1).
3. A person who contravenes subsection (1) commits an offence.

11. Dogs or cats in streets or public places

1. Subject to the provisions of the Public Amenities By-law, the owner or keeper of a dog or cat may not bring or allow it in a street or public place unless the dog is on a leash or the cat is under physical control.
2. Except in the event of a blind person being led by a guide dog, a person in charge of a dog in a street or public place, must remove any faeces left by the dog by wrapping it in paper or plastic and disposing of it in a receptacle provided for litter or refuse.
3. A person who contravenes any of the provisions of subsection (1) or (2) commits an offence.

Part 2 – Specific provisions relating to dogs

12. Control of dogs

1. No person who owns or keeps a dog may—
 - a. permit a bitch on heat to be in a street or public place without supervision;
 - b. urge a dog to attack, worry or frighten any person or animal unless in self-defense;
 - c. keep a dog if the premises is not adequately fenced to keep such dog inside when it is not on a leash; or
 - d. permit a dog—
 - i. to constitute source of danger or injury to a person outside the premises on which such dog is kept; or
 - ii. to be a source of danger to employees of the municipality entering such premises for the purpose of carrying out their duties. A notice to the effect that a dog is kept must be displayed in a conspicuous place.
 - e. keep any dog which interferes materially with the comfort, convenience, peace or quiet of neighbours by—
 - i. barking, yelping, howling or whining;
 - ii. charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept; or (iii) by behaving in any other manner.
2. A person who contravenes a provision of subsection (1) commits an offence.

13. Right of entry and inspection

1. Any duly authorised employee of the municipality is authorised to inspect any premises within the municipal area in order to determine whether there is compliance with the provisions of this by-law; provided that a private dwelling may not be entered for routine inspection purposes.
2. When entering premises in terms of subsection (1), the employee must on request by any person, identify him - or herself by producing written proof of authorisation.
3. The authorised employee may be accompanied by a person reasonably required to assist in conducting the inspection.
4. Any person who fails to give or refuses access to any authorised official, or obstructs or hinders him or her in the execution of his or her duties under this by-law, or who fails or refuses to give information that he or she may lawfully be required to give to such official, or who gives false or misleading information knowing it to be false or misleading, commits an offence.

14. Service of documents and process

1. Whenever a notice, order, demand or other document is authorised or required to be served on a person in terms of this by-law, it shall be deemed to have been effectively and sufficiently served on such person—
 - a. when it has been delivered to him personally;
 - b. when it has been left at his place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - c. when it has been posted by registered or certified mail to his last known residential or businesses address in the Republic and an acknowledgment of the posting thereof is produced;
2. When any notice, order, demand or other document is authorised or required to be served on a person, it is not necessary to name him or her but it will be sufficient if he or she is described as the owner, occupier or holder of a right.

15. Short title and commencement

This by-law is called the Keeping/Controlling of Animals By-law and will come into operation on the date of publication thereof in the *Provincial Gazette*.