

LOCAL AUTHORITY NOTICE 176 OF 2019



**Greater Tzaneen
Municipality
DOG LICENCE
BY-LAW**

The Municipal Manager of Greater Tzaneen Local Municipality hereby in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), publishes the dog licence by-law for the municipality as approved by its council, as set out hereunder.

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1. DEFINITIONS

1.1 In this by-laws, unless the context otherwise indicates –

“council” means the Greater Tzaneen Municipal Council;

“dog” means a male or a female dog regardless of whether it has been spayed or castrated;

“officer” means a person appointed as a law enforcement officer or such other person authorised by Council under delegated powers;

“owner” means any person who owns or keeps or has in his or her charge or possession a dog; and excludes a veterinary surgeon who is in possession of a dog for treatment; and the Society for the Prevention of Cruelty to Animals;

“public place” means any place within the jurisdiction of the municipality which the public has a right to use or to which the public has the right of access;

“tariff charge” means the charge determined by Council from time to time.

2 Liability for the charge

- (1) No owner may keep a dog which is 6 months or older within the jurisdiction of the municipality unless such dog has been registered at the municipal offices and the prescribed charge in regard to such dog has been paid.
- (2) The owner must pay the charge as determined by Council from time to time.
- (3) The charge is an annual charge and must be paid on or before 30 June of each year in respect of each dog.

3 Application form and charge

- (1) Every applicant for a dog charge must complete and sign a form prescribed by Council, furnishing his or her name and address and an accurate description of the dog for which such charge is being paid.

- (2) Every applicant in terms of the provisions of section 4(1) must, in respect of each dog aged 6 months old or older or which reaches the age of 6 months during the year, pay the charge, as determined by Council from time to time.

4 Charge receipt

- (1) Every applicant who has satisfied the requirements of this by-law will receive a charge receipt.
- (2) A charge receipt lapses at 24h00 on 30 June following the date of issue.

5. Duplicate charge receipt

- (1) Any person who loses a charge receipt, may obtain a duplicate of that charge receipt upon payment of a tariff charge as determined by Council from time to time.

6. Transfer of licence

- (1) Any charge receipt may be transferred by the holder thereof to another person should there be a change of ownership of the dog concerned.
- (2) The person desiring such transfer must apply to Council and produce the original receipt or a duplicate thereof in respect of the dog concerned, duly endorsed by the transferor on the reverse thereof in relation to the transfer; also stating the names and address of the new owner and signed by the new owner.

7 Exemption from payment of the charge

- (1) The following persons are exempted from payment of the charge:
- (a) any person residing outside the municipality and not engaged in a regular trade or business or employed within the jurisdiction of the municipality, who brings

any dog into municipality for a temporary visit for a period not exceeding 30 days from the date of arrival in the municipality. In the event the visit exceeds a period of more than 30 days, such a person is liable to pay the charge as may be determined by Council from time to time;

- (b) any blind person using a dog solely as a guide or lead dog;
- (c) any person residing outside the municipality, who leaves a dog at any place within the jurisdiction of the municipality for treatment by a veterinary surgeon on the following conditions:
 - (i) the dog must immediately be removed from the municipality after treatment; and
 - (ii) the owner of the dog must be in possession of a licence issued by the authority within whose jurisdiction the dog is normally kept.

8 Charge receipt to be produced for inspection

- (1) The owner must produce a charge receipt for inspection by any officer authorised by Council.

9 Presumption regarding age

- (1) In any proceedings instituted in terms of this by-law against any person on the ground that he or she is keeping a dog of 6 months of age or older without having paid the charge in respect thereof, such dog shall be deemed to have reached the age of 6 months or older unless the contrary is proved.

10 Impounding dogs

- (1) Any authorised officer or any other person may seize and impound any dog:-
 - (a) which he or she reasonably believes to be ownerless; and

- (b) in respect of which he or she reasonably believes that the charge due in terms of this by-law has not been paid;
- (2) The following dogs may not be seized and impounded:
 - (a) dogs in respect of which the owners thereof are exempted from paying a charge;
 - (b) any bitch rearing unweaned young, unless such bitch and unweaned young are impounded together.

11 Unclaimed dogs

- (1) In instances where a dog which has been impounded is not claimed within 14 days after it was impounded, an officer authorised by Council may cause such dog to be sold or donated.
- (2) The Council is not liable for any compensation either to the owner or any other person entitled to the dog or to any purchaser of such dog in respect of any action taken in terms hereof.
- (3) Any person claiming an impounded dog must in addition to production of a charge receipt in respect of the dog be required to pay pound fees to Council at the charge determined by Council.

11 Register of impounded dogs

A register will be kept by Council showing the date on which every dog was impounded, sold or donated, and in the case of a sale, the amount of sale.

13 Dogs not allowed in public or onto other properties

- (1) No owner may permit his or her dog to be at large in a street or public place unless it is kept on a leash, chain or other type of harness and under control of a person.
- (2) No owner may permit his or her dog to escape onto other properties.
- (3) No owner may permit any dog which is dangerous or vicious or suffering from any contagious or infectious disease, or any bitch on heat, to be in a public place.

14 Warning to visitors

- (1) Owners are required to place a warning at the entrance of the property where a dog is kept to warn visitors about the presence of the dog.

15 Dogs not to be incited to attack

- (1) No person may, without reasonable cause:
 - (a) set a dog upon any person or animal; or
 - (b) permit any dog in his or her custody, charge or possession to attack or terrify any person or animal.

16 Barking and howling dogs

- (1) No owner may keep any dog which creates a disturbance or a nuisance to other people by constant or excessive barking, howling or whining.

17 Destruction of dogs

- 17(1) Council may, subject to the provisions of section 11, order the destruction of any dog-
- (a) where it appears that the dog is of the type described in section 13. In every such case the owner shall be given an opportunity of being heard;
 - (b) where a dog is found at large in any public place and appears to be ownerless;
 - (c) where a dog is found at large in any public place and the owner thereof refuses or fails to pay the charge due in terms of this by-law in respect of such dog; and
 - (d) where a dog is in such a state of injury that it would, in Council's opinion, be humane to destroy it.
- (2) Council may not be liable to pay compensation to any person in respect of the destruction of a dog.

18. Council officers may enter premises

- (1) An officer authorised by Council may at any reasonable time and without notice enter any premises for the purpose of enforcing this by-law.
- (2) No person may obstruct, hinder, refuse or fail to give information; or may give false information to any such officer in the course of such investigation.

19. Dog kennels

- (1) No person may establish, maintain or carry on a business of dog-kennels in a business area, in a residential area or an area zoned as a "general residential" or "special residential" area in terms of an approved town-planning scheme, or within a radius of 500m there from.

20. Transitional arrangements**21. Offences and penalties**

Any person contravening any of the provisions of this by-law shall upon conviction if found guilty of an offence, be liable on conviction to a fine not exceeding R2000-00 or to imprisonment for a period not exceeding three months.

22. Short title

This by-law is called Greater Tzaneen Municipality: Dog Licence by-law and takes effect on the date of publication in the *Provincial Gazette*.

B. S Matlala

11 OCTOBER 2019

MUNICIPAL MANAGER