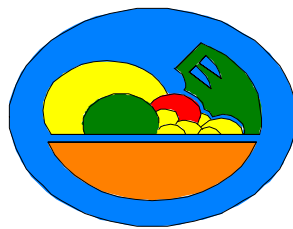




Umnotho Development

DOG LICENCE BY-LAWS

v June 2004



Greater Tzaneen
Municipality

TABLE OF CONTENTS

CHAPTER 1	2
1. DEFINITIONS.....	2
CHAPTER 2	3
DOG CHARGE/ LICENCE	3
2 LIABILITY FOR THE CHARGE	3
3 APPLICATION FORM AND CHARGE	3
4 CHARGE RECEIPT	3
5 DUPLICATE CHARGE RECEIPT.....	4
6 TRANSFER OF LICENCE.....	4
7 EXEMPTION FROM PAYMENT OF THE CHARGE	4
8 CHARGE RECEIPT TO BE PRODUCED FOR INSPECTION.....	5
9 PRESUMPTION REGARDING AGE	5
CHAPTER 3	5
IMPOUNDING AND UNCLAIMED DOGS	5
10 IMPOUNDING DOGS	5
11 UNCLAIMED DOGS	6
12 REGISTER OF IMPOUNDED DOGS	6
CHAPTER 4	6
PUBLIC SAFETY	6
13 DOGS NOT ALLOWED IN PUBLIC OR ONTO OTHER PROPERTIES.....	6
14 WARNING TO VISITORS.....	7
15 DOGS NOT TO BE INCITED TO ATTACK.....	7
16 BARKING AND HOWLING DOGS	7
17 DESTRUCTION OF DOGS.....	7
18. COUNCIL OFFICERS MAY ENTER PREMISES.....	8
CHAPTER 5	8
DOG KENNELS	8
19. DOG KENNELS	8
CHAPTER 6	9
PENALTIES.....	9
20. PENALTIES.....	9
CHAPTER 7	9
SHORT TITLE	9

CHAPTER 1

1. Definitions

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

“**council**” means the Greater Tzaneen Municipal Council established in terms of section 12 of the Local Government: Municipal Structures Act 117 of 1998;

“**dog**” means a male or a female dog;

“**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;

“**street**” includes any street, road or thoroughfare shown on the general plan of a township, agricultural holding or other division of land or in respect of which the public has acquired a prescriptive or other right of way, and any other word or expression to which a meaning has been assigned in the National Road Traffic Act 93 of 1996 as amended, shall have that meaning;

“**tariff charge**” means the charge determined by Council from time to time in terms of section 10G of the Local Government Transition Act, 1993.

CHAPTER 2

DOG CHARGE/ LICENCE

2 Liability For The Charge

- 2.(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.(2) The owner must pay the charge as determined by Council. The charge will be determined by Council from time to time.
- 2.(3) The charge is an annual charge and must paid on or before 31 January of each year in respect of each dog.

3 Application Form And Charge

- 3.(1) Every applicant for a dog charge receipt 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.
- 3.(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

- 4.(1) Every applicant who has satisfied the requirements of section 4 will receive a charge receipt.
- 4.(2) A charge receipt lapses at 24h00 on 31 December following the date of issue.

5 Duplicate Charge Receipt

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

- 6.(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;
- 6.(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

- 7.(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;
- 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

The owner must produce a charge receipt for inspection by any officer authorised by Council.

9 Presumption Regarding Age

In any proceedings instituted in terms of these by-laws 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.

CHAPTER 3 IMPOUNDING AND UNCLAIMED DOGS

10 Impounding Dogs

10.(1) Any authorised officer or any other person may seize and impound any dog:-

- (a) which he or she reasonably believes to be ownerless;
- (b) in respect of which he or she reasonably believes that the charge due in terms these by-laws has not been paid;
- (c) a dog such as mentioned in sections 13(1) and 13(2).

10.(2) The following dogs may not be seized and impounded:

- (a) dogs in respect of which the owners thereof are exempted from paying tax;
- (b) any bitch rearing unweaned young, unless such bitch and unweaned young are impounded together.

11 Unclaimed dogs

- 11(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 destroyed.
- 11(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.
- 11(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.

12 Register Of Impounded Dogs

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

CHAPTER 4 PUBLIC SAFETY

13 Dogs Not Allowed In Public Or Onto Other Properties

- 13(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.

13(2) No owner may permit his or her dog to escape onto other properties.

13(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

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

15.(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

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 sections 13(1) and 13(2). 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 these by-laws in respect of such dog;
 - (c) where a dog is in such a state of injury that it would, in Council's opinion, be humane to destroy it.
- 17(2) Council may not be liable to pay compensation to any person in respect of the destruction of a dog in terms hereof.

18. Council Officers May Enter Premises

- 18(1) An officer authorised by Council may at any reasonable time and without notice enter any premises for the purpose of enforcing these by-laws.
- 18(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.

**CHAPTER 5
DOG KENNELS**

19. Dog Kennels

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.

CHAPTER 6 PENALTIES

20. Penalties

Any person contravening any of the provisions of these by-laws is guilty of an offence and liable, on conviction, to a fine not exceeding R2000-00 or in default of payment, to imprisonment for a period not exceeding three months, or to both the fine and imprisonment.

CHAPTER 7 SHORT TITLE

21. These by-laws are called the Dog Licence By-laws.