

**MUNICIPALITY OF SPRINGS
BY-LAWS RELATING TO DOGS**

The Administrator hereby in terms of section 101 of the Local Government Ordinance, 1939, the by-laws set forth hereinafter, which have been approved by him in terms of section 99 of the said Ordinance.

INDEX

Section

1. Definitions
2. Impounding of dogs
3. Unclaimed dogs may be sold or destroyed
4. Collar of dog not to be illegally used or removed
5. Certain dogs not allowed in public places
6. Dogs not to be incited
7. Dogs causing nuisance
8. Destruction of dogs
9. Number of dogs in public places
11. Control of dogs in public places
11. Entering or premises
12. Dog kennels
13. Establishment of leasing of dog pound
14. Duties of pound master
15. Exemption form Liability
16. Penalties

Definitions

1. In these By-laws, unless the context otherwise indicates –

“authorized officer” means a person authorized thereto by the S.P.C.A.;

“Council” means the Town Council of springs, the Council’s Management Committee, acting under the powers delegated to it in terms of section 58 of the

SPRINGS JURISDICTION ONLY

Local Government (Administration and Elections) Ordinance, 1960, and any officer to whom that Committee has been empowered by the Council in terms of subsection (3) of the said section to delegate and has in fact delegate the powers, functions and duties vesting in the Council in relation to these By-laws;
“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 authorized officer 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 organization in terms of the National Welfare Act, 1965;
- (d) any person or body contemplated in section 80 (93) h) of the Local Government Ordinance, 1939;

“pound” means a place designated to detain and destroy dogs in terms of these By-laws.

“Society for the Prevention of Cruelty to Animals” means a society for the prevention of cruelty to animals as contemplated in section 8 of the Animals Protection Act, 1962;

“year” means a period of twelve months ending 24:00 on 31 December.

SPRINGS JURISDICTION ONLY

Impounding of Dogs

2. (2.1) Any authorized officer may seize and impound any dog –
 - (a) which he reasonably believes to be ownerless; or
- (2.2) 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
- (2.3) Notwithstanding the provisions of subsection (1) and (2) no person shall seize or impound –
 - (a) any bitch rearing unweaned young, unless such bitch and unweaned young are impounded together; or
 - (b) any diseased dog in respect of which the provisions of section 10 of the animal Diseases and Parasites Act, 1956, apply.
- (2.4) Any person who has seized a dog in terms of this section shall ensure that such dog is not ill treated in any manner.
- (2.5) Any person who has seized a dog in terms of this section shall forthwith cause such dog to be impounded.
- (2.6) No person shall set free any dog that has been seized, is being kept in custody or has been impounded.
- (2.7) Where the name and address of a person appears on the collar of any dog impounded, the pound master 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.

SPRINGS JURISDICTION ONLY

- (2.8) The owner of a dog which is impounded in terms of these By-laws, shall be liable for the payment in full of all pound fees and related costs, failing which such owner shall be guilty of an offence, irrespective of whether the animal in respect of which such costs were incurred is claimed or not.

Unclaimed dogs may be sold or destroyed.

- (3) (3.1) Where an impounded dog is not claimed by any person entitled thereto within five days after it was impounded, an authorized officer may cause the dog to be sold or destroyed.
- (3.2) If the pound master 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.

Dogs Collar not to be unlawfully used or removed.

4. (4.1) The owner of every dog aged six months or older, shall provide it with a collar bearing a clear impression of the name and address of such owner;
- (4.2) No person shall unlawfully use or destroy the collar of a dog or remove it from the neck of the dog.

Certain dogs not allowed in public places.

- (5.1) No dog may be allowed in any public place which:
- (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.
- (5.2) Any authorized officer may impound a dog such as that described in

SPRINGS JURISDICTION ONLY

subsection (1).

Dogs not to be incited.

6. 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.

7. No person shall keep a dog that –
 - (a) creates a disturbance or is 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.

8. (8.1) 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 in such a state of injury that it would, in the opinion of the council, be humane to do so.

Number of dogs on premises.

SPRINGS JURISDICTION ONLY

9. No person shall keep more dogs on his premises than are prescribed in Schedule C.

Control of dogs in public places.

10. (10.1) No person shall allow any dog in a public place unless the owner or another person keep such dog on a leash;
- (10.2) An authorized officer may impound any dog found wandering at large and uncontrolled in a public place;
- (10.3) 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

11. An authorized 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 into 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

SPRINGS JURISDICTION ONLY

12. 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 License 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 m thereof.

Establishment and lease of dog pound

13. (13.1) The Council may for that purpose of these By-laws establish a dog pound and lease such pound to any person or body on the terms and conditions deemed fir by the council;

(13.2) If a pound is lease to any person or body –

- (a) the powers and duties set forth in section 9, 10 and 15 shall be deemed to have been delegated to such person or body or to any authorized official in the employ of such person or body, as the case may be, and the provisions of the said sections shall mutates 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 Pound master

14. (14.1) The pound master shall –
- (a) keep the pound open between 08:00 and 17:00 during every day of the week;

SPRINGS JURISDICTION ONLY

- (b) receive 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 pound master 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) keep 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 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;
 - (vi) The age, breed, sex, colour markings and injury found on it when the pound master received it;
 - (vii) The matter 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 service incurred in respect of the dog.
- (d) Ensure 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;

SPRINGS JURISDICTION ONLY

- (e) ensure that the pound is at all times free from flies, insects, rodents and obvious smells;
- (f) ensure that every dog in the pound is properly fed and cared for;
- (g) isolate bitches on heat;
- (h) take all reasonable steps to prevent fighting among dogs in the pound; and
- (i) isolate 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.

Exemption form liability

15. Neither the Council nor the Society for the Prevention of Cruelty to Animals nor any official of the council of the society shall incur any liability whatsoever for anything done for the purpose of these By-laws.

Penalties

16. Any person contravening any of the provisions of these By-laws shall be guilty of an offence and liable, on conviction, to a fine not exceeding R300-00 9or in default of payment, to imprisonment for a period not exceeding three months, or to both such fine and imprisonment.

AN 2190 28 December 1983. PB 2/4/2/33/32.

SCHEDULE C

- 1. No person may keep more than one lap dog in any flat;
- 2. No person may keep more than four dogs on any premises within the municipality: Provided that –
 - (a) any person who, at the date of publication of these By-laws, is keeping more than four dogs, may continue to keep such greater number but may

SPRINGS JURISDICTION ONLY

not replace any dog that dies or is disposed of if it would result in more than four dogs being kept;

- (b) any person who is registered as a breeder at a registered breeders association approved by the council or who is the holder of a license to keep kennels, ay with the written consent of the Council, keep such greater number of dogs as the Council may approve;
- (c) on property zoned for agricultural purposes, more than four but not more than six dogs may be kept;
- (d) any person who obtains the written permission of the Council may keep such greater number of dogs as the council may determine.

Provincial Gazette (Notice nr. 1342 – 10 August 1983.

Amendments: By-laws relating to dogs

<u>Provincial Gazette</u>	<u>Notice Nr.</u>	<u>Date</u>	<u>From</u>
Provincial Gazette	2190	28/12/1983	
Provincial Gazette (4554)	30/1988	23/3/1988	
Provincial Gazette (4546)	9/1988	10/2/1988	1/1/1988
Provincial Gazette		1/9/1997	1/9/1997